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Cranston City Plan Commission
c/o Joshua Berry, AICP, Senior Planner/Administrative Officer
Via Email Only

Re: Natick Avenue Solar – Preliminary Plan – Major Land Development

Dear Honorable Members of the Commission:

As you know, I am counsel to a number of abutters and interested parties who request your consideration of the following:

The applicant is operating in a microcosm of leased area within a lot that is not subdivided. The relief being sought, (i.e., approval of a development plan) should not be abruptly restricted to review of only the leased area insofar as buffering and screening are concerned, as it is not a separate parcel.

While it is acknowledged clearly in the beginning of Chapter 17.84 “Development Plan Review” that “A DPR shall not be used to deny any use allowed by right as established by Zoning”, this does not and cannot tie the hands of the Plan Commission from mandating adherence to the applicant meeting the requirements for landscaping, siting and other criteria involved.

This solar installation application was submitted under an ordinance which is no longer in existence. The City Council, in hindsight, has now recognized the inappropriateness and negative impact of this use in this zone. While the project as it stands is entitled at this time to review under the old ordinance, it still is not entitled to be built without compliance with requirements under Section 17.84.

The fact is, this developer chose this particular site while completely mindful of the limitations, restrictions and constraints in the topography. Despite this, they urge and expect the Commission to relieve them of the requirements of adhering to the regulations for installation of landscaping which will truly be effective in screening and buffering the solar power generation facility from intrusive and deleterious effects on the surrounding residential homes.

It is incomprehensible from a practical perspective that the proposed revised conditions seem to be melting away the protections sought to be put into place by the Master Plan Approval conditions. If the applicant wants to build this facility on this site, they should have to do so in a manner which protects the surrounding residential properties

The owner is also a party to the application and it is on his lot that this project is sought to be built. It is absolutely appropriate and proper for the commission to place reasonable protective conditions on and to limit removal of trees and other vegetation on the lot as a whole, to provide and maintain effective screening and buffer and comply with the requirements.

The staff advisory memorandum is seemingly proposing a re-writing of, and advocating excusal from, conditions and the spirit and intentions of such conditions imposed at Master Plan approval. While the developer is seeking to build this facility as cheaply as possible, both the developer and the property owner will be enhancing their property values and putting profits in their pockets. At the same time, the surrounding property owners will be subjected to a decrease in their property values.

As such, the Commission should not excuse the project proponents' full compliance with screening and buffering requirements. The developers knew what they were getting into and they should be forced to do what is necessary to meet the regulatory obligations as set forth below in the following pages.

Respectfully submitted,

/s/ Patrick J. Dougherty

Chapter 17.84

DEVELOPMENT PLAN REVIEW

17.84.010 PURPOSE

Proposed developments **[DEVELOPMENT]** shall be subject to a Development Plan Review **[DPR]** to assure that said Developments occurs in a safe, orderly and harmonious manner. The purpose of this Chapter is to:

1. Ensure that a Development, including use and design, is compatible with the surrounding area;
 2. Ensure that there are adequate public facilities to service a Development;
 3. Promote safe traffic, pedestrian and bicycle circulation;
 4. Preserve and protect natural, historical and cultural resources; scenic or unique vistas and environmental qualities;
 5. Provide open space and public access through landscape design;
 6. Require the treatment of erosion, stormwater runoff and pollution;
 7. Provide safe and efficient access and site circulation and adequate off-street parking and loading, emergency access, trash disposal, outdoor storage, signage and lighting;
 8. Require consistency with the City's Comprehensive Plan and compliance with the Zoning Ordinance **[ZONING]** and other applicable Ordinances of the Municipal Code **[CITY CODE]**; and
9. Identify issues to be addressed before a Development proceeds to final design and engineering. A DPR shall not be used to deny any use allowed by right as established by Zoning.

17.84.140 DEVELOPMENT AND LANDSCAPING DESIGN STANDARDS

A. PURPOSE

The purpose of this section is to promote effective site planning, design and landscaping so as to:

Promote a high quality of development in the City;

1. Improve the environment by providing open space, street trees and landscaping;
2. Preserve the character and scale of neighborhoods by requiring a Development to be compatible with the existing character of the area;
3. Mitigate environmental, visual and other impacts by requiring adequate buffering;
4. Promote safe and efficient pedestrian, bicycle and traffic circulation;

5. Minimize noise, dust, pollution and glare that may be generated by a Development;
6. Provide for cooling of air and land through shading in order to offset radiational heating;
7. Mitigate impacts from storm water runoff and surface water contamination and protect water quality;
8. Maintain ground water, provide for erosion and flood control and for absorption of pollutants.

C. LANDSCAPE STANDARDS

9. General Requirements.

- a. Landscaping shall be provided as part of a Development in order to preserve and enhance the identity of a Development.
- b. A minimum of 15% of a Development's parcel shall be landscaped.
- c. Once a project complies with the minimum parking standards, then priority shall be given to meeting the landscaping standards above additional parking.

10. Site Activities

- a. Topsoil Preservation:
 1. To the extent practicable, the areas of a parcel to be disturbed shall be minimized.
 2. Disturbed areas shall be stabilized in a timely manner by seeding or planting landscaping materials.
 3. Topsoil moved during site work shall be stockpiled on site in designated areas that are stabilized to prevent erosion and reused in accordance with a Landscape Plan.
- b. Removal of Debris: Organic material [including roots, stumps, brush, cleared or grubbed materials], rubbish and debris shall be disposed of off site in a timely manner. The reuse of organic materials may be allowed if said materials will not adversely affect plantings, natural areas or buildings.
- c. Protection of Existing Plantings: Maximum effort shall be made to preserve existing vegetation on site [especially specimen trees].
 1. If specimen trees are removed, they shall be replaced in kind in accordance with a Landscape Plan.
 2. No materials or temporary soil deposits shall be placed within the drip line of trees being retained.
 3. A physical barrier shall be installed around each plant or group of plants that are to remain. Said barrier shall be a minimum of 4' high, maintained

until construction is completed and shall not be supported by the plants they are protecting.

- d. Slopes: All cuts and fills, terraces and ROW embankments with slopes greater than 1:3 shall be landscaped so as to prevent erosion.
 - e. Additional Landscaping: All areas of the site not occupied by buildings or improvements shall be landscaped in accordance with an approved landscape plan.
11. General Planting Requirements
- a. Only nursery-grown or suitable existing vegetation shall be used.
 - b. Vegetation shall be planted according to established horticultural standards.
 - c. Vegetation shall be hardy for climatic zones 6/7 and appropriate in terms of function and size.
 - d. Plant species which are native and require minimal watering and fertilization are recommended.

12. Trees

- a. Species of trees may vary depending on overall effect desired as shown on a Landscape Plan.
- b. One street tree shall be planted for every 35' of frontage. Generally, street trees shall be of the same species except to achieve special effects. Trees may be spaced along the street at every 35' at the rear of sidewalk or may be grouped in accordance with a Landscape Plan.
- c. With the exception of ornamental trees, deciduous trees shall have at least a 2 ½" caliper at planting and a caliper of at least 12" when fully mature.
- d. Size of evergreens and shrubs may vary depending on setting and type of plant material.

13. Maintenance

- a. The applicant shall be responsible for maintaining landscaped areas in a neat and attractive manner. Said areas shall be kept free of all debris, rubbish, weeds and tall grass.
- b. The applicant shall be responsible for watering plantings on a regular basis. [The use of underground sprinkler or drip irrigation systems for landscaped areas is encouraged.]
- c. The applicant shall remove and replace all dead or diseased plantings annually.

14. Buffer Strips

- a. All Developments shall provide an approved year-round buffer a minimum of 8' in height, consisting of fencing, vegetation, berms, rocks, boulders, mounds or combinations thereof, to:
 1. Shield abutting properties from negative impacts from a Development;
 2. Shield a Development from negative impacts from abutting properties,
 3. Minimize the impacts from storm water runoff and flooding.
- b. Buffer Area Dimensions
 1. A minimum 10' wide landscaped strip shall be provided along property lines parallel to a street where parking or circulation areas abuts said street.
 2. A minimum 5' landscape strip shall be provided along side and rear property lines where parking and circulation areas are adjacent to abutting properties.
 3. Where a more intensive use abuts a less intensive use, a 25' wide buffer strip may be required. The width of said strip to be determined by the design and density of the buffer proposed.
- c. Plantings shall provide maximum protection to abutting properties and avoid damage to existing plant materials. Earthen berms may be used in the buffer design, provided side slopes are adequately stabilized. Said berms may be used to calculate effective buffer height.
- d. Plant materials shall be sized and planted so as to achieve a year-round effective buffer height of at least 8' within 3 growing seasons.
- e. Buildings, structures, parking or the storage of materials shall not be allowed within a buffer area.