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STATE OF RHODE ISLAND

CITY OF CRANSTON

PLAN COMMISSION

PROCEEDING AT HEARING :
IN RE: :
NATICK AVENUE SOLAR :

DATE: April 19, 2023
TIME: 5:30 P.M.
PLACE: Cranston City Hall
Council Chambers
Cranston, RI

BEFORE:

- MICHAEL E. SMITH, CHAIRMAN
- ROBERT COUPE
- STEVEN FRIAS
- THOMAS ZIDELIS
- LISA MANCINI
- KATHLEEN LANPHEAR
- DAVID EXTER
- THOMAS BARBIERI
- RICHARD BERNARDO
- JASON M. PEZZULLO

PRESENT:

- FOR THE APPLICANT ROBERT MURRAY, ESQUIRE
NICHOLAS NYBO, ESQUIRE
- FOR THE PLAN COMMISSION STEPHEN H. MARSELLA,
ESQUIRE
- FOR THE OBJECTORS PATRICK J. DOUGHERTY,
ESQUIRE

1 (COMMENCED AT 5:53 P.M.)

2 CHAIRMAN SMITH: Okay, next order of
3 business is a continuation of the hearing on master
4 plan for Natick Avenue solar. This is continued
5 from the March 20th special city plan commission
6 agenda. And in reviewing the minutes from that
7 meeting, we began with an initial presentation by
8 the applicant. We then had presentation by counsel
9 for the neighborhood group, and then a series of
10 questions to both parties from members of the
11 commission. What we have not yet had and everyone
12 will have an opportunity to speak who's here, we
13 have not opened up the floor to members of the
14 public, which we would like to do right now and I
15 think that might be a good way of starting out
16 since everybody was so kind to indulge us at the
17 last meeting, very patient.

18 MR. MARSELLA: I think we were going --
19 I'm sorry, Ron, I'll speak up. I think we were
20 going to hear from a blasting expert first and then
21 I don't know Mr. -- I believe there was one expert
22 at least to be heard, and I don't know if he had
23 other -- objectors had any other experts to be
24 heard before we get to the general public. If I
25 remember correctly, and I apologize if I -- I know

1 Mr. Frias had questions regarding the blasting
2 person, and he was not available. And then,
3 obviously, Mr. Dougherty would have the ability to
4 rebut that. I don't know if they had any expert
5 people --

6 CHAIRMAN SMITH: We closed with Attorney
7 Dougherty then said he had no additional witnesses
8 to call upon at that time, but we did have a
9 question about the blasting, Commissioner Frias
10 had. Mr. Murray.

11 MR. MURRAY: Yes. Good evening,
12 Mr. Chairman, members of the commission, just for
13 the record, Robert Murray, representing Reivity
14 Energy and Natick Solar, LLC, the applicant of the
15 proposed project on Natick Avenue.

16 My recollection is similar to
17 Mr. Marsella's. We have brought with us this
18 evening two representatives of Maine Drilling and
19 blasting, who are prepared to make a short
20 presentation and answer any questions. And if
21 that's appropriate now, Mr. Chairman, we can do
22 that. The presentation isn't that long. I can't
23 speak to the questions or the follow-up. Just for
24 the record, I want to note that my co-counsel,
25 Nicholas Nybo, is with us this evening, as well as

1 the other experts who've already offered testimony.
2 And they will remain available during the course of
3 the evening to answer any additional questions.
4 But with that, Mr. Chairman, we'll just jump into
5 the presentation if we could. I know we have
6 submitted a PowerPoint presentation. I have hard
7 copies available for the commission, and I also --
8 we also submitted, and I'll share those, the
9 handbook for Kinder Morgan, which is the manager of
10 the Tennessee Gas pipeline. We've met with them as
11 we've testified earlier, and we submitted as part
12 of your planning -- the web page, but I brought
13 hard copies for the commission.

14 With that, Mr. Chairman, with us this
15 evening is Mr. Andy Dufore, who's with Maine
16 Drilling & Blasting. His colleague Matthew
17 Shaughnessy is also with us. Some you may recall
18 back in 2019, Mr. Dufore testified. I think we
19 were at the Cranston East auditorium that evening,
20 and he has not followed chapter and verse on this
21 project, but he's -- he knows the history and why
22 we're back here. They have reviewed the latest
23 plans. I believe at the February 7th meeting, Dave
24 Russo from DiPrete Engineering talked about the
25 site plan and some of the characteristics of the

1 property and the land. Andy will talk about both
2 the cut and fill plan that's part of the submission
3 and we'll jump into his PowerPoint. With that,
4 Mr. Chairman, I'd like to introduce Andy Dufore of
5 Maine Drilling and Blasting.

6 MR. DUFORE: Good evening, everyone. Like
7 Bob said, my name is Andy Dufore. I'm with Maine
8 Drilling and Blasting, and I'm not sure who to
9 speak to to prompt the slide, but we can go to the
10 -- okay. Next slide, please. Okay. So this is
11 our introductory slide which I was just doing. So
12 my name is Andy Dufore. I work for Maine Drilling
13 and Blasting and I'm the regional manager for this
14 area. I've been with the company since 2005. So
15 over 17 years. And I have my colleague with me,
16 Matt Shaughnessy as well. He's also been with the
17 company for -- 17 or 18 years, Matt? Eighteen.
18 Eighteen years. So Maine Drilling and Blasting, so
19 we've been in business since 1966. We're founded
20 in Gardner, Maine, and that's the reason why we
21 have the name Maine Drilling and Blasting. But we
22 currently conduct operations from northern Maine
23 down into Florida, all along the eastern seaboard.
24 So we have various local offices up and down the
25 eastern coast, but our local office here is located

1 in Milford, Mass. That's where Matt and I came
2 over from today. Next slide, please.

3 So this is what we planned to get into
4 tonight. We want to talk about blasting safety and
5 what's goes into pre-blast planning, how we measure
6 ground and air response, human perception, and what
7 the research of blasting has revealed. And then we
8 understand there's a lot of concerns about the
9 existing pipeline on our site. So we want to go
10 into some examples of projects we've done that are
11 in close proximity to that Tennessee Gas pipeline
12 in other areas. Next slide.

13 So blasting safety, it all starts with
14 pre-blast planning and hazard assessment. So our
15 most important responsibility in working on any job
16 site is to identify potential hazards before the
17 project starts. We just have a few pictures here
18 to show some areas where we've actually blasted.
19 The top one there is up in Augusta, Maine. It's
20 actually blasting underneath the State House in
21 Augusta. And the one right below that where you
22 see the man -- the man's back there, that's a
23 little closer to home. That's in Hopkinton, Mass.,
24 inside of what used to be the EMC Building. They
25 took parking space and they wanted to lower that

1 parking level and actually make an office space.
2 So we had to blast inside of a building there. And
3 then the last picture is in Connecticut. That's in
4 the Metro Line going into New York City. It's
5 another example of how we blasted in close
6 proximity to the train line there. Next slide,
7 please.

8 So with pre-blast planning, the first
9 thing we do is we do a pre-blast condition survey.
10 Next slide. So what this is and why we do it, the
11 reason we do it is for, one, vibrations can be
12 perceived at levels as low as 1/100th of the safe
13 level for residential structures. So as human
14 beings, we're very susceptible to vibration.
15 You're going to feel it when we blast. You're
16 going to feel the vibration. But that doesn't mean
17 it's not safe for your home or your structure.
18 There's information out there which we'll get into
19 in how we measure it which can determine what's
20 safe, but everybody's going to feel the blast and
21 they're going to think that damage is being done to
22 structures around them.

23 The second reason is when vibration
24 generated from a new blasting operation is
25 initially felt, the natural response of a homeowner

1 will be a focus inspection of his or her home that
2 will reveal preexisting but unnoticed cracks that
3 were generated by natural environmental forces. So
4 if we didn't do our job correctly. We just went
5 out on a site. We blasted, surprise the whole
6 neighborhood, the first thing you're to do is look
7 around your home. You're going to see what we
8 damaged, right? And what you're going to see is
9 all the stuff that's been there from environmental
10 forces for years. If you go home tonight and you
11 look in a corner of your windows, you're going to
12 see little cracks here and there. So this -- the
13 pre-blast condition survey just documents the
14 existing conditions of what the home -- the
15 conditions of the home are like before the blasting
16 started. And then, lastly, the inspection
17 identifies surrounding activities, operations, or
18 process that the proposed work may need
19 coordination with.

20 So the prime example of our site tonight
21 is the pipeline identified. We've already
22 identified it, but, you know, another good example
23 of this, if we were working in an urban
24 environment, and there might be somebody
25 manufacturing microchips which, you know, it's not

1 about damaging structures, it's about actually
2 interrupting the process that's involved. So they
3 can identify those things as well. Next, slide
4 please.

5 So this is site specific. So this is --
6 this is our site on Natick Ave. So you can see the
7 red areas there. Those are areas where there's
8 potentially would be rock removal required. You
9 can see the red there, the darker the red, you
10 know, the deeper the cut would be. So there's
11 actually an outcrop on the site. It's shown on the
12 DiPrete plans and that's where the dark red is, and
13 that little area there is where we think the
14 blasting will be required. But as a caution, we
15 take the worst case scenario and we offset 250 feet
16 from where the potential blasting could be, and
17 that's where we would offer the pre-blast surveys,
18 that 250-foot distance. Rhode Island actually goes
19 a little further and requires a 500-foot
20 notification before blasting begins as well. So we
21 would have to, by code, notify anybody within 500
22 feet before the blasting commences. And then after
23 that, as a company, on a daily basis, you now,
24 through e-mail, text, voice mail, we can actually
25 before we blast, notify anybody that would like to

1 blasted before any -- notified before any blasting
2 event. Next slide, please.

3 So after the pre-blast condition survey
4 when we're actually going to do the work, some
5 other factors we have to take into consideration,
6 the blast design. And what the blast design needs
7 to know is the blast location, the distance to
8 structures, what type of geology we're blasting and
9 then we do vibration estimate calculations. Next
10 slide.

11 You can see, again, so this is the site on
12 Natick Ave. Once again, the red is potential
13 blasting area. The blast location depth and
14 distances are established using engineering plans.
15 So once we identify where the rock potentially may
16 be and this is done using geotechnical data, test
17 pits, we compare it to the existing conditions and
18 overlay it onto the design where the subgrades need
19 to be. We then identify where the potential
20 blasting is. We can then scale the distances to
21 existing structures or in our case, the bottom of
22 the plan, the Tennessee Gas pipeline. I think that
23 distance is around 250 feet from that dark red area
24 on the plan. That's so we determine where the
25 blasting is and what we're blasting around. Next,

1 please.

2 When we get that information, we actually
3 do a pre-blast analysis. So a pre-blast design
4 analysis is used to scale the blast geometry and
5 charge based on proximity and structure and safe
6 vibration limits. So we're held to certain
7 elements, which we'll get to; but this part of the
8 planning process, we need to be -- to make sure
9 we're in compliance with the code with the
10 vibrations that we can create. And this is how we
11 do it, by doing a pre-blast design analysis. Next
12 slide.

13 So once that's done and we're ready to go
14 to work, so after the blast plan is finalized, so a
15 pattern of holes is drilled into the ledge,
16 explosives charges are loaded into the drilled
17 holes. The final step in preparing the blast
18 involves a setting of mats to prevent debris from
19 leaving the immediate blast area. So these are
20 what we use to cover the blast to make sure that
21 nothing leaves the blast zone or what we refer to
22 as fly rock. These you can see in the picture.
23 The dimensions are 12 foot by 24 foot. They weigh
24 roughly 11,500 pounds and they're comprised of
25 recycled rubber tires that are woven together with

1 steel rope, wire rope. Next slide.

2 Once that's all done, and we're actually
3 ready to initiate a blast, we need to make sure
4 it's safe. You know, so throughout the entire
5 project, safety is a first and foremost priority.
6 Each blast is closely coordinated with local
7 officials and the job site management personnel.
8 So people, equipment, and traffic on adjacent
9 roadways are monitored and controlled at the time
10 of the blast if necessary to ensure the absolute
11 safety of all. Next slide.

12 So this is -- this isn't our site, but
13 it's an example of what we call a site security
14 plan. So, again, the most thing we can do is make
15 sure that the blast zone is cleared before we
16 initiate the blast. We do that through site
17 security. So we'll actually document on a plan
18 where we're going to place our sentries, how we're
19 going to control people getting on and off the
20 site. You know, then before the blast is
21 initiated, the blasts are charged through radio,
22 cell phone, they can hear each other. They will
23 make sure that each location is clear before the
24 blast is initiated. Next slide.

25 So this is how we measure the ground and

1 air response, and what that is, so the ground
2 response is the vibration. When an explosive is
3 detonated in rock, energy is released. Some of
4 that energy is absorbed by the rock and transmitted
5 through the ground in the form of a seismic wave.
6 As a seismic wave travels outward from its source,
7 ground particles respond. These particles move
8 back and forth ever so slightly, quickly returning
9 back to their original rest position as the seismic
10 wave passes. So we sense this as vibrations. So
11 that's what you feel. It's what you feel under
12 your feet. The other thing that we have to measure
13 is air response or air over pressure. So air borne
14 pressure pulse resulting from the detonation of
15 explosives, air blasts may be caused by the
16 displacement of the material being blasted or the
17 release of expanding gas into the air. And it can
18 be described as a distant thunder. So that's what
19 you'd feel on your body or in Hollywood with the
20 windows shaking. That's air over pressure. Next
21 slide.

22 So this is how we measure. So we actually
23 have to measure the vibration we create to make
24 sure we are in tolerance of the state code of what
25 the vibration limits are and we do that using a

1 seismograph. So it provides a permanent record
2 documenting air and ground response. Next slide.

3 And this is kind of just a little picture
4 of how the blast moves to the ground. So waves
5 radiate from the energy source and decay in
6 intensity with distance. And what it says below,
7 what you can't read, but for every doubling of the
8 distance, the vibration is going to reduce by about
9 a third. So it decays quite quickly. Next slide.

10 So we're going to get into two projects
11 that are more site specific and hopefully a little
12 more engaging to the audience here; but before we
13 do that, I think it's good to note that in Rhode
14 Island, we have to apply for a blasting permit
15 through the State Fire Marshal's Office. You can
16 go right on their website. You can see it there
17 and then once they issue it to us, we come to the
18 city to get it signed off there. So that's the
19 procedure from that. And on top of that, on
20 projects such as this, with the Tennessee Gas
21 pipeline, Bob distributed the Kinder Morgan
22 handbook who manages Tennessee Gas pipeline. When
23 we're within 300 feet of that pipeline, there's a
24 certain protocol we have to do as well with the gas
25 company. And there's an example of it at the end

1 of this, but we have to provide them a checklist
2 similar to what I showed in the slide with our
3 loaded hole there and the charge weight we're going
4 to create. We have to do that for the gas company
5 specifically to ensure that we're not going to do
6 any damage to the gas line, and they'll review
7 that. And then once they're satisfied with what we
8 have provided them, they will send us a letter that
9 we will countersign granting us approval to blast
10 within 300 feet. If we were to get within 100 feet
11 of the gas line, which I don't believe is
12 applicable here on our project, they would actually
13 require a representative, a blasting inspector from
14 the gas company, to be on site with us for the day.
15 Those are how Tennessee Gas works. And on top of
16 the local and state regulations, we now have to
17 adhere specifically to the Tennessee Gas pipeline
18 or Kinder Morgan regulations. Next slide.

19 So this project is pretty close to home
20 here. So this is the Citizens Bank campus on
21 Greenville -- bank campus on Greenville Ave in
22 Johnston, Rhode Island. So this is a project that
23 Maine Drilling and Blasting actually worked on, and
24 we blasted 120,000 cubic yards of rock between the
25 dates of August 2016 and May of 2017. And you can

1 see there we're within 159 of this Tennessee Gas
2 pipeline. Next slide.

3 Here's another project that was in
4 Connecticut, Farmington. We actually blasted
5 40,000 cubic yards of rock last year between May
6 and September. And here you can see we got as
7 close as 57 feet to the pipeline. You probably
8 can't see it, but there is a dimension down at the
9 bottom from the pipeline to the blast area. Next
10 slide.

11 And this is that checklist I was talking
12 about. And this is for that Farmington project.
13 So we submitted this to Tennessee Gas pipeline to
14 get approval for us to blast within 300 feet of the
15 pipeline. And, next, which should be questions.

16 CHAIRMAN SMITH: Okay. Any questions from
17 members of the commission for Mr. Dufore? Yes,
18 Commission Frias.

19 MR. FRIAS: Thank you for your
20 presentation. It actually answered a lot of the
21 questions I had. So I don't have an extensive
22 amount of questions, but I have a few. Is there
23 any distance from a Tennessee Gas -- from an
24 interstate gas pipeline which you would not blast?

25 MR. DUFORE: Twenty feet.

1 MR. FRIAS: In the Johnston, you presented
2 two examples of where you did blasting within 250
3 feet of the interstate gas pipeline, the one in
4 Johnston and one in Connecticut. Pipelines are in
5 different conditions. Do you have any idea of what
6 the condition was of the Johnston pipe compared to
7 the condition here in Cranston?

8 MR. DUFORE: No. But if you review Kinder
9 Morgan's handbook and the checklist, that is part
10 of it that they will fill out and it's part of
11 their review that they do.

12 MR. FRIAS: Okay. So there are
13 differences sometimes in the types of pipe?

14 MR. DUFORE: Yes, there are.

15 MR. FRIAS: Okay. Do you have any idea of
16 what the Johnston pipe's condition was in age?

17 MR. DUFORE: No, I don't. Once again,
18 that's the owner's -- the pipeline ownership
19 reviews that.

20 MR. FRIAS: No. I understand. I just
21 wanted to see -- I know you wouldn't know yet for
22 the one in Cranston, but I was just wondering if
23 you knew anything on the one in Connecticut or
24 Johnston?

25 MR. DUFORE: No. I'd have to pull their

1 approval letter, and typically they come back with
2 that information in that letter of what the -- the
3 actual material and the condition is.

4 MR. FRIAS: You talked about the level of
5 vibration in the ground. Now, you measure that
6 with how, some kind of like -- I'm not going to use
7 the correct scientific engineering term, but an
8 instrument that measures the vibrations?

9 MR. DUFORE: Yeah, it's a seismograph.

10 MR. FRIAS: And is there a certain level
11 where if the vibration was too high, you would have
12 to stop?

13 MR. DUFORE: Yes. So the US Bureau of
14 Mines have set the standard and it goes back to
15 NFPA and the State Fire Marshal and it's in the
16 code, but -- so it's a sliding scale and it has to
17 do with frequency over the vibration, but above --
18 we're allowed 2 inches per second above 40 hertz.
19 That's the safe -- that's the safe vibration limit.

20 MR. FRIAS: And in the experiences you had
21 in Johnston and in Connecticut, do you recall more
22 or less the vibration level you got up to?

23 MR. DUFORE: I don't, no. I think it's
24 good to know and not to cut you off but it just
25 popped in my head, the code, the Rhode Island,

1 would allow the two, but actually if you look in
2 Kinder Morgan's handbook, they allow four. So they
3 allow double. That 2 inches per second for
4 residential structures is intended for the weakest
5 construction materials, which is lathe on plaster.
6 So we're not allowed as a blasting company to
7 damage lathe on plaster construction, the weakest
8 construction material. Kinder Morgan or Tennessee
9 Gas actually allows us 4 inches per second.

10 MR. FRIAS: But you'd be following the
11 lower standard --

12 MR. DUFORE: We would, yeah.

13 MR. FRIAS: You talked about you have to
14 provide notice to people within 500 feet under
15 Rhode Island law.

16 MR. DUFORE: Yes.

17 MR. FRIAS: Could you describe the -- not
18 just that you provide notice, but how much time is
19 that notice?

20 MR. DUFORE: We need to give 24-hour
21 notice. That should be in the code before we blast
22 -- before blasting commences. So people need to
23 understand when we're going to start. And then we
24 just go to work. But we -- we, as a company,
25 anybody who wants to be notified on a daily basis,

1 we have a system set up that they give us their
2 name and either e-mail or phone number, and a half
3 an hour, hour, whatever the project determines,
4 before we blast, we'll call our administrator and
5 they'll send out a notification for anybody who
6 wants to be notified, but that's something we do as
7 a company.

8 MR. FRIAS: And how much time -- I know
9 this takes a great deal of preparation. I
10 understand that. How much time do you think from
11 the moment you, like, know we're going to, like,
12 you gave notice 24 hours before you start blasting.
13 How much lead -- how much time do you know, like,
14 it's going to probably be in a week from now or
15 three days from now, how much lead time do you need
16 to prepare to get that to occur?

17 MR. DUFORE: So we have to get the
18 pre-blast surveys underway. They take time to do.
19 So we need -- we like a couple of weeks to be able
20 to get notification out to the people within 250
21 feet to actually, if they would like us to, you can
22 deny a survey, but to access their home and get in.
23 So, I mean, with the right amount of -- if we can
24 get it in the project team's schedule ahead of
25 time, we can allow quite a bit of time, you know,

1 not the 24 hours, but we could -- we could do
2 better than that most definitely.

3 MR. FRIAS: Thank you. Almost done. I
4 know it's -- when you're being asked questions,
5 it's kind of annoying, but I understand.

6 MR. DUFORE: I hope I don't look annoyed.
7 I'm not.

8 MR. FRIAS: No, no, no, I'm just thinking,
9 like, I'm asking about blasting. But the -- have
10 you -- when you did the blasting in Johnston and in
11 Connecticut, do you look at the type of soil and
12 rock around the gas pipeline?

13 MR. DUFORE: I wouldn't so much say around
14 the gas pipeline, itself. So they will have cut
15 the trees, stripped the soil on our site,
16 excavated, if not down to rock, you know, a couple
17 of feet from it. We will understand from that
18 process what it looks like, and also with this, we
19 would hope to start the blasting, we call it a test
20 blast. So its presentation is pretty high level.
21 But the first blast we do is a test blast and it's
22 very conservative. And we do a test blast. We
23 look at the actual blast data. We excavate into
24 the fragmented rock to understand how the blast
25 performs, how the explosives react with the rock

1 and that's how we gain our data. It's pretty much
2 we look at what we've done practically and we make
3 changes from there.

4 MR. FRIAS: And you -- I was going to say
5 you probably don't know the details at this point,
6 you can't recall what the soil or rock
7 configuration was in the area in Johnston or
8 Connecticut?

9 MR. DUFORE: Right. Yeah. Don't recall.
10 And you can, just for informational purposes, like
11 Google Earth has overlays, USGS overlays. We use
12 those quite a bit to understand the geology in the
13 area. We use a lot of, we'll call it, you know, a
14 guy blasted here five years ago, we call him up,
15 what was it like, practical information, knowledge
16 of that.

17 MR. FRIAS: You have to get permission --
18 excuse me, you have to work with the gas company,
19 interstate gas company, in order to do blasting
20 within certain distance --

21 MR. DUFORE: Three hundred feet is when we
22 have to apply with that check list that was in the
23 presentation, yes.

24 MR. FRIAS: Has the gas company, in your
25 experience, whether it's Algonquin or Tennessee Gas

1 pipeline, have you ever had an experience where
2 they said do not go ahead and blast?

3 MR. DUFORE: No. No. They won't let you
4 blast in their right-of-way. So just so we're
5 clear on that, we can't go into their right-of-way,
6 but --

7 MR. FRIAS: In your company's experience,
8 have you ever had any problems with blasting that
9 resulted -- any blasting that ever resulted in a
10 problem with a gas pipeline?

11 MR. DUFORE: No. No.

12 MR. FRIAS: If there was a problem that
13 arose, that problem would probably be in the nature
14 of a crack in the pipeline?

15 MR. DUFORE: Um-hum. I would think. I've
16 never come across it. And that, just to clarify as
17 well, if you were to actually crack the pipeline,
18 there's the vibration and the reason we use 20 feet
19 is we won't physically get closer. So there's the
20 blasting vibrations and when rock -- when you blast
21 rock, it expands. And we call it block
22 displacement. We kind of use a one-to-one theory,
23 in theory and that's why if you're going to
24 physically damage a pipeline, you going to do it by
25 block displacement, not vibration. So that's why

1 we won't go within closer than 20 feet because we
2 don't -- we do not want the threat of actually
3 physically displacing the pipeline.

4 MR. FRIAS: Okay. I'm just looking at my
5 notes.

6 MR. DUFORE: Yeah.

7 MR. FRIAS: And you have already been --
8 already contacted Kinder Morgan in regards to this.
9 Have you already --

10 MR. DUFORE: We haven't. The project team
11 has.

12 MR. FRIAS: The private team has.

13 MR. DUFORE: The project team, not Maine
14 Drilling and Blasting. We wouldn't do that until
15 we were going to --

16 MR. FRIAS: Actually --

17 MR. DUFORE: Apply, yeah. We'd have to
18 get hired and be on site, yeah.

19 MR. FRIAS: Okay. And so you don't know
20 if -- you wouldn't be the person that would be able
21 to provide any feedback on what Kinder Morgan has
22 said so far?

23 MR. DUFORE: No.

24 MR. FRIAS: All right. I think I'm okay.

25 MR. DUFORE: Thank you.

1 CHAIRMAN SMITH: Other questions from the
2 commission? Commissioner Lanphear.

3 MS. LANPHEAR: Thank you, Mr. Chairman.
4 Thank you. When you spoke regarding blast design,
5 one of the elements you have there is distance to
6 structures. Can you tell me -- could you define
7 what you mean by structures?

8 MR. DUFORE: Structures would be the gas
9 line, homes, bridges, things of that nature.

10 MS. LANPHEAR: Would it include wells?

11 MR. DUFORE: Wells? No.

12 MS. LANPHEAR: Anything else?

13 MR. DUFORE: No.

14 MS. LANPHEAR: Okay. And with regard to
15 the two examples that you provided, the Greenville
16 site and the Farmington site, can you tell me at
17 each of those sites separately, did -- how -- what
18 was the closest structure to the blasting.

19 MR. DUFORE: In, I think the Greenville,
20 if we can back, Jason, I believe it was -- go back
21 one more. So you can see there the closest
22 structure was the gas line. It was 159 feet there
23 in Johnston. If you go to the next slide, there's
24 a home, you can see it up in the top there. I'm
25 not sure how close that was, but you can see the

1 gas line we got within 50 feet. So we're much
2 closer to the gas line there as well as the other
3 structures. Does that answer your question?

4 MS. LANPHEAR: It answers the question I
5 asked, but I didn't ask the right question. What I
6 did want to ask was what was the closest
7 residential structure?

8 MR. DUFORE: Yeah. So there it would be,
9 I don't know the distance because I can't scale it,
10 but it's that home up in the -- yeah, right up
11 where that cursor is going, yeah, or maybe the one
12 down lower might have -- that one there.

13 MS. LANPHEAR: Which is 557.

14 MR. DUFORE: It was 557 from our test
15 blast, but we're probably, if the gas line's 57,
16 we're probably a hundred, 125, just eyeballing it.

17 MS. LANPHEAR: Okay. And the Greenville
18 site, is that Greenville or is that Farmington?

19 MR. DUFORE: That's Farmington. The
20 Greenville, I -- you'd have to get out on -- out
21 front because you've got the interstate and the
22 homes are on the other side. So the red's the area
23 where we blasted. So I don't even know where the
24 closest home is quite honestly. They're so far
25 away.

1 MS. LANPHEAR: Okay. Do you know on the
2 Natick Solar site, what the closest residence would
3 be?

4 MR. DUFORE: If we go to the pre-blast
5 survey slide with the 250-foot radius, which is
6 probably Slide 4 or 5, we can get a good idea of
7 worst case scenario. Keep going. Right there. So
8 that ring is 250 feet, that red ring. So I think
9 that's about -- unless -- I think that's about it.
10 I don't see much within that ring.

11 MR. MARSELLA: I have a quick question.
12 Do you have to notify the property owner if it
13 touches -- if the property is in the ring or only
14 if the structure is in the ring?

15 MR. DUFORE: It typically goes by the
16 closest -- potentially closest loaded bore hole to
17 the structure, but we advocate pre-blast surveys.
18 It's got to be reasonable. We can't go out 2,000
19 feet. But I mean if there's a home on the line, it
20 benefits the homeowner. It benefits the blasting
21 company. It's just -- it's strictly documents
22 existing conditions. We advocate that you have it
23 done.

24 MS. LANPHEAR: Nothing further. Thank
25 you.

1 MR. DUFORE: Thank you.

2 CHAIRMAN SMITH: Other questions from the
3 commission? Okay. Thank you very much.

4 MR. DUFORE: Thank you. Appreciate it.

5 MR. MURRAY: Mr. Chairman, just very
6 quickly, just for a point of information, in
7 response to Mr. Frias's inquiry, Maine Drilling and
8 Blasting did not meet with Kinder Morgan or
9 representatives of the pipeline. I was there. It
10 was November 12, 2020. Dave Russo from DiPrete
11 Engineer was there. And in his testimony, Dave
12 talked about the onsite requests of Tennessee Gas
13 pipeline. Specifically, we incorporated notes on
14 the plans that have been submitted on the master
15 plan. So we're well aware of -- we've personally
16 been on site with them as recently as November of
17 2020.

18 CHAIRMAN SMITH: Okay. Thank you,
19 Mr. Murray.

20 MR. DOUGHERTY: Mr. Chairman, can I
21 request through the Chair, make an inquiry of the
22 witness with regard to -- I'm sorry. I'm just
23 requesting a clarification, Mr. Chairman. In the
24 upper right-hand -- Patrick Dougherty for the
25 objectors. In the upper right-hand corner, there

1 appears to be a building which is my client's barn,
2 and then in the right hand upper portion to the top
3 of the picture, that's my client's house. And I
4 believe it was stated that there are no structures
5 within that ring that we saw, but I wondering if he
6 would clarify that for us.

7 MR. MURRAY: And I appreciate
8 Mr. Dougherty's Question. Let me be clear.
9 Mr. Palumbo from Reivity Energy is here. We are
10 going to be -- we're not going to follow just the
11 letter of law here, we're going to, you know, we
12 are going to try and inform people. I know the
13 24-hour thing was like the next day blasting. We
14 are -- I'm glad that Andy clarified, you know, we
15 have no problem with 10- to 14-day notification
16 that blasting is going to be coming. And we're not
17 going to depend that the line only touch the corner
18 of the property and that's a structure. We going
19 to be more inclusive of the neighbors. There
20 aren't that many of them within this range here.
21 So to respond to Mr. Dougherty, you know, I'm sure
22 we will have good communication with the area
23 residents that are most directly affected by this
24 site.

25 CHAIRMAN SMITH: Thank you. Okay, at this

1 time, I would like to open the floor to public
2 comment, public questions. I know many people here
3 have been before the plan commission in prior
4 cases. And -- so I just want to remind everyone,
5 though, that all comments and questions need to be
6 directed to the Chair.

7 MR. MARSELLA: Hold on. The chair will
8 call -- everyone sit down. The Chair will call
9 people. Everyone will raise their hands. I don't
10 want people fighting to get to the podium.

11 AUDIENCE MEMBER: Okay. Thank you, sir.
12 We didn't know that. Thanks for clarifying the
13 rule.

14 CHAIRMAN SMITH: Just to continue, let me
15 continue with this, that all comments, questions
16 will be directed through the Chair, which means
17 that there's no dialog among anybody here.
18 However, we will invite the applicant, after all
19 the public members have been heard, to get up and
20 address those questions, so that they -- the
21 information will be provided to the public and to
22 the commission. With that --

23 MR. MURRAY: Can I just ask a question.
24 Would it be all right if I excused Mr. Dufore and
25 Mr. Shaughnessy? They have a ways to travel to get

1 home. They'll stay if you feel there's an
2 immediate need, but they were here to answer
3 questions of the commission with regard to my -- I
4 didn't know whether it would be required for them
5 to stay.

6 CHAIRMAN SMITH: Well, it wouldn't be
7 required, but if there are any questions from the
8 public about blasting --

9 MR. MURRAY: They'll stay. If it runs
10 late, perhaps they --

11 CHAIRMAN SMITH: That would be fine.

12 MR. MURRAY: Thank you.

13 CHAIRMAN SMITH: Okay. Thank you. So the
14 gentleman in back, please, come up and state your
15 name and address for the record. Also please talk
16 slowly so that -- for the benefit of our
17 transcriptionist.

18 MR. REYES: Good evening, President Smith,
19 Chairman, and the members of the commission. My
20 name is Alvin Reyes. I am the membership
21 development coordinator of the IBEW, Local 99
22 International Brotherhood of Electrical Workers.
23 On behalf of our business manager, Joe Walsh, who
24 wasn't able to attend, but he also provided
25 testimony to the commission, and the 800 men and

1 women that belong to the IBEW Local 99, we strongly
2 support the approval of the solar project at the
3 Natick Ave premises.

4 Revity Energy has been a signatory
5 employer to the IBEW. They employ about 20 --
6 well, right now, 10 percent of our men and women
7 that vary from all ages from 18 to even 60. Solar
8 has been a prominent, very important subject matter
9 across the nation. The Governor has signed a
10 historic legislation to promote a hundred percent
11 renewable energy by the year 2033. And,
12 unfortunately, no matter how many solar panels we
13 put on roofs, we still won't be able to meet that
14 need if we don't act fast. Because of these
15 projects, not only during the pandemic, we had so
16 many people able to continue with employment. Just
17 a gentleman that came in that I mentioned around 60
18 years old, he was laid off from his previous
19 employer and was able to get employment through us
20 being an electrician, and now be able to have a
21 sustainable career with insurance, a retirement
22 package that exceeds most regular jobs right now in
23 the current market, with just even the rents being
24 so high, you know, a lot of people want to see
25 projects that have affordable housing and housing,

1 but with rents being so high and the taxes that
2 incur on the city, these projects are one of the
3 most least cost effective to the town. If
4 anything, they bring more tax incentives to cities
5 and towns. They're quiet neighbors. They don't
6 cause any destruction; and upon the life of the
7 project that is over, you can still retain that
8 land and do whatever you decide to do, build more
9 residences.

10 These projects have been monumental.
11 We're the first one in the nation to incorporate
12 renewable energy. The Governor, prior to Governor
13 McKee, Raimondo, had signed legislation prior to
14 that. With the Deep Water Wind, these solar
15 project not only do they employ so many members in
16 our city because our headquarters is in Cranston.
17 Our facility and our main headquarters is in
18 Cranston, Rhode Island. That's our home as well.
19 So we -- we -- somebody referenced us that we are
20 not part of Cranston. We have many, not only
21 members that live in Cranston, but our headquarters
22 is here. We're proud to be in the Cranston town,
23 and I can't tell you how many of our members that
24 are standing over there, just a handful, that's a
25 handful from all walks of life, and this company.

1 Reivity has not only guided our members to
2 the middle class, many of us come from very low
3 income -- here in Cranston and across the State.
4 We have a -- now a chance to have middle class
5 homes, put our kids through college, have medical
6 benefits, by far the best ones out there right now.
7 We strongly approve this project and hope that the
8 commission takes into consideration not only our
9 members and the residents, but the future of Rhode
10 Island and the kind of job. It's time to act.
11 Thank you very much, and thank you for your time.

12 CHAIRMAN SMITH: Thank you very much for
13 the comments. I see a hand raised way in the back
14 actually was first.

15 MR. ZEVON: Daniel Zevon, 591 Natick
16 Avenue. I asked these guys where they live. They
17 don't live in Cranston, just so you know.

18 CHAIRMAN SMITH: Okay. Let's see, this
19 gentleman with the Cranston West.

20 MR. ZEVON: Hi, my name is Daniel Zevon.
21 591 Natick Avenue, Cranston, Rhode Island. So we
22 moved 27 acres of wood property -- to remove 27
23 acres of wooded property to build a solar farm
24 requires careful consideration to disturb one of
25 Cranston's historic neighborhoods. There are

1 negative aspects to consider when building a solar
2 farm in a neighborhood. Some of these potential
3 negative aspects are visual impact. A solar farm
4 can have a significant visual impact on the
5 neighborhood especially if it's large and located
6 in a highly visible area. Some people may find the
7 panels unattractive and feel they can detract from
8 the natural beauty of the area. In my case, only
9 10 feet from my property line, and as we saw
10 tonight from the blasting line. I heard Revity's
11 people at the last meeting mention of the impact on
12 the neighborhood. Well, maybe some of the
13 abutters, he stated. I'm one of those abutters,
14 okay, so it's definitely, you know, an impact in my
15 neighborhood and to my next door.

16 As we heard today, there was just some
17 back and forth confusing us with Revity about I
18 don't even know at this point, but from Day One the
19 Revity, the Southern Sky, and their legal teams
20 have not -- have been misleading, okay, from the
21 initial church meeting that was held, we had a
22 community meeting. Nobody in this room was in that
23 community meeting, but they -- we got legal letters
24 that we needed to go to this church in West Warwick
25 to meet what was called a community meeting, okay.

1 I asked three questions in that community meeting
2 when Mr. Murray was up there in front talking to
3 us, and the three questions were on telephone
4 poles. He got up there and stated no telephone
5 poles are going to be replaced on Natick Avenue. I
6 asked the question, he goes back, well maybe a few
7 telephone poles are going to be replaced. He leans
8 back and then he's asked to sit down and then
9 somebody else stands up and says actually, all of
10 the telephone poles on Natick Avenue are going to
11 be replaced. So that's just one example of just
12 one of the three questions that I've asked
13 throughout this process, the telephone poles.
14 Every telephone pole on Natick Avenue needs to be
15 replaced.

16 I asked about the gas line, and I asked
17 once again about the distance from my home to the
18 solar panels. We saw in that earlier picture, too,
19 where I'm in the blast zone. But when I asked
20 about the distance of my home to the solar panels,
21 and, understand, I've never had lawyers since I got
22 married, but we walk into this church and they've
23 got giant billboards up behind them, one of them
24 with a picture of my home. And I asked, you know,
25 what is, you know, when their experts are up there

1 talking to us, I said, what do you consider a good
2 distance to the solar panels from my home. They
3 said well, your home is clearly a good distance. I
4 said no, it's not. And he goes well, let me point
5 it out to you on the map. So he goes up to his
6 flip chart and points that out on the map where my
7 house is. And I said no, actually, that's not my
8 house. If you lift up the PostIt note on the -- on
9 your chart, you'll see under that PostIt, that's my
10 house, the one that's only 10 feet from the
11 property line. So, again, the telephone poles, the
12 distance to my house, and then I asked about the
13 gas line, that was the first time that they heard
14 about the gas line, the first time that the
15 community meeting heard about the gas line, that
16 this was going to be blasting on top of it.

17 Solar farms require a significant amount
18 of land to be cleared, which can have a negative
19 impact on your local eco system. The clearing of
20 the land can also lead to a habitat lost for local
21 wildlife and disrupt the local eco systems.
22 Clearing 27 acres of wooded property will have a
23 significant environmental impact including the loss
24 and destruction of mature trees that play a vital
25 role in carbon sequestration. Removal of these

1 trees and vegetation will result in a lost of bio
2 diversity, impacting our local eco system.
3 Decision to clear wooded property for a solar farm
4 should also consider whether there are other
5 suitable locations that would not have as
6 significant an impact on the environment, the
7 wildlife habitats. Other cleared areas, brown
8 area, not going in and clear cutting in a wooded
9 already. The noise pollution. Sorry, I have to
10 catch my breath.

11 With regards to noise pollution, solar
12 farms often -- you know, we've heard last week,
13 too, that there wouldn't be any traffic and there
14 won't be any noise pollution, but how do you think
15 you're getting the power, you know. You've got to
16 have diesel engines running, okay, inverters and
17 transformers that generate noise, which are also
18 going to be a nuisance for the neighbors. So
19 imagine in this neighborhood where we do have
20 traffic because it's a big cut-through between West
21 Warwick and Cranston, but now imagine we're hearing
22 transformers running 24/7. We also heard about the
23 employment that this is going to bring. So with
24 employment, I would imagine there's going to be
25 traffic. I thought there was going to be no new

1 traffic that was going to come because of this.

2 Glare and reflection, these shiny surfaces
3 of solar panels can create glare and reflection, it
4 can be annoying and potentially dangerous for
5 drivers on Natick Avenue or pilots flying into T.F.
6 Green Airport. We heard -- and we still have these
7 transect lines. It's a new word to me. And they
8 confuse us with that because they never came to my
9 house with all these transect lines that they said
10 that they ran, they showed us all these lines last
11 week. They also didn't, you know, calculate in
12 second floors. Like I have two floors in my house.
13 So the transect lines didn't factor in that or even
14 the actual location of my home, you know, because
15 we've seen they really don't know where I live.
16 They mentioned a well screened solar farm. Well,
17 because of the gas line which is put in, and you'll
18 see pictures of that coming up, you know clearly,
19 things have been cleared on that land.

20 We're going to see a sea of glass. As the
21 developer has said, his projects create -- his
22 projects create the dangers of developing legal
23 sources in the state with no fossil fuel -- well,
24 that's not such a good or bad thing. I don't think
25 you have to get into fossil fuel and deposits in

1 the State of Rhode Island.

2 Lastly, here, property values. As you may
3 have already heard, some of the residents are
4 concerned that a solar farm will decrease the
5 property values in the neighborhood and decrease
6 property values equals decreased taxes. And, you
7 know, while we're on this subject of, you know,
8 property values and taxes, there was one point
9 throughout the charge of the process that have been
10 involved in this, that I went online and I looked
11 up through the City of Cranston's website my
12 property, just to compare my property. And when I
13 went onto this site, Cranston website, I see that,
14 and I've got it right here, property card, the deed
15 of my property, I see that my property that I've
16 owned for 25 years was transferred to Ron Rossi,
17 the guy building the solar farm. And on the card,
18 it says, corrected address per Attorney Murray.
19 Okay. That's -- imagine my house of 25 years I see
20 was transferred the ownership to Ron Rossi.
21 Imagine, I'm paying my taxes, and I -- when I
22 called in city hall, the person who answered the
23 phone said, Mr. Zevon, you've been paying Ron
24 Rossi's taxes for the last three months. And I
25 said I don't know what you're talking about. I own

1 that house. So when they go up and look into it
2 and whatever, you know, and then I get threatening
3 letters from Mr. Nybo and Mr. Murray that we
4 created some false narrative on this subject. I
5 really just want to know what happened, you know.
6 I own this house. How does Mr. Murray -- it says
7 right here that per Attorney Murray, that he went
8 in and changed the title to my property from my
9 name to Ron Rossi, and I don't know how that
10 happened in the City of Cranston or in any place in
11 the world that somebody can do that. Why that
12 happened, I don't know. What the reason was, I
13 don't know; but that greatly disturbs me because I
14 hear a lot of things that are coming out of this
15 attorney's mouth that is threatening and
16 intimidating to me. He wrote an intimidating
17 letter to my wife that we need to stop this
18 false -- it's not a false narrative if I have the
19 facts and I just want the City of Cranston to
20 explain on that subject what happened.

21 (INTERRUPTION BY AUDIENCE MEMBER)

22 MR. ZEVON: So, in conclusion, the
23 decision to remove 27 acres of wooded property to
24 build a solar farm requires careful consideration
25 of the environmental impact and alternative

1 options. It's important to strike a balance
2 between the need for renewable energy and the
3 preservation of our natural eco systems. I'm sorry
4 if I went off script at times, but, again, it's
5 very emotional for me.

6 CHAIRMAN SMITH: Thank you for the
7 questions and the comments and I just want to
8 assure everyone and I know it's not easy to get up
9 in a public setting and discuss issues that are of
10 great concern, and I just want people to feel that
11 their comments, questions are welcome. This is
12 your session. The comments and questions are a
13 benefit to the members of the commission, and I
14 would also hope that when someone is up speaking
15 that we all are courteous to the speaker and not
16 making noises or responses. The person who has the
17 floor really has that floor, and they deserve to be
18 heard without any interruptions. So -- but thank
19 you. Yes, Commissioner Frias.

20 MR. FRIAS: Sorry about this.
21 Mr. Chairman, I received the written statement of
22 Mr. Zevon. Who should I give this to to be
23 included in the public comment? Is it to
24 Mr. Pezzullo at this point or to the stenographer?

25 CHAIRMAN SMITH: It should go to the

1 director.

2 MR. FRIAS: Okay. Thank you very much.

3 CHAIRMAN SMITH: Okay. I can see a hand
4 in the back here. Yes, sir.

5 MR. GILMORE: Good afternoon -- good
6 evening, actually, members of Cranston and other
7 people have joined in. I have been a member of the
8 Local 99 for -- how you doing, sir? Khalil
9 Gilmore, 273 Pontiac Avenue, Cranston, Rhode
10 Island. Right down the block there. I've been
11 also a member of Local 99 for 22 years where I have
12 sent my daughter to Cranston West, Cranston East,
13 and I'm a proud member. I'm a proud member of
14 Cranston. I moved out here from New York City and
15 been able to give my family a great opportunity to
16 live and come up in a great community. So I can
17 understand for everyone here that change, right, I
18 remember when they did the police department over
19 there and it seemed like chaos and riots, and I
20 remember, you know, just being concerned about the
21 riot infiltration that was happening and basically
22 what I've learned is that if we all work together,
23 we can find a common ground where we can basically
24 understand what we're trying to do here. We're
25 trying to better our communities with employable

1 membership, right, or work. We're also trying to
2 get away from the fossil fuels and have a green
3 energy, which I'm supportive of, and I get it.
4 Some areas, you know, not as fortunate as others.
5 So I just wanted to come up here and just thank
6 everybody for the time, and just understand that
7 I've been a member of Local -- been a member, and I
8 just definitely support the solar projects of
9 Revity and all the other businesses, contractors,
10 that want to come out to see green energy happen.

11 CHAIRMAN SMITH: Thank you very much.

12 Mr. Doe.

13 MR. DOE: Good evening, Mr. Chairman.

14 I've got a slide show that I sent to staff if they
15 could put it up. Douglas Doe, 178 Lippitt Avenue
16 in Cranston. Why am I so opposed to these projects
17 in residential neighborhoods? Let's start with
18 blasting. We had seven blasts at Lippitt. The
19 first one was on December 7th. The last one is
20 January 18th. The last load of gravel left about
21 mid March. They took out about 40,000 cubic yards
22 of ledge according to press reports. We endured
23 hundreds of gravel trucks going up and down our
24 dirt road. One afternoon, I counted thirteen
25 arrivals in one hour. This went on for weeks and

1 months.

2 In terms of disruption of the
3 neighborhood, this without a doubt was the worst
4 element of the entire project. They operated a
5 quarry as you can see here right by the entrance.
6 This was basically a quarry for three months, three
7 and a half. You can see on the right side there's
8 a car. Gives you some idea of the scale of
9 equipment on site. All that stuff came in on
10 multi-axle flatbeds. They're going to have to
11 drive up and down Natick Ave., which is much
12 narrower and windier than Lippitt and Hope.

13 So Mr. Russo told you last month about
14 blasting or anything. According to your minutes,
15 he said -- even Mr. Russo said he didn't think the
16 way it was handled was a mistake, but rather
17 reflected that blasting was not as heavily
18 scrutinized then as it is now. So what did Mr.
19 Russo have to say about blasting at Lippitt Ave at
20 the hearings for Lippitt Ave? Slide. Nothing, and
21 I have the transcripts to show that. What did Mr.
22 Palumbo say about blasting? Nothing. Mr. Murray?
23 Nothing. Planning Director Lapolla said nothing.
24 Planner Pezzullo. They said nothing. They
25 discussed nothing. They disclosed nothing about

1 blasting at all. So how do we find out about
2 blasting? The week before the first blast, Al
3 Blasting came around our neighborhood, stuck these
4 in our mailboxes and our back doors. That's how we
5 found out. And there's no excuse for that. They
6 knew for months that they're going to have to
7 blast, and they never told us. They covered it up.
8 And it would have changed the entire discussion of
9 that project if they talked about blasting. Would
10 have got into the grading. A whole host of issues
11 would have come up. And they skirted over all of
12 it because they never brought the issue up. And
13 you wonder why I get so mad when I talk about this.
14 So, if they didn't disclose that critical element
15 in Natick -- I mean Lippitt, rather, what haven't
16 they disclosed for this project, given their
17 experiences in Lippitt. Slide.

18 Selective pruning on Lawrence property.
19 There's a small note on Sheet 6 that illustrates
20 they're going to do this or may do this. So what
21 is selective pruning? This is selective pruning at
22 Lippitt. All these trees are on public
23 conservation land for all the good it did. They
24 came along one Sunday morning in April, and cut
25 down everything hanging over the property line with

1 not even air rights. They topped trees. There was
2 no reason for doing that. And, of course, they
3 never disclosed that at the hearings. Never
4 mentioned it once. Another surprise. Next slide.

5 Damage to wetlands, trees. On the
6 right -- on the left, rather, you see the site
7 before construction. On the left, you see two
8 wetlands. Nearly every single tree in those
9 wetlands is dead, dying, or on the ground after two
10 years. That's September 2019. They just finished
11 construction about six months before, maybe.

12 You're looking -- you see a lot of gray stuff on
13 that slide. That's all crushed rock, gravel. They
14 use that to spread over about half the site, about
15 six inches deep and they bulldoze it and packed it
16 on the bulldozer. Next slide.

17 Iron bacteria. On the left, you see
18 August 2018, that's about four months after they
19 finished site preparation. It's gross. It stinks.
20 It smells, and it just pollutes the entire wetlands
21 and stream. This extends it about 900 feet from
22 the site. As you can see from the other slide,
23 2023, February, it's still there. Hasn't gone
24 anywhere at all. It's not going to go anywhere.
25 Why is this important? Because Drake Patten's

1 wetlands are about 600 feet from the Natick site.
2 Those wetlands are protected public conservation
3 land, protected by the City of Cranston. You have
4 an obligation to see if the wetlands are protected.
5 It's in the Comprehensive Plan. So you need to
6 take this into consideration, ask why haven't they
7 discussed this? Why hasn't your staff talked about
8 this? These are all critical issues. We never
9 hear about them, the staff holding the applicant.
10 Slide.

11 Interconnection impact. I asked about
12 interconnections during the hearings. They said,
13 oh, that's National Grid's problem. They'll take
14 care of that. Well, this is what they did on
15 Lippitt Ave on the left. You can see the scale,
16 the difference in scale between the regular power
17 line and the new power line we got stuck with. On
18 the right is Laten Knight Road. Those poles are
19 about a mile and a half, mile and a quarter from
20 the Hope Road solar site. They had no idea what
21 was coming down in their neighborhood. No one
22 asked them. No one told them. Nothing. Natick
23 Ave is about a mile, 1.2 miles. How many trees are
24 they going to cut down to put those new poles in,
25 because they came to the public works committee and

1 asked to cut down 243 trees to put all these new
2 poles in for Hope and Lippitt. Luckily, we saved
3 about 90 because they're actually on conservation
4 land. One of the reasons we saved them is because
5 State lawyers stepped in and enforced the
6 conservation easements. The city was just going to
7 blow right through it. Only reason we found out --
8 we found out about it, somebody finally went out
9 there and did a survey of the right-of-way on Laten
10 Knight. Every single tree was on conservation
11 land, all 90 of them. Nobody had any idea until we
12 stepped in. Slide.

13 They keep saying this is temporary. It's
14 in the Comprehensive Plan amendment. Does this
15 look temporary to you? There is Lippitt Ave
16 construction project site. All that extra
17 equipment, all that underground wiring.
18 Mr. Palumbo put a project in down in Hopkinton. He
19 went in 2017. The town council talked about it, a
20 60-acre project, he told them it was 200 miles of
21 wire for that project. Even if it's only a hundred
22 miles of wire for Natick, who is really going to
23 come back in 25, 35 years and dig it all up? Does
24 anyone really think that's going to happen,
25 especially now when they're starting to do

1 re-powering, which is basically go in -- after so
2 many years, they go in, put in new panels, new
3 inverters, and extend the life another 15, 20
4 years. So I'm not going to -- these things are not
5 temporary. If somebody puts a building in and
6 tears it down 45, 50 later and replace it, do we
7 call that a temporary building? They say we're
8 building a temporary building? No, we don't. I
9 went to a doctor's appointment one time on
10 Reservoir Ave, I showed up and the building was
11 gone. It turned into a Wendy's. Does anybody call
12 that business building temporary? Of course not.
13 These projects are not temporary whatsoever.

14 Another thing you've got to understand
15 about the Comp Plan, it was drafted by a lawyer for
16 the solar developers of Hope Road. John Bolton.
17 His name's on the draft. It was drafted for solar
18 developers by a solar developer. I took part with
19 Steve Stycos in putting together the solar
20 ordinance. Only problem was that came after the
21 zoning change. So Hope Road didn't have to abide
22 by it, but they said they would, which gave them
23 veto power over whatever you put into it. They had
24 to agree to it or the council wouldn't have passed
25 it. So you're dealing with requirements that were

1 developed by solar developers. A little bit of
2 self-interest there, just a little. Slide.

3 I'm surprised they didn't tell will about
4 this. Engineering knew his record, gave Lippitt
5 Solar the 2019 best energy and industrial project
6 in New England. On the left, there's the
7 representative of CS Energy. They build the
8 project. On the right is a representative from
9 Capstone Partners, they own and operate Lippitt.
10 One reason they got the award, the problems they
11 had, as you can see from the quote, adapting the
12 rugged 108-acre former dairy farm proved
13 particularly challenging as original design
14 drawings did not reflect actual conditions of the
15 sloped, heavily back-filled site. They've been
16 telling Mr. Nybo these are final design drawings.
17 I mean, these are not conceptual drawings. They
18 are final plans. They're not. They're final
19 design drawings. And design drawings always
20 change. You had DEM plans for Lippitt that are on
21 file, onsite, online are not accurate because they
22 made changes after the plans went in to DEM. Same
23 thing's going to happen here. So if anybody tells
24 you these are the final plans is not being honest
25 or truthful or transparent. They know there are

1 going to be changes. They don't know the
2 conditions when they get in there. No one's going
3 to know anything about the ledge until they cut
4 down all the trees and bulldoze it down to the
5 grade, and find out exactly how much ledge there
6 is. That's what happened to Lippitt. Oh, and the
7 engineering for the project was a company called
8 Fuss & O'Neill. Apparently, they did the actual
9 design for the project. I don't know if they're
10 doing it for Natick or not; but if they are, I'm
11 wondering why we haven't heard from them. In terms
12 of grade change, they change about 18 to 20 feet in
13 places. So there's massive grade changes. And
14 speaking of grade changes, what did Mr. Russo tell
15 the folks at the Lippitt hearings. Next slide.

16 The earthwork on site is very minimal
17 compared to a subdivision being on this site.
18 There would be a lot more cutting and filling to
19 get the land properly for a subdivision. That's
20 what we were told at the preliminary plan hearing.
21 Final slide. Does this look like very minimal
22 grading to anyone? That's the entire site. But
23 you can see over in the left corner, top left
24 corner, is where the quarry was. If you look, a
25 lot of that gray material is all the crushed rock.

1 The bottom half of this project was covered with
2 that stuff and they just covered that with mulch.
3 And you see the mulch up on the right-hand side.
4 One thing you're not going to see in this project,
5 in this photo, is topsoil. Mr. Murray and Mr.
6 Russo said they're not going to remove topsoil from
7 the site. Of course not. You can't remove what
8 does not exist. The topsoil is gone. It was
9 obliterated in the process. They can't save it.
10 They can't meet the solar ordinance. They know the
11 top soil's going to be destroyed in the process,
12 and they got proof right in front of them. So why
13 aren't they asking for a variance. Why don't they
14 just come out and say we can't meet this topsoil
15 requirement? Because it was written by John Bolton
16 who was representing a project being built on
17 farmland, which could easily go in, scrape it off,
18 and pile it up. You can't do that when you go in
19 and clear cut 60 acres, 30 acres, bulldoze it, blow
20 it up, and grade it. You just can't save the
21 topsoil. So just come out and admit it and ask for
22 a variance. You just don't ignore these things
23 like it's been done for other projects in this
24 city. They ask for a variance. That's how the
25 process works. And be upfront about this stuff.

1 It's obvious there's no top soil there. I welcome
2 Mr. Murray and Mr. Russo to come up and point it
3 out where it is on this slide. I've never seen it.

4 And as far as the -- mention the
5 subdivision master plan, it's basically everything
6 sited in the top half of this project, which is
7 flat and level. It would have been a wonderful
8 place to raise a family. Now it's gone, as you can
9 see. Just obliterated.

10 Bottom line, Mr. Chairman, they knew about
11 the blasting from the start. Yet they said
12 nothing. They disclosed nothing. They discussed
13 nothing. They came into our neighborhood and blew
14 up 40,000 cubic yards of ledge. In the process,
15 they blew up their credibility. And what's left
16 isn't worth the time and effort to sweep up.

17 Please do not let them do to the Natick
18 neighborhood what they did to ours. Deny this
19 application. And if anyone has any questions about
20 my previous statements, comments, photos,
21 transcripts, or anything else, just please ask.
22 This is no time for silence, which caused so much
23 destruction in our neighborhood. Thank you.

24 CHAIRMAN SMITH: Thank you, Mr. Doe. The
25 gentleman in the white shirt had -- okay. You have

1 the floor, sir. Name and address for the record,
2 please.

3 MR. LAWRENCE: Walter Lawrence, 725 Natick
4 Avenue, Cranston 02921. I've been in the
5 construction business until I retired five, six
6 years ago, 60-some years. I've dug in the earth.
7 I've done a tunnel 400 feet long, 26 -- 26 feet
8 wide, 26 feet deep, 400 feet long, by hand. I was
9 part of that project. I've done many pipes, small
10 pipes, copper pipes, glass pipes, concrete pipes.
11 I've worked on pipes that had ether going through
12 them while I was moving and relocating them. I
13 also had the pipes that bring you back to life.
14 Again, I've built Hurricane House, the first one in
15 the state of Rhode Island back in 1955 after
16 Hurricane Carol. I've worked and dug a bomb
17 shelter in Warwick. Fellow wanted a bomb shelter
18 in back of his house. Then he put a bedroom on top
19 of the thing to disguise it. Myself, I've also
20 moved a cemetery in Warwick on Jefferson Boulevard,
21 historical cemetery dating back to 1789. And they
22 moved it to Pawtuxet Memorial.

23 Now, with that blasting on that solar,
24 even the vibration could set a major disaster. I
25 have pictures here. I have 41 pictures all

1 totaled. This is a picture of one of the rocks
2 that they already hit the pipe, scratched it, and
3 they just buried it. No padding. The pipe is up
4 in the air. This is -- no padding, and it's
5 suspended from one high spot in the trench to the
6 other, which is about maybe 20, 25 feet. Now,
7 that's about 5 inches. That makes a bridge when
8 they come by and back-filled it with the material
9 that -- that was on aside the trench, that fill
10 that's on top of that pipe. I would estimate at a
11 good 33 ton and this pipe is suspended with that
12 right on top of it. Thank you.

13 These are the stones that are directly on
14 top of the pipe. They're maybe 5, 6, maybe 700 to
15 800 pound. Right underneath there is the pipe.
16 This is wood to hold it up, wood underneath the
17 pipe. When that's rotted, what's the pipe going to
18 do with 35 tons on top of it. This is a thing --
19 just what kind of junk, that's a pad from the
20 Caterpillar bulldozer broke. They just buried it.
21 They left welding rods, the white is the welding
22 rods, which the flux has got material, the flux
23 around this rod itself, it's carcinogenic material.
24 And it's in the swamps. There's a pipe before it
25 was buried. They even used a stone to line the

1 pipe, to line it up. This is what they buried.
2 That's a broken drill rod. They just buried along
3 with the other stuff. This is the material they
4 used to backfill. That's the welding rods. How
5 many welding rods they used, I don't know, probably
6 a quarter of a trailer truck load. With all that
7 flux on it is buried in that trench. Now, that
8 flux loosens up with the water. It's polluted the
9 wetlands throughout all Rhode Island, all 70
10 wetlands, they went through is now polluted with
11 flux of these welding rods.

12 And the birds, even the lowly skunk goes
13 over to those wetlands and drinks. Now, say ten
14 years from now, they start developing tumors in the
15 deer, I don't know if it will, and they start
16 dropping over, somebody's going to say, wow, what
17 happened, some kind of disease? Yeah. Probably
18 cancer dropping them off, turkeys, everything,
19 dropping dead after drinking this water. And any
20 shaking of the ground with no padding underneath
21 it, the pipe's going to move. Pipe moves where
22 it's been placed right on top of the ledge that was
23 blasted. I never knew ledge to -- when you blast
24 to have rounded edges. There's always sharp edges.
25 I never seen it with nice round edges so that

1 something could lay on it without gauging it up.
2 There's one in here somewhere that shows the --
3 shows the pipe already collapsed. Here's one
4 that's already damaged before -- before they back
5 filled it. No padding. It's just a tragedy to
6 happen. And when these things blow, some of these
7 pressurized lines, these transmission lines, are
8 750 pound pressure and better. The ones in the
9 street, they cut it down to 200 pounds. Even that
10 makes a heck of a bang. Well, I've got newspaper
11 clippings from one of the Alabama transmission
12 lines going up. There was a medi vac helicopter in
13 the air coming back from a run, and he measured the
14 blast and the flames, 1300 feet in the air, and he
15 was dodging stumps and stones like flack with his
16 altimeter rain at 1300 feet. I expect this line to
17 go any time, any day, any hour. And my house is 75
18 feet away the pipeline itself. Thank you.

19 CHAIRMAN SMITH: Thank you very much for
20 that.

21 MS. LANPHEAR: Mr. Chairman.

22 CHAIRMAN SMITH: Question, Commissioner
23 Lanphear.

24 MS. LANPHEAR: Is it possible, through the
25 Chair, to ask Mr. Lawrence a couple of questions?

1 CHAIRMAN SMITH: You can ask. He doesn't
2 have to answer, but you can ask.

3 MS. LANPHEAR: Mr. Lawrence, thank you for
4 speaking this evening. Do you mind if I ask you a
5 couple of questions?

6 MR. LAWRENCE: No.

7 MS. LANPHEAR: You referred to a number of
8 photographs. Did you personally take those
9 photographs?

10 MR. LAWRENCE: What's that?

11 MS. LANPHEAR: You referred to a number of
12 pictures, photographs. Did you take those
13 photographs?

14 MR. LAWRENCE: Yes.

15 MS. LANPHEAR: You did.

16 MR. LAWRENCE: Yeah. I have video, too,
17 but I didn't bring all 15 of them.

18 MS. LANPHEAR: That's fine. I think what
19 I'm trying to ask is everything that you relayed to
20 us just now are things that you personally
21 observed?

22 MR. LAWRENCE: I personally saw it. And
23 I'm ashamed of my colleagues in Local 271 that he
24 never open their mouths that this is going on. I
25 open my mouth. I called PUC, and a month later,

1 they came up and said that Paul Dressell
2 (phonetic), the inspector, the grass is already
3 grown. They had back-filled it and seed it and
4 everything. A month later, he come up to inspect
5 the line. He come up with a woman. I don't know
6 if she was an employee of the PUC or whether it was
7 his girlfriend, his wife, I do not know. They
8 parked in my yard. They climbed over the wall.
9 She had high heels on and a dress. He had boots
10 on, the work boots, and they climbed over, and they
11 started walking on the right-of-way. He said I
12 don't see nothing wrong with it. Of course, the
13 grass is grown. You can't see underneath the pipe.
14 Lot of help they were.

15 MS. LANPHEAR: Thank you and just one last
16 question. What you observed, was that on your
17 property?

18 MR. LAWRENCE: No. It's 20 feet away.

19 MS. LANPHEAR: And where is your property
20 in relation to the Natick Solar --

21 MR. LAWRENCE: 20 feet away from the
22 pipeline.

23 MS. LANPHEAR: And how close it that to
24 the Natick Solar site.

25 MR. LAWRENCE: That's 75 feet from my

1 house.

2 MS. LANPHEAR: Thank you.

3 MR. LAWRENCE: With backhoes and it's
4 within 500 feet or something of my house, my house
5 is gone. That's my property right there, to the
6 right over here and down. That's it right there.
7 That little square. That little rectangle place
8 used to be where I used to live. I built a house
9 right between the line and that.

10 MS. LANPHEAR: Which is south of the solar
11 panels, correct?

12 MR. LAWRENCE: Correct. I hope Rossi's
13 got enough insurance if that goes on his property
14 or anybody else in the State of Rhode Island
15 because your homeowners does not cover any damage
16 done by this pipeline. I tried. I tried. I
17 called New York. I tried the main office OIS and I
18 wrote a letter, and I have the letter, the
19 reporter's got it, and they do not cover. Go back
20 to your insurance company and see what they can do,
21 and there's none in Rhode Island. There used to be
22 a big insurance company on Cranston Street,
23 Shannigan (phonetic) and something else. And they
24 could not do anything for insurance. Originally,
25 they were going on my property, cutting it right in

1 half. From Rossi, they went right over to my
2 property, cut it in half, and come down 700 feet to
3 Natick Avenue and across originally. And that's
4 the only part of the route that was sent out for
5 public comment. When they switch the route, they
6 never think about public comment. So DEM could not
7 and never did give them a permit to do any
8 construction in that. So it's illegally in there.

9 MS. LANPHEAR: Thank you, Mr. Lawrence.

10 CHAIRMAN SMITH: Thank you very much and
11 I'll call on Mr. Dougherty.

12 MR. DOUGHERTY: Mr. Chairman, I wondered
13 if you could inquire of the blasting expert here
14 whether or not they will excavate to determine
15 condition of the gas pipeline prior to engaging in
16 any blasting on site.

17 CHAIRMAN SMITH: They'll have that
18 opportunity when all the questions are listed.
19 Okay. Who else is -- any other member of the
20 public wish to be heard? Okay, we want to go
21 through all the people who haven't been heard yet
22 and then those who want to be heard a second time,
23 we'll call on those. Okay. This gentleman in the
24 white shirt.

25 MR. MOSES: My name is Vincent Moses. I

1 live at 826 Natick Avenue. I have a statement that
2 I believe the members of the commission received
3 because I had asked it be put in the record. So I
4 would still like to restate -- hopefully you looked
5 at it, read it, felt that it had some merit. But
6 before that, I want to respond to some of the words
7 I heard from the so-called blasting expert. But
8 prior to that, could, Mr. Chairman Smith, I'm just
9 curious as to the identity of the chap that sits at
10 the end to your left, what his title is? Could you
11 share that with me.

12 CHAIRMAN SMITH: The vice -- Robert Coupe?

13 MR. MOSES: No, to the end, the end.

14 CHAIRMAN SMITH: Oh, Stephen Marsella.
15 He's an assistant solicitor for the city.

16 MR. MOSES: He's the chap that was very
17 rude and verbally assaulted Attorney Dougherty at
18 the last meeting, if I'm not mistaken.

19 MR. MARSELLA: No, that's not accurate. I
20 am the person, and I did what I thought was legally
21 correct in order to defend --

22 MR. MOSES: Well, your manner of doing it
23 was in my opinion not very professional.

24 CHAIRMAN SMITH: Sir, sir, sir, please --

25 MR. MARSELLA: That's your opinion. I've

1 been here for 15 years --

2 CHAIRMAN SMITH: Okay. Please. Let's
3 stick to the topic at hand.

4 MR. MOSES: Well, when I do whatever I do,
5 I'd like to be able to identify the person. That's
6 why I asked. Okay, regarding the blasting, am I
7 mistaken, but did this individual who I commend
8 being very forthcoming, did he say they're not yet
9 hired by the developer of this project, or am I --
10 did I not hear correctly?

11 CHAIRMAN SMITH: They'll have an
12 opportunity to respond to all the questions.

13 MR. MOSES: Okay. Well, I'd like to ask
14 that because if they're not -- his company, this
15 Maine Blasting Company is not hired yet by the
16 developer, then what's the validity of his
17 testimony? Okay. If they end up hiring somebody
18 else due to, you know, competitive bidding or
19 whatever. I would also like someone to ask has he
20 ever had his company that he's worked for for I
21 believe 17 plus years ever had any lawsuits for
22 damages due to their, you know, unfortunate damage
23 that caused people harm where they got sued, and
24 what kind of percentage do they have if they're
25 willing to share that information which, you know,

1 might have an impact on the opinion of the
2 committee.

3 All right. So I just wanted to bring out
4 a couple of things and also one last thing. I
5 don't think he ever said anything about sites
6 comparable, when I say comparable, I mean seriously
7 comparable to this proposed site where they've done
8 work, and have had experience. That, I think,
9 should have been asked. Okay. Getting back to
10 what I originally wanted to talk about. The reason
11 why we're here is because of the appeal to Judge
12 Vogel, who clearly saw that the city was wrong in
13 allowing additional enormous numbers of proposal
14 changes to be added without also allowing the
15 public to have the opportunity to respond.
16 Something smells rotten to me.

17 So where we are, thanks to Judge Vogel's
18 ruling, but certainly no thanks to the inexcusable
19 actions and conduct of those responsible city
20 employees whose betrayal of the public trust is
21 beyond belief and strikes at the very heart of our
22 system of governance. To purposely attempt to
23 circumvent and prevent public input on this matter
24 is beyond despicable. Also, do those city
25 employees responsible for permitting the clearly

1 inappropriate and possible illegal action to occur
2 still remain on the city payroll? In my opinion,
3 they should have been terminated immediately for
4 engaging in such conduct to subvert this process,
5 the result of which was clearly designed to be in
6 favor of the developer. Their actions denying of
7 public input, most certainly requires more serious
8 sanctioning far beyond those required under Judge
9 Vogel's ruling. And, again, to whom do these city
10 employees owe their allegiance. Seems abundantly
11 clear to me.

12 Now, to the members of this body, you have
13 the responsibility to vote to approve or deny this
14 project. I urge you one and all to avoid the stain
15 of unclean hands. Do the honorable and justifiable
16 thing and vote no. Consider how this project has
17 been aided and abetted by certain individuals
18 employed by the city to jam it to fruition, despite
19 overwhelming citizen opposition, a Superior Court
20 decision, a council-passed moratorium on such
21 projects, disastrous results from previously
22 approved solar projects, the Lippitt site, disposal
23 issues regarding solar panels, potential damage to
24 wells supplying water to homes in the area from the
25 blasting. The gentleman, they don't deal with

1 wells. I heard him say that. Additional DEM
2 regulations, immeasurable hard to the wildlife.
3 Honorable members of this commission, I urge you to
4 avoid the stench of, manipulation, subversion, and
5 obvious collusion associated with this project, in
6 my opinion. Avoid unclean hands. Vote no.

7 Now, I would also be remiss if I neglected
8 to comment on the Tuesday, February 7th meeting
9 held in these chambers. It was the most
10 convoluted, screwed up mess of an excuse for a
11 meeting of any governmental body in my opinion. A
12 complete lack of regard for the rights of the
13 public to be heard in a timely and appropriate
14 manner. Being subjected to the final and last item
15 on a very lengthy agenda, obviously in the hope
16 that anyone objecting to this project would be so
17 exhausted and numbed by the filibustering type of
18 presentation by the applicant in the hope that the
19 objectors would either leave or just give up the
20 fight.

21 Having numerous presenters for the
22 applicant with their limitless words is a rather
23 clever strategy. At one point, it seemed like we
24 were observing a deposition of a witness by the
25 lawyer and a long time planner for the applicant

1 who are acting out some sort of a Perry Mason
2 episode. Even Chairman Smith had his eyes closed
3 several times during the droning and monotonous
4 presentation of the applicant's accolades. Someone
5 may have even thought they heard some snoring.

6 Okay. Further, please research something
7 in education that I believe Mr. Smith is familiar
8 with, it's called attention span. I don't think
9 that meeting on February 7th certainly didn't fall
10 within the parameters of reasonable attention span.
11 Also, conducting these meetings. There is a
12 document referred to as Roberts' Rules of Order,
13 which may provide some guidance and to how to
14 perhaps limit presentation's time, also allowing
15 for one party to monopolize like has been done over
16 the meetings that I've attended. Okay.

17 Finally, I know you're tired of hearing
18 me. I would like to -- an answer from the advocate
19 side to please cite the benefits, if any, to the
20 residents of this neighborhood and to the citizens
21 of Cranston from this enormously disruptive project
22 other than to the property owner Rossi and to the
23 shareholders of Revity Corp. Having attended most
24 of these meetings on this manner -- on this matter,
25 rather, I have yet to hear any mention of such

1 benefits, just deafening silence. Thank you.

2 CHAIRMAN SMITH: Thank you very much.

3 Anyone else in the public wish to be heard.

4 Gentleman in the -- oh, I'm sorry. I couldn't see
5 you. Yes, please, take the floor.

6 MS. SALTER: Jessica Salter, 6 Vaughn
7 Lane. Good evening. Tonight my comments will
8 almost exclusively reference the Rhode Island
9 Department of Environmental Management document
10 titled, "Freshwater Wetlands Program and Storm
11 Water Construction Permitting Ground Mounted Solar
12 Array Guidance," which was released in June of
13 2021. In DEM's own words, quote, "The purpose of
14 this guidance document is to help design
15 professionals prepare applications that are more
16 likely to satisfy all DEM permitting standards and
17 requirements which, in turn, will facilitate timely
18 and efficient review by Rhode Island DEM. Project
19 designers should consult this guidance document for
20 any project involving a proposal of ground mounted
21 solar arrays in Rhode Island." End quote. The
22 initial portion of the document consolidates many
23 of DEM's tips for smart siting of ground mounted
24 solar arrays. It's important to cull out that the
25 very first note is that, quote, "The clearing of

1 forests and other green spaces, including farmland
2 for the siting of ground mounted solar arrays is
3 strongly discouraged." End quote. Also noted is
4 that DEM, quote, "Discourages the blasting of large
5 areas of ledge, particularly in forested areas that
6 are proposed to be cleared as this can have
7 unanticipated impacts on ground water fed surface
8 waters." End quote. In yet another top tip, DEM
9 states, quote, "Avoid the placement of solar arrays
10 in the vicinity of public and private wells and
11 their associated protective radii." End quote.
12 There's extensive strongly worded language about
13 the placement of ground mounted solar arrays near
14 freshwater wetlands, and the potentially
15 devastating impacts that such projects may have on
16 the surrounding eco systems.

17 And, lastly, I call your attention to
18 DEM's comments regarding land disturbances,
19 including access roads, utility connections, and
20 their potential impact on the wetlands and
21 ultimately to their impact on the potential for a
22 project to even receive successful permitting. I
23 cull out these specific comments as a way of
24 sharing that of the seven top tips that DEM took
25 the effort to note as most important, the Natick

1 Avenue project goes against five. By DEM's
2 suggested guidelines, this project is not one that
3 is encouraged and actually by their wording is
4 strongly discouraged in a number of different focus
5 areas.

6 I also want to cull out the timing of the
7 guidelines I reference today. This guidance was
8 released in June of 2021. That means that this
9 guidance is an informed one. It is informed by the
10 projects that preceded its release, namely, the
11 Lippitt Avenue solar project, which was developed
12 by the same group proposing the Natick project,
13 although now operating under a different name. It
14 is informed by DEM's observations of the impact on
15 the environment then came as a result of these
16 large scale solar projects. It is informed like
17 most governmental guidance by not only our
18 successful ventures, but also the many mistakes
19 that have been made along the way. To not use this
20 document as guidance in the way that it was
21 intended is to acknowledge that we have learned
22 from our previous actions, but that we just don't
23 care.

24 We spend a lot of time and effort
25 collectively talking about the value of the rural

1 nature of western Cranston. That doesn't just mean
2 the importance of having space between housing and
3 ensuring that we protect peaceful green space.
4 That's usually what people think we're referencing,
5 but it's not all there is. It means safeguarding
6 our environmental resources and not falling for the
7 green washing that happens when applicants refer to
8 the clear cutting of dense forest as, quote, "A
9 green project." It means acknowledging that many
10 of western Cranston's residents have the
11 infrastructure burden that accompanies living in a
12 less urban environment, like having wells for water
13 access and it means safeguarding that on behalf on
14 not just the environment, but your constituents.
15 It means taking a stand in determining when a
16 project is not a good fit for the environment or
17 the people of an area.

18 DEM's guidelines tell us clearly that this
19 project is not a good fit for the environment or
20 the people in this area and my hope is that we
21 listen. Thank you.

22 CHAIRMAN SMITH: Thank you very much.
23 Let's see. If there's someone who hasn't -- person
24 on this side of the room who has had their hand up
25 for a number of questions.

1 MS. RAGNO: Hi. My name is Janet Ragno,
2 R-A-G-N-O, 1439 Hope Road. I've been before this
3 group many times, and with mixed results. I hope
4 that finally gets resolved for the -- really the
5 good of Cranston because what I've seen tonight is
6 for the good of Revery and that's what I've heard
7 all along, the good of Ron Rossi who told me out in
8 the hall here, he said, why do you even care about
9 this, Jan? I said, why don't you? And he said,
10 it's money. Okay. And then, you know, as much as
11 I appreciate our unions and I was a union member,
12 they're here for the money in my opinion. And so
13 you know what, then there are the people who are
14 here because we care about Cranston. We care about
15 the community. We care about what we're leaving
16 our children. We care about what's going to happen
17 if we just let it all go. We're not getting it
18 back ever. We can't ever get it back. I have to
19 say I will be more impressed with the city and its
20 response when I see solar panels along 295, when I
21 see solar panels on every public building, on every
22 school, and anywhere that we can put them to show
23 by example.

24 I'm sure this gentleman who came from --
25 who lives right here, I'm sure he has solar panels

1 on his home and he composts and recycles and he
2 does all the right thing for his neighborhood, and
3 that's perfect. We're trying to do the right thing
4 for our neighborhood, and our neighborhood is
5 western Cranston. So just a few -- just a few
6 points because I've spoken about this so much. I'm
7 concerned about not just the fact that this is a
8 money thing, but I live -- I live on Hope Road. I
9 lived through all the construction of all the
10 poles. I remember clearly, Doug and I talking
11 about all the trees that -- the few trees that were
12 going to come down; and there you go, all these
13 trees were cut down on Laten Knight, on Hope Road,
14 right in front of, you know, Lippitt Hill, which is
15 Hope Road going from, like, Lippitt to Seven Mile
16 Road, is on the national historic register.
17 Lippitt Hill is an historic area, and the houses on
18 it, two of them up at the front anyway, are on the
19 national register of historic places. One of them,
20 beautiful farmhouse, a beautiful yellow farmhouse,
21 and they're beautifully kept, and now there is a
22 gray pole, I can't even put my arms around it.
23 It's so big right in front of their home. Is there
24 any consideration for what we have, for the history
25 that we have, for the trees that you can go out

1 there and look at? It just doesn't seem to be to
2 me. And when I heard how many trees they were
3 going to cut down and then heard later because I
4 thought because I'm dumb, I thought that's how many
5 trees would come down, when I heard that it was
6 multiplied several times, I was very concerned
7 because I'm thinking this is my city, where are
8 they protecting us? Where are they? Where are
9 you? Not you, maybe, but who? Who's going to
10 protect us from contractors who come in and change
11 things in the middle but they have a contract and
12 then they come in and things are changed and who's
13 fighting for us? I haven't really seen it to be
14 honest.

15 You know, I spoke with a member last time
16 we were at a meeting here, someone I have known
17 through my work before I retired, and I was a union
18 member, but I spoke with him about Hope Road, that
19 I don't even know, it probably has a name, some
20 cute name, Silver Stream or something, I don't
21 know, but that horrific solar, and I will never say
22 farm installation on Hope Road, that has never been
23 fixed, has never been -- you know, I feel like
24 finding the owners and saying can we just collect
25 some money and I'll help you landscape it or

1 something. It's an atrocity. It's hateful, and I
2 was speaking to him about it and he said, yeah,
3 but, Jan, it could have been a hundred houses.
4 No. It couldn't have been a hundred houses. It
5 was 60 something acres. Couldn't have been a
6 hundred houses, but you know what scared me about
7 that was the misinformation that he's been provided
8 or he's accessed, and somebody's going to make a
9 decision based on misinformation, which saddens me,
10 it's just not fair to anyone.

11 So, you know, the real estate appraiser
12 came last time and he said it's not going to affect
13 your houses. You know what? Have you been down
14 Mystery Farm, have you driven in and taken a right
15 and seen these beautiful homes, and what do they
16 look at every day, a sea of solar panels with light
17 reflecting off, and I said to him would you buy a
18 house there? And he just kind of chuckled,
19 probably thinking would she just shut up, but I
20 said, but really, would you buy a house there?

21 I come from a long line of real estate
22 appraisers. Every male in my family for
23 generations has been a real estate appraiser and we
24 talk about it a lot. If I wouldn't go down there
25 and buy a house with a view of hundreds of solar

1 panels or how many are there, that affects the
2 price, and I don't care how many appraisals you get
3 in here, how many people talking about different
4 states, if you go down there and look and you say
5 to yourself, yeah, I'm not buying a house and
6 looking at this. That affects the price, that
7 affects the value of a home. I don't need anybody
8 to tell me it does or it doesn't. Just use your
9 own common sense. Go look and reach and really be
10 honest and say no, no, I'm not intentionally paying
11 big bucks for a house to look out at that. That's
12 just -- it's common sense.

13 You know, I've been sitting in the back
14 with the guys and, you know, there's a lot of
15 laughter in the back and comments and stuff and I
16 think why, why, why is there representation of
17 people who are not in the city except for maybe one
18 or two who only have that -- their own best
19 interest in mind. What does that have to do with
20 us? We live in Cranston. This is happening to our
21 city. Why are we listening to anybody else? You
22 know, I'm in contact with a lot of union members,
23 and there's not just one aspect of one union that's
24 affected here, but if that's -- that's a deciding
25 factor in this, it's a shame. It really is a

1 shame. I don't know. I guess I'm appealing again
2 for the I don't know how many times to just
3 preserve what we have that's rural, to preserve
4 western Cranston, preserve that lifestyle, to
5 preserve the farmers and the sheep and the horses.
6 We have a horse farm. I can't tell you how many
7 times we've been approached to have -- it turned
8 into a solar installation. No, it's not happening.
9 But you know what, they tell you, they come in and
10 say, but, listen, you get paid as soon as you sign
11 that contract. It doesn't matter if we have to go
12 through the work. We have to get the zoning. We
13 have to get an approval. We have to plan this out.
14 It could take years. But you get paid from day
15 one. I know it's not all that bad sometimes. It's
16 not. It's about taking care of what we have.
17 Thank you.

18 CHAIRMAN SMITH: Thank you very much.
19 Just -- the woman in the back, the very back row.
20 Yes. You.

21 MS. COONEY: My name is Carol Cooney. I
22 live at 8 Eva Lane, and we are about a quarter of a
23 mile from the site. First thing I would like to
24 say is I appreciate everyone here tonight on both
25 sides, and everyone in between. I agree with one

1 of the young men that got up earlier that said we
2 have to figure this out together. No one is a
3 hundred percent right here. We have to figure it
4 out. So I wanted to say that first.

5 We have been in our home for twenty-two
6 years now. We've raised our children here. We've
7 loved our neighborhood. We still do. The other
8 thing I want to tell you is what I do for a living.
9 I am a realtor in Rhode Island. My specialty is in
10 residential sales. Much of my work is in Cranston,
11 specifically in western Cranston. I also sell
12 throughout Rhode Island, but, of late, I've done a
13 lot of work in Cranston. I am very familiar with
14 this particular area for two reasons. I live here,
15 and, secondly, I sell here. My -- just to qualify
16 myself as someone who has done this, you know, a
17 long time, this past 2022, I've had 5.5 million in
18 sales. And none of that's on Facebook. It's all
19 direct referral. I have done a lot of, you know,
20 work with estates in Cranston as well. So for this
21 neighborhood, I see that people don't leave. In
22 this Natick area, people don't leave they just stay
23 there 20, 30, and of late, 40 years. It is a great
24 neighborhood, and the other thing I would like to
25 say, it's my opinion that value -- real estate

1 values will be affected, a hundred percent, I agree
2 with that and that's based on my 15 years of
3 experience as a realtor, 18 years of experience as
4 a realtor. A hundred percent they will be
5 affected.

6 I see it from the beginning, the street,
7 Natick Road, Natick Road is just a beautiful scenic
8 road, and it will totally -- I have buyers that
9 want to buy in Western Cranston, specifically in
10 that area. And nothing against the appraiser who
11 spoke a couple of sessions ago, I'm giving my
12 opinion as a realtor. I worry that our area will
13 no longer be a superior location and that certainly
14 will cut down on our values. I hear it and I see
15 it.

16 At the beginning of the transaction when
17 buyers go into homes, whether it be calling me or
18 going to open houses, they ask the questions,
19 anything going on in this neighborhood? Is there
20 anything I need to know about, whether it's them
21 asking me directly or their representation. I tell
22 them. That's the fair thing to do. And, yes, some
23 people do walk, some people do leave. They don't
24 want to hear about making any bids on houses that
25 have construction going on nearby and, yes, solar

1 farms. I did sell on Eva Lane, my own street. We
2 closed in November, and, you know, there were
3 twelve people that came into my open house and
4 three of them walked away because of what I told
5 him. So now, with certainty, that price, that
6 value, you know, will change.

7 And the other thing I'd like to also say
8 that as far as -- I'm just going to read this
9 because it's personal to me, and it's probably
10 better that I just read it. It's -- the
11 neighborhood is not the place for a solar farm.
12 This neighborhood is not. I'm not saying it's not
13 important to other neighborhoods; but in this
14 neighborhood, it is not. It's -- the buffer that
15 was proposed, it doesn't mean anything to me. It
16 will be beautiful, I'm sure. However, it's what
17 remains behind the buffer that troubles me the
18 most. It's the takedown of the trees, changing,
19 it's changing the fabric of the land, blasting the
20 rocks, and changing the street. This will
21 certainly change that flow of water. Many of us,
22 I'm sure, remember what happened during the flood
23 of 2010. What will happen if the solar farm does
24 go through? Will the land further the road,
25 especially given the fact that the trees and the

1 ledge will be gone. I believe that we can do
2 better. I know change is important, many times,
3 but not here. This is not where change needs to
4 be, not affecting this neighborhood. It's Norman
5 Rockwell like just drive down there at night.
6 People have candles on, even when it's not
7 Christmas time. It's just that type of a
8 neighborhood. I just -- a lot of us have been
9 there for a while, and we've made the sacrifice and
10 paid the taxes to be in that type of a
11 neighborhood. Again, we've made the sacrifice to
12 be there and I believe that it doesn't belong in
13 this area.

14 The other concern that I had, I've done
15 developments out in Smithfield and Burrillville,
16 new construction developments. I've represented
17 the buyer on all accounts, and believe it or not,
18 we came across -- I still do -- recommend a home
19 inspection, even though it's new construction,
20 especially if there's a well, especially if there's
21 a well. All three times radon in water. Radon in
22 the well. I had to address that with the buyers,
23 all three of them. There is a way, but it's
24 expensive. It was a double carbon system that had
25 to be done before we closed. What happens if we

1 didn't test? What happens if we didn't do that?
2 The builder initially does not test for Radon. You
3 have to ask that. We pay for that as part of our
4 home inspection, my buyer, because I recommended
5 that. That's important. So please hear everything
6 and I know you'll do your very best and I
7 appreciate everything. Thank you.

8 CHAIRMAN SMITH: Okay. Let's see. Over
9 in the middle here. Yes.

10 MS. THADAVONG: Hi. My name is Sengphet
11 Thadavong. It's spelled S-E-N-G-P-H-E-T. I live
12 at 25 Valley View Drive. Thank you, Commissioners,
13 for giving me this opportunity to speak. Timely
14 that we have this meeting three days before Earth
15 Day, a day to remind us all that we need to protect
16 the planet from pollution and deforestation, a day
17 to take part in picking up litter and maybe even
18 planting some more trees, which will, in turn,
19 produce oxygen for us to breathe.

20 I've been living in this neighborhood for
21 almost fifteen years. During these years, I cannot
22 count how many times we've lost power due to
23 inclement weather or a small wind storm. Many of
24 these outages stemmed from Natick Ave. Replacing
25 these existing poles with 15 feet higher ones puts

1 our community into an even more vulnerable position
2 than it once was. In the past year, we've seen
3 speeds above 40 to 50 miles per hour regularly and
4 even as 64.4 miles per hour this past December.
5 Imagine the destruction that these poles can do
6 once it's taken down by these strong winds. In the
7 years that I've lived in the community, I've also
8 witnessed several floods along Natick Ave.,
9 including the ones that happened in 2010 where over
10 120 families have -- had to be evacuated by Mayor
11 Fung and first responders. Unfortunately, I, too,
12 have lost property during one of those flooding
13 events. Those that don't live in this area don't
14 realize that due to wetlands, when it rains even a
15 few inches more than normal, we start to see water
16 puddle and flood the street. Clear cutting down
17 almost 30 acres worth of trees means the water that
18 once would have been absorbed by them will flow
19 straight down to Natick Ave. causing potential
20 dangers and property damages.

21 As suggested by the solar farm expert
22 witness, we were asked to envision this property if
23 not used for solar farm, but used for something
24 else, such as housing. Therefore, I took
25 initiative to do some research. Since 2018 when

1 this project was first proposed, compared to today,
2 there's been a drastic change in supply and demand
3 in the housing market. I want to discuss the value
4 in that and possible benefits to the community.
5 Per the Providence Journal, housing supply is
6 critically low and house prices went up 40 percent
7 compared to before the pandemic, with only 864
8 listings compared to the 2,769 in 2019. With this
9 knowledge, there is opportunity for Cranston to be
10 part of the solution. One of -- the solar expert
11 witness mentioned approximately 28 to 32
12 single-family houses can be developed in this 30
13 acres of land. According to Rocket Homes, the
14 median sold price was 374,000 in March of 2023.
15 During my research, the cheapest house listed on
16 Realtor.com. for western Cranston was \$425,000 for
17 a three beds and two-and-a-half-bath house. The
18 most expensive listing was \$1.2 million for a three
19 beds and one bath house with a grand total of
20 fifteen properties listed, 13 houses are pending,
21 one is open for offers, and one is a 23-acre plot
22 of land. I think this proves that there's a lack
23 of availability in housing in western Cranston.

24 The cheapest, newly constructed house with
25 three beds and two-and-a-half beds -- I'm sorry,

1 three beds and two-and-a-half baths is listed for
2 \$769,000 in western Cranston. If there were 32
3 houses built and sold from this plot of land, the
4 sales total can potentially be at least \$24.6
5 million. The city and state would get
6 approximately \$1.7 million in sales tax. Annually,
7 these households would contribute to the city by
8 paying property taxes. The current tax rate in
9 Cranston for a single unit home in 2023 is \$18.51
10 for every \$1,000. The math for only house without
11 land could mean at least an additional \$455,000 --
12 455,000 tax dollars to the city annually.

13 I heard the concern pointed out by one of
14 the solar expert witnesses regarding a strain to a
15 sewer system and public resources. However, I
16 wanted to point out that most houses developed in
17 this area uses a septic system. Therefore, the
18 burden to the sewer system will not be any more
19 than existing homes. Furthermore, these homeowners
20 would pay property taxes which would continue to
21 fund waste management, local first responders, and
22 public schools. It is also highly plausible that
23 they would spend some of their income supporting
24 local businesses in Cranston. In contrast, if the
25 solar farm burst into flames, it, too, will be

1 utilizing these same resources. However, the
2 community and neighbors will not benefit from the
3 solar farm. The power generated from the farm
4 would be sold to energy companies and not
5 supporting the local community. This results into
6 more of a burden on Cranston taxpayers and
7 neighbors than it would benefit us. The scale of
8 the solar farm goes beyond a reasonable residential
9 size. It is a commercial size and belongs in
10 industrial areas. Therefore, I plead with you,
11 commissioners, to please reject this proposal.
12 Thank you.

13 CHAIRMAN SMITH: Thank you very much for
14 those comments. And another person from the back
15 row.

16 MS. MORETTI: Good evening. Thank you,
17 Mr. Chairman, commission members. My name is
18 Kristy Moretti, I live at 595 Natick Avenue. We
19 haven't been residents of this part of Cranston as
20 long as most of the people here. We purchased our
21 home in 2018. It was built in 1963, and we
22 purchased it from the original owners or their
23 family, I should say, that they had passed away.
24 So we are only the second owners of this home. We
25 purchased this house, it was exactly what we were

1 looking for, perfect, five acres of land in the
2 middle of the woods. That's what we expected when
3 we want -- that's what we looked for, that's what
4 we found, that's what we bought. We don't -- we
5 actually don't get any services in the city of
6 Cranston except for our trash pickup because we
7 have a well and a septic system. The only other
8 thing that is provided by the city of Cranston to
9 myself, at least that far up, is a sand barrel in
10 the winter.

11 We don't want to live next to a solar
12 farm. This is not what we anticipated when we
13 purchased our home five years ago. It's very
14 frustrating to think that we're going to clear cut
15 30 acres of land and the only people that are going
16 to have to live with the impact and implications
17 from this project from start to finish and
18 thereafter are those of us that live there. I
19 don't expect an answer, I'm going to ask a
20 question, do any of you live in that area? I'd
21 have to imagine not. So consider those of us that
22 do live there before you make this decision. We
23 are asking you to please reject this application.
24 It does not belong in our neighborhood in a wooded,
25 urban area. Thank you.

1 CHAIRMAN SMITH: Thank you very much.
2 Yes. I'm sorry to keep you waiting, but I just
3 wanted to get everybody who hasn't spoken yet.

4 MS. CLARK: Thank you for allowing me to
5 speak tonight. First of all, we know --

6 THE REPORTER: Your name?

7 MS. CLARK: Rachel Clark, Woodcrest Court.
8 First of all, we know this facility does not belong
9 off Natick because the city reversed its own
10 decision to allow solar in A80. So we know that.
11 The city realized what a huge mistake it had made.
12 But, next, I just want to touch on the issue of
13 fairness. I want to talk about how is it fair that
14 all of the people interested in pushing this
15 project through do not have to suffer any of the
16 consequences or inconveniences. Even Mr. Rossi
17 wants this project as far away from his own house
18 as possible. Not one of these people live next to
19 this or would have to look at this destruction or
20 any of the massive telephone poles. Remind me why
21 they're going down Natick again? How on God's
22 green earth can a tiny, crooked, bumpy road like
23 Natick Ave survive all that is required to remove
24 and replace each of the -- anyone know how many
25 telephone poles there are? There's 47. I hope it

1 doesn't rain, because only the neighbors know how
2 the puddles that pop up on Natick make Narragansett
3 Beach jealous.

4 Our neighborhood is being hijacked by a
5 company with deep pockets and its own agenda. I
6 really enjoy being right but I don't want to come
7 back here, after all of the trees are gone and the
8 devastation has taken hold of our neighborhood, who
9 do we call when the flooding starts, when it
10 freezes, South Sky or whatever their name is now,
11 when one of the cars hit one of these telephone
12 poles on this tiny, twisty little cow path as it's
13 finally called? This is our home. This is where
14 our kids play. We were initially told that this
15 solar manufacturing plant would be a good neighbor.
16 Ask Doug Doe what he thinks. Have they held up
17 their end of the bargain? No new poles, new poles.
18 No blasting. I guess we're blasting now.

19 We are a small state and we should be
20 stewards of the land. These are long-lasting
21 decisions that should not be made quickly. Cities
22 and towns in other states are struggling with the
23 issue of southern sprawl. It has a name now.
24 Solar facilities have a long way to go, and they do
25 not belong in our backyard while everyone's trying

1 to figure this out. Look at California and the
2 hundreds of thousands of Californians who have lost
3 power during rolling blackouts when outages were
4 ordered by the state due to insufficient energy
5 supply.

6 I have family in Texas where their power
7 grid relies heavily on wind and solar. And during
8 the last few snow storm, their power grids were
9 completely shut down. Family members resorted to
10 eating candy bars from convenience stores because
11 supermarkets did not regain power for two weeks.
12 You see when solar panels are covered with inches
13 of snow, they produce zero energy. The power grid
14 is not reliable. Solar facilities do not belong in
15 places like Rhode Island, unlike, you know, the
16 trees that will produce and clean the air and keep
17 the soil in place.

18 As you know, the Tiverton town council put
19 the brakes on their own solar projects and repealed
20 the ordinance. The counsel has plans to amend it
21 stating that we won't have a pretty town anymore if
22 we keep going forward with these projects. And in
23 Portsmouth, the two abutters appealed -- sorry.
24 I'm getting carried away -- abutters appealed to
25 Superior Court after the city went forward with a

1 2.9 megawatt solar project in a residential area.
2 The court concluded that the zoning board exceeded
3 its statutory authority when it declared that a
4 solar facility was permissible in a residential
5 area. The judge ruled that the solar array is most
6 similar to a manufacturing facility because it
7 transforms sunlight into electricity.

8 Manufacturing is expressly prohibited in
9 residential areas. Don't get me started on the
10 property values.

11 Let's talk about our future for a second.
12 After, like, maybe seven minutes of Googling, I
13 read an article called "The Dark Side of Solar."
14 Solar energy is supposed to be green, right, but
15 the problem is solar panel disposal is not
16 green, and it will explode with full force in about
17 two decades and wreck our environment because it is
18 a huge amount of waste. The reality is that there
19 is a problem now, and it is only going to get
20 larger and is expanding rapidly. Contrary to
21 previous assumptions, pollutants such as lead and
22 carcinogenic cadmium can be almost completely
23 washed out of fragments of solar modulators over a
24 period of months by rainwater. Now, do you think
25 maybe these statements were made by, like, rain

1 heretics or global warming deniers? None of the
2 above. Rather, the quote comes from a senior
3 Chinese solar official, a 40-year veteran of the
4 US -- 40-year veteran of the US solar industry.
5 Solar panels do not last forever, and I compare
6 them often to new cars. The moment you drive a new
7 car off the lot, it depreciates. So solar panels
8 lose their effectiveness year after year and that's
9 why, within 20 years, they end up in a landfill.

10 Another article, it's called, "China's
11 Aging Solar Panels," are going to be a big
12 environmental problem. The issue of how to dispose
13 of hazardous waste from aging panels casts a shadow
14 over the drive towards renewable energy, by Steven
15 Cheng. The waste generated by damaged and old
16 solar panels can have dire health effects and
17 economic consequences to people for decades. In
18 fact, the International Renewable Energy Agency in
19 2016 estimated that there is about 260,000 metric
20 tons of solar panel waste in the world at the end
21 of that year, and it is projected that that amount
22 could reach 70 million metric tons by 2015. It is
23 estimated that there are a hundred thousand pounds
24 of cadmium contained in approximately 1. million
25 (sic) in solar panels. Leaching from broken

1 panels, damaged during natural events and during
2 decommissioning, it a big concern for
3 environmentalists. Similarly, the Harvard Business
4 Review estimates by 2035, discarded panels will
5 outweigh new units. So -- by 2.5 times and
6 predicts that disposal cost will increase overall
7 costs of solar energy by a factor of 4. That's
8 from the Manhattan Institute. The quantity of worn
9 out solar panels will constitute double the tonnage
10 of all today's global plastic. Most studies now
11 show that solar farms actually heat up the ambient
12 temperature around its property and the solar
13 panels -- solar facility itself.

14 Some studies have actually shown that
15 exposure -- actually, according to the World Health
16 Organization, there is a health risk of
17 electromagnetic hypersensitivity associated with
18 living near solar farms. This condition is
19 characterized by a range of symptoms that are
20 triggered by exposure to electromagnetic radiation.
21 These symptoms include headache, fatigue, skin
22 rashes, and sleep disturbances. I could go on and
23 on with reasons why not to allow the solar farm,
24 the blasting, the preparation for the land, the
25 adverse effects on the environment, and I know -- I

1 know you're all secretly saying, "Thank, God, this
2 is not going near my house." But let's carefully
3 consider all of the pros and cons before you vote.
4 Wendell Barry said, "To damage the earth is to
5 damage our children."

6 In closing, I'd like to say I've stood in
7 the very same spot many times, saying almost
8 exactly the same thing. And my daughter asked me
9 why it keeps coming back, and I said, "Sometimes
10 when David and Goliath (inaudible) sometimes David
11 wins. Thank you.

12 CHAIRMAN SMITH: Thank you very much.
13 Yes. That's a hand in the back. Yes.

14 MS. TEGNY: Hi, my name is Phyllis Tegny
15 (phonetic). I live on 39 Alden Drive in West
16 Warwick. The street that I live on is a dead end,
17 and it dead-ends at the bottom of the hill that the
18 project drains into. And off Shortway Drive, which
19 is less than a block long, there's also a dead end
20 at the end of Alden. There is the Natick Falls. I
21 don't know if anyone in chambers has ever been
22 there. It is a magnificent -- it is magnificent,
23 pristine, wonderful. Take a walk there. You'll --
24 your nervous system will thank you.

25 So to back up to the project, has anyone

1 in this chamber been down the stretch of Natick
2 Road or Natick Avenue where this project is? It's
3 very rural. It's quite lovely. There's a historic
4 farm directly across the street. Does Cranston
5 care about its historic district? Does that afford
6 it any kind of a special dispensation from the
7 city? Where about the inappropriateness of this
8 site? I mean besides the historic district, it's
9 also a conservation district. Does that mean
10 anything? If the wetlands -- I can't remember
11 the -- wetlands treatment plant -- plan or whatever
12 they call it, if it goes awry, it will drain right
13 into that waterfall. It will ruin it. It's
14 gorgeous. You have to go there. Most people don't
15 even know about it in the neighborhood.

16 I was working at the poles last November and I
17 was talking to one of my neighbors and we were
18 talking about the waterfall and this lady walked by
19 and she heard us and she said I just found out
20 about the waterfall. I've lived here for sixteen
21 years. My kids found it. She's, like, I was so
22 pissed that no one had told me about it. It's
23 gorgeous. I mean, these are neighborhood treasures
24 that are going to be basically squandered. The
25 Hurricane Hills farm which is just beautiful open

1 space, historic, directly across the street, I
2 mean, that's just -- that makes my brain hurt.
3 Just drive through there, please, before you vote.
4 Give yourself the eyeful that you will be ruining.
5 Thank you.

6 CHAIRMAN SMITH: Thank you very much.
7 Yes, in the back here.

8 MS. THIBODEAU: Hi. I'm going to be
9 short. My name is Heather Thibodeau. I live at
10 137 Blackamore Ave. It's not in western Cranston.
11 It's right down the street, but I wanted to say
12 something about water. Trees, in addition to
13 absorbing water for flooding, they also filter our
14 water, and the Scituate Reservoir is impacted by
15 that filtering. So when we cut down trees in
16 western Cranston, we are -- we are impacting the
17 cleanliness of the water that we all drink. So I
18 just wanted to put that out there. One for the
19 trees. Thank you.

20 CHAIRMAN SMITH: Thank you. Anyone --
21 yes, the gentleman over here.

22 MR. KLITZNER: Mike Klitzner, 1410 Hope
23 Road. I was raised on Natick Avenue at 627. I
24 splashed around in the waterfall that was just
25 spoken about. It was a beautiful section of town

1 that we all live in in the city of Cranston. The
2 other thing that wasn't brought up tonight is the
3 transmission lines that are coming out of Natick
4 Avenue. Natick Avenue was highlighted, but it's
5 also going to make its way, if I'm not mistaken, up
6 to Laten Knight Road, which I travel every day back
7 and forth, down Hope, Laten Knight, depending on
8 where I'm going.

9 I also see the devastation through the
10 historic district just beyond my house that these
11 massive poles, they come up Lippitt Avenue, turn
12 left onto Hope, take another right down Laten
13 Knight Road. Eyesores. Devastation of numerous
14 trees and forestation, and it was always a
15 beautiful thing in the window when we did have
16 snow, the canopy that was developed when we had the
17 snow on the trees. It's a beautiful area. It's
18 tough to sit there and watch it be devastated, and
19 to put a monetary gain on taking away land that we
20 can never replace and everything that's about the
21 piece of property. I drive by the Hope Road solar
22 installation every day. It's horrible. It's a
23 shame that that was allowed to happen without any
24 buffer, coverage, or any way to conceal it. It
25 also, in its construction phase, plugged up the

1 pond that also flows into that babbling waterfall
2 that was spoken about. They're not done right,
3 they're not maintained. I mean, there's no
4 vegetation to block our view as we travel up on
5 Hope Road to see the solar installation that's
6 there, that once was a beautiful tree farm. You
7 would have thought that when the project was done,
8 they would take the trees and harvest them and
9 create a buffer. No. They ground them up into
10 wood chips and spread them out, and I don't believe
11 that the opening that is existing was the planned
12 opening. It's probably 200 feet in width. It's an
13 eyesore. It's a gravel stone road into this
14 facility. You really need to take care of what
15 you're talking about and when you make things that
16 are eyesores, they shouldn't be. They should be
17 camouflaged. And to take this from Natick Avenue
18 all the way up to Laten Knight Road and devastate
19 the roadways on either side putting in the poles to
20 transfer the power from Natick Avenue up to Laten
21 Knight transfer station is really going to have an
22 impact on Wilbur Avenue up to Phenix and so on and
23 up Hope, and take a right on Pippin Orchard Road
24 then a left on Laten Knight. Massive poles much
25 taller than the existing. The canopy is going to

1 be disturbed; and, again, I say the monetary gain
2 from the devastation of whatever the size of this
3 property is, 37 acres, it shouldn't happen. It
4 should not be allowed, and I would like you to
5 reject this proposal. Thank you.

6 CHAIRMAN SMITH: Thank you. Yes, in the
7 front.

8 MS. PATTEN: Good evening, Commissioners.
9 Drake Patten, 684 Natick Avenue. Tonight I'm going
10 to talk to you in two different roles, one as some
11 of you know who have been here, I'm one of the
12 representatives of the community, and I will be
13 presenting on behalf of our group. But first I'd
14 like to take a point of privilege and talk about
15 something that is a little more personal to me
16 that's been referenced tonight a few times, and I'm
17 appearing tonight as -- in my professional role,
18 which is as an archeologist and historian and
19 anthropologist, that's my training. Haven't ever
20 touched on that in the five years or going into
21 five years that we're been here, but that is what I
22 come from.

23 So I'm not sure if everyone's aware that
24 as part of the City of Cranston's development
25 application process, there's a checklist that

1 everyone works with. Items on that list and any
2 items that the checklist prompts for additional
3 information are required to be submitted so as to
4 achieve the certificate of completeness. Probably
5 aware of those stages. That document fixes the
6 application vested and we heard a lot of defense
7 about the concept of vesting from the applicant
8 and -- it's the discussion. That's not my purpose
9 tonight. I just want to lay out what I'm coming
10 from.

11 Three lines up from the bottom on the
12 applicant's checklist, there's a check box that was
13 left blank. No other check box in the entire
14 checklist is blank. The check box is labeled
15 RIHPC, for a potential historic archeological
16 significant site. It's unclear why this box was
17 left unchecked or how the checklist incomplete
18 state may or may not relate to the status of the
19 certificate of completeness. It seems like an
20 important question for you to answer but, again,
21 not my purpose. I'm hear to fill in that blank and
22 provide related information for your benefit.

23 First, I want to be clear that there is no
24 obligation for a private applicant to care about
25 the presence or absence of historical or

1 archeological sites or even perspective sites other
2 than to adhere to any and all legal protections of
3 known sites and/or importantly to seek work and
4 report evidence that may be discovered during
5 construction. At the same time, the applicant does
6 have the obligation to confirm or deny the presence
7 of historic and cultural resources for the purpose
8 of your review. So I respectfully direct your
9 attention to the Comp. Plan's Element 5A, historic
10 preservation goals. It reads as follows: Protect
11 and preserve properties that have historic and
12 archeological -- sorry -- historic and
13 architectural significance as well as known and
14 suspected archeological site cemeteries,
15 engineering structures, and city-owned properties.
16 And I just want to note that in that world,
17 engineer project include roads. The Comprehensive
18 Plan further states that under historic
19 preservation element key strategies, another key
20 issue that must be understood when considering
21 historic preservation is that the definition of
22 historic resource not only incorporates specific
23 buildings and structures, but also districts,
24 cemeteries, and landscapes. That's CCP 2010,
25 Section 5A.

1 So how does this relate to your review?
2 Phases that are potential project impacts to
3 historical and/or archeological resources may be
4 triggered by certain conditions, especially the use
5 of Federal funds in construction. For the Natick
6 Site, this requirement was triggered when Tennessee
7 and Providence Gas took over 36 miles of Rhode
8 Islanders' property by condemnation to build their
9 transmission line. They were required to undertake
10 minimal a Phase 1 cultural resource survey. And by
11 way of explanation, this is a bird's eye view.
12 You're just diving in and you're looking at
13 existing.

14 Research, information that might be in the
15 public domain, in private collections. It often
16 involves oral histories, interviews, all kinds of
17 things. And the goal of that Phase 1 is to --
18 really to identify new sites and evaluate the risks
19 to them, but also Phase 1 may send you back to
20 another site that's known of, might tell you to do
21 a little more research.

22 So, in the case of the Natick -- proposed
23 Natick site, that Phase 1 survey of the pipeline
24 revealed new data and certain known Cranston sites
25 in areas were elevated to Phase 2 investigation.

1 And two of those are directly abutting the proposed
2 project site. Now, there was as little mention
3 tonight of Hurricane Hill Farm. There was mention
4 of the road quite a bit, and that's what we're
5 talking about here.

6 So prior to the Tennessee Gas
7 investigation, the section running along the full
8 length of the proposed solar project area was
9 already part of a mile's plus stretch of road and
10 structures designated eligible for national
11 register of historic places status due to the pre
12 and post revolutionary historic significance of two
13 related farmhouses that are still in use today.
14 Those two properties, the Thomas Baker farm and the
15 Henry Baker farm, are both direct abutters to the
16 project. The combined Baker farms once stretched
17 north to Wilbur Avenue, south into modern West
18 Warwick, west to Phenix Avenue, and east all the
19 way to what is now Route 2 and included that
20 waterfall that you just heard about. Also known
21 of, prior to the Phase 1 survey, was the presence
22 of the foundations of a national historic register
23 property known as the Potter-Remington house along
24 with two recorded historic cemeteries. And I want
25 to note that the applicant has marked the presence

1 of both those cemeteries on their plans.

2 Fast forwarding to 1991, the Phase 1 and
3 Phase 2 studies for the pipeline reconfirm that the
4 pipeline and its surrounds contain archeological
5 evidence of pre-contact late woodland and pre- and
6 post-contact Narragansett activities. For the
7 Natick Avenue area, this is specifically related to
8 the abundant waters of the Meshanticut watershed
9 and other locally available natural resources
10 including steatite for stone vessels and pipes.
11 Additionally, these studies culled out the presence
12 of long lengths of running stone walls on the
13 proposed site, including one wall that was
14 anticipated to be impacted by the pipeline. As an
15 example of how these phase studies are applied,
16 that section of wall was referred for mitigation
17 and rebuilding subsequent to the pipeline
18 construction. And as you probably know, we do
19 protect our stone walls in Rhode Island. They are
20 legally protected.

21 The Phase 2 survey also specifically
22 addressed the status of the Thomas Baker farm
23 directly west of the proposed site. That's my
24 farm, raising its status to also include national
25 register eligibility as a single property. This

1 recommendation was based not only on its well
2 preserved representative example of a mid 18th
3 century house, but most importantly for its intact
4 historical landscape with broad vistas, open
5 fields, woodlands, and a variety of features such
6 as stone walls and structural remains. The report
7 further states, the farm may also be expected to
8 contain associated subsurface archeological
9 evidence of past land use. The report references
10 two cemeteries, which are on the property I now
11 own.

12 In 1991, the research area included
13 acreage no longer owned by the farm today, acreage
14 that is on the east side of Natick Road, both
15 abutting and part of the proposed project site.
16 While only one of those acres remains part of the
17 original Thomas Baker farm today, the Phase 2
18 survey and the eligibility research still applies
19 to those lands, regardless of ownership. Finally,
20 the Phase 2 study specifically culls out Natick
21 Avenue as having been established as early as 1748,
22 and not appreciably widened, and I'm quoting,
23 since. The study noted that the protective
24 stone walls that line Natick Avenue and made --
25 noted the protected walls and made mention of the

1 ledge that is also part of the road. And you've
2 heard that tonight. We're a tiny road, and we are
3 built, in part, the road is built into ledge. In
4 lay terms, the road is an example of engineering
5 structures as mentioned in the Comprehensive Plan
6 under historic preservation goals I quoted earlier.
7 This status was further codified by the City of
8 Cranston when it designated Natick as a scenic
9 route with special setback requirements. And as a
10 neighbor said tonight, why are we not paying
11 attention to that.

12 Since the 1991 study, the Baker Farm has
13 been placed into permanent conservation by the
14 Federal Government with the City of Cranston acting
15 as its local agent. This was accomplished in 2012
16 as part of meeting the Comprehensive Plan goals for
17 western Cranston and working within the future land
18 use map that you all are aware of and is part of
19 the work you do. Cranston open space monies were
20 used for the city's portion of the purchase of the
21 farm's development rights and then the farm was
22 bought privately by my family in 2014. Our goal
23 was in keeping with the desire of the city, which
24 was to restore the farm as a working farm.

25 Today, we have achieved that goal. The

1 farm is managed as a rare breed fiber farm with a
2 land lease element supporting local farmers, a farm
3 state program that supports eco tourism and hosts
4 educational opportunities focusing on local
5 agriculture, its history, land conservation and the
6 role of wool as a sustainable and renewable farm
7 product. The farm also maintains and protects one
8 of only two remaining cemeteries of enslaved
9 peoples, both African and indigenous left in
10 Cranston. The farm is in its ninth year of habitat
11 restoration as recommended by the Base Lane
12 (phonetic) report that supported its initial
13 conservation. That report's existing condition
14 data revealed significant opportunity to restore
15 and protect diverse species habitat, an opportunity
16 my husband and myself have embraced and exceeded.
17 This restoration specifically focused on protecting
18 the agricultural and historic view sheds recognized
19 for their significance in '91 and again in 2012
20 when the farm was conserved.

21 Now you understand a little bit more about
22 the historic significance of the context of the
23 proposed site, I want to return to the gap in that
24 checklist. As evidenced tonight, the site is not
25 without potential, as the checklist silence on the

1 matter might suggest. The checklist refers any
2 applicant to the Rhode Island Historic Preservation
3 Commission, the body charged with protecting our
4 historical, archeological, and cultural resources.
5 That is the minimal requirement that must be met.
6 I have confirmed that the RAHPC was not contacted
7 regarding this application. Certainly, things can
8 be overlooked from time to time and a possible
9 oversight on the part of the applicant is to be
10 understood, but this should not have been ignored
11 by staff given the significant role the planning
12 department has had in the preservation and
13 conservation of the Baker farm, including their
14 requirement to annually inspect the farm for
15 compliance with its easement. The city also has an
16 Historic District Commission whose expertise staff
17 could have brought to bear on this project.
18 Although I note that according to the city's
19 website, it is currently an almost vacant
20 commission, with only one listed number. So I'm
21 not really sure what their status is. We also have
22 the Cranston Historical Society that has lots of
23 information on the Baker farm; and, of course,
24 there is always the Internet.

25 Given the documented historical

1 significance of the project's cultural context, not
2 to mention the documented potential for
3 archeological evidence on the site. I ask that you
4 address the checklist in sufficiency and ask for
5 any and all submissions to meet all historical and
6 cultural significant -- significant requirements
7 that apply.

8 So I'm now taking off my archeology hat
9 and -- yeah. Have a copy here for everyone on the
10 commission and also for you so you don't worry
11 about me talking too fast. Again, I want to make
12 it clear that I am speaking on behalf of our group,
13 and I know we've been here a long time tonight.
14 We've been here a lot of years. Some of you are
15 quite new to his, and I'm sure there'll be a robust
16 conversation at the end because you must have so
17 many questions, given how significant this project
18 is and its passage of travel. But I want to point
19 out the people in this room who have been coming
20 here consistently, into our fifth year, Everybody
21 is, even some people who aren't here tonight,
22 because child care, life, elderly parents. They've
23 been coming here because this is serious to us, and
24 you heard emotion tonight because we feel emotion.
25 And I respect what you do. I was a planning

1 commissioner in Providence, so actually probably
2 get it better than most of the folks in my group.
3 But I get it. So I want to remind you how
4 important these decisions are, and how important
5 the citizen input is and this group is
6 extraordinary.

7 On February 7, Attorney Nybo characterized
8 our group as unreasonable and instructionist by
9 saying, and I quote, "I respectfully caution the
10 commission with respect to any suggestion by the
11 abutters that they want a better project.

12 Ultimately, the request of abutters is not going to
13 be for a better project." This is not the first
14 time the applicant has profiled our community group
15 in this matter. We're tired of these attempts at
16 intimidation.

17 The truth is we are in our fifth year of
18 showing up to protect not only our immediate
19 neighborhood but the wider community as well. In
20 evidence of that, consider our fight despite our
21 own loss at master plan for a solar moratorium and
22 for the subsequent repeal and replacement of the
23 original solar ordinance. We didn't just care
24 about where we lived. We care about the whole of
25 where we live. We replaced that original ordinance

1 with one fully responsible to climate change and
2 the city and where we live. And while we were
3 still involved in this matter, we were also
4 testifying at the state level and volunteering
5 other communities as they faced the head winds of
6 the solar gold rush. We take no issue with a
7 business doing business. What we take issue with
8 is where it's doing its business. Having a
9 different perspective on a matter and showing up to
10 defend it with purpose and fact defines civic duty
11 for us. If Attorney Nybo and the applicant take
12 with that, we can't help them.

13 Our community group has been comitted to
14 collaborating with the city and the applicant from
15 the very beginning of this project's travel in late
16 2018. Imagine how long this has been. This is
17 perhaps exemplified by a list of requests we put
18 forth in the original master plan process, Exhibit
19 1 in your package.

20 While its contents were disparaged and our
21 document was labeled a manifesto by the applicant's
22 lawyer, then members of this commission found many
23 of our requests compelling enough to make them
24 conditions of master plan approval. Today, many of
25 the current concerns remain closely tied to that

1 original list. Some things have changed, but some
2 have not. Time has not been the applicant's
3 friend. Not only have we learned so much about the
4 impact of these types of projects once they are
5 built and operational, but the wider world has
6 matured in its thinking about commercial solar
7 siting. In short, we no longer need to guess about
8 the outcomes of this project, or use data from
9 other parts of the country, or look around and try
10 to find something. We simply need to look right
11 here in our own community.

12 You've heard about this from other folks
13 tonight. Countless municipalities have struggled
14 with a myriad of unanticipated impacts from
15 commercial solar, and many have turned, as we did,
16 to moratorium and stricter solar ordinances. The
17 State of Rhode Island Office of Energy, the
18 Statewide Planning Division and Department of the
19 Environment, you heard from Ms. Salter tonight,
20 have all worked in collaboration with multiple
21 stakeholders to create guidelines and guidance
22 documents to support cities and towns as they
23 tackle this new form of land use. Many of these
24 guidelines focus in issues of siting and the impact
25 to natural resources, and existing land uses.

1 Issues that speak loudly to our groups' concerns
2 around the Natick project.

3 In what follows, we make our best effort
4 to explain and support areas of concern for our
5 community group and we ask the commission to take
6 them into account as you deliberate. We fully
7 understand that your purview is limited, and we
8 make every attempt to restrict our comments to
9 aspects of this project that fall within those
10 confines. When we appear to stray, we will say so
11 and we will explain why.

12 The proposed site off Natick Ave is part
13 of an established residential neighborhood of first
14 and forever homes. You heard about that, too,
15 tonight. And we have one co-op community that's an
16 abutter. It is located along a road the city has
17 codified as a scenic route with special setback
18 requirement, a road so rural it has been called a
19 cow path by a former public works director. The
20 hilly and steeply sloped area is covered in ledge
21 and boulder. It is also forested, specifically
22 with forest that's unfragmented, making it a
23 designated Rhode Island conservation opportunity
24 area that provides critical habitat and carbon
25 offset for our community. Exhibit 2.

1 The large swamp and its wetland runs both
2 south along Natick Ave towards West Warwick and
3 almost due west under the road to join a large
4 wetland along 295 and subsequently meets up with
5 the Pawtuxet River and eventually the Bay. Part of
6 the protected Meshanticut Watershed, this extensive
7 swamp wetland supports various aquatic life and
8 fills our community with the sound of peepers and
9 frogs. Muskrat excavate their dens along the
10 water's edge. The adjoining woods and fields are
11 host to many other species including bobcat, fox,
12 coyote, deer, raccoon, skunk, groundhog, mink, and
13 rabbit. Sometimes they don't all get along as you
14 can imagine. Hawks, turkey vultures, and the
15 extraordinary American Crow nest in the forest.
16 The diverse population of small, wild, and
17 songbirds, too numerous to list here, is one of
18 abundance. The project abutting the section of
19 Natick Avenue is also part of a historic district I
20 just spoke to you about. One of the farms, which I
21 talked about, is part of what the city has done to
22 conserve nature, and I really want to make sure you
23 understand that that was left out completely of the
24 application. You will see in Exhibit 3 that refers
25 to that.

1 Finally, the proposed site runs adjacent
2 to a high pressure gas transmission line that
3 you've heard about as well and we will discuss that
4 a little bit more in this document in detail. That
5 1990's project when the gas line went in involved
6 extensive property condemnation and taking by
7 eminent domain, permanently destroying a large
8 section of forest at the proposed site and
9 violating and destroying a part of the same large
10 wetland swamp described above. So Mr. Lawrence
11 addressed that tonight with photographs he took at
12 the time, and it was a violation of the wetland
13 that DEM never did anything about. But,
14 essentially, it has fragmented the wetland, which
15 would have run directly north/south along Natick.

16 All right. So we're going to get to some
17 stuff that's in your purview and you're going to
18 love this. Lots and lot use. The proposed project
19 is requested to build -- to be built on a leased
20 area of Cranston Plat 22, Lots 108 and 119. The
21 applicants and planning have both variously and
22 inconsistently represented the size of these lots
23 and the project itself. But we choose to work with
24 the assessor's records, for a total 61.87 acres for
25 the combined lots. The applicant's proposal has

1 also variously listed the solar installation's
2 project as comprising of 29.7 acres, 27.3 acres,
3 mostly recently 23.3 acres. For the March 20th
4 meeting, planning listed the project at -- planning
5 listed the project at 30 acres. So it's a little
6 confusing, but there's an example in there, Exhibit
7 4, that should show you the various lists of, you
8 know, acreage that we've had. We'd actually like
9 to know which of the numbers are correct. These
10 numbers matter because our municipal code includes
11 percentage standards for development and landscape
12 coverage based on the size of the lot you're
13 working with. To this point, we remain confused by
14 the various ways that lot and project have been
15 handled by the applicant and the city. Back in
16 2018 and early 2019, we were told, for example,
17 that although the applicant was only leasing a
18 portion of the two lots being discussed, aspects of
19 the current conditions outside the leased area of
20 the lots would remain as was, creating a de facto
21 percentage of buffer, especially for those
22 properties to the west/northwest. In the
23 intervening years, the applicant has stated that
24 they have said no control over anything outside the
25 leased area, and the lesser may do as he pleases.

1 These details matter because the applicant's
2 relentless presentation -- because of the
3 applicant's relentless presentative of what we, in
4 our group, refer to as the housing threat. This
5 began in late 2018 at an applicant-hosted community
6 meeting where attendees were presented with the
7 spectra of housing lots in question. For those of
8 us paying attention to zoning, the generic
9 subdivision drawings showed far too many houses for
10 an A80 zone, but the intention of its display was
11 clear. The strategy has been repeated from time to
12 time, including most recently on February 7 when a
13 great deal of time was spent talking about houses
14 being the only alterative to the proposed.

15 Our group sees that for the canard it is.
16 We're zoning A80, meaning housing is allowed by
17 code and, yes, we are well acquainted with the
18 city's argument over city services and the number
19 of half children it will add to the schools. They
20 also know that when a development is desired, those
21 two things do seem to vanish. Until Cranston
22 conducts an actual housing demographic census and
23 does the appropriate cut fills on city services or
24 perhaps finally update the expired Comprehensive
25 Plan, how these remain among the uses allowed in

1 A80 and we're fine with that.

2 Mr. Nybo thoughtfully pointed out that
3 Cranston needs housing. We agree, especially
4 affordable housing. Unfortunately, our
5 neighborhood alone won't be able to fill that need.
6 Despite Mr. Pimentel's claim of between 20 and 30
7 houses, and I quote, "As far as we can calculate
8 using the assessor's records for accuracy, if
9 anyone did take on developing housing on steep
10 slope and ledge, no one has done to date I want to
11 point out, the maximum possible build out would be
12 ten homes." Even just using basic math on the most
13 recent of the applicant's various acreage
14 presentation, about 26 acres, as opposed to the
15 assessor's, the maximum development in A80,
16 assuming no roads or other infrastructure at all
17 would be 13. Simple math, 26 divided by 2. We
18 have no idea how Mr. Pimentel came up with 32.
19 With all these gray areas, it seems that for
20 clarity sake, we might turn to the lease between
21 the property owner and the applicant since, as a
22 legal binding document, it should be specific as to
23 the relevant details. That would be Exhibit 5 in
24 your package.

25 Unfortunately, while the lease does codify

1 the applicant's physical leased area, 27 acres, it
2 only raises additional concerns and questions. The
3 lease outlines additional current uses of the non
4 leased areas of 108 and 119 as a combination of
5 nursery yard, which is Rossi Excavation, and then
6 the following future uses commercial solar
7 improving. This last surprising use for housing
8 appears to be confirmed by a new road recently
9 permitted by DEM and a recorded grant of easement
10 from the owner to National Grid for an overhead
11 distribution system. Both the new road and the
12 electricity easement seem to be stand-ins for a
13 road that was part of the 2021 solar plan, but
14 suddenly disappeared after DEM inquiry in January
15 of '21. The applicant has variously labeled this
16 now missing road as an access road, a trail, and
17 even not a road.

18 Turning again to the lease, we seem to
19 have some part of an answer as to the now
20 disappeared road. The lease describes the original
21 road as overlapping the pipeline right of way and,
22 quote, "To access and furnish utilities to that
23 portion of the property not included in the
24 premises." Two, "To access and furnish utilities
25 to other property owned by lessor or its

1 affiliates, namely, Lot 119 and 133, and any
2 adjacent property acquired by the lessor, including
3 all uses that may be necessary or convenient to the
4 development of houses on Parcel A." With these
5 multiple current and future uses, including one
6 current use that is not even allowed in A80, the
7 question must be raised as to how the property will
8 be treated moving forward for, A, the purpose of
9 determining if the applicant meets various
10 requirements including but not limited to Rhode
11 Island General Laws 45-23-16, landscape coverage
12 standard and lot development standards and, B, the
13 assessment of taxes.

14 How, for example, will the now revealed
15 future addition of housing west of the installation
16 be treated for the purposes of findings of fact
17 presented by staff. For example, would all
18 staff-presented findings of fact that have been
19 given to you still stand?

20 Finally, we understand that assessments
21 and taxes are not in your purview, and I promised
22 we'd say why we were getting outside of your
23 purview. We also know that economic impact is
24 among the considerations raised regularly in many,
25 if not most commission proceedings. The

1 Comprehensive Plan defines these concerns in many
2 of its elements, especially the economic
3 development goals. Therefore, we draw your
4 attention to a recent 2022 Rhode Island bill that
5 fixes the valuation and assessment of real property
6 on which commercial solar is installed to its
7 previous values. Based on this, there may be no
8 reassessment as to actual new use of the land. And
9 specifically for farmland, it reads, land shall
10 revert to the last assessed value immediately prior
11 to the renewal developer's purchasing, leasing,
12 securing an option, et cetera. Given what we now
13 know, does the developer's once promised tax
14 revenue and its economic argument still hold
15 development and landscape standards specifically.

16 I want to talk about the buffer. Despite
17 the applicant's continued claims that they have
18 gone above and beyond the city's requirement as it
19 relates to buffering, the site and despite our
20 community contributions to the conditioned ad hoc
21 landscape committee, I was a member along with Dan
22 Zevon, this project does not include an adequate
23 buffer for the standards set forth in your
24 development and landscaping standards. It must be
25 noted that's the applicant's first landscape. And

1 we didn't love that. To remedy this, the ad hoc
2 landscape committee was afforded three short
3 meetings, hardly the copious number described by
4 Attorney Nybo, with a tight deadline to receive
5 community feedback at the end of it. As
6 community-elected representatives, Dan Zevon and I
7 concur that even though the result of these
8 meetings created much better than a fence, that
9 wasn't hard. The new plan, which I have to say has
10 diminished as time has gone on and the project has
11 continued to change, failed to meet the standards
12 required. There is a simple reason for that. It
13 can't be done. It can't be done when also
14 providing applicant with what they need. According
15 to the above-referenced lease between the applicant
16 and the owner, nothing can be planted or built
17 along the western face of the installation. This
18 is due to insulation. Insulation refers to the
19 shading of panels. Insulation.

20 The lease states specifically that SSRE,
21 the old name of Revity, shall have the right to
22 remove trees on the west side of the property
23 during the construction of the solar field as
24 follows: SSRE shall have the right to remove trees
25 on the property within the area lining 100 feet to

1 the west boundary line of the premises that
2 interfere with the insulation. First, this clause
3 restricts the lessor's actions so as to provide no
4 guarantee of a buffer. Second, if a buffer could
5 be successfully designed, it would fall outside the
6 control of the applicant, resulting in future
7 conditions that can only occur if the lessor agrees
8 to maintain a buffer on land that we now know he
9 intends to develop into housing. This is
10 confusing. The applicant simply cannot claim
11 control of that area also and currently remove the
12 possibility of a buffer based on insulation and
13 therefore cannot guarantee a buffer.

14 Second, the southern face of the solar
15 installation abuts an already cleared easement
16 maintained for the gas line you heard about
17 tonight. The applicant's site plans note tree
18 removal, stumps to remain, within the leased area
19 presumably for the same reason of insulation. The
20 significance of shading on this space of the solar
21 installation is underlined with the applicant's
22 earlier request to abutters Walter and Claire
23 Lawrence to top their tree. They declined, and by
24 the presented landscape plans that restrict choice
25 and height of species. So we have a buffer plan

1 that simultaneously plants things and then says
2 they can't be very tall and we're going to cut them
3 if they get too tall.

4 Although we trust -- we trust -- I'm going
5 to shorten it here -- that when I've already cut
6 limbs off of trees, the owner of the property has
7 already cut limbs off of trees belonging to others
8 that overhang the southern face of the easement.
9 He has a right to do that. And we assume that that
10 is to sort of to get ready for the eventual need to
11 tree top. But some of these trees are now already
12 dying. And they will die if that kind of trimming
13 continues to go on. All of these actions
14 essentially combine so as to remove any form of
15 buffer efficacy, creating a final plan that is not
16 for those affected by the project, but rather one
17 for the benefit of the applicant alone.

18 Third, on the southwestern and middle
19 western face, the applicant added then subtracted
20 landscape detail. The reasons for this are unknown
21 to us, but insulation is also suspected as well as
22 the pure fact that the severity of the slope in
23 that area combine with wetland setback would not
24 allow for a realistic buffer to be established.
25 While the northwest corner and north face of the

1 installation both retain a defined landscape plan,
2 the standards demand a comprehensive buffer. The
3 entirety of the project must be addressed, not
4 simply small sections of its borders as desired by
5 the applicant. You need to answer how this project
6 will mitigate environmental, visual, and other
7 impacts by requiring adequate buffering. Going
8 back to the law question raised above, how do you
9 calculate 15 percent of landscape coverage if you
10 don't know what 100 percent is? To review, the
11 lease does not include any applicant control
12 outside the leased boundaries anywhere on the
13 owner's property.

14 The meaning of development and its impact
15 on lot covered. On February 7, the applicant's
16 planning expert made a point of reading to us nice
17 and slow from the State of Rhode Island's Renewable
18 Energy Guidelines in regards to whether or not a
19 commercial solar installation is actually
20 development. Mr. Nybo and Mr. Pimentel, they
21 discussed for some time their feelings about
22 commercial solar and lot coverage, arguing that
23 solar is not the same as other development and
24 therefore should not be treated the same way. We
25 read those guidelines and were unsure how they

1 apply to the City of Cranston zoning code. They're
2 in your package. You can read them in full, but I
3 would call attention to this particular part of
4 this guidance. Rhode Island state statute leaves
5 solar development regulation to local governments.
6 The state does not preempt or guide solar
7 development, except for enabling local government
8 to regulate through development regulations that
9 must be consistent with their community
10 Comprehensive Plan. Of course, ours is expired.
11 We point out that these are guidelines, not state
12 law and should does not an ordinance make. The
13 city failed to codify a special definition for
14 solar development and/or for related lot coverage,
15 even if the state, and Mr. Pimentel and Mr. Nybo
16 believe, that they should, specifically the old
17 solar ordinance under which the applicant maintains
18 it is vested, is silent as to any kind of special
19 lot coverage allowances. Therefore, the 19 percent
20 lot coverage must stand.

21 You've heard about blasting tonight. We
22 consider that an issue of public health and safety.
23 I'm excited that we got a little information about
24 blasting tonight; but as other neighbors have said,
25 these are not really -- these projects don't seem

1 particularly like our project. So that's a bit of
2 a concern, and we also, or at least I was a little
3 unclear. Now I'm speaking for myself because
4 obviously the group has not gotten together to talk
5 about this, I was a little unclear as to when they
6 do this survey, are they actually going to look at
7 the houses, are they actually going to come to our
8 phone. As you heard tonight, we are on well and
9 septic in our neighborhood. Some of us have very
10 old structures with dry laid fieldstone
11 foundations. What is being put in place to protect
12 those places? The pipe line is a great concern to
13 us. We've seen evidence of how it was laid. We
14 are concerned about the conditions that were in
15 place in 1991. And there is a little issue with
16 the Kinder Morgan -- again, we're so happy that
17 there's communication between Kinder Morgan and the
18 applicant. But according to the RIPUC, with whom
19 we met with recently, it's actually Rhode Island
20 Energy that manages the line once it leaves Laten
21 Knight. So Kinder Morgan is the operator. Then
22 there's a management piece that's RI Energy; and as
23 far as we can tell, RI Energy hasn't been at the
24 table. So we're kind of concerned about that.
25 We're also concerned that back in 2019, there were

1 a list of things given to staff by Kinder Morgan
2 that would be required to move forward. And we
3 heard about some of these things tonight and,
4 again, we're grateful for the update. One of the
5 things the developer is to provide is an EMI study.
6 We didn't know what that was, but we've learned.
7 An EMI study is something that evaluates
8 interference between electromagnetic -- it
9 evaluates interference between electromagnetic
10 interference that can occur when metallic pipelines
11 are placed close to high voltage power lines. We
12 assume the study was required by Kinder Morgan
13 because the energy generated from the proposed
14 solar installation will be carried on three-phase
15 high voltage power lines from the field, itself,
16 and along the multi-mile interconnection. Where is
17 that study? We'd love to see it.

18 We want to talk about blasting near our
19 homes, wells, septic, and foundations. We
20 requested monitoring of our wells four years ago
21 and our septic systems and our foundations and that
22 was denied. Blasting near a building's foundation,
23 septic, and wells can and often does cause issues
24 to structural integrity. Wells are additionally
25 vulnerable because blasting may also affect water

1 quality and volume. This includes gallons per
2 minute availability. In our case with so much of
3 our neighborhood relying on well water, blasting
4 ledge within our watershed carries many risks.
5 According to the Rhode Island Department of Health,
6 the Natick Ave area under discussion is at risk to
7 bedrock beryllium, which is dissolved into ground
8 water as it moves through rock. Will blasting
9 dissolve beryllium into our wells? We have no well
10 water testing regiment. So how will we know? I
11 talked about the historic homes. They are -- all
12 foundations could be an issue, but these are dry
13 weighed homes. There are two homes that have that
14 kind of a foundation. Our research shows that all
15 manner of development projects across the region
16 regularly include these kinds of monitoring
17 regiments, as much for the protection of the
18 developer as to the public. Why is this an issue
19 for the applicant? Self-described is among, quote,
20 "the most experienced in the region."

21 Promises matter. In response to our early
22 concerns in December 2018, Attorney Murray stated,
23 quote, "You know, and along with the blasting, you
24 know, obviously, you know, we have to create a
25 level of details so we know what people's wells and

1 septic systems. I don't, you know, based on
2 everything I know, they should not be affected.
3 But that would be chronicled and documented before
4 anything happens." Instead of holding this early
5 promise, this request has been denied. Despite
6 these promises, it was also Mr. Murray who advised
7 the commission that attaching monitoring conditions
8 would fall outside of your purview. We'd like to
9 see this evidence -- evidence to support this or
10 remind us as to which commission or city official
11 can attack this requirement, given how often these
12 conditions are requested and granted in other
13 municipalities.

14 I'm not going to talk about the wetlands
15 tonight. You've heard us talk about that, but I
16 encourage you to read what we submitted. You heard
17 about DEM's using up -- to say what not to do. And
18 what's kind of odd about all that is that in other
19 communities, the applicant talks about not siting
20 the project on places that are like ours. So
21 that's -- to us as well.

22 Finally, there are a couple of missing
23 studies that we would like to address or have you
24 address, I suppose. One is the noise study. The
25 old solar ordinance, I like to call it, had

1 performance standards under which the project
2 claims vesting and that required a noise study.
3 There's also the question of a glare study. While
4 the old solar ordinance performance standard did
5 not require a glare calculation, the new one does.
6 The FAA can ask for a glare study if a solar
7 installation is close to an airport or on a flight
8 path within 5 miles. And we are 4.75 miles from TF
9 Green. In addition, our own development standards
10 do consider glare generally, and that's something
11 we'd like to address.

12 So, in conclusion, thank you for your
13 patience. The applicant maintains that the Natick
14 project is both vested and by right under the old
15 solar ordinance. We leave that discussion and
16 debate for the lawyers. What we, as the public,
17 know is that not long after the original master
18 plan was given its green light, the commission, the
19 city counsel, and Mayor Fung all agreed that the
20 original solar ordinance was flawed. In fact, they
21 found it so flawed, that it was entirely replaced.
22 That fact is not unimportant today. Likewise, we
23 know and have heard tonight that three state
24 offices charged with sorting our energy future have
25 all issued guidelines or guidances, but acknowledge

1 the problems that the solar gold rush has brought
2 to our state. They offer support for legislating
3 development guardrails for communities to move
4 forward in a way that both supports a renewable
5 energy reliant future and protects the community as
6 where it's sited.

7 In every one of these documents, I say
8 again, we are like the poster child. As we have
9 stated, time has not been a friend to the
10 applicant. What we believed the past four years,
11 going into our fifth year, have befriended an
12 honest future by showing our community how to
13 embrace renewable energy responsibility. He has
14 taught us that protecting our environmental future
15 should not and cannot be at the expense of this
16 audience. Back in 2019, when confronted with the
17 applicant's argument that the proposed project
18 would offer a myriad of benefits and especially
19 financial gain for the city, your former colleague,
20 Commissioner Vincent, asked this question. What
21 are we losing? We believe that question stands.
22 If it was a choice to be made, not a possibility
23 that the project was not correct for our community,
24 your commission would not be needed. By right,
25 does not mean it is right. Thank you.

1 CHAIRMAN SMITH: Let's take five minutes.

2 (SHORT RECESS)

3 CHAIRMAN SMITH: And just before the
4 recess, I had called on Mr. Dougherty if he wanted
5 to speak.

6 MR. DOUGHERTY: Thank you, Mr. Chairman.
7 Patrick Doherty, offices at 887 Boston Neck Road in
8 the town of Narragansett. Mr. Chairman, what I
9 would like to do in follow-up to some of the
10 comments that were just previously made, I have
11 some copies of some corporate records from the
12 Secretary of State offline, and I would like to
13 distribute a packet to each of the commissioners.
14 The reason I'm doing this is the principal place of
15 business for these corporate -- corporations is the
16 actual site in question. And it will dovetail into
17 my next argument.

18 Mr. Chairman, as you know, one of the
19 arguments we made on behalf of the abutters is that
20 this application is faulty and that the review that
21 has been taken place here is also in error because
22 we are looking at a microcosm contained within a
23 lot or a parcel. And as the regulations define
24 those terms, it's a single lot or a combination of
25 lots that are utilized in the development. And

1 here we've not been looking at anything outside of
2 a leased area. And the leased area is not a
3 subdivided area and it's not a parcel and it's not
4 a lot under your own definitions in the zoning and
5 subdivision regulations.

6 So if you look at what Drake had said
7 earlier, she had talked about the lease, and it's a
8 very telling document because it speaks to other
9 uses, activities, and development that is
10 contemplated on this site. And what you're not
11 hearing about are the uses and the businesses that
12 are ongoing on the site right now, such as -- if
13 you look at Natick Hill farm, it has its principal
14 place of business at 1936 Phenix Avenue in
15 Cranston. And it's a corporation that was formed.
16 If you look at the following page where you have
17 the annual report as well, it talks about the
18 N-A-I-C-S code and the brief description of the
19 character of the business is real estate. Well,
20 the lease talks about the development of
21 residential structures. There's plenty of land
22 left for subdivision outside of the leased area.

23 As you heard, there's a road that wasn't
24 part of the original application. There are other
25 uses that are ongoing on the site, and I think the

1 review of the development plan for this is
2 defective and I think the application is incomplete
3 because you've not seen the remainder of the lots
4 in question and the uses that are ongoing.

5 The next business document that I have is
6 for R. Rossi Farm and Excavation, Inc., principal
7 office address, 1936 Phenix Avenue. There are
8 other industrial uses apparently going on there.
9 I'm informed there's stock piling of material on
10 there. There's all sorts of different activities
11 that are going on that you haven't even heard of
12 and you need to in order to review this development
13 plan. I've also included the original Articles of
14 Incorporation for that as well.

15 So this is evidence that you're not being
16 told the whole story, and you're not being given a
17 true picture of what the development plan is for
18 this property, this parcel. And you cannot have a
19 development plan review without looking at the
20 entirety of the parcel. There have been many
21 assumptions that have been represented throughout
22 this proceedings about the remaining trees that are
23 going to be on the line, but you heard testimony
24 tonight, too, that the lease now provides for the
25 cutting of trees a hundred feet outside of the

1 boundary of the leased area. So you haven't even
2 looked at that and yet you've heard representations
3 that there will be buffer there remaining from the
4 property. So you haven't been told the whole
5 story.

6 The other thing I'd like to bring up and,
7 again, it's a point of order, and I do note that
8 we've lost Mr. Bernardo. God bless him. He's, I
9 believe, retired from the city, but he held his
10 position as the director of the DPW on this
11 commission, which is stated to be the commissioner
12 representing that entity on this commission. And,
13 unfortunately, I apologize to you, Mr. Matteos or
14 Mateus. If I macerated your name, I'm sorry. I'm
15 just a dumb Irishman. Dougherty you can pronounce
16 it five different ways. I've heard them all. I
17 apologize in advance if I did, but I believe a
18 point must be raised that I don't believe you're
19 properly seated here to vote in the position of the
20 Director of Public Works, respectfully. So I put
21 that on the record.

22 The one thing I do want to also relay here
23 is that I sat here, you heard testimony about
24 blasting, how it's not going to be a problem, it's
25 never an issue, they've done all sorts of projects.

1 And, again, I'm sure there's a great track record
2 for Maine over there, but what we heard tonight
3 here was very, very troubling and you didn't see
4 them, but I'm going to have copies made and I'm
5 going to put them -- supplement them after this
6 hearing so that we have true and accurate color
7 copies with an affidavit of the pictures that Mr.
8 Lawrence was describing here. They're very, very
9 troubling. You have a gas pipeline, natural gas
10 pipeline, and it appears -- it was defectively
11 constructed, and I asked, again, the Chair to ask
12 pointedly will the developer excavate around that
13 gas pipeline prior to any blasting occurring to
14 determine if those horrific conditions for the
15 setting of that pipe exist there because that will
16 factor into any kind of safety precautions that
17 have to be taken.

18 Now, we also heard about how safe it was
19 and there was a question by another gentleman in
20 the audience about whether or not there was any
21 litigation. Well, you know, it's funny, I can't
22 believe I didn't do that because I usually look at
23 everything on line whenever I hear of anyone. But,
24 again, I wasn't sure of the name of the blasting
25 company that they were going to bring in here

1 tonight. But just looking on my phone on Google, I
2 typed in Maine -- sorry, Maine Drilling and
3 Blasting, Inc., litigation, and I came up with
4 cases on liability. There's a case Dyer v. Maine
5 Drilling and Blasting, Inc., 984 Atlantic 2d 210.
6 That's a Maine case. There's liability for damages
7 to property for blasting. Blocker -- Blecker
8 versus Maine Drilling and Blasting 2006 Connecticut
9 Superior or Supreme Court SUP 15942. There was
10 another case, Maine Drilling and Blasting versus
11 Insurance Company of North America, et al. Now,
12 they were suing their insurance company to make
13 good on a stipulated \$330,000 judgment against
14 Maine Drilling and Blasting for damage to property
15 as a result of the blasting activities in
16 connection with certain projects that they were
17 involved on.

18 So this is not the failsafe thing. If you
19 look at -- even when you Google, you can see, you
20 know, one of the cases just right off the bat it
21 talks about trees and stones hurdling 400, 300 feet
22 through the air and damages people's homes. So
23 it's not -- it's not precise science. It's not as
24 easy and effortless as the nice pictures you were
25 seeing -- if you see on there just -- it's out

1 there in the public domain, there are court cases I
2 just cited for you.

3 So another thing that I -- again, I think
4 the theme of what I started out with is you haven't
5 been told the whole story, and it's really clear to
6 me that you haven't and unfortunately, you know,
7 and I don't mean to besmirch your staff here in any
8 way. You know, Mr. Pezzullo is not a lawyer. But
9 in your packet of materials, and that was done the
10 last time, and I can't believe that even despite my
11 comments and my appeals and things that I've stated
12 in court, that they're still holding up the case
13 and the affidavit of Peter Lapolla and the case of
14 the Superior Court's decision in United States
15 Investment and Development Corp. Versus the
16 Platting Board of Review of the City of Cranston,
17 et al. You have this in your materials. I think
18 it's Exhibit G. And this is your own staff giving
19 this to you to say nope, this -- it's a matter
20 decided.

21 The ordinance for solar development is in
22 conformance with the Comprehensive Plan. It's a
23 matter decided by the courts. Well, that's nothing
24 but a crock, and the reason is is if you look at
25 that case, the decision of Judge Licht, dated

1 December 27, 2017. It's Exhibit G in your packet,
2 and I'm going to direct you right to Page 4, right
3 there in that decision, at the first paragraph at
4 the top, the second or the third sentence. The
5 Plan Commission had no testimony before it that the
6 proposed master preliminary plan or its resulting
7 land use was inconsistent with the city's
8 Comprehensive Plan. Appellant did not attend any
9 hearings before the Plan Commission on this matter
10 or present any testimony for the record in
11 opposition to the application. I tell you now,
12 it's intellectually dishonest, if not completely
13 dishonest to hold this decision out in supporting
14 the fact that this project is consistent with the
15 Comprehensive Plan and that the ordinance -- the
16 solar ordinance is consistent with the
17 comprehensive plan.

18 You've heard testimony from Paige Bronk
19 here. You've got his report. You have an expired
20 Comp Plan. You have testimony and records, rather,
21 from the Division of Statewide Planning that
22 directly refute that, that they wouldn't accept
23 that. They would not allow the amendment to the
24 Comp Plan. They did not say that it was
25 consistent. In fact, they pointed out

1 inconsistencies with that. So I think this whole
2 thing is a loser because we're the first -- first
3 application that is going -- that is put in
4 competent evidence of inconsistency with the
5 Comprehensive Plan. And I don't think you should
6 sit there and be spoon fed this garbage because
7 that's all this case is worth.

8 When you appeal an administrative
9 proceeding after you get from here to the platting
10 board of review reviewing your decision. You go to
11 the Superior Court under the Administrative
12 Procedures Act. That's an administrative appeal.
13 The only thing that the judge looks at is the
14 record here, a transcript from Mr. Ronzio here, and
15 to see whether or not there is evidence in that
16 record to support the findings of the board. In
17 the United States Investment Development
18 Corporation, I just read it to you, Page 4, there
19 was no evidence whatsoever presented. So the judge
20 was constrained to make the finding because
21 Mr. Lapolla's affidavit was in there saying it was
22 consistent and that there was other testimony about
23 that, but testimony is fraught with error. It's
24 been refuted by Mr. Bronk's report, and I urge you
25 not to follow through with this.

1 Now, we've been here ad nauseam, and I've
2 raised the issue. I tried to raise it in the
3 beginning. I think this whole proceeding is
4 tainted, prejudicial, and improper because we were
5 on a remand order, okay. What you have seen staff
6 do here is flood the proceedings before you with
7 things that happened well after the master plan.
8 You've been faced with decisions on the preliminary
9 and also the final plan approvals. Those are
10 totally impermissible to be brought before you and
11 it tainted these proceedings by looking at this as
12 if it's a fait accompli and that you don't have any
13 choice other than to go forward and adopt this
14 thing and get it through because this is the last
15 one. The ordinance has been changed. Well, it's
16 not. It's not a fait accompli.

17 This is completely inconsistent with the
18 Comprehensive Plan. You've heard testimony.
19 You've heard about the historical significance.
20 You've heard about the ecological significance.
21 You've heard about all of the other elements of the
22 Comprehensive Plan that are just being laid to
23 waste as a result of a project like this.

24 So don't be swayed by that. You have not
25 been told the whole story. And in addition to

1 that, the evidence that has come into this is so
2 out of line to have been brought before you,
3 especially by staff. If you don't understand it,
4 if you look at it right now, it's an attempt to
5 bypass and streamline proceedings for a preliminary
6 and final approval, saying, oh, we already brought
7 all that stuff up. Don't accept that. You've
8 heard these people. Their lives, their homes,
9 their futures are going to be completely destroyed
10 as a result of this project in that neighborhood.
11 It's a totally inappropriate site. The developer
12 picked that site, but there are no waivers that
13 have been requested for this thing, none
14 whatsoever. That's in the staff report as well.
15 They didn't request a waiver from the landscape
16 standards. They have to adhere to those. They
17 cannot adhere to that. They can't make this site
18 with this size of solar development buffered from
19 negatively impacting the other properties. They
20 can't do it.

21 So what do they have to do? They have to
22 scale it down, set it back, leave more intact and
23 you have to look at the entirety of the lots that
24 are in question, the parcels. You have to follow
25 your own definitions, and you have to take away

1 from this blinders-on-microscopic view of a very
2 tiny piece of the big picture, especially in light
3 of the fact when their own lease belies the
4 development plans that are already in place for
5 future projects and activities and uses on this
6 very same property.

7 You've got to look at a couple of other
8 things here. When you look at what has been done
9 here is -- it's an attempt to dissuade you from
10 looking at the facts, your own Comprehensive Plan
11 and the goals that are set forth in the land
12 developer -- land development review subdivision
13 regulations. If you look at those corporate
14 reports, you can see that there are other uses that
15 are listed with the State to be ongoing on this
16 property. You cannot ignore those in your
17 development plan review for this. The overall
18 impact is going to have an exponential effect on
19 the surrounding properties, and its impact and
20 contravention to the goals that are stated in the
21 Comprehensive Plan.

22 The road, I think this application has
23 materially changed. I don't think they have vested
24 rights anymore and I'm really looking forward to --
25 well, actually, what I'd like you to do is put a

1 stake through the heart of this project and deny it
2 right now because it doesn't belong there. But if
3 not, I'm looking forward to bringing these issues
4 up before the Superior Court because I think
5 there's been prejudicial error. I think the
6 application is significantly and materially changed
7 in all respects, and I think that this is -- this
8 is one that's for the books on how not to do
9 things.

10 I'm going to just try and sum up my few
11 points here. If we look at the discrepancies, you
12 look at the ever-changing acreage, you look at the
13 plans, you look at the roads, you look at all the
14 things that they've added to this project in the
15 interim time period, and you'll see that you have
16 not been told the whole story. If you look at the
17 landscaping requirements, they can't say -- they've
18 shown you that they're covering 15 percent with
19 landscaping, because you're not looking at the
20 parcels. You're not looking at the lots. Even if
21 they put a hundred percent of landscaping on this
22 acreage, it may not comply with your ordinance.
23 You have to look at the whole picture. You have to
24 look at the, you know, their own landscape expert
25 admitting that they can't buffer to the south or to

1 the west because it would limit the production of
2 the solar field by covering it with shade. You
3 look at what they're doing, too.

4 They didn't tell you until the lease was
5 exposed that they were going to go a hundred feet
6 outside the boundary of the leased area to cut.
7 They didn't tell you that. You know why, because
8 they didn't want to, and there's tons of evidence
9 that you heard from Mr. Doe about the track record
10 with this particular developer. They're not to be
11 trusted. Things change. I don't believe this
12 application is vested anymore. I think it's
13 materially changed. I believe that the
14 representations that have been made don't hold up
15 with the facts. I believe that my clients have
16 been prejudiced, and I think you've also been
17 prejudiced by the staff report that's been put
18 forth before you. How dare someone take that
19 United case and state that you are -- you have to
20 follow it. It's in conformance with the
21 Comprehensive Plan. That's hogwash. Nothing but
22 hogwash.

23 You know, the public is entitled to a
24 fair, unbiased, and open process. And I believe
25 that the commissioners here are mindful of that and

1 will do -- will take that very seriously. But I
2 urge you to vet what you've been spoon fed and look
3 at it, question it, look at that lease, look at
4 those materials, look at the corporate records that
5 are before you, and then look at the fact that
6 you've had all of this other outside the
7 20-something acre parcel hidden from your review.
8 And they say we can't do anything because
9 Mr. Rossi, you know, we don't represent him. Well,
10 they do, you know. His registered agent, there's a
11 co-identity. He is a signatory to the application.
12 His lots, by being put forth for this development,
13 his lots are subject to any and all restrictions
14 you want to put on him in connection with this
15 development plan review. It simply is.

16 You cannot ignore the fact that this is
17 not a subdivision. You can't ignore that. There's
18 nothing to make the lease parcel separate and
19 distinct such that you can avoid the entire parcels
20 from your review. So the application's incomplete.
21 It's an error. The materials that you've been
22 supplied here are prejudicial and improper and in
23 violation of the remand order. You're supposed to
24 have a de novo review, but it isn't of everything
25 that happened after, and we already got all our

1 approvals before so you can't deny us now. That's
2 not the way it works. You all have a vote.
3 Exercise your vote. Use your own judgment. Look
4 at these critical legal issues. Look at the people
5 crying behind you as they were standing up here at
6 the podium. This matters. It doesn't matter to
7 the developer what -- they're going to find another
8 site, and they should because this is horrible.
9 There's a special place in hell for this project, a
10 special place in hell. It doesn't belong there.
11 Look at what you're going to give up that you can't
12 ever get back. This thing is not land banking.
13 Look at the Department of Statewide Planning and
14 the director of administration and their
15 correspondence and their quotes and the things that
16 we put in to evidence and to refute Mr. Lapolla's
17 affidavit and to combat the solar ordinance that
18 was the biggest mistake in the City of Cranston,
19 biggest mistake I've ever seen. Horrific. No
20 controls, no nothing.

21 There's a road network going around this
22 thing now. You didn't know about that. That's
23 changed. There are permits at DEM that they're not
24 talking about. There are all kinds of different
25 things happening with this development that have

1 been hidden from you. So they're not revealing or
2 addressing what's remaining on the site. They need
3 to do that. It's a mistake for you to allow this
4 project to get permitted, and I urge you and,
5 again, I'm so happy that Mr. Lawrence was there
6 taking those pictures. God forbid what could
7 happen. We're going to provide you a copy of
8 those. And if I were Maine Drilling and Blasting,
9 I wouldn't touch this project with a 5,000 foot
10 pole, unless you could excavate and see what those
11 pipelines are sitting on and subjected to, and I
12 urge you to, and I'd be happy to, you know, handle
13 the legal work on it for the estates of the people
14 that are going to get killed when that pipeline
15 blows up.

16 I do appreciate the opportunity to speak
17 with you. I'm sorry I got a little passionate. In
18 closing, I do want to say something that, you know,
19 is in keeping with the spirit of spring and at all
20 that and, Mr. Marsella, I forgive you. Thank you.

21 CHAIRMAN SMITH: Thank you, Mr. Dougherty.

22 MR. MARSELLA: Before I forget, I want to
23 thank Mr. Dougherty. Miss Mancini, you missed part
24 of the meeting, whenever it was, did you have a
25 chance to review that --

1 MS. MANCINI: Why yes I did. I read the
2 first 14 pages in their entirety until I came in.

3 MR. MARSELLA: Thank you. Mr. Mateus,
4 you've been provided with copies of the transcript
5 of the prior meeting; is that correct?

6 MR. MATEUS: Correct.

7 MR. MARSELLA: Have you reviewed those
8 transcripts?

9 MR. MATEUS: I have read all through --

10 MR. MARSELLA: Okay. Thank you. And I
11 will, for the record, make sure that these plans of
12 Mr. Mateus, through the proper Channel have been
13 entered into the record.

14 CHAIRMAN SMITH: Thank you. All right.
15 We have heard a lot of good testimony and a number
16 of points brought up -- a number of questions have
17 been asked that need to be addressed. And I have
18 spoken to the other commission members and I've
19 spoken to the attorneys and we have -- the
20 commission would like to continue this to a date
21 certain, and we are looking at -- well, the third
22 Tuesday in May is May 16. If I could ask the
23 commissioners to check their schedules.

24 MR. MARSELLA: I think I have Narragansett
25 planning that day.

1 CHAIRMAN SMITH: Okay. If we look at May
2 17th?

3 MR. MARSELLA: If that's a Wednesday --
4 yeah, I'm free that day.

5 MR. PEZZULLO: Nothing on the calendar for
6 the 17th. There's nothing on the calendar for the
7 17th, but we don't know if the council has a
8 special meeting.

9 CHAIRMAN SMITH: Okay. I will accept a
10 motion to continue this matter to until Wednesday,
11 May 17th, say 5:30 P.M. again.

12 MR. ZIDELIS: Motion to approve.

13 CHAIRMAN SMITH: Okay. Motion made by
14 Commissioner Zidelis, seconded by Commissioner
15 Mancini.

16 (VOICE VOTE: PASSED)

17 CHAIRMAN SMITH: The ayes have it.

18 MR. FRIAS: Mr. Chairman, just a quick
19 thing. We got a lot of information here tonight
20 through public comment. I would really appreciate
21 that the staff provide a copy of the transcript of
22 this session to us as soon as it comes in because
23 there's a lot to digest and it really helps for me,
24 anyway, as I review this record to have the
25 written -- to have the transcript so I can recall

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what was said specifically, and that's my request to the staff and to the applicant or whoever pays for the transcripts. Thank you.

CHAIRMAN SMITH: Thank you. I will accept a motion to adjourn. Motion made by Commissioner Exter and seconded by Commissioner Mancini.

(VOICE VOTE: PASSED)

CHAIRMAN SMITH: The ayes have it.

(ADJOURNED AT 9:53)

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C-E-R-T-I-F-I-C-A-T-E

I, RONALD M. RONZIO, Notary Public, do hereby certify that I reported in shorthand the foregoing proceedings, and that the foregoing transcript contains a true, accurate, and complete record of the proceedings at the above-entitled hearing.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22d day of May, 2023.

Ronald M Ronzio, Notary Public

RONALD M. RONZIO, NOTARY PUBLIC/CERTIFIED COURT REPORTER

MY COMMISSION EXPIRES: July 24, 2025

IN RE: Cranston Planning - Natick Avenue Solar

DATE: April 19, 2023