

DRAFT MINUTES

March 2, 2021

Chairman Smith called the City Plan Commission Meeting to order at 6:35 p.m. via Zoom.

The following Commission members were in attendance: Chairman Smith, Ken Mason, Robert Strom, Kathleen Lanphear, Frederick Vincent, Joseph Morales, Robert DiStefano, Ann Marie Maccarone and Robert Coupe.

The following Planning Department members were in attendance: Jason M. Pezzullo, Planning Director, Douglas McLean, Principal Planner, Joshua Berry, Senior Planner, J. Resnick, Clerk.

Also attending: Steve Marsella, Assistant City Solicitor

SCHEDULE OF SPECIAL MEETING

Upon motion made by Mr. DiStefano and seconded by Mr. Strom, the Plan Commission unanimously voted (9/0) to schedule a meeting for March 8, 2021, to handle any unfinished business from this agenda.

APPROVAL OF MINUTES

Upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Commission unanimously voted (9/0) to approve the January 5, 2021, Plan Commission Minutes.

ORDINANCE RECOMMENDATIONS

1-21-05 - Ordinance in amendment of Chapter 17.84 of the Code of the City of Cranston, 2005, Entitled "Zoning" (Conformance to District Regulations Required & Substandard Lots of Record). Sponsored by Mayor Hopkins.

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Commission unanimously voted (9/0) to continue the above referenced matters to the March 8, 2021 Plan Commission meeting.

2021-2026 CAPITAL BUDGET AND IMPROVEMENT PROGRAM (CIP)

Capital Budget and presentation by department heads

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Commission unanimously voted (9/0) to continue the above referenced matters to the March 8, 2021 Plan Commission meeting.

SUBDIVISIONS & LAND DEVELOPMENTS

Natick Avenue Solar

Preliminary Plan - Major Land Development
30 Acre / 8MW Solar Farm on 64 acre site
Natick Avenue - AP 22, Lots 108 and 119
(forwarded from the February 2nd regular meeting)

Mr. Berry recapped the Preliminary Plan application proposal and timeline of events including the ad hoc review process that has been accomplished to this point and discussed some changes in the staff recommendation since the last meeting in January. He stated that the condition for underground utilities

onsite presented at a previous meeting have been reconsidered by staff as it was found that pole mounted utilities would appear less intrusive. In addition, the underground utilities would require significant pad mounted equipment with the potential for even more blasting to accommodate the underground conduits. He stated that planting area E is now located outside of the fence and plantings are to be 18 ft. He also stated that a new condition number 10 is as follows: Control of growth under the panels shall be limited to mechanical methods (mowing). No herbicides or other chemical means may be used to control growth under the panels.

In discussing why the Planning staff included a condition for underground utilities in the first place, Mr. Berry called attention to the Gold Meadow Farm solar interconnection as an outcome we did not want repeated. He also called attention to the double stacked poles of the Hope Road solar interconnection. He then showed the Natick Solar plan for the five on-site poles spaced 50 ft. apart, which will include a riser pole.

Attorney Patrick Dougherty, representing the neighborhood opposition group, was recognized and called attention to a letter from Attorney Nybo, of Adler Pollock Sheehan representing Revity Energy, to Mr. Corey Lang, University of Rhode Island professor who authored an article on the impacts solar on local property taxes. This letter called attention to the need for Mr. Lang to obtain an opinion from the Ethics Commission as he is currently employed at URI and is receiving compensation for his appearance at this meeting. Mr. Doherty stated that he felt the letter was "intimidating and threatening". Mr. Dougherty stated that the purpose of Mr. Lang's comments regarding his study is to enlighten everyone on the effect of solar arrays on residential property values. Mr. Lang then proceeded to explained the results of his study in which about 420,00 properties within three miles of solar sites were studied and resulted in a property value loss of 1.7%. He further stated that there is a 7% decline in value of properties within a tenth of a mile from a solar farm. He explained that non-rural sites (suburban) have larger impacts. He stated that the City of Cranston is considered non-rural. He concluded that a 7% decline in this area would be realized by abutting property owners.

Attorney Robert Murray, on behalf of the applicant, Revity, asked Mr. Lang is he had been to this particular site to which Mr. Lang stated he had not. Attorney Murray then pointed out that Mr. Lang holds no appraisal credentials and his report of 9/29/20 is currently under an academic peer review. Mr. Lang also acknowledged that the areas studied did not any information about sites that were substantially buffered. Mr. Lang stated that he went with average impacts in the overall study. Chairman Smith asked what was used as a control sample. Mr. Lang stated that the control were houses located within a one to three-mile distance from solar arrays. He stated that his analysis does not look at individual sites.

Ms. Kaki Martin, RLA, representing the neighborhood opposition group was recognized. She stated that the landscaping plan don't yet meet the requirements of the DPRC. She stated that the buffer plantings to "remain" have not been properly assessed and documented as to their health. She stated that this should be done in conjunction with a licensed arborist. She stated that the site sections in the set were lacking and were not done for all neighboring properties. Mrs. Martin stated that second floor views should also be analyzed as opposed to only a front door views. She stated that it should be made clear what trees would be cut and also mentioned that too much soil placed around the trees could negatively impacts their health. Further, she stated that the planting plan should be more specific. She also expressed concern with some of the plants proposed, specifically white pines as they are inadequate due to the loss of bottom branches over time.

Mr. Vincent asked how the 15% landscape requirement of DPR is enforced during the DPRC process. Director Pezzullo stated that the 15% requirement was discussed at the DPRC but the landscaping plan was accepted by the Committee as prepared and submitted by the ad-hoc committee, but was uncertain about a waiver being required or granted during this process.

Attorney Murray asked Ms. Martin if she had visited the site in the last few months. Ms. Martin stated that she had not walked the Rossi property but had been to adjacent property. She stated that she is aware of the three-year plant warranty but stated that this warranty does not always get the desired results. She recommended the warranty language be amended. She also stated that she would like to see existing conditions documented.

Mr. Morales asked what Ms. Martin would recommend be shown on the plans. She responded, stating that landscape plans typically do include individual trees. Mr. Vincent then stated that he would like to see enhanced language to allow for additional plantings if needed.

Mr. Douglas Doe, 178 Lippitt Avenue stated that once this site is cleared there will be a completely different view. He expressed concern with blasting, rock crushing and well testing that should be done. He stated that the Town of North Smithfield has an extensive plan that should be replicated. He expressed concern that City staff are not adequately inspecting the site on Lippitt Avenue. He also asked what it means to improve the gravel roadway. He asked who would provide oversight of the project. Finally he asked if RIDEM is aware of the changes made to area F on the landscape plan.

Joe Moreno, 799 Natick Avenue, stated the landscaping plan does not meet the requirements for buffering. He also expressed concern with any blasting near the leaking Tennessee Gas line.

Ms. Drake Patton, 684 Natick Avenue, stated that the ad hoc committee did not meet the standard for effective screening and that we need to have a better outcome. She stated that the ad-hoc committee did not have a chance to respond to recent changes made to the plan. Ms. Patton stated that many different revisions to the plan have not been seen by all of the committees involved. Finally, she also expressed concern with the gravel roadway and the proposed use for that land.

Mr. Steven Reed, Ridgewood Road, asked what benefit this project has for the residents and the City. He expressed concern with property values. He stated that there is no process and that the only one who benefits is the property owner.

Ms. Jan Ragno, Hope Road, expressed concern with the interconnection and removal of hundreds of trees. She asked who would supervise the project. She stated that large utility poles are out of character with the surrounding area. She also expressed concern with the proposed warranty, stating that it should be a lifetime warranty. She expressed concern with the DPRC waiving the 15% requirement. She stated that she agrees with Ms. Martin's statement that what has been presented is insufficient.

Ms. Carol Swanson, Natick Avenue, stated that she submitted Mr. Lang's report to the Planning Department. She expressed concern with property value, blasting and the removal of the condition of approval regarding blasting.

Mr. Steve Stycos, 37 Ferncrest Avenue, stated that he is an arborist and agreed with Ms. Martin regarding the use of white pines and suggested red cedar plants be added. He stated that when existing outer trees are removed it may cause harm as those trees become the new edge, susceptible to wind damage.

Joe Walsh, 22 Amflex Drive, of the IBEW, Local 99, spoke in favor of the project as it is a "good neighbor", provides taxes as well as good paying jobs.

Daniel Zevon, 591 Natick Avenue, asked what benefit this provides to the City and residents. He stated that nobody from the City has walked his property. He expressed concern with the poles as proposed.

Attorney Patrick Dougherty stated that there is only a process for appeal of a denial of the DPRC, not for an approval. He stated that the DPRC findings are not binding on the Plan Commission. He expressed concern with activity going on the entire lot, not just the leased area. He expressed concern that a written waiver request for the 15% landscape requirement was lacking.

John Carter, RLA for the developer, spoke in defense of the landscape plans he had provided to the City. He took offense to Ms. Martin's claim that the plans were not scalable, measureable or adequate. In reference to a comment about existing trees to remain, he stated that there are no specimen trees on the site. He stated that he will be on site when the plantings are installed. He also stated that the burden remains on the property owner to take care of the landscaping plants for the life of the project. Finally, he stated that the three-year warranty period is adequate.

Mr. Tom Sweeney, real estate appraiser representing the applicant, referenced studies that indicate that buffer landscape plan helps mitigate the negative impacts on surrounding property values.

Attorney Murray reminded everyone that the proposed solar facility is use allowed by-right within the City. He stated that “we have a better plan today because of the work of the ad hoc committee”. He stated that the benefit of the project is renewable energy. He further stated that a net-metering finance agreement has been established with the City, saving the City 1.17 million dollars per year in energy costs.

There being no further public comment, upon motion made by Mr. DiStefano and seconded by Mr. Vincent, the Commission unanimously voted (9/0) to close all the public comments portion of the Public Hearing.

Mr. Vincent expressed concern with the wells and septic systems during the blasting phase. He also asked why the Commission is involved with the review by National Grid. He expressed concern with the “new road” Ms. Patton mentioned and asked if there had been a change in the plan. He noted that he would like to see language to provide for greater flexibility in the proposed plant warranty.

Mr. Pezzullo that there is no proposal for a road outside of the gravel drive. The road Ms. Patton was referring to is “a trail system from the main entrance to the gas line for Mr. Rossi”, as Dave Russo, P.E., DiPrete Engineering, explained. In referencing why staff is no longer in favor of the underground utility installation, Mr. Pezzullo stated that staff had been unaware of the negative impacts this represented and further stated this underground installation would appear more abnormal than the five normal poles as presented by the applicant. He explained that the requirements for concrete pads, and obtrusive bollards were not the outcomes we were looking for when this idea was originally proposed. Regarding the overall blasting requirements for this proposal, Mr. Pezzullo stated that the City has never required specific blasting protections for abutting residential areas because this was handled through the process established by the State Fire Marshall. Finally he stated that to have a condition placed on the approval that the planning department can’t enforce is problematic.

Mr. Morales expressed concern with private wells and septic systems with regard to blasting and stated that better protections are needed.

Mr. DiStefano expressed concern with the existing gas line, possible run-off onto Natick Avenue, the school nearby and the previous solar projects and their possible effect on residential property values.

Ms. Lanphear stated that this is a by-right proposal but expressed concern with potential damage to wells and septic systems due to blasting. She stated that she is not yet convinced our conditions are adequate to protect the neighbors for the life of the project. She also expressed concern that RIDEM may not be aware of modifications made since issuing their approval. Mr. Russo clarified this, explaining that the applicant will have to apply for a standard permit modification. Ms. Lanphear asked how the transformers will be connected to the poles and Mr. Russo explained that the interconnection to the riser pole is underground.

Ms. Maccarone expressed concern with the landscape buffer and stated that the warranty of the plantings should be maintained for the life of the lease. She stated that quality of life should be considered rather than just the monetary value of neighboring properties.

Mr. Berry then presented the recommendation and proposed conditions of approval. After some discussion it was determined that the matter would be continued to the March 8, 2021, Plan Commission Meeting so that the proposed conditions can be enhanced and made more specific. Chairman Smith also stated that he would like to see more visuals of the underground connection proposed.

Upon motion made by Mr. DiStefano and seconded by Ms. Lanphear, the Commission unanimously voted (8/0) to continue this matter to the March 8, 2021, Plan Commission Meeting.

Garfield Avenue Subdivision

Administrative Subdivision – Creation of 1 non-buildable lot

Garfield Avenue – AP 7-2, Lot 91

Achievement First use (7.44 acres) subdivided from the Tongue Pond area (10.21 Acres/unbuildable)

(Forwarded from the January 5th regular meeting)

Mr. Pezzullo stated that there had been a question of how maintenance of the existing drainage infrastructure in the Tongue Pond area would be handled, however, this matter has since been clarified. Maintenance of the infrastructure will remain under the care of the Achievement First Charter School and the administrative subdivision matter will be handled by staff.

NEW BUSINESS

Natick Avenue Solar

Master Plan Approval (2.5.19 Decision) – One (1) Year Extension of Time Request

Upon motion made by Ms. Maccarone and seconded by Mr. Morales, the Commission unanimously voted (8/0) to grant the applicant a one-year extension of the Master Plan approval.

ZONING BOARD OF REVIEW - RECOMMENDATIONS

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Commission unanimously voted (8/0) to continue these matters to the March 8, 2021, Plan Commission Meeting.

ADJOURNMENT

Upon motion made by Mr. DiStefano and seconded by Mr. Morales, the Commission unanimously voted to adjourn at 12 a.m.

NEXT MEETING

The next regular meeting of the Plan Commission will be held on April 6, 2021, at 6:30 p.m. via Zoom.