

Allan W. Fung
Mayor

Jason M. Pezzullo
Planning Director



Michael Smith
Chairman

Ken Mason, P.E.
Steven Spirito
Robert Strom
Frederick Vincent
Kathleen Lanphear
Ann Marie Maccarone
Joseph Morales
Robert DiStefano

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

March 14th, 2019

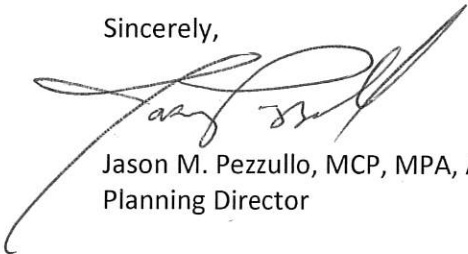
Mr. Stanley Pikul, Building and Zoning Official
Cranston Building Inspections Department
1090 Cranston Street
Cranston, RI 02910

Dear Mr. Pikul: ^{STAN}

As the Cranston Planning Director and Administrative Officer to the City Plan Commission, I hereby certify the attached packet as the complete certified record of proceedings for the Master Plan / Major Land Development application for the entitled "Natick Avenue Solar" project and transmit this master copy to you for the Platting Board of Appeals. This application was heard by the City Plan Commission on 12/4/18, 1/8/19, and 2/5/19 whereby the City Plan Commission voted 5-4 to approve this Master Plan application.

If you have any questions, please contact me directly at 401-780-3222 or at jpezzullo@cranstonri.org.

Sincerely,



Jason M. Pezzullo, MCP, MPA, AICP
Planning Director

Natick Ave Solar Master Plan Appeal File

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2. Appeal Letter from Patrick J. Dougherty dated 3/1/19
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5. Initial plan set submittal rec 11/9/18
6. Buffer plan rec 11/13/18
7. Revised site plan w/ adjusted fence rec 12/3/18
8. Supplemental residential buffer plantings exhibit rec 12/3/18
9. Application
10. Project narrative (no listed author, most likely Bob Murray) dated 11/8/18
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13. Check scans for pre-app and master plan fees
14. Email staff-Bob 11/28/18 corresponding outstanding balance
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16. MLC's showing no outstanding taxes owed
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18. Notice of public informational meeting sent to abutters
19. Abutters list
20. Abutters list in postage format
21. Abutters map 100' radius
22. DPRC / TRC agenda for meeting on 11/21/18
23. Copy of public ad in Herald 11/22/18
24. Notification letter for neighborhood meeting from Ryan McGovern dated 11/16/18 for a 6pm meeting on 11/29/18 at the St. Joseph School at 850 Wakefield St in West Warwick.
25. Interconnection letter from Bob Murray dated 11/28/18
26. Letter of Transmittal for the supplemental residential buffer planting exhibit and updated site plan with the fence adjustment dated 12/3/18 signed by Dave Russo.
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28. Staff report/memo DRAFT dated 11/28/18
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33. Public comment – Douglas Doe, 12/3/18
34. Public comment – Douglas Doe, 12/4/18
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36. Email btw staff - Christy Angell dated 12/5/18

37. Email btw Councilman Brady - staff - Joe and Carol Cooney dated 12/4/18
38. Email btw Bob Murray - staff dated 12/3/18
39. (4) letters from Bob Murray to abutters Mr. Clark, Mr. & Mrs. Swanson, Mr. Rossi, & Mr. Francisco, for attending the neighborhood meeting all dated 12/2/18.
40. Agenda for Dec 4th Plan Commission meeting
41. Resume & Letter from Dave Russo (engineer) addressed to Hopkinton Town Council dated 11/7/18
42. John C. Carter's (landscape architect) resume
43. Ed Pimental's (planner) resume
44. Report titled "8.1 Megawatt Solar Facility Development Major Land Development Project Application Natick Avenue – Assessor's Plat 22-3; Lot(s) 108 and 119" by Ed Pimental dated 12/3/18.
45. Minutes of Dec. 4th Plan Commission meeting.
46. Transcript of Dec. 4th Plan Commission meeting.
47. Email btw Commissioner Spirito – staff dated 12/5/18
48. Decision Letter (notice of continuation) signed by Joshua Berry (Cranston Planner) dated 12/11/18
49. Agenda for site visit on Dec 8th
50. Public comment – Douglas Doe dated 12/5/18
51. Emails btw staff-Plan Comm. Dated 12/6/18
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53. Public comment – Drake Patten dated 12/7/18
54. Site visit sign-in sheet 12/8/18
55. Site visit minutes
56. Email/complaint btw Douglas Doe – opengovernment@ri.ag.ri.org dated 12/9/18
57. Response letter to complaint btw Andrea Shea (Special Assistant Attorney General) –Douglas Doe, dated 1/9/19
58. Emails forwarded by Christopher Rawson (Cranston City Solicitor) btw Douglas Doe – Andrea Shea – Christopher Rawson – Stephen Marsella (Cranston Assistant City Solicitor) dated 1/21/19 & 1/22/19
59. Revised plan set received 1/2/19
60. Supplemental plans (no imagery & survey with contours) received 1/2/19
61. Staff report/memo dated 1/4/19
62. Email btw Commissioner Vincent – Thomas Deller (Johnston Planner) – staff forwarded on 12/18/18
63. Memo from Cranston Engineering Division dated 12/20/18
64. Email btw Bob Murray – staff dated 1/3/19
65. Email btw Bob Murray – staff dated 1/7/19
66. Letter to the Editor (Herald) sent from Tim Forsberg signed by "Concerned Residents of Natick Avenue" to Jason Pezzullo on 12/18/18
67. Letter to the Editor (Herald) from Ralph A. Palumbo (SSRE President) dated 1/11/19
68. Public comment from Douglas Doe dated 12/8/18
69. Public comment from Douglas Doe dated 12/10/18
70. Public comment from Douglas Doe dated 1/3/19

71. Public comment from M. Drake Patten dated 1/4/19
72. Emails btw staff - Drake Patten dated 1/7/19
73. Public comments forwarded from Commission President Michael Smith to Jason Pezzullo, Stephen Marsella & Douglas McLean, forward to staff on 1/8/19
74. Public comment between Drake Patten – select Plan Commissioners – Stephen Marsella forwarded to staff by Stephen Marsella on 1/8/18
75. Tree topping informational sheet provided by Mr. Lawrence during the January Plan Commission meeting
76. Natick Ave Solar Project Requests from Abutters January 2019” document as presented by Drake Patten during the January Plan Commission meeting
77. Resume of Ashley V. Sweet (planner)
78. “Proposed Major Land Development Solar Installation – Natick Avenue Assessor’s Plat 22-3; Lots 108 & 119; Ana Analysis and Report” by Ashley V. Sweet dated January 7, 2019, as presented during the January Plan Commission meeting
79. Agenda for January 8th Plan Commission meeting
80. Public comment sign-in sheet for January Plan Commission meeting
81. Minutes for January Plan Commission meeting
82. Transcript for January Plan Commission meeting
83. Decision Letter (notice of continuation) signed by Joshua Berry (Cranston Planner) dated 1/14/19
84. Email btw Bob Murray – staff dated 1/10/19
85. Email btw Bob Murray – staff dated 1/25/19 with attached response to abutters requests dated 1/23/19
86. Revised site plan received 1/24/19
87. Revised site plan received 2/4/19
88. Staff report/memo dated 1/31/19
89. Staff report/memo edited version dated 2/4/19
90. Emails btw Commissioner Vincent – staff dated 1/16/19
91. Emails from David Gregg (Rhode Island Natural History Survey Executive Director) dated 1/23/19
92. Emails btw President Smith – staff dated 1/29/19
93. Agenda for February 5th Plan Commission meeting
94. Commissioner Vincent’s comments as read during the February Plan Commission meeting
95. Minutes for February Plan Commission meeting
96. Transcript for February Plan Commission meeting
97. Decision letter signed by Joshua Berry (Cranston Planner) dated and recorded 2/11/19

**CITY OF CRANSTON
ZONING BOARD OF REVIEW
"APPEAL OF DECISION"**

APPLICATION FOR APPEAL FROM A DECISION OF ANY ADMINISTRATIVE OFFICER OR AGENCY OF THE CITY OF CRANSTON.

**TO: CRANSTON ZONING BOARD OF REVIEW
869 PARK AVENUE
CRANSTON, RI 02910**

DATE: 3/1/19

MEMBERS:

THE UNDERSIGNED HEREBY APPEALS THE DECISION OF: Cranston Planning Commission

RELATIVE TO: 2/11/19 Decision - Natick Ave. Solar - Master Plan

Major Land Development Natick Ave AP 22, Lots 108 and 119
Daniel & Holly Zeyon, Carl & Carol Swenson, Drake Patten & Wright Deter, Justin DiMarco
Matthew & Christy Moretti, Walter and Clara Lawrence and Ronald Mancini

ADDRESS: c/o Patrick J. Dougherty, Esq. **ZIP CODE:** _____

APPELLANT: 887 Boston Neck Rd Suite #1

ADDRESS: Narragansett, RI 02882 **ZIP CODE:** _____

1. ADDRESS OF PROPERTY: 1936 Natick Avenue

2. ASSESSORS PLAT # 22 **LOT#** 108 & 119

3. LOT FRONTAGE: _____ **LOT DEPTH:** _____ **LOT AREA:** _____

4. ZONING DISTRICT IN WHICH PROPERTY IS LOCATED: A-80
(ZONE) (AREA LIMITATION) (HEIGHT LIMITATION)

5. WHEN DID YOU FIRST BECOME AWARE OF THE AFFIRMATIVE ACTION TAKEN BY THE PUBLIC OFFICIAL?
2/1/19

6. IN WHAT MANNER DID YOU FIRST BECOME AWARE OF SAID ACTION? Representing flutters
in Planning Commission Proceedings

7. ARE THERE ANY BUILDINGS ON THE PREMISES AT PRESENT? N/A

8. GIVE SIZE OF EXISTING BUILDING(S): _____

9. GIVE APPROXIMATE SIZE OF EXISTING BUILDING(S): _____

10. WHAT IS THE PRESENT USE? Woodland

11. ARE YOU AWARE OF THE PROPOSED USE? _____

12. PROVISION OR REGULATION OF THE ZONING ORDINANCE UNDER WHICH THIS APPEAL IS TAKEN.

N/A - Planning & Subdivision

13. STATE GROUNDS FOR YOUR APPEAL IN THIS CASE:

See 3/1/19 Appeal letter

SIGNATURE OF APPELLANT AND ATTORNEY (IF APPLICABLE) IS REQUIRED AND MUST BE LEGIBLE.

RESPECTFULLY SUBMITTED,

(APPELLANT SIGNATURE)

(PHONE NUMBER)

(APPELLANT SIGNATURE)

(PHONE NUMBER)

(ATTORNEY SIGNATURE)

(PHONE NUMBER)

(ATTORNEY NAME-PLEASE PRINT)

Patrick J. Dougherty, Esquire

ATTORNEY ADDRESS:

887 Boston Neck Rd Suite #1
Narragansett, RI 02882

THE FEES TO BE PAID TO THE ZONING BOARD OF REVIEW FOR EACH APPEAL PURSUANT TO SECTION 30-48 SHALL BE FIVE HUNDRED DOLLARS (\$500.00).

PAYMENT SHALL BE PAID BY CHECK ONLY, PAYABLE TO: THE CITY OF CRANSTON.

**PATRICK J. DOUGHERTY
ATTORNEY AT LAW**

887 BOSTON NECK ROAD, SUITE 1
NARRAGANSETT, RI 02882

PH (401) 789-8400
FAX (401) 789-8401

March 1, 2019

Clerk
City of Cranston Platting Board of Review
Hamilton Building
1090 Cranston Street
Cranston, RI 02920
VIA HAND DELIVERY

**Re: Appeal of 2/11/19 Decision of the Cranston Planning Commission
Natick Avenue Solar – Master Plan
Major Land Development
Natick Avenue
AP 22, Lots 108 and 119**

Dear Sir/Madam:

Please be advised that I am counsel to aggrieved persons including Daniel and Holly Zevon, Carl and Carol Swanson, Drake Patten and Wright Deter, Justen DiMalo, Matthew and Christy Moretti, Walter and Clara Lawrence and Ronald Mancini and I am hereby filing this appeal on their behalf, of the above referenced February 11, 2019 Decision of the Cranston Planning Commission granting Master Plan Approval of the major land development solar project of Ronald Rossi (Owner) and Southern Sky Renewable Energy RI-Natick Ave-Cranston LLC (Applicant), a copy of which is attached hereto for your reference. We seek to vacate and reverse the February 11, 2019 Decision and have the Master Plan application denied or for any other relief deemed just and appropriate under the circumstances.

The specific grounds for this appeal are that the Decision was based upon prejudicial procedural error, clear error, and lack of support by the weight of the evidence in the record. Specific instances of the above include, but are not limited to the following:

- improper and prejudicial *ex parte* communication and site visit(s) between commission members and the developer and its agents which served to, *inter alia*, prejudice the rights of my clients, interested persons, abutters and the public

- improper and prejudicial inclusion of a multitude of evidence and data in the record after close of the public hearing with no opportunity of the public and my clients to meet such evidence and data with countervailing evidence and data which served to, *inter alia*, prejudice the rights of my clients, interested persons, abutters and the public

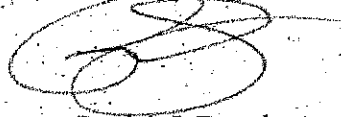
ADMITTED IN MA, CT, RI

improper consideration of changes and modifications to the project area and master plan initially proposed, after close of the public hearing which served to prejudice the rights of my clients, interested persons and the public

In short, my clients' procedural and substantive rights were prejudiced by the actions and decision of the Planning Commission resulting in a denial of substantive and procedural due process to them.

On behalf of my clients, I hereby reserve the right to supplement this notice of appeal with additional grounds and facts upon analysis of the transcripts of the proceedings once they are obtained and reviewed. We fully intend on and hereby reserve all rights to providing a substantive brief prior to the hearing of this appeal with recitation to portions of the transcript to substantiate the allegations contained herein.

Sincerely,

A handwritten signature in black ink, appearing to be 'P. J. Dougherty', written over a circular scribble.

Patrick J. Dougherty

Allan W. Fung
Mayor

Jason M. Pezzullo
Planning Director



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RECORDED Cranston,RI 1/4
02/11/2019 02:41:47 PM LETTER

Michael Smith
Chairman

Ken Mason, P.E.
Steven Spirito
Robert Strom
Frederick Vincent
Kathleen Lanphear
Ann Marie Maccarone
Joseph Morales
Robert DiStefano

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

February 11, 2019

Mr. Ronald Rossi, Owner
1936 Natick Avenue
Cranston, RI 02920

Southern Sky Renewable Energy RI-
Natick Ave-Cranston, LLC, Applicant
117 Metro Center Blvd, Suite 2007
Warwick, RI 02886

DECISION

Natick Avenue Solar – Master Plan
Major Land Development
Natick Avenue
AP 22, Lots 108 and 119

Dear Mr. Rossi:

On February 5, 2019, the City Plan Commission reviewed your Master Plan application entitled 'Natick Avenue Solar' for conformance with required standards set forth in RIGL Section 45-23-30 and 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations. This review and vote followed three nights of informational meetings before the Plan Commission and a site visit.

Upon motion made by Mr. Strom and seconded by Mr. Mason, the Commission voted (5/4 – Mr. DiStefano, Mr. Vincent, Ms. Lanphear and Ms. Maccarone voted nay) to adopt the Findings of Fact denoted below and *approve* this Master Plan, subject to the following conditions.

Findings

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 11/22/18.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, "The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies."

2. See discussion in Section IV of this report. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11. The Land Use, Economic Development and Natural Resources Elements were all amended to include encouragement of renewable energy facilities.



3. Aesthetically, there are many qualities of the project which preserve the rural character of Western Cranston. Firstly, the solar arrays are proposed more than 400' from Natick Avenue behind existing residential lots and a vegetated wetland area, additionally screened by existing stone walls and slope. Therefore, it is anticipated that there will be very limited line of sight opportunities to the project from Natick Avenue unless looking directly down the site entrance or gas easement. No signage is proposed with the project, maintaining the existing character of the roadway. The applicant proposes a Buffer Planting Plan to screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the DPR and Preliminary Plan approval processes to ensure the preservation of the rural character of Western Cranston. The project is consistent with the City's long-term land banking strategy which is intended to preserve the rural character of western Cranston.
4. Ed Pimentel, AICP, of Pimentel Consulting, Inc., provided a report dated 12/3/18 at the December Plan Commission meeting on the Master Plan project application finding that the proposal is consistent with the City of Cranston's Comprehensive Plan and the State Energy Plan.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

5. The proposed solar and existing agricultural uses are permitted uses by-right in the A-80 zone.
6. The site is comprised of two lots which meet the requirements of A-80 zoning.
7. The project narrative by project engineer Dave Russo, PE, of DiPrete Engineering states “. . . clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility” and also that “Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site.” These statements demonstrate direct compliance with Cranston's solar performance ordinance.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.” (emphasis added)*

8. This finding pertains specifically to the final plan. There is proposed clearing and a yet undetermined amount of grading and/or potential blasting. However, the project will be subject to all local, state and federal standards regarding environmental impacts. Further details will be provided if the project moves to the DPR and Preliminary Plan stages of Development.
9. Project engineer Dave Russo, PE of DiPrete Engineering discussed the ability of the solar arrays to run with the existing slopes to the greatest extent possible, as well as the intent of the applicant to manipulate the site as little as possible in order to effectively engineer the site. Mr. Russo's project narrative dated 11/9/18 details and verifies the intent to comply with all environmental regulations through RIDEM and the City.
10. Meadow grass is proposed between and under the solar panels.
11. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site. There nearest known rare species locations are roughly 1,600 meters away. This information has been confirmed by David W. Gregg, Ph.D. Executive Director of the Rhode Island Natural History Survey.
12. Solar energy production has an important role in the reduction of greenhouse gas emissions contributing to climate change. There are a multitude of environmental benefits (as well as numerous other benefits) to clean renewable electricity as found by the Environmental Protection Agency in their 2018 report, “*Quantifying the Multiple Benefits of Energy Efficiency and Renewable Energy: a Guide for State and Local Governments.*”

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

13. The project proposes lease areas, not the actual subdivision of lots. No change to the existing lot boundaries are proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

14. The property in question has adequate permanent physical access from Natick Avenue improved public roadways located within the City of Cranston.
15. The proposed use will not have a negative impact on vehicular traffic, generating only a monthly inspection once operational.

Conditions of Approval

1. The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for buffer widths, both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.
2. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan process. Required changes to the Buffering Planting Plan (including buffer widths) may result in alterations to the current proposed layout of the solar installations. The widths of the buffers will be required to be as wide as necessary to effectively screen the solar panels and equipment. Required widths may vary depending on topography or other site conditions.
3. Under the provisions of the City of Cranston's Subdivision Regulations Section III (C)(9), a professional landscape architect will be hired by the City to conduct an independent peer review on any and all buffer plans proposed. As part of its independent review, the Commission's landscape architect seek input and information from an Advisory Committee composed of the developer's representative, a Planning Department representative, a Commissioner appointed by the Chair of the Plan Commission; and two representatives of the neighborhood - one of which should be an abutting property owner. The Advisory Committee shall follow the intent of Condition of Approval #1.
4. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
5. The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.
6. The Preliminary Plan site plan shall provide the dimension of the curb opening on Natick Avenue.
7. The development shall follow existing grades as much as possible, where changes are required, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such shall be mechanical as much as possible.
8. Storm water management shall follow existing topography and utilize R.I.D.E.M. Best Maintenance Practices (BMP's) to ensure conformance to City code. Said plan shall attempt to enhance any conditions (existing and proposed) at, to or near adjacent wetlands and Natick Avenue.



9. As discussed at the DPR pre-application meeting, any transmission lines and/or utility pole relocations within the Natick Avenue Right-of-Way are carefully coordinated with the appropriate utilities.
10. The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.
11. Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.
12. Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.
13. During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE's letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (February Staff Memo Exhibit K).

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

Joshua Berry, MURP, AICP
Senior Planner/Administrative Officer

cc: Robert D. Murray, Esq.

Allan W. Fung
Mayor

Jason M. Pezzullo, AICP
Committee Chairman
Director of Planning



Stephen MacIntosh
Fire Department

Stan Pikul
Zoning Official

Walter Skorupski
Engineering Division

Stephen Mulcahy
Traffic Safety Division

DEVELOPMENT PLAN REVIEW COMMITTEE

Cranston City Hall
869 Park Avenue, Cranston, Rhode Island 02910

AMENDED AGENDA **CRANSTON CITY HALL – 3RD FLOOR COUNCIL CHAMBER** **9:00 AM WEDNESDAY, November 21st, 2018**

***** The following agenda items are being considered for TECHNICAL REVIEW only in advance of the City Plan Commission's December 4th, 2018 meeting. These matters will be under consideration for full DEVELOPMENT PLAN REVIEW at a later date TBD *****

1. "Mixed-Use Development at 100 Sockanossett" Master Plan

Location : 100 Sockanossett Crossroad, AP 14, Lot 2
Zoning District: **C-5 With Conditions (zoning amendment is proposed)**
Applicant: Carpionato Corporation
Owner: Carpionato Corporation
Proposal: Applicant seeks to redevelop the former "Citizens Bank" site and develop a mixed-use development consisting of the following:

- Two-story, 200,000 sq.ft. of office space
- Four-story, 450 space parking structure
- Three-story Commercial Recreation / Entertainment Center

2. "Natick Avenue Solar" Master Plan

Location: Natick Avenue, AP 22-3, Lots 108 & 119 (64 acres)
Zoning District: A-80
Applicant: Southern Sky Renewable Energy RI, LLC
Owner: Ronald Rossi, 1935 Phenix Avenue, Cranston
Proposal: Applicant seeks to develop the site for an 8.1MW Solar Farm. The site is proposed to be subdivided into two parcels:

- Parcel A – 29.3 acres – proposed to remain in agricultural use
- Parcel B – 29.7 acres – proposed to be developed into an 8.1MW solar facility
- Parcel C – 5 acres – open space / forested wetlands / water features

Individuals requesting interpreter services for the hearing impaired must contact the office of City Planning at 461-1000 ext. 3136 seventy-two [72] hours prior to the meeting.

Master Plan Submission

Natick Avenue Solar

Located on Natick Avenue
Cranston, Rhode Island

Assessor's Plat 22-3 Lot 108 & 119



Sheet Index

- 1 Cover
- 2 Half Mile Radius Aerial & USGS Map
- 3 Existing Condition Plan
- 4 Site Layout Plan
- 5 Viewshed Analysis-North
- 6 Viewshed Analysis-South
- 7 Detail Sheet

Boundary Survey (1 of 1)
Landscape Plan (1 of 1)

DiPrete Engineering

Two Stafford Court Cranston, RI 02920
tel 401-913-1000 fax 401-664-6006 www.diprete-eng.com

Boston • Providence • Newport

DAWD A. RUSSO
No. 12785
REGISTERED PROFESSIONAL ENGINEER CIVIL

This regulatory submission set shall not be used for construction purposes unless stamped, issued for construction and signed by a DiPrete Engineering representative.

The contractor is responsible for all of the means, methods, safety precautions and requirements, and OSHA conformance in the implementation of this plan and design.

No.	Date	Description	Drawn By	Design By
5	11/09/2018	Master Plan Submission	S.E.K.	S.E.K.
4	11/09/2018	Tree Height Analysis	W.D.H.	W.D.H.
3	10/26/2018	Master Plan Submission	S.E.K.	S.E.K.
2	10/26/2018	Updated Layout Plan	S.E.K.	S.E.K.
1	7/12/2018	Master Plan Submission	S.E.K.	S.E.K.
0	6/02/2018	Master Plan Submission	S.E.K.	S.E.K.

Cover
Natick Avenue Solar
Assessor's Plat 22-3 Lots 108 & 119
Cranston, Rhode Island
Southern Sky Renewable Energy RI, LLC
117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
tel 781-371-2001
DE Job No: 2437-015 Copyright: 2018 by DiPrete Engineering Associates, Inc.

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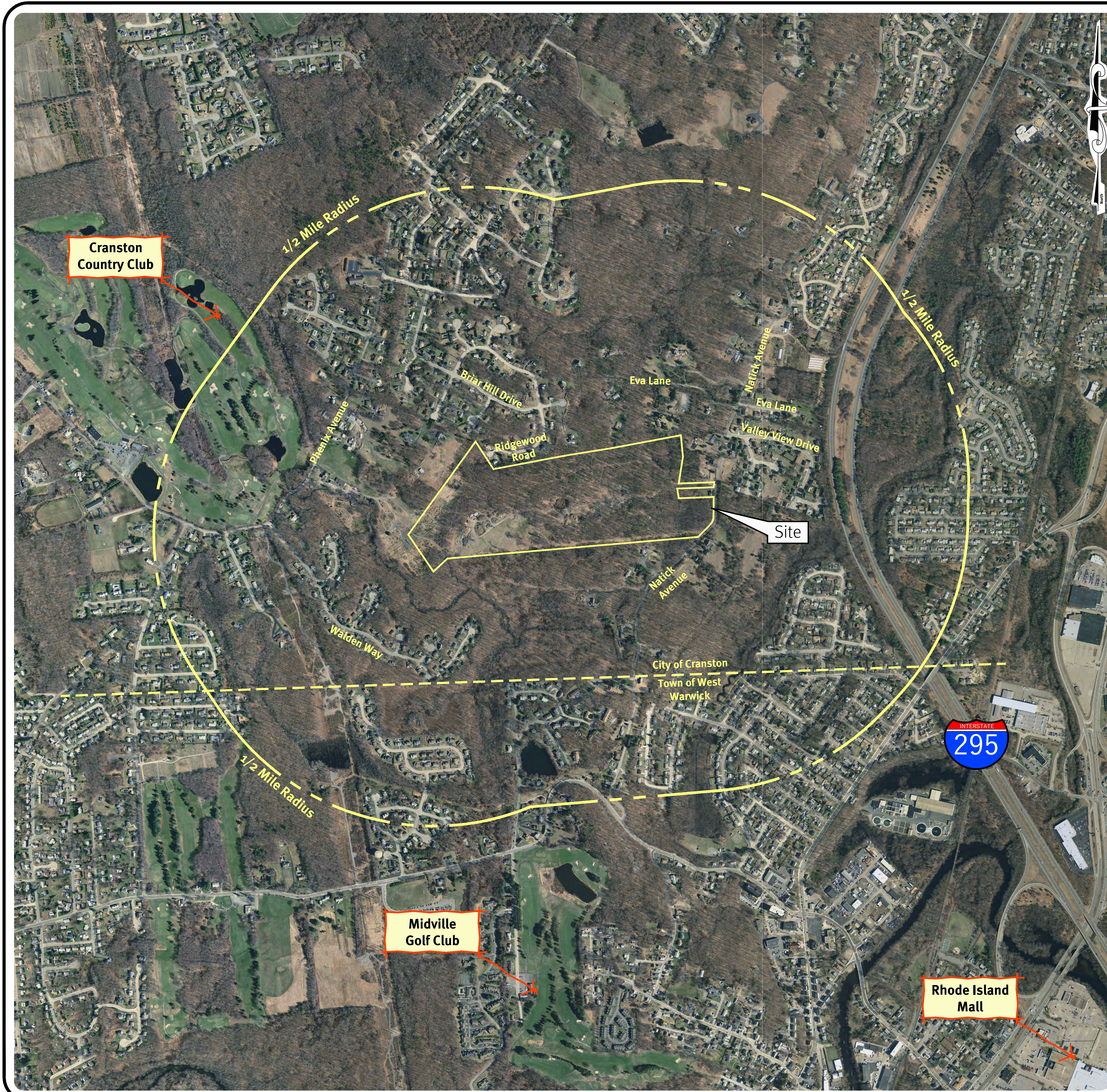


Photo Obtained from RIGIS.
 Scale: 1"=500'
 0 250' 500' 1000'

DiPrete Engineering
 Two Stafford Court Cranston, RI 02920
 tel 401-943-1000 fax 401-664-6006 www.diprete-eng.com
 Boston • Providence • Newport

DAWD A. RUSSO
 No. 14756
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL

This regulatory submission set shall not be used for construction purposes unless stamped, issued for construction, and signed by a DiPrete Engineering representative.
 The contractor is responsible for all of the means, methods, safety precautions and requirements, and OSHA compliance in the implementation of this plan and design.

No.	Date	Description	By	Design By
5	11-09-2018	Master Plan Submission	M.A.R.	S.E.K.
4	11-09-2018	Tree Impact Analysis	A.L.B.	S.E.K.
3	10-26-2018	Master Plan Final Review	M.A.R.	S.E.K.
2	10-26-2018	Master Plan Final Review	M.A.R.	S.E.K.
1	7-12-2018	Updated Layout Plan	S.E.K.	S.E.K.
0	6-02-2018	Master Plan Submission	S.E.K.	S.E.K.

Half Mile Radius Aerial & USGS Map
Natick Avenue Solar
 Cranston, Rhode Island
 Applicant
Southern Sky Renewable Energy RI, LLC
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 tel 781-371-2001
 DE JOB No: 2437-015 Copyright 2018 by DiPrete Engineering Associates, Inc.

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General Notes:

1. THE SITE IS LOCATED ON THE CITY OF CRANSTON, RHODE ISLAND ASSESSORS PLAT 22-3 LOTS 108 AND 119.
2. THE AREA OF THE SITE IS APPROXIMATELY 64.0 ± ACRES. THE SITE IS ZONED AS A-80.
3. THE OWNER OF AP 22-3 LOTS 108 AND 119 IS: RONALD ROSSI
1935 PHOENIX AVE
CRANSTON, RI 02920
4. THIS SITE IS LOCATED IN FEMA FLOOD ZONE X UNSHADED. ZONE X UNSHADED AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44007C0407G & 44007C0426H, MAP REVISED OCTOBER 2, 2015.
5. THIS PLAN IS SUBSTANTIALLY CORRECT IN ACCORDANCE WITH A CLASS I COMPREHENSIVE BOUNDARY SURVEY.
6. SOIL MAPPING OBTAINED FROM WEBSOIL SURVEY OF RHODE ISLAND, PREPARED BY U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE.
7. THE SITE NOT WITHIN A:
GROUNDWATER PROTECTION AREA (RIDEM)
COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
NATURAL HERITAGE AREA (RIDEM)
GROUNDWATER PROTECTION OVERLAY DISTRICT (TOWN)
S.A.M.P. AREA (CRMC)
NON-COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
8. THE SITE DOES NOT CONTAIN ANY HISTORICALLY SIGNIFICANT SITES OR STRUCTURES, STATE OR LOCAL HISTORIC SITES, DISTRICTS, CEMETERIES, ARCHAEOLOGICALLY SIGNIFICANT SITES, OR STATE DESIGNATED SCENIC AREAS. THIS WAS DETERMINED THROUGH FILE REVIEW AND SITEWALK COMPLETED BY DIPRETE ENGINEERING 05/15/2018 AND IS CORRECT TO THE BEST OF OUR BELIEF.

Lidar Note:

CONTOUR DATA SHOWN ON THIS PLAN CONFORMS TO A T-4 TOPOGRAPHICAL SURVEY STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS; SAID DATA IS BASED ON ELEVATION INFORMATION THAT WAS COLLECTED WITH AIRBORNE LIDAR TECHNOLOGY FOR THE ENTIRE AREA OF RHODE ISLAND BETWEEN APRIL 22 AND MAY 6, 2011 AS PART OF THE NORTHEAST LIDAR PROJECT. THIS DATA'S POSITIONAL ACCURACY AND RELIABILITY HAS NOT BEEN VERIFIED BY DIPRETE ENGINEERING AND IS SUBJECT TO CHANGES AN AUTHORITY FIELD SURVEY MAY DISCLOSE.

Abbreviations:

EXISTING	EX
PROPOSED	PR
TYPICAL	TYP
ASSESSOR'S PLAT	AP
NOW OR FORMERLY	N/F
UTILITY POLE	U.P.

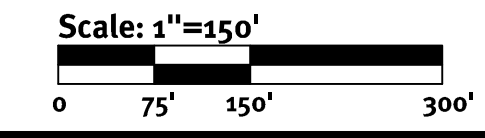
Existing Legend:

NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS

	PROPERTY LINE
	ASSESSOR LINE
	SETBACK
	MINOR CONTOUR LINE
	MAJOR CONTOUR LINE
	100' RIVERBANK WETLAND
	STREAM
	SOIL BOUNDARY LINE
	FEMA BOUNDARY
	GIS WETLAND EDGE
	FIELD LOCATED WETLAND EDGE
	WETLAND HATCH
	50' PERIMETER WETLAND
	ELECTRIC OVERHEAD WIRE
	ELECTRIC UTILITY POLE
	ZONING LINE

This Plan Should Be Indexed By The Following Streets:

- Natick Avenue



Diprete Engineering
Two Stafford Court Cranston, RI 02920
tel 401-913-1000 fax 401-641-6006 www.diprete-eng.com

Boston • Providence • Newport

DAWD A. RUSSO
No. 1435
REGISTERED PROFESSIONAL ENGINEER CIVIL

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The contractor is responsible for all of the means, methods, safety precautions and requirements, and OSHA compliance in the implementation of this plan and design.

No.	Date	Description	By
1	11/09/2018	Master Plan Submission	S.E.K.
2	11/09/2018	Final Master Plan	S.E.K.
3	11/09/2018	Master Plan Submission	S.E.K.
4	11/09/2018	Final Master Plan	S.E.K.
5	11/09/2018	Master Plan Submission	S.E.K.
6	11/09/2018	Final Master Plan	S.E.K.

Drawn By: S.E.K. Design By: S.E.K.

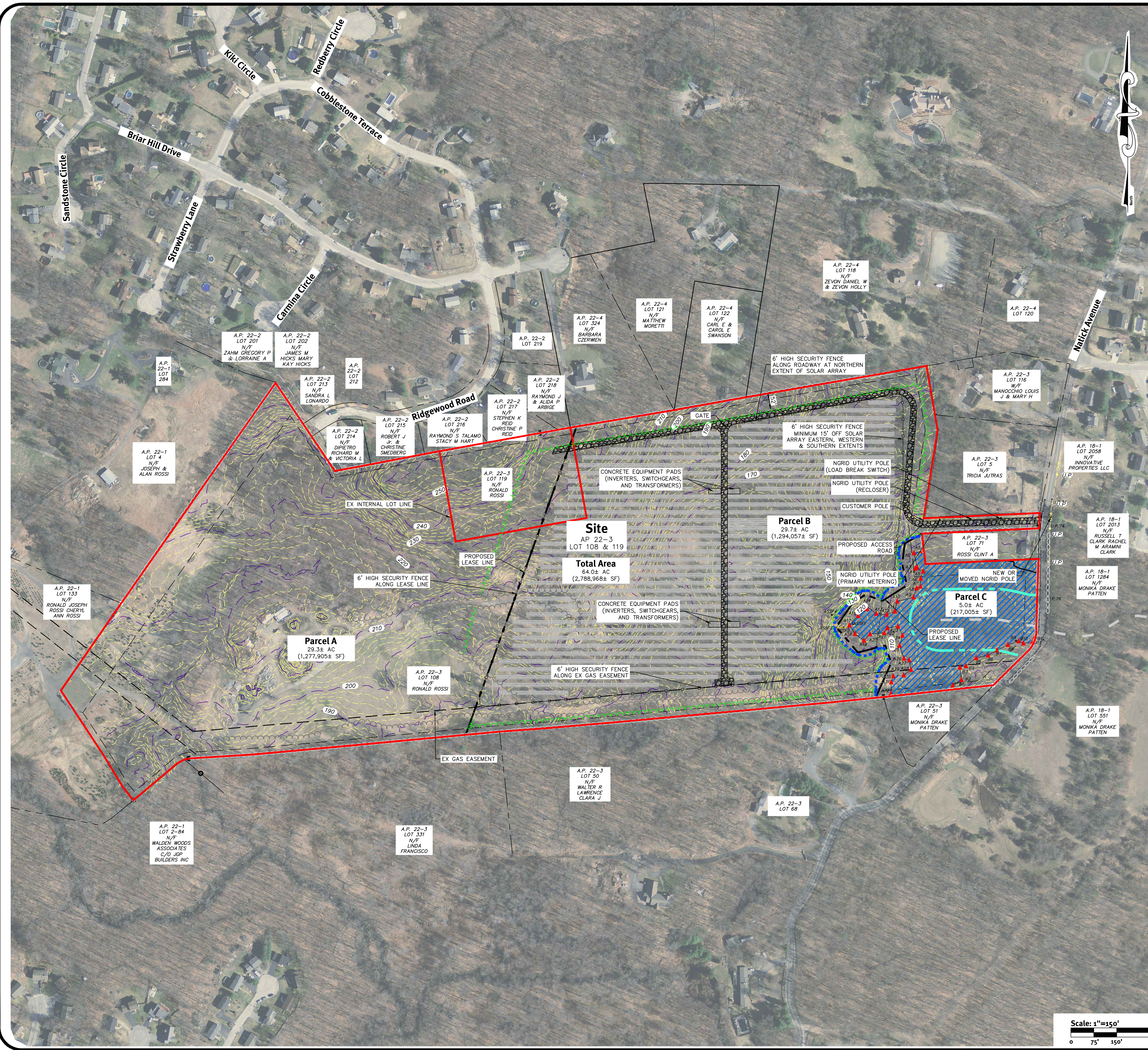
Existing Condition Plan
Natick Avenue Solar
Assessor's Plat 22-3 Lots 108 & 119
Cranston, Rhode Island

Southern Sky Renewable Energy RI, LLC
117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
tel 781-313-271-2001

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SHEET 3 OF 7

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General Notes:

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 - COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
 - NATURAL HERITAGE AREA (RIDEM)
 - GROUNDWATER PROTECTION OVERLAY DISTRICT (TOWN)
 - S.A.M.P. AREA (CRMC)
 - NON-COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
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Site Layout Notes:

- DETAILED SOIL EROSION AND SEDIMENT CONTROL MEASURES TO BE INCORPORATED AT THE PRELIMINARY DESIGN STAGE AND WILL CONFORM TO RIDEM BEST MANAGEMENT PRACTICES.
- NO NEW WELLS OR OWTS PROPOSED. THE SITE IS NOT PROPOSED TO BE SERVICED BY PUBLIC WATER.
- ALL ELECTRICAL CONNECTION AND DISTRIBUTION LINES WITHIN THE FACILITY SHALL BE UNDERGROUND. ELECTRICAL EQUIPMENT BETWEEN THE FACILITY AND THE UTILITY CONNECTION MAY BE ABOVE GROUND IF REQUIRED BY THE UTILITY.
- NO NEW LIGHTING INSTALLATIONS ARE PROPOSED.
- PROPOSED SIGNAGE IS LIMITED TO SECURITY SIGNS (OR SIMILAR) INSTALLED ON THE FACILITY PERIMETER FENCING.
- PROJECT WORK WILL BE UNDERTAKEN IN ONE PHASE.
- NO TOP SOIL IS TO BE REMOVED DURING CONSTRUCTION AND INSTALLATION OF THE SYSTEM.
- CONSTRUCTION STAGING AREA TO INCLUDE CONCRETE WASHOUT AREA AND VEHICLE FUELING/ STORAGE/ MAINTENANCE AREA.

Dimensional Regulations:

CURRENT ZONING:	A-80
REQUIRED:	80,000 SF
MINIMUM LOT AREA:	200'
MINIMUM FRONT AND LOT WIDTH:	40'
MINIMUM FRONT AND CORNER SIDE YARD:	20'
MINIMUM SIDE YARD:	100'
MINIMUM REAR YARD:	100'

Existing Legend

NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS

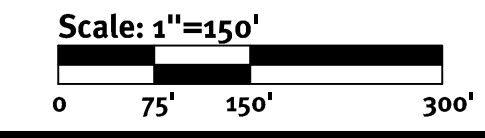
	PROPERTY LINE
	ASSESSOR LINE
	SETBACK
	MINOR CONTOUR LINE
	MAJOR CONTOUR LINE
	100' RIVERBANK WETLAND
	STREAM
	HKC
	CaD
	SOIL BOUNDARY LINE
	FEMA BOUNDARY
	GIS WETLAND EDGE
	FIELD LOCATED WETLAND EDGE
	WETLAND HATCH
	50' PERIMETER WETLAND
	ELECTRIC OVERHEAD WIRE
	ELECTRIC UTILITY POLE

Proposed Legend

NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS

	TREELINE
	LIMIT OF DISTURBANCE - NO EROSION CONTROL
	FILTREX SEDIMENT CONTROL, SILT FENCE (RIDOT STD 9.2.0) OR APPROVED EQUAL AT LIMIT OF DISTURBANCE
	6' HIGH PERIMETER FENCE
	SOLAR ARRAY

8.1 MW DC Solar Farm



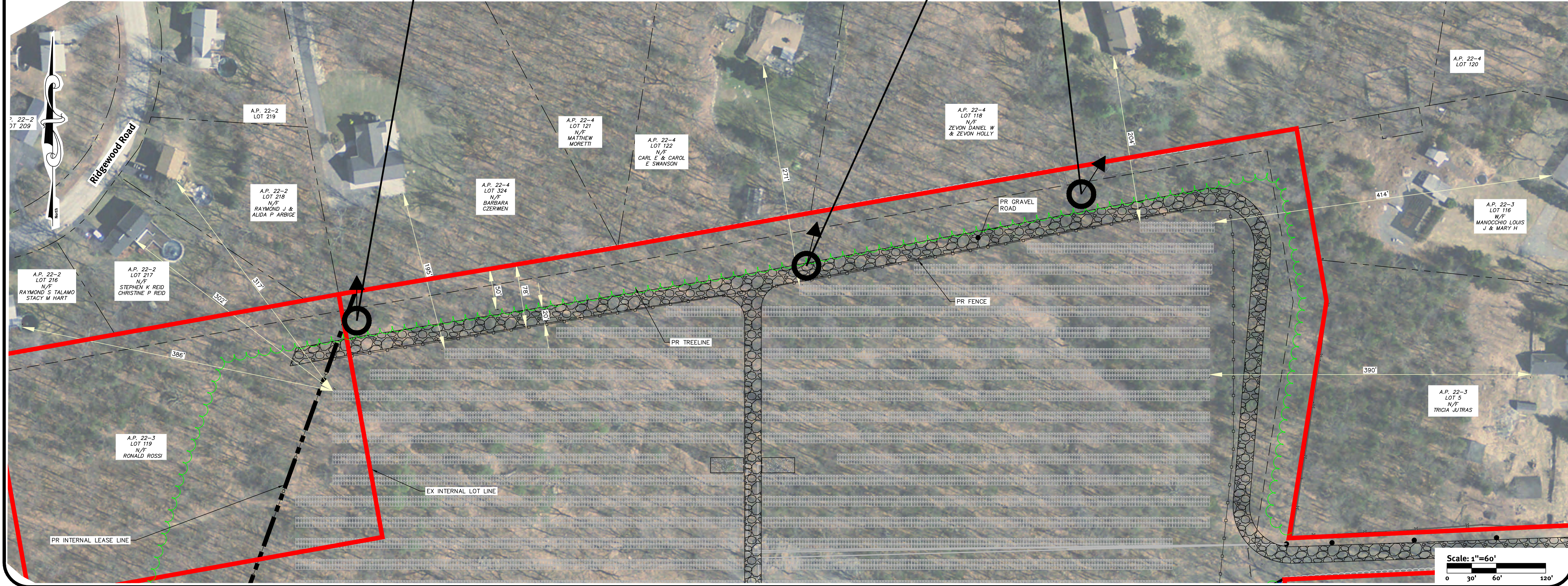
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DAWD A. RUSSO
 No. 1435
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL

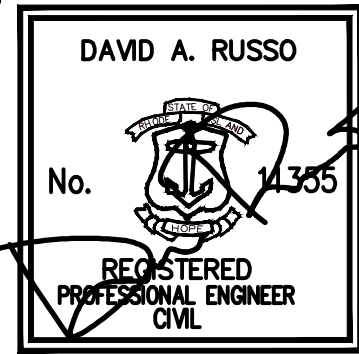
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2	11/09/2018	Final Master Plan	S.E.K.	S.E.K.
3	11/09/2018	Master Plan Submission	S.E.K.	S.E.K.
4	11/09/2018	Master Plan Submission	S.E.K.	S.E.K.
5	11/09/2018	Master Plan Submission	S.E.K.	S.E.K.

Site Layout Plan
Natick Avenue Solar
 Cranston, Rhode Island
Southern Sky Renewable Energy RI, LLC
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 tel 781-351-2711
 Design By: S.E.K.



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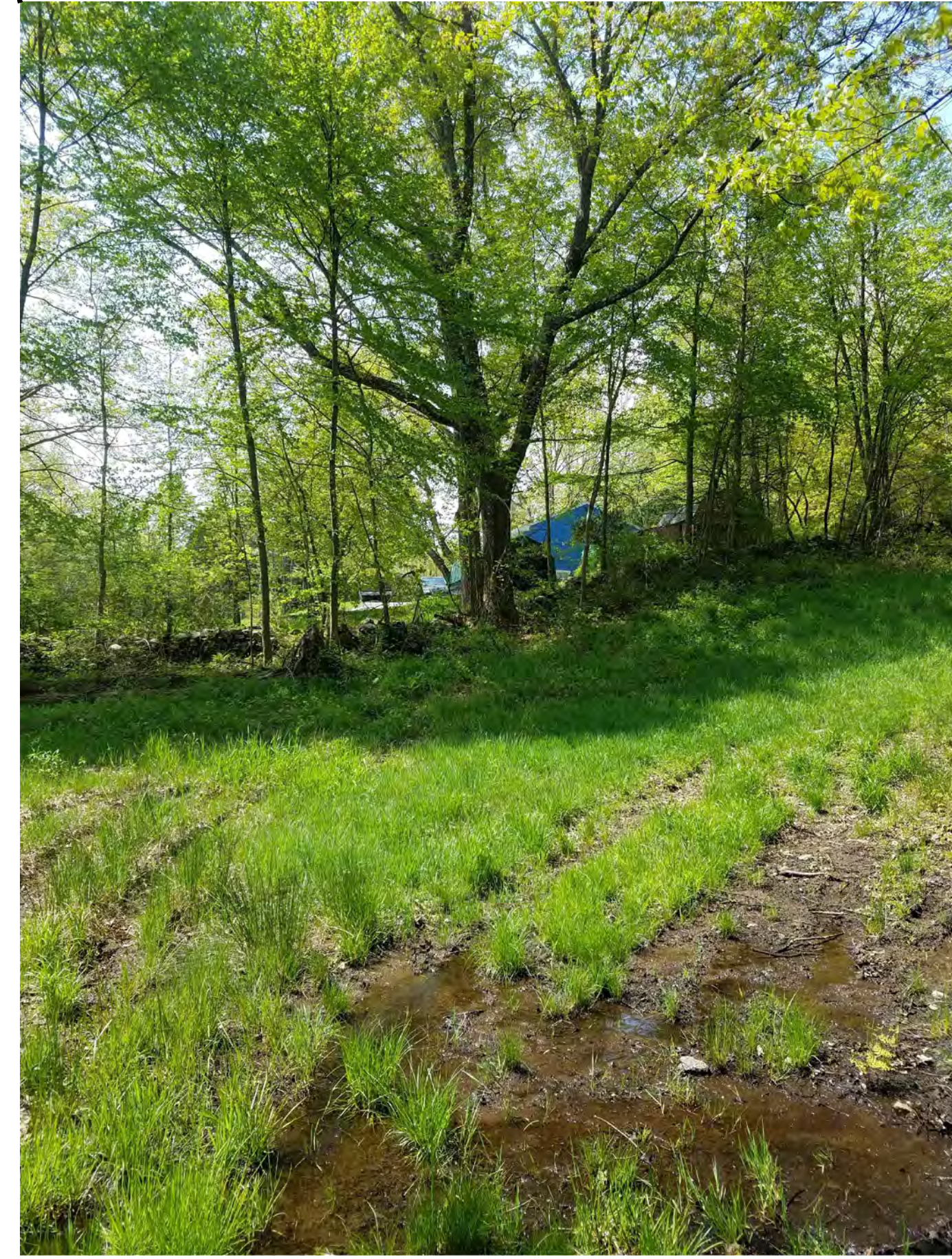
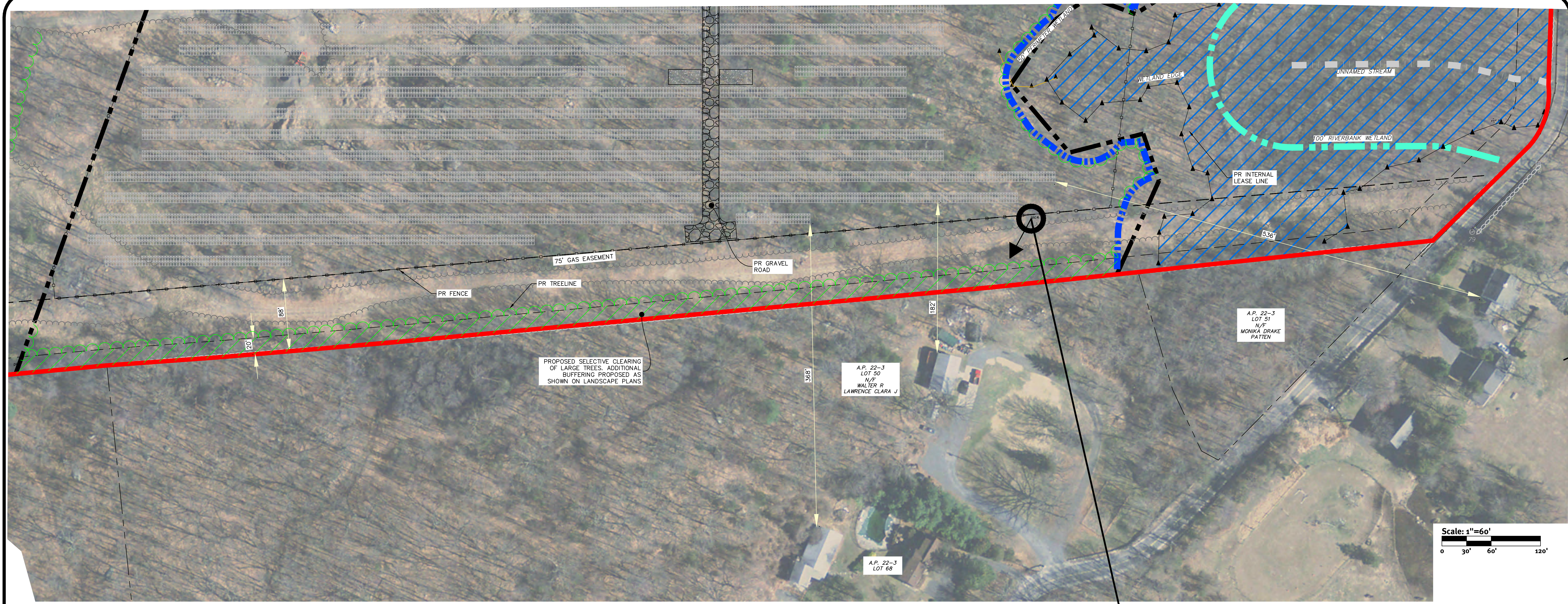
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No.	Date	Description	By:	Design By:
5	11/09/2018	Master Plan Submission	S.E.K.	S.E.K.
4	11/09/2018	Tree Impact Analysis	S.E.K.	S.E.K.
3	05/09/2018	Master Plan Submission	S.E.K.	S.E.K.
2	05/09/2018	Master Plan Submission	S.E.K.	S.E.K.
1	05/09/2018	Updated Layout Plan	S.E.K.	S.E.K.
0	05/09/2018	Master Plan Submission	S.E.K.	S.E.K.

Viewshed Analysis-North
Natick Avenue Solar
 Cranston, Rhode Island
Southern Sky Renewable Energy RI, LLC
 Applicant
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 tel 781-371-2001
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Viewshed Analysis-South
Natick Avenue Solar
 Cranston, Rhode Island
Southern Sky Renewable Energy RI, LLC
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 tel 781-371-2001

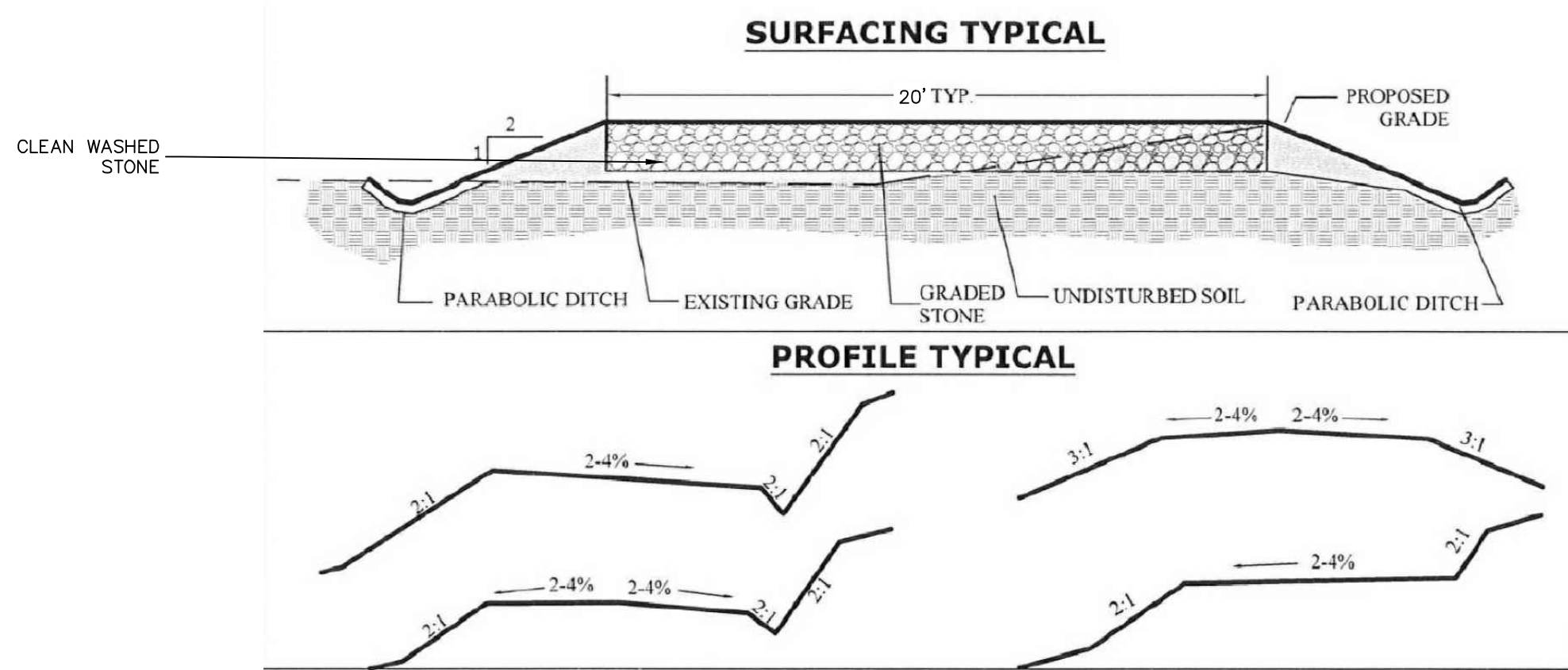
DAWD A. RUSSO
 No. 14385
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No.	Date	Description	By
5	11-09-2018	Master Plan Submission	M.A.H.
4	11-09-2018	Tree Height Analysis	K.L.D.
3	05-09-2018	Master Plan Submission	M.A.H.
2	05-09-2018	Master Plan Submission	M.A.H.
1	7-12-2018	Updated Layout Plan	S.E.K.
0	6-02-2018	Master Plan Submission	S.E.K.

Drawn By: S.E.K. Design By: S.E.K.

DiPrete Engineering
 Two Stafford Court Cranston, RI 02920
 tel 401-943-1000 fax 401-64-6006 www.diprete-eng.com
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SURFACING SPECIFICATIONS

Conditions:	Road Thickness	Stone Size	Fines
Base Layer with Geotextile Fabric (not excessively wet)	4" Min.	3-3 1/2	0-6%
Base Layer with Geotextile Fabric (wet conditions)	6" Min.	3-3 1/2	0-6%

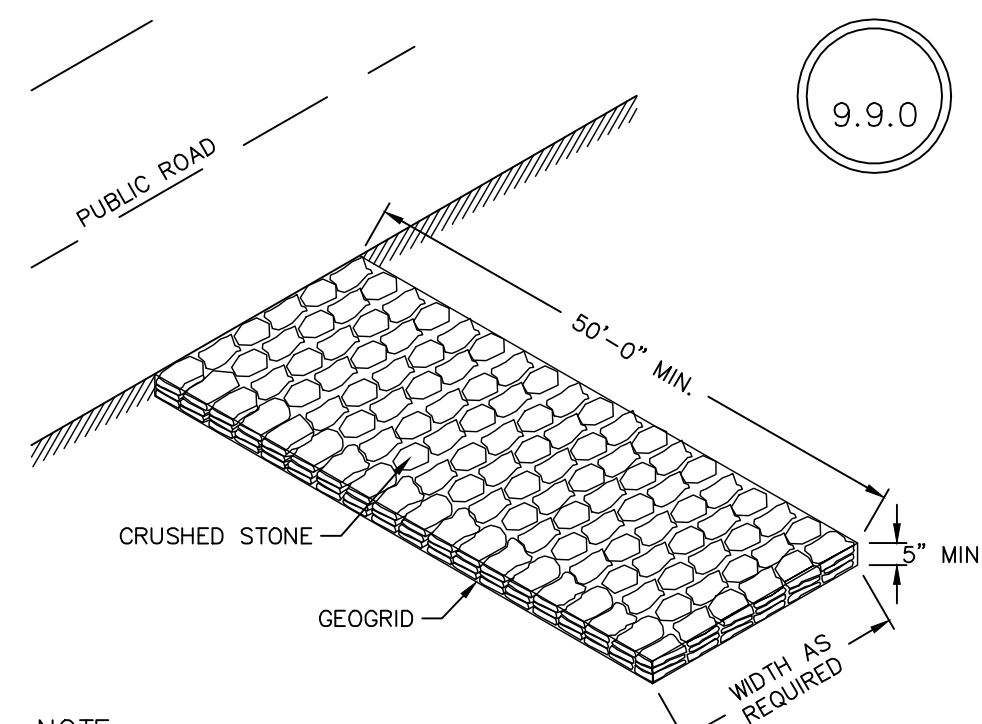
MATERIAL SPECIFICATIONS

Sieve Designation	Percentage by Mass (Weight) Passing Square Mesh Sieves
90mm (3.5 inch)	100
75 mm (3 inch)	90-100
50 mm (2 inch)	75-100
25 mm (1 inch)	50-80
12.5mm (1/2 inch)	30-60
4.75 mm (No. 4)	15-40
75µm (No. 200)	0-4

NOTE:
1. CLEAN WASHED STONE IS REQUIRED FOR THE PERMEABLE ACCESS ROAD TO PROMOTE INFILTRATION.

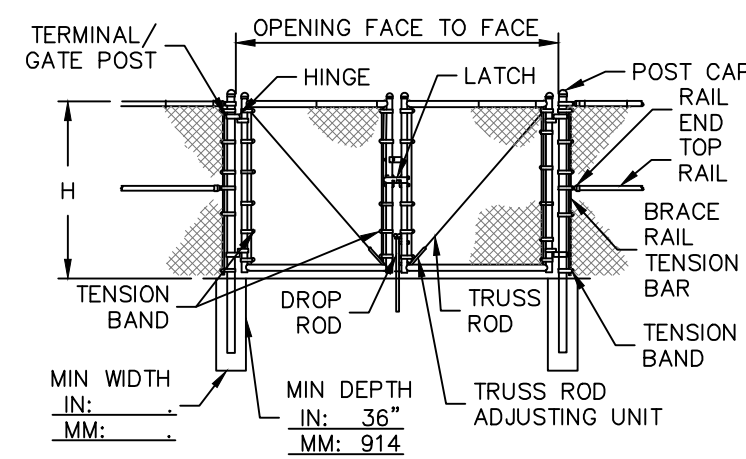
- SOURCES:**
- **Surfacing Typical and Surfacing Specs:** Derived from USDA NRCS drawing "Access Road; ME-ENG-AR1"
 - **Profile Typical:** Derived from USDA Forest Service Publication "Forest Road Construction and Maintenance"
 - **Material Specs:** Derived from VTrans 704.06 Subbase

PERMEABLE ACCESS DETAIL
NTS



NOTE:
SHALL BE IN ACCORDANCE WITH SECTION 211 OF THE R.I. STANDARD SPECIFICATIONS.

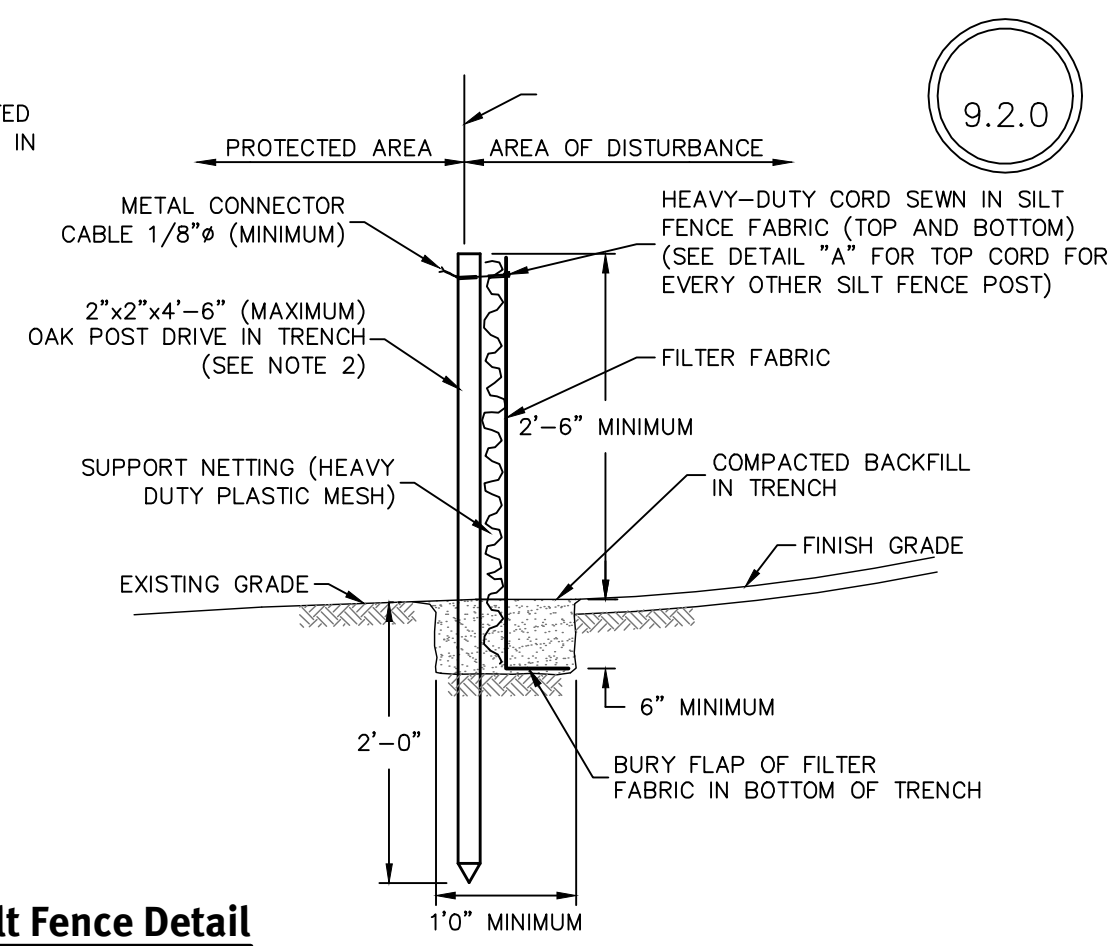
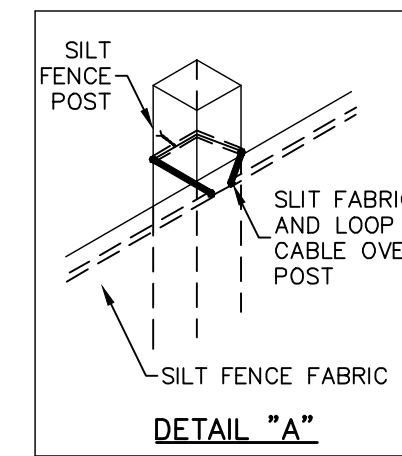
Construction Access
NOT TO SCALE



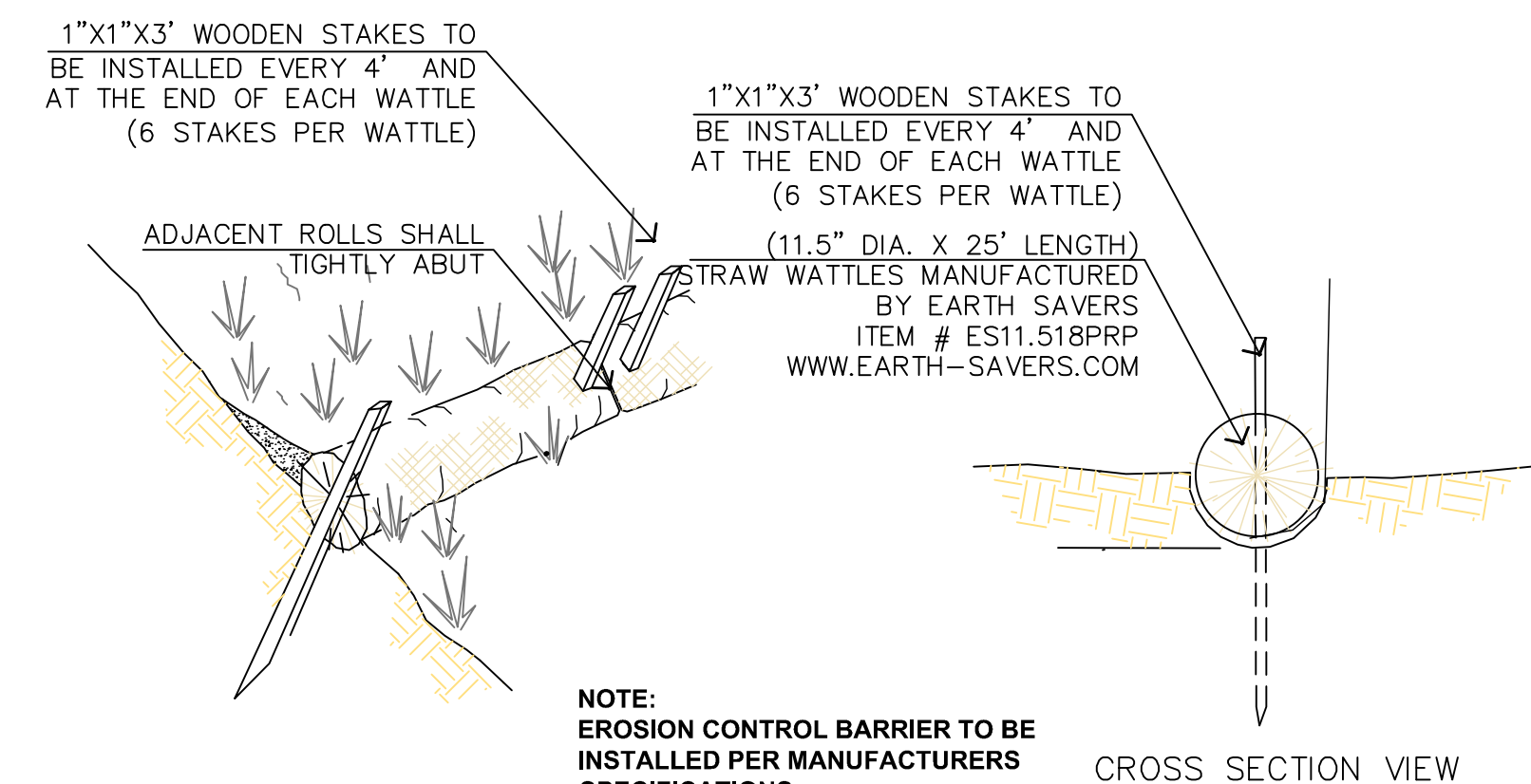
NOTE:
1. METRIC DIMENSIONS ARE NOMINAL EQUIVALENTS TO U.S. DIMENSIONS.
2. SPECIFICATIONS SHOWN CAN BE CHANGED BY THE MANUFACTURER ONLY.
3. FOOTING WIDTH TO BE (4)X POST WIDTH.

Double Swing Gate 12' Opening
NOT TO SCALE

- NOTES:**
1. SHALL BE IN ACCORDANCE WITH SECTION 206 OF THE R.I. STANDARD SPECIFICATIONS.
 2. 2"x2"x4'-6" (MAXIMUM) OAK POSTS FOR SILT FENCE SHALL BE LOCATED 8'-0" (MAXIMUM) O.C. IN WETLAND AREAS AND 4'-0" (MAXIMUM) O.C. IN WETLAND RAFFINE, GULLY OR DROP-OFF AREAS AS SHOWN ON PLANS.
 3. 1"x1"x4'-6" (MINIMUM) POSTS PERMITTED FOR PRE-FABRICATED SILT FENCE.
 4. SILT FENCE SHALL BE INSTALLED BEFORE ANY GRUBBING OR EARTH EXCAVATION TAKES PLACE.

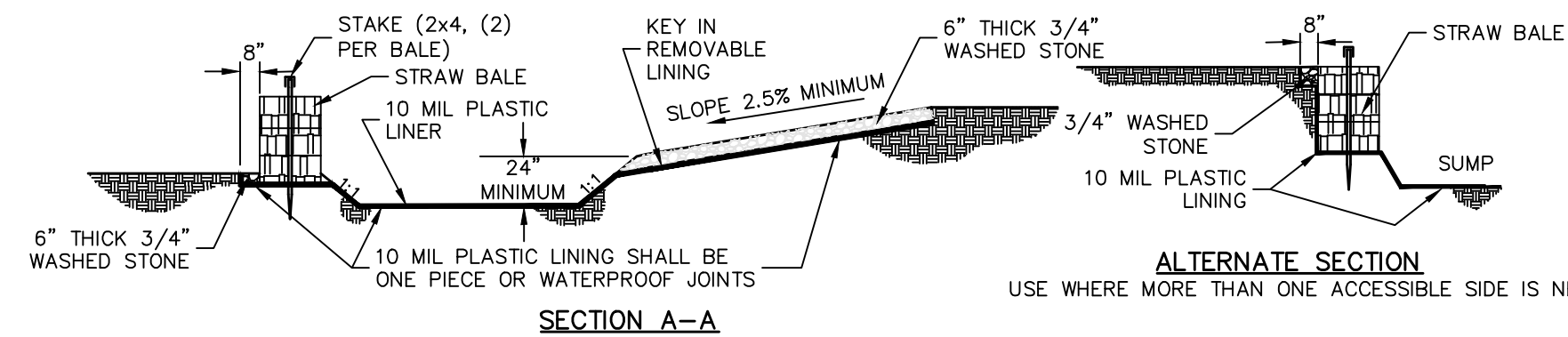
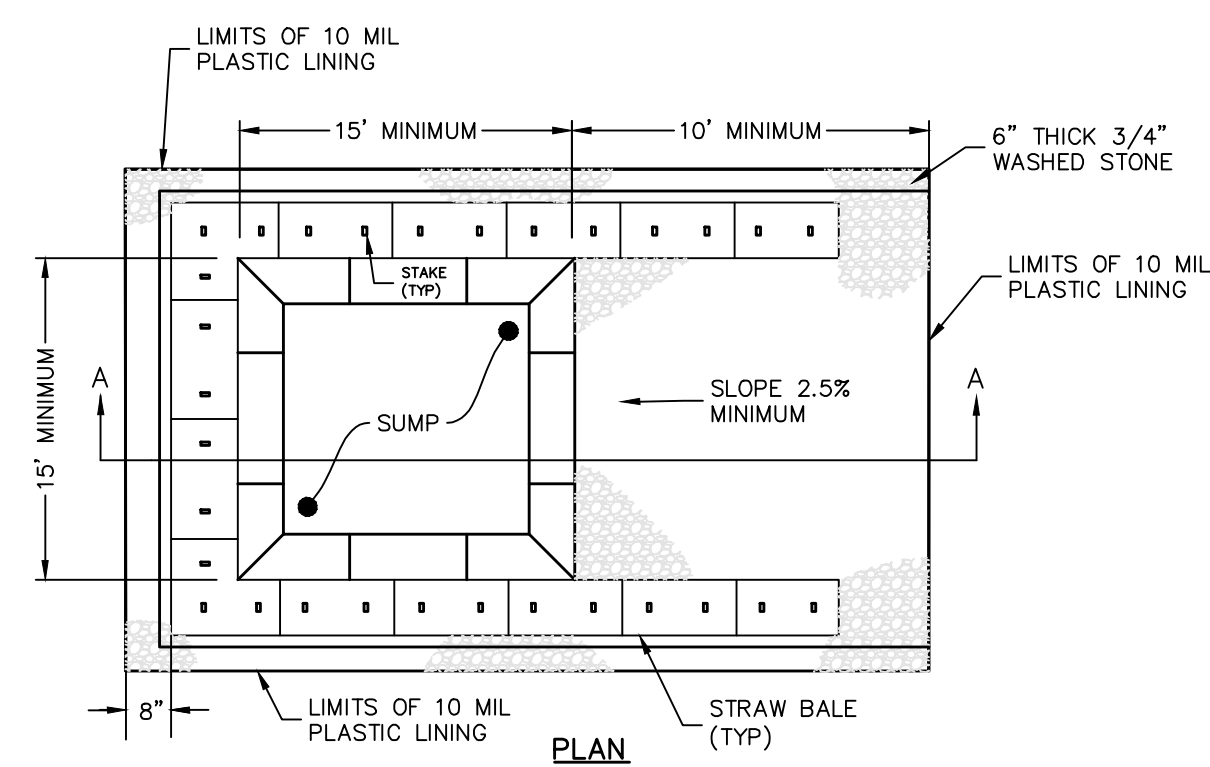


Silt Fence Detail
NOT TO SCALE



NOTE:
EROSION CONTROL BARRIER TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS

Straw Wattle Sediment Barrier
NOT TO SCALE

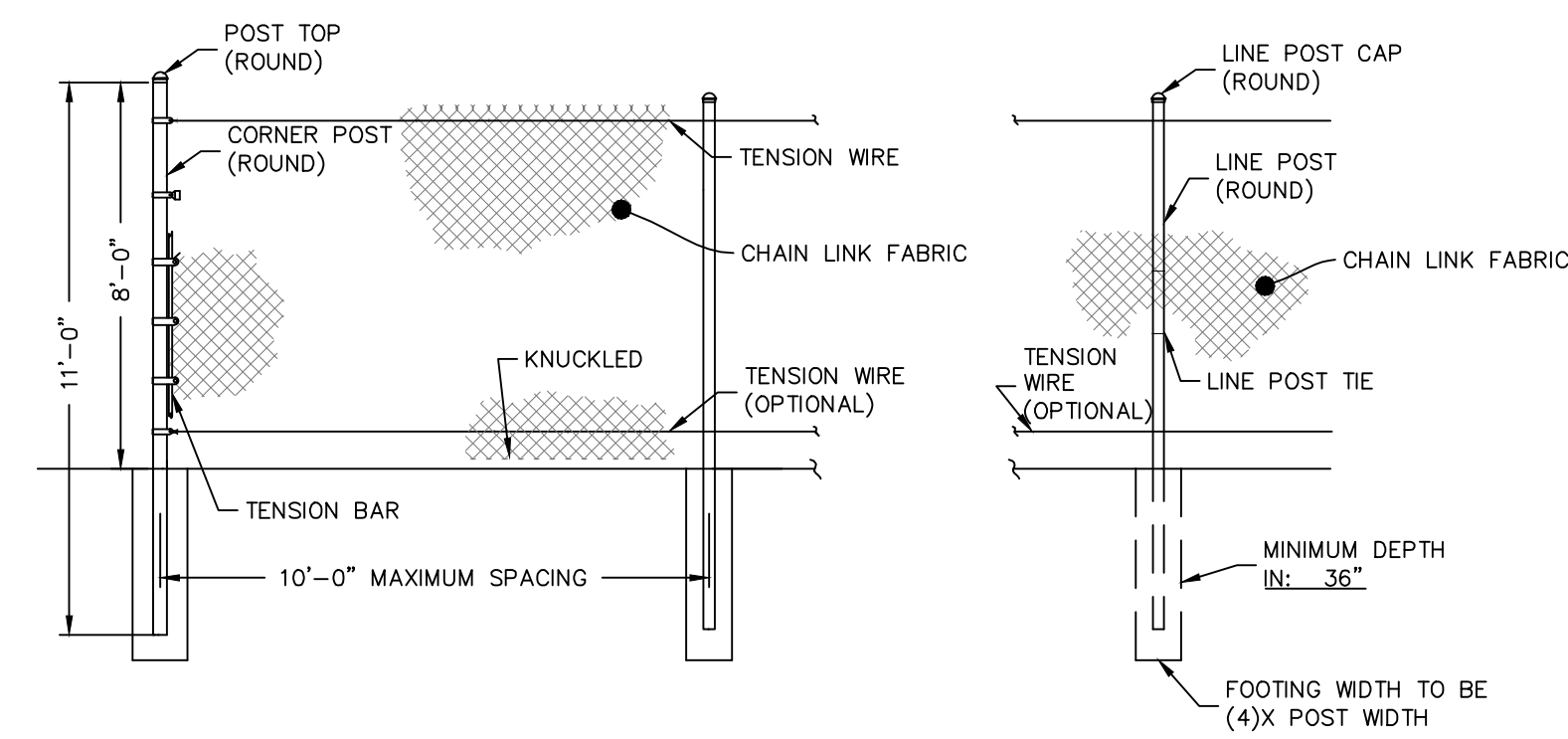


NOTES:

1. PIT IS SPECIFICALLY DESIGNATED, DIKED AND IMPERVIOUS CONTAINMENT TO PREVENT CONTACT BETWEEN CONCRETE WASH AND STORMWATER.
2. WASH WATER SHALL NOT BE ALLOWED TO FLOW TO SURFACE WATER.
3. FACILITY MUST HOLD SUFFICIENT VOLUME TO CONTAIN CONCRETE WASTE WITH A MINIMUM FREEBOARD OF 12."
4. FACILITY SHALL NOT BE FILLED BEYOND 95% CAPACITY UNLESS A NEW FACILITY IS CONSTRUCTED.
5. SAWCUT PORTLAND CEMENT CONCRETE, RESIDUE FROM SAWCUT AND GRINDING TO BE DISPOSED OF IN THE PIT.
6. CONCRETE WASHOUTS SHALL BE LOCATED A MINIMUM OF 100' FROM DRAINAGE WAYS, INLETS, AND SURFACE WATERS.
7. MANUFACTURED CONCRETE WASHOUT DEVICES MAY BE USED IF REMOVED FROM THE SITE WHEN 95% FULL CAPACITY.

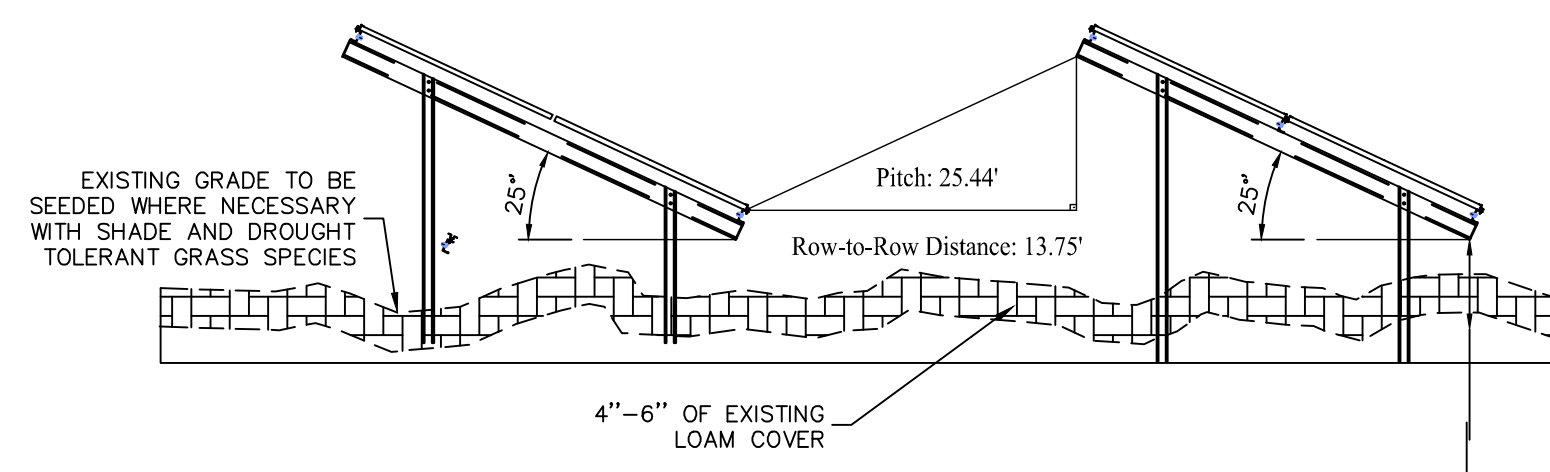
WASHOUT SIGN

Concrete Washout Area
(NOT TO SCALE)



Typical High Fence
NOT TO SCALE

ROUND END POSTS, WITHOUT TOP RAIL & WITHOUT BARBED WIRE



NOTE:
1. TOPSOIL ON SITE SHALL BE PRESERVED. TOPSOIL SHALL NOT BE EXPORTED FROM THE SITE.

Onsite Grading Material and PV Array
Distance Scheme - Tilt, Angle, and Shading Detail

DiPrete Engineering
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3	10-26-2018	Master Plan Submission	M.A.H.	
2	10-26-2018	Master Plan Submission	M.A.H.	
1	7-12-2018	Updated Layout Plan	S.E.K.	
0	6-02-2018	Master Plan Submission	S.E.K.	

Detail Sheet
Natick Avenue Solar
Accessors: Plat 22-3, Lots 108 & 119
Cranston, Rhode Island
Applicant: **Southern Sky Renewable Energy RI, LLC**
117 Metro Center Blvd #207, Warwick, Rhode Island 02886
tel 781-371-2001
Copyright 2018 by DiPrete Engineering Associates, Inc.

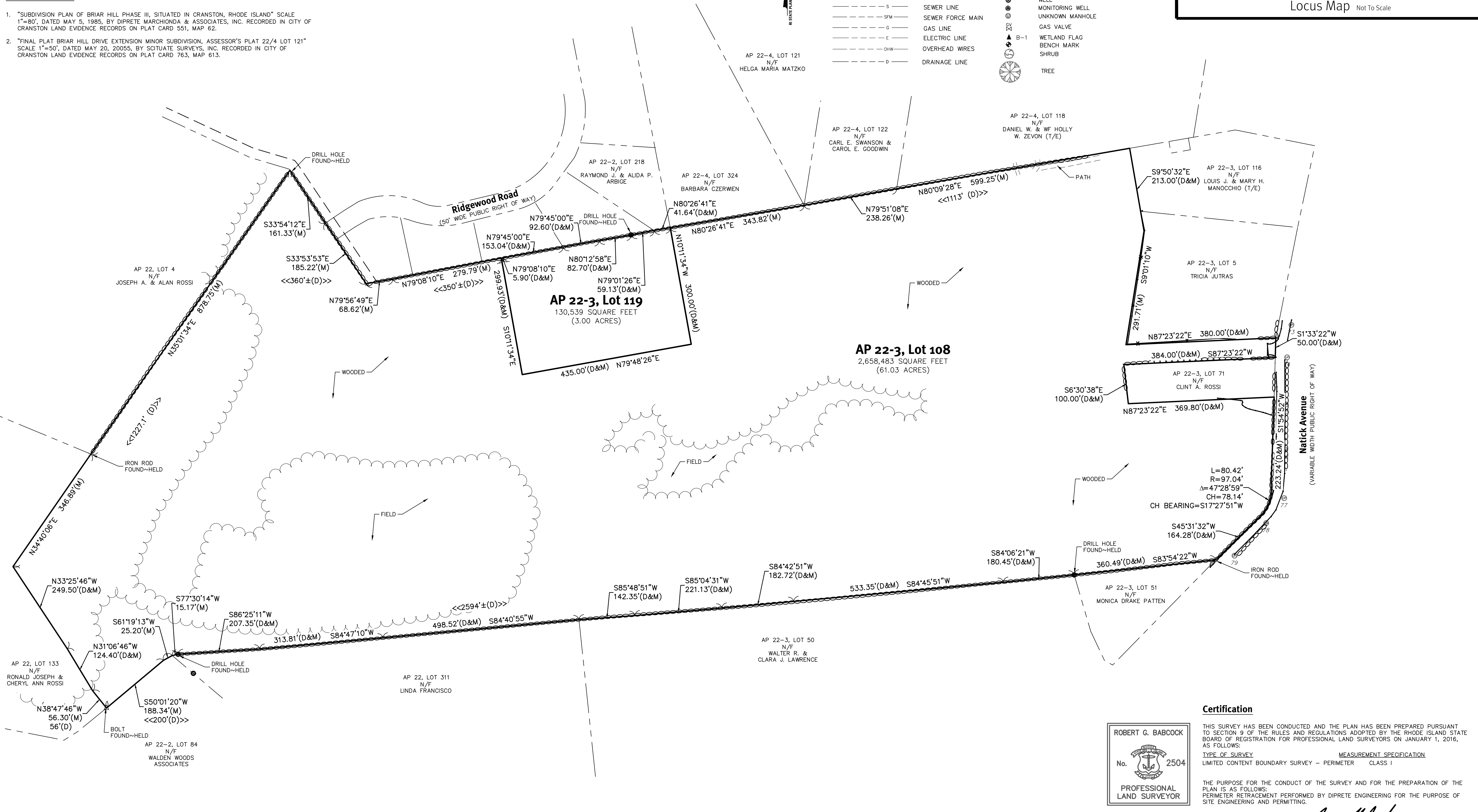
z:\deman\projects\2437-015 natick avenue solar\autocad drawings\2437-015-over.dwg Plotted: 11/9/2018

General Notes

1. THE PARCEL IS FOUND ON ASSESSOR'S PLAT 22, LOT 108 & 119 IN THE CITY OF CRANSTON, PROVIDENCE COUNTY, RHODE ISLAND.
2. THE OWNER PER DEED BOOK 853, PAGE 793 IS RONALD ROSSI.
3. BASED ON GRAPHICAL PLOTTING ONLY, THE PARCEL IS LOCATED IN X PER FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP 44007C0407G, DATED MARCH 2, 2009 & MAP 44003C0126H, DATED OCTOBER 2, 2015. THIS DESIGNATION MAY CHANGE BASED UPON REVIEW BY A FLOOD ZONE SPECIALIST OR BY THE RESULTS OF A COMPREHENSIVE FLOOD STUDY.
4. THE PARCEL IS ZONED A80 BASED ON VISION GOVERNMENT SOLUTIONS CRANSTON. ANY OVERLAY DISTRICTS, SPECIAL PERMITS OR VARIANCES SPECIFIC TO THIS SITE ARE NOT TAKEN INTO CONSIDERATION. PLEASE CONTACT THE ZONING DEPARTMENT FOR ANY ADDITIONAL INFORMATION OR FOR A CERTIFICATE OF ZONING.
5. THERE WERE NO CEMETERIES, GRAVE SITES AND OR BURIAL GROUNDS OBSERVED WITHIN THE LIMITS OF THE SURVEY.
6. FIELD SURVEY PERFORMED BY DIPRETE ENGINEERING ON OCTOBER 4, 2018. THIS PLAN REFLECTS ON THE GROUND CONDITIONS AS OF THAT DATE.
7. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. DIPRETE ENGINEERING IS NOT RESPONSIBLE FOR ANY UNKNOWN OR UNRECORDED EASEMENTS, DEEDS OR CLAIMS THAT A TITLE REPORT WOULD DISCLOSE.

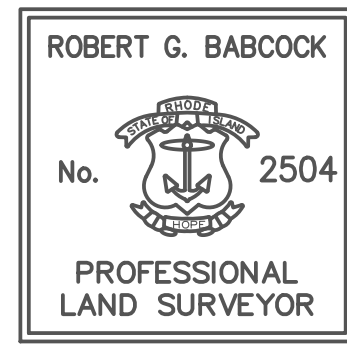
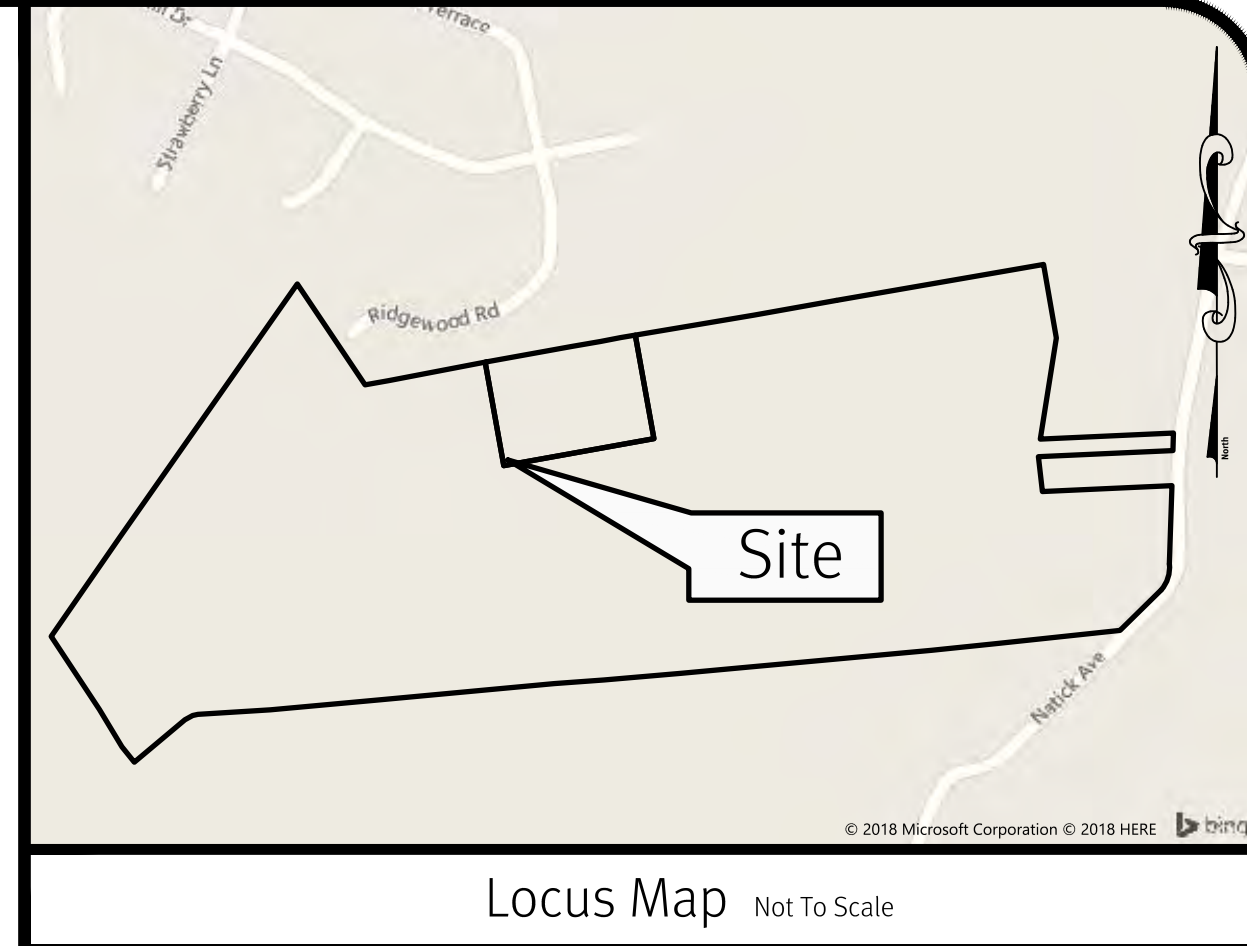
Plan References:

1. "SUBDIVISION PLAN OF BRIAR HILL PHASE III, SITUATED IN CRANSTON, RHODE ISLAND" SCALE 1"=80', DATED MAY 5, 1985, BY DIPRETE MARCHIONDA & ASSOCIATES, INC. RECORDED IN CITY OF CRANSTON LAND EVIDENCE RECORDS ON PLAT CARD 551, MAP 62.
2. "FINAL PLAT BRIAR HILL DRIVE EXTENSION MINOR SUBDIVISION, ASSESSOR'S PLAT 22/4 LOT 121" SCALE 1"=50', DATED MAY 20, 2005, BY SCITUATE SURVEYS, INC. RECORDED IN CITY OF CRANSTON LAND EVIDENCE RECORDS ON PLAT CARD 763, MAP 613.



Legend

- NOT ALL ITEMS SHOWN WILL APPEAR ON THE SURVEY
- | | | | | | |
|--|--------------------|--|----------------------|--|---------------------------|
| | BUILDING | | ASSESSOR'S PLAT | | NAIL FOUND/SET |
| | AP | | DRILL HOLE FOUND/SET | | IRON ROD/PIPE FOUND/SET |
| | N/F | | BOUND FOUND/SET | | SIGN |
| | (D) | | BOLLARD | | SOIL EVALUATION |
| | (M) | | CATCH BASIN | | DOUBLE CATCH BASIN |
| | (CA) | | DRAINAGE MANHOLE | | FLARED END SECTION |
| | HC | | GUY POLE | | ELECTRIC MANHOLE/HANDHOLE |
| | CHORD ANGLE | | UTILITY/POWER POLE | | LIGHTPOST |
| | HANDICAPPED | | SEWER/SEPTIC MANHOLE | | SEWER VALVE |
| | PROPERTY LINE | | CLEANOUT | | HYDRANT |
| | ASSESSOR'S LINE | | IRRIGATION VALVE | | WATER VALVE |
| | TREE LINE | | WELL | | MONITORING WELL |
| | GUARDRAIL | | UNKNOWN MANHOLE | | GAS VALVE |
| | FENCE | | GAS LINE | | ELECTRIC LINE |
| | RETAINING WALL | | OVERHEAD WIRES | | BENCH MARK |
| | STONE WALL | | DRAINAGE LINE | | SHRUB |
| | MINOR CONTOUR LINE | | | | TREE |
| | MAJOR CONTOUR LINE | | | | |
| | WATER LINE | | | | |
| | SEWER LINE | | | | |
| | SEWER FORCE MAIN | | | | |
| | GAS LINE | | | | |
| | ELECTRIC LINE | | | | |
| | OVERHEAD WIRES | | | | |
| | DRAINAGE LINE | | | | |



Certification

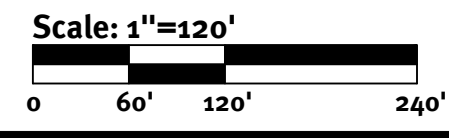
THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON JANUARY 1, 2016, AS FOLLOWS:

TYPE OF SURVEY: LIMITED CONTENT BOUNDARY SURVEY - PERIMETER CLASS I

MEASUREMENT SPECIFICATION:

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS: PERIMETER RETRACEMENT PERFORMED BY DIPRETE ENGINEERING FOR THE PURPOSE OF SITE ENGINEERING AND PERMITTING.

ROBERT G. BABCOCK, RIPLS #2504, COA #S.000A160



Diprete Engineering
 Two Stafford Court, Cranston, RI 02920
 Tel: 401-943-1000 Fax: 401-664-6006 www.diprete-eng.com

Boston • Providence • Newport

No.	Date	Boundary Survey Description	E.L.T.	By:
0	10/11/2018			

Drawn By: E.L.T.

Boundary Survey
Natick Avenue Solar
 Cranston, Rhode Island

Client:
Southern Sky Renewable Energy RI, LLC
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 Tel: 781-371-2001

DE JOB No: 2437-015 Copyright: 2018 by Diprete Engineering Associates, Inc.

NOTES:

GENERAL:

1. THE EXISTING SITE INFORMATION WAS TAKEN FROM A PLAN PREPARED BY DIPRETE ENGINEERING, TITLED 'SITE LAYOUT PLAN', AT A SCALE OF 1"=150', DATED 6-15-2018, LAST REVISED 9-27-2018 AND FROM SITE OBSERVATIONS PERFORMED BY JOHN C. CARTER & CO.
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4. THE LOCATION OF UTILITIES IF SHOWN ON THIS PLAN ARE APPROXIMATE ONLY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES BEFORE ANY EXCAVATION. DIG-SAFE SHALL BE CONTACTED AT LEAST 12 HOURS BEFORE EXCAVATION. DIG-SAFE CAN BE REACHED AT 1-800-344-1233.

BUFFER ASSESSMENT & SUPPLEMENTARY BUFFER PLANTING

1. THE PROPOSED LIMIT OF CLEARING WILL BE DELINEATED IN THE FIELD PRIOR TO ANY LOT CLEARING.
2. LARGE TREES ON THE SOUTH PROPERTY LINE THAT CAST SHADE ON THE SOLAR ARRAY SHALL BE SELECTIVELY REMOVED.
3. THE REMAINING PERIMETER VEGETATION SHALL THEN BE ASSESSED AND SUPPLEMENTAL PLANTINGS ADDED AS NECESSARY TO ESTABLISH AN EFFECTIVE VISUAL SCREEN BETWEEN THE EXISTING HOUSES AND THE PROPOSED SOLAR ARRAY.
4. IF IT IS DETERMINED THAT ADDITIONAL PLANTINGS ARE NECESSARY, THE PLANTS SHALL BE INSTALLED AS DESCRIBED IN THE PLANTING SEQUENCE.

PLANTING SEQUENCE

1. CARE SHALL BE TAKEN TO NOT DAMAGE THE EXISTING BUFFER VEGETATION WHILE INSTALLING ADDITIONAL PLANTS.
2. IF POSSIBLE, EXCAVATION SHALL BE AVOIDED WITHIN THE DRIP-LINE OF THE EXISTING TREES.
3. EVERGREEN TREES SHALL BE LOCATED IN THE GAPS WITHIN THE EXISTING BUFFER VEGETATION AND PLANTED AS SPECIFIED IN THE PLANTING DETAILS.

PLANTING:

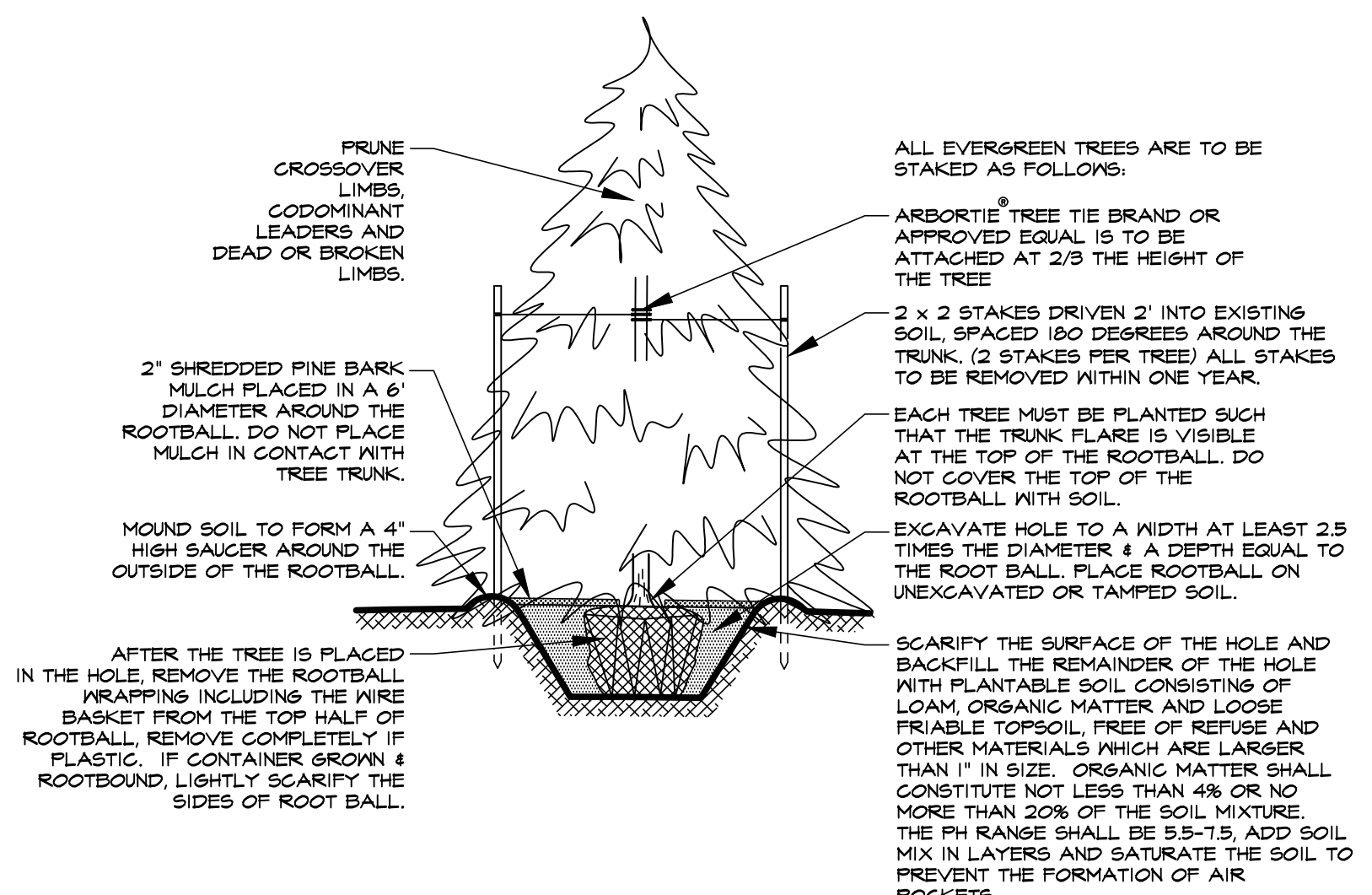
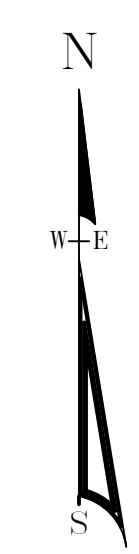
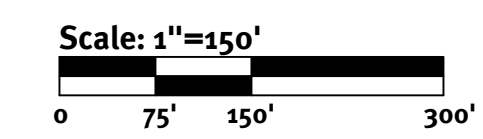
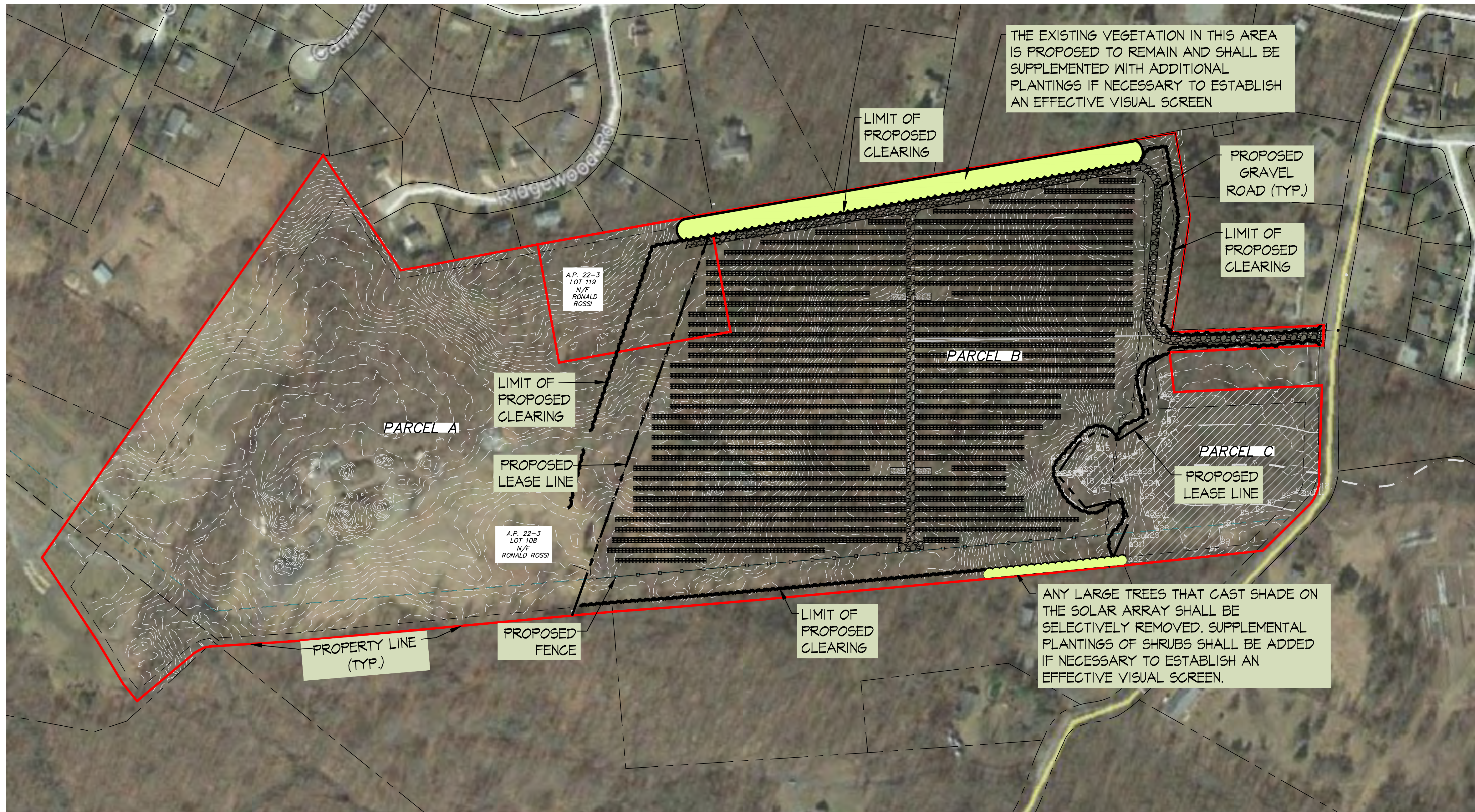
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2. PROVIDE PLANTS IN THE SIZE AND NUMBER INDICATED IN THE PLANT SCHEDULE. PLANTS SHALL BE GROWN IN NURSERIES LOCATED IN THE NORTHEASTERN U.S.
3. DELIVER FRESH DUG TREES WHICH ARE BALLED AND BURLAPPED. ALL PLANTS ARE TO BE HEALTHY, VIGOROUS AND FREE OF INSECTS AND DISEASE.
4. PLANTS ARE TO BE INSTALLED AS SPECIFIED IN THE PLANTING DETAILS WITH ADEQUATE WATER PROVIDED DURING PLANTING TO ALLOW COMPACTION OF THE PLANTING SOIL TO PREVENT ANY AIR POCKETS OR SETTLEMENT AFTER PLANTING.
5. ALL PLANTING BEDS ARE TO BE COVERED WITH 2" OF COMPOSTED WOOD CHIP MULCH.
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7. RECOMMENDED PLANTING DATES ARE APRIL 15 TO JUNE 15 AND SEPTEMBER 15 TO NOVEMBER 15.
8. PLANT SUBSTITUTIONS SHALL BE ALLOWED BASED ON AVAILABILITY. SUBSTITUTIONS MAY BE MADE ONLY WITH DIRECT APPROVAL FROM THE LANDSCAPE ARCHITECT OR OWNER.

PLANT SCHEDULE			
BOTANICAL NAME	COMMON NAME	SIZE	NOTES
PINUS STRUBUS	EASTERN WHITE PINE	5-6'	B4B
PICEA GLAUGA	WHITE SPRUCE	5-6'	B4B

NO MOW LAWN SEED MIXTURE
TO BE PLANTED BENEATH THE PV ARRAY

PERCENT	INGREDIENT
24.50 %	SHADOW III CHEWING FESCUE
24.50 %	BLUE MESA SHEEP FESCUE
12.25 %	SWORD HARD FESCUE
12.25 %	SEA FIRE SLENDER CREEPING RED FESCUE
12.25 %	KENT CREEPING RED FESCUE
12.25 %	GLADIATOR HARD FESCUE
1.90 %	INERT MATTER
05 %	OTHER CROP SEED
05 %	WEED SEED

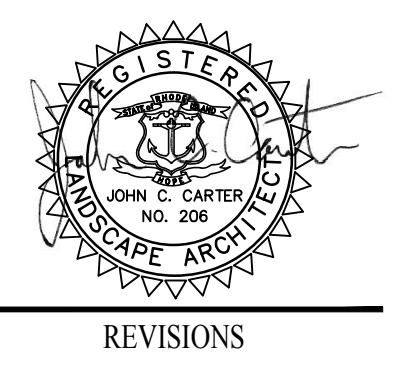
OR APPROVED EQUAL - AVAILABLE AT: PRAIRIE NURSERY, #5875 DYKE AVENUE, WESTFIELD, NJ 08844



EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE
© 2018 JOHN C. CARTER & CO., INC.

BUFFER PLANTING PLAN

PREPARED FOR:
NATICK AVENUE SOLAR
LOCATED AT:
A.P. 22-3, LOTS 108 & 119
CRANSTON, RHODE ISLAND



SCALE: 1" = 150'
DATE: November 13, 2018

Issued for Permitting
THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION

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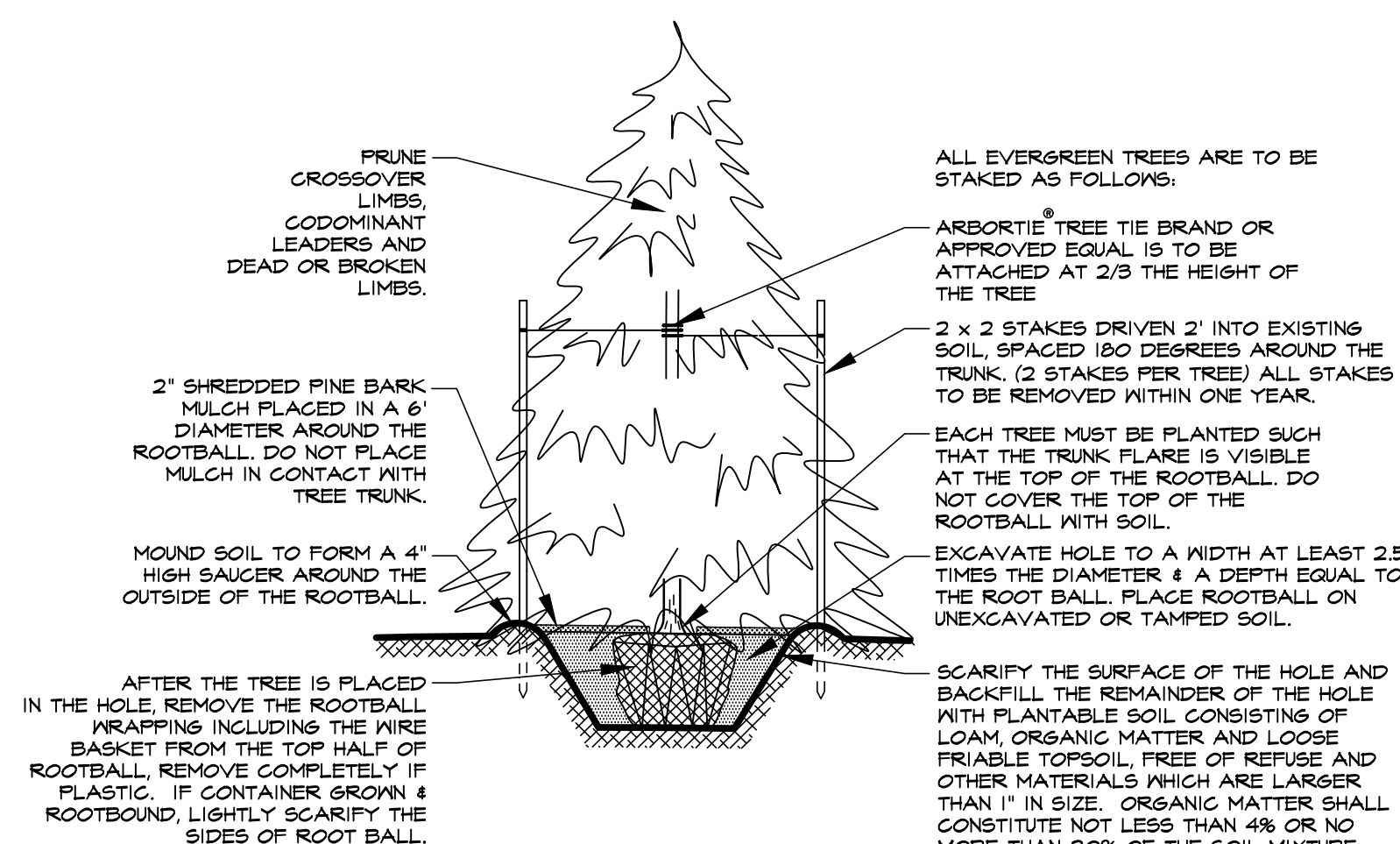
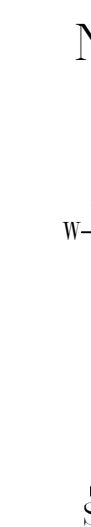
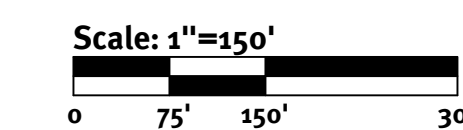
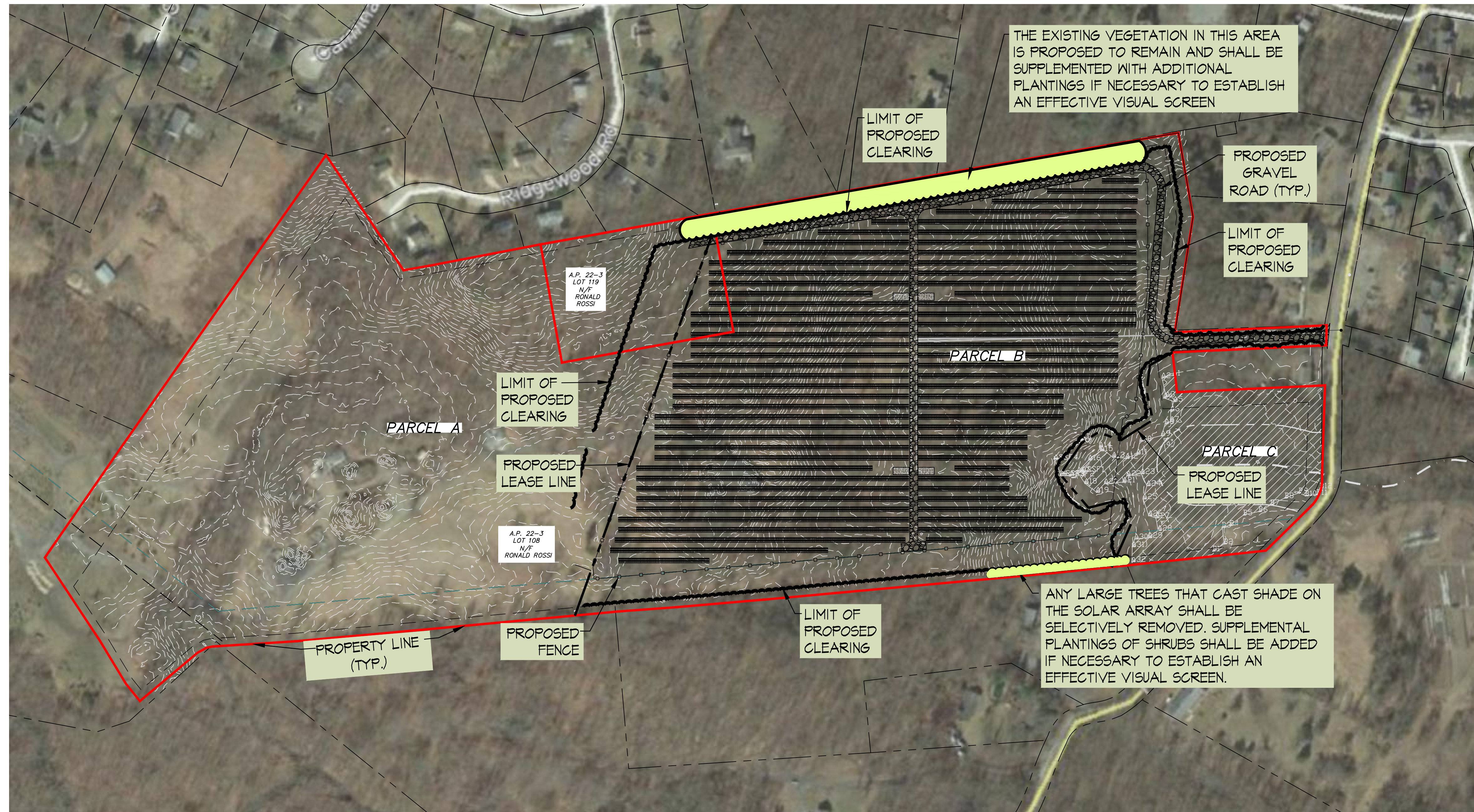
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OR APPROVED EQUAL - AVAILABLE AT: PRAIRIE NURSERY, #5875 DYKE AVENUE, WESTFIELD, NJ 08844



EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE
© 2018 JOHN C. CARTER & CO., INC.

BUFFER PLANTING PLAN

PREPARED FOR:
NATICK AVENUE SOLAR

LOCATED AT:
A.P. 22-3, LOTS 108 & 119
CRANSTON, RHODE ISLAND



REVISIONS

SCALE: 1" = 150'
DATE: November 13, 2018

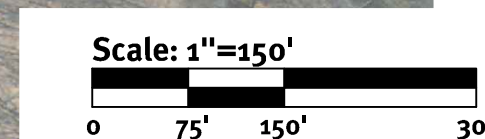
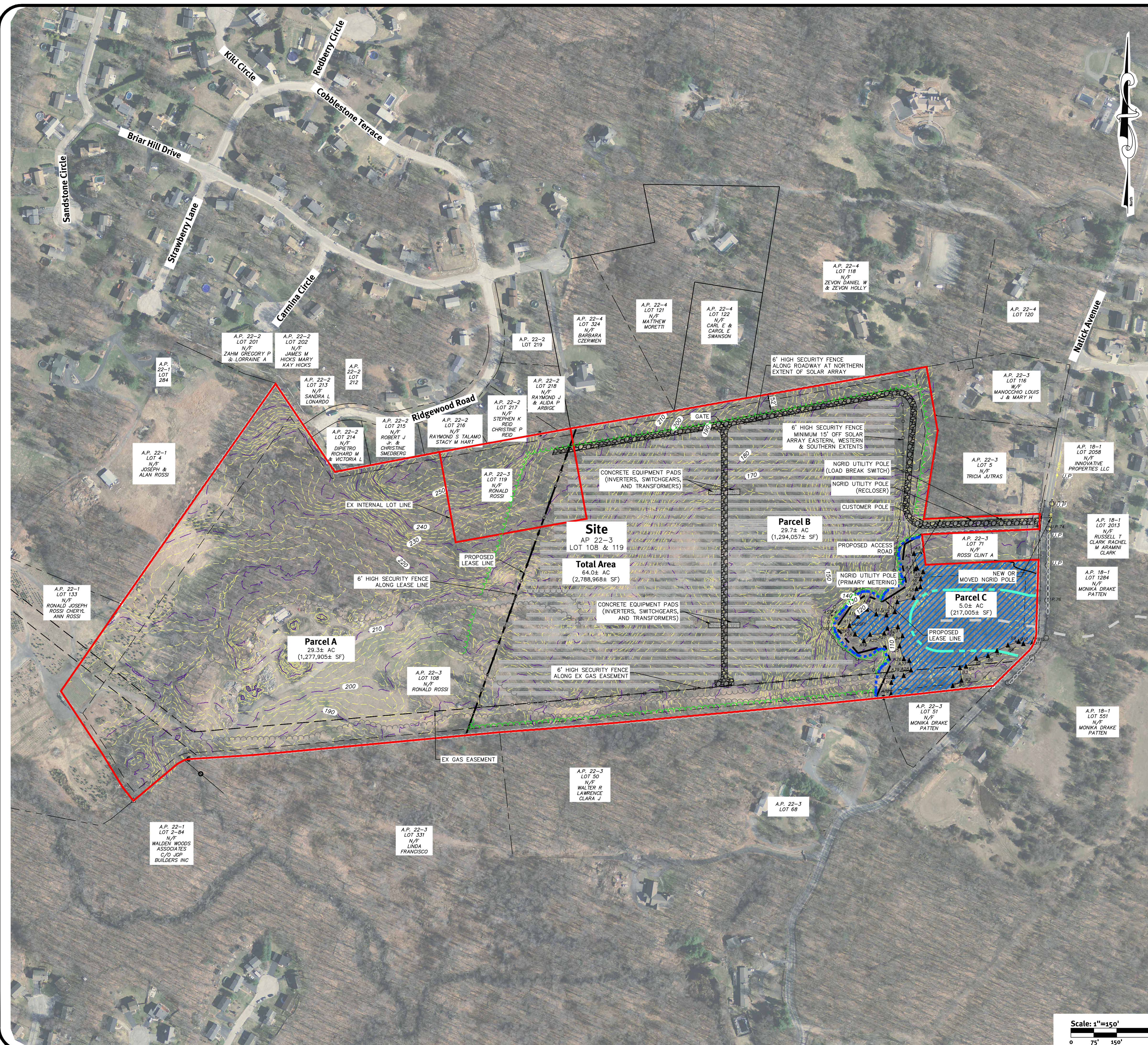
Issued for Permitting

THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION

SHEET NUMBER

1 OF 1

z:\deman\projects\2437-015 natick avenue solar\autocad drawings\2437-015-plan.dwg Plotted: 12/2/2018



General Notes:

- THE SITE IS LOCATED ON THE CITY OF CRANSTON, RHODE ISLAND ASSESSORS PLAT 22-3 LOTS 108 AND 119.
- THE AREA OF THE SITE IS APPROXIMATELY 64.0 ± ACRES. THE SITE IS ZONED AS A-80.
- THE OWNER OF AP 22-3 LOTS 108 AND 119 IS: RONALD ROSSI, 1935 PHOENIX AVE, CRANSTON, RI 02920
- THIS SITE IS LOCATED IN FEMA FLOOD ZONE X UNSHADED. ZONE X UNSHADED AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44007C0407G & 44007C0426H, MAP REVISED OCTOBER 2, 2015.
- THIS PLAN IS SUBSTANTIALLY CORRECT IN ACCORDANCE WITH A CLASS I COMPREHENSIVE BOUNDARY SURVEY.
- SOIL MAPPING OBTAINED FROM WEBSOIL SURVEY OF RHODE ISLAND, PREPARED BY U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE.
- THE SITE NOT WITHIN A:
 - GROUNDWATER PROTECTION AREA (RIDEM)
 - COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
 - NATURAL HERITAGE AREA (RIDEM)
 - GROUNDWATER PROTECTION OVERLAY DISTRICT (TOWN)
 - S.A.M.P. AREA (CRMC)
 - NON-COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
- THE SITE DOES NOT CONTAIN ANY HISTORICALLY SIGNIFICANT SITES OR STRUCTURES, STATE OR LOCAL HISTORIC SITES, DISTRICTS, CEMETERIES, ARCHAEOLOGICALLY SIGNIFICANT SITES, OR STATE DESIGNATED SCENIC AREAS. THIS WAS DETERMINED THROUGH FILE REVIEW AND SITEWALK COMPLETED BY DIPRETE ENGINEERING 05/15/2018 AND IS CORRECT TO THE BEST OF OUR BELIEF.

Site Layout Notes:

- DETAILED SOIL EROSION AND SEDIMENT CONTROL MEASURES TO BE INCORPORATED AT THE PRELIMINARY DESIGN STAGE AND WILL CONFORM TO RIDEM BEST MANAGEMENT PRACTICES.
- NO NEW WELLS OR OWTS PROPOSED. THE SITE IS NOT PROPOSED TO BE SERVICED BY PUBLIC WATER.
- ALL ELECTRICAL CONNECTION AND DISTRIBUTION LINES WITHIN THE FACILITY SHALL BE UNDERGROUND. ELECTRICAL EQUIPMENT BETWEEN THE FACILITY AND THE UTILITY CONNECTION MAY BE ABOVE GROUND IF REQUIRED BY THE UTILITY.
- NO NEW LIGHTING INSTALLATIONS ARE PROPOSED.
- PROPOSED SIGNAGE IS LIMITED TO SECURITY SIGNS (OR SIMILAR) INSTALLED ON THE FACILITY PERIMETER FENCING.
- PROJECT WORK WILL BE UNDERTAKEN IN ONE PHASE.
- NO TOP SOIL IS TO BE REMOVED DURING CONSTRUCTION AND INSTALLATION OF THE SYSTEM.
- CONSTRUCTION STAGING AREA TO INCLUDE CONCRETE WASHOUT AREA AND VEHICLE FUELING/ STORAGE/ MAINTENANCE AREA.

Dimensional Regulations:

CURRENT ZONING:	A-80
REQUIRED:	80,000 SF
MINIMUM LOT AREA:	200'
MINIMUM FRONT AND LOT WIDTH:	40'
MINIMUM FRONT AND CORNER SIDE YARD:	20'
MINIMUM SIDE YARD:	100'
MINIMUM REAR YARD:	

Existing Legend

NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS

	PROPERTY LINE
	ASSESSOR LINE
	SETBACK
	MINOR CONTOUR LINE
	MAJOR CONTOUR LINE
	100' RIVERBANK WETLAND
	STREAM
	HKC
	CaD
	SOIL BOUNDARY LINE
	FEMA BOUNDARY
	GIS WETLAND EDGE
	FIELD LOCATED WETLAND EDGE
	WETLAND HATCH
	50' PERIMETER WETLAND
	ELECTRIC OVERHEAD WIRE
	ELECTRIC UTILITY POLE

Proposed Legend

NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS

	TREELINE
	LIMIT OF DISTURBANCE - NO EROSION CONTROL
	FILTREX SEDIMENT CONTROL, SILT FENCE (RIDOT STD 9.2.0) OR APPROVED EQUAL AT LIMIT OF DISTURBANCE
	6' HIGH PERIMETER FENCE
	SOLAR ARRAY

8.1 MW DC Solar Farm

DiPrete Engineering
 Two Stafford Court Cranston, RI 02920
 tel 401-943-1000 fax 401-641-6006 www.diprete-eng.com

Boston • Providence • Newport

DAWD A. RUSSO
 No. 14355
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL

This regulatory submission set shall not be used for construction purposes unless stamped 'Issued for Construction' and signed by a DiPrete Engineering representative.

The contractor is responsible for all of the means, methods, safety precautions and requirements, and OSHA conformance in the implementation of this plan and design.

No.	Date	Description	By	Design By: S.E.K.
1	11-09-2018	Master Plan Submission	S.E.K.	
2	11-09-2018	Final Master Plan	S.E.K.	
3	10-26-2018	Master Plan Submission	S.E.K.	
4	10-26-2018	Master Plan Submission	S.E.K.	
5	10-26-2018	Master Plan Submission	S.E.K.	
6	10-26-2018	Master Plan Submission	S.E.K.	

Site Layout Plan
Natick Avenue Solar
 Cranston, Rhode Island

Southern Sky Renewable Energy RI, LLC
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 tel 781-331-2711

DE JOB No: 2437-015 Copyright 2018 by DiPrete Engineering Associates, Inc.

SHEET **4** OF 7



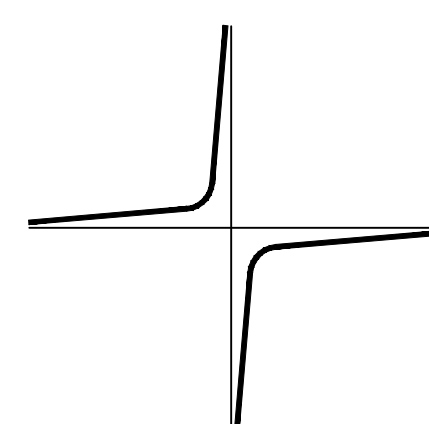
EXISTING VIEW

TYPICAL VIEW OF AN ADJUTTING HOUSE BEFORE
SUPPLEMENTAL WOODER PLANTING



VIEW AFTER SUPPLEMENTAL WOODER PLANTING

IN ALL EVERGREEN PLANTINGS INCLUDING WHITE SPRUCE
WHITE PINE RED CEDAR AND DECIDUOUS SHRUBS INCLUDING
BLUEBERRY SWEET PEPPER BUSH HAYBERRY AND TURTLE



JOHN C. CARTER & CO., INC.
960 BOSTON NECK RD. NARRAGANSETT, RI
(401) 783-3500
LANDSCAPE ARCHITECTURE
DESIGN & BUILD

SUPPLEMENTAL RESIDENTIAL WOODER PLANTINGS

NATICK AVENUE SOLAR
PREPARED FOR:
SOUTHERN SILENT RENEWABLE ENERGY, LLC
LOCATED AT:
APPLICANT'S LOTS
CRANSTON, RHODE ISLAND

**CITY OF CRANSTON
SUBDIVISION & LAND DEVELOPMENT
APPLICATION FORM**

CHECK ALL THAT APPLY TO THIS APPLICATION

- | | |
|--|---|
| <input type="checkbox"/> Subdivision | <input checked="" type="checkbox"/> Master Plan |
| <input checked="" type="checkbox"/> Land Development | <input type="checkbox"/> Preliminary Plan |
| | <input type="checkbox"/> Final Plan |

PROJECT NAME Natick Avenue Solar

Assessor's Plat(s) 22

Assessor's Lot(s) Lots 108 and 119

Location (street) Natick Avenue

OWNER'S NAME(S) Ronald Rossi

Address 1935 Phenix Avenue, Cranston, RI 02920

Telephone Number 822-4966

ENGINEER DiPrete Engineering Associates, Inc.

Address Two Stafford Court, Cranston, RI 02920


Telephone Number 943-1000

SURVEYOR _____

Address _____

Telephone Number _____

I (we) hereby certify that I (we) own the subject property and apply for Subdivision and/or Land Development Plan approval as drafted in the accompanying plans, and request that my (our) application be placed on the next available agenda of the City Planning Commission.


Signature of Owner(s) Ronald Rossi Title _____

Date of Filing _____

Signature of Owner(s) _____ Title _____

Date of Filing _____ Attorney for applicant and owner
Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, RI 02920
401-946-3800 (o) 401-943-8859 (fax)

**NATICK ROAD SOLAR
NATICK AVEUE
CRANSTON, RHODE ISLAND**

PROJECT NARRATIVE

The subject parcel is located off of Natick Avenue on Assessor's Plat 22-3, Lots 108 and 119 and is owned by Ronald Rossi who lives at 1936 Phenix Avenue, Cranston, RI 02920. The property is zoned A-80 and the two lots comprise approximately 64 acres.

Southern Sky Renewable Energy RI - Natick Ave - Cranston, LLC is the applicant and has proposed to install a ground mounted solar facility on a portion of the parcel (the two lots). The applicant will lease a parcel from the owner comprising 29.7 +/- acres.

The applicant proposes to develop, install and operate an 8.1 megawatt (dc) ground mounted solar energy field. The solar project will be surrounded by a six foot perimeter fence with accommodations for wildlife that may cross the property.

The lot is a cleared in part with some trees. Existing perimeter vegetation will remain wherever possible. A buffer planting plan has been submitted by the project landscape architect.

The project meets all dimensional requirements for the A-80 zone.

The solar project would generate electricity for sale to National Grid. When constructed and operational, this project will participate in a net metering proposal with a counter party.

Access to the site will be from Natick Avenue. It is anticipated that adequate equipment exists in the area for the purposes of the interconnection with National grid.

The applicant will comply with Cranston's solar performance standards ordinance.

The proposed major land development projects are a use allowed by-right within the Cranston Zoning Code and is consistent with the goals and policies of the Cranston Comprehensive Plan.

Please note that Ronald Rossi and Cheryl Rossi own Lot 133 on Assessor's Plat 22 that contains approximately 17 +/- acres. The existing farming and excavation business and tree farm operations are planned to continue.



DiPrete Engineering

November 9, 2018

Jason Pezzullo, Planning Director
Cranston City Hall
869 Park Avenue
Cranston, Rhode Island 02910

**RE: SSRE RI Natick Avenue
Cranston, Rhode Island**

Dear Mr. Pezzullo:

On behalf of the applicant, Southern Sky Renewable Energy Rhode Island, LLC, we respectfully submit this narrative with our Master Plan Submission per Section III J (2) d of the City of Cranston Subdivision Regulations. The site is located west of Natick Avenue and has an existing drive that provides access to the property. The owner of the property is Ronald Rossi (Assessor's Plat 22-3 Lots 108 and 119). The site has a total area of approximately 64 Acres and is zoned A-80.

The site is currently covered in existing vegetation and has sloping topography throughout the site. The topography is at its highest on the north side of the site and then slopes down towards the southeast toward an existing wetland area. This wetland area was located and flagged by Natural Resource Services, Inc. The site has multiple soil types including Charlton-Canton-fine sandy loams, Charlton-Canton very fine sandy loams, Canton-Charlton-Rock outcrop complex, Ridgebury-Whitman-Leicester extremely stony fine sandy loams, and Wapping very stony silt loam. Soil Evaluations will be completed prior to site engineering to evaluate the soils further.

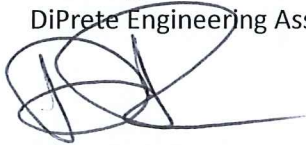
The proposed development is for an 8.1 megawatt DC solar farm that will meet the Solar Power Performance Standards as set forth in the City of Cranston Zoning regulations Section 17.23.020. The solar farm will utilize approximately 30 acres of upland areas and clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility. Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site. The areas of development will be located outside all of the jurisdictional wetland areas including the buffer areas. A RIDEM Wetlands Preliminary Determination permit will be required from RIDEM and the development will meet requirements as set forth in the RI Stormwater Design and Installation Standards Manual. The area between the panels and underneath the panels will be planted with meadow grass, which will provide absorption and infiltration for storm water. Additional drainage measures will be designed to mitigate storm water. Anticipated RIDEM Best Management Practices are stone infiltration trenches and permeable access pathways such as grass, gravel, and crushed stone. A drainage analysis will be completed following Master Plan approval from the City and will be part of the submission to RIDEM for their review. Drainage calculations and detailed engineering plans will be submitted as part of the Preliminary Submission to the City of Cranston.

Access to the proposed development will be from the existing driveway located off of Natick Avenue. The applicant is proposing a gravel roadway to provide safe access for construction, maintenance, and fire/emergency safety vehicles. The development area will be enclosed by a security fence and signage will only be located on this fence. There is no signage proposed along Natick Avenue. There will be a gated entrance which will be locked and the Cranston Fire Department will be provided a key to access the site. The lighting of the site will be limited for safety and operation requirements only. The site will be reviewed by the City of Cranston Fire Department for Fire/Emergency Safety and we have provided a 20-foot gravel access pathway to the development area and access through the middle of the development area.

The applicant will provide a bond estimate, during the Preliminary review, to cover the cost of removal in the event the city must remove the facility and remediate the landscape. This bond will consist of removal of all installations, electrical equipment, all appurtenant structures, and stabilization or re-vegetation of the site as necessary to minimize erosion. The proposed solar farm will not require any maintenance from the City of Cranston and will be privately maintained.

If you have any further questions on this matter, please feel free to contact me at your earliest convenience.

Sincerely,
DiPrete Engineering Associates, Inc.

A handwritten signature in black ink, appearing to read 'D. Russo', with a long horizontal line extending to the right.

David A. Russo, P.E.
Project Manager

**CITY OF CRANSTON – PLANNING DEPARTMENT
MASTER PLAN – CHECKLIST**

Name of Plat: Natick Ave Solar Date: 11-09-2018

Owner(s) Ronald Rossi
(All owners of record must be listed)

Address & Tel No. 1935 Phoenix Ave Cranston, RI 02920

Surveyor: Diprete Engineering Associates, Two Stafford Court, Cranston, RI 02920 (401) 943-1000
Name, Address & Telephone No.

Engineer: Diprete Engineering Associates, Two Stafford Court, Cranston, RI 02920 (401) 943-1000
Name, Address & Telephone No.

ITEM	YES/NA	NO
Filing fee submitted? (See Formula at end of checklist for proper amount)	X	
Application signed?	X	
Number of Copies: Initial Submission: 10 Paper Copies;	X	
Size of Sheet: (18 x 24) or (24 x 36) or other standard size	X	
CONTENTS OF PLAN		
Name of Plat in Title Box	X	
Name of all owner(s) of record shown	X	
Stamp and signature of registered land surveyor To be completed prior to Preliminary Submission	N/A	
Stamp and signature of registered engineer (if applicable)	X	
Date, scale and north arrow (with notation as to its reference)	X	
Classification of survey To be completed prior to Preliminary Submission	N/A	
Plat boundary outline (color or bold shading)	X	
Primary control (or survey origin) point(s) (at least one must be shown)	X	
Location of all permanent monuments (at least 2 must be set or recovered for residential surveys less than 1 acre); (not less than 3 must be set or recovered for residential surveys more than 1 acre and all non-residential projects)	N/A	

To be completed prior to Preliminary Submission

ITEM	YES/NA	NO
Are lots numbered and AREAS shown? Including the following... Total area of plat Total area of streets Total area of lots Total area of Open space (for planned districts) Total area of land donation	X	
Are all dimensions shown?	X	
Are all cemeteries shown and ownership documented?	X	
Are proposed streets, street widths , and street names shown?	X	
Are all existing and proposed easements shown, with dimensions?	X	
Are all open spaces and other lands intended to be dedicated for public use or granted for the use of inhabitants shown?	X	
Is zoning district of parcel and all abutting parcels shown?	X	
FEMA flood hazard zone, base flood elevation & community panel no.?	X	
Is existing surface water and wetland edge shown? Approved by RIDEM?	X	
Is topography of site shown?	X	
Are proposed detention facilities shown?	N/A	
Is existing surface water and proposed drainage shown?	N/A	
Are the location and size of existing and proposed water and sewer lines on plat and adjacent properties shown?	N/A	
Is a street index reference listed in a separate box?	X	
Names of abutting property owners and/or abutting record plats shown on map?	X	
Mailing List of property owners within 100' of site submitted? (for notification)	X	
Vicinity map provided?	X	
Legend for all abbreviations and symbols provided?	X	
CURRENT CONDITIONS MAP		
Is map provided showing location of natural and man-made features as required in Section III J (1) a (4)?	X	

	YES/NA	NO
ACCOMPANYING INFORMATION, NARRATIVE TEXT, CERTIFICATES, STATEMENTS & PERMITS		
Impact analysis and Hazardous Waste Assessment (when required)	N/A	
Planned District information (if applicable)	X	
Narrative overview of plat contents, per section III J (2) d	X	
Site suitability analysis/soil qualities	X	
ARE ANY OF THE FOLLOWING PERMITS REQUIRED?		
RIDOT Physical Alteration permit Application submitted?		N/A
CRMC Assent Application submitted?		N/A
RIDEM – ISDS Application submitted?		N/A
RIDEM – Wetlands – Edge Verified? Insignificant alteration or Formal Application submitted?	To be completed after Master Plan and prior to Preliminary Plan Submission	X
US Army Corps of Engineers – Wetlands Application submitted?	To be completed after Master Plan and prior to Preliminary Plan Submission	X
RI HPHC Application submitted?	To be completed after Master Plan and prior to Preliminary Plan Submission	X

FILING FEES	AMOUNT	PAID	CK #
Minor Plat	\$200 + \$20 per unit = _____	_____	_____
Major Plat	\$400 + \$40 per unit = _____	_____	_____
a. Mailing			
w/ public hearing	\$4.42 x # of abutters _____	_____	_____
w/out pub hearing	\$.037 x # of abutters _____	_____	_____
b. Advertisement (public hearing only)	_____	_____	_____
c. Stenographer fee (\$150)	_____	_____	_____
TOTAL DUE TO CITY OF CRANSTON	_____	_____	_____

HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES MICROPRINTED ENDORSEMENT LINES AND ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

SOUTHERN SKY RENEWABLE ENERGY
117 METRO CENTER BLVD., SUITE 200
WARWICK, RI 02886

PAY TO THE ORDER OF
City of Cranston
Two Thousand Six Hundred Sixty
City of Cranston
869 Park Avenue
Cranston, RI 02910

MEMO
Master plan fee - Rossi
1100.189

Citizens Bank

57-12/115

1895

Master Plan
11/13/2018

\$ **2,675.00

DOLLARS

AUTHORIZED SIGNATURE
[Signature]

B 11"



SOUTHERN SKY RENEWABLE ENERGY
117 METRO CENTER BLVD., SUITE 200
WARWICK, RI 02886

PAY TO THE ORDER OF
City of Cranston
Five Hundred Eighty and 00/100
City of Cranston
869 Park Avenue
Cranston, RI 02910

MEMO
Preapplication plan fee -
1100.189

Citizens Bank

57-12/115

1894

Pre app
11/13/2018

\$ **580.00

DOLLARS

AUTHORIZED SIGNATURE
[Signature]

B 11"



SOUTHERN SKY RENEWABLE ENERGY
117 METRO CENTER BLVD., SUITE 200
WARWICK, RI 02886

PAY TO THE ORDER OF
City of Cranston
100 + 2,227.5
City of Cranston
869 Park Avenue
Cranston, RI 02910

MEMO
Master plan fee - Rossi
1100.189

SOUTHERN SKY RENEWABLE ENERGY
117 METRO CENTER BLVD., SUITE 200
WARWICK, RI 02886

PAY TO THE ORDER OF
City of Cranston
Five Hundred Eighty and 00/100
City of Cranston
869 Park Avenue
Cranston, RI 02910

MEMO
Preapplication plan fee -
1100.189

Citizens Bank

57-12/115

1894

Pre app
100 + 20/acre
29.7 acres
11/13/2018

\$ **580.00

DOLLARS

AUTHORIZED SIGNATURE
[Signature]

B 11"



Berry, Joshua

From: Robert Murray <rdmurray@taftmcsally.com>
Sent: Wednesday, November 28, 2018 1:27 PM
To: Berry, Joshua
Cc: Pezzullo, Jason
Subject: Re: Natick Ave Solar

Ok

Get [Outlook for iOS](#)

From: Berry, Joshua <JBerry@CranstonRI.org>
Sent: Wednesday, November 28, 2018 1:25:08 PM
To: Robert Murray
Cc: Pezzullo, Jason
Subject: RE: Natick Ave Solar

Sorry Bob, in a rush I misread my notes and corresponded some inaccurate figures in my last email regarding the fees. The remaining balance on the Pre-app is \$114, and the remaining balance on the Master Plan is \$52.50, so the total outstanding balance is \$166.50.

Sorry for any confusion.

Joshua Berry
Senior Planner
City of Cranston, City Planning Department
869 Park Ave, Cranston, RI 02910
P: (401) 780-3139

From: Berry, Joshua
Sent: Wednesday, November 28, 2018 11:39 AM
To: Robert Murray <rdmurray@taftmcsally.com>
Subject: Natick Ave Solar

Hi Bob,

I have a couple of quick issues to resolve for the Natick Ave Solar project.

1. The checks for the Pre app and Master Plan were both inaccurate. Per the subdivision regs, I calculate the pre-app fee to be \$694 and the master plan fee to be \$2,727.50. Checks were submitted in the amounts of \$594 and \$2,227.50, so please submit a check for the difference = **\$114**.
2. I do not see the Certificates of Municipal Liens for the two lots in the submittal package. Please provide.

3. Can you please explain the existing use on the site, and clarify if/what affect the solar project will have for the continued use of 'Parcel A'?
4. The site plan calls out a gas easement along the southern property line. I have concerns about the ability to provide adequate buffering with respect to the easement. Please let me know if you can speak to this issue.

Thanks,

Joshua Berry

Senior Planner

City of Cranston, City Planning Department

869 Park Ave, Cranston, RI 02910

P: (401) 780-3139

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

City Planning Department Check Receipts Deposit Log
27-Dec-18

Date	Number	Name	Description	Amount	Runing Total
12/20/2018	6148	100 Sockanosset LLC	Top Golf Pre-ap & Master Plan	\$26,863.99	\$26, 863.99
10/15/2018	5065	Mancini Carter Law	Whiting Street Pre-ap& Prelim	\$675.00	\$27, 538.99
11/28/2018	25487	Taft & McSally, LLP	Natick Ave Solar-Additional fee	\$114.00	\$27, 652.99
11/28/2018	25488	Taft & McSally, LLP	Natick Ave Solar-Additional fee	\$52.50	\$27, 705.49
Cash					
Total Checks					\$27, 705.49



**Certificate of Municipal Liens
Under 44-7-11 of the
General Laws of Rhode Island
Cranston City Hall
Tax Collections Dept
869 Park Avenue**

CERTIFICATE NUMBER: 2018-1420263
ISSUED: 19-Sep-2018

**TAX RATE SUMMARY
FISCAL YEAR 2018**

Residential:	20.29
Open Space:	20.29
Commercial:	30.44
Industrial:	30.44
Total Value:	\$2,000

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application are listed below.

**TAFT & MCSALLY
21 GARDEN CITY DR
CRANSTON RI 02920**

Parcel Id: 022-0119-000
Location: NATICK AVENUE
Acreage: 3.00000
Legal Reference:
Assessed Owner(s): ROSSI RONALD
Current Owner: ROSSI RONALD

	2018 Bill #1915179002	2017 Bill #1915179002	2016 Bill #1915179002	Prior to 2016				
ASSESSMENTS								
Gross Tax	\$40.58	\$45.88	\$44.90	\$299.80				
Net Tax	\$40.58	\$45.88	\$44.90	\$299.80				
Interest		\$2.75						
Total Net	\$40.58	\$48.63	\$44.90	\$299.80				
PAYMENTS								
Tax Payments	\$40.58	\$45.88	\$44.90	\$299.80				
Interest		\$2.75						
OTHER								
Net Q1 RE Tax Due: 16-Jul-2018	\$40.58	\$45.88	\$44.90	\$299.80				
TOTAL UNPAID TAXES (PER DIEM)	\$0.00	\$0.00	\$0.00	\$0.00				
PAYMENT HISTORY								
	Date	Amount	Date	Amount	Date	Amount	Date	Amount
	7/17/2018	40.58	1/5/2018	48.63	7/14/2016	44.90	7/10/2015	44.90
		-		-		-	7/14/2014	45.68
		-		-		-	7/19/2013	45.68
		-		-		-	7/17/2012	45.68
		-		-		-	7/18/2011	40.52
		-		-		-	7/15/2010	39.12
		-		-		-	7/13/2009	38.22

I HAVE NO KNOWLEDGE OF ANY OTHER LIENS OUTSTANDING AS OF THIS DATE: 9/19/2018

OTHER UNPAID BALANCES

DESCRIPTION	LAST READ	ACCOUNT #	BALANCE DUE	NOTES
Note:				WATER USE SEE PROVIDENCE

This is to certify that the above is true and correct. Said Certification is given in accordance with 44-7-11 of the General Laws of Rhode Island 1956 as of this day 19-Sep-2018

City Treasurer
City of Cranston



**Certificate of Municipal Liens
Under 44-7-11 of the
General Laws of Rhode Island
Cranston City Hall
Tax Collections Dept
869 Park Avenue**

CERTIFICATE NUMBER: 2018-1420262
ISSUED: 19-Sep-2018

**TAX RATE SUMMARY
FISCAL YEAR 2018**

Residential:	20.29
Open Space:	20.29
Commercial:	30.44
Industrial:	30.44
Total Value:	\$38,300

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application are listed below.

**TAFT & MCSALLY
21 GARDEN CITY DR
CRANSTON RI 02920**

Parcel Id: 022-0108-000
Location: **NATICK AVENUE**
Acreage: 58.87000
Legal Reference:
Assessed Owner(s): **ROSSI RONALD**
Current Owner: **ROSSI RONALD**

2018 Bill #1915179001 2017 Bill #1915179001 2016 Bill #1915179001 Prior to 2016

ASSESSMENTS	2018 Bill #1915179001	2017 Bill #1915179001	2016 Bill #1915179001	Prior to 2016
Gross Tax	\$777.11	\$878.60	\$859.83	\$5,741.14
Net Tax	\$777.11	\$878.60	\$859.83	\$5,741.14
Interest		\$52.72		\$25.80
Total Net	\$777.11	\$931.32	\$859.83	\$5,766.94
PAYMENTS				
Tax Payments	\$194.27	\$878.60	\$859.83	\$5,761.14
Interest		\$52.72		\$25.80
OTHER				
Net Q1 RE Tax Due: 16-Jul-2018	\$194.27	\$219.65	\$214.95	\$1,435.25
Net Q2 RE Tax Due: 15-Oct-2018	\$194.27	\$219.65	\$214.95	\$1,435.25
Net Q3 RE Tax Due: 15-Jan-2019	\$194.27	\$219.65	\$214.95	\$1,435.25
Net Q4 RE Tax Due: 15-Apr-2019	\$194.30	\$219.65	\$214.98	\$1,435.39
Adjustments				\$20.00
TOTAL UNPAID TAXES (PER DIEM)	\$582.84	\$0.00	\$0.00	\$0.00
PAYMENT HISTORY	Date Amount	Date Amount	Date Amount	Date Amount
	7/17/2018 194.27	4/9/2018 219.65 1/5/2018 711.67	4/10/2017 214.98 1/19/2017 214.95 10/3/2016 214.95 7/14/2016 214.95	4/19/2016 214.98 1/11/2016 214.95 10/28/2015 240.75 7/10/2015 214.95 4/20/2015 218.70 1/20/2015 218.69 10/21/2014 218.69 7/14/2014 218.69 4/18/2014 218.70 1/22/2014 218.69

I HAVE NO KNOWLEDGE OF ANY OTHER LIENS OUTSTANDING AS OF THIS DATE: 9/19/2018

OTHER UNPAID BALANCES

DESCRIPTION	LAST READ	ACCOUNT #	BALANCE DUE	NOTES
Note:				WATER USE SEE PROVIDENCE

 City Treasurer
 City of Cranston

This is to certify that the above is true and correct. Said Certification is given in accordance with 44-7-11 of the General Laws of Rhode Island 1956 as of this day 19-Sep-2018

STATE OF RHODE ISLAND
PROVIDENCE, SC.

CITY OF CRANSTON
PLANNING COMMISSION

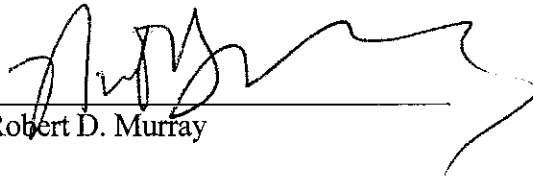
RE: NATICK AVENUE SOLAR
MAJOR LAND DEVELOPMENT PROJECT
MASTER PLAN

AFFIDAVIT OF NOTICE COMPLIANCE

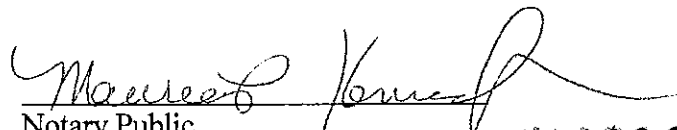
I, Robert D. Murray, Esq. of Cranston, Rhode Island, make affidavit and state that I gave notice of the City Planning Commission Meeting on December 4, 2018 to the property owners in the 100' radius under the Cranston Subdivision Regulations for the Public Informational Meeting on the Master Plan for Southern Sky Renewable Energy RI Natick Ave Cranston, LLC for the major land development project at Natick Avenue, Cranston, RI 02920 designated as Assessor's Lots 108 and 119 on Cranston Assessor's Plat 22.

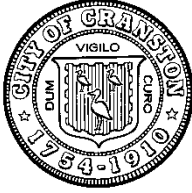
That said notices were mailed on November 21, 2018 by regular mail, postage prepaid, and that a true copy of said notice is attached hereto.

A copy of the list of property owners notified is also attached hereto.


Robert D. Murray

Subscribed and sworn to before me this 21st day of November, 2018.


Notary Public
My Commission Expires: MAUREEN P. KENNEDY-CASE
Notary Public-State of Rhode Island
ID #32666
My Commission Expires
June 02, 2021



CITY OF CRANSTON
NOTICE OF PUBLIC INFORMATIONAL MEETING
“Natick Avenue Solar”
(Solar Farm)
Master Plan

You are hereby notified that the Cranston City Plan Commission will meet to review the Master Plan for a proposed major land development for a solar farm entitled “**Natick Avenue Solar**”. This public informational meeting will be held on Tuesday, December 4, 2018 at 7:00 P.M., in the Council Chambers of Cranston City Hall, 869 Park Avenue, Cranston, RI.

The subject parcel is located off of Natick Avenue, Assessor’s Plat 22, Lots 108 and 119. The property owner is Ronald Rossi and the applicant is Southern Sky Renewable Energy RI Natick Ave Cranston, LLC, 117 Metro Center Boulevard, Suite 1007, Warwick, RI 02886. The property is zoned A-80.

Together Lots 108 and 119 comprise approximately 64 acres. The applicant proposes to develop, install and operate an approximate 8.1 megawatt (dc) ground mounted solar energy farm on a parcel of approximately 29.7 acres.

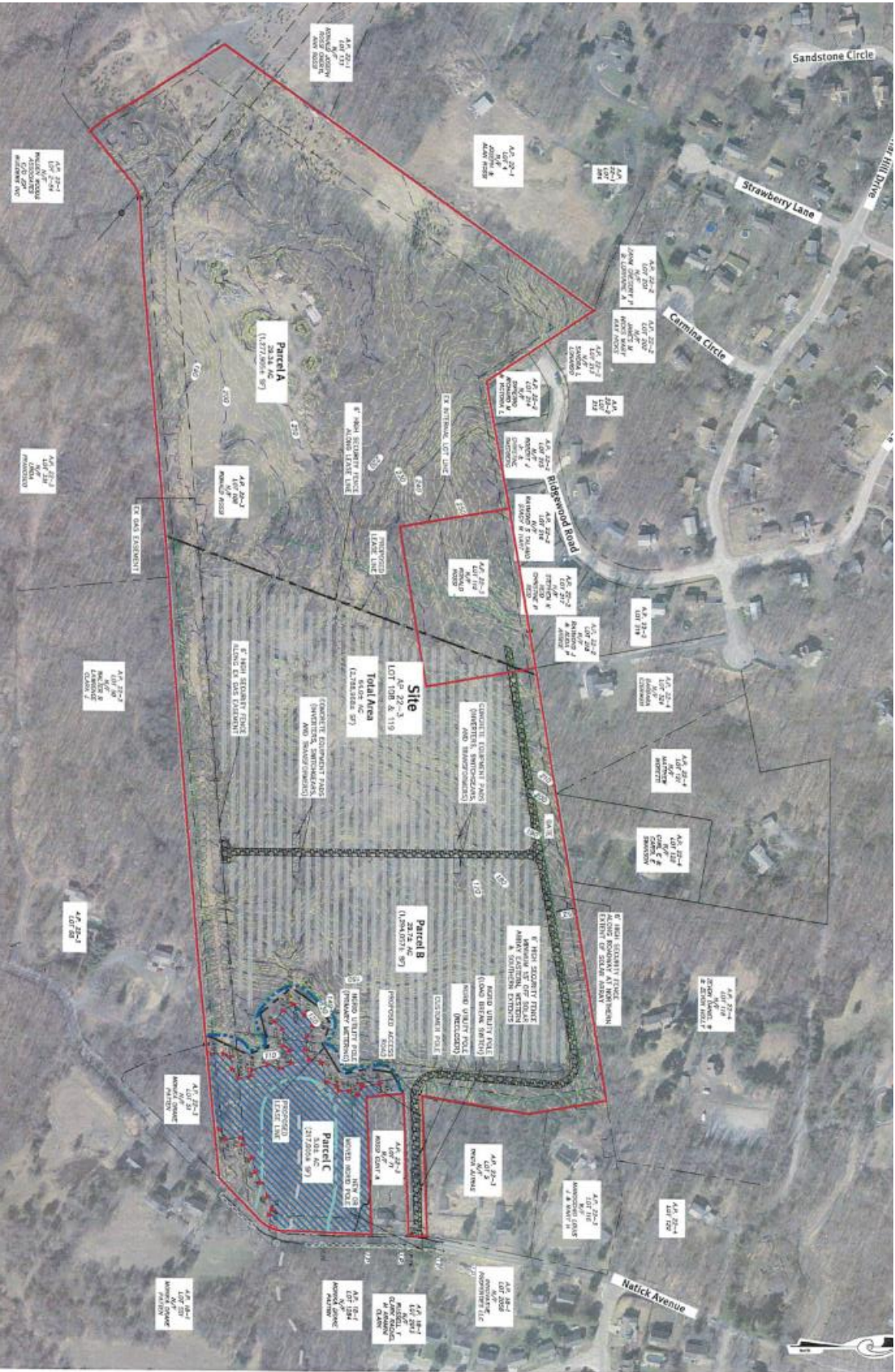
The proposed major land development project is a use allowed by-right within the Cranston Zoning Code and is consistent with the goals and policies of the Cranston Comprehensive Plan.

As an abutting resident, you are invited to attend this public informational meeting at which time, plans will be presented for public comment and City Plan Commission review. The application may be reviewed prior to the meeting in the Planning Department, Room 309, Cranston City Hall, during regular office hours, 8:30 A.M. – 4:30 P.M., Monday through Friday.

Pursuant to the Cranston Subdivision and Land Development Regulations, the proposed plan may be revised by the City Plan Commission as a result of further study or because of views expressed at this meeting. Individuals requesting interpreter services for the hearing impaired should contact the Planning Department at 461-1000 ext. 3136, seventy-two (72) hours prior to the meeting date.

Michael Smith
President

Jason M. Pezzullo, AICP
Planning Director



Site Plan (snippet)

Abbuter's List 0 Natick Ave 100' Plat 22 Lots 108 & 119

19

Property ID	Location/Land Use Description	Owner(s)
18-1284-0	0 NATICK AVENUE RES LD DEV MDL00	MONIKA DRAKE PATTEN 684 NATICK RD CRANSTON, RI 02921-1065
18-2013-0	41 WOODCREST COURT SINGLE FAM MDL01	RUSSELL T CLARK RACHEL M ARAMINI CLARK 41 WOODCREST COURT CRANSTON, RI 02921-1041
18-2058-0	NATICK AVENUE RES LD DEV MDL00	INNOVATIVE PROPERTIES LLC 15 COLLINGWOOD DR CRANSTON, RI 02921-2610
18-551-0	684 NATICK AVENUE MULTI HOUSE	MONIKA DRAKE PATTEN 684 NATICK RD CRANSTON, RI 02921-1065
22-108-0	0 NATICK AVENUE FARM-FORST MDL00	ROSSI RONALD 1935 PHENIX AVE CRANSTON, RI 02920
22-116-0	627 NATICK AVENUE SINGLE FAM MDL01	MANOCCHIO LOUIS J & WF MARY H (T/E) 627 NATICK RD CRANSTON, RI 02921
22-118-0	591 NATICK AVENUE SINGLE FAM MDL01	ZEVON DANIEL W & ZEVON HOLLY W TE 591 NATICK AVE CRANSTON, RI 02921
22-119-0	0 NATICK AVENUE FARM-FORST MDL00	ROSSI RONALD 1935 PHENIX AVE CRANSTON, RI 02920
22-121-0	595 NATICK AVENUE SINGLE FAM MDL01	MATTHEW MORETTI 595 NATICK AVENUE CRANSTON, RI 02921-1027
22-122-0	593 NATICK AVENUE SINGLE FAM MDL01	CARLE SWANSON CAROL E SWANSON 593 NATICK AVENUE CRANSTON, RI 02921-1027
22-133-0	1936 PHENIX AVENUE FARM-FORST MDL01	RONALD JOSEPH ROSSI CHERYL ANN ROSSI 1936 PHENIX AVE CRANSTON, RI 02921
22-201-0	22 CARMINA CIRCLE SINGLE FAM MDL01	ZAHM GREGORY P & LORRAINE A JT 22 CARMINA CIRCLE CRANSTON, RI 02921
22-202-0	15 CARMINA CIRCLE SINGLE FAM MDL01	JAMES M HICKS MARY KAY HICKS 15 CARMINA CIRCLE CRANSTON, RI 02921-1228
22-213-0	67 RIDGEWOOD ROAD SINGLE FAM MDL01	SANDRA L LONARDO 11 HIGHLAND STREET CRANSTON, RI 02920-1702
22-214-0	66 RIDGEWOOD ROAD SINGLE FAM MDL01	DIPIETRO RICHARD M & WF VICTORIA L T/E 66 RIDGEWOOD ROAD CRANSTON, RI 02921
22-215-0	54 RIDGEWOOD ROAD SINGLE FAM MDL01	SMEDBERG ROBERT J Jr & SMEDBERG CHRISTINE M TE 54 RIDGEWOOD RD CRANSTON, RI 02921
22-216-0	42 RIDGEWOOD ROAD SINGLE FAM MDL01	RAYMOND S TALAMO STACY M HART 42 RIDGEWOOD RD CRANSTON, RI 02921
22-217-0	30 RIDGEWOOD ROAD SINGLE FAM MDL01	STEPHEN K REID CHRISTINE P REID 30 RIDGEWOOD ROAD CRANSTON, RI 02921-1229
22-218-0	22 RIDGEWOOD ROAD SINGLE FAM MDL01	RAYMOND J ARBIGE ALIDA P ARBIGE 22 RIDGEWOOD ROAD CRANSTON, RI 02921-1229

<u>Property ID</u>	<u>Location/Land Use Description</u>	<u>Owner(s)</u>
22-2-84	0 WALDEN WAY RES LD UND	WALDEN WOODS ASSOCIATES C/O JGP BUILDERS INC 75 LAMBERT LIND HIGHWAY WARWICK, RI 02886
22-311-0	789 NATICK AVENUE SINGLE FAM MDL01	LINDA FRANCISCO 785 NATICK AVE CRANSTON, RI 02921-1044
22-324-0	105 BRIAR HILL DRIVE SINGLE FAM MDL01	BARBARA CZERWIEN 105 BRIAR HILL DRIVE CRANSTON, RI 02921
22-4-0	1896 PHENIX AVENUE FARM-FORST MDL01	JOSEPH A ROSSI ALAN ROSSI 1884 PHENIX AVENUE CRANSTON, RI 02920
22-5-0	651 NATICK AVENUE SINGLE FAM MDL01	TRICIA JUTRAS 651 NATICK AVE CRANSTON, RI 02921-1027
22-50-0	745 NATICK AVENUE SINGLE FAM MDL01	WALTER R LAWRENCE CLARA J LAWRENCE 745 NATICK AVE CRANSTON, RI 02921
22-51-0	0 NATICK AVENUE RES LD UND	MONIKA DRAKE PATTEN 684 NATICK RD CRANSTON, RI 02921-1065
22-71-0	659 NATICK AVENUE SINGLE FAM MDL01	ROSSI CLINT A 659 NATICK AVE CRANSTON, RI 02921

Abbuter's List: Walden Way

Property ID	Location/Land Use Description	Owner(s)
22-2-1	16 WALDEN WAY RES CONDO MDL05	TONYA L LATZMAN 16 WALDEN WAY CRANSTON, RI 02921-1242
22-2-10	19 IVY HOLLOW COURT RES CONDO MDL05	LYNCH THOMAS & LYNCH SUSAN M TE 19 IVY HOLLOW CT CRANSTON, RI 02921
22-2-11	17 IVY HOLLOW COURT RES CONDO MDL05	THALER KENT M & THALER JENNIFER BETH TE 17 IVY HOLLOW CT CRANSTON, RI 02921
22-2-12	15 IVY HOLLOW COURT RES CONDO MDL05	TURGHETTA JOHN P & WF RENE M (T/E) 15 IVY HOLLOW COURT CRANSTON, RI 02921
22-2-13	11 IVY HOLLOW COURT RES CONDO MDL05	CRONIN RONALD & CRONIN ANNE MARIE TE 11 IVY HOLLOW CT CRANSTON, RI 02921
22-2-14	9 IVY HOLLOW COURT RES CONDO MDL05	JEFFREY M GABRIELE DEBORAH L GABRIELE 9 IVY HOLLOW COURT CRANSTON, RI 02921
22-2-15	7 IVY HOLLOW COURT RES CONDO MDL05	MICHELLE L RECA 7 IVY HOLLOW CT CRANSTON, RI 02921-1233
22-2-16	1 IVY HOLLOW COURT RES CONDO MDL05	ALBERTO DESIMONE GABRIELLA M DESIMONE 1 IVY HOLLOW COURT CRANSTON, RI 02921-1233
22-2-17	30 WALDEN WAY RES CONDO MDL05	FOSTER PHILLIP D & FOSTER JENNIFER TE 30 WALDEN WAY CRANSTON, RI 02921
22-2-18	36 WALDEN WAY RES CONDO MDL05	KEVIN T HAGERTY ALEEZA HAGERTY 30 WATER STREET #10 ATTLEBORO MA 02703
22-2-19	46 WALDEN WAY RES CONDO MDL05	PATRICK J DAVIGNON LINDA M DAVIGNON 46 WALDEN WAY CRANSTON, RI 02921
22-2-2	4 IVY HOLLOW COURT RES CONDO MDL05	ALEXANDER P AGRONICK MARY C AGRONICK 4 IVY HOLLOW CT CRANSTON, RI 02921
22-2-20	50 WALDEN WAY RES CONDO MDL05	WHITCOMB BRIAN W & WHITCOMB MICHAELA M TE 50 WALDEN WAY CRANSTON, RI 02921
22-2-21	2 BEAVERCREEK COURT RES CONDO MDL05	VICTORIA A BLASI JOSHUA G BERARD 2 BEAVER CREEK CT CRANSTON, RI 02921-1234
22-2-22	6 BEAVERCREEK COURT RES CONDO MDL05	ANTHONY J CAMPAGNON 6 BEAVERCREEK COURT CRANSTON, RI 02921-1234
22-2-23	8 BEAVERCREEK COURT RES CONDO MDL05	PETER GALVIN REBECCA GALVIN 8 BEAVER CREEK CT CRANSTON, RI 02921-1234
22-2-24	10 BEAVERCREEK COURT RES CONDO MDL05	JOHN R KEOGH LISA A KEOGH 10 BEAVER CREEK COURT CRANSTON, RI 02921
22-2-25	14 BEAVERCREEK COURT RES CONDO MDL05	VILLANI DANIEL JR WF DOROTHY A (T/E) 14 BEAVER CREEK CT CRANSTON, RI 02921
22-2-26	18 BEAVERCREEK COURT RES CONDO MDL05	RICHARD BOLIG PAULA BOLIG 18 BEAVER CREEK CT CRANSTON, RI 02921

Property ID	Location/Land Use Description	Owner(s)
22-2-27	20 BEAVERCREEK COURT RES CONDO MDL05	JUSTIN ALVES NOELLE ALVES 20 BEAVERCREEK CT CRANSTON, RI 02921-1234
22-2-28	21 BEAVERCREEK COURT RES CONDO MDL05	RACHEL MARIE BORDERS 21 BEAVER CREEK COURT CRANSTON, RI 02921-1235
22-2-29	17 BEAVERCREEK COURT RES CONDO MDL05	KATHERINE M SCOTT 17 BEAVERCREEK CT CRANSTON, RI 02921-1235
22-2-3	12 IVY HOLLOW COURT RES CONDO MDL05	BRIGID FONSECA 12 IVY HOLLOW COURT CRANSTON, RI 02921-1221
22-2-30	11 BEAVERCREEK COURT RES CONDO MDL05	TAHIR TELLIOGLU 11 BEAVER CREEK COURT CRANSTON, RI 02921
22-2-31	9 BEAVERCREEK COURT RES CONDO MDL05	KRISTEN M WESOLOWSKI JASON A PACE 9 BEAVER CREEK COURT CRANSTON, RI 02921-1235
22-2-32	5 BEAVERCREEK COURT RES CONDO MDL05	WASILEWSKI KEVIN M & WASILEWSKI TRACY B TE 5 BEAVERCREEK COURT CRANSTON, RI 02921
22-2-33	3 BEAVERCREEK COURT RES CONDO MDL05	SANDRA T GREGOIRE 3 BEAVER CREEK CT CRANSTON, RI 02921
22-2-34	78 WALDEN WAY RES CONDO MDL05	RONALD P GREENWOOD 78 WALDEN WAY CRANSTON, RI 02921
22-2-35	88 WALDEN WAY RES CONDO MDL05	MUELLER HANS PETER & WF MICHAELA (T/E) 88 WALDEN WAY CRANSTON, RI 02921
22-2-36	90 WALDEN WAY RES CONDO MDL05	MICHAEL D GREGORZEK SUSANNA GREGORZEK 90 WALDEN WAY CRANSTON, RI 02921
22-2-37	6 HAZEL BUSH DRIVE RES CONDO MDL05	FEDER SAMUEL & WF BARBARA ANN (T/E) 6 HAZELBUSH DR CRANSTON, RI 02921
22-2-38	12 HAZEL BUSH DRIVE RES CONDO MDL05	KOPSICK IAN P & KOPSICK SHEILA A TE 12 HAZELBUSH DR CRANSTON, RI 02921
22-2-39	14 HAZEL BUSH DRIVE RES CONDO MDL05	LUIS F PORTILLO 14 HAZELBUSH DR CRANSTON, RI 02921-1236
22-2-4	14 IVY HOLLOW COURT RES CONDO MDL05	COREY J IAVARONE MICHAEL L IAVARONE 14 IVY HOLLOW CT CRANSTON, RI 02921-1221
22-2-40	15 HAZEL BUSH DRIVE RES CONDO MDL05	ANTHONY R LANG BARBARA J LANG 15 HAZEL BUSH DRIVE CRANSTON, RI 02921-1237
22-2-41	11 HAZEL BUSH DRIVE RES CONDO MDL05	CHRISTOPHER M LOWELL MICHELE A LOWELL 11 HAZEL BUSH DRIVE UNIT 41 CRANSTON, RI 02921-1237
22-2-42	5 HAZEL BUSH DRIVE RES CONDO MDL05	KIMBERLY SUSI 5 HAZEL BUSH DR CRANSTON, RI 02921
22-2-43	108 WALDEN WAY RES CONDO MDL05	VINGENI GIRELI 108 WALDEN WAY CRANSTON, RI 02921-1245
22-2-44	2 BIRCH VIEW COURT RES CONDO MDL05	LAUREN CARDINALE 2 BIRCH VIEW COURT CRANSTON, RI 02921-1238

Property ID	Location/Land Use Description	Owner(s)
22-2-45	8 BIRCH VIEW COURT RES CONDO MDL05	JOSEPH M MARCELLO DANIELLE M STEWART 8 BIRCHVIEW COURT CRANSTON, RI 02921
22-2-46	14 BIRCH VIEW COURT RES CONDO MDL05	VINCENT VITALE TIFFANY A VITALE 14 BIRCH VIEW CT CRANSTON, RI 02921
22-2-47	20 BIRCH VIEW COURT RES CONDO MDL05	HOLLAND SCOTT W & HOLLAND MARY JANE TE 20 BIRCHVIEW CT CRANSTON, RI 02921
22-2-48	15 BIRCH VIEW COURT RES CONDO MDL05	RODNEY E WRIGHT AUDRA L WRIGHT 15 BIRCH VIEW CT CRANSTON, RI 02921-1239
22-2-49	7 BIRCH VIEW COURT RES CONDO MDL05	THOMAS J MCDONOUGH PAULA E MCDONOUGH 7 BIRCHVIEW CT CRANSTON, RI 02921
22-2-5	20 IVY HOLLOW COURT RES CONDO MDL05	LUKE SAMUEL F 20 IVY HOLLOW COURT CRANSTON, RI 02921
22-2-50	1 BIRCH VIEW COURT RES CONDO MDL05	HAK-KEUNG CHIU EVA KIT CHIU 1 BIRCHVIEW CT CRANSTON, RI 02921
22-2-51	4 WATER FALL WAY RES CONDO MDL05	LETTERLE STEVEN C 4 WATER FALL WAY CRANSTON, RI 02921
22-2-52	10 WATER FALL WAY RES CONDO MDL05	DONALD ROBERTS 10 WATER FALL WAY UNIT 52 CRANSTON, RI 02921
22-2-53	16 WATER FALL WAY RES CONDO MDL05	MATTHEW JAMES 16 WATER FALL WAY CRANSTON, RI 02921-1240
22-2-54	22 WATER FALL WAY RES CONDO MDL05	ROBERT P LUZZI LISA M LUZZI 22 WATER FALL WAY CRANSTON, RI 02921
22-2-55	24 WATER FALL WAY RES CONDO MDL05	RONALD PETER CAIRES MEREBETH FABIANO 24 WATERFALL WAY CRANSTON, RI 02921-1240
22-2-56	32 WATER FALL WAY RES CONDO MDL05	JUSTIN P CURRAN ALEXANDRA C GURRAN 32 WATERFALL WAY CRANSTON, RI 02921
22-2-57	38 WATER FALL WAY RES CONDO MDL05	RAPOZA STEPHEN T & RAPOZA SUSAN M TE 38 WATERFALL WAY CRANSTON, RI 02921
22-2-58	40 WATER FALL WAY RES CONDO MDL05	APAJEE DEVEN & APAJEE DAWN TE 40 WATER FALL WAY CRANSTON, RI 02921
22-2-59	35 WATER FALL WAY RES CONDO MDL05	JOHN F KIERNAN THERESA KIERNAN 35 WATER FALL WAY CRANSTON, RI 02921
22-2-6	22 IVY HOLLOW COURT RES CONDO MDL05	RONALD J MAROCCO ELIZABETH A MAROCCO 22 IVY HOLLOW COURT CRANSTON, RI 02921-1221
22-2-60	33 WATER FALL WAY RES CONDO MDL05	VALLADARES LUIS E & WF LEDA V GONZALEZ (T/E 33 WATER FALL WAY CRANSTON, RI 02921
22-2-61	27 WATER FALL WAY RES CONDO MDL05	ARTHUR JORDAN PATRICIA JORDAN 27 WATERFALL WAY CRANSTON, RI 02921-1241
22-2-62	23 WATER FALL WAY RES CONDO MDL05	NICOLE ST JEAN 23 WATERFALL WAY CRANSTON, RI 02921-1241

Property ID	Location/Land Use Description	Owner(s)
22-2-63	17 WATER FALL WAY RES CONDO MDL05	ADRIAN CYBOWICZ 17 WATER FALL WAY CRANSTON, RI 02921
22-2-64	13 WATER FALL WAY RES CONDO MDL05	KRISTEN KARBOWSKI BRYAN C TESTA 13 WATER FALL WAY CRANSTON, RI 02921-1241
22-2-65	7 WATER FALL WAY RES CONDO MDL05	ESTRADA ELKIN O & ESTRADA ANNA MARIE TE 7 WATER FALL WAY CRANSTON, RI 02921
22-2-66	5 WATER FALL WAY RES CONDO MDL05	GLENN M CHUBKA AUDREY C CHUBKA 5 WATER FALL WAY CRANSTON, RI 02921
22-2-67	121 WALDEN WAY RES CONDO MDL05	PERRY MARIA A 121 WALDEN WAY CRANSTON, RI 02921
22-2-68	111 WALDEN WAY RES CONDO MDL05	TERRY BRIAN R & FOGLI-TERRY STEPHANIE A T 111 WALDEN WAY CRANSTON, RI 02921
22-2-69	99 WALDEN WAY RES CONDO MDL05	JEROME M BICKIMER CAROLINE M BICKIMER 2130 HANLEY ROAD LUCAS, OH 44843
22-2-7	26 IVY HOLLOW COURT RES CONDO MDL05	JOSEPH KASEGIAN 26 IVY HOLLOW CT CRANSTON, RI 02921-1221
22-2-70	95 WALDEN WAY RES CONDO MDL05	MATTHEW F LAYTHE BRITNI A LOMBARDI 95 WALDEN WAY CRANSTON, RI 02921-1247
22-2-71	81 WALDEN WAY RES CONDO MDL05	WILLIAM G THOMPSON ELLEN S THOMPSON 81 WALDEN WAY CRANSTON, RI 02921
22-2-72	75 WALDEN WAY RES CONDO MDL05	MICHAEL A IANNAZZI CARA ELLARD 75 WALDEN WAY CRANSTON, RI 02921
22-2-73	69 WALDEN WAY RES CONDO MDL05	ROBERT VALA TRACY VALA 69 WALDEN WAY CRANSTON, RI 02921-1247
22-2-74	65 WALDEN WAY RES CONDO MDL05	LINDA L DUSSEAU ET MICHAEL J DUSSEAU 65 WALDEN WAY CRANSTON, RI 02921
22-2-75	57 WALDEN WAY RES CONDO MDL05	CHRISTOPHER E WELCH PATRICIA WELCH 57 WALDEN WAY CRANSTON, RI 02921
22-2-76	55 WALDEN WAY RES CONDO MDL05	BONNIE JEAN SLOCUM 55 WALDEN WAY CRANSTON, RI 02921
22-2-77	45 WALDEN WAY RES CONDO MDL05	ROBERT TURBITT MARY TURBITT 45 WALDEN WAY CRANSTON, RI 02921
22-2-78	25 WALDEN WAY RES CONDO MDL05	BRAULIO DIAZ FERNANDA O DIAZ 25 WALDEN WAY CRANSTON, RI 02921-1247
22-2-79	19 WALDEN WAY RES CONDO MDL05	FLAHERTY DAVID T & FLAHERTY ANNE-MARIE TE 19 WALDEN WAY CRANSTON, RI 02921
22-2-8	25 IVY HOLLOW COURT RES CONDO MDL05	ANTHONY J ADAMO DEBRA L ADAMO 25 IVY HOLLOW COURT CRANSTON, RI 02920
22-2-80	15 WALDEN WAY RES CONDO MDL05	KOGUT STEPHEN & KOGUT NANCY J TE 15 WALDEN WAY CRANSTON, RI 02921

Property ID	Location/Land Use Description	Owner(s)
22-2-81	9 WALDEN WAY RES CONDO MDL05	JENNIFER HOPEY 9 WALDEN WAY CRANSTON, RI 02921-1247
22-2-82	3 WALDEN WAY RES CONDO MDL05	PENG ZHANG JIE HAO 3 WALDEN WAY CRANSTON, RI 02921
22-2-83	0 WALDEN WAY RES LD UND	WALDEN WOODS ASSOCIATES C/O JGP BUILDERS INC 75 LAMBERT LIND HIGHWAY WARWICK, RI 02886
22-2-84	0 WALDEN WAY RES LD UND	WALDEN WOODS ASSOCIATES C/O JGP BUILDERS INC 75 LAMBERT LIND HIGHWAY WARWICK, RI 02886
22-2-85	0 WALDEN WAY RES LD UND	WALDEN WOODS ASSOCIATES C/O JGP BUILDERS INC 75 LAMBERT LIND HIGHWAY WARWICK, RI 02886
22-2-9	21 IVY HOLLOW COURT RES CONDO MDL05	SHERRI L SANTO FRANK C SANTO 21 IVY HOLLOW COURT CRANSTON, RI 02921-1233
22-311-0	789 NATICK AVENUE SINGLE FAM MDL01	LINDA FRANCISCO 785 NATICK AVE CRANSTON, RI 02921-1044

20.

BARBARA CZERWIEN
105 BRIAR HILL DRIVE
CRANSTON, RI 02921

CARL E SWANSON CAROL E SWANSON
593 NATICK AVENUE
CRANSTON, RI 02921-1027

DIPIETRO RICHARD M & WF VICTORIA L
T/E
66 RIDGEWOOD ROAD
CRANSTON, RI 02921

INNOVATIVE PROPERTIES LLC
15 COLLINGWOOD DR
CRANSTON, RI 02921-2610

JAMES M HICKS MARY KAY HICKS
15 CARMINA CIRCLE
CRANSTON, RI 02921-1228

JOSEPH A ROSSI ALAN ROSSI
1884 PHENIX AVENUE
CRANSTON, RI 02920

LINDA FRANCISCO
785 NATICK AVE
CRANSTON, RI 02921-1044

MANOCCHIO LOUIS J & WF MARY H (T/E)
627 NATICK RD
CRANSTON, RI 02921

MATTHEW MORETTI
595 NATICK AVENUE
CRANSTON, RI 02921-1027

MONIKA DRAKE PATTEN
684 NATICK RD
CRANSTON, RI 02921-1065

MONIKA DRAKE PATTEN
684 NATICK RD
CRANSTON, RI 02921-1065

MONIKA DRAKE PATTEN
684 NATICK RD
CRANSTON, RI 02921-1065

RAYMOND J ARBIGE ALIDA P ARBIGE
22 RIDGEWOOD ROAD
CRANSTON, RI 02921-1229

RAYMOND S TALAMO STACY M HART
42 RIDGEWOOD RD
CRANSTON, RI 02921

RONALD JOSEPH ROSSI CHERYL ANN
ROSSI
1936 PHENIX AVE
CRANSTON, RI 02921

ROSSI CLINT A
659 NATICK AVE
CRANSTON, RI 02921

ROSSI RONALD
1935 PHENIX AVE
CRANSTON, RI 02920

ROSSI RONALD
1935 PHENIX AVE
CRANSTON, RI 02920

RUSSELL T CLARK RACHEL M ARAMINI
CLARK
41 WOODCREST COURT
CRANSTON, RI 02921-1041

SANDRA L LONARDO
11 HIGHLAND STREET
CRANSTON, RI 02920-1702

SMEDBERG ROBERT J Jr. & SMEDBERG
CHRISTINE M TE
54 RIDGEWOOD RD
CRANSTON, RI 02921

STEPHEN K REID CHRISTINE P REID
30 RIDGEWOOD ROAD
CRANSTON, RI 02921-1229

TRICIA JUTRAS
651 NATICK AVE
CRANSTON, RI 02921-1027

WALDEN WOODS ASSOCIATES C/O JGP
BUILDERS INC
75 LAMBERT LIND HIGHWAY
WARWICK, RI 02886

WALTER R LAWRENCE CLARA J
LAWRENCE
745 NATICK AVE
CRANSTON, RI 02921

ZAHM GREGORY P & LORRAINE A JT
22 CARMINA CIRCLE
CRANSTON, RI 02921

ZEVON DANIEL W & ZEVON HOLLY W TE
591 NATICK AVE
CRANSTON, RI 02921

Robert D. Murray, Esq.
21 Garden City Drive
Cranston, RI 02920

David Russo, PE
DiPreet Engineering
Two Stafford Court

John Carter
960 Boston Neck Road
Narragansett, RI 02882

ADRIAN CYBOWICZ
17 WATER FALL WAY
CRANSTON, RI 02921

ANTHONY J ADAMO DEBRA L ADAMO
25 IVY HOLLOW COURT
CRANSTON, RI 02920

APAJEE DEVEN & APAJEE DAWN TE
40 WATER FALL WAY
CRANSTON, RI 02921

BRAULIO DIAZ FERNANDA O DIAZ
25 WALDEN WAY
CRANSTON, RI 02921-1247

CHRISTOPHER M LOWELL MICHELE A
LOWELL
11 HAZEL BUSH DRIVE UNIT 41
CRANSTON, RI 02921-1237

DONALD ROBERTS
10 WATER FALL WAY UNIT 52
CRANSTON, RI 02921

FLAHERTY DAVID T & FLAHERTY ANNE-
MARIE TE
19 WALDEN WAY
CRANSTON, RI 02921

HAK-KEUNG CHIU EVA KIT CHIU
1 BIRCH VIEW CT
CRANSTON, RI 02921

JENNIFER HOPLEY
9 WALDEN WAY
CRANSTON, RI 02921-1247

JOHN R KEOGH LISA A KEOGH
10 BEAVER CREEK COURT
CRANSTON, RI 02921

ALBERTO DESIMONE GABRIELLA M
DESIMONE
1 IVY HOLLOW COURT
CRANSTON, RI 02921-1233

ANTHONY J CAMPAGNON
6 BEAVERCREEK COURT
CRANSTON, RI 02921-1234

ARTHUR JORDAN PATRICIA JORDAN
27 WATERFALL WAY
CRANSTON, RI 02921-1241

BRIGID FONSECA
12 IVY HOLLOW COURT
CRANSTON, RI 02921-1221

COREY J IAVARONE MICHAEL L IAVARONE
14 IVY HOLLOW CT
CRANSTON, RI 02921-1221

ESTRADA ELKIN O & ESTRADA ANNA
MARIE TE
7 WATERFALL WAY
CRANSTON, RI 02921

FOSTER PHILLIP D & FOSTER JENNIFER TE
30 WALDEN WAY
CRANSTON, RI 02921

HOLLAND SCOTT W & HOLLAND MARY
JANE TE
20 BIRCH VIEW CT
CRANSTON, RI 02921

JEROME M BICKIMER CAROLINE M
BICKIMER
2130 HANLEY ROAD
LUCAS, OH 44843

JOSEPH KASEGIAN
26 IVY HOLLOW CT
CRANSTON, RI 02921-1221

ALEXANDER P AGRONICK MARY C
AGRONICK
4 IVY HOLLOW CT
CRANSTON, RI 02921

ANTHONY R LANG BARBARA J LANG
15 HAZEL BUSH DRIVE
CRANSTON, RI 02921-1237

BONNIE JEAN SLOCUM
55 WALDEN WAY
CRANSTON, RI 02921

CHRISTOPHER E WELCH PATRICIA WELCH
TE
57 WALDEN WAY
CRANSTON, RI 02921

CRONIN RONALD & CRONIN ANNE MARIE
TE
11 IVY HOLLOW CT
CRANSTON, RI 02921

FEDER SAMUEL & WF BARBARA ANN
(T/E)
6 HAZELBUSH DR
CRANSTON, RI 02921

GLENN M CHUBKA AUDREY C CHUBKA
5 WATER FALL WAY
CRANSTON, RI 02921

JEFFREY M GABRIELE DEBORAH L
GABRIELE
9 IVY HOLLOW COURT
CRANSTON, RI 02921

JOHN F KIERNAN THERESA KIERNAN
35 WATER FALL WAY
CRANSTON, RI 02921

JOSEPH M MARCELLO DANIELLE M
STEWART
8 BIRCHVIEW COURT
CRANSTON, RI 02921

JUSTIN ALVES NOELLE ALVES
20 BEAVER CREEK CT
CRANSTON, RI 02921-1234

KEVIN T HAGERTY ALEEZA HAGERTY
30 WATER STREET #10
ATTLEBORO, MA 02703

KOPSICK IAN P & KOPSICK SHEILA A TE
12 HAZELBUSH DR
CRANSTON, RI 02921

LAUREN CARDINALE
2 BIRCH VIEW COURT
CRANSTON, RI 02921-1238

LINDA L DUSSEAULT MICHAEL J
DUSSEAULT
65 WALDEN WAY
CRANSTON, RI 02921

LYNCH THOMAS & LYNCH SUSAN M TE
19 IVY HOLLOW CT
CRANSTON, RI 02921

MICHAEL A IANNAZZI CARA ELLARD
75 WALDEN WAY
CRANSTON, RI 02921

MUELLER HANS PETER & WF MICHAELA
(T/E)
88 WALDEN WAY
CRANSTON, RI 02921

PENG ZHANG JIE HAO
3 WALDEN WAY
CRANSTON, RI 02921

RACHEL MARIE BORDERS
21 BEAVER CREEK COURT
CRANSTON, RI 02921-1235

JUSTIN P CURRAN ALEXANDRA C CURRAN
32 WATERFALL WAY
CRANSTON, RI 02921

KIMBERLY SUSI
5 HAZEL BUSH DR
CRANSTON, RI 02921

KRISTEN KARBOWSKI BRYAN C TESTA
13 WATER FALL WAY
CRANSTON, RI 02921-1241

LETTERLE STEVEN C
4 WATER FALL WAY
CRANSTON, RI 02921

LUIS F PORTILLO
14 HAZELBUSH DR
CRANSTON, RI 02921-1236

MATTHEW F LAYTHE BRITNI A LOMBARDI
95 WALDEN WAY
CRANSTON, RI 02921-1247

MICHAEL J GREGORZEK SUSANNA
GREGORZEK
90 WALDEN WAY
CRANSTON, RI 02921

NICOLE ST JEAN
23 WATERFALL WAY
CRANSTON, RI 02921-1241

PERRY MARIA A
121 WALDEN WAY
CRANSTON, RI 02921

RAPOZA STEPHEN T & RAPOZA SUSAN M
TE
38 WATERFALL WAY
CRANSTON, RI 02921

KATHERINE M SCOTTI
17 BEAVERCREEK CT
CRANSTON, RI 02921-1235

KOGUT STEPHEN & KOGUT NANCY J TE
15 WALDEN WAY
CRANSTON, RI 02921

KRISTEN M WESOLOWSKI JASON A PAGE
9 BEAVER CREEK COURT
CRANSTON, RI 02921-1235

LINDA FRANCISCO
785 NATICK AVE
CRANSTON, RI 02921-1044

LUKE SAMUEL F
20 IVY HOLLOW COURT
CRANSTON, RI 02921

MATTHEW JAMES
16 WATER FALL WAY
CRANSTON, RI 02921-1240

MICHELLE L RECA
7 IVY HOLLOW CT
CRANSTON, RI 02921-1233

PATRICK J DAVIGNON LINDA M DAVIGNON
46 WALDEN WAY
CRANSTON, RI 02921

PETER GALVIN REBECCA GALVIN
8 BEAVER CREEK CT
CRANSTON, RI 02921-1234

RICHARD BOLIG PAULA BOLIG
18 BEAVER CREEK CT
CRANSTON, RI 02921

ROBERT P LUZZI LISA M LUZZI
22 WATER FALL WAY
CRANSTON, RI 02921

RODNEY E WRIGHT AUDRA L WRIGHT
15 BIRCH VIEW CT
CRANSTON, RI 02921-1239

RONALD PETER CAIRES MEREBETH
FABIANO
24 WATERFALL WAY
CRANSTON, RI 02921-1240

TAHIR TELLIOGLU
11 BEAVER CREEK COURT
CRANSTON, RI 02921

THOMAS J MCDONOUGH PAULA E
MCDONOUGH
7 BIRCHVIEW CT
CRANSTON, RI 02921

VALLADARES LUIS E & WF LEDA V
GONZALEZ (T/E)
33 WATER FALL WAY
CRANSTON, RI 02921

VINCENT CIRELLI
108 WALDEN WAY
CRANSTON, RI 02921-1245

WALDEN WOODS ASSOCIATES C/O JGP
BUILDERS INC
75 LAMBERT LIND HIGHWAY
WARWICK, RI 02886

WHITCOMB BRIAN W & WHITCOMB
MICHAELA M TE
50 WALDEN WAY
CRANSTON, RI 02921

Edward Pimentel, AICP
26 Avon Road
Cranston, RI 02905

ROBERT TURBITT MARY TURBITT
45 WALDEN WAY
CRANSTON, RI 02921

RONALD J MAROCCO ELIZABETH A
MAROCCO
22 IVY HOLLOW COURT
CRANSTON, RI 02921-1221

SANDRA T GREGOIRE
3 BEAVER CREEK CT
CRANSTON, RI 02921

TERRY BRIAN R & FOGLI-TERRY
STEPHANIE A T
111 WALDEN WAY
CRANSTON, RI 02921

TONYA L LATZMAN
16 WALDEN WAY
CRANSTON, RI 02921-1242

VICTORIA A BLASI JOSHUA G BERARD
2 BEAVER CREEK CT
CRANSTON, RI 02921-1234

VINCENT VITALE TIFFANY A VITALE
14 BIRCH VIEW CT
CRANSTON, RI 02921

WALDEN WOODS ASSOCIATES C/O JGP
BUILDERS INC
75 LAMBERT LIND HIGHWAY
WARWICK, RI 02886

WILLIAM G THOMPSON ELLEN S
THOMPSON
81 WALDEN WAY
CRANSTON, RI 02921

SSRE RI Natick Ave Cranston
LLC
117 Metro Center Boulevard
Suite 1007
Warwick, RI 02886

ROBERT VALA TRACY VALA
69 WALDEN WAY
CRANSTON, RI 02921-1247

RONALD P GREENWOOD
78 WALDEN WAY
CRANSTON, RI 02921

SHERRI L SANTO FRANK C SANTO
21 IVY HOLLOW COURT
CRANSTON, RI 02921-1233

THALER KENT M & THALER JENNIFER
BETH TE
17 IVY HOLLOW CT
CRANSTON, RI 02921

TURCHETTA JOHN P & WF RENE M (T/E)
15 IVY HOLLOW COURT
CRANSTON, RI 02921

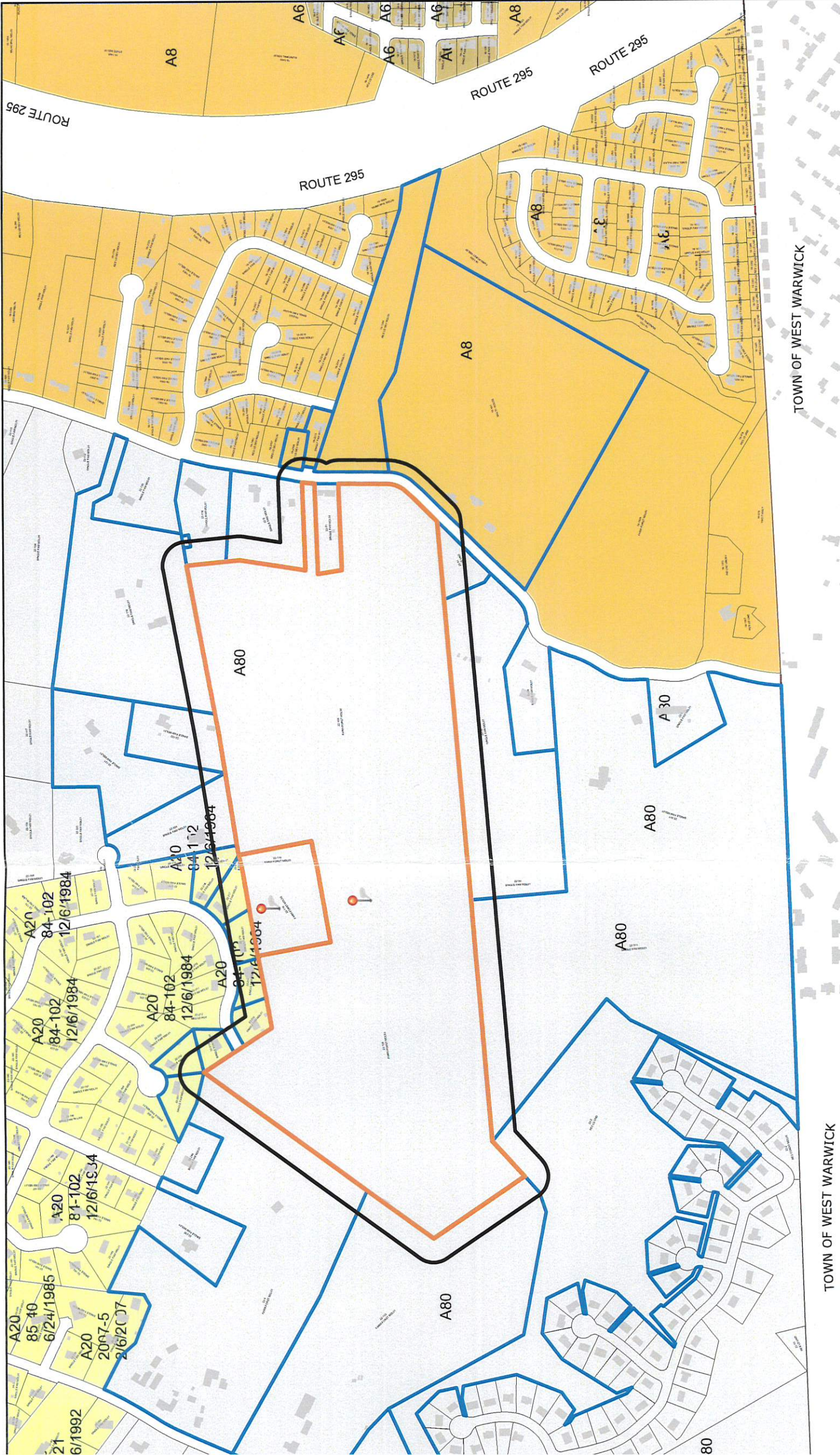
VILLANI DANIEL J & WF DOROTHY A (T/E)
14 BEAVER CREEK CT
CRANSTON, RI 02921

WALDEN WOODS ASSOCIATES C/O JGP
BUILDERS INC
75 LAMBERT LIND HIGHWAY
WARWICK, RI 02886

WASILEWSKI KEVIN M & WASILEWSKI
TRACY B TE
5 BEAVERCREEK COURT
CRANSTON, RI 02921

0 Natick Ave 100' Plat 22 Lots 108 & 119

21



TOWN OF WEST WARWICK

TOWN OF WEST WARWICK

Allan W. Fung
Mayor

Jason M. Pezzullo, AICP
Committee Chairman
Director of Planning



Stephen MacIntosh
Fire Department

Stan Pikul
Zoning Official

Walter Skorupski
Engineering Division

Stephen Mulcahy
Traffic Safety Division

DEVELOPMENT PLAN REVIEW COMMITTEE

Cranston City Hall
869 Park Avenue, Cranston, Rhode Island 02910

AMENDED AGENDA **CRANSTON CITY HALL – 3RD FLOOR COUNCIL CHAMBER** **9:00 AM WEDNESDAY, November 21st, 2018**

***** The following agenda items are being considered for TECHNICAL REVIEW only in advance of the City Plan Commission's December 4th, 2018 meeting. These matters will be under consideration for full DEVELOPMENT PLAN REVIEW at a later date TBD *****

1. "Mixed-Use Development at 100 Sockanossett" Master Plan

Location : 100 Sockanossett Crossroad, AP 14, Lot 2
Zoning District: **C-5 With Conditions (zoning amendment is proposed)**
Applicant: Carpionato Corporation
Owner: Carpionato Corporation
Proposal: Applicant seeks to redevelop the former "Citizens Bank" site and develop a mixed-use development consisting of the following:

- Two-story, 200,000 sq.ft. of office space
- Four-story, 450 space parking structure
- Three-story Commercial Recreation / Entertainment Center

2. "Natick Avenue Solar" Master Plan

Location: Natick Avenue, AP 22-3, Lots 108 & 119 (64 acres)
Zoning District: A-80
Applicant: Southern Sky Renewable Energy RI, LLC
Owner: Ronald Rossi, 1935 Phenix Avenue, Cranston
Proposal: Applicant seeks to develop the site for an 8.1MW Solar Farm. The site is proposed to be subdivided into two parcels:

- Parcel A – 29.3 acres – proposed to remain in agricultural use
- Parcel B – 29.7 acres – proposed to be developed into an 8.1MW solar facility
- Parcel C – 5 acres – open space / forested wetlands / water features

Individuals requesting interpreter services for the hearing impaired must contact the office of City Planning at 461-1000 ext. 3136 seventy-two [72] hours prior to the meeting.

LEGAL NOTICES

23

NOTICE OF PUBLIC SALE

Self-storage Cube contents of the following Customers containing household and other goods will be sold for cash by CubeSmart, 950 Phenix Ave. Cranston, RI 02921 to satisfy a lien on December 12th 2018 at approx. 11:30 AM at www.storage-treasures.com Christopher Magistr.

11/22, 11/29/18

CITY OF CRANSTON PUBLIC HEARING

Public hearing will be held in the

Council Chambers @Cranston City Hall, 869 Park Ave. Cranston, RI, on the following date, relative to the transfer of a liquor license for Alcoholic beverage at the designated locations in accordance with Title 3, General Laws of 1956, as amended

MONDAY, December 3, 2018
@ 6:30 PM

TRANSFER OF ALCOHOLIC BEVERAGE LIC. - NEW

FROM: Park Wine & Spirits, LLC,
1375 Park Ave.
D/B/A Park Wine & Spirits

TO: Em's Liquor Store, Inc.
1375 Park Ave.
D/B/A Em's Liquor Store

REMONSTRANTS WILL BE HEARD AT THE TIME AND PLACE ABOVE STATED.

BY ORDER AND ON BEHALF OF THE COMMITTEE ON SAFETY SERVICES AND LICENSES OF THE CRANSTON CITY COUNCIL:

INDIVIDUALS REQUESTING INTERPRETER SERVICES FOR THE DEAF OR HARD OF HEARING MUST NOTIFY THE OFFICE OF THE CITY CLERK AT 461-1000, EXT. 3236 SEVENTY-TWO (72) HOURS IN ADVANCE OF THE HEARING DATE.

CHRISTOPHER G. PAPLAUSKAS
CHAIR

MARIA MEDEIROS WALL, JD.
CITY CLERK

11/22, 11/29/18

CITY OF CRANSTON PUBLIC HEARING

Public hearing will be held in the Council Chambers @Cranston City Hall, 869 Park Ave. Cranston, RI, on the following date, relative to the transfer of a liquor license for Alcoholic beverage at the designated locations in accordance with Title 3, General Laws of 1956, as amended

MONDAY, December 3, 2018
@ 6:30 PM

TRANSFER OF CLASS ALCOHOLIC BEVERAGE LIC. -AE to A:

FROM: Phred's Drug Inc.
1300 Oaklawn Ave.
D/B/A Phred's Drug

TO: Phred's Drug Inc.
1300 Oaklawn Ave.
D/B/A Phred's Drug

REMONSTRANTS WILL BE HEARD AT THE TIME AND PLACE ABOVE STATED.



CITY OF CRANSTON NOTICE OF PUBLIC INFORMATIONAL MEETING

"Natick Avenue Solar" (Solar Farm) Master Plan

You are hereby notified that the Cranston City Plan Commission will meet to review the Master Plan for a proposed major land development for a solar farm entitled "Natick Avenue Solar". This public informational meeting will be held on Tuesday, December 4, 2018 at 7:00 P.M., in the Council Chambers of Cranston City Hall, 869 Park Avenue, Cranston, RI.

The subject parcel is located off of Natick Avenue, Assessor's Plat 22, Lots 108 and 119. The property owner is Ronald Rossi and the applicant is Southern Sky Renewable Energy RI Natick Ave Cranston, LLC, 117 Metro Center Boulevard, Suite 1007, Warwick, RI 02886. The property is zoned A-80.

Together Lots 108 and 119 comprise approximately 64 acres. The applicant proposes to develop, install and operate an approximate 8.1 megawatt (dc) ground mounted solar energy farm on a parcel of approximately 29.7 acres.

The proposed major land development project is a use allowed by-right within the Cranston Zoning Code and is consistent with the goals and policies of the Cranston Comprehensive Plan.

As a neighbor, you are invited to attend this public informational meeting at which time plans will be presented for public comment and City Plan Commission review. The application may be reviewed prior to the meeting in the Planning Department, Room 309, Cranston City Hall, during regular office hours, 8:30 A.M. - 4:30 P.M., Monday through Friday.

Pursuant to the Cranston Subdivision and Land Development Regulations, the proposed plan may be revised by the City Plan Commission as a result of further study or because of views expressed at this meeting. Individuals requesting interpreter services for the hearing impaired should contact the Planning Department at 461-1000 ext. 3136, seventy-two (72) hours prior to the meeting date.

Michael Smith
President

Jason M. Pezzullo, AICP
Planning Director

11/22/18



CITY SPECIAL

Monday, November 26, 2018
Council Chambers, City Hall
869 Park Ave.
Cranston, RI 02910

Executive Session pursuant
potential litigation:
DBR Decision - Knights

Michael

Individuals requesting interpreter serv
notify the City Clerk at 461-1000 x-31

11/22/18



**SOUTHERN SKY
RENEWABLE ENERGY RI**

November 16, 2018

Dear Property Owner:

My name is Ryan McGovern and I am a Vice President for Southern Sky Renewable Energy RI, LLC ("Southern Sky"). My company develops, installs and operates ground mounted solar energy farms in Rhode Island and Massachusetts.

We have recently entered in to an agreement to lease a portion of property off Natick Avenue owned by Ronald Rossi. We are proposing to install an 8.1 megawatt solar facility on this land. Our projects have been well received in area communities as a safe and desirable alternative energy source.

The solar equipment will be buffered from neighboring properties and be surrounded by a fence for safety and security purposes. The placement of the solar facility on this large tract of land will not affect Mr. Rossi's long time use of his property including the tree farm that many people enjoy during the holiday season.

The formal permitting process with the City of Cranston will soon begin. But we wanted to introduce you to our company before you received a notice from the city officials.

Southern Sky is hosting a Neighborhood Information Meeting on Thursday, November 29, 2018 at 6:00 pm at the St. Joseph School at 850 Wakefield Street in West Warwick, Rhode Island. This will allow us to meet you and provide an opportunity to answer any questions.

We will make a short presentation to explain how the property will be developed and then allow time, in an informal setting, to listen to your thoughts as we share information. Should you have questions prior to the neighborhood meeting, please feel free to contact me at 401-829-0893.

I hope your schedule will permit you to attend this information session. I look forward to seeing you on November 29th. Best wishes for the upcoming holiday season.

Sincerely,

Southern Sky Renewable Energy RI, LLC

Ryan McGovern

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

TAFT & McSALLY LLP
ATTORNEYS AT LAW

21 GARDEN CITY DRIVE
CRANSTON, RI 02920-5703

Tel. No. (401) 946-3800
Fax No. (401) 943-8859
www.taftmcsally.com

November 28, 2018

Mr. Jason Pezzullo
Planning Director
869 Park Avenue
Cranston, RI 02910

RE: Natick Avenue Solar

Dear Mr. Pezzullo:

I am writing in connection with the proposed Natick Avenue Solar project for the property on Natick Avenue owned by Ronald Rossi designated as Lots 108 and 119 on Assessor's Plat 22 ("Rossi Property").

At an informal review meeting on November 21, 2018, questions were asked about the anticipated interconnection route for this solar farm to be connected to National Grid.

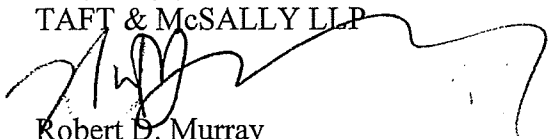
At this stage, the applicant, Southern Sky Renewable Energy RI Natick Ave Cranston, LLC has received a conceptual interconnection plan from National Grid. Generally, the connection will leave the Rossi Property and travel north on Natick Avenue towards the intersection with Wilbur Avenue.

Along the route on Natick Avenue, approximately 6,000 feet of existing overhead wire will be replaced between existing pole numbers 29 and 73. The plans include replacing the existing poles along this route with new poles that will be approximately 45 feet as opposed to the present height of 35 feet. Some trimming in the right of way of existing trees will be required. The interconnection at Wilbur Avenue will continue on existing wiring and poles leading to National Grid's West Cranston substation on Laten Knight Road.

Following, master plan approval, Southern Sky will engage National Grid for final design and layout by the Distribution Design Section of National Grid. However, the conceptual plan is reliable at this point to understand the intentions of the parties.

If you have any questions, please feel free to contact me.

Very truly yours,
TAFT & McSALLY LLP


Robert D. Murray

RDM/mk



Letter of Transmittal


To:	Joshua Berry City of Cranston, City Planning Department 869 Park Ave, Cranston, RI 02910
------------	--

Date:	12/3/2018
Job No:	2437-015
Re:	Natick Ave Solar

Number of Copies:	Description:
10	24"x36" - Supplemental Residential Buffer Planting Exhibit
10	11"x17" - Supplemental Residential Buffer Planting Exhibit
1	24"x36" - Update Site Layout Plan – Fence Adjusted

Remarks:

Joshua – Please see the updated site layout plan and Supplemental Residential Buffer Planting Exhibit enclosed. Do not hesitate to contact me with any questions.

From: 
 Dave Russo, PE
 Project Manager
 drusso@diprete-eng.com

Copy:

Allan W. Fung
Mayor



Michael Smith
Chairman

Jason M. Pezzullo
Planning Director

Ken Mason, P.E.
Steven Spirito
Robert Strom
Frederick Vincent
Kimberly Bittner
Kathleen Lanphear
Ann Marie Maccarone

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

December 5, 2018

Southern Sky Renewable Energy RI Natick Ave Cranston, LLC
117 Metro Center Boulevard, Suite 1007
Warwick, RI 02886

Certificate of Completeness

Natick Avenue Solar –Master Plan

Major Land Development without street creation
0 Natick Avenue
AP 22, Lots 108 & 109

Dear Mr. Palumbo & Southern Sky Renewable Energy RI Natick Ave Cranston, LLC,

Staff has reviewed the Master Plan application for "Natick Ave Solar" which was received by the Planning Department on 11/13/2018, and certifies that the application was complete as of the date of submittal. Staff finds that the application meets the City of Cranston Subdivision Regulation Section III (J)(2) Master Plan completeness requirements. Materials that have been submitted since 11/13/2018 have been additional and/or supplementary to the complete application.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Joshua Berry, MURP, AICP
Senior Planner / Administrative Officer

cc: Robert D. Murray, Esq

City Planning Department



Memo – **DRAFT 11/28/18**

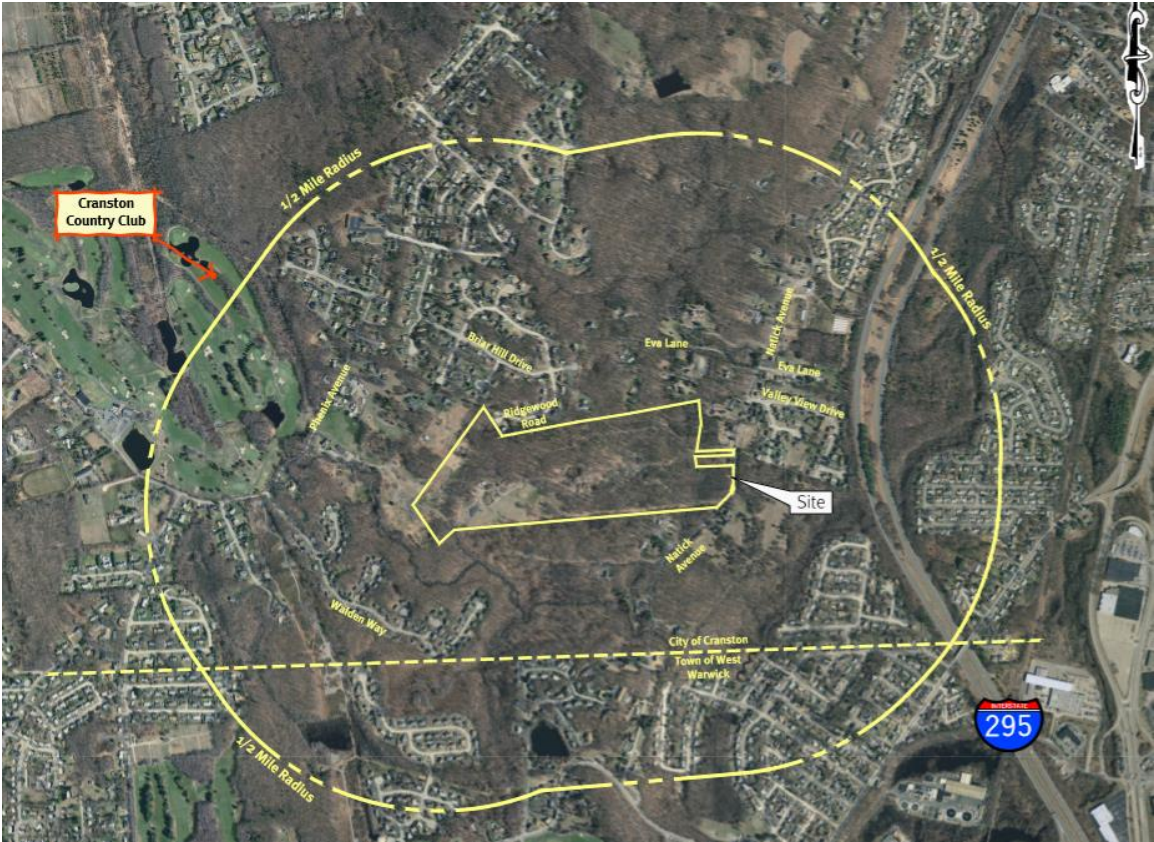
To: Cranston City Plan Commission
From: Joshua Berry, MURP, Senior Planner
Date: November 28, 2018
Re: “Natick Avenue Solar”
Master Plan – Major Land Development

Owner: Ronald Rossi
Applicant: Southern Sky Renewable Energy RI Natick Ave Cranston LLC
Location: 0 Natick Ave, A/P 22, Lot 108 & 119
Zone: A-80 (single family dwellings on lots of minimum areas of 80,000 ft²)
FLU: Single family residential less than 1 unit/acre

I. Proposal

The applicant is proposing to develop, install and operate an approximate 8.1 megawatt (dc) ground mounted solar energy farm on a 29.7 acre area within a 64 acre site comprised of two lots located within an A-80 zone. There are two areas of the site that will not be utilized by the project (designated as ‘Parcel A’ and ‘Parcel C’ on the Site Plan) which are a hayfield/Christmas Tree farm/woodland area and a wetland area, respectively, and are proposed to remain as such. The site is covered with existing vegetation as well as topography sloping towards an existing wetland area in the southeast portion of the property. The proposed project includes the clearing and grading as necessary to install the ground mounted solar arrays, associated electrical equipment (inverters, switchgears and transformers), and the gravel roadway providing access to the solar farm and the portion of the property to the west of the proposed solar farm (currently labeled ‘Parcel A’ on the Site Plan). The proposal includes a planting plan to buffer the project from adjacent residential communities, which will be reviewed in further detail at the Preliminary Plan phase, should the Master Plan be approved.

AERIAL VIEW



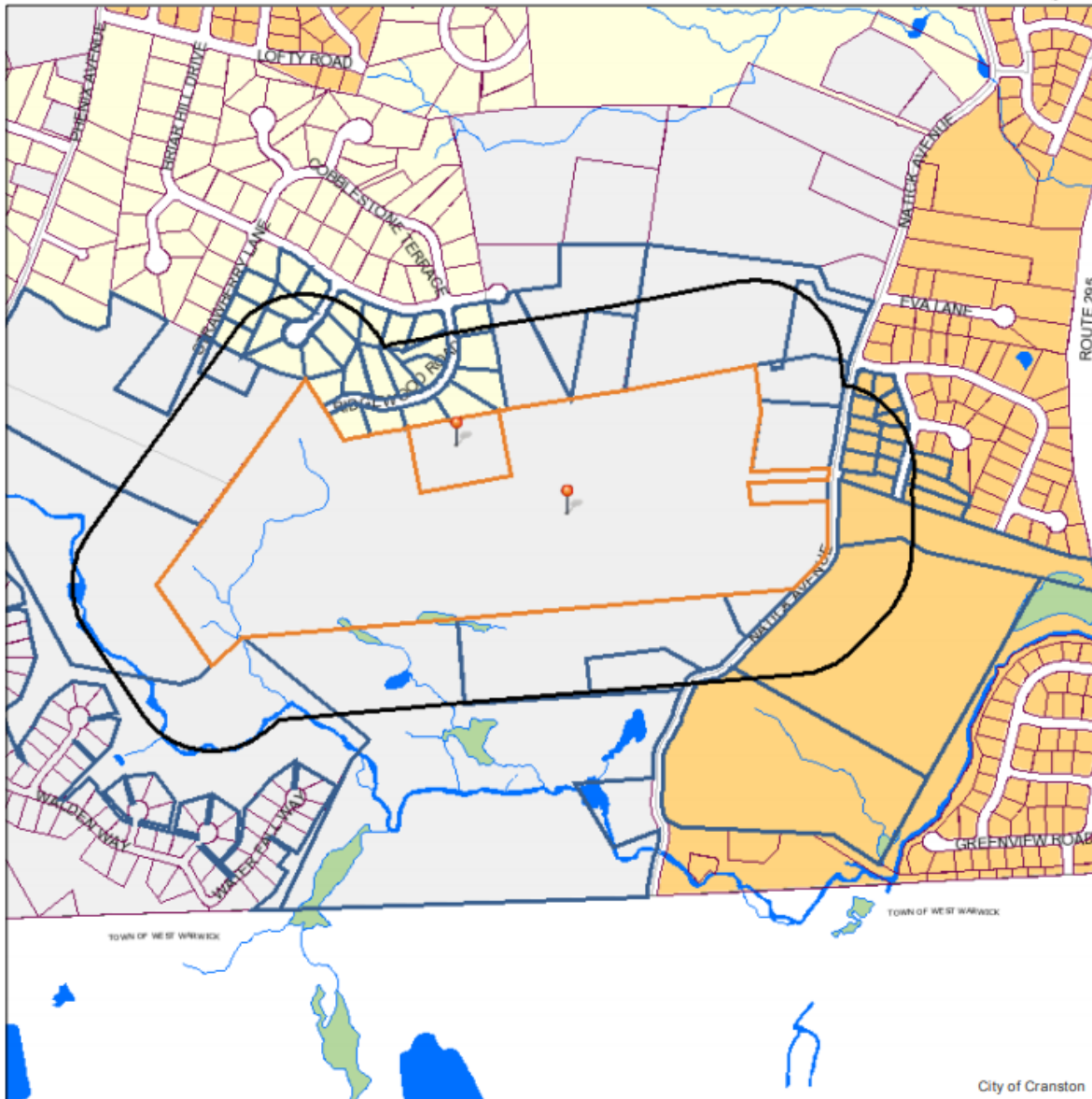
STREET VIEW (Entrance @ Natick Ave)





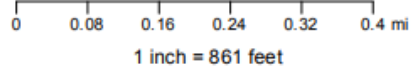
City of Cranston Zoning Map

11/28/2018

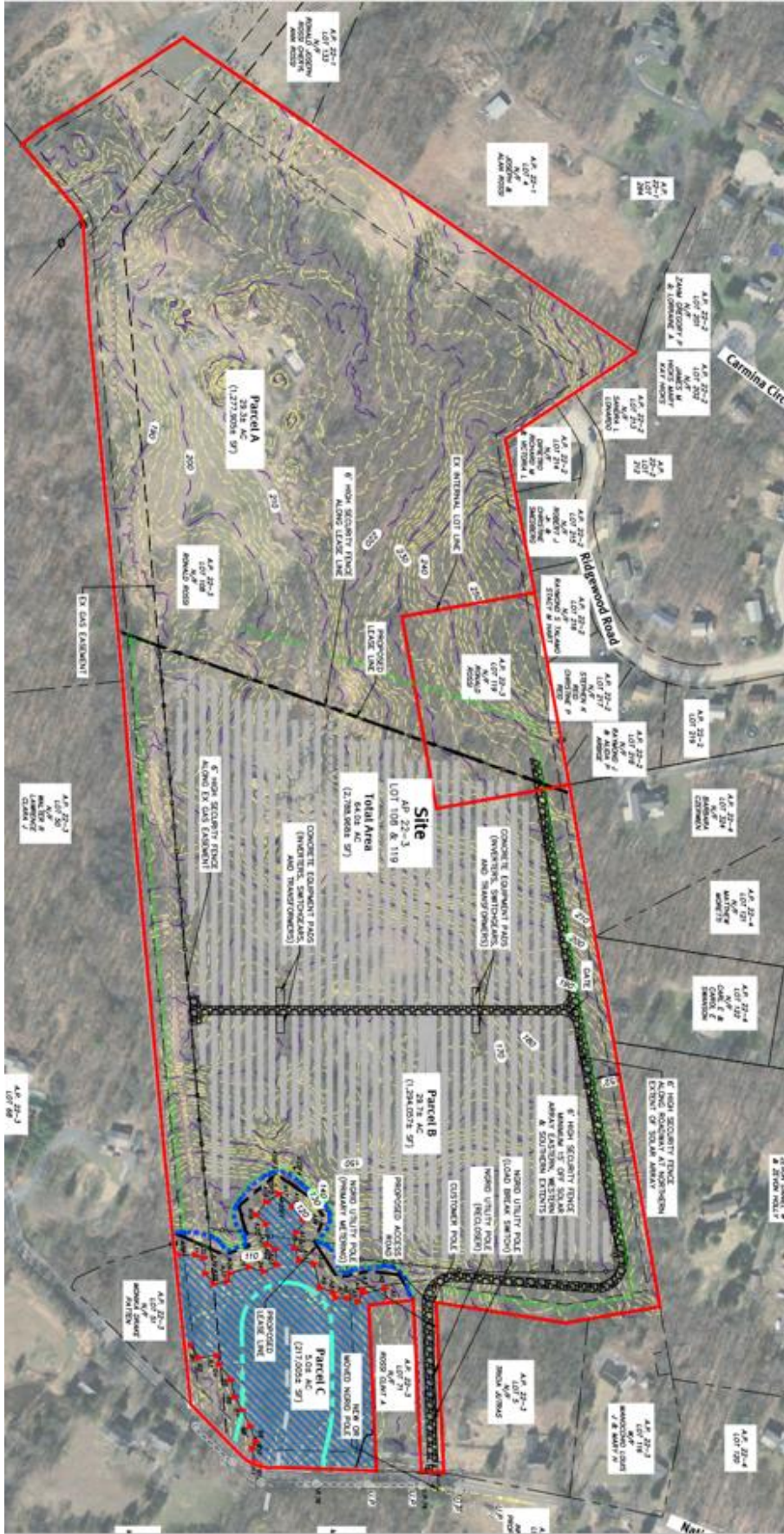


Legend

Plat Bounds	Zoning	A8	C2	M2
Historic Overlay District	none	A6	C3	EI
Parcels	A80	B1	C4	MPD
Water Body	A20	B2	C5	S1
Streams/Rivers	A12	C1	M1	

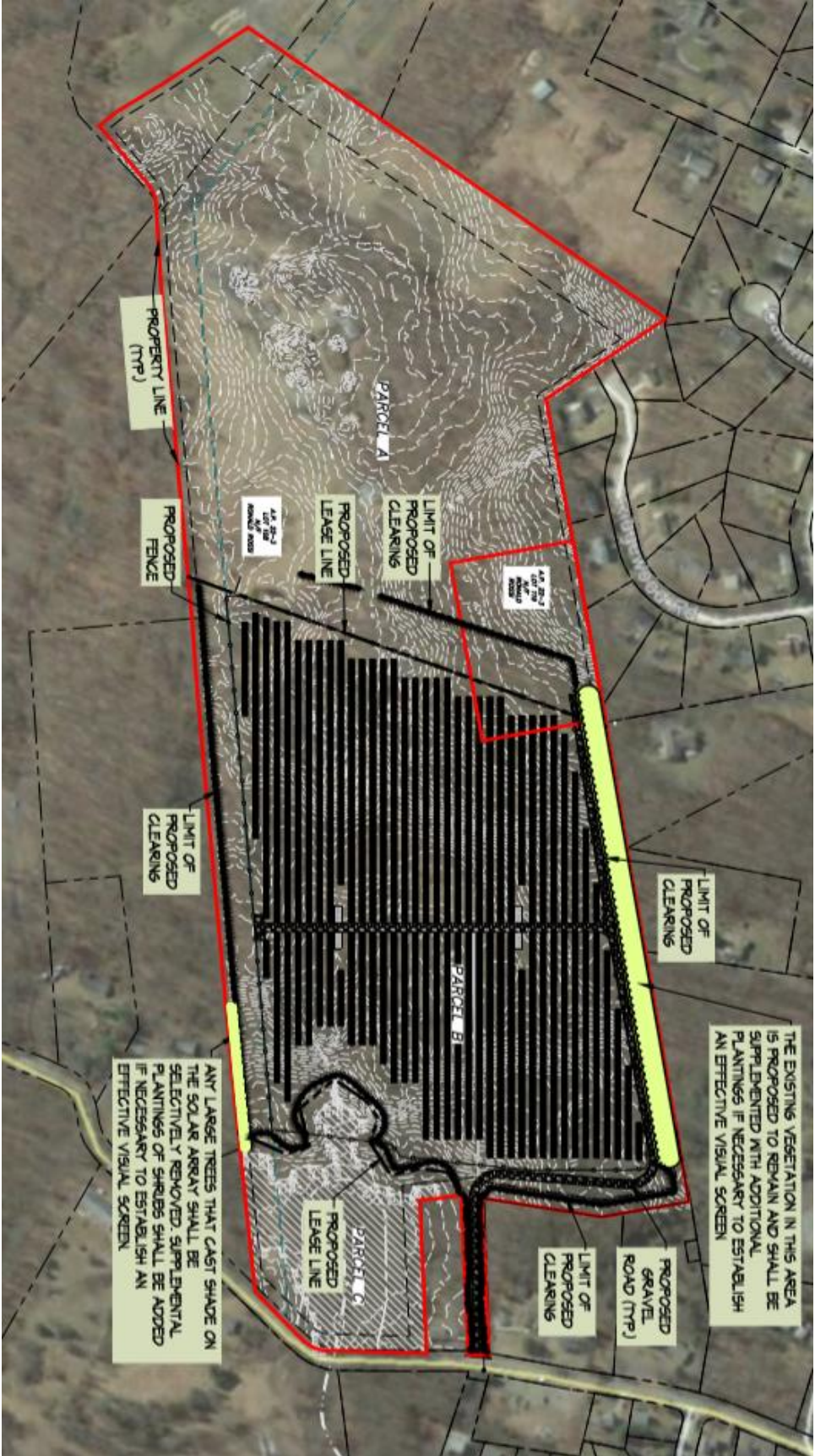


This map/data/geospatial product is not the product of a Professional Land Survey. It was created for general reference, informational, planning and guidance use and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this data may require the assistance of appropriate professional services. The City of Cranston makes no warranty, expressed or implied related to the spatial accuracy, reliability, completeness or currentness of this map/data.



SITE PLAN (snippet)

BUFFER PLANTING PLAN (snippet)



II. Documents which are part of the application

1. Subdivision and Land Development application signed by owner Ronald Rossi.
2. Filing fee for the Master Plan in the form of check #1895 dated 11/13/18 in the amount of \$2,675.00 from Southern Sky Renewable Energy RI.
3. Filing fee for the Pre-application in the form of check #1894 dated 11/13/18 in the amount of \$580.00 from Southern Sky Renewable Energy RI.
4. Both the filing fee for the Pre-app and Master Plan were miscalculated, so a supplementary check #XXX dated YYY was submitted for the remaining balance of \$114 from XXX.
5. (10) Project Narratives dated 11/9/18 from Project Manager Dave Russo from DiPrete Engineering.
6. (3) 100' radius map with list of abutters.
7. Notarized Affidavit of Notice Compliance signed by Robert D. Murray.
8. Certificate of Municipal Liens issued 9/19/18 for AP 22, Lots 108 & 119 showing no outstanding taxes owed on the land.
9. (10) Master Plan Submission plan sets in full size and 11" x 17" entitled "Natick Avenue Solar" prepared by David A. Russo, PE of DiPrete Engineering dated 11/9/18.
10. (10) Landscaping plan sets in full size and 11" x 17" entitled "Buffer Planting Plan" prepared by John C. Carter PLA of John C. Carter & Co., INC. dated 11/13/18.
11. (10) Class I Survey copies in full size and 11" x 17" prepared by Robert G. Babcock PLS of DiPrete Engineering dated of 11/9/18.

III. Surrounding land use and context

Analysis using the City of Cranston Geographic Information System indicates that:

1. The subject record lots, which are combined for zoning purposes per City Code, have frontage on the western side of Natick Avenue near the southern edge of the City. The frontage on Natick Ave is split by an outparcel. The southern portion of the frontage is a wetland area, labeled 'Parcel C' on the Site Plan. The smaller northern portion of the frontage is 50' wide and serves as the point of access to the property.
2. The site is located in an A-80 zone (single family dwellings on lots of minimum areas of 80,000 ft²). As evident on the Zoning Map on page #3 of this report, the majority of the parcels surrounding the property are also zoned A-80, though there are abutting A-20 lots off of Ridgewood Road to the north of the site towards its northwestern corner. There are A-8 zoned properties on the eastern side of Natick Ave.
3. The Future Land Use Map designates the site as Single Family Residential Less than 1 unit/acre. The proposed use is consistent with this designation.
4. The site has existing structures on the portion labeled 'Parcel A' on the Site Plan, which is an existing agricultural use (Christmas tree farm)/hayfield/woodland which is proposed to remain separate from the solar project.
5. There is a 20' gas easement (Tennessee Gas Pipeline) that runs along the southern property line. There is no proposed action that is part of this project which that would violate this easement.
6. The parcel has considerable topography, sloping downward towards the southeast towards the existing wetland area called out as 'Parcel C' on the Site Plan.

7. The City GIS shows a portion of the western corner of the lot which have wetlands. There is a 100' Riverbank Wetland setback that does not surpass the 100' rear yard setback per zoning.

IV. Staff / Agency Comments

Pursuant to RIGL 45-23-41 A3, these plans were distributed for comment to Veolia Water, PWSB, Public Works Department / Engineering Division, Building and Zoning Department and the Fire Department. Responses are as follows:

1. **Veolia Water** – The development does not require water supply.
2. **Providence Water Supply Board** – The development does not require water supply.
3. **Public Works Department / Engineering Division** – Walter Skorupski reviewed the plan at the Technical Review Committee meeting on 11/21/18 and had no comments at that time.
4. **Public Works Department / Traffic Safety** - Stephen Mulcahy reviewed the plans at the Technical Review Committee meeting on 11/21/18 and had no comments at that time.
5. **Fire Department** – No comments have been received from the Fire Department at this time.
6. **Building and Zoning Department** – Stanly Pikul has no concerns at this time.
7. **Planning Analysis** -

In 2017, the City passed Ordinance 01-17-11 “Solar Performance Standards” to amend the Comprehensive Plan to specifically promote solar land uses as a policy stance in support of renewable energy. The following language was added to the end of Land Use Plan 1.3, “Preserve existing farmland and developable land that is currently undeveloped, by temporally removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.” Additionally, the Economic Development Element and Natural Resources Element were also amended to include encouragement of renewable energy facilities. Ordinance 01-17-11 establishes clear policy guidance for staff to support the proposed land use, which is a permitted use in A-80 zoning. Staff supports this project due to its consistency with the current policies and zoning regulations, but still has concerns with some of the details of the proposal.

Buffering plan details are solidified during the Preliminary Plan phase, not the Master Plan phase of the project, but Staff recognizes buffering as a critical element of solar projects and the applicant has provided a Buffer Planting Plan as part of the Master Plan submittal plan set for initial comment and review. The Planning Department is currently in the process of drafting performance standards on this particular issue, but does not have the benefit of codified standards to apply on this application. The proposed planting plan, as corroborated by viewshed analyses provided on pages 5 & 6 of 7 in the submittal plan set, demonstrate that the visual screening to the proposed solar arrays may not be adequate. Staff is recommending that the Buffering Plan be forwarded to the Conservation Commission for review and comment to work out the details of the buffering plan as

necessary during the Preliminary Plan process. Staff's main concerns with the current buffer planting plan are that the plan appears to be working on two assumptions the project does not need to buffer from residences which have existing buffers on their own properties. Staff holds that the buffer must be maintained on the project site, and may not count vegetation on other properties. It is not clear whether the proposed buffer planting plan adequately buffers the residences on Ridgewood Road. Additionally, the gas easement along the southern property line appears to obstruct the ability to buffer the residential properties to the south. These issues are not exhaustive of staff's potential concerns with buffering as staff will continue to work with the public, Plan Commission, DPR Committee and Conservation Commission regarding buffering should the project move forward to the Preliminary Plan phase. It is important to acknowledge that these entities will be reviewing other plan specifics that are not under detailed review at this stage including but not limited to the fencing, potential blasting, grading & soil erosion,

In addition to the many aspects of the plan that are not fully reviewed at the Master Plan phase, the interconnection portion of the project is still largely an unknown at this time. Nevertheless, staff recognizes the impact that interconnection may have, particularly in regards to the Comprehensive Plan's policy to maintain the rural character of Western Cranston. Staff has requested that the applicant provide any and all information that is available regarding the interconnection plan and process. At this time, it is known that approximately 6,000' of power lines running north from the site's frontage on Natick Ave would be upgraded to Grade 3, with roughly 40'-45' tall poles. Some tree trimming is anticipated, but details of the interconnection plan are not available at this time. This is an area that staff will continue to monitor, should the Master Plan be approved.

One small and technical point is that the proposed fence crosses through the wetlands on 'Parcel C'. This will need to be revised as to not encroach into the wetlands or across the proposed lease lines.

A decommissioning bond will be required for this project. A bond estimate will be provided during the Preliminary Plan review phase. The bond will cover costs associated with the removal of installations, electrical equipment & all appurtenant structures, and stabilization or revegetation of the site as necessary to minimize erosion.

V. Interests of Others

Planning staff has received multiple requests for access to plans and has provided such. There have been verbal discussions with members of the public regarding specifics in the plans, concerns have included interconnection, buffering, slope, grading & drainage and blasting. No comments have been submitted in writing as of 11/28/18.

VI. Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

Findings:

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11 which amended the Land Use Plan 1.3 to read, “Preserve existing farmland and developable land that is currently undeveloped, by temporally removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.” Additionally, the Economic Development Element and Natural Resources Element were also amended to include encouragement of renewable energy facilities.
3. The proposed project is accessed through a narrow road, with the solar arrays existing behind existing residential lots and a vegetated wetland area. Therefore, there is likely no visual impact of the project from the vantage point of the public right of way. No signage is proposed on Natick Ave.
4. The applicants propose a Buffer Planting Plan to screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the Preliminary Plan approval process to ensure the preservation of the rural character of Western Cranston.
5. The project narrative states “. . . clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility” and also that ““Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site.” These statements demonstrate compliance with Cranston’s solar performance ordinance.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

6. The proposed solar and existing agricultural uses are permitted uses in A-80 zoning.
7. The site is comprised of two lots, merged for zoning purposes, which meet the requirements of zoning.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.”

8. The project will be subject to all local, state and federal standards regarding environmental impacts. Further details will be provided if the project moves to the Preliminary Plan stage of Development.
9. Meadow grass is proposed between and under the solar panels.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

10. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

11. The property in question has adequate permanent physical access from Natick Ave, improved public roadways located within the City of Cranston.
12. The proposed use is not anticipated to have a negative impact on vehicular traffic.

VII. Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60, the Comprehensive Plan, as well as with the City of Cranston's Subdivision and Land Development Regulations. Staff therefore recommends that the City Plan Commission adopt the findings of fact documented above and **approve** the Master Plan submittal, subject to the conditions denoted below:

VIII. Conditions of approval

1. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan approval process. Required changes to the Buffering Planting Plan may result in alterations to the current proposed layout of the solar installations.
2. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
3. The proposed fence must be revised as to not encroach into the wetland area, or across proposed lease lines.

City Planning Department



Memo – **FINAL 12/3/18**

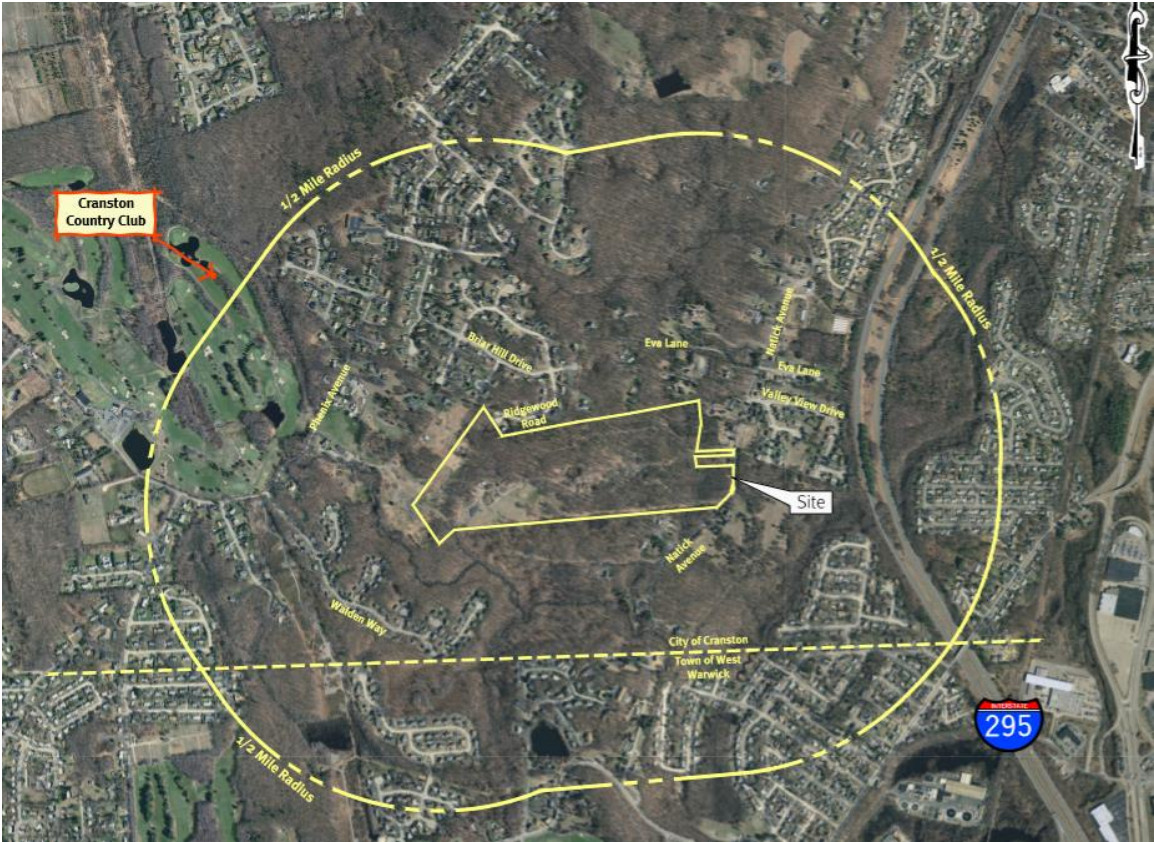
To: Cranston City Plan Commission
From: Joshua Berry, MURP, Senior Planner
Date: ~~November 28~~, **December 3**, 2018
Re: "Natick Avenue Solar"
Master Plan – Major Land Development

Owner: Ronald Rossi
Applicant: Southern Sky Renewable Energy RI Natick Ave Cranston LLC
Location: 0 Natick Ave, A/P 22, Lot 108 & 119
Zone: A-80 (single family dwellings on lots of minimum areas of 80,000 ft²)
FLU: Single family residential less than 1 unit/acre

I. Proposal

The applicant is proposing to develop, install and operate an approximate 8.1 megawatt (dc) ground mounted solar energy farm on a 29.7 acre area within a 64 acre site comprised of two lots located within an A-80 zone. There are two areas of the site that will not be utilized by the project (designated as 'Parcel A' and 'Parcel C' on the Site Plan) which are a hayfield/Christmas Tree farm/woodland area and a wetland area, respectively, and are proposed to remain as such. The site is covered with existing vegetation as well as topography sloping towards an existing wetland area in the southeast portion of the property. The proposed project includes the clearing and grading as necessary to install the ground mounted solar arrays, associated electrical equipment (inverters, switchgears and transformers), and the gravel roadway providing access to the solar farm and the portion of the property to the west of the proposed solar farm (currently labeled 'Parcel A' on the Site Plan). The proposal includes a planting plan to buffer the project from adjacent residential communities, which will be reviewed in further detail at the Preliminary Plan phase, should the Master Plan be approved.

AERIAL VIEW



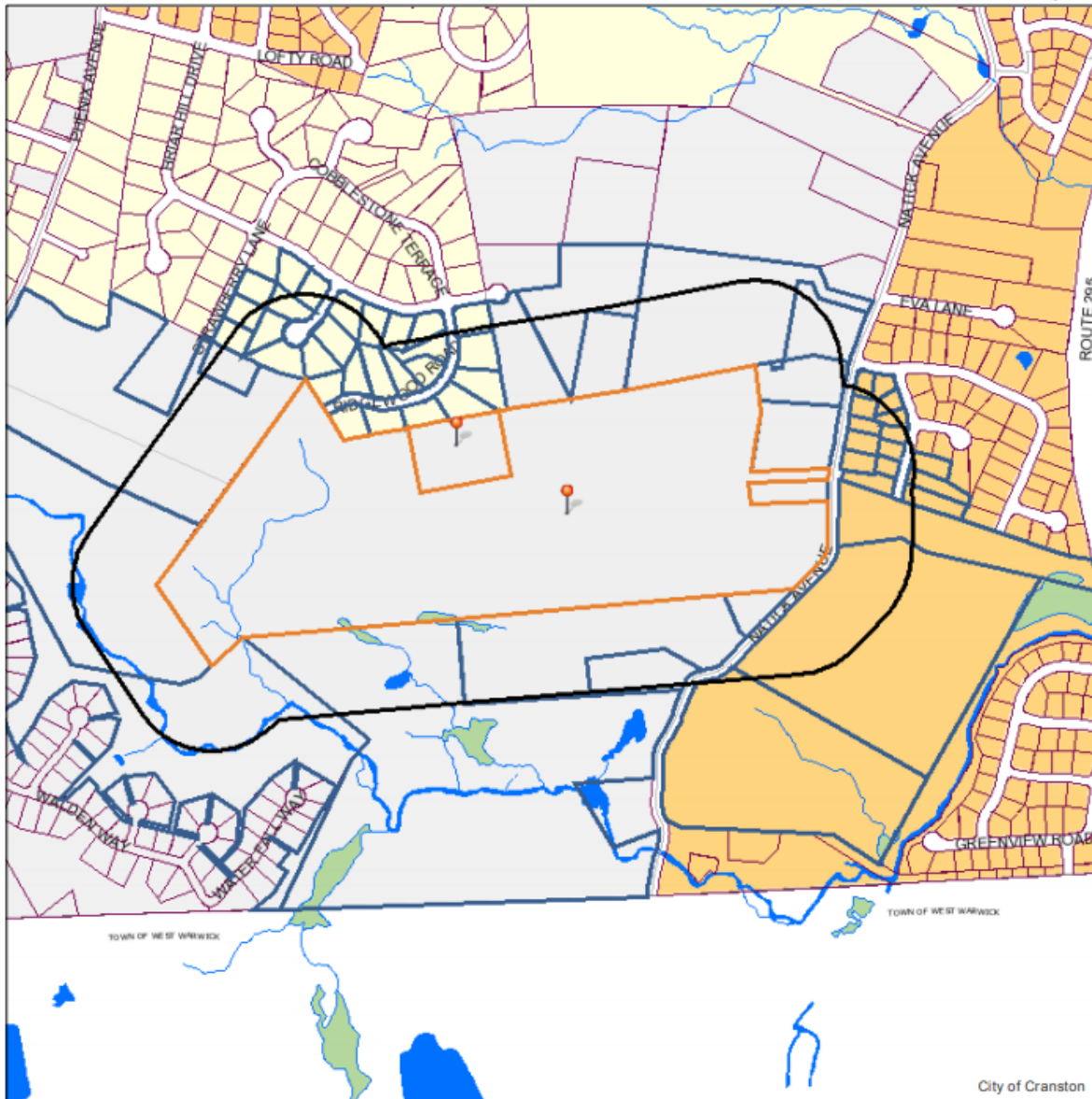
STREET VIEW (Entrance @ Natick Ave)





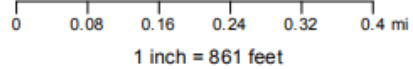
City of Cranston Zoning Map

11/28/2018



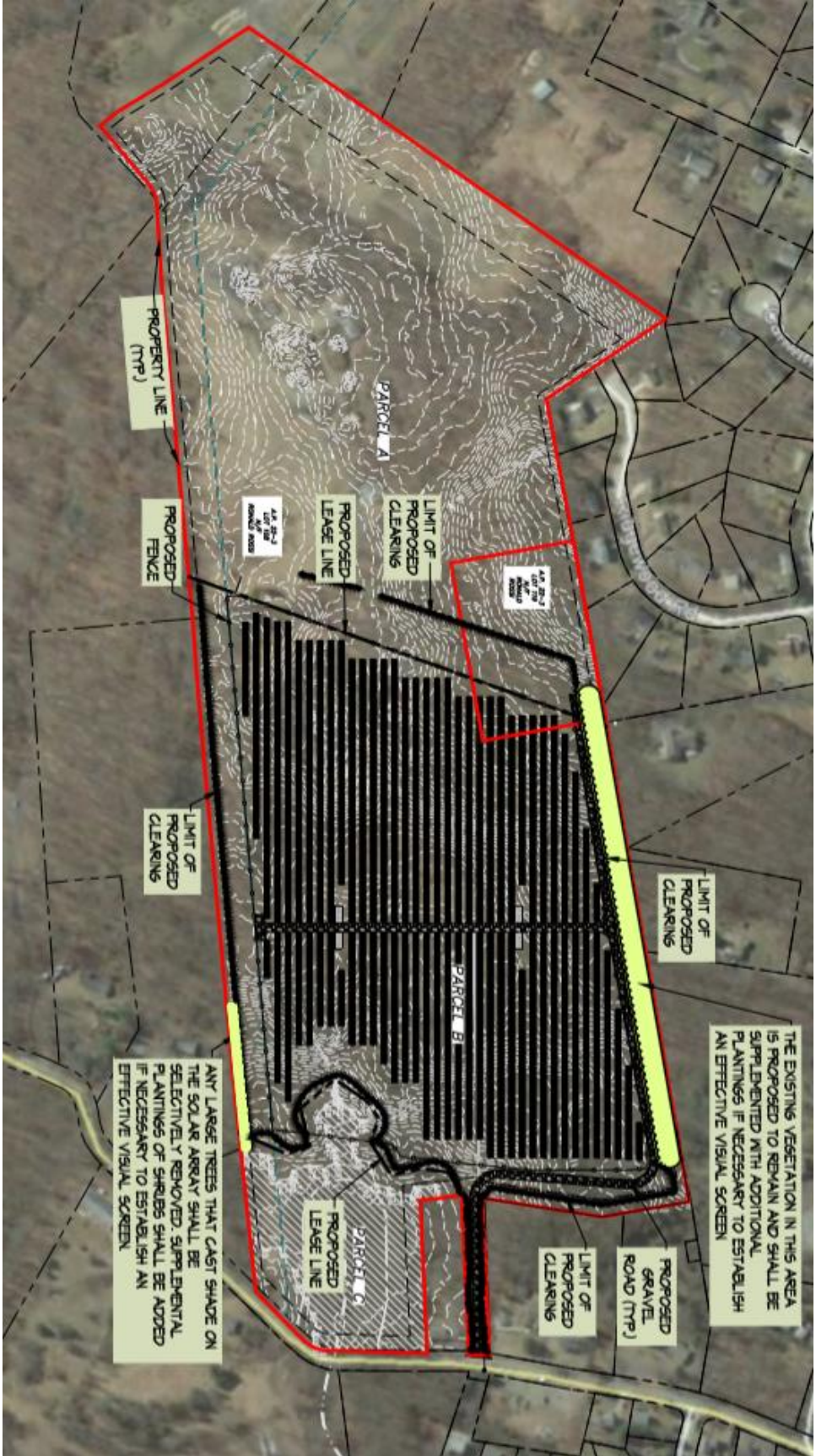
Legend

Plat Bounds	Zoning	A8	C2	M2
Historic Overlay District	none	A6	C3	EI
Parcels	A80	B1	C4	MPD
Water Body	A20	B2	C5	S1
Streams/Rivers	A12	C1	M1	



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BUFFER PLANTING PLAN (snippet)



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1. The subject record lots, which are combined for zoning purposes per City Code, have frontage on the western side of Natick Avenue near the southern edge of the City. The frontage on Natick Ave is split by an outparcel. The southern portion of the frontage is a wetland area, labeled 'Parcel C' on the Site Plan. The smaller northern portion of the frontage is 50' wide and serves as the point of access to the property.
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6. The parcel has considerable topography, sloping downward towards the southeast towards the existing wetland area called out as 'Parcel C' on the Site Plan.
7. The City GIS shows a portion of the western corner of the lot which have wetlands. There is a 100' Riverbank Wetland setback that does not surpass the 100' rear yard setback per zoning.

IV. Staff / Agency Comments

Pursuant to RIGL 45-23-41 A3, these plans were distributed for comment to Veolia Water, PWSB, Public Works Department / Engineering Division, Building and Zoning Department and the Fire Department. Responses are as follows:

1. **Veolia Water** – The development does not require water supply.
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7. **Planning Analysis** -

In 2017, the City passed Ordinance 01-17-11 “Solar Performance Standards” to amend the Comprehensive Plan to specifically promote solar land uses as a policy stance in support of renewable energy. The following language was added to the end of Land Use Plan 1.3, “Preserve existing farmland and developable land that is currently undeveloped, by temporarily removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.”

Additionally, the Economic Development Element and Natural Resources Element were also amended to include encouragement of renewable energy facilities. Ordinance 01-17-11 establishes clear policy guidance for staff to support the proposed land use, which is a permitted use in A-80 zoning. Staff supports this project due to its consistency with the current policies and zoning regulations, but still has concerns with some of the details of the proposal.

Buffering plan details are solidified during the Preliminary Plan phase, not the Master Plan phase of the project, but Staff recognizes buffering as a critical element of solar projects

and the applicant has provided a Buffer Planting Plan as part of the Master Plan submittal plan set for initial comment and review. The Planning Department is currently in the process of drafting performance standards on this particular issue, but does not have the benefit of codified standards to apply on this application. The proposed planting plan, as corroborated by viewshed analyses provided on pages 5 & 6 of 7 in the submittal plan set, demonstrate that the visual screening to the proposed solar arrays may not be adequate. Staff is recommending that the Buffering Plan be forwarded to the Conservation Commission for review and comment to work out the details of the buffering plan as necessary during the Preliminary Plan process. Staff's main concerns with the current buffer planting plan are that ~~the plan appears to be working on two assumptions the project does not need to buffer from residences which have existing buffers on their own properties. Staff holds that the~~ buffers must be maintained on the project site, and may not count vegetation on other properties. It is not clear whether the proposed buffer planting plan adequately buffers the residences on Ridgewood Road. Additionally, the gas easement along the southern property line appears to ~~obstruct the ability to~~ **restrict the depth of the proposed** buffer **to** the residential properties to the south. These issues are not exhaustive of staff's potential concerns with buffering as staff will continue to work with the public, Plan Commission, DPR Committee and Conservation Commission regarding buffering should the project move forward to the Preliminary Plan phase. It is important to acknowledge that these entities will be reviewing other plan specifics that are not under detailed review at this stage including but not limited to the fencing, potential blasting, grading & soil erosion. **The applicant has submitted a "Supplemental Residential Buffer Plantings" exhibit as a visual aid to compare the existing and proposed conditions, which is attached to this report.**

In addition to the many aspects of the plan that are not fully reviewed at the Master Plan phase, the interconnection portion of the project is still largely an unknown at this time. Nevertheless, staff recognizes the impact that interconnection may have, particularly in regards to the Comprehensive Plan's policy to maintain the rural character of Western Cranston. Staff has requested that the applicant provide any and all information that is available regarding the interconnection plan and process. At this time, it is known that approximately 6,000' of power lines running north from the site's frontage on Natick Ave would be upgraded to Grade 3, with roughly 40'-45' tall poles. Some tree trimming is anticipated, ~~but details of the interconnection plan are not available at this time~~ **as detailed in the attached memo from Taft & McSally, LLP dated November 28, 2018.** This is an area that staff will continue to monitor, should the Master Plan be approved.

~~One small and technical point is that the proposed fence crosses through the wetlands on 'Parcel C'. This will need to be revised as to not encroach into the wetlands or across the proposed lease lines.~~

A decommissioning bond will be required for this project. **Per the narrative provided by Project Manager Dave Russo,** a bond estimate will be provided during the Preliminary Plan review phase **for discussion, which is to be finalized during the building permit phase.** The bond will cover costs associated with the removal of installations, electrical equipment & all appurtenant structures, and stabilization or revegetation of the site as necessary to minimize erosion.

V. Interests of Others

Planning staff has received multiple requests for access to plans and has provided such. There have been verbal discussions with members of the public regarding specifics in the plans, concerns have included interconnection, buffering, slope, grading & drainage and blasting. ~~No comments have been submitted in writing as of 11/28/18.~~ The applicant held a neighborhood information meeting, and has provided the written letters to residents confirming the applicant's willingness to work with them throughout the process (letters are attached to this report).

Staff received the following correspondence from Carey Diehl from the Tennessee Gas Pipeline on 12/3/18:

Thank you for taking the time to speak with me about the proposed solar project off Natick Ave, Cranston. Tennessee Gas Pipeline (TGP) currently operates and maintains a 16", high pressure natural gas pipeline within a 50' right of way. The right of way is centered on the pipeline meaning TGP has 25' northerly and 25' southerly of the 16" pipe. TGP requires any development near our pipeline to go through a Developer Review Process prior to any approval or commencement of construction to confirm there will be no impact to TGP's pipeline and right of way. Once the project has been reviewed and approved by TGP a Developer Approval Letter with conditions will be issues to the developer for signature prior to the commencement of any work near TGP's pipeline and right of way. To date TGP has NOT been contacted by Southern Sky about the proposed solar installation. TGP would like to request that Southern Sky contact us to discuss the project. Below are preliminary comments and concerns regarding the project.

- *No contact from Southern Sky*
- *Accuracy of pipeline and easement location on plan. TGP typically requires the developer contact us to have the pipeline and easement flagged/located and then have those points surveyed.*
- *TGP requires a blasting plan for review and approval. TGP will provide a Blasting Approval Letter.*
- *TGP will require the developer to provide an EMI study.*
- *TGP does not permit any structures or vegetation to be planted within the right of way.*
- *No trees can be felled onto TGP's easement.*
- *Any and all proposed equipment crossings will need to be reviewed and approved.*
- *TGP request the Developer Approval process and Approval Letter be completed and signed prior to final municipal approval.*

I have attached a copy of TGP's Developer Handbook for your reference.

Thank you for your time and I look forward to further discussions with the City of Cranston and Southern Sky.

VI. Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

Findings:

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11 which amended the Land Use Plan 1.3 to read, “Preserve existing farmland and developable land that is currently undeveloped, by temporally removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.” Additionally, the Economic Development Element and Natural Resources Element were also amended to include encouragement of renewable energy facilities.
3. The proposed project is accessed through a narrow road, with the solar arrays existing behind existing residential lots and a vegetated wetland area. Therefore, there is likely no visual impact of the project from the vantage point of the public right of way. No signage is proposed on Natick Ave.
4. The applicants propose a Buffer Planting Plan to screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the Preliminary Plan approval process to ensure the preservation of the rural character of Western Cranston.
5. The project narrative states “. . . clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility” and also that ““Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site.” These statements demonstrate compliance with Cranston's solar performance ordinance.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

6. The proposed solar and existing agricultural uses are permitted uses in A-80 zoning.
7. The site is comprised of two lots, merged for zoning purposes, which meet the requirements of zoning.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.”

8. The project will be subject to all local, state and federal standards regarding environmental impacts. Further details will be provided if the project moves to the Preliminary Plan stage of Development.
9. Meadow grass is proposed between and under the solar panels.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

10. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

11. The property in question has adequate permanent physical access from Natick Ave, improved public roadways located within the City of Cranston.
12. The proposed use is not anticipated to have a negative impact on vehicular traffic.

VII. Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60, the Comprehensive Plan, as well as with the City of Cranston’s Subdivision and Land Development Regulations. Staff therefore recommends that the City Plan Commission adopt the findings of fact documented above and **approve** the Master Plan submittal, subject to the conditions denoted below:

VIII. Conditions of approval

1. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan approval process. Required changes to the Buffering Planting Plan may result in alterations to the current proposed layout of the solar installations.
2. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
- ~~3. The proposed fence must be revised as to not encroach into the wetland area, or across proposed lease lines.~~
4. **The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.**

City Planning Department



Memo – **FINAL 12/3/18**

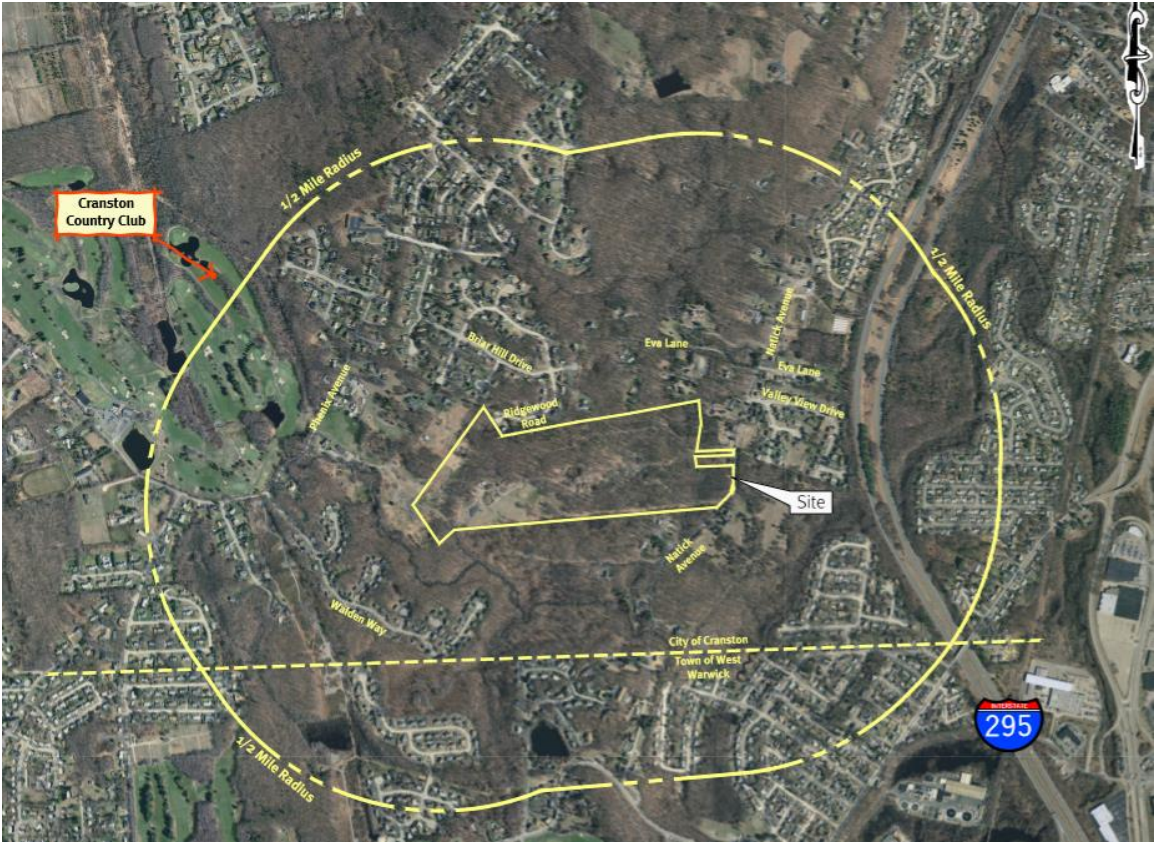
To: Cranston City Plan Commission
From: Joshua Berry, MURP, Senior Planner
Date: ~~November 28~~, **December 3**, 2018
Re: "Natick Avenue Solar"
Master Plan – Major Land Development

Owner: Ronald Rossi
Applicant: Southern Sky Renewable Energy RI Natick Ave Cranston LLC
Location: 0 Natick Ave, A/P 22, Lot 108 & 119
Zone: A-80 (single family dwellings on lots of minimum areas of 80,000 ft²)
FLU: Single family residential less than 1 unit/acre

I. **Proposal**

The applicant is proposing to develop, install and operate an approximate 8.1 megawatt (dc) ground mounted solar energy farm on a 29.7 acre area within a 64 acre site comprised of two lots located within an A-80 zone. There are two areas of the site that will not be utilized by the project (designated as 'Parcel A' and 'Parcel C' on the Site Plan) which are a hayfield/Christmas Tree farm/woodland area and a wetland area, respectively, and are proposed to remain as such. The site is covered with existing vegetation as well as topography sloping towards an existing wetland area in the southeast portion of the property. The proposed project includes the clearing and grading as necessary to install the ground mounted solar arrays, associated electrical equipment (inverters, switchgears and transformers), and the gravel roadway providing access to the solar farm and the portion of the property to the west of the proposed solar farm (currently labeled 'Parcel A' on the Site Plan). The proposal includes a planting plan to buffer the project from adjacent residential communities, which will be reviewed in further detail at the Preliminary Plan phase, should the Master Plan be approved.

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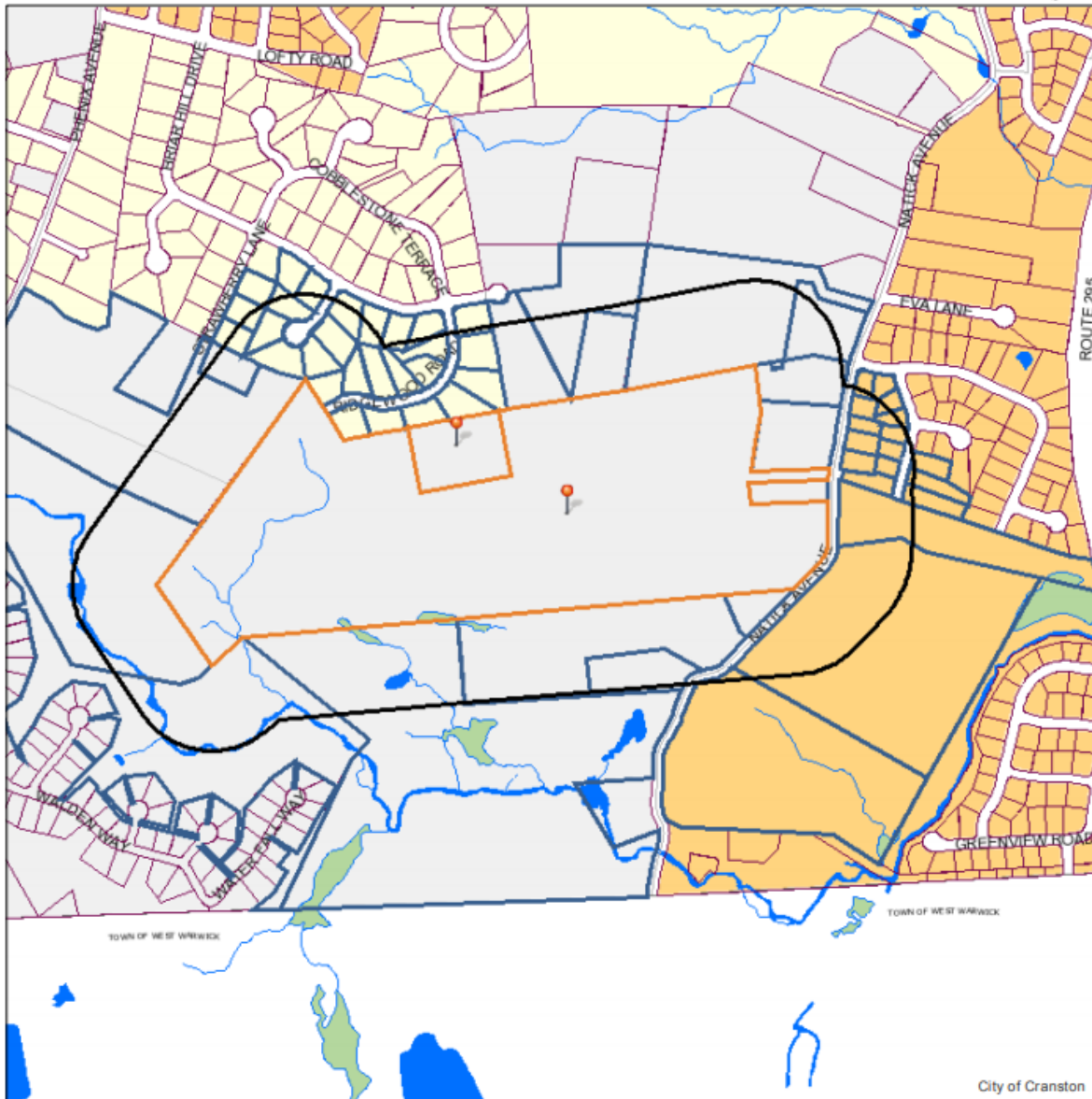
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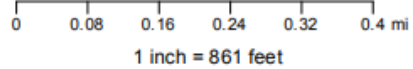
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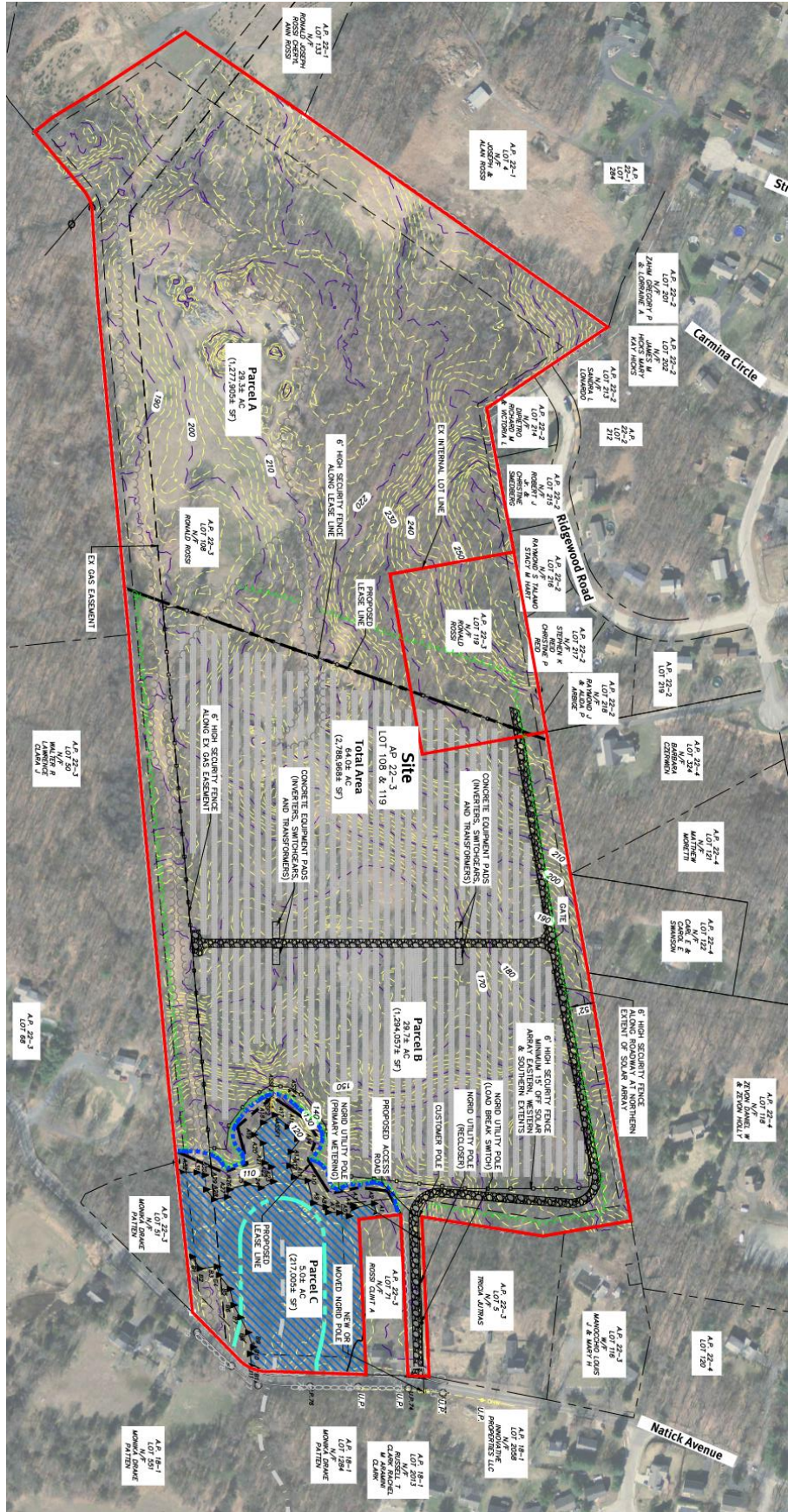
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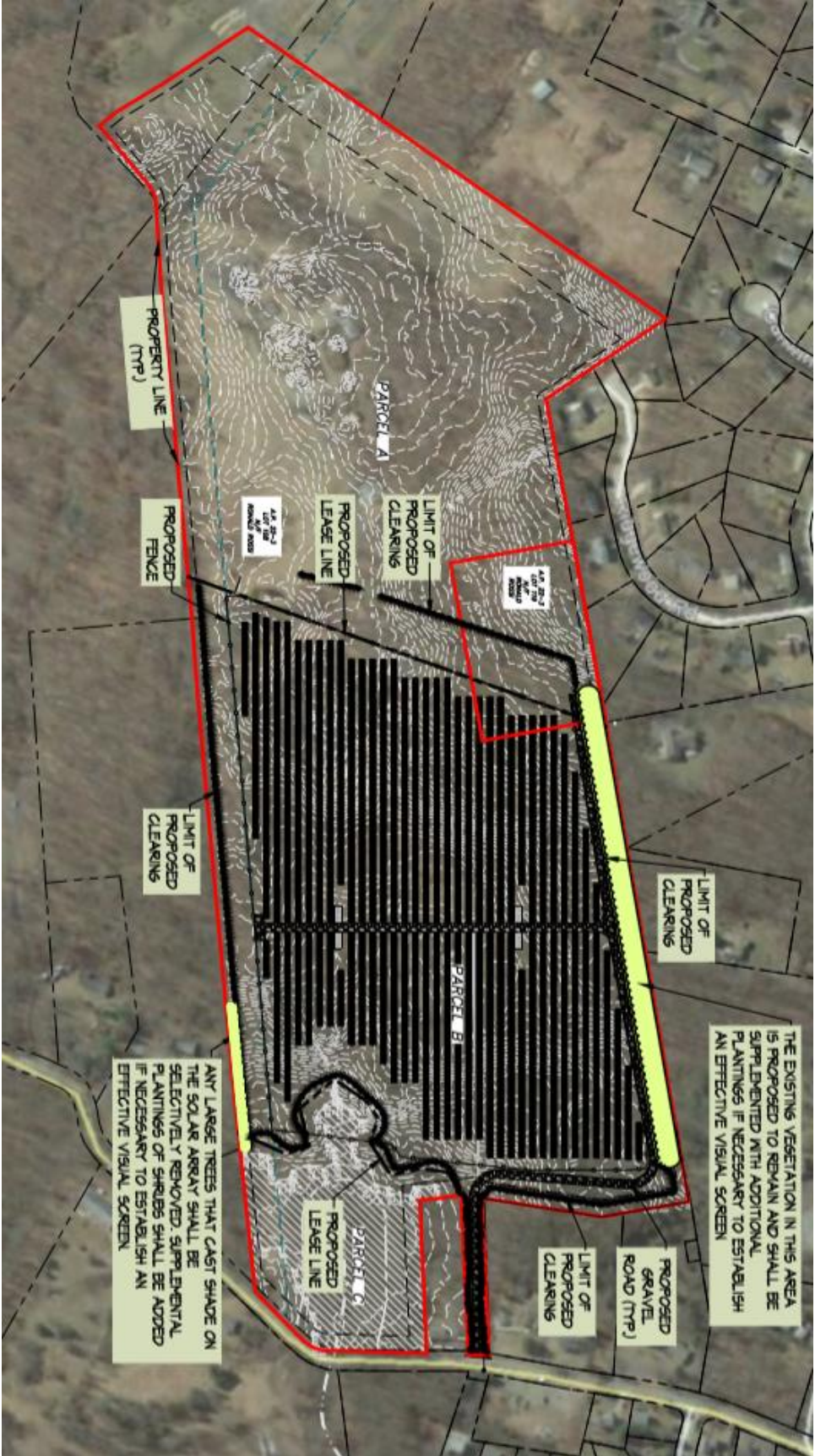


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SITE PLAN (snippet) revised version received 12/3/18



BUFFER PLANTING PLAN (snippet)



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Planning staff has received multiple requests for access to plans and has provided such. There have been verbal discussions with members of the public regarding specifics in the plans, concerns have included interconnection, buffering, slope, grading & drainage and blasting. ~~No comments have been submitted in writing as of 11/28/18.~~ The applicant held a neighborhood information meeting, and has provided the written letters to residents confirming the applicant's willingness to work with them throughout the process (letters are attached to this report).

Staff received the following correspondence from Carey Diehl from the Tennessee Gas Pipeline on 12/3/18:

Thank you for taking the time to speak with me about the proposed solar project off Natick Ave, Cranston. Tennessee Gas Pipeline (TGP) currently operates and maintains a 16", high pressure natural gas pipeline within a 50' right of way. The right of way is centered on the pipeline meaning TGP has 25' northerly and 25' southerly of the 16" pipe. TGP requires any development near our pipeline to go through a Developer Review Process prior to any approval or commencement of construction to confirm there will be no impact to TGP's pipeline and right of way. Once the project has been reviewed and approved by TGP a Developer Approval Letter with conditions will be issues to the developer for signature prior to the commencement of any work near TGP's pipeline and right of way. To date TGP has NOT been contacted by Southern Sky about the proposed solar installation. TGP would like to request that Southern Sky contact us to discuss the project. Below are preliminary comments and concerns regarding the project.

- *No contact from Southern Sky*
- *Accuracy of pipeline and easement location on plan. TGP typically requires the developer contact us to have the pipeline and easement flagged/located and then have those points surveyed.*
- *TGP requires a blasting plan for review and approval. TGP will provide a Blasting Approval Letter.*
- *TGP will require the developer to provide an EMI study.*
- *TGP does not permit any structures or vegetation to be planted within the right of way.*
- *No trees can be felled onto TGP's easement.*
- *Any and all proposed equipment crossings will need to be reviewed and approved.*
- *TGP request the Developer Approval process and Approval Letter be completed and signed prior to final municipal approval.*

I have attached a copy of TGP's Developer Handbook for your reference.

Thank you for your time and I look forward to further discussions with the City of Cranston and Southern Sky.

VI. Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

Findings:

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11 which amended the Land Use Plan 1.3 to read, “Preserve existing farmland and developable land that is currently undeveloped, by temporally removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.” Additionally, the Economic Development Element and Natural Resources Element were also amended to include encouragement of renewable energy facilities.
3. The proposed project is accessed through a narrow road, with the solar arrays existing behind existing residential lots and a vegetated wetland area. Therefore, there is likely no visual impact of the project from the vantage point of the public right of way. No signage is proposed on Natick Ave.
4. The applicants propose a Buffer Planting Plan to screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the Preliminary Plan approval process to ensure the preservation of the rural character of Western Cranston.
5. The project narrative states “. . . clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility” and also that ““Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site.” These statements demonstrate compliance with Cranston's solar performance ordinance.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

6. The proposed solar and existing agricultural uses are permitted uses in A-80 zoning.
7. The site is comprised of two lots, merged for zoning purposes, which meet the requirements of zoning.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.”

8. The project will be subject to all local, state and federal standards regarding environmental impacts. Further details will be provided if the project moves to the Preliminary Plan stage of Development.
9. Meadow grass is proposed between and under the solar panels.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

10. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

11. The property in question has adequate permanent physical access from Natick Ave, improved public roadways located within the City of Cranston.
12. The proposed use is not anticipated to have a negative impact on vehicular traffic.

VII. Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60, the Comprehensive Plan, as well as with the City of Cranston’s Subdivision and Land Development Regulations. Staff therefore recommends that the City Plan Commission adopt the findings of fact documented above and **approve** the Master Plan submittal, subject to the conditions denoted below:

VIII. Conditions of approval

1. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan approval process. Required changes to the Buffering Planting Plan may result in alterations to the current proposed layout of the solar installations.
2. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
- ~~3. The proposed fence must be revised as to not encroach into the wetland area, or across proposed lease lines.~~
4. **The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.**

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

TAFT & McSALLY LLP
ATTORNEYS AT LAW

21 GARDEN CITY DRIVE
CRANSTON, RI 02920-5703

Tel. No. (401) 946-3800
Fax No. (401) 943-8859
www.taftmcsally.com

November 28, 2018

Mr. Jason Pezzullo
Planning Director
869 Park Avenue
Cranston, RI 02910

RE: Natick Avenue Solar

Dear Mr. Pezzullo:

I am writing in connection with the proposed Natick Avenue Solar project for the property on Natick Avenue owned by Ronald Rossi designated as Lots 108 and 119 on Assessor's Plat 22 ("Rossi Property").

At an informal review meeting on November 21, 2018, questions were asked about the anticipated interconnection route for this solar farm to be connected to National Grid.

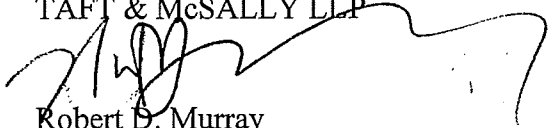
At this stage, the applicant, Southern Sky Renewable Energy RI Natick Ave Cranston, LLC has received a conceptual interconnection plan from National Grid. Generally, the connection will leave the Rossi Property and travel north on Natick Avenue towards the intersection with Wilbur Avenue.

Along the route on Natick Avenue, approximately 6,000 feet of existing overhead wire will be replaced between existing pole numbers 29 and 73. The plans include replacing the existing poles along this route with new poles that will be approximately 45 feet as opposed to the present height of 35 feet. Some trimming in the right of way of existing trees will be required. The interconnection at Wilbur Avenue will continue on existing wiring and poles leading to National Grid's West Cranston substation on Laten Knight Road.

Following, master plan approval, Southern Sky will engage National Grid for final design and layout by the Distribution Design Section of National Grid. However, the conceptual plan is reliable at this point to understand the intentions of the parties.

If you have any questions, please feel free to contact me.

Very truly yours,
TAFT & McSALLY LLP


Robert D. Murray

RDM/mk

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

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December 2, 2018

Mr. Russell T. Clark
41 Woodcrest Court
Cranston, RI 02921-1041

RE: Natick Avenue Solar

Dear Mr. Clark:

I wanted to thank you for attending the neighborhood information session last week at the St. Joseph School.

As plans progress for the solar project on Ron Rossi's property, we will certainly keep your comments and observations in mind, particularly as it relates to screening.

The project plans will develop from conceptual to detailed engineering and design. In that process, we will be able to share with you buffering plans with specific plantings and ideas that I hope will address the concerns you expressed. All that will be done through a public hearing process with notice to you and your neighbors.

If at any time you have any questions, please feel free to contact me. My email address is rdmurray@taftmcsally.com.

Thank you again.

Very truly yours,
TAFT & McSALLY LLP



Robert D. Murray

RDM/mk

cc: Ron Rossi
Ralph Palumbo

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

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www.taftmcsally.com

December 2, 2018

Mr. and Mrs. Carl E. Swanson
593 Natick Avenue
Cranston, RI 02921

RE: Natick Avenue Solar

Dear Mr. and Mrs. Swanson:

I wanted to thank you for attending the neighborhood information session last week at the St. Joseph School.

While I cannot yet speak to specific plantings and placement, I want you to know that Southern Sky officials and Ron Rossi will work closely to address and provide a screening buffer of vegetation for you. We will certainly keep your comments and observations in mind, particularly as it relates to the screening.

The project plans will develop from conceptual to detailed engineering and design. In that process, we will be able to share with you buffering plans with specific plantings and ideas that I hope will address the concerns you expressed. All that will be done through a public hearing process with notice to you and your neighbors.

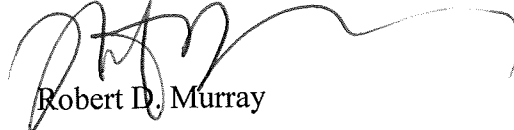
As a direct abutter, we will one on one you with you at the appropriate time.

If at any time you have any questions, please feel free to contact me. My email address is rdmurray@taftmcsally.com.

Thank you again.

Very truly yours,

TAFT & McSALLY LLP



Robert D. Murray

RDM/mk

cc: Ron Rossi
Ralph Palumbo

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December 2, 2018

Mr. Clint Rossi
659 Natick Avenue
Cranston, RI 02921

RE: Natick Avenue Solar

Dear Mr. Rossi:

I wanted to thank you for attending the neighborhood information session last week at the St. Joseph School.

While I cannot yet speak to specific plantings and placement, I want you to know that Southern Sky officials and Ron Rossi will work closely to address and provide a screening buffer of vegetation for you. We will certainly keep your comments and observations in mind, particularly as it relates to the screening.

The project plans will develop from conceptual to detailed engineering and design. In that process, we will be able to share with you buffering plans with specific plantings and ideas that I hope will address the concerns you expressed. All that will be done through a public hearing process with notice to you and your neighbors.

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If at any time you have any questions, please feel free to contact me. My email address is rdmurray@taftmcsally.com.

Thank you again.

Very truly yours,

TAFT & McSALLY LLP


Robert D. Murray

RDM/mk

cc: Ron Rossi
Ralph Palumbo

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December 2, 2018

Mr. John Francisco
785 Natick Avenue
Cranston, RI 02921

RE: Natick Avenue Solar

Dear Mr. Francisco:

I wanted to thank you for attending the neighborhood information session last week at the St. Joseph School.

While I cannot yet speak to specific plantings and placement, I want you to know that Southern Sky officials and Ron Rossi will work closely to address and provide a screening buffer of vegetation for you. We will certainly keep your comments and observations in mind, particularly as it relates to the screening.

The project plans will develop from conceptual to detailed engineering and design. In that process, we will be able to share with you buffering plans with specific plantings and ideas that I hope will address the concerns you expressed. All that will be done through a public hearing process with notice to you and your neighbors.

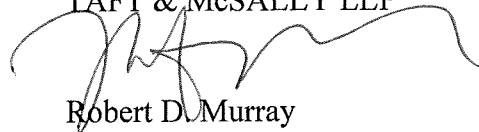
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Thank you again.

Very truly yours,

TAFT & McSALLY LLP



Robert D. Murray

RDM/mk

cc: Ron Rossi
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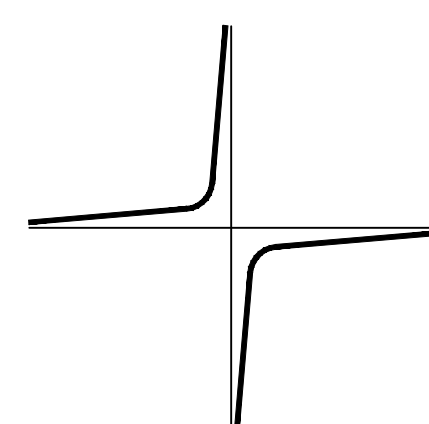
EXISTING VIEW

TYPICAL VIEW OF AN ADJUTTING HOUSE BEFORE
SUPPLEMENTAL WOODER PLANTING



VIEW AFTER SUPPLEMENTAL WOODER PLANTING

IN ALL EVERGREEN PLANTINGS INCLUDING WHITE SPRUCE
WHITE PINE RED CEDAR AND DECIDUOUS SHRUBS INCLUDING
BLUEBERRY SWEET PEPPER BUSH HAYBERRY AND TURTLE



JOHN C. CARTER & CO., INC.
960 BOSTON NECK RD. NARRAGANSETT, RI
(401) 783-3500
LANDSCAPE ARCHITECTURE
DESIGN & BUILD

SUPPLEMENTAL RESIDENTIAL WOODER PLANTINGS

NATICK AVENUE SOLAR
PREPARED FOR:
SOUTHERN SILENT RENEWABLE ENERGY, LLC
LOCATED AT:
APPLICANT'S LOTS
CRANSTON, RHODE ISLAND

Zoning Plan Review Worksheet

Reviewed by: *SP*

Contact:

Phone #

Address:

NATICK AVE

Date:

12/18/18

Plat #

22

Lot #

*108
119*

Existing

Proposed

Required

Allowed

Zoning district:

ABO

Building use:

N/A

Lot size:

Frontage:

200

Front setback:

NO DIM.

Rear setback:

NO DIM.

Left side setback:

NO DIM.

Right side setback:

NO DIM.

Additional setback requirements?

N/A

Building height:

N/A

Lot coverage:

N/A

Flood zone:

X

~~*N/A*~~

Parking spaces required:

N/A

Company vehicle parking spaces:

N/A

Loading / unloading spaces:

N/A

Vehicle stacking spaces:

N/A

Curb opening widths:

?

Curb openings near a corner?

N/A

Historical district?

N/A

Accessory structures?

"

Temporary or portable structures?

"

Corner / driveway visibility?

N/A

Permanent sign locations:

N/A

Permanent sign locations:

N/A

Industrial Performance

Commission review?

Yes
 No

**AFI
RBO
SP*

Previous Zoning Board approval?

Yes

No

Date:

Zoning variance required now?

Yes

No

*Discussed
1/19/18, not
req
JB*

Notes:

*ROAD LOCATED OUTSIDE
FENCED IN AREA (NORTH)
LOT 119 - PARTIAL*

*Discussed 1/19/18
Road can't be gated as accessed
western portion of property*

JB

SPRC PLAN REVIEW CHECKLIST "BUILDING/ZONING INSPECTOR" pg 1

N/A Show all building elevations.

N/A Maximum height of all structures.

N/A Total parking spaces.

N/A Total handicap parking spaces.

N/A Total company vehicle parking spaces. (show locations)

N/A Total loading/unloading spaces.

N/A Handicap parking space design

N/A Vehicle stacking for drive-through uses

N/A Portable and temporary sign locations.

• Location of portable/temporary structures. (Dumpsters, storage containers, product, supplies, displays)

• Location, size and design of fences and shrub screens. ~~FENCE THROUGH WETLANDS - D.E.M.~~

• Location of accessory structures. (Sheds, above ground tanks, hvac units, flagpoles, antennas, etc) ~~Discussed~~

• Property owner approval of construction.

N/A Driveway and corner visibility.

• Proximity of residential property.

Relationship of proposed construction to abutting property.

• Lighting location / Lighting luminosity plan

• Noise abatement.

• Blasting / rock removal.

• Gas, fumes, ash, dust, heat and glare.

N/A Snow removal.

N/A Sewage disposal approval.

N/A Water supply approval

N/A Any speed bumps

• Location of easements / permission to use easements ~~EX GAS EASEMENT~~ Discussed 1/19/18

N/A Proof of abandonments

N/A Pap letter from RIDOT

N/A Building size s/f total s/f of entire building(s)

N/A Chemical and hazardous material storage

N/A Reflective glazing on building

N/A Dumpster enclosure details

N/A Business sign(s) locations and sizes

~~LEASE LINE THROUGH 22/3, LOT 119~~

Discussed 1/19/18
lots merged under zoning

Discussed
1/19/18. updated
plan corrected
ISSUE
SB

Discussed 1/19/18
TGP requirements
SB

Berry, Joshua

From: Diehl, Carey A <Carey_Diehl@kindermorgan.com>
Sent: Monday, December 3, 2018 10:56 AM
To: Berry, Joshua
Cc: Wood, David R (David)
Subject: RE: Natick Ave Solar, Cranston
Attachments: Developer handbook.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Joshua,

Thank you for taking the time to speak with me about the proposed solar project off Natick Ave, Cranston. Tennessee Gas Pipeline (TGP) currently operates and maintains a 16", high pressure natural gas pipeline within a 50' right of way. The right of way is centered on the pipeline meaning TGP has 25' northerly and 25' southerly of the 16" pipe. TGP requires any development near our pipeline to go through a Developer Review Process prior to any approval or commencement of construction to confirm there will be no impact to TGP's pipeline and right of way. Once the project has been reviewed and approved by TGP a Developer Approval Letter with conditions will be issues to the developer for signature prior to the commencement of any work near TGP's pipeline and right of way. To date TGP has **NOT** been contacted by Southern Sky about the proposed solar installation. TGP would like to request that Southern Sky contact us to discuss the project. Below are preliminary comments and concerns regarding the project.

- No contact from Southern Sky
- Accuracy of pipeline and easement location on plan. TGP typically requires the developer contact us to have the pipeline and easement flagged/located and then have those points surveyed.
- TGP requires a blasting plan for review and approval. TGP will provide a Blasting Approval Letter.
- TGP will require the developer to provide an EMI study.
- TGP does not permit any structures or vegetation to be planted within the right of way.
- No trees can be felled onto TGP's easement.
- Any and all proposed equipment crossings will need to be reviewed and approved.
- TGP request the Developer Approval process and Approval Letter be completed and signed prior to final municipal approval.

I have attached a copy of TGP's Developer Handbook for your reference.

Thank you for your time and I look forward to further discussions with the City of Cranston and Southern Sky.

Regards
Carey

From: Berry, Joshua [mailto:JBerry@CranstonRI.org]
Sent: Monday, December 03, 2018 9:00 AM
To: Diehl, Carey A
Subject: Natick Ave Solar, Cranston

[This email message was received from the Internet and came from outside of Kinder Morgan]

Hi Carey,

See attached. Please send me any comments or questions you may have in.

Thanks,

Joshua Berry

Senior Planner

City of Cranston, City Planning Department

869 Park Ave, Cranston, RI 02910

P: (401) 780-3139

DEVELOPER HANDBOOK



KINDER  MORGAN

Guidance for Working Near or Adjacent to a Pipeline

Welcome!

Kinder Morgan is the largest energy infrastructure company in North America. Our pipelines transport natural gas, refined petroleum products, crude oil and carbon dioxide from coast to coast and border to border. Working together with Kinder Morgan and following the guidelines in this booklet will ensure that we operate a safe pipeline and that you have the ability to use the land, while honoring our easement rights to maintain and operate our pipelines as safely and efficiently as possible.



FIGURE 1: THIS MAP OFFERS A GENERAL REPRESENTATION OF KINDER MORGAN PIPELINES IN THE UNITED STATES. VISIT THE NATIONAL PIPELINE MAPPING SYSTEM WEBSITE WWW.NPMS.PHMSA.DOT.GOV TO VIEW A CURRENT MAP OF TRANSMISSION PIPELINES IN YOUR AREA.

This booklet will explain some basic land management guidelines. It will describe our right-of-way, land rights and requirements that allow us to maintain the safety and preserve the integrity of our pipelines.

This booklet is designed for city planners, building inspectors, surveyors, landscape and building architects, and other interested parties who may be working near or approving work adjacent to our right of way easement.

To learn more about pipeline safety and pipelines in your community, visit:

- **Kinder Morgan Public Awareness** website: www.KinderMorgan.com/public_awareness
- **PIPA** website: PIPA-info.com
- **National Pipeline Mapping System** website: www.npms.phmsa.dot.gov
- **811** website: <http://call811.com>

Developer Handbook



A FEW WORDS ABOUT US

Kinder Morgan operates pipelines in your community. Pipelines are the backbone of our nation's energy infrastructure. We own an interest in or operate approximately 84,000 miles of pipelines and approximately 180 terminals. Our pipelines transport natural gas, refined petroleum products, crude oil, carbon dioxide (CO₂) and more. Because our services are transportation-related, we fall under federal regulations administered by the Department of Transportation. Our job is to ensure the efficient uninterrupted delivery of these energy products to our customers. Safety guides our actions every day.

The guidelines in this booklet allow us to operate our pipelines safely. We strive to keep you, your neighborhood, and your community safe, but to do that we need your support. To maintain the integrity of our pipeline system, we request your cooperation when you plan, design, and construct improvements around our easement.

Safety

Pipelines are the safest mode of energy transportation, and our pipeline system has one of the best safety records in the industry. At Kinder Morgan, safety is a core value. It's our top priority. We



focus on the safety of you, your neighbors, our employees, and all residents near our pipeline. Federal regulations outline the safe operation of our pipelines. We take these regulations seriously.

If our employees observe an unsafe activity occurring that would compromise pipeline integrity, then we will require the activity to stop. If we need support enforcing this requirement, the local police authorities will be contacted for assistance.

We request that you follow the guidelines in this booklet. Please contact us to discuss your planned activities within our easement area. These activities ensure your safety and the safe operation of our pipelines:

- Send us your plans so we can review and approve them.
- Contact **811** (call or [online request](#)) to notify your local one-call center during your design phase and request a joint meet with utilities in the area of your project.
- Always notify your local one call center by contacting 811 at least two or three working days, as dictated by state law, before excavating to have our pipelines located and marked. This is a **FREE** service.
- Follow our approval letter guidelines.
- Respect our rights to maintain and operate our pipelines.



Know what's below.
Call before you dig.

The use of your property, where it is crossed by our easement, is subject to our granted easement rights. Certain uses within the easement area can conflict with the safe operation of our pipeline.



Some activities are allowed, such as walking across, lawn mowing, and watering a garden. We must review activities with greater impact, including, but not limited to, deep plowing, crossing with heavy equipment, blasting, constructing roads or driveways, installing utilities, adding fences, landscaping, logging, mining, and grading activities. Before you undertake any development or encroachment activities, you must submit your plans for our review.

All plans for review must show our pipeline and easement. We encourage the approved plan to be recorded in the County Clerk's office.

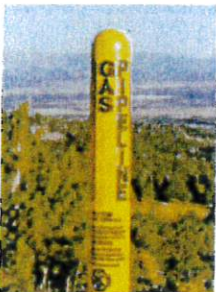
We will review your plans. Please allow two to four weeks for a complete review. If your plans are not approved, you will need to submit a revised plan.

After we have approved your development or encroachment activity, you must follow the guidelines contained in our approval letter, and respect our right to operate and maintain our pipelines.

Some encroachment activities not normally allowed may be considered under special circumstances. If approved by Kinder Morgan, then an Encroachment Agreement will be signed by all parties.

Our approval of your plan will be based upon our ability to safely maintain and operate our pipelines. For example, we must be able to respond quickly in an emergency. For us to be able to access our easement, it must be free and clear of obstructions and woody vegetation.

We also examine plans to add fill over the pipeline, and we will not allow any cover to be removed. No structures will be allowed within the easement. Utilities must cross as close to 90 degrees as possible. Fencing can only cross the easement provided a 16-foot gate or wider is installed. (See [page 8](#) for more details.)



We will mark our pipeline and easement edge prior to your planned construction activities. You or your contractor will be required to establish a boundary with fencing or markers separating the approved work area from our easement area.

Our easements include markers that identify the presence of our pipeline. All markers include a 24-hour emergency contact number.

These markers let you know how to get in touch with us and remind third-party contractors to contact us prior to digging. These markers are only a general representation of the location of our pipeline (or multiple pipelines). They cannot be used to identify the exact location of the buried pipeline. Our markers must be visible along the corridor. Contact 811 to identify the exact location of our buried pipeline. To discuss your plans contact us at 800-276-9927.



We regularly monitor our pipeline easement for third-party damage and unauthorized excavation activity by aerial surveillance with the use of helicopters or airplanes.

Unauthorized excavation activities can compromise the integrity of our pipeline. Your communication and cooperation will enable us to work with you while maintaining the safety of our pipeline system.

Easements and Right of Way

Our Easement Agreements cover our rights to maintain and operate our pipelines across your property. If you would like to discuss the terms of the Agreement, then please call our Right of Way Agent, who can be contacted through the Kinder Morgan office.

We will define the width of the easement upon your request and record the document in the local County Clerk's office at no charge to you.

Developers and landowners are encouraged to consider the easement area as green space, parks, hike and bike trails, horse trails, and other recreational uses. Approval is still required for any proposed improvements.

One Call (811 before you dig)

The law requires anyone who excavates to notify their local one call center by contacting 811 (call or [online request](#)), a clearinghouse for all utilities regarding excavation. This is not to add extra requirements to your project—it's to keep you safe.

Excavation activities can rupture our pipelines or damage our coating, which, if left unrepaired, can lead to pipeline corrosion. If you hit a buried pipeline and cause a leak or severally damage the pipe move to a safe area and call 911, then call Kinder Morgan. If you do not have our number with you, contact 811 and report an emergency ticket for your location.

Contact information is included at the end of this booklet.

Local Offices

Our offices are located throughout the United States. Contact your local office for accurate information on the location of our buried pipelines. To determine the location of our local office, please call our main number at 800-276-9927. We will support your excavation activities while we are on site. However, we request that you work with us, following our rules and requirements when excavating near our pipelines. Our employees are familiar with our restrictions and requirements, and are trained and qualified to locate, mark, and stand by while you excavate across our pipelines. We will support your approved project, so please help keep our pipeline safe.



Know what's **below.**
811 before you dig.

ENCROACHMENT ACTIVITIES

Your development or planned activity may involve one of the following activities. Although this list is not complete, it summarizes the majority of activities that impact our easement and pipeline.



Utility Crossings

All utilities require 12 inches of padding around any buried conduit.

At least 24 inches of vertical separation are required between all utilities and our pipeline.

All crossings must be as close to 90 degrees as possible. Parallel occupation within our easements is not allowed.

A cathodic bond may be needed to maintain the integrity of our pipeline. Additional cathodic protection equipment will be at your expense.

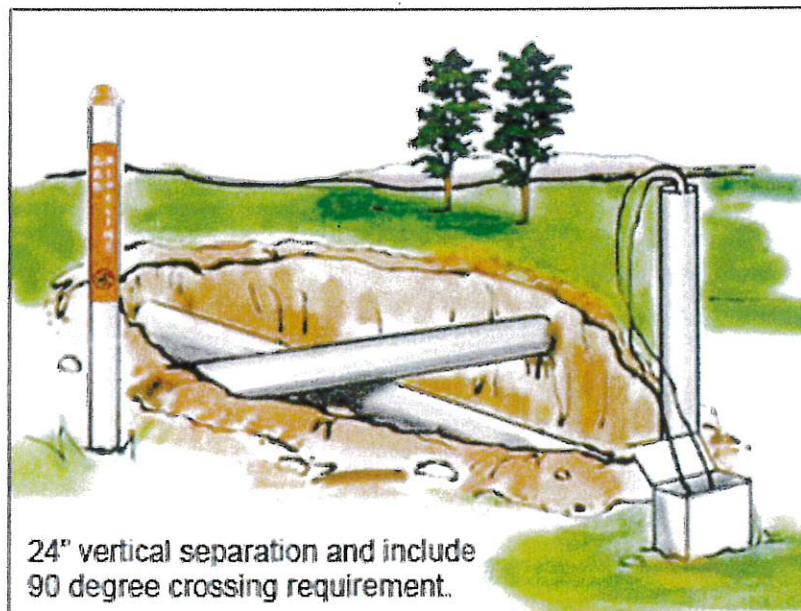


FIGURE 2: DOT-APPROVED PIPELINE MARKERS, CATHODIC PROTECTION BONDS, AND POTENTIAL LEADS ARE AT ALL CROSSINGS AND TERMINATE AT ABOVEGROUND LOCATIONS.

New DOT Standard surface markers must be installed for all of your utility crossings. We must clearly know—without guessing—where your utilities cross in case excavation of our pipeline is necessary.

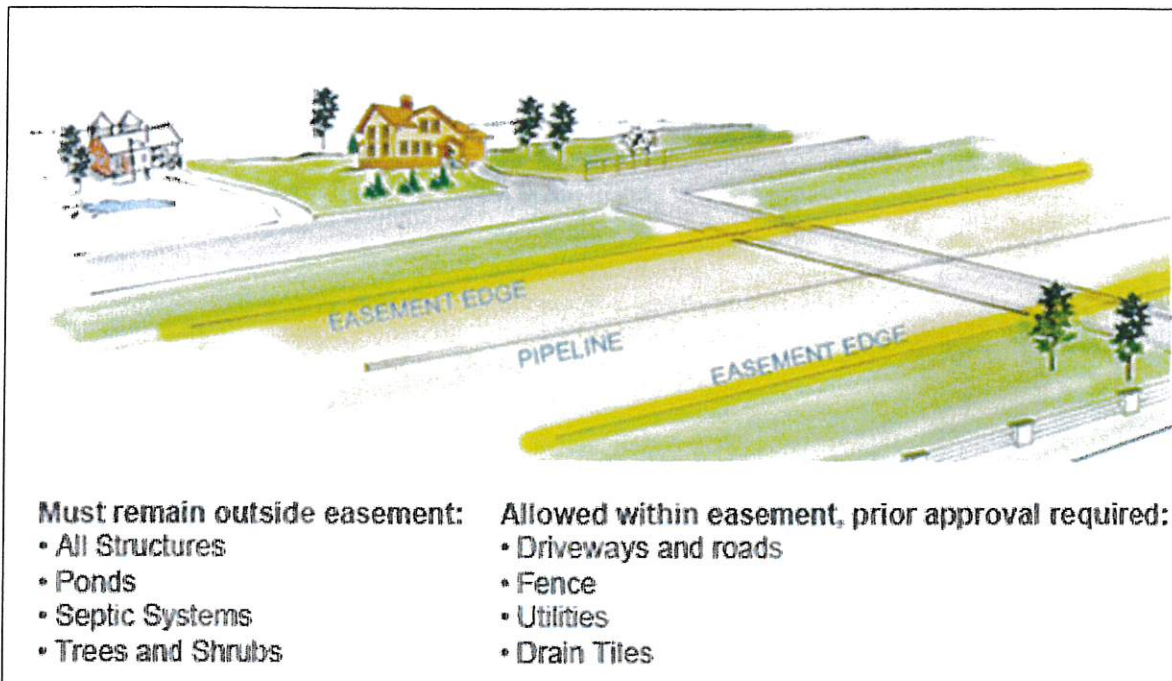


FIGURE 3: EASEMENT ILLUSTRATION.

Electric crossings, except low voltage ones used for residential services, must be encased in non-metallic conduit. The conduit must be covered with at least 3 inches of red colored concrete or red marking tape and be at least 36 inches wide centered on each conduit. Both the conduit and the concrete must extend across the full limits of the pipeline right-of-way. All buried conductor crossings shall be clearly and permanently marked with signs showing the location of the buried conductor.

Landscaping

Landscaping can directly impact our pipelines' safety, so we restrict most landscaping in the easement. Roots can damage pipeline coating, which can lead to corrosion. Growth obstructs our ability to monitor for leaks, erosion, and third-party activities. Plants can also restrict our ability to respond in an emergency.

No trees will be allowed within the easement.

We must have open and clear visibility with the unobstructed ability to access our easement.

Remember, you must notify your local one call center by contacting 811 two or three days prior to any excavation, as dictated by state law.

Fences

Fences are allowed to cross the easement as long as they cross as close to 90 degrees as possible and have a minimum of a 16-foot gate at the entrance and exit of the property. No fence posts may be installed within 5 feet of the pipeline. Parallel fencing is not allowed within the easement.

Roads, Driveways, Parking Lots

Our pipeline was designed according to the land's original use. If you want to change the surface's use, you may be responsible for all the costs required for your proposed improvement, depending on the specific language in your easement agreement.

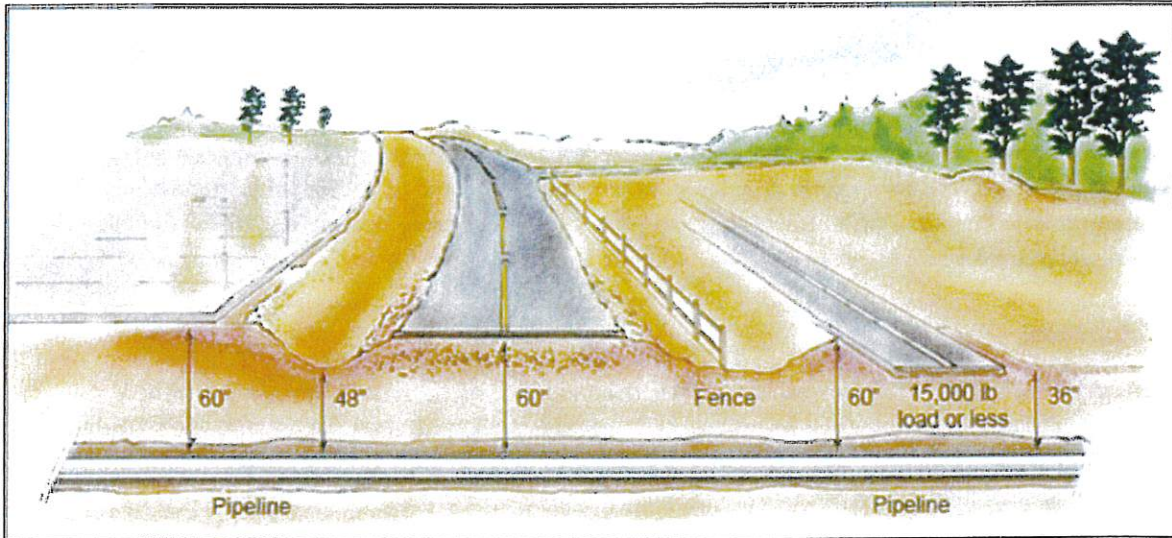


FIGURE 4: ALL ROADS, PARKING LOTS, DRIVEWAYS, AND HEAVY EQUIPMENT CROSSINGS MUST BE APPROVED PRIOR TO INSTALLATION. SEE SAMPLE BELOW.

All roads and driveways must cross as close to 90 degrees as possible.

All roads and driveways must have at least 4 feet of cover in the bar ditch.

Parking lots must have at least 5 feet of cover from top of pipe.

Your plans must identify the required cover. Cover cannot exceed 9 feet from the top of the pipe.

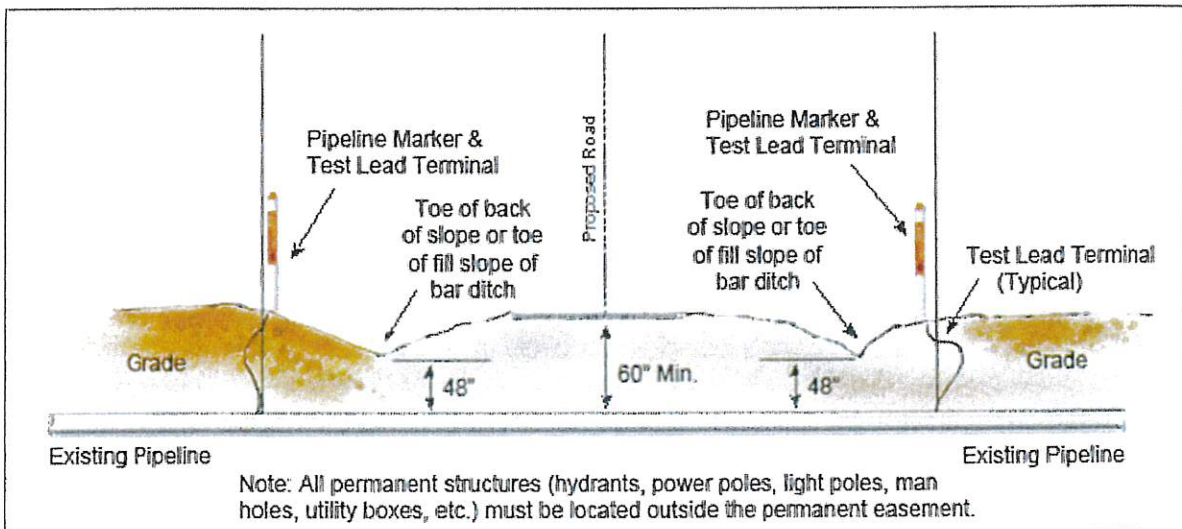


FIGURE 5: TYPICAL PROFILE DATA FOR PROPOSED ROAD CROSSING AND PARKING LOT.

Test holes are required to determine depth of cover at all proposed road and driveway crossings. They must be installed at your expense. Both the local one call center (811) and our office must be notified prior to any test-hole excavation. A Kinder Morgan representative will stand by when work occurs within the easement.

All roads, driveways, and parking lots may be required to be re-bedded at your expense. This will be determined when we examine the existing back-fill material around the pipeline. This re-bedding will accommodate the new loads placed upon the pipeline by crossing vehicles.

If the pipeline design has to be adjusted to accommodate new crossing loads from cars and trucks, it will be done at your expense.

Longitudinal excavation around the pipeline can only be done by a contractor who meets DOT operator qualifications.

Gas monitoring test stations used to check for the presence of natural gas will be required when parking lots are constructed over the pipelines and the parking facility is adjacent to a building. These test stations and the subsurface design may be at your expense, depending on the specific language in your easement agreement.

Structures

No permanent structures are allowed within the easement, including, but not limited to, sheds, garages, pools, septic systems, above-ground utility connections, wells, retaining walls, fire hydrants, light poles, driveway columns, wing walls, headwalls, spillways, retention ponds, and stormwater and water management infrastructure.

We will mark parameters of the easement to ensure that nothing is placed in the easement. Feel free to call our office to find out the specific easement width as it crosses your property.

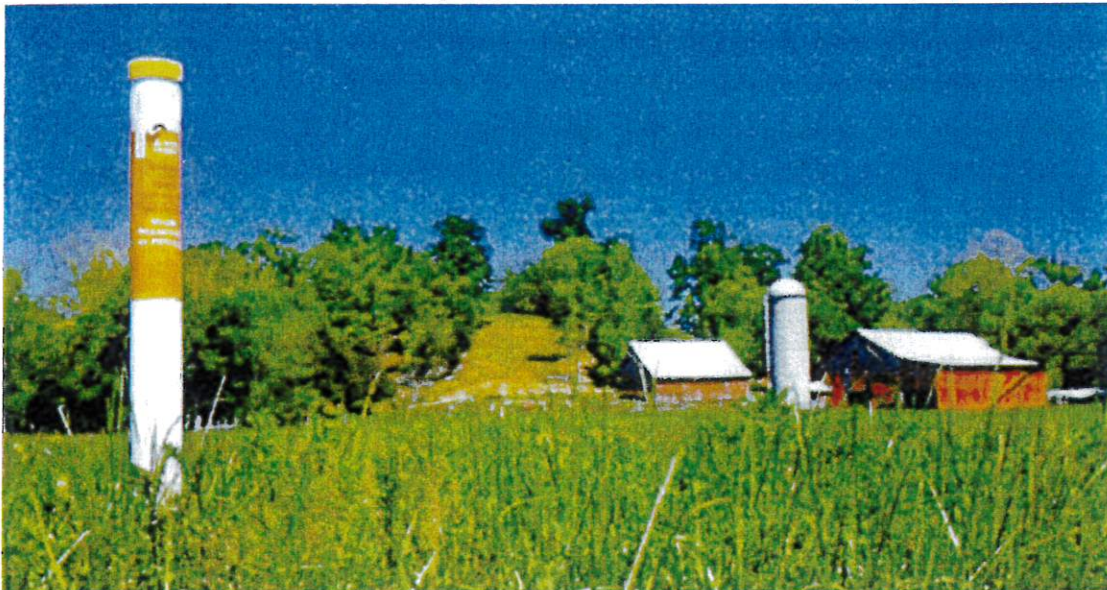


FIGURE 6: RIGHT-OF-WAY PHOTOGRAPH.

Drain Tiles

All drain tiles must cross as close to 90 degrees as possible. We will not allow parallel drain tiles within the easement area. All drain tiles must maintain at least 24 inches of vertical separation between any crossing and the pipeline.

Erosion

All soil erosion must be stabilized immediately.

Logging and Timber Harvesting

We will meet on site with your forester to review the site conditions and proposed work plan. We will mark the easement limits. No skidding or timber forwarding is allowed parallel to or within the easement. Only crossings perpendicular to the easement are allowed. No staging areas or landings are allowed within the easement. The actual pipeline crossing must be approved and bridged with approved material. The bridge must be maintained throughout the job. Finally, all soils on the easement must be stabilized and re-seeded to prevent erosion.

Deep Plowing

Deep plowing can cause severe pipeline damage. Please contact our local office or notify the local one call center by contacting 811 (call or [online request](#)), so we can meet with you on site to review your plowing needs.



Cover

You may not remove any cover from the easement area. If your encroachment will impact the easement, please include this information in your plan that will be submitted for our review. Plans for roads and driveways must include a cross-section showing the existing and proposed grades based upon our existing pipeline. See the sample cross-section plan for additional information. (See [page 9](#).) Test pits will be required to determine this information. These pits will be completed at your expense and can only be done while we are on site. We will review your proposal based upon your plans, our engineering standards, and the pipeline design.

Maximum cover will also be evaluated when we review your proposal. We will not allow more than 9 feet of cover above the top of the pipe. Extra cover increases the load on the pipe. It also impacts our work area and the ability to maintain safe Occupational Health and Safety Administration (OHSA) standards.



FIGURE 7: LAYING PIPE.

Heavy Equipment Crossing



Crossing the pipeline with heavy equipment can compromise our pipeline's safety. Depending on the equipment's size and type of tracks or wheels, the weight load on the surface can place extra stress on the pipeline. Contact our local office or notify 811 before crossing with heavy equipment. We will meet with you on site to determine the best crossing location, taking into account soil stability and rock composition. Once we determine a suitable crossing location, please do not cross elsewhere. We will then require additional padding over the pipeline (or pipelines) extending at least 15 feet outside each pipeline. This padding material must be maintained throughout the job.

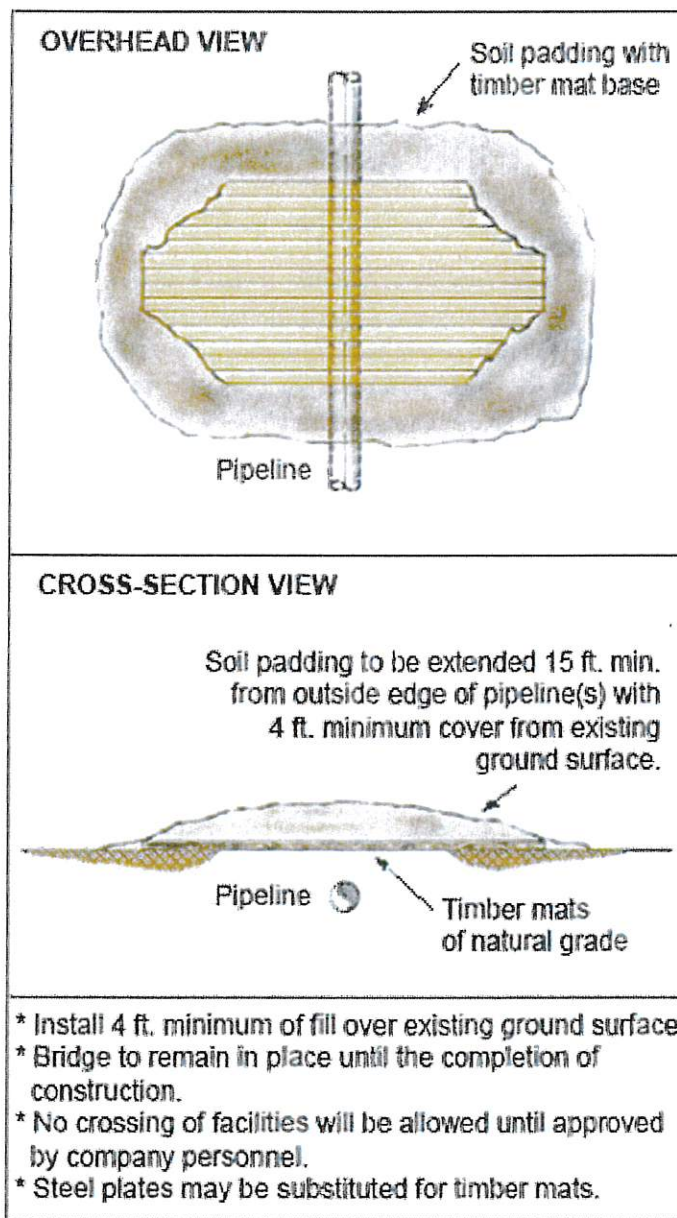


FIGURE 8: REQUIREMENTS FOR HEAVY EQUIPMENT CROSSING A PIPELINE.

Burning

Please do not burn within the easement area. If you need to discuss this further, contact your local office.

Overhead Lines

All new poles must be located off the easement at least 15 feet from the pipeline and not between multiple pipe- lines. At least 25 feet of clearance is required from the top of the ground to the overhead crossing. No guy-wire, appurtenances, aboveground cable towers or telephone cabinets are allowed within the easement.

Blasting

Blasting can profoundly impact our pipelines. Please forward any proposed blasting activities within 1000 feet of our pipeline, allowing two weeks for review and approval. If the blasting will occur within 100 feet, you will be required to hire a blasting inspector with seismograph equipment on site during your blasting activities. The inspector will confirm that your blasting plan is being followed and that proper seismic readings are being taken and meet our standards and your approved blasting plan. All blasting must be done by licensed blasting contractors who conform to all state and local regulations. A Certificate of Insurance, Blasting Indemnification Agreement and Emergency plan will be required.

Seismic activity must be approved within 300 feet of the pipeline. Please submit a seismic plan for our review and approval.

Vibrator activity must be approved within 300 feet of the pipeline. Please submit a plan covering all vibrator activities within 300 feet of the pipeline.

Excavation Activity

Excavation damage is one of the leading causes of damage to buried pipelines. That's why we provide the following specific excavation guidelines to help protect you and our pipelines.

Before Excavating, if necessary, Kinder Morgan's on-site personnel will consult with our Engineering Department or Pipeline Services group to determine the length of pipe that may be safely excavated.



A qualified representative from Kinder Morgan must be on site whenever an excavation is underway or equipment is being used within 25 feet of our pipeline or as determined by Kinder Morgan personnel and procedures.

Before any excavation can take place within State defined distances or offsets, the pipeline must be positively located, under Kinder Morgan supervision, using methods such as hydrovac, hand digging or pot-holing.

After a pipeline has been exposed, you can continue to use machine excavation as defined by local Kinder Morgan representative, with the assistance of an observer. The pipeline should remain exposed and clearly visible to the observer at all times during machine excavation.

For excavations near a buried pipeline, as State regulations dictate, you must ensure the hoe bucket teeth are barred and that side cutters are removed or that you're using approved paddle/flare teeth. If soil conditions require the removal of the bar or the use of the side cutters for excavation, you'll need to make a request in writing to your Kinder Morgan representative, outlining the locations for the exception, and the reasons the equipment is needed. Excavations involving removal of the bar or the use of side cutters should be done with an observer and under the direct supervision of the onsite Kinder Morgan representative or their designee.

You will need to provide adequate support or protection for all exposed pipelines as determined by Kinder Morgan's on site representative.

If during excavation flowable fill is discovered, work should be stopped. Kinder Morgan's on site representatives will consult with our Engineering group to develop a plan for managing the situation to minimize any damage to Kinder Morgan's pipelines.

If the excavation requires entrance into a confined space, you must follow the OSHA standards.

If the excavation requires the use of ladders or other temporary structures for ingress and egress, you must follow the OSHA standards.

If the Unexpected Occurs

If damage occurs to a pipeline, we will immediately notify our Operations Supervisor or Area Manager. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid that could endanger life or property, call 911 immediately. If the damage involves a pipeline not owned by Kinder Morgan, the owner or operator of the pipeline and the state one call center should also be notified.

Mining Activity

All mining activity must be reviewed and approved so we can ensure the lateral support of the soil adjacent to the pipeline. Mining activity is not allowed within the easement area.



WHAT WE EXPECT OF YOU

As we've stressed throughout this booklet, safety is our top priority. To ensure your safety, we strive to keep our pipelines safe. Please respect our rights to operate our pipelines safely. By planning your project according to the guidelines in this booklet, you can minimize impact to our pipeline. We will strive to work with you throughout the process. Please remember to follow these guidelines:

- Always notify your local one call center by contacting 811 at least two or three days before excavation, as dictated by state law.
- Notify us prior to any work on the easement.
- Please allow us to review your project plans, and wait for our approval letter before starting work.
- Return the signed approval letter in a timely fashion.
- Throughout your project, adhere to the guidelines included in your approval letter.
- Contact us if you see suspicious activity along our right of way or at our valve stations.
- Contact us if you notice exposed pipe or a large washout.



WHAT YOU CAN EXPECT FROM US

We will respond to your requests and review your plans in a timely manner. We will provide clear, concise guidance that will ensure your project meets our safety standards.

Communication and cooperation are vital. When you work with us, we promise to do our part to ensure the safety of you, your family, and your community.

PIPELINE SAFETY

Please help keep your community safe by calling the local emergency services at 911 if you see any unusual conditions or abnormal activity around the pipelines.

Recognize Pipeline Markers

Pipeline markers display information about what type of product each pipeline transports and the name/contact information for the pipeline operator. You can view examples of our pipeline markers at

http://www.kindermorgan.com/public_awareness/AdditionalInformation/PipelineMarkers.aspx.

Pipeline Location Information

To view maps of transmission pipelines in your area, visit the National Pipeline Mapping System at <https://www.npms.phmsa.dot.gov/>.

Dig Safely

Reduce the potential for pipeline damage during excavation or construction by following these simple steps:

- Notify **811** (call or [online request](#)) to contact your One Call Center before digging or excavating.
- Wait for the site to be marked by a pipeline representative. **(This is a free service.)**
- Respect all pipeline markers.
- Follow agreed excavation plan between you and Kinder Morgan.
- If changes are required contact Kinder Morgan before you continue work.
- Dig with care.



Know what's below.
811 before you dig.

Signs of a Pipeline Leak

The following signs are indications of a possible pipeline leak:

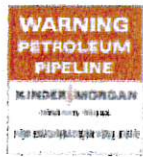
- Brown or discolored vegetation amid healthy plants
- Dirt being blown into the air
- Colorful sheens on water surfaces
- Fire at or below ground level
- Stains or pools of hydrocarbons not usually present in the right-of-way
- Bubbles coming from bodies of water
- A loud roar or hissing sound
- Distinctive petroleum type odors, the smell of mercaptan, Sulfur (rotten eggs), or a mild fragrant odor
- A dense white cloud or fog
- Frozen ground near the pipelines

Not all signs need to be present to indicate a leak

Act Immediately If You Suspect a Leak

Take the following actions immediately if you suspect a pipeline leak:

- Leave the area immediately in an upwind direction and warn others to stay away.
- Do NOT light a match, start an engine, use a telephone or cell phone or turn on/off any electrical appliances, and avoid potential ignition sources which may cause an explosion or fire.
- Once you are a safe distance away from the potential leak use a telephone or cell phone to call 911 and Kinder Morgan.
- Do NOT drive into an area where you suspect a leak, and do not touch or operate pipeline valves.
- Avoid making contact with escaping liquids or vapors as potential hazards may include eye, skin and respiratory irritation and the product may be highly flammable.





For more information about Kinder Morgan, Inc. visit our website at www.kindermorgan.com, contact us via <http://PA-InfoRequest.KinderMorgan.com> or call 800-276-9927.

Kinder Morgan, Inc. reserves the right to periodically update, amend, revise, and make changes to the guidelines and terms identified within this publication.

Berry, Joshua

From: Robert Murray <rdmurray@taftmcsally.com>
Sent: Monday, December 3, 2018 12:43 PM
To: Carey Diehl (Carey_Diehl@kindermorgan.com)
Cc: Pezzullo, Jason; Berry, Joshua
Subject: Tennessee Gas Pipeline Natick Ave Cranston

Carey I received a copy of your emails with Josh Berry in Cranston Planning but I do not have a contact number for you. Could you please call me.

I represent Ronald Rossi the property owner and the solar developer Southern Sky Renewable Energy RI, LLC. Everyone is fully aware of the pipeline and required safety concerns and notifications.

No decision has been made on blasting and any such decision will be carried out with all due caution and procedural requirements. May I please have a contact number for you.

Thank you.

Bob Murray

Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, Rhode Island 02920
rdmurray@taftmcsally.com
Tel. (401) 946-3800 (o)
Fax (401) 943-8859 (fax)

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Berry, Joshua

From: Douglas Doe <dwdoe@cox.net>
Sent: Monday, December 3, 2018 11:03 PM
To: Berry, Joshua
Cc: Pezzullo, Jason
Subject: For the Planning Commission - Natick Ave solar
Attachments: Master Plan comments.docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Commissioners,

I have attached my comments on the Natick Ave solar proposal.

Sincerely,
Douglas Doe
178 Lippitt Ave.
Cranston, RI 02921

2018 December 2

I write to oppose Southern Sky Renewable Energy's (SSRE) request for Master Plan approval of a 30 acre solar project off of Natick Ave. As an abutter, I have observed and documented SSRE's construction of a 67-acre solar project off of Lippitt Ave during the past 15 months.¹ My comments are based upon my personal observations.

DEM Biologist Nancy Freeman's 2016 description of Lippitt Ave site listed "agricultural fields, forested upland and freshwater wetlands" with a hilly topography "with numerous ledge outcroppings and surface erratics." She concluded, "forest upland habitat...would be detrimentally impacted."² The SSRE application narrative stated "[t]he site is currently covered in existing vegetation and has varying degrees of topography throughout the site. The north portion of the site was previously farmed and has gentle sloping topography and less mature forest growth. The south portion of the site has moderate to severe slopes and has more mature vegetation than the north portion of the site. There are existing trails throughout the site and multiple existing structures. The site has wetland areas which have been previously flagged and located by Natural Resource Services, Inc. "³

The Natick Ave site contains the same land features: severe slopes, rock outcroppings, wetlands, woodlands, and some agricultural land.⁴ The dominant soil classification is CeC, Canton and Charlton fine sandy loams, described as "gently sloping to sloping, well drained soils are on side slopes and crests of bedrock controled [sic] glacial upland hills and ridges. Stones and boulders cover 2 to 10 percent of the surface, and rock outcrops cover up to 10 percent...These soils are suitable for community development but are limited by stoniness, bedrock outcrops, and slope. Onsite sewage disposal systems need careful design and installation to prevent effluent from seeping to the surface. Stones and boulders need to be removed for landscaping. The use of straw bale sediment barriers, siltation basins, and temporary diversions and quickly establishing plant cover help to control erosion during construction."⁵ The other soil classification, WcB, Wapping very stony silt loam, suffers from similar limitations.⁶ A section of the Lippitt Ave site contains CeC and was subjected to blasting, excavation, and required the extensive placement of fill material containing dirt, rocks, and the remains of shredded trees.⁷

¹ SSRE's Mr. Palumbo informed the Commission that the project would take 8-10 months. (Commission minutes, 2017 January 3) I have posted video and photographs of the various stages of construction on [Flickr](#). I will provide digital copies of the photos at the December 3 meeting.

² DEM Wetland field #16-0202, Application Inspection Report, Nancy Freeman, 2016

³ Planning Commission minutes, 2016 July 7. See attachment.

⁴ The owner, Ron Rossi, gave me a tour of the property during the summer of 2016.

⁵ USDA, Natural Resources Conservation Service Rhode Island, Soil Map Unit Description from the RI Soil Report. https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ri/soils/?cid=nrcs144p2_016627#cec accessed 2018 Dec 2.

⁶ "The main limitation for this use is the seasonal high water table. Onsite sewage disposal systems need special design and installation because of wetness. If suitable outlets are available, subsurface drains can be used to help prevent wet basements. Roads and streets need careful design to prevent frost heaving, and the stones and boulders on the surface need to be removed for landscaping. The use of straw bale sediment barriers and quickly establishing plant cover help to control erosion during construction."
https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ri/soils/?cid=nrcs144p2_016614#wcb

⁷ Personal observations.

2018 December 2

Given the high degree of similarity between the two locations, how did the Lippitt Ave project's Master Plan findings of fact compare to the reality of the past 15 months?

(2) Promoting high quality and appropriate design and construction of land developments and subdivisions;

The proposed Major Land Development will be constructed with best management practices and will follow all applicable building and development performance standards set forth by the City.

SSRE operated a quarry for almost four months because of the large amount of bedrock and ledge found on the southern half of the property. We were notified by a flyer placed in our rear door one week before the first blast. There were seven days of blasting, 2017 December 7-2018 January 18. Processing the blast debris required three months of excavation, onsite rock crushing, and the all day hauling of crushed rock offsite until the middle of March. These activities were never discussed in the public hearings held for Master and Preliminary Plans even though the dominant soil description Lippitt Gravelly sandy loam includes the need for blasting.⁸

Though for a limited time, SSRE operated a quarry in a residential area. Cranston's ordinance 17.44.010 requires that a permit be obtained from the Zoning Board of Review for the "quarrying of stone, sand, gravel and subsoil..." SSRE did not do so and Cranston officials failed to respond to complaints from abutters.⁹ This level of operations cannot be written off as just site preparation and represents a major failure of city officials to follow the spirit, if not the letter, of the ordinance.

The city's solar power performance standard prohibits the removal of topsoil from the site and topsoil may "not be disturbed except as required for installation of the facility."¹⁰ Therein lies the problem. Clear cutting woodlands, removing all stumps and vegetation, and grading the site did not leave any topsoil for stockpiling. Site preparation left the ground covered with dirt, rocks and stones, shredded tree debris, and on nearly half the site, a thick compacted layer of pulverized rock crushed on site. DEM inspection reports note the need to loam and seed the site.¹¹ We are looking at another round of 200-300 dump truck loads of loam to cover the 67-acre site with the required four inch depth. The ordinance may work on farmlands, but not woodlands.

⁸ "Excavation is difficult in this soil, and blasting is required in places."

https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ri/soils/?cid=nrcs144p2_016643 Accessed 2018 December 2. The Providence Journal reported that 80,000 cubic yards of material was excavated. 2018 March 24.

⁹ Douglas Doe to Stephen Marsella, 2018 January 22. "The 21.56 MW solar project being built off of Lippitt Ave. has entered its fifth month of site preparation. The site preparation crew has been blasting the large amount of ledge and rock outcroppings on the property since December 7. The southern half of a property has been turned into what resembles a quarry operation with heavy construction equipment, stone crushers, conveyors, massive piles of crushed stone, continued blasting, and an endless parade of dump trucks and detached dump trailers used with semis. We had 10 drive by our house by 7:15 this morning. My question is at what point does site preparation become a quarry operation under city ordinances, particularly 17.44? If it looks like a duck and quacks like a duck, when does it become a duck?"

You may recall the hearing for this project never discussed or considered any quarry operation of this scale, if at all. I don't recall any discussions about this."

¹⁰ Cranston Ordinance 17.24.020(A).

¹¹ DEM Inspection reports, file #16-0202; 2018 April 27, May 2, and August 7.

(3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;

The site's wetlands have been flagged and verified by the RIDEM. The developer has indicated that they will conform to the most recent stormwater standards as promulgated by RIDEM (no increase in the rate or volume of runoff from the site pre and post condition). The site will have very little impact on the environment as most of the site will be pervious either as gravel or grass.

Contrary to this assertion, the DEM inspection reports detail the negative impacts on the environment including damage to wetlands caused by erosion, runoff carrying sediment into the wetlands, and windthrows caused by the loss of windbreaks.¹² Wetlands that were within the woods are now completely exposed to storms.

The impact of the loss of wildlife habitat cannot be underestimated. Sixty-seven acres has been scrapped clean of all vegetation and graded as flat as possible. Grade changes of at least 20 feet in large areas of the site have completely transformed the property. Planting grass on those portions not covered in gravel will not mitigate the destruction. Facts on the ground completely negate the claim that the project would have "very little impact on the environment."

(4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;

The proposed development is not designed or constructed as a permanent use. All natural wetlands features remain undisturbed and the impacts of this land use will be mitigated by screening and appropriate buffering.

For impact to the wetlands, please see above. The impacts have not been mitigated by screening and appropriate buffering. I requested a 25-foot vegetated buffer to protect the Knight Farm conservation land, but was denied. As a result, SSRE cut down and severely trimmed trees on that land in the name of "air rights." My neighbors and I have a clear view of the site. I can look out my kitchen window today and see the tree line on the far side of the site, 1900 feet away. As for the question of permanence, I refer to comments submitted to the Hopkinton Town Council in support of SSRE's request to clear cut 175 acres for the Brushy Brook 58 MW project.

At the end of 30 years:

- The agreement could be extended for an additional time period.
- The agreement could end as scheduled, whereupon the solar project could then be transferred to another entity to operate or upgrade.
- The agreement could end as scheduled, whereupon the solar facility would be dismantled and the property would be reforested following a reforestation plan developed by a Certified Forester...¹³

¹² DEM Inspection report, 2018 April 27 and personal observations.

¹³ Operating, Maintenance and Decommissioning Summary, Nicole Mulanaphy, Sage Environmental for SSRE, 2018 October 9. <https://www.dropbox.com/s/1yxofkw78gk4jxw/SectionK.pdf?dl=0>, Accessed 2018 December 3.

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Two of the three options are permanent.

(1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues were there may be inconsistencies;

The proposal is consistent with the City of Cranston Comprehensive Plan. See Section VII. of this staff memo.

The staff report provides a list the city's Comprehensive Plan Goals and Policies that they claimed were consistent with the Lippitt Ave project. The Lippitt Ave project violated the following listed items:

Natural Resources Element

NRG-1 Protect and enhance Cranston's natural environment and resources. Establish a balance between natural resource protection and growth-related needs.

NRP-1.5 Target and preserve open spaces that have value as scenic, agricultural, recreational, wetland, water, and wildlife resources.

NRP-1.7 Preserve and protect environmentally sensitive natural resource areas, including prime farmlands, steep slopes, floodplains, watersheds, aquifers, shorelines, and coastal and inland wetlands.

NRP-1.8 Direct new growth away from environmentally- sensitive areas such as wetlands, steep slopes, and soils that have severe limitations for on-site waste water disposal.

The facts on the ground provide clear and convincing evidence that the Lippitt Ave destroyed natural resources, obliterated steep slopes, damaged wetlands, severely impacted an area near double the size of a proposed development, and did nothing to "enhance and protect Cranston's natural environment and resources." All of those resources outside of wetlands and wetland buffers are gone.

Land Use Element

LUP-1.4 Preserve and enhance the quality of existing valuable resources including wetlands, surface water, ground water, wildlife habitats and migration corridors, historic sites, scenic views and unique cultural resources.

LUG-13 Preserve scenic landscapes and view sheds.

Again, facts on the ground provide clear and convincing evidence that these policies have been devastated by the Lippitt Ave project. The view from the Knight Farm conservation land now includes a 67-acre industrial scale solar power plant. Residents driving west on Hope Road, who once had a view of the country farms and woods, now have a view of West Warwick with its high school clearly visible. The abutters cannot avoid seeing the facility.

As for wildlife habitat, I wrote to the Hopkinton town council,

One of their [SSRE] experts mentioned that the fence will keep the deer out of the site. Yes, and they will move into the neighbors' gardens and yards. We have never seen the level of deer destruction that has taken place this summer. Entire hosta gardens and flower gardens are gone. I'll have to put deer fencing around my raised vegetable bed next year. This impact will be permanent. The saddest moment in this entire sorry affair was a Sunday morning a few weeks ago. I was walking in the woods behind my neighbor's house when I heard a loud clanging noise. There was no one onsite so I walked toward the noise in time to see a deer slamming into the

2018 December 2

chain link fence trying to get through/over the fence. It finally gave up and headed back through the woods. The destruction of wildlife habitat is permanent.¹⁴

(1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues were there may be inconsistencies.

The Cranston city council approved a solar power amendment to the city's comprehensive plan 2018 April 24. No one ever claimed authorship of the amendment during the public hearings. A lawyer for a solar developer, Res America, sponsored the amendment. The amendment's primary justification for solar states:

“Preserve existing farmland and developable land that is currently undeveloped, by temporarily removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.”¹⁵

The DEM objected to this and similar language found in the ordinance.¹⁶ Clearly the statement is not based upon reality. The DEM inspection reports and I have described the devastating impact of the development of the Lippitt Ave solar power plant. The project is obviously development far more destructive than the proposed subdivision, which would have set aside 74 acres as permanent open space adjacent to the Knight Farm. The project has 41 acres of protected open space, all of it falling under the DEM's wetlands jurisdiction.

If a zoning designation is based upon an underlying fallacy, what is the validity of the designation?

The Lippitt Ave and Natick Ave sites are close to identical in physical features such as ledge and boulders, severe slopes, wetlands, and heavily forested woodlands located in the middle of a residential neighborhood. There is no reason to believe that the erroneous assumptions of the staff's “findings of fact” for Lippitt Ave will somehow become true for Natick Ave. A factually inaccurate solar power comprehensive plan amendment written by an anonymous author cannot turn development into conservation or land preservation.

Then there's the delicate matter of the 16-inch high-pressure natural gas pipeline adjacent to the proposed project site.

Sincerely,

Douglas Doe

¹⁴ Douglas Doe to Hopkinton town council, 2018 October 14.

¹⁵ Ordinance 1-17-11, Solar Performance Standards Amendment to the Comprehensive Plan, City Council Agenda and Minutes, 2017 April 24.

¹⁶ Peter Agrawal to Peter Lapolla, 2017 September 12, found on City Council Agenda, 2018 October 23. https://www.cranstonri.com/pdf/calendar_meetings/2017_10_23.pdf. Accessed 2018 December 3.

Sent: Tuesday, December 4, 2018 8:52 AM
To: Berry, Joshua
Cc: Pezzullo, Jason
Subject: Re: For the Planning Commission - Natick Ave solar
Attachments: DEM biologist report.pdf; DEM inspection reports 2018.pdf; DEM non-compliance letter.pdf; DEM site visit report 2018-1-24.pdf; DEM site visit report 2018-2-14.pdf

Dear Commissioners,

I have cached the DEM inspection reports referenced in my comment letter. If any other documents mentioned in my letter need to be submitted to be considered part of the record, please let me know.

Thank you,
Douglas Doe

> On Dec 3, 2018, at 11:03 PM, Douglas Doe <dwdoe@cox.net> wrote:
>
> Dear Commissioners,
>
> I have attached my comments on the Natick Ave solar proposal.
>
> Sincerely,
> Douglas Doe
> 178 Lippitt Ave.
> Cranston, RI 02921
> <Master Plan comments.docx>
>

RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES PERMITTING SECTION
FRESHWATER WETLANDS PROGRAM
APPLICATION INSPECTION REPORT

Application No.: 16-0202 Applicant Name: DSM Realty Corporation

Biologist: Nancy Freeman Response to Deficiency: no

Inspection Dates: September 23 and 28th, 2016

3.05(B) Wetlands Gain/Loss (for reporting purposes only): N/A

FRESHWATER WETLANDS IDENTIFIED(at least):

Swamp and 50-foot Perimeter Wetland (D-Series)
Stream, 100-foot Riverbank Wetland and Floodplain (within D-Series)
Swamp and 50-foot Perimeter Wetland (G-I –J Series)
Forested Wetlands: A,C, E,F,H,
B Series-at least Forested Wetland-mostly offsite
River (Lippett Brook), 200-foot Riverbank Wetland and Floodplain

PROJECT PURPOSE AND PROPOSED ALTERATIONS:

The purpose of this project is to install a solar farm on a large 100-plus acres site, of which approximately 67 acres is proposed for its development. Clearing, grading, and soil disturbance is proposed in phases with stormwater management (infiltration trenches), gravel roads, perimeter fencing and landscaping. Alterations are proposed outside of freshwater wetlands as shown on the site plans.

III. REVIEW COMMENTS:

The site is over 100-acres containing overgrown agricultural fields, forested upland and freshwater wetlands. Within eastern portions of the site, Lippett Brook (classified as warm water) and an associated corridor of swamp bisect north to south across the entire site. The former site was approved for a 42-lot subdivision under cross-reference Application No. 05-0107 with approximately 40 acres of open space (outside the wetlands) that helped to further buffer the adjacent wetland resources from impacts. The majority of available upland is currently proposed for development of the solar farm. Large tracts of upland areas are proposed to be deforested to make the site suitable for a solar farm. The tree canopy present is comprised of at least Oaks, Hickory, Red Maple, Beech with some White Pine and patches of old Pitch Pine. These mast producing trees provide food for numerous wildlife species and nesting sites for birds and some mammals. Deer trails are abundant. The topography is hilly with numerous ledge outcropping and surface erratics. Previously disturbed portions of this site are well suited for a solar farm. However, forested upland habitat, outside of this Program's regulatory authority, would be detrimentally impacted.

Site inspection revealed the wetland flags have been re-established on-site and the limit of disturbance (LOD) flagged and labelled. Based on site inspection, coupled with aerial photograph review, prior review and cross-reference file review, the delineated wetland edges appear to be generally accurate, although not verified, with one minor exception (see-below). The wetlands shown on the site plan are the same extent and configuration as shown on the previous subdivision approval.

On-site, wetland was identified outside of the re-established wetland flags. This might be due to minor surveying errors in re-establishing the wetland edge. The area of concern was identified in the proximity

of Flag D-31 and LOD flags 219 through 222. At least one remnant wetland flag was observed near this area (near LOD Flag 220). In addition, Flags D-32 and D-33 appear slightly interior of the actual wetland edge. Complicating review is that this portion of the wetland and adjacent LOD are only partially represented on the more detailed sheets at the scale of 1" = 40'. Field corrections should be made to the wetland edge and the LOD revised accordingly to further avoid and minimize impacts to freshwater wetlands, where applicable. The LOD and corresponding wetland edge should be depicted on revised site plans between approximately Flags D-14 through D-26 at the scale of 1" = 40'. Wetlands should be labelled on all pertinent site plan sheets. Engineering deficiencies have been identified.

RECOMMENDATION: Send comment letter.

Signed: Nancy Freeman

SITE INSPECTION REPORT

File Number: 16-0202

File Name: DSM Realty Corp (Gold Meadow Farms Solar Array Project)

Inspection Date: April 27, 2018

Location: Approximately 1,500 feet east of Lippett Avenue and approximately 2,800 feet southeast of its intersection with Hope Road, Assessor's Plat 23, Lot Nos. 6,7,8,15,20 & 36 and Assessor's Plat 30/3, Lot 240, near Utility Pole No. 11, Cranston, RI.

Purpose of Inspection: Compliance

Biologist: Nancy Freeman

Details of Inspection: A compliance inspection was conducted to check current site conditions, specifically targeting wetland areas of concern identified in the February 22, 2018 Letter of Non-Conformance and to check the applicant's subsequent written response. My inspection did not include a RIPDES review of the response to comments. However, some observations were noted. My findings are as follows:

- The access road has been graded and stabilized with a new stone surface. The construction access to Lippitt Avenue has been improved. Twin culverts were installed at the ASSF crossing. The adjacent neighbor is now piping his sump pump directly into the culvert, rather than on the road. An extensive (overkill) amount of riprap has been placed at both the inlet and the outlet of the culvert (see-attached photos). It should be noted that based on site condition observed at the time of this inspection, there is an area that appears to be Forested Wetland further down slope that the ASSF flows into on the adjacent vacant land (although it loses its definition). Surface saturation was noted from a distance within a wooded valley with Spicebush (*Lindera benzoin*) starting to flower in the understory.
- From the vista at the terminus of the access road, major earthwork appears to have been completed. Grading appears to be complete (except at least where noted below) and soils are stabilized with a layer of wood chips. Storm water trenches have been installed in areas observed. Solar panels are being stockpiled and laid out in areas. Erosion controls have been repaired, re-installed and/or replaced and appear to be in in general conformance. The overall site conditions have much improved since the last inspection in February. However, there are areas where the wood chip mulch is thick. A question arises as to how the site is going to loamed and seeded. Is the mulch to be scraped off? It has been spread over the entire visible area (entire site not inspected) or is loam going to be dumped over it or do they think that seed can take through it? The chips are going to stifle growth and possibly become a fire hazard. Further clarification is warranted. The proposed pads and gate near the site entrance have not been installed and will require additional clearing grading and excavating into a slope, which has not yet been completed.
- **B-Series, H-Series and Z-Series Forested Wetlands:** Sediments have been removed as requested. Turbidity impacts to off-site Wetland B (a large Forested Wetland with various pools of standing water) have been noticeably reduced. Portions of the slope adjacent to

Wetland were now comprised of wood chips that although outside of wetland are beyond the originally approved LOD. Wetland B would have benefited from at least a small, remaining area of natural vegetation, which now is a mulch slope. Mulch should be removed and the slope planted with shrubs.

- **D-Series Swamp:** The berm has been removed, slopes graded and stabilized with mulch and erosion controls in place. Turbidity impacts to Swamp D have been noticeably reduced. The outlet stream was running clear at the time of inspection. Surface water levels where present do not appear excessively high. Approximately 3-4 large windthrows were observed in the outer portion of Swamp D between approximately Flags D- 34 and D-39. These windthrows are a result of the damaging wind storms (Nor'easters) over this winter, associated heavy rains with resulting high-water tables and also likely contributing is the loss of the natural wind break from the adjacent widespread site clearing for the solar arrays.
- **New unauthorized alteration Swamp D:** Rip rap and mulch fill have been extended into perimeter wetland with erosion controls bisecting through the outer edge of the swamp approximately between the E-Series Forested Wetland and approximately Flags D-37 and D-38. Fill must be removed from the perimeter wetland and any areas within the perimeter wetland restored.
- **Forested Wetlands C, E and F:** Isolated Wetlands C, E and F still appear to continue to be subject to an increase in the quantity of surface water. Surface water levels remain high with trunks inundated. While we have received a lot of rain, surface levels still appear artificially high. If transpiration during the upcoming growing season, permanent stabilization measures and the recent installation of the stormwater trenches do not begin to ameliorate the situation, there is a chance that the remaining trees present will become snags with prolonged surface inundation. Windthrow storm damage was also observed, particularly in Wetland F. High water, high winds and lack of natural wind break from adjacent clearing has likely contributed. A stone surface has been applied to the existing gravel road between Wetlands E and F. Site plans do not show these improvements to this road (see Sheet 14). Based on a review of the pre-construction photo (see January 2018 SIR), there could be greater than two-inches of material above the existing grade and therefore, this application of stone might not meet Rule 6.03F for exempt activities. It looks similar to other roads on-site, which have an eight-inch deep gravel base and might be similar to the stone infiltration access ways.

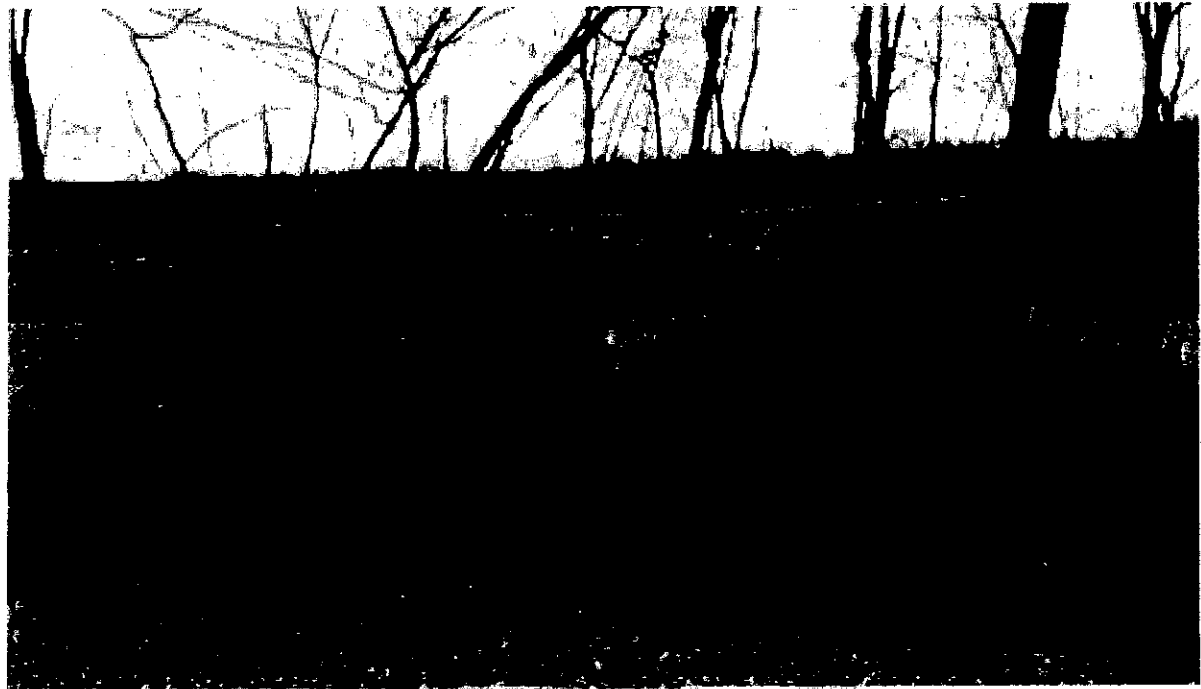
In summary, current issues include:

1. Wood chip removal/loam and seeding logistics question;
2. How areas mulched beyond the LOD are to be restored (e.g. upslope of Wetland B);
3. Unauthorized riprap and wood chips, clearing and disturbance in at least Perimeter Wetland associated with Wetland D, removal and restoration;
4. Riprap application on gravel road between Wetland E and F, clarification of what was done;
5. Hydrology in isolated wetlands, reinspection needed during growing season and
6. Any outstanding RIPDES items.

Nancy Freeman
Inspector



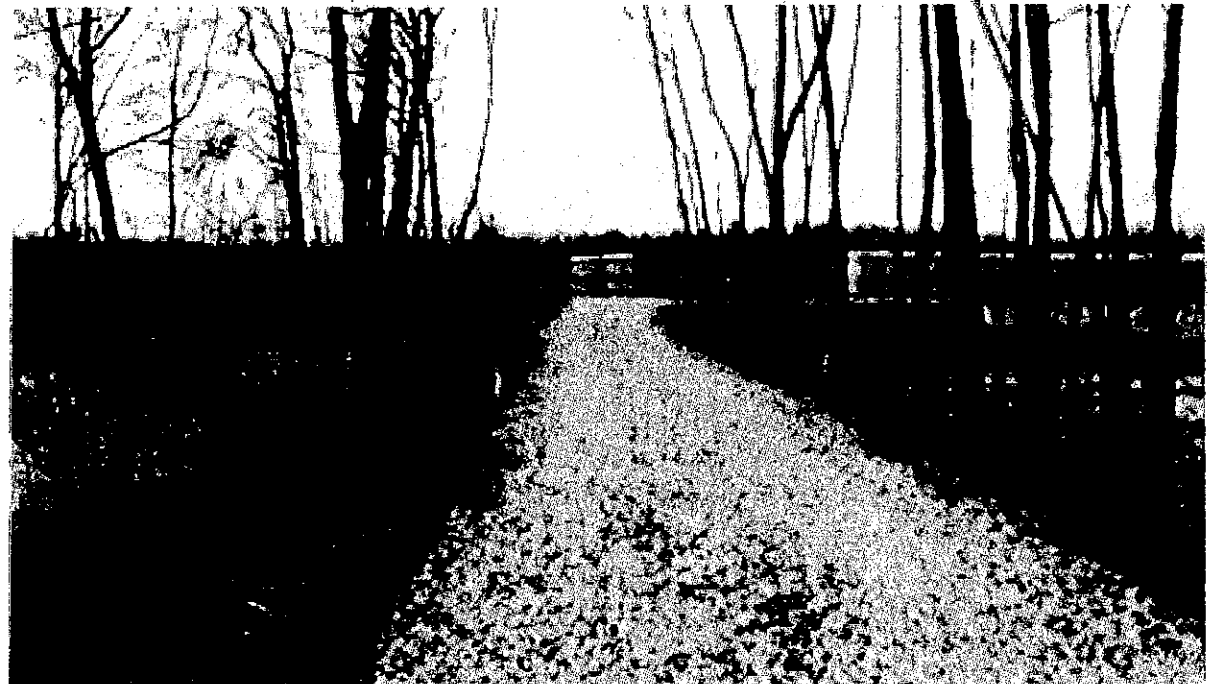
Windthrows within isolate "Wetland P" from Nor'easters this winter and exacerbated by high water table and increase in flow rates/surface water inputs and adjacent clearing with loss of natural wind break.



wetlands C, E and F don't appear to be experiencing an increase in the quantity of services relative to an isolated wetland.



Note riprap in background to far right, a new alteration to freshwater wetlands:



SUPERVISOR'S DETERMINATION


SUPERVISOR: Charles A. Horbert

DATE: May 2, 2018

SUBJECT: Application No. 16-0202; DSM Realty
"Gold Meadow Farms Solar"
Interim Action Decisions

Upon review of the biologist's Site Inspection Report for the inspection held April 27, 2018, and further discussion with Dave Russo of DiPrete Engineering and the reviewing biologist, Nancy Freeman, the Department's interim response to each of the issues raised by Ms. Freeman (page 2 of the SIR, numbered items under the heading, "In summary, current issues include:") will be as follows:

1. In discussions with Mr. Russo, the concern of the developer is that significant truck traffic will be necessary over the site during the installation of posts and panels, which is expected to take most of the summer. Accordingly, rather than loam and seed the site now and subject these areas to truck traffic (likely to prevent decent germination and become an erosion issue), they decided to use chips as an interim structural surface control measure to prevent erosion during installation, and will plan to loam and seed in the fall. This seems like a reasonable approach.
2. The areas of mulch beyond the LOD adjacent to Wetland B are all out of the wetland, so are not an issue that requires action.
3. The unauthorized clearing and filling into wetland is a significant compliance issue, and deserving of action. Mr. Russo opined that if the specific area was identified to the developer that they would immediately do whatever was needed to restore the area and return the project into compliance. Accordingly, Ms. Freeman will contact Mr. Russo to arrange a site meeting with the developer to identify this area and specify that all fill is to be removed, the approved LOD is to be re-established, the disturbed area is to be loamed as needed, and replanted with trees and shrubs as directed by the Department. Immediate steps to resolve this will allow the project to go forward, but any delay or resistance will require the Department to shut the project down until this unauthorized alteration is addressed to the Department's satisfaction, and would be considered grounds for a fine through an Expedited Citation.
4. The stone application to the road between Wetland E & F, while beyond the Limits of Disturbance, is not considered a significant issue.
5. The Department will have to take a longer term look on hydrology here to determine the severity of the issue here. There is cause for concern here, but how significant a concern this may be is not yet clear enough to warrant immediate action.
6. At this time, other RIPDES issues regarding control of erosion and proper stabilization of the site appear to be addressed, other than as noted above.



SITE INSPECTION REPORT

File Number: 16-0202

File Name: DSM Realty Corporation (Gold Meadow Solar Project)

Inspection Date: May 10, 2018 (9:00 am)

Location: Lippitt Avenue, Cranston, RI

Purpose of Inspection: Compliance

Details of Inspection:

I met Dave Russo from DiPrete Engineering on-site to discuss restoration measures for a small area of perimeter wetland cleared and disturbed. However, upon arriving at the site, others were present including Brian McGovern of Southern Sky Renewable, Silas Bauer of VHB and Scott Rabideau of Natural Resource Services, Inc. Apparently, National Grid is requiring new utility poles and overhead wires in place of underground utility connections. The other consultants were there to discuss the area where poles and wires would likely be placed, which would require clearing along an existing fill slope within perimeter wetland and adjacent to an isolated forested wetland. This activity does not fall under an exemption and would require a separate permit application. I asked why National Grid was requiring this now. An adequate answer was not provided. I explained that any further clearing needs to be clearly justified and documented in their written project narrative and that the clearing of any additional trees would result in not only impacts to the wetland, but to aesthetic impacts for abutters. One explanation was that an abutter did not want poles in front of his house so they were trying to place them elsewhere. I reiterated that any impacts need to be justified and documented. Mr. Rabideau said that the submittal of any future application would show all trees to be removed (which appear to be a few younger trees along the road fill) on the site plans and that they would be identified on-site. After this brief discussion along the access road, Mr. Rabideau left and the rest of us walked to the perimeter wetland area where I had noticed disturbance on my last inspection (4/27/18).

Dave Russo stated that their Engineer had been out there and re-established the wetland edge in the vicinity of the area of concern. Based on recent rain events (and likely exacerbated by adjacent clearing and grade changes prior to the installation of the stone infiltration trenches), portions of the woods within perimeter wetland have been flooded beyond the delineated flagged edge. Some of the areas of concern that I identified were beyond the perimeter wetland. However, some encroachment did occur within approximately 10-12 feet (varying) along a distance of approximately 50 feet within the outer edge of the perimeter wetland. The area is comprised of a dirt and stone fill slope that extends beyond what appears to be a stone work pad. It was agreed that the fill would be pulled back (even where outside of regulated wetlands) and planted with native shrub species, 5-6 feet on center. The area would be loamed if necessary and allowed to revegetate naturally. Per Mr. Russo, DiPrete Engineering has a Landscape Architect on staff. I suggested that prior to submitting a restoration plan, they PDF it via email to the Department to ensure plantings and location are appropriate. He agreed.

Nancy Freeman

Inspector

SITE INSPECTION REPORT

File Number: 16-0202

File Name: DSM Realty Corp (Gold Meadow Farms Solar Array Project)

Inspection Date: August 7, 2018

Location: Approximately 1,500 feet east of Lippett Avenue and approximately 2,800 feet southeast of its intersection with Hope Road, Assessor's Plat 23, Lot Nos. 6,7,8,15,20 &36 and Assessor's Plat 30/3, Lot 240, near Utility Pole No. 11, Cranston, RI.

Purpose of Inspection: Compliance

Biologist: Nancy Freeman

Details of Inspection: An inspection was conducted while on-site to review Application No. 18-0162 [revised utility connections] and to check recently installed wetland plantings and hydrologic conditions of isolated forested wetlands. I was accompanied by RIDEM seasonal employee Sam Hunt of the OCTA Program who is conducting RJPDES inspections for solar projects statewide. We checked into the construction trailer and were given safety equipment to wear during our inspection and provided with a brief safety lesson. A worker drove us around the perimeter of the site to check erosion controls. We returned to the trailer and finished our inspection on foot where we needed to inspect more closely. Panels are being installed. Many are stockpiled. Overall, the site conditions continue to be temporarily stabilized pending foaming and seeding this Fall. Erosion control measures appeared generally in good condition where we inspected. The perimeter chain link fence is being installed.

- **C-Series Isolated Forested Wetland:** Water levels down somewhat. A small area of sedimentation (approximately 3 feet by 3 feet and a few inches deep) was observed within the wetland at the toe of slope. While minor, this sediment should be removed.
- **Wetlands E and F:** Although water levels have dropped since the last inspection, the hydrology remains high with standing water extending over the root zone and to lower portions of tree trunks. This prolonged flooding during the growing season could result in long-term harm to these trees and likely will result in more windthrows during any high wind storms. These wetlands are receiving runoff in excess of what they can handle. The site being stabilized with grass will help somewhat. Although I am not an engineer, this site would have benefitted from a stormwater basin. The infiltration trenches are not sufficient, at least at this point to control runoff. If possible, additional or larger stormwater measures should be incorporated to further infiltrate more runoff before entering these wetlands or a portion of this runoff conveyed elsewhere.
- **Wetland Plantings:** Wetland plantings of Rosebay Rhododendron and Sweet Pepperbush (flowering) are acceptable and appear to be in good condition, except for one Rhododendron that is getting too much sun on the outer edge of the plantings.

A follow-up letter should be sent to the applicant to request a solution for hydrologic impacts to the isolated wetlands noted above and to remove sediment plume in Wetland C.

Nancy Freeman Inspector

File Number: 16-0202

File Name: DSM Realty Corp (Gold Meadow Solar)

Inspection Date: October 17, 2018 (~1:30 pm):

Location: Lippett Avenue, Cranston

Purpose of Inspection: Compliance

Details of Inspection:

I inspected the stream corridor that runs through portions of the D-Series swamp west of the solar array project in response to complaints from abutters. I did not inspect the entire site during this inspection. I entered through the woods from the private access road. The small stream that flows southerly within portions of the D-Series Swamp appears to be running clear. There is some minor turbidity in portions of the swamp with standing water. A second, tributary stream flows westerly into that channel. I observed iron-oxidizing bacteria (orange-colored) in this channel. The channel was carrying significant flows as compared to previous inspections, possibly due to recent rain events. I did observe that the ASSP recently culverted underneath the access road was dry at the time of inspection. I followed the channel upstream. This channel discharges from an underground spring through rocks (or possibly from either a buried stream channel or pipe from past land use practices-speculation unknown). During former inspections, no flowing water was observed above or east of where the channel daylight/emerges.

During this inspection flow could be traced further up slope into the upper portion of the D-Series swamp that extends onto the applicant's property. Iron bacteria is present within this upper portion of swamp. Flow was traced all the way back to the E-Series isolated wetland. The hydrology in the E-Series Forested Wetland remains flooded. Flow is breaching its western bank inundating both the swamp and adjacent upland. Surface water was observed in areas with Clubmoss (Creeping Jenny) and Witch Hazel (flowering) present. Perimeter fencing has been installed and Wetland F was therefore not inspected. Time constraints prevented me from checking in on-site at the construction trailer and conducting a full inspection. As previously observed, these wetlands are holding water in excess of their natural capacity, which is and will continue to contribute in trees dying from windthrows and from prolonged inundation with the likely conversion of forested wetland to small ponds/shrub wetlands. This could be a result of a higher water table with no transpiration from land clearing activities, grading and surface runoff with the site still not permanently stabilized with grass, storm water management measures not functioning as designed, land disturbance activities that might have somehow impacted groundwater flows (opening up or widening a fracture?), other reasons and/or some combination of the above. Under current regulations, the property owner has the right to go right up to the wetland edge. These isolated wetlands would have been better protected if stronger regulations were in place, which would have afforded these isolated wetlands a natural buffer. It should be noted that the hydrology in the isolated wetland has been varied over the years prior to this project (see-photos). However, trees have remained inundated well above the root zone and up portions of the trunk throughout this 2018 growing season during leaf out.

Without further investigation and testing beyond my capacity alone, I do not know the exact reason of the current presence of iron bacteria in the wetlands and streams down slope of the solar array project. Per the complainants, one who has lived there for 41 years, it has never happened before. The stream is a tributary to the Pawtuxet River. At the time of inspection, there was no evidence of a spill. However, construction trailers and temporary parking are upslope (north) of Wetland E. Complaints came after a period of drought followed by heavy rains.

Recommendation: Follow-up with the assistance of additional RIDEM staff.

Nancy Freeman, Inspector

Environmental Resource Map - DEM Sift Only

elt Ave, Cranston, RI, 02921 X



search results for Lippitt Ave, ...



60%

71530 41 733 Degrees

sa.rigit.com/ezps/abspview/index.html?g=0120075422d4b9f5e5e51d3c11f255

2003 Aerial showing isolated E and F Series Wetlands full



2008 photo showing they are dryer





OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

CERTIFIED MAIL

February 22, 2018

DSM Realty Corporation &
CWW, LLC, Ron Rossi
c/o DSM Realty, David Malkin, President
150 Chestnut Street
Providence, RI 02903

**RE: SSRE RI Gold Meadow Farms
Freshwater Wetland Permit No. 16-0202
RIPDES Construction General Permit Authorization No. RIR101456
Letter of Non-Conformance**

For the property and project located approximately 1,500 feet east of Lippett Avenue and approximately 2,800 feet southeast of its intersection with Hope Road, Assessor's Plat 23, Lot Nos. 6,7,8,15,20 &36 and Assessor's Plat 30/3, Lot 240, near Utility Pole No. 11, Cranston, R

Dear Mr. Malkin and Mr. Rossi

This letter is being written in response to permit compliance evaluation inspections that the Rhode Island Department of Environmental Management (RIDEM) conducted at the above-mentioned construction site on January 24, 2018 and February 14, 2018. Based on these inspections, the RIDEM is notifying DSM Realty Corporation and CWW, LLC that it is in Significant Non-Compliance (SNC) for failure to properly install and implement proper Best Management Practices ("BMPs"). This failure of proper installation, implementation and maintenance of BMP's has resulted in the unauthorized alteration of freshwater wetlands on the project site.

The following paragraphs provide more detail regarding the specific conditions that were identified as being deficient during the inspection, as well as required corrective actions to take place to address deficiencies in the soil erosion and sediment control practices on site:

1. A properly executed Soil Erosion and Sediment Control (SESC) plan was not available on site. Please complete and submit to the RIDEM copies of the following: a signed version of Section-7 (Party Certification) of the Plan and an authorized Stormwater Facility Maintenance Agreement.
2. Page 13 of the Soil Erosion and Sediment Control Plan (SESC Plan) indicates that for all the project phases the exposed area will be 5 acres or less. However, the RIDEM estimates that over 40 acres was cleared and graded and the operator did not provide any temporary vegetative or structural stabilization. Please be aware that section 3.3.7.5 of the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM) requires that all disturbed soils which do not have adequate vegetative stabilization by November 15th must be stabilized through the use of non-vegetative erosion control measures. If work continues within any of the disturbed areas during the period from October 15th through April 15th care must be taken to ensure that only the area required for that day's work is exposed, and all erodible soil must be restabilized within 5 working days. Therefore, please

3. During the site inspection the RIDEM noticed that only one sediment trap was installed within the limits of disturbance. The RIDEM estimates that over 40 acres of the project area was cleared and graded which exceeds the design criteria for a temporary sediment trap. Therefore, please immediately implement steps to provide temporary sediment traps in the locations that are shown on the approved site plans.
4. According to sheet 8 of the site plans the contractor was to install silt fence around all earth stockpiles. However, during the January 24th site inspection the RIDEM noticed that the stockpiles were not surrounded with staked haybales or filter rolls. Therefore, the operator must take immediate actions to institute the required erosion controls along the perimeter of all material and earth stockpiles.
5. During the site inspection the designated construction entrance was identified as being in need of maintenance. Part II.B of the RIPDES Construction General Permit (CGP) requires the maintenance of all Best Management Practices to prevent the uncontrolled release of measurable amounts of sediment or sediment laden water from traveling beyond the limits of disturbance. Section D of the Rhode Island Soil Erosion and Sediment Control Handbook directly addresses the procedures required to adequately maintain construction entrances. Therefore, the operator must immediately correct the current condition of the construction entrance.
6. As depicted on the approved site plans, silt fence or straw wattles were to be installed on the up-gradient side of the infiltration trenches. However, during the inspection the RIDEM noticed that sediment controls were not installed up-gradient of the infiltration trenches. Please note that many site areas around the infiltration trenches were not stabilized. Therefore, the operator must take immediate steps to correct this deficiency and the engineer must determine whether or not sediment build-up has limited the infiltration capabilities of the infiltration trenches to less than the design infiltration rate.
7. Per section 2.7 of the SESC Plan, the operator must stake out the site locations where the long-term stormwater practices will be installed to prevent compaction or clogging of the soils by construction equipment. During the inspection the locations for the proposed long-term stormwater practices were not clearly marked with stakes or flagging. Therefore, the operator must correct this deficiency.
8. During the site inspection the RIDEM was unable to locate the temporary grass swales that were shown on the site plans. However, the RIDEM did notice a shallow depression located along the western property line that was full of sediment and water. Therefore, temporary grass swales must be installed in the locations shown on the approved site plans.
9. Section of 2.9 of the SESC Plan indicates that the operator must create and adopt a spill control plan that includes measures to contain and clean up a spill. During the inspection the operator indicated that there was a spill containment kit at the site. Please provide a description of the spill containment kit, and ensure that the spill control plan/spill kit are stored in a prominent location at the site.
10. During the site inspection the inspection reports were not available to be shown to the inspector upon request. According to section III.J.3.b.III of general permit, all records of inspections including records of maintenance and corrective actions must be maintained with the SESC Plan. Therefore, please ensure that copies of the inspection reports are maintained with the SESC Plan.
11. According to Section 4.3 of the SESC Plan the site must be inspected by the operator at least once every seven days and within twenty-four hours after any storm event which generates at least 0.25 inches of rainfall or twenty-four hours. However, upon review of the inspection reports the RIDEM

noticed that only weekly inspections were checked. Since, none of the boxes for post-storm-event inspections were checked it appears that the operator did not do site inspections after any storm events that generated at least 0.25 inches of rainfall. The operator must provide the corrective action date on the inspection form. Therefore, please clearly identify what steps have been taken to correct this deficiency.

12. During the inspection the operator informed RIDEM inspectors that the project's commencement date was September 16, 2017. However, on January 3, 2018, the RIDEM received copies of the inspection reports from October 20, 2017 to January 23, 2018. Therefore, please provide copies of the inspection reports from September 16, 2017 to October 20, 2017.
13. Upon review of the inspection reports the RIDEM noticed that some of the sections within the weather information section were not completed. The operator must provide the date of the last rain event, duration, approximate rainfall, rain gauge location and source, weather at the time of the inspection on all future inspection reports.

The above-detailed instances of failure to properly implement your SESC and maintain a stable construction site while adhering to the approved site plans has resulted in the project proceeding in non-conformance with the terms and conditions of the permit issued by this Program on November 30, 2016 for Application No. 16-0202; RIDES File RIR101456 (copy of letter enclosed).

Specifically, you are in non-conformance with the terms and conditions of the permit in *at least* the following instances:

1. In non-conformance with Condition No. 2, site alterations have occurred beyond the approved limit of disturbance ("LOD"). Specifically, sediment laden runoff and fill material in the form of accumulated sediments has been deposited in freshwater wetlands outside the approved limit of disturbance within at least Wetlands D, E, F, C, H and Z.
2. In non-conformance with Condition No. 10, erosion and sediment controls were not properly maintained, replaced, supplemented or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediments from being deposited in any wetlands not subject to disturbance under this permit.
3. In non-conformance with Condition Nos. 12 and 13, all best management practices detailed and described on the approved plans were not installed and/or were not maintained to prevent harm to adjacent freshwater wetlands. Specifically, erosion controls and temporary sediment basins (traps) were not installed in accordance with the approved site plans.

In order for the project to return into conformance with the terms and conditions of the permit and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act ("Rules"), the following actions are required *in addition to* all items noted above:

1. Replace, maintain, reinforce and otherwise supplement erosion controls along the approved LOD adjacent to Freshwater Wetlands D, E, F, C, H and Z and as needed elsewhere on-site for the duration of the project until all disturbed soils are properly stabilized.

2. Remove accumulated sediments from the following wetlands to a suitable upland location as indicated below:
 - a. Wetland B: Remove accumulated sediments via hand held implements and using buckets or wheelbarrows as appropriate, specifically near Flags B8 and B9 where sediments have accumulated to a depth that can be removed.
 - b. Wetland H: Remove accumulated sediments via hand held implements and using buckets or wheelbarrows as appropriate approximately between LOD Flag No. 10a to approximately 10 feet south of Flag H2 where sediments have accumulated to a depth that can be removed. There is a drainage flow path (pushed leaves, slight scouring) that outlets from the H-Series wetland (near Flag H10) that flows into the B-Series downslope. A section or two of filter soxx or straw bales could be placed as a check dam across the flow path to slow the velocity of any high rain events to prevent sedimentation from entering downstream wetlands and/or better reinforce erosion controls along the LOD.
 - c. D-Series: remove accumulated sediments from between the stone berm and the line of filter soxx from the perimeter wetland (opposite approximately Flags D7) by hand or from a piece of equipment operating from the adjacent upland. Please note that sediments laden runoff has been released into Swamp D and further action might be required at a later date (see paragraph below).
 - d. Wetland Z: remove accumulated sediments along the outer edge by hand or from a piece of equipment operating from the adjacent upland.

Please be advised that due to seasonally high water levels within the wetlands, the Department was unable to confirm in some instances whether sediment has accumulated at depths that would impact the functions and values of the receiving wetlands, and will be re-inspecting the site on at a future date to determine if any further restoration requirements are needed. Once water levels have suitably dropped, if unacceptable levels of accumulated sediments remain, follow-up measures will be required at that time. For example, at least Swamp D as noted above and Forested Wetlands B, C, E and F have surface inundation with turbid water conditions and are targeted for reinspection.

Additionally, OWR Inspectors noted that, as a result of disturbance from heavy truck traffic and snow plowing along the roadway leading into the site, the pathway of stormwater flow has been modified. Whereas pre-existing conditions allowed stormwater to flow across the road in a shallow ditch, it is now flowing west along the road and both entering the woods to the south in a different location as well as flowing into Lippitt Avenue, and thence south to finally flow into downstream wetlands. While the Department did not observe any actionable violations at this time, you are advised to address this flow diversion in a timely manner so as to return stormwater flow along its pre-existing pathway before erosion along the current flow path results in significant impacts to downstream wetland areas.

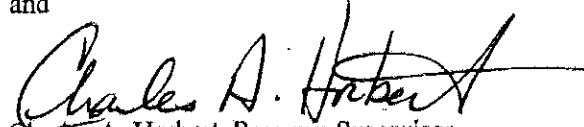
Please note that the Office of Water Resources is considering referral of this construction project to the DEM's Office of Compliance and Inspection for appropriate enforcement for failure to properly install, operate, and maintain BMPs. Failure to satisfactorily address the above stated deficiencies and required actions and respond within fourteen (14) calendar days may result in additional enforcement actions. The written response must include photographic documentation of the corrective actions taken to address the comments.

If there are any questions regarding this letter's requirements, you may contact Joseph Camara with respect to SESC deficiencies at 401-222-4700, extension 7640, or Nancy Freeman with respect to wetland restoration items at 401-222-4700, ext. 7408.

Sincerely,

Joseph Camara, Senior Engineer
RIDEM Office of Water Resources
Construction Stormwater Engineering, Floodplain and 401 Permitting Program

and



Charles A. Horbert, Program Supervisor
RIDEM Office of Water Resources
Freshwater Wetlands Program

Enclosure: Letter dated November 30, 2016

ec: Eric Beck, Chief of Groundwater & Wetlands Protection
Sam Kaplan, RIDEM RIPDES Program
David Russo, DiPrete Engineering
Ralph Palumbo, Southern Sky Renewable Energy, RI, LLC

xc: Kevin Burke, Cranston Building Official
Kenneth Mason, Cranston Public Works Di
Brian Palombo, Vinagro

SITE INSPECTION REPORT

File Number: 16-0202

File Name: DSM Realty Corp (Gold Meadow Farms Solar Array Project)

Inspection Date: January 24, 2018 (9:00 am through ~12:15 pm)

Location: Approximately 1,500 feet east of Lippett Avenue and approximately 2,800 feet southeast of its intersection with Hope Road, Assessor's Plat 23, Lot Nos. 6,7,8,15,20 &36 and Assessor's Plat 30/3, Lot 240, near Utility Pole No. 11, Cranston, RI.

Purpose of Inspection: Compliance

Biologist: Nancy Freeman with Joe Camara, Engineer, RIPDES Program

Details of Inspection:

In response to complaints received, some of which were related to construction practices within upland areas, I requested that a staff engineer from the RIPDES Program accompany me. A joint inspection was conducted with Joe Camara. After checking in at the construction gate, we met Brian Palumbo, the Construction Site Supervisor from J.R. Vinagro Corporation out of Johnston, RI. After introductions, Joe Camara asked to see the required RIPDES paperwork. While the two discussed RIPDES requirements, I conducted an inspection of the wetlands and limit of disturbance (LOD) nearby. Per Weather Underground precipitation data for Cranston, RI, 1.45 inches of rain fell on January 23rd, the day before the inspection. A blow-out had occurred at the toe of slope at the terminus of the access road where the road enters interior portions of the site. This is a topographic low spot, exacerbated by recent clearing and grading activities. I followed the flow path into the swamp. A thin film of sediments was observed within perimeter wetland and turbidity was observed where standing water is present within the swamp. Another channel flowing from the northwest into the swamp was clear, indicating that the source of sediment-laden runoff entering the swamp was originating from the breached area noted above. Turbidity was noted in the swamp from approximately Flag D7 to D18. Approximately at Flag D18, a stream channel becomes defined and the associated swamp narrows as the stream flows downslope. The stream was flowing clear at the time of inspection from that point south. I continued to inspect the LOD beyond a large stone fill pile just north of the Z-series forested wetland where another breach occurred (see-photo 5) within the outer edges of the wetland. At this point I walked back to the truck to see if Joe Camara had finished discussing paperwork with Mr. Palumbo.

When the two had concluded their discussion, it was decided that Mr. Palumbo would drive us around the perimeter road to the extent possible (where constructed) to inspect. Prior to that Mr. Palumbo indicated that the recent rain event the day before was way worse than the rain event the week prior. The soils had thawed out after an extended deep freeze and numerous flow paths and erosive gullies had formed. They had tried to reinforce the erosion controls with a pea stone berm in the area that had breached (see-picture 1). They also tried to re-route drainage from the breached area into interior portions of the site via a stone berm, some of which had worked, but clearly was not sufficient (see-photo 2). Mr. Palumbo also indicated that Dave Russo, the owner's engineer from DiPrete Engineering, had been on-site that morning to discuss drainage issues and temporary measures to control water such as the possibility an additional sediment basin near the breached area.

grubbed with grading and blasting activities ongoing in southern portions of the site. Northern portions of the site have been levelled and are more stabilized. The temporary basins are no longer present (per Mr. Palumbo) in the areas where the permanent stone trenches are now present. We only observed one temporary basin in this general area. In order for me to conduct my inspection, I needed to get out of the vehicle and walk the LOD along the wetland edges. Joe Camara decided to join me. Mr. Palumbo left while we completed our inspection on foot. The recent thaw and disturbed soils made walking extremely prohibitive. We walked the LOD along the eastern boundary and found no problems with the LOD or erosion controls in that area, which is generally higher and drier. This is the LOD along the Lippett Brook riparian corridor (200-foot riverbank wetland). We did not inspect the southernmost portions of the site due to ongoing heavy equipment operations. I did inspect the LOD near all wetlands except along the southeast property corner.

Prior to leaving, I spoke with Mr. Palumbo. I told him that there are concerns based on breaches in the erosion controls that have resulted in impacts to the wetlands. I told him that I will be discussing my findings with the Supervisor and that we would be in touch. I reiterated that the permit conditions state that you not only have to maintain erosion controls but you must add to them (supplement them) and modify them throughout the construction period to prevent sediments from entering the wetlands. He stated that they were trying and again mentioned that yesterday's rain event was the cause of the problems I noted. I asked that he reinforce erosion controls, especially at the breach near the top of the access road. He said that he would, but that they were attempting to keep flow completely away from that area through the temporarily created berm. On the way out, Joe Camara and I inspected the access road prior to the construction site based on complaints received that equipment had flattened out a natural channel that typically flows over the roadway into the woods, but that was now flowing down the road and undermining its integrity.

My findings are as follows:

- The LOD along the Lippett Brook riparian corridor appears in general conformance with the approved site plans.
- Western portions of the LOD near isolated wetland "C" and "H" have been exceeded in part through emergency mitigation measures implemented to combat erosion from grading activities and natural site topography-see Picture 6. Mulched wood chips and stone have been pushed down slope and into the outer portions of Wetland H (see-picture 6). A flow path (pushed leaves) extends downslope from Wetland H into a larger off-site wetland juxtaposed between topographic ridges and outcrops. A channel flows within portions of this off-site wetland, which is part of the "B"-Series. Wetland C is located at the base of a huge stone fill slope and is basically functioning like a detention basin. Standing water, which appears to exceed typical hydrologic conditions is turbid. Grading contours for the proposed perimeter road do not appear to match site conditions. However, work is ongoing. There is a steep stone fill slope along the entire edge of the wetland along the LOD. Sediments have also accumulated into the outer portion of Wetland "B," at least near Flags B4 through approximately B9.
- As previously stated, a breach in erosion controls has occurred near resulting in a release of sediments into perimeter wetland and the D-Series swamp. Past the immediate breach where sediments have accumulated, a thin film of sediments was observed within a flow path in the perimeter wetland and turbid water observed where present within the swamp. Turbidity was noted in the swamp from approximately Flag D7 to D18.

- Erosion controls have been breached resulting in some sedimentation into isolated forested wetland "Z" (see-picture 5). A review of the adjacent lobe of D-Series swamp (~Flags D-30 through D45) did not reveal the presence of any sedimentation.
- Erosion controls protecting isolated Forested Wetlands E and F are grossly inadequate based on fill slope bounding the F-series Wetland in particular (see picture 7, 8 and 9). Both wetlands appear to be functioning more as detention basins with hydrologic conditions appearing artificially high. There appears to be an increase in the quantities and flow rates of surface water entering these isolated wetlands.
- Drainage is flowing down the access road, rather than across it (see-picture 10). A channel flows from the woods to the north of the road down slope and into the road. There is a dry channel across the street that loses definition shortly thereafter. While the channel is likely an ASSF, there are no wetlands immediately along the road in this location. Drainage is flowing down the street towards Lippett Avenue. Filter socks are directing flow into the woods further west than the established flow path. The roadbed is being further undermined by a sump pump draining from a residence onto the road.

Recommendations: Coordinate with the RIPDES Program and issue a letter with restoration requirements. Re-inspection is needed once water levels infiltrate to determine the extent of any accumulated sediments in wetlands. If there is an amount that can be removed via hand-held implements (i.e. shovels), then this should be required with approval from any adjacent landowners if needed. Until the growing season arrives and soils can be permanently stabilized, immediate corrective measures must be implemented to prevent sediments from entering wetlands. Fill material must be removed from all wetlands and adjacent soils stabilized with at least an appropriate seed mix as soon as weather permits. In low areas near wetlands, erosion controls are inadequate and must be supplemented and maintained.

1/25/2018: Dave Russo from DiPrete Engineering left a message regarding my site visit and specifically regarding the access road. Additional rain is in the forecast and the property owner is requesting to install a culvert(s) at the ASSF crossing to prevent further washout. Per discussion with the Program Supervisor, the installation of a culvert (or a couple small culverts) is acceptable given the circumstances and provided that drainage is directed to its existing, established flow path. The installation of culverts will help to prevent roadway sediments from entering any downstream wetlands.

Nancy Freeman
Inspector

Note huge stone fill piles in background.

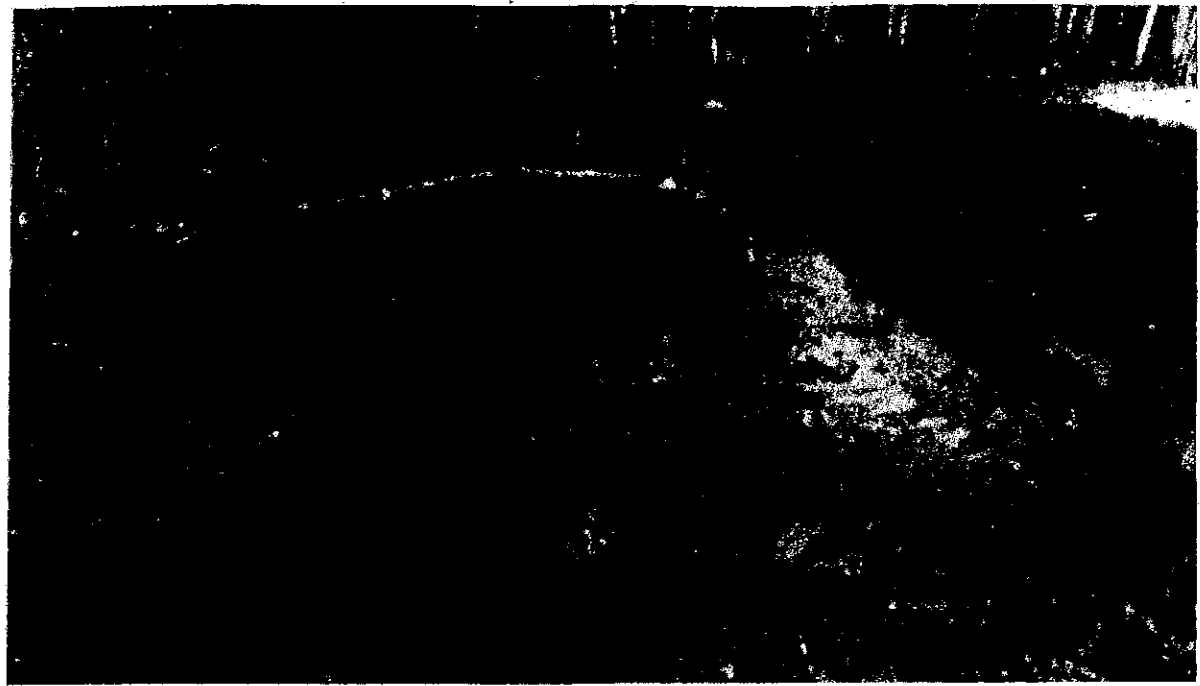


Picture 2-Berm created as an attempt to re-route site drainage from main breach point



Picture 4-typical turbid conditions observed in freshwater wetlands throughout the site.





Picture 6-Breach near up to and within outer portions of isolated forested wetland H. Mulched chips and stone placed to prevent erosion.



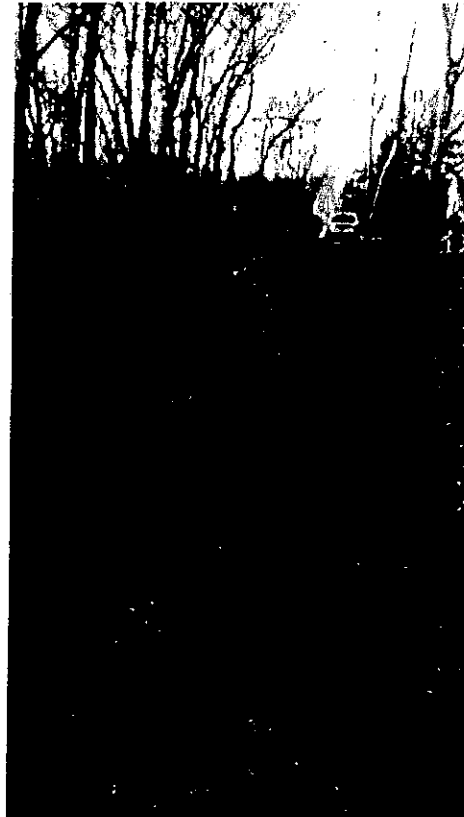


Picture 8: Wetland E (Forested Wetland-an existing cartpath separates these tow wetlands)





Picture 10-access road



File Number: 16-0202

File Name: DSM Realty Corp (Gold Meadow Farms Solar Array Project)

Inspection Date: February 14, 2018 (~9:30 am-11:00am)

Location: Approximately 1,500 feet east of Lippett Avenue and approximately 2,800 feet southeast of its intersection with Hope Road, Assessor's Plat 23, Lot Nos. 6,7,8,15,20 &36 and Assessor's Plat 30/3, Lot 240, near Utility Pole No. 11, Cranston, RI.

Purpose of Inspection: Compliance

Biologist: Nancy Freeman

Details of Inspection: A re-inspection was conducted to check current site conditions, specifically targeting wetland areas of concern previously inspected on January 24, 2018. My findings are as follows:

- **C-Series isolated Forested Wetland:** Same condition as previous inspection. Turbid, standing surface water, steep stone slope bounding eastern edge. Filter sock along eastern edge under water. However, another filter sock has been placed further upslope. Based on high water levels, difficult to determine if any sediments on substrate. Need to reinspect during the dry season.
- **B-Series Forested Wetland:** New Limit of Disturbance (LOD) stakes have been recently placed and new survey flagging that appears to indicate the property line. Clearing has not been completed. A fringe of forest remains in this area that is proposed to be cleared. LOD 7 is on the outer edge of the wetland just outside of Flag B2. LOD 7 connecting to LOD 6 would result in an impact to the outer edge of the B-Series wetland. These stakes need to be revised slightly to avoid impacts. Some shallow standing water is present within this portion of the B-Series. Leaves on the substrate have a coating or film of sediments. Further north, accumulated sediments varying from approximately 2-inches through 5-inches were observed within the wetland along the immediate edge near Flags B8 and B9. Sediments need to be shoveled out by hand. Most of the B-Series wetland is offsite and meanders around and is sometimes bounded by topographic features. The channel within the B-Series closest to the project limits was not flowing at the time of this inspection.
- **H-Series Forested Wetland:** Sediments have accumulated in western portions of the wetland beyond the LOD. Many of the flags are missing. The sediment accumulations extend approximately from LOD Flag 10a to approximately 10 feet south of Wetland Flag H2. Although sediments are shallow, they must be removed and preferably prior to the growing season. Sediments should be removed by hand or by a piece of equipment with a small shovel operating from the adjacent upland. There is a drainage flow path (pushed leaves, slight scouring, no defined channel) that outlets from the H-Series wetland (north of Flag H10) that flows into the B-Series downslope. At least until the site is stabilized, a section or two of filter soxx should be placed like a check dam across the flow path to slow the velocity of any high rain events to prevent sedimentation.

- **D-Series Swamp:** Some infiltration has occurred since the last inspection after a heavy rain. Where surface inundation remains, there is a coating of sediments on the underlying leaf layer up to approximately Flag D-18 as previously noted. In areas where water is no longer present, a thin film on the leaf layer is present. Under current conditions, sediments are only deep enough to remove near the erosion control/pea stone berm at the aforementioned breach (See SIR dated 1/24/18). The swamp should be re-inspected during the dry season to determine if any sediments remain that require removal.
- Based on ongoing heavy equipment operations, **Wetlands E, F and Z were not re-inspected.** As previously noted during the January 24, 2018 inspection, erosion controls were breached resulting in some sedimentation into isolated forested wetland "Z, which should be removed by shovel and erosion controls protecting isolated Forested Wetlands E and F need reinforcement. Wetlands E and F should be re-inspected for sedimentation once water levels have dropped. Additional restoration measures (perhaps incorporation of low growth native shrubs plantings) might be suggested for installation along steep slopes adjacent to wetlands pending final grading and stabilization.
- Heavy equipment was operating within interior portions of the site with crushed stones and gravel continuously being loaded onto trucks and trucked off-site. Large trucks were observed coming and going regularly while I was on-site. A culvert has not yet been installed on the access road as previously requested to address localized flooding problems. Drainage from the natural channel continues to flow down the roadbed and mostly into the woods further west than its original channel. The channel was not flowing to the same extent it was during the last inspection, which was after a major rain event. Some drainage flow continues further down the road into Lippett Avenue and into the woods near the Lippett Avenue Road frontage. Lippett Avenue has been recently repaved. Drainage flows southerly along the street and into paved swales that enter adjacent wetlands.



Inspector

Application No. 16-0202

Date: February 14, 2018

To: Dave Russo, DiPrete Engineering

From: Nancy Freeman

Subject: Site inspection 2/14/18

I called Dave Russo of DiPrete Engineering prior to inspection to inquire about whether the culvert had been installed on the access road, since I received a new complaint. He indicated that it has not been installed yet that there were issues pending availability, design, pricing etc. I also called Dave back after the inspection. I asked that if possible LOD stakes 6 and 7 be relocated prior to work out there to ensure that no physical encroachment into Wetland B would occur. He said that they have a surveyor out there tomorrow (2/15) that they would take care of that and make sure that no work occurred there until they could revise the stakes accordingly. I asked about why they even needed to do any further clearing there, that nothing was proposed in this location. He explained that it has to do with the effect of shading on solar panels. Provided they slightly tweak the stake locations to avoid impacts to Wetland B, clearing is outside of wetlands.

Signed, Nancy Freeman



LOD Flag
Location

Wetland Flag B3

LOD Line

Wetland Flag B2

LOD/Stake
Location adjustment
to avoid wetland
encroachment

35

Berry, Joshua

From: CHRISTY ANGELL <cangell1274@gmail.com>
Sent: Tuesday, December 4, 2018 1:15 PM
To: Berry, Joshua
Cc: dukefarina@cs.com; Brady4Cranston@gmail.com; drake@cluckri.com
Subject: Fwd: Proposed Natick Ave solar farm abutters

Hello Joshua,

Please see the email below that was sent earlier this afternoon. It was brought to my attention that I should advise you as well.

With the potential for blasting, a major gas line in the area, clear cutting a significant amount of trees and it being in the middle of our residential neighborhood, we do not support this project. This project would be better suited in a commercial area, not in our backyards. Please read this into the record as well.

Begin forwarded message:

From: CHRISTY ANGELL <cangell1274@gmail.com>
Date: December 4, 2018 at 12:40:45 PM EST
To: Brady4Cranston@gmail.com
Cc: dukefarina@cs.com, drake@cluckri.com
Subject: **Proposed Natick Ave solar farm abutters**

Good afternoon,

My husband and I are the homeowners at 595 Natick Avenue. We have learned of the proposed solar farm project for Natick Avenue very recently via regular mail. It appears that there has been little consideration for the abutting and surrounding neighbors regarding notification that this project that was already in the process for approvals, with plans available in the planning office for review. With that being said, we are out of state and unable to attend tonight's meeting. However, we would like this email to serve as our voice and would like it read into the record.

We express our disappointment that the residents and property owners were not give ample time to be further informed of what this project entails and the affect it will have on our quality of life. We moved to this City, "in the woods" so to speak, for a reason. We enjoy the quiet, the wildlife, and the privacy of our location. We are not sold on having a solar farm in our backyard. We are concerned about the impact it will have for us and our neighbors, particularly with environmental issues and run off from the site. While we understand there is a comprehensive plan in place, there has to be the utmost consideration for those of us that live there if this project is approved, as we will ultimately be the ones that have to live with this long term.

Therefore, in closing, we respectfully request that this project be postponed for further study and vetted so that the residents quality of life be considered before approving this Southern Sky project.

Respectfully,

Matthew and Christy Moretti
595 Natick Ave

Berry, Joshua

From: Berry, Joshua
Sent: Wednesday, December 5, 2018 11:05 AM
To: 'CHRISTY ANGELL'
Cc: dukefarina@cs.com; Brady4Cranston@gmail.com; drake@cluckri.com
Subject: RE: Proposed Natick Ave solar farm abutters

Ms. Angell,

I wanted to thank you & the Moretti's for your input on this Master Plan application. Both emails were read into the record during last night's hearing.

In case you are not already aware, the Plan Commission voted to continue the matter until the January meeting.

Regards,

Joshua Berry

Senior Planner

City of Cranston, City Planning Department
 869 Park Ave, Cranston, RI 02910
 P: (401) 780-3139

From: CHRISTY ANGELL [mailto:cangell1274@gmail.com]
Sent: Tuesday, December 4, 2018 1:15 PM
To: Berry, Joshua <JBerry@CranstonRI.org>
Cc: dukefarina@cs.com; Brady4Cranston@gmail.com; drake@cluckri.com
Subject: Fwd: Proposed Natick Ave solar farm abutters

Hello Joshua,

Please see the email below that was sent earlier this afternoon. It was brought to my attention that I should advise you as well.

With the potential for blasting, a major gas line in the area, clear cutting a significant amount of trees and it being in the middle of our residential neighborhood, we do not support this project. This project would be better suited in a commercial area, not in our backyards. Please read this into the record as well.

Begin forwarded message:

From: CHRISTY ANGELL <cangell1274@gmail.com>
Date: December 4, 2018 at 12:40:45 PM EST
To: Brady4Cranston@gmail.com
Cc: dukefarina@cs.com, drake@cluckri.com
Subject: Proposed Natick Ave solar farm abutters

Good afternoon,

My husband and I are the homeowners at 595 Natick Avenue. We have learned of the proposed solar farm project for Natick Avenue very recently via regular mail. It appears that there has been little consideration for the abutting and surrounding neighbors regarding notification that this project that was already in the process for approvals, with plans available in the planning office for review. With that being said, we are out of state and unable to attend tonight's meeting. However, we would like this email to serve as our voice and would like it read into the record.

We express our disappointment that the residents and property owners were not give ample time to be further informed of what this project entails and the affect it will have on our quality of life. We moved to this City, "in the woods" so to speak, for a reason. We enjoy the quiet, the wildlife, and the privacy of our location. We are not sold on having a solar farm in our backyard. We are concerned about the impact it will have for us and our neighbors, particularly with environmental issues and run off from the site. While we understand there is a comprehensive plan in place, there has to be the utmost consideration for those of us that live there if this project is approved, as we will ultimately be the ones that have to live with this long term.

Therefore, in closing, we respectfully request that this project be postponed for further study and vetted so that the residents quality of life be considered before approving this Southern Sky project.

Respectfully,

Matthew and Christy Moretti
595 Natick Ave

Berry, Joshua

From: Edward Brady <brady4cranston@gmail.com>
Sent: Tuesday, December 4, 2018 3:44 PM
To: Berry, Joshua; medlaw37@aol.com
Subject: Natick Ave Concerns

Joe and Carol Cooney,
This is Joshua Berry he is a senior planner on planning and will be there tonight for this vote. His number is (401) 780-3139 if you would like to express your concerns prior to the meeting!
Hope that helps and I will continue to keep you updated after this meeting.

Edward Brady
--
Edward Brady
Cranston City Council - Ward 4

Berry, Joshua

From: Robert Murray <rdmurray@taftmcsally.com>
Sent: Monday, December 3, 2018 9:57 AM
To: Pezzullo, Jason; McLean, Douglas; Berry, Joshua
Cc: Ralph Palumbo; Lindsay McGovern; Ryan Palumbo; Kyle Palumbo; ronrossi1@cox.net
Subject: Natick Avenue Solar
Attachments: RDM comment on Natick Ave staff memo 12-3-18.pdf; Clark, Swanson, Clint Rossi and Francisco letters 12-2-18.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Jason:

Thank you for sharing the draft staff memo on the Natick Avenue Solar project. I would like to offer some comments on page 8 of the draft memo (see attached).

I want to underscore that at no time are we suggesting that we are relying on screening on abutting properties. The only comment John Carter said was that in some of the treed areas where we are leaving trees up sometimes additional plantings have a hard time growing. In that area we could plant on both sides of the line with cooperation from the abutter.

At last week's neighborhood meeting we had an extensive discussions with several abutters. We committed to working with them on providing a sufficient buffer in terms of placement and species. Yes in some cases we will be willing to also plant on their side of the property line if requested.

In particular we had discussions with:

Mr. and Mrs. Carl Swanson, 593 Natick Avenue (their barn structure is on the northerly boundary edge)
 Clint Ricci, 659 Natick Avenue (next to access road). He has no objection to project and is not related to Ron Rossi.
 John Francisco, 785 Natick Avenue (his home is nowhere near southerly border on other side of gas pipeline)
 Mr. Russell Clark, 41 Woodcrest Court (his property fronts up to Natick Avenue where he has an accessory building)

Please see the enclosed letters that I have sent to these abutters confirming our willingness to work with them on screening issues.

I should add that Drake Patten's husband also echoed some of Mr. Clark's comments on the eastern edge of the property. The Clark property is directly across the other side of Natick Avenue. As to the other side of Natick Avenue, please remember that existing screening includes the vegetated wetlands shown as Parcel C on the plan, the Clint Rossi house (Lot 71) and the structure in the land now or formerly of Tricia Jutras (Lot 5). Also Lot 51 owned by Drake Patten is also covered with vegetation.

Lastly, on Saturday we toured the site with Councilmen Farina, Brady and Hopkins in Ron Rossi's open Kawasaki vehicle. They have a firsthand understanding of the site and scope of the project. As to Ridgewood Road, I think most would say that the placement of panels will not really affect those properties but the willingness to consider additional screening is available.

If you or your staff would also like to tour the site, that can be arranged.

If you have any questions, please let me know.

Bob Murray

Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, Rhode Island 02920
rdmurray@taftmcsally.com
Tel. (401) 946-3800 (o)
Fax (401) 943-8859 (fax)

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Never said that
any where

necessary during the Preliminary Plan process. Staff's main concerns with the current buffer planting plan are that the plan appears to be working on two assumptions the project does not need to buffer from residences which have existing buffers on their own properties. Staff holds that the buffer must be maintained on the project site, and may not count vegetation on other properties. It is not clear whether the proposed buffer planting plan adequately buffers the residences on Ridgewood Road. Additionally, the gas easement along the southern property line appears to obstruct the ability to buffer the residential properties to the south. These issues are not exhaustive of staff's potential concerns with buffering as staff will continue to work with the public, Plan Commission, DPR Committee and Conservation Commission regarding buffering should the project move forward to the Preliminary Plan phase. It is important to acknowledge that these entities will be reviewing other plan specifics that are not under detailed review at this stage including but not limited to the fencing, potential blasting, grading & soil erosion,

Wrong we
will
do plantings

In addition to the many aspects of the plan that are not fully reviewed at the Master Plan phase, the interconnection portion of the project is still largely an unknown at this time. Nevertheless, staff recognizes the impact that interconnection may have, particularly in regards to the Comprehensive Plan's policy to maintain the rural character of Western Cranston. Staff has requested that the applicant provide any and all information that is available regarding the interconnection plan and process. At this time, it is known that approximately 6,000' of power lines running north from the site's frontage on Natick Ave would be upgraded to Grade 3, with roughly 40'-45' tall poles. Some tree trimming is anticipated, but details of the interconnection plan are not available at this time. This is an area that staff will continue to monitor, should the Master Plan be approved.

seemly letter of
11/28/18

One small and technical point is that the proposed fence crosses through the wetlands on 'Parcel C'. This will need to be revised as to not encroach into the wetlands or across the proposed lease lines.

Ordinance 17.24.020 requires it at bldg
permit
stage

A decommissioning bond will be required for this project. A bond estimate will be provided during the Preliminary Plan review phase. The bond will cover costs associated with the removal of installations, electrical equipment & all appurtenant structures, and stabilization or revegetation of the site as necessary to minimize erosion.

V. Interests of Others

Planning staff has received multiple requests for access to plans and has provided such. There have been verbal discussions with members of the public regarding specifics in the plans, concerns have included interconnection, buffering, slope, grading & drainage and blasting. No comments have been submitted in writing as of 11/28/18.

VI. Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

TAFT & McSALLY LLP
ATTORNEYS AT LAW

21 GARDEN CITY DRIVE
CRANSTON, RI 02920-5703

Tel. No. (401) 946-3800
Fax No. (401) 943-8859
www.taftmcsally.com

December 2, 2018

Mr. Russell T. Clark
41 Woodcrest Court
Cranston, RI 02921-1041

RE: Natick Avenue Solar

Dear Mr. Clark:

I wanted to thank you for attending the neighborhood information session last week at the St. Joseph School.

As plans progress for the solar project on Ron Rossi's property, we will certainly keep your comments and observations in mind, particularly as it relates to screening.

The project plans will develop from conceptual to detailed engineering and design. In that process, we will be able to share with you buffering plans with specific plantings and ideas that I hope will address the concerns you expressed. All that will be done through a public hearing process with notice to you and your neighbors.

If at any time you have any questions, please feel free to contact me. My email address is rdmurray@taftmcsally.com.

Thank you again.

Very truly yours,
TAFT & McSALLY LLP



Robert D. Murray

RDM/mk

cc: Ron Rossi
Ralph Palumbo

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

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Tel. No. (401) 946-3800
Fax No. (401) 943-8859
www.taftmcsally.com

December 2, 2018

Mr. and Mrs. Carl E. Swanson
593 Natick Avenue
Cranston, RI 02921

RE: Natick Avenue Solar

Dear Mr. and Mrs. Swanson:

I wanted to thank you for attending the neighborhood information session last week at the St. Joseph School.

While I cannot yet speak to specific plantings and placement, I want you to know that Southern Sky officials and Ron Rossi will work closely to address and provide a screening buffer of vegetation for you. We will certainly keep your comments and observations in mind, particularly as it relates to the screening.

The project plans will develop from conceptual to detailed engineering and design. In that process, we will be able to share with you buffering plans with specific plantings and ideas that I hope will address the concerns you expressed. All that will be done through a public hearing process with notice to you and your neighbors.

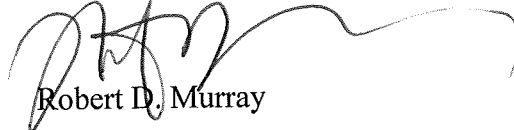
As a direct abutter, we will one on one you with you at the appropriate time.

If at any time you have any questions, please feel free to contact me. My email address is rdmurray@taftmcsally.com.

Thank you again.

Very truly yours,

TAFT & McSALLY LLP



Robert D. Murray

RDM/mk

cc: Ron Rossi
Ralph Palumbo

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

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CRANSTON, RI 02920-5703

Tel. No. (401) 946-3800
Fax No. (401) 943-8859
www.taftmcsally.com

December 2, 2018

Mr. Clint Rossi
659 Natick Avenue
Cranston, RI 02921

RE: Natick Avenue Solar

Dear Mr. Rossi:

I wanted to thank you for attending the neighborhood information session last week at the St. Joseph School.

While I cannot yet speak to specific plantings and placement, I want you to know that Southern Sky officials and Ron Rossi will work closely to address and provide a screening buffer of vegetation for you. We will certainly keep your comments and observations in mind, particularly as it relates to the screening.

The project plans will develop from conceptual to detailed engineering and design. In that process, we will be able to share with you buffering plans with specific plantings and ideas that I hope will address the concerns you expressed. All that will be done through a public hearing process with notice to you and your neighbors.

As a direct abutter, we will one on one you with you at the appropriate time.

If at any time you have any questions, please feel free to contact me. My email address is rdmurray@taftmcsally.com.

Thank you again.

Very truly yours,

TAFT & McSALLY LLP



Robert D. Murray

RDM/mk

cc: Ron Rossi
Ralph Palumbo

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

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CRANSTON, RI 02920-5703

Tel. No. (401) 946-3800
Fax No. (401) 943-8859
www.taftmcsally.com

December 2, 2018

Mr. John Francisco
785 Natick Avenue
Cranston, RI 02921

RE: Natick Avenue Solar

Dear Mr. Francisco:

I wanted to thank you for attending the neighborhood information session last week at the St. Joseph School.

While I cannot yet speak to specific plantings and placement, I want you to know that Southern Sky officials and Ron Rossi will work closely to address and provide a screening buffer of vegetation for you. We will certainly keep your comments and observations in mind, particularly as it relates to the screening.

The project plans will develop from conceptual to detailed engineering and design. In that process, we will be able to share with you buffering plans with specific plantings and ideas that I hope will address the concerns you expressed. All that will be done through a public hearing process with notice to you and your neighbors.

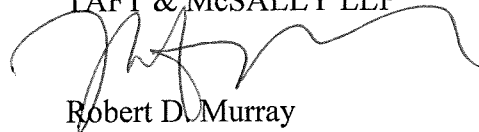
As a direct abutter, we will one on one you with you at the appropriate time.

If at any time you have any questions, please feel free to contact me. My email address is rdmurray@taftmcsally.com.

Thank you again.

Very truly yours,

TAFT & McSALLY LLP



Robert D. Murray

RDM/mk

cc: Ron Rossi
Ralph Palumbo

AGENDA
December 4, 2018
City Hall Council Chamber
7 p.m.

With the exception of the Planning Director's Report, and the Ordinance Workshop, all docketed agenda items require a vote by the City Plan Commission

CALL TO ORDER

APPROVAL OF MINUTES

- Minutes of the November 7, 2018, City Plan Commission Meeting

ORDINANCES

- **WORKSHOP** – *Solar Farm Moratorium Ordinance*

SUBDIVISIONS AND LAND DEVELOPMENTS

- **Natick Avenue Solar** **Public Informational Meeting**

Master Plan - Major Land Development (30 Acre / 8MW Solar Farm on 64 acre site)
Natick Avenue
AP 22, Lots 108 and 119

PERFORMANCE GUARANTEE

- **Woods at Orchard Valley**
AP 28, Lot 30 and AP 24, Lot 11
Letter of Credit set to expire

ZONING BOARD OF REVIEW RECOMMENDATIONS

- **TKG CRANSTON DEVELOPMENT, LLC (OWN) and AMERICAN FREIGHT, INC. (APP)** have filed an application to install new signage exceeding the allowable size at 1808 Plainfield Pike, A.P. 37, Lot 3, area 608,969 sq.ft. zoned C-4. Applicant seeks relief per 17.92.010 Variance, Section 17.72.010 Signs.
- **NATHAN L. BEAUVAIS and HEATHER BEAUVAIS (OWN/APP)** have filed an application to convert an existing dwelling to a two-family dwelling at 41 Alto Street A.P.7, Lot 561, area 4,400 sq.ft. zoned B1. Applicant seeks relief per 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations.
- **ALBACO, LLC. (OWN/APP)** has filed an application to convert an existing three family dwelling to a four family dwelling at 10 Commercial Street. A.P.1, Lot 383, area 7,124 sq.ft. zoned B1. Applicant seeks relief per Section 17.92.010 Variance, Sections 17.20.030 Schedule of Uses; 17.20.120 Schedule of Intensity Regulations.

- **UNO FINANCIAL, LLC. (OWN) and NORBERTO SALAS (APP)** have filed an application to expand a non-conforming use of land and a structure at 86 Governor Street, A.P. 8, Lot 612, Area 3161 sq.ft. zoned B2. Applicant seeks relief per 17.92.010 Variance; Section 17.88.030 (A) Extension, Section 17.20.120 Schedule of Intensity Regulations.

PLANNING DIRECTOR'S REPORT – 2019-2020 CIP, Comprehensive Plan, Unified Development, AirBnB, Solar Farm Moratorium, Long-Range Planning Workshops

ADJOURNMENT / NEXT REGULAR MEETING January 8, 2019 – City Council Chamber, 7 pm

**Individuals requesting interpreter services for the hearing impaired must contact the office of City Planning at 461-1000 ext. 3136 seventy-two [72] hours prior to the meeting.*



DiPrete Engineering

November 7, 2018

Town Council
Hopkinton Town Hall
1 Town House Road
Hopkinton, RI 02833

RE: Dye Hill Road Solar

Dear Town Council Members:

On November 4, 2018 Douglas Doe, a resident of Cranston and abutter to the Gold Meadow Solar Farm, sent information to Town Council members which stated the following:

“Southern Sky’s attorney, Robert Murray, cast unfounded doubt on my claim that I could see 1800 feet across the project site from my kitchen window. The attached photos prove my point. The first two photos show the site from the project’s gate, 500 feet from my window. The other photos were taken from inside my kitchen, morning and afternoon. The silver glow in one photo is the sun’s late afternoon glare off of the panel racks. The trees behind the racks are 1900 feet from my window.

If Southern Sky is so proud of the Lippitt Ave. project, have they offered you and the abutters a tour so you can see what they want to do to Brushy Brook?”

Mr. Douglas Doe also included photographs with this submittal to prove his point. On behalf of Southern Sky Renewable Energy RI, LLC, DiPrete Engineering is submitting this letter, attached images and information to clarify the inaccurate and misleading aspects of Mr. Doe’s submission, and to provide accurate information to the Hopkinton Town Council that corrects the record.

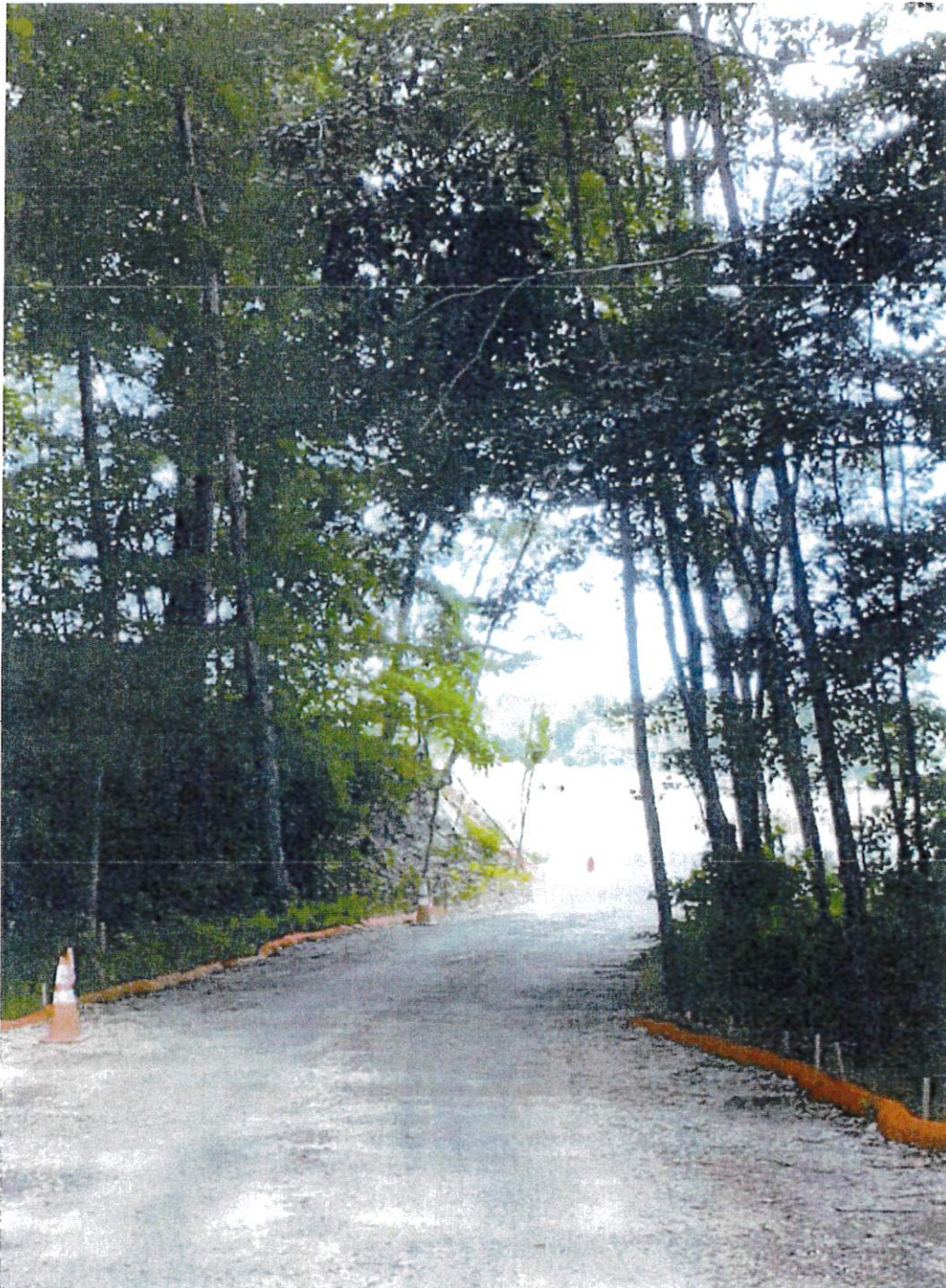
In summary, the solar development is not visible from Mr. Doe’s house as he has portrayed, which the attached images will confirm. In between his house and the solar development is a winding roadway, existing vegetation, and two abutting properties. Southern Sky Renewable Energy RI, LLC has provided a complete tour of the Gold Meadow Farm facility to Dye Hill Solar abutters, John and Martha Orlandi, both whom are in support of the Dye Hill Road Solar project.

If you have any further questions on this matter, please feel free to contact me.

Sincerely,

David Russo, PE
Project Manager

Cc: Town Solicitor



Douglas Doe Image 1:

Mr. Doe submitted the above image. This above image is taken near the entrance of the site and approximately 575 feet from Mr. Does house. We agree that the site is visible since the photograph is taken directly at the entrance of the site. This is unavoidable at the entrance of any development project.



Douglas Doe Image 2:

Mr. Douglas Doe submitted the above image. Similar to Douglas Doe Image 1, the photograph was taken over 575 feet away from his house, closer to the site, and near the main entrance. We agree that the site is visible since the photograph is taken directly at the entrance of the site. This is unavoidable at the entrance of any development project.

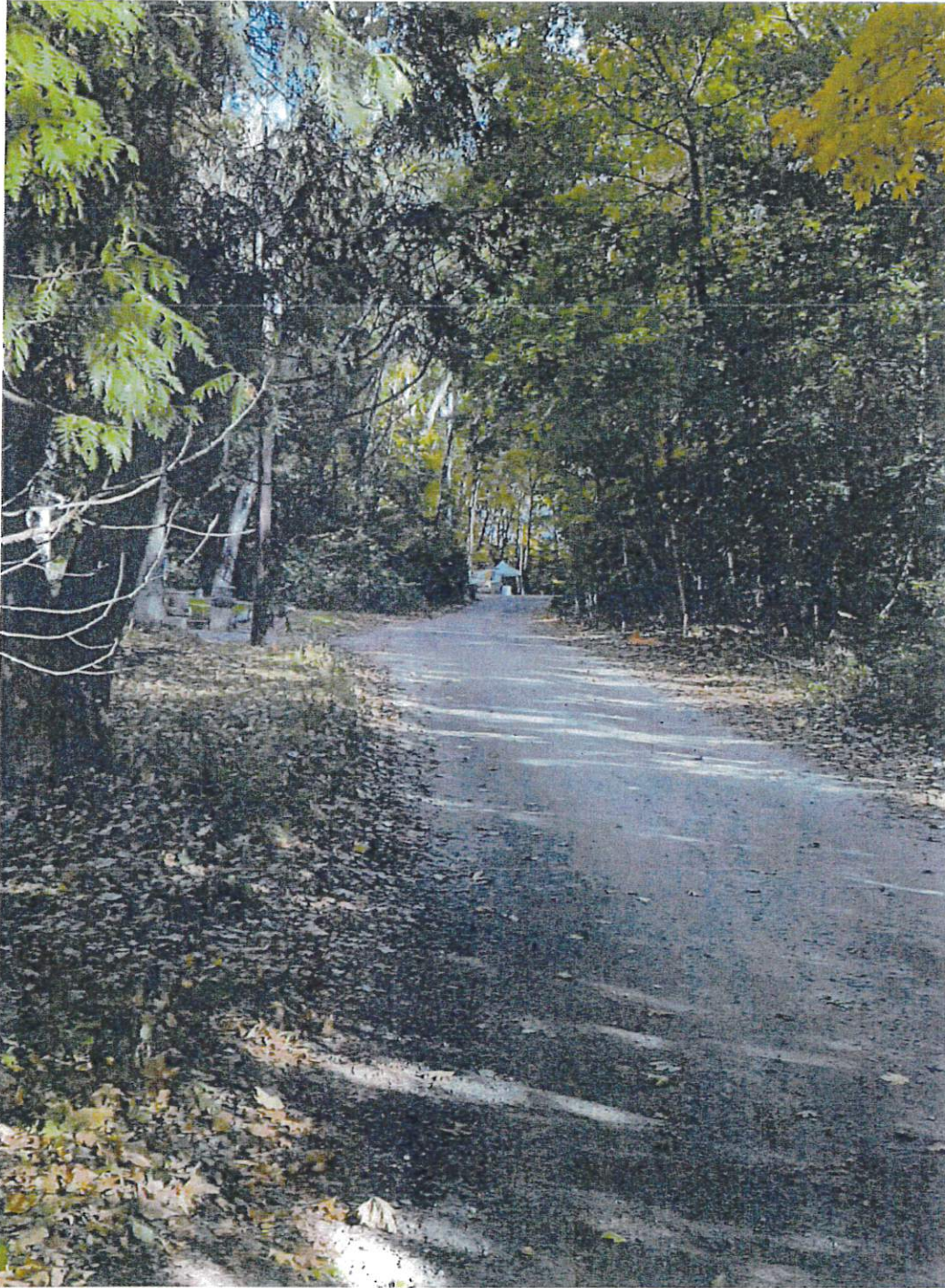


DiPrete Engineering Image 1:

Mr. Doe's house is located all the way to the left on the above image. The solar development is located within the cleared area to the east. Douglas Doe's Images 1 and 2 are taken approximately 575 feet from his house near the entrance of the solar development. The above image shows where approximately we believe these photographs were taken by Mr. Doe and also shown the existing vegetated buffer that surrounds the solar entrance area. As previously stated, we agree that the site is visible directly from the entrance. This is unavoidable at the entrance of any development project. We disagree that the site is clearly visible from Mr. Doe's house as he has purported.

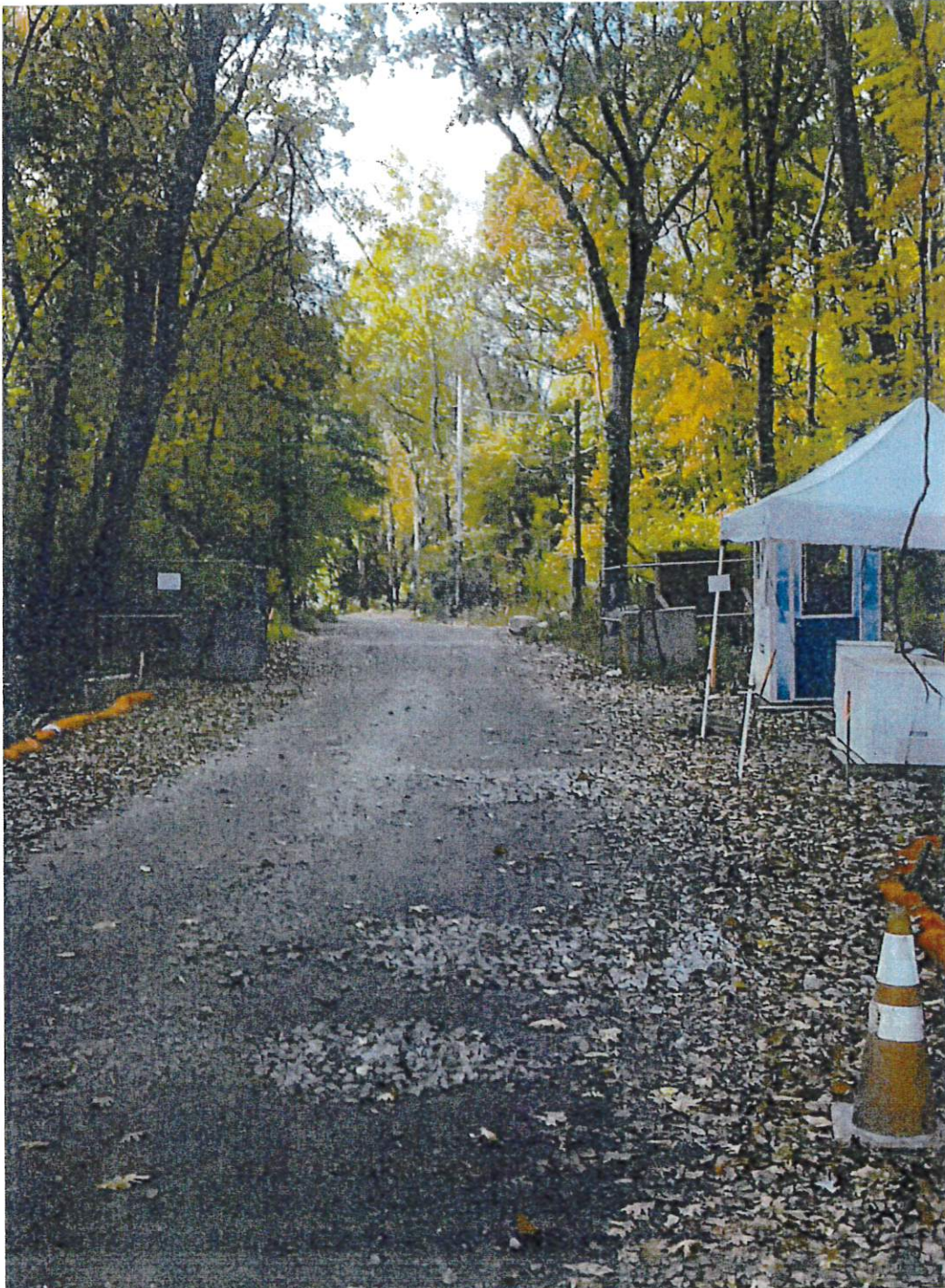


DiPrete Engineering Image 2: This image shows the sight line from Mr. Doe's house. There is over 750 feet looking east from Mr. Doe's house. Within these 750 feet is an existing home, a winding entrance roadway, and existing vegetation.



DiPrete Engineering Image 3:

The above image is taken from the entrance roadway of the site directly in front of Mr. Douglas Doe's house looking east. As shown in the photograph the solar array is not visible. In the distance the security check-in tent for entrance of the site is visible as a point of reference.



DiPrete Engineering Image 4:

The above image is taken from the entrance of the solar site from the security check-in tent, looking west, which is shown in DiPrete Engineering Image 2. As shown in the above image, Mr. Doe's house which would be located to the right of the entrance roadway is not visible.



DiPrete Engineering Images 5&6:

The top image is taken approximately 310-315 feet east of Mr. Doe's house. As shown in the photograph, Mr. Doe's house is barely visible from the roadway at this point. The solar development is located another approximately 440 feet further east of this point.

JOHN C. CARTER
960 Boston Neck Road
Narragansett, RI 02882

PROFESSIONAL REGISTRATIONS

Registered Landscape Architect,
Rhode Island #206
Connecticut #735
Massachusetts #1229

Soil and Water Conservation Society - Certified Professional Soil Erosion and Sediment
Control Specialist #687

Rhode Island Licensed Arborist #2497

Certified Horticulturist – Rhode Island Nursery and Landscape Association, 2012

EDUCATION

University of Rhode Island, Kingston, RI
Bachelor of Science, Natural Resources 1977

Rhode Island School of Design, Providence, RI
Bachelor of Fine Arts, 1984
Bachelor of Landscape Architecture, 1985

Harvard University Graduate School of Design
Course: Creative Landuse Planning, Spring 1985

Community College of Rhode Island
Course: Introduction to Surveying, Fall 1986

University of Massachusetts, Amherst, Mass.
Course: Wetland Delineation, August 1992

PROFESSIONAL EXPERIENCE

Adjunct Professor – University of Rhode Island

Adjunct Professor in the Department of Landscape Architecture 2013 - 2015

John C. Carter & Company, Inc. Narragansett, RI

Owner and Principal Landscape Architect, 1998 - present.

Landscape architecture including residential and commercial landscape design, land use planning, environmental permitting, cost estimating and construction management.

Joseph W. Frisella Civil Engineers, Wakefield, RI

Associate: Environmental Engineer and Landscape Architect, 1986 -1998.

Commercial and residential site planning, on-site sewage disposal design, preparation of environmental impact statements, environmental permit applications, revegetation and erosion control plans, run-off calculations, drainage design, wetland delineation's, tree and landscape appraisals.

Everett Associates, Landscape Architects, Providence, RI

Assistant Landscape Architect, Summer 1984

Department of Public Parks, Providence, RI

Staff Horticulturist, 1978 - 1980

Supervisor of a five person staff with responsibilities of restoring and maintaining various small parks throughout the city, including greenhouse and nursery operations.

AWARDS

American Society of Landscape Architects - Certificate of Honor for Excellence in the Study of Landscape Architecture, May 1985

PROFESSIONAL MEMBERSHIPS

Rhode Island State Board of Examiners of Landscape Architects,

Member 1991 - present, Chairman, 1995 - 2010.

Governor's Advisory Commission on Natural Heritage Preservation , 1987 - 1999.

Narrow River Land Trust, Board of Directors, 1988 - 2001.

Rhode Island Tree Council, Board of Directors, 2002 - 2010

Black Point Advisory Commission - Town of Narragansett

Soil and Water Conservation Society

Rhode Island Nurserymen's Association

PIMENTEL CONSULTING, INC.
 Edward Pimentel, AICP
 26 Avon Road
 Cranston, Rhode Island 02905

(401) 529-0647 – Cellular
 Tax ID No. 56-2331684
 on-line: edaicp@yahoo.com

SUMMARY of QUALIFICATIONS

Forward-thinking, pragmatic urban planning professional with twenty (20+) years of practical experience. Skilled in a variety of neighborhood and commercial planning and zoning activities, frequently in a supervisory or managerial capacity. Solid track records with proven effectiveness in, but not limited to, the following areas:

- ⇒ Zoning Boards of Review
- ⇒ Community Planning and Consulting
- ⇒ Planning Boards / Commissions
- ⇒ Subdivision Review and Planning
- ⇒ City / Town Councils
- ⇒ Superior Court
- ⇒ Code Enforcement
- ⇒ Residential, Commercial and Industrial Development

SELECTED EXAMPLES of ACCOMPLISHMENT

- Testified before numerous boards, commissions and councils on matters of residential, commercial, and industrial development, as well as changes / amendments to Zoning Ordinances and Comprehensive Plans.
- Testified before Municipal and Superior Court on matters of code enforcement and general land use planning.
- Authored various documents including Cost of Community Services Study, Revitalization Plans, Zoning Ordinances, Comprehensive Plan Amendments and the first Telecommunications Ordinance in the State of Rhode Island.
- Responsible for reviewing all development associated with the Quonset Point / Davisville Industrial Park, an approximately 3,500 acre industrial park, site of the former Sea Bee Navy Base, numerous mill rehabilitation projects, including Pocasset Mill, Johnston, RI (Comprehensive Plan Amendments).
- Responsible for reviewing numerous residential subdivisions, especially expert in the field of Comprehensive Permits (Affordable Housing). Work product cited by the Rhode Island Supreme Court.
- Represented clients before numerous Zoning Boards of Review throughout the State of Rhode Island, on a variety of variance and special use permit petitions, with a greater than 90% success rate.
- Extensive energy and renewable energy projects, including solar, wind and gas-fired eccentric generating assets.

EDUCATION

MASTERS OF COMMUNITY PLANNING AND DEVELOPMENT
University of Rhode Island - Masters Received 1994

University of Florida - Studied City Planning - 1991 / 1992

BACHELOR OF ARTS – URBAN AFFAIRS; MINORS IN MATHEMATICS AND PHILOSOPHY
University of Rhode Island - BA Received 1990

ACCREDITATION: AMERICAN INSTITUTE of CERTIFIED PLANNERS – May 1996

PROFESSIONAL EXPERIENCE

<u>Land Use Consultant</u> East Providence, Rhode Island	PIMENTEL CONSULTING, INC.
<u>Zoning Officer</u> East Providence, Rhode Island	CITY OF EAST PROVIDENCE
<u>Consulting Town Planner</u> Barrington, Rhode Island	TOWN OF BARRINGTON
<u>Town Planner</u> Wayland, Massachusetts	TOWN OF WAYLAND
<u>Principal Planner</u> North Kingstown, Rhode Island	TOWN OF NORTH KINGSTOWN
<u>Assistant Planner</u> East Providence, Rhode Island	CITY OF EAST PROVIDENCE
<u>Planning Consultant</u> Newport, Rhode Island	NEWPORT COLLABORATIVE
<u>Planning Intern</u> Orange City, Florida	CITY OF ORANGE CITY

RHODE ISLAND AIR NATIONAL GUARD

Plans and Implementation Communications Specialist
Rhode Island Air National Guard 1995 – Retired 2013

Security Police Officer
Rhode Island Air National Guard 1987 – 1990

CIVIC

8.1-Megawatt Solar Facility Development

Major Land Development Project Application

Natick Avenue - Assessor's Plat 22-3; Lot(s) 108 and 119

For: Southern Sky Renewable Energy RI, LLC

Prepared By: Pimentel Consulting, Inc.

3 December 2018

INTRODUCTORY STATEMENT

Southern Sky Renewable Energy RI, LLC (hereafter 'applicant') has retained my professional land use planning and zoning consulting services, in order to evaluate the proposed '**By-Right**' 8.1 Megawatt 'Solar Power Facility' (hereinafter 'Solar Facility') development. The referenced solar facility development has been deemed a Major Land Development Project, pursuant to the Subdivision and Land Development regulations. Considering the development is defined as a Major Land Development Project (hereinafter 'Major LDP'), it entails three-stages of formal review (Master, Preliminary, and Final Plan), with the Master Plan stage conceptually vesting the project provided it can be shown to be consistent with the local Comprehensive Plan and in accordance with the respective Major LDP 'standards' of review.

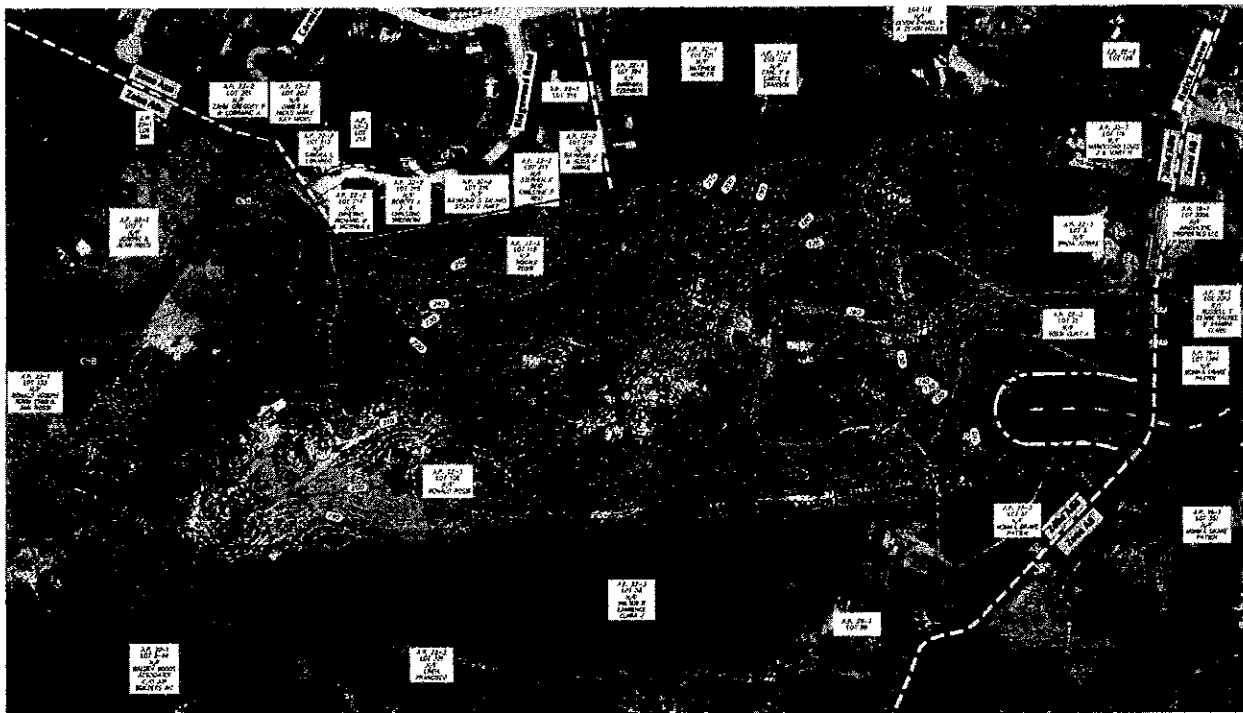
The proposed solar facility is permitted as a matter-of-right, and will be designed in such a manner to realize full dimensional compliance; the applicants desire to introduce a development that compliments the surrounding neighborhood and furthers the Community's clean energy aspirations. The proposed solar facility will not only realize provision of clean, efficient and affordable energy (both locally and regionally), in furtherance of the respective City of Cranston Comprehensive Plan, Zoning Ordinance and State Energy Plan goals and objectives (said goals and objectives being **quite recently** reflected in an amendment to the local Comprehensive Plan), but also contribute to the economic well-being of the community by introducing a new tax generating stream. Solar facility developments, unlike other utilities, contribute on a variety of levels without any corresponding negative concerns, such as may be associated with the introduction of wind turbines.

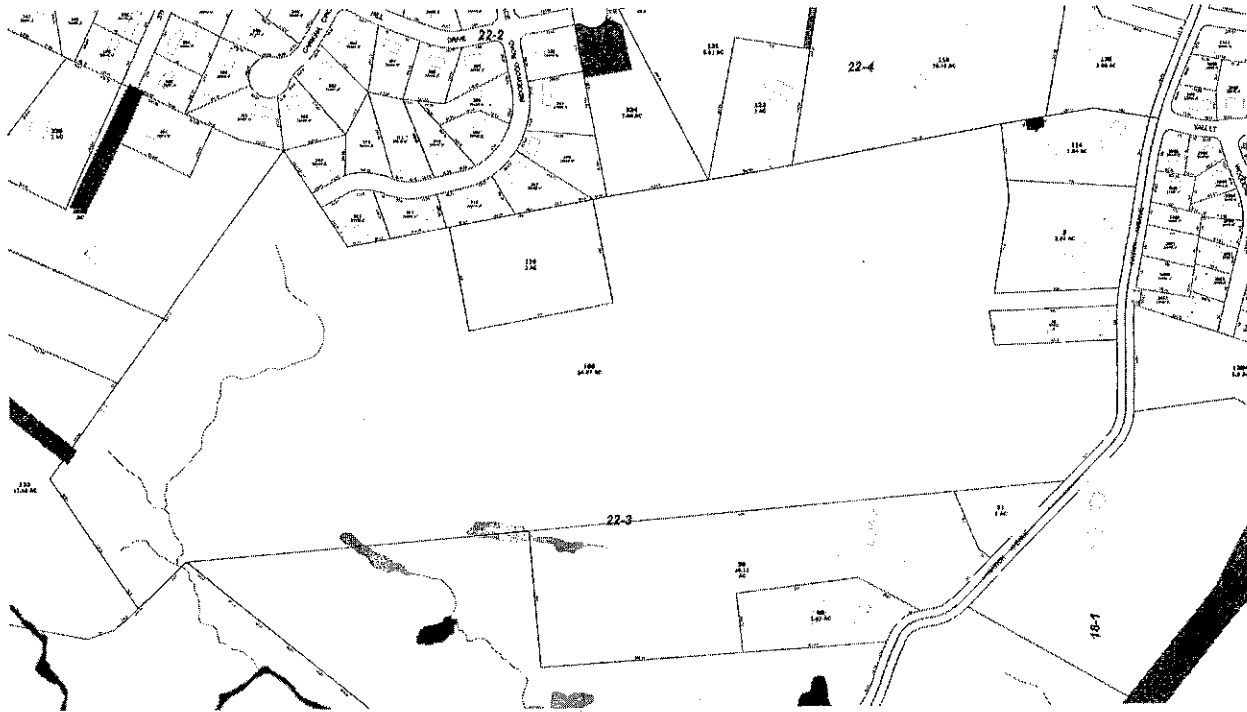
In light of the referenced Solar Facility Development, this land use consultant has conducted a thorough analysis of the respective application, site plan and supporting project materials, as well as the following regulatory documents: City of Cranston Comprehensive Plan 2010 - Amended 2 May 2017: 'Renewable Energy Production' Supportive Goals and Objectives (hereinafter 'Comprehensive Plan'); Zoning Ordinance (hereafter 'Ordinance'); City of Cranston Subdivision and Land Development Regulations (hereinafter 'LDP Regulations'); RI Comprehensive Planning Standards Manual - Revised 14 June 2018 (hereinafter 'Standards Manual'); RI Comprehensive Planning Standards Guidance Handbook Series - Guidance Handbook No. 9 - Planning for Energy - Revised June 2018 (hereinafter 'Energy Guidance Handbook'); State Guide Plan Element Report # 120 - Energy 2035 - Rhode Island State Energy Plan - Approved 8 October 2015 (hereafter 'State Energy Plan'); as well as conducting a thorough analysis of the immediate Natick Avenue neighborhood, said analysis including several site inspections and reviewing Property Record Data for purposes of determining neighborhood appropriateness. The purpose for the subject analysis is two-fold: evaluate the

appropriateness of the proposed solar facility development, in light of the 'standards' for the granting of the Major LDP; as well as render a professional opinion on the consistency of the overall proposal with the recently amended Comprehensive Plan as well as Energy Guidance Handbook.

GENERAL PROPERTY AND NEIGHBORHOOD DESCRIPTION

The property that is the focus of the solar facility development is located directly off of Natick Avenue, and has a secondary access point from the terminus point of Ridgewood Road. The subject property, being further described as Assessor's Plat 22-3, Lot(s) 108 and 119, contains slightly in excess of 64-acres (hereinafter 'Property'). The Property is extensively vegetated, having mature trees throughout (less the lower southwest corner), thereby evidencing the ability to properly screen any future development. Present growth that can serve as a natural buffer, will not only be maintained, but also enhanced (as needed) with the introduction of appropriate new plantings. Although, there is small wetlands pocket located amidst the south-east corner of the property, all requisite setbacks and other safeguard measures will be properly instituted, averting any negative impact. Regardless of the referenced wetlands presence, the property is nevertheless quite suitable for other forms of development, most notably being fiscally draining residential development. The property is illustrated below, as excerpted from DiPrete Engineering (project site plan submission) and the City's GIS, respectively.





The property is zoned Residential A-80 District (hereinafter 'A-80 District'), defined pursuant to Section 17.08.10 'Zoning Districts', as follows:

Section 17.08.010 - Zoning districts - *"This zoning chapter divides the city into zoning use districts, which include overlay districts and floating zone districts. Regulations and standards are set forth for each land use, type of development or type of building or structure within each district. Zoning use districts are depicted by type and location on the zoning map."*

A-80 District - *"Single-family dwellings on lots of minimum areas of eighty thousand (80,000) square feet."*

Considering the quite recent amendments to the Comprehensive Plan, and equally, adoption of 'Solar Power Performance Standards,' it is abundantly clear that the City of Cranston supports the development of solar installations for purposes of realizing renewable energy. It is also well recognized that such developments necessitate large acreage, the sole remaining accommodating sites being located in the western portion of the City, and thus the reasoning for permitting solar power installations as a matter-of-right within the A-80 District.

The following recently adopted Comprehensive Plan [Page 22] amendments (which establishes the foundation for the regulatory Ordinance language supporting solar energy), as well as

'Zoning Map' extracted from the Comprehensive Plan, corroborates both the fact that the vast majority of solar installations will occur within the A-80 District as well as the more specific appropriateness of the subject development.

Land Use Plan Element - Key Strategies: Renewable Energy Production and Consumption

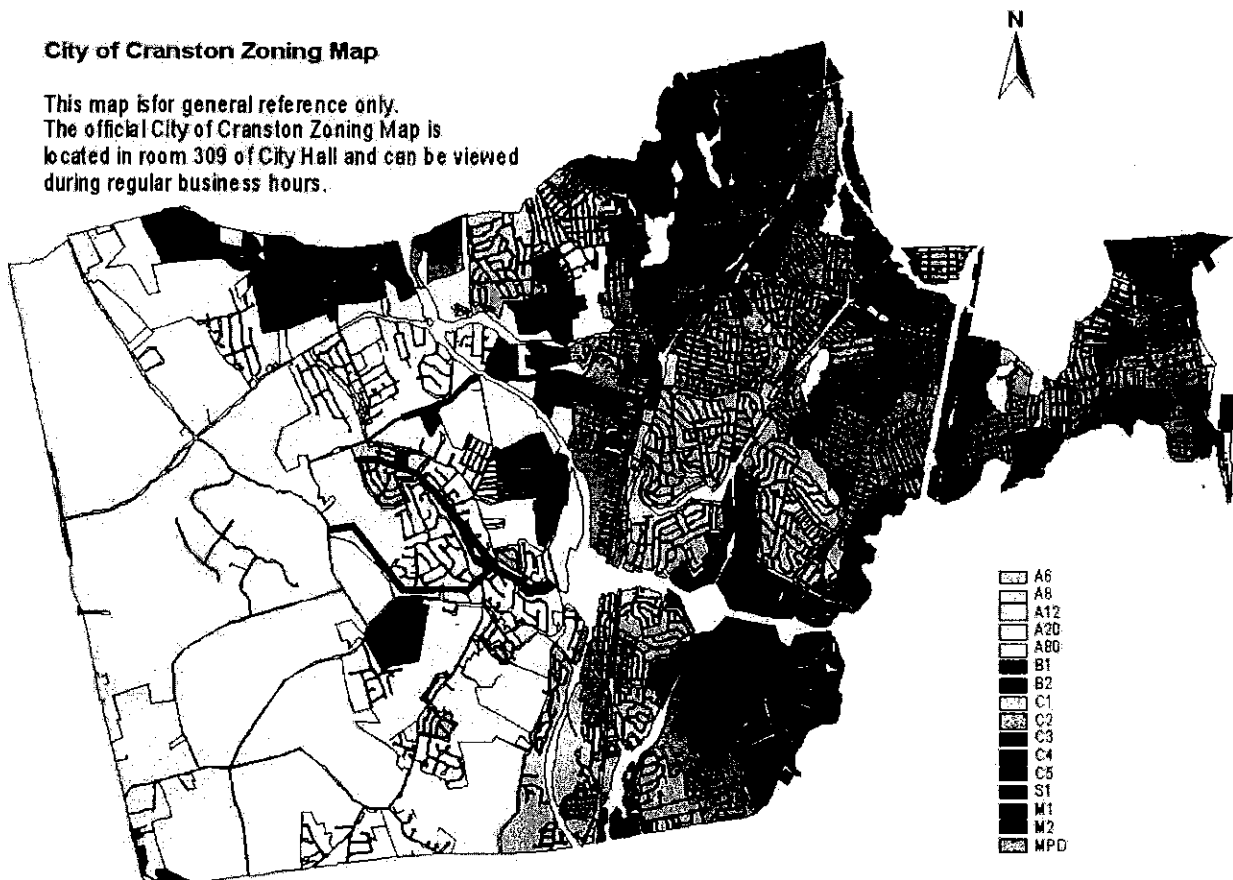
"Cranston should actively encourage the availability and implementation of energy infrastructure throughout the City. For example, the Zoning Ordinance should permit the development of renewable energy production facilities in appropriate areas, including, without limitation, in the A-80, M-1, M-2 and S-1 zoning districts, and should promote the development of multiple renewable energy production facilities within the City. Development of such renewable energy production facilities can advance the City's goals of developing the City's economic resources while limiting the impact of development on surrounding areas and on municipal services. Such developments also further the City's low-impact and green development objectives by improving air quality and reducing reliance on traditional energy sources."

"The Zoning Ordinance should be modified to identify which types of renewable energy production facilities are to be allowed within the City, the zoning districts in which such facilities are to be located, and the standards by which such facilities are to be developed."

"Ground-mounted solar power facilities are a main type of renewable energy production, and it is encouraged that the Zoning Ordinance be amended to allow this type of renewable energy production within the City, including within residential and commercial zoning districts."

City of Cranston Zoning Map

This map is for general reference only.
The official City of Cranston Zoning Map is located in room 309 of City Hall and can be viewed during regular business hours.



Map 2-2 City of Cranston Zoning Map

Preservation of land resources is well detailed throughout the Comprehensive Plan, especially in regard to Western Cranston where the few remaining large lots and those attributed to agricultural practices are located. However, by-right residential development will most assuredly extinguish any ability of realizing said preservation, most assuredly any opportunity for farming related activities in the future. The Comprehensive Plan [Pages 7 - 8] not only details this point, but proffers renewable energy production as one method of averting permanent loss.

ELEMENT 2: LAND USE PLAN - "Rhode Island Comprehensive Planning and Land Use Regulation Act Goals."

"To promote orderly growth and development that recognizes the natural characteristics of the land, its suitability for use, and the availability of existing and proposed public and/ or private services and facilities."

"To encourage the use of innovative development regulations and techniques that promote the development of land suitable for development while protecting our natural, cultural, historical, and recreational resources and achieving a balanced pattern of land uses."

LUG-1 - "Preserve the rural quality and critical resources of Western Cranston through appropriate land use controls." [Page 8]

LUP-1.3 - "Preserve existing farmland and recreational open space areas through land use regulation and taxation policies. Preserve existing farmland and developable land that is currently undeveloped, by temporarily removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power."

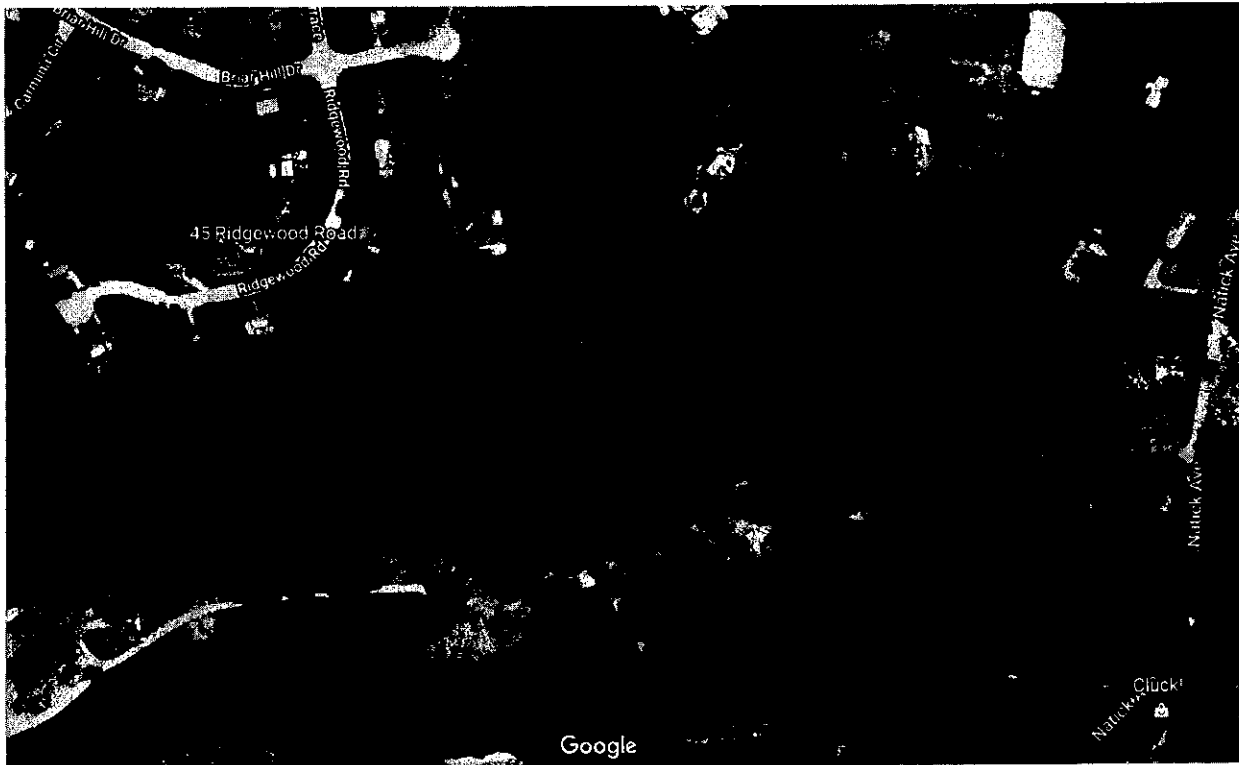
To reiterate, the property is already well vegetated, and therefore will properly screen any future development. Regardless, whatever additional vegetation is necessary, will be properly introduced. Only a smattering of homes are within proximate distance of the property; with the nearest residence being situated within approximately 200-feet, otherwise, the majority of residences are at least several hundred feet distance. However, regardless of distance, vegetative buffering (both present and proposed) will assure that surrounding residences are afforded as much visual screening as absolutely possible. The following illustration (excerpted from Google Earth), exemplifies this point, reflecting existing conditions.

GENERAL 'SOLAR POWER' DEVELOPMENT PROPOSAL

The applicant seeks to introduce a 'By-Right' Solar Facility, in accordance with the 'Table of Use Regulations', of the Ordinance. The proposed solar facility installation is in direct accord with the recently amended Comprehensive Plan, as evidenced by the following:

Element 4: Economic Development Goal and Policies [Page 12]

EDG-2: "Attract capital into the Cranston area and expand the City's economic base."



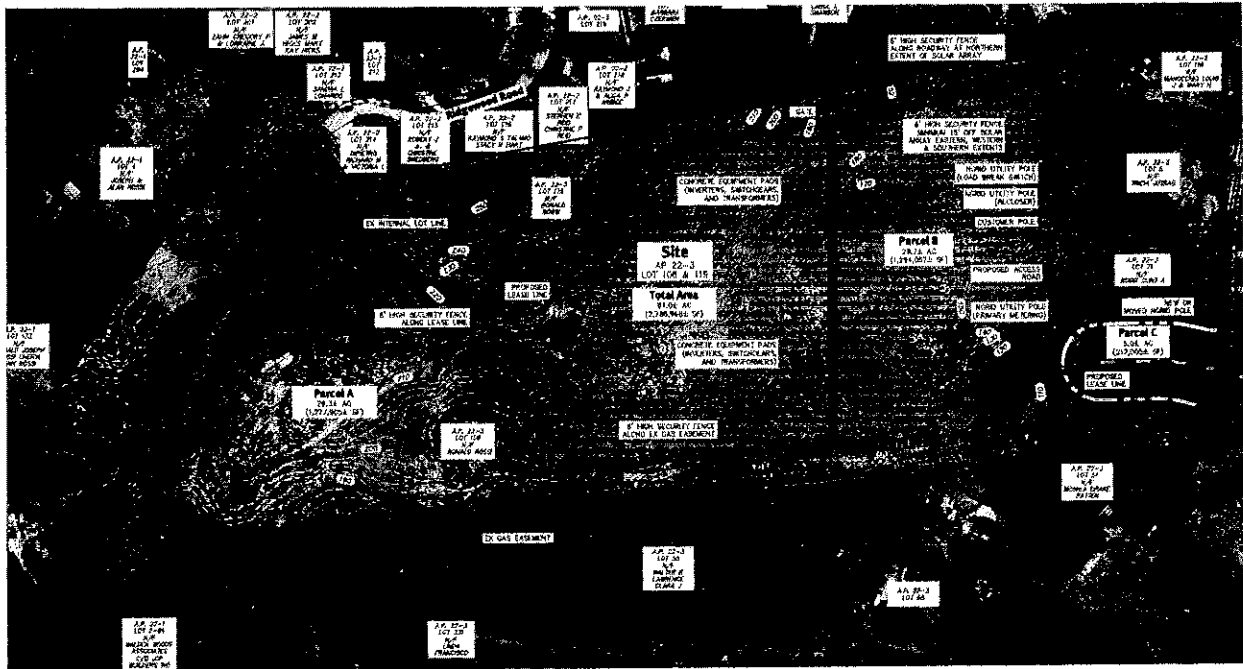
EDP-2.4: "*Encourage the development of renewable energy facilities.*"

Element 5: Natural and Cultural Resources Goals and Policies [Page 14]

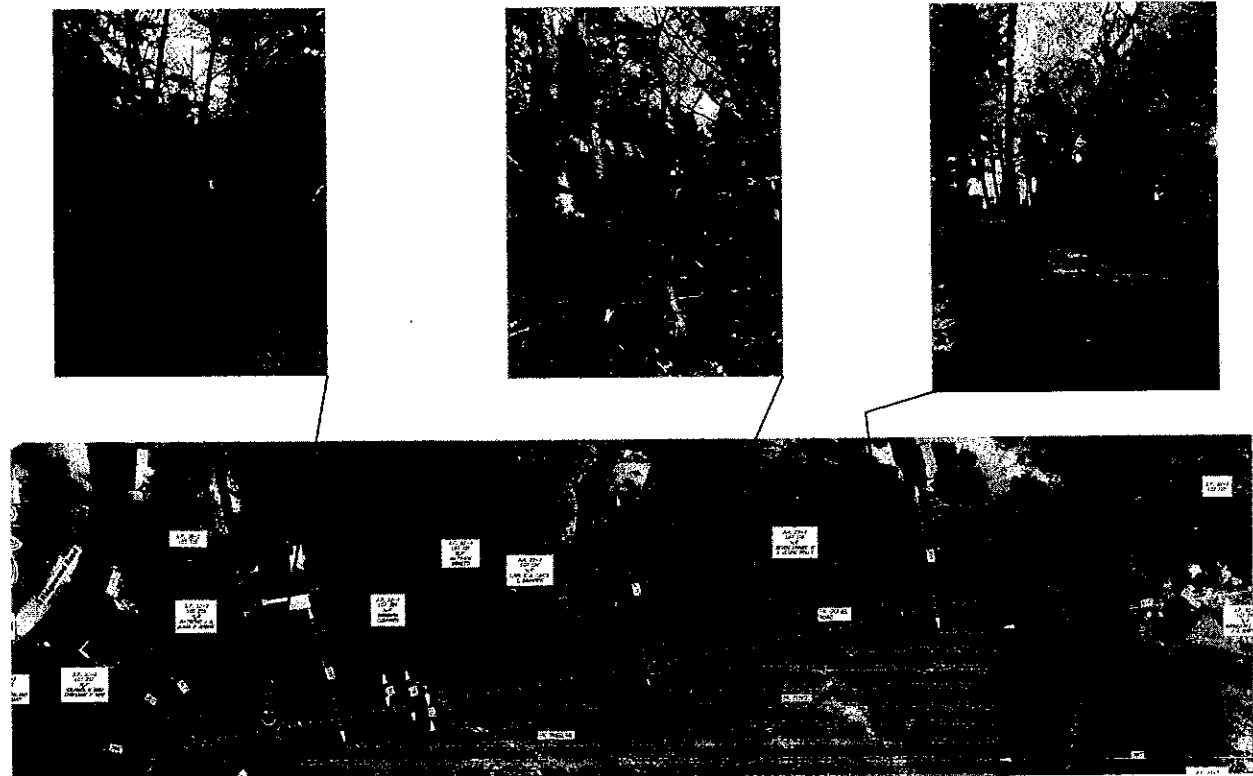
NRG-1: "*Protect and enhance Cranston's natural environment and resources. Establish a balance between natural resource protection and growth-related needs.*"

NRP-1.9: "*Encourage the development of renewable energy facilities in appropriate locations supporting economic growth while fostering low impact development.*"

The proposed Solar Facility development will be primarily situated throughout the easterly portion of the property, directly off of Natick Avenue. The total solar array installation lease area will be approximately 30-acres, and accessed throughout by a 'pervious' gravel driveway. In fact, clearing will be limited to what is absolutely required for array installation, and vegetative materials planted to assure minimal, if any, impervious surface coverage. Greater than one-half of the land resources will remain in a naturally vegetated state, to include throughout the westerly portion of the property and circumventing the development proper. The proposed development is illustrated below, excerpted from the DiPrete Engineering - Site Plan Package.



To reiterate, there are only a smattering of residences situated in proximity to the proposed Solar Facility development, a handful of which are approximately 200-foot distance. DiPrete Engineering prepared a modified 'View Shed' analysis (furnished below) to illustrate how present conditions are already well-vegetated. One again, it must be emphasized that existing conditions will be enhanced (as required) by additional plantings.



Furthermore, given the overall minimized height of the proposed solar panel array (maximum 12-feet in overall height), and present thick vegetation to be maintained as a natural buffer, it is difficult to comprehend how any possible visual, or other negative impact, could possibly be realized. The proposed Solar Facility development, unlike other 'permissible' land uses, such as a residential subdivision, will occupy the property for some period of time, but is not permanent. The Solar Facility development is therefore quite appropriate given its limited size, limited disturbance, and having a defined period of operation. Therefore, reuse for alternative solar energy purposes, is directly in accord with the Comprehensive Plan. The subject Solar Facility development maintains the rural landscape and averts straining otherwise non-present municipal resources (i.e., water and sewer), while attaining reasonable economic development.

Although, a formal yield plan was not prepared, the drafted conceptual plan acknowledges that given existing Ordinance and Land Development regulations, which permits a density of one-unit per two-acres, it is quite plausible that the Property could very well accommodate upwards of residential units. Such information is both important and useful. It not only addresses property intensity, but also, long-term impact. A 'by-right' residential development realizes permanent, and potentially inappropriate, property and neighborhood alteration. These include roadway infrastructure, vast land clearing, and potentially negative economic impacts (i.e., education).

COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

As has been repeatedly detailed throughout this report, the Comprehensive Plan was recently amended for the express purpose of recognizing the importance of solar as an acceptable renewable energy source and its appropriateness within the A-80 District. To that end, both the Comprehensive Plan and Ordinance language, alike, were accordingly amended. The referenced language amendments, now provide the regulatory foundation for establishing the supportive performance standards. The referenced amendments, evidencing clear consistency, are as follows:

Table 2-4 Smart Growth – Green Development Action Items: Land Use Action Program

LU-10 - "Preserve agricultural lands."

- o "Temporarily removing the development potential of the land located in western Cranston [land banking] by allowing the land to be used for passive alternative energy generation, such as solar power." [Page 48]

Table 2-5 Summary of the Actions and Responsibilities for this Plan

LU-10 - "Preserve agricultural lands."

- o **"Temporarily removing the development potential of the land located in western Cranston [land banking] by allowing the land to be used for passive alternative energy generation, such as solar power."** [Page 53]

Part III. Strategies and Actions [Page 85]

Renewable Energy Production and Consumption

"Cranston should develop renewable energy infrastructure for the benefit of the private sector to spur economic activity in the City. Cranston aims to show a continued commitment to environmentally-friendly policies, which in turn will cause businesses to generate renewable energy and benefit from savings that will generate construction jobs, pay for better employee benefits and/or be reinvested in the community. Moreover, the development of renewable energy infrastructure within the City may result in additional tax revenue, jobs and overall economic activity within the City."

The referenced Comprehensive Plan language amendments are in direct accord with the various State Guide Plans (as approved by the State Planning Council), specifically the State Energy Plan. The overall goal of the State Energy Plan is to realize provision of cleaner, more efficient energy, to meet the need of residents and business community alike. Therefore, the statewide directive, downward directed to the individual municipalities, is to carefully consider all energy proposals, introducing regulatory standards as required. This includes all renewables, such as wind, solar, and hydro, as well as more efficient non-renewables given the understanding that an effective statewide energy program must be dependent upon and inclusive of a variety of sources.

Energy Guidance Handbook

Standard 9.2.B - "Include one or more implementations action within the Implementation Program that address:" [Pages 9 - 10]

"Adopting zoning policies and siting standards for renewable energy production facilities."

"It is important that local zoning ordinances address renewable energy production facilities. To provide clarity to the development process, zoning ordinances must include identification of which types of renewable energy production facilities will be allowed within the municipality, whether it be within specific zoning districts, or for the municipality as a whole. Additionally, when appropriate, zoning ordinances may include siting standards for allowed renewable energy production facilities in order to dictate the placement and size of the facilities within a property."

"The main renewable energy production facility types that municipalities are likely to encounter are solar and wind, and, to a lesser extent, hydropower and anaerobic digestion. Municipal ordinances should consider all of the various types of renewable energy production facilities, in which districts they may be appropriate and what dimensional constraints might be reasonable."

RECOMMENDATION 9.4 - "Include implementation actions within the Implementation Program that address: Enabling the development of renewable energy production facilities by the private sector." [Page 14]

In fact, considering the litany of 'permissible' land uses, not the least of which is a by-right residential subdivision, a solar facility development will have little to no disturbance and negative impact on the overall low-density character of the surrounding neighborhood. The first component of assessing Comprehensive Plan 'consistency,' is to investigate those characteristics that are otherwise deemed important from a protection / preservation perspective, and deducing whether introduction of a solar farm will have any consequential impact. DiPrete Engineering has carefully considered all of the pertinent resource and environmental assets, and concluded that there do not appear to be any concerning details. DiPrete Engineering (as excepted from their site plan package), has concluded that the **property is not within** any of the following:

- o Groundwater Protection Area.
- o Community Wellhead Protection Area.
- o Natural Heritage Area.
- o Groundwater Protection Overlay District.
- o S.A.M.P. Area.
- o Non-Community Wellhead Protection Area.

Furthermore, DiPrete Engineering (once again as excepted from their site plan package), has concluded that the **property does not contain** any of the following:

- o Historically significant sites or structures.
- o State or local historic sites, districts, or cemeteries.
- o Archaeologically significant sites.
- o State designated scenic area.

The proposed Solar Facility development does not necessitate any infrastructural improvements, and instead of depleting, will in fact contribute economically, by establishing an additional revenue stream without any of the negative concerns associated with a 'true' commercial and/or industrial venture. It is clear from the preceding statewide directives that the City of Cranston has appropriately amended its Comprehensive Plan to realize consistency, resulting in the similarly appropriate 'alternative energy' Ordinance regulations.

REGULATORY CONSISTENCY ANALYSIS

This section addresses the requisite standards for the Granting of the Major LDP.

LDP Regulations - 'Section III - General Requirements:'

H. Required Findings - *"The requirements listed below shall be applicable to all subdivisions and land developments submitted for approval, unless otherwise specifically provided. Prior to final approval or any subdivision of land development project regulated herein, the Commission, or unless otherwise designated by the Commission, the Administrative Officer shall address the general purposes cited in RIGL 45-23-30 and Section 1(c) of these regulations and shall make positive findings on all of the standards listed below for the project record.8 If a negative finding for any of these standards is made, the Planning Commission shall have grounds for denial of the project design."*

1. *"Each subdivision or land development project shall be consistent with the requirements of the City of Cranston Comprehensive Plan or shall satisfactorily address the issues where there may be inconsistencies."*

The thorough analysis of the Comprehensive Plan, inclusive of recent amendments, illustrates clear and indisputable consistency and support for the proposed development.

2. *"For subdivisions, each lot shall conform to the standards and provisions of the Cranston Zoning Ordinance..."*

The proposed development will realize full dimensional compliance.

3. *"There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval."*

Once again, a thorough and careful consideration of the Comprehensive Plan was conclusive in detailing the non-presence of any pertinent protective resources. Besides, a solar installation has little to no impact on a property, because it requires no public resources. Expert testimony will be provided further evidencing compliance.

4. *"The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable."*

The property has some minor constraints resulting from a pocket of on-site wetlands, nevertheless the said wetlands will be accorded all regulatory setbacks and buffering.

5. *"All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on an accepted or approved street without physical access shall not be considered compliance with this requirement."*

The property will continue to have permanent and direct physical access to Natick Avenue.

6. "Each subdivision and land development project shall provide for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community."

7. "The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding and soil erosion."

Expert testimony will be provided addressing each of the respective design elements. Needless to say, solar facility developments require few, if any, resources, and are therefore the most respectful of the environment and character of surrounding neighborhoods.

It should also be noted that the proposed development will be fully compliant with all respective solar installation performance standards pursuant to Section 17.24.020, inclusive of site preparation, lighting, and noise.

CONCLUSION

It is the professional opinion of this land use planning consultant that the subject request to introduce a Solar Facility amidst the subject property, and general Natick Avenue neighborhood, will be consistent with the goals and objectives of the Comprehensive Plan and State Energy Plan, and therefore appropriate for the granting of the Major LDP. My professional opinion is based upon the manner in which the proposed system(s) can be well incorporated into the overall fabric of the surrounding neighborhood - a non-intrusive land use that will be well-buffered, while providing clean efficient and less costly energy, and realizing an additional much-needed revenue stream.

MINUTES

December 4, 2018

Chairman Smith called the City Plan Commission Meeting to order at 7:05 p.m. in the City Council Chamber.

The following Commission members were in attendance:

Michael Smith, Chairman
Fred Vincent, Vice-Chair
Ken Mason, P.E.
Kimberly Bittner
Robert Strom
Kathleen Lanphear
Steven Spirito
Ann Marie Maccarone

Also present were:

Jason M. Pezzullo, AICP, Planning Director
Stephen Angell, Esq.
Douglas McLean, AICP, Principal Planner
Joshua Berry, AICP, Senior Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. Spirito and seconded by Ms. Bittner, the Commission unanimously voted to approve the minutes of the November 7, 2018, City Plan Commission Meeting with a minor correction.

SUBDIVISIONS AND LAND DEVELOPMENTS

Natick Avenue Solar

Master Plan - Major Land Development (30 Acre / 8MW Solar Farm on 64 acre site)
Natick Avenue
AP 22, Lots 108 and 119

Mr. Joshua Berry, Senior Planner, presented the proposal to develop, install and operate an approximate 8.1 megawatt (dc) ground mounted solar energy farm on a 29.7 acre area within a 64 acre site comprised of two lots located within an A-80 zone. There are two areas of the site that will not be utilized by the project (designated as 'Parcel A' and 'Parcel C' on the Site Plan) which are a hayfield/Christmas Tree farm/woodland area (approximately 29.3 acres) and a wetland area, respectively, and are proposed to remain as such. The site is covered with existing vegetation as well as topography sloping toward an existing wetland area in the southeast portion of the property. The proposed project includes the clearing and grading as necessary to install the ground mounted solar arrays, associated electrical equipment (inverters, switchgears and transformers), and the gravel roadway providing access to the solar farm and the portion of the property to the west of the proposed solar farm (currently labeled 'Parcel A' on the Site Plan). The proposal includes a planting plan to buffer the project from adjacent residential communities,

which will be reviewed in further detail at the Preliminary Plan phase. He further stated that the proposal is consistent with the Future Land Use Plan of the Comprehensive Plan. He explained how the developer proposes an access roadway to access the overall array. The closest arrays are proposed approximately 400 ft. from Natick Avenue. A conceptual development plan was also provided by the applicant, Southern Sky Renewable Energy (SSRE) as well as “view shed” conceptual photos of existing conditions and the possible planting screening areas from abutting properties.

Attorney Robert Murray, on behalf of property owner Ronald Rossi and SSRE, reminded everyone that the proposal is at Master Plan, which is the conceptual plan stage, and the proposed use is allowed “by right” under the City’s zoning code. He stated that this is the sixth solar project proposed in the city by developer SSRE. He stated that a neighborhood informational meeting was held by SSRE last week (the week of 11/24), which was attended by many residents. He reassured everyone that the project will be subject to disturbance limitations per the city requirements and will be subject to review by the Conservation Commission as well as the Development Plan Review Committee (DPR). He further stated that the noise will not exceed 40 decibels and that “noise will not leave the property”. He also assured everyone that a performance bond will be provided in order to ensure removal of the project at the end of the 25-year lease period.

Mr. Ralph Palumbo, President, SSRE, stated that he has built and managed 30 solar projects in Rhode Island and Massachusetts. He stated that it is his intent to be respectful of the City’s regulations. The site will be visited once a month for periodic maintenance and be monitored remotely with state-of-the-art equipment.

Mr. Dave Russo, P.E., DiPrete Engineering, explained the physical characteristic of the site, stating that the wetland area is in the southeastern corner (it is a five acre swamp wetland). There is a 50 ft. wide Tennessee Gas Pipeline (TGP) easement to the south and the developer is prepared to work with them regarding site work. No buffer is proposed on the south side due to the pipeline easement. He stated that “there are some cleared areas with access roadways”. A 20 ft. wide gravel access road is proposed through the site with a gate on the north side. A six-foot high chain link fence, 2-3 inches off the ground (for wildlife access) is proposed. Larger trees will be removed where necessary and supplemented with screening plantings. The panels will face south, with meadow grass below, which will be mowed periodically. A soil erosion control plan is required per state law (silt fence and compost “sock”), as well as an operation/maintenance plan. He stated that solar fields “have no real impact on hydrology”, and stormwater runoff will not increase, also consistent with RIDEM requirements. He stated that the property slopes east to west, and the developer will work with a “solar racking company”. He closed by stating that no lighting or sewer/water connections are necessary.

Attorney Murray stated that “Kinder Morgan maintains the TGP and should blasting be required within 100 ft. of the pipeline, a seismologist and other regulatory precautions are required. He stated that at this time “he is not prepared to say whether or not there will be blasting”, however, the State has a specific process for any specific blasting regulatory requirements.

Mr. John Carter, registered landscape architect, stated that there are residences to the north and east and one home to the south. Mr. Rossi’s farm is located to the west. He stated that “a stakeout” would be done whereas any abutters will be able to visualize what trees would be saved or cut, and what screening would be required. The southeast corner of the site will receive “restoration planting”. When clearing is done, the site will be analyzed and receive “in-fill” plantings (as depicted on the powerpoint presentation). Attorney Murray stated that he has written to four abutters committing to provide plantings that are satisfactory to them and acceptable to SSRE. The buffering and planting plan is not finalized and will be further scrutinized by the Cranston Conservation Commission and the Cranston Development Plan Review Committee prior to appearing back before the Plan Commission for consideration of any future approvals.

In planning consultant Edward Pimental’s absence, Attorney Murray presented his report. Mr. Pimental’s report pointed out that the solar project is a form of “land banking”, as referred to in the Comprehensive Plan. Attorney Murray also pointed out that “National Grid has an obligation to connect this project to the grid”. The power generated will travel north on Natick Avenue to Wilbur Avenue, ending at the Laten Knight Road sub-station. Three-phase wiring with new 45-foot tall poles are expected to be required for the interconnection.

Six thousand linear feet of replacement poles are expected to be required (poles 29-73) as well as tree trimming along this route.

Mr. Berry then gave his analysis, stating that in 2017, the City passed Ordinance 01-17-11 "Solar Performance Standards" to amend the Comprehensive Plan to specifically promote solar land uses as a policy stance in support of renewable energy. The following language was added to the end of Land Use Plan 1.3, "Preserve existing farmland and developable land that is currently undeveloped, by temporally removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power." Additionally, the Economic Development Element and Natural Resources Element were also amended to include encouragement of renewable energy facilities. Ordinance 01-17- 11 establishes clear policy guidance for staff to support the proposed land use, which is a use allowed by right in A-80 zoning. Staff supports this project due to its consistency with the current policies and zoning regulations, but still has concerns with some of the details of the proposal at this early conceptual stage of design detail.

Conditions of Approval

1. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan approval process. Required changes to the Buffering Planting Plan may result in alterations to the current proposed layout of the solar installations.
2. The applicants shall receive Preliminary Development Plan Review Committee approval **prior** to submission of a Preliminary Application with the Planning Department.
3. The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.

Ms. Barbara Sherwin, 105 Briarhill Drive, expressed concern with the proximity to her property (50 ft.) and blasting.

Mr. Walter Lawrence, 745 Natick Avenue, expressed concern with blasting and noise from blasting, lightening, drinking well damage and damage to septic systems. He also stressed that no chemicals be used on vegetation.

Mr. Vincent Moses, 826 Natick Avenue, stated that he is opposed to the project. He began by criticized the quality of the Plan Department's PowerPoint presentation and projection quality, expressed concern with blasting and harm to his well seeking "indemnification", water runoff and proper drainage being provided, the height of the new poles and perimeter fencing and its' effect on wildlife. He suggested burying the transmission lines and providing sidewalks for safe pedestrian travel. He also asked how this project benefits the city.

Mr. Douglas Doe, 178 Lippitt Avenue, stated that he is an abutter to the Lippitt Avenue solar development project. He expressed concern with ledge and the removal of topsoil. He stated that "dirt, rocks and tree debris is all that remains on the Lippitt project". He stated that there is glare from the new racks such that it required him "to close his shades in the middle of the day". He stated that solar projects are not "removing the development" potential. He also pointed out that the city's locally amendment relating to solar farms and land banking is a fallacy. He urged the Commission to do a site visit and to continue this matter.

Ms. Rachel Clark, 41 Woodcrest, stated that six years ago a three lot subdivision was approved by the Commission that required blasting. She stated that the project "is yet to be completed and the blasting was extensive". She mentioned actions taken by the Towns of Westerly and Tiverton in regard to solar projects. She also expressed concern with what will eventually happen to the solar panels in 25 years and the possibility that they end up "in the landfill".

Attorney Patrick Dougherty, 887 Boston Neck Road, on behalf of some of the property abutters, stated that he had never been to that area and stated that “it is a beautiful area”. He stated that “there is not sufficient detail to move forward” with a decision. He stated that “one can cherry pick elements of the Comprehensive Plan to make them fit”. Regarding the buffer proposed, he stated that it is “insufficient” and further stated that “5-6 ft. white pines will take years to mature”. He expressed concern with the contours, going from 250 ft. elevation down to 110 ft. He urged the Commission to visit the site. He noted the “beautiful homes” that residents have invested. He referred to the city’s performance standards as “abysmal”. He stated that there will be a “huge environmental impact resulting from the 140 ft. contour reduction. He noted road runoff pooling in a portion Natick road several hundred feet north of the proposed entrance. He referred to Statewide Planning’s determination that solar farms are development and the use table refers to this as an industrial use. He expressed concern with the lack of “safeguards”.

Mr. Ben Ziemond, 591 Natick Avenue, urged the Commission to visit the site. He referred to the Plan Department’s presentation as “unprofessional”. He stated that there will be blasting as “the whole property is ledge”.

Mr. Russell Clark, 41 Woodcrest Ct., expressed concern with blasting and “hammering” (jackhammering) as was done at the adjacent subdivision in his area. He stated that the noise was such that “he could not use his backyard and had to leave his home”. He mentioned that the “hammering” started at 7 a.m. and on weekends as well. He asked that “the rock crushing” not be done on weekends. He stated that it is “neighborhood lore” that “the area is all ledge”. He expressed concern with stormwater control and that the “right engineering” should be conducted.

Ms. Jessica Marino, 799 Natick Avenue, stated that she has lived there for twenty years. She stated that “Mr. Murray is a “zealous advocate” for his client and the Commission is the “firewall”. She asked that the mistakes made regarding the other solar projects not be repeated. She expressed concern that TGP had not been contacted by the applicant, noting that the pipeline is “an intercontinental high pressure gas line”. She also expressed concern with the size and anchoring of the proposed new poles, stating that the street is narrow and “poles have frequently been hit” (by cars). Lastly, she expressed concern with the removal of trees and re-vegetation.

Attorney Murray addressed the concern about the TGP, stating that they have an easement across Mr. Rossi’s property. He reiterated that he does not know yet know if blasting will be required but assured everyone that the proper permits/agencies will be notified. He reminded everyone that Master Plan approval is what is sought at this time. He noted that water “pools” at certain areas on Natick Avenue. Regarding storm water runoff, he stated that “by law we are obligated to have no additional runoff post-development than there is now”. Regarding the new poles design and locations, he stated that they are “designed and engineered by the experts at National Grid”. Regarding possible removal of ledge, he assured everyone that “we are not talking about 7 am – 5 pm hammering”. He stated that “we are not talking about leveling the ground”. The developer will work with the slope. The panels will be “terraced” with the contours. Lastly, he stated that he disagrees with Mr. Doe’s reference to the Lippitt Avenue solar project’s non-conformity with RIDEM. He stated that there had been several heavy rain storms at that time and the issues were taken care of within two weeks. He noted that he takes offense at Mr. Doe’s “disparaging” his client, SSRE, in other venues and communities around the State, the Town of Hopkinton was noted as being one of them.

Commissioner Vincent stated that he “is impressed with the developer’s outreach to the community”. He asked, “What are we losing?” in regard to wildlife access. He stated that that information is available through the RIDEM. He also expressed skepticism that 25 homes could be built on the sloped land. He expressed concern with non-conformity with the Comprehensive Plan regarding “natural, cultural and site suitability”.

Commissioner Bittner agreed with Mr. Vincent, She stated that since the Comprehensive Plan Amendment in 2016 she has consistently asked “to pump the brakes” on solar farm approvals. She stated that she was “offended by the developer’s threat of 25 houses”. She stated that she feels that Mr. Doe is a good source of information and she appreciates his perspective on what can be expected on this site. She stated that a “more comprehensive ordinance is needed” and she doesn’t feel “this should be rushed”.

Commissioner Maccarone stated that she would like to have a site visit and expressed concern with environmental impacts. Commissioner Lanphear stated that this is a conceptual plan (Master Plan) and approval would 'vest' the developer. She stated that more 'evidence' is needed in the Findings of Fact. She also stated that thirty years is not 'temporary' regarding the desire to 'land bank'.

Chairman Smith stated that he would like an opportunity to hear from TGP and is concerned with the topography and how much ledge there may be.

A motion was made by Mr. Vincent and seconded by Mr. Mason to end public comments and continue this matter to the January 8, 2019, Plan Commission Meeting. An amended motion was made by Mr. Vincent and seconded by Mr. Mason to continue the matter and leave the public comment portion open and allow opportunity for the Commission to conduct a site visit. This motion was unanimously passed (8/0).

Attorney Murray stated that he would coordinate a site visit.

PERFORMANCE GUARANTEE

Woods at Orchard Valley

AP 28, Lot 30 and AP 24, Lot 11
Letter of Credit set to expire

Director Pezzullo stated that the property owner, Mohawk Land Investment, LLC, has requested a bond reduction. Public Works Director, Ken Mason, stated that the new bond amount will be \$100,000 and will be extended for two years. Placement of the granite bounds is outstanding and "commissioning" of the detention pond remains to be established. Upon motion made by Ms. Maccarone and seconded by Ms. Bittner, the Commission unanimously voted (8/0) to extend the new bond amount for two years.

ZONING BOARD OF REVIEW RECOMMENDATIONS

TKG CRANSTON DEVELOPMENT, LLC (OWN) and AMERICAN FREIGHT, INC. (APP) have filed an application to install new signage in exceeding the allowable size at **1808 Plainfield Pike**, A.P. 37, Lot 3, area 608,969 sq.ft. zoned C-4. Applicant seeks relief per 17.92.010 Variance, Section 17.72.010 Signs. Application filed 11/06/2018. Robert D. Murray, Esq.

Variance Request:

1. To allow a new 165.8 ft² wall sign exceeding the 30 ft² maximum wall sign area in a C-4 zone.

[17.72.010 Signs]

Although incorporated in the application, Planning staff holds that no variance is required to allow a 26.4 ft² addition (13.2 ft² each side) to an existing freestanding sign.

FINDINGS OF FACT:

1. The subject site is located in a Commercial C-4 District (Highway Business), with an approximate area of 608,969 ft². The use of the site is consistent with zoning and the City of Cranston Comprehensive Plan Future Land Use designation which calls for commercial uses. The proposal does not impair the intent or purpose of zoning or the Comprehensive Plan.
2. The sign ordinance limits wall signs to be 30 ft². The proposed wall sign is composed of two rows of letters, the top row is 28" high and 25.21' wide and the bottom row is 38" high and 33.83' wide. The application calculates the sign area as the sum of the area of the two individual rows of letters [(28" x 25.21') + (38" x 33.83')] for a total area of 165.8 ft². However, the proposal is a *single* sign, not two individual signs. Therefore, per Code Sec. 17.72.010(c), the combination of rectangles "that will encompass the extreme limits of the writing" includes the space between the two rows of letters. The correct area calculation for the proposed sign is the sum of the area of

the two rows, plus the area of the space between the rows $[(28" \times 25.21') + (38" \times 33.83') + (25.21' \times 8.3")]$ for a **total area of 183.23 ft²**. The technical correction of the sign computation is does **not** have any substantive impact on the proposal or the analysis.

3. The linear dimension of the store frontage is 77'. In comparison, Planet Fitness has 93' of frontage.
4. Other signs on the **same building** in the plaza include:
 - a. The Planet Fitness wall sign is 308.1 ft² with overall letter height of 6'-6" (78"), as well as a gear icon of 31.3 ft². The signage was approved by ZBR on 6/8/16.
 - b. The Dollar Tree sign is 107.67 ft² (3'2" x 34'). The signage was approved by Zoning Board on 12/14/11 conditioned to 38" maximum letter height maximum.
 - c. The "Kochi Sushi & Steakhouse" wall sign records could not be found.
 - d. The "Cricket" wall sign is 17.73 ft² with 24" high letters, but only has 28.2' of store frontage.

Other signs on **different buildings** on the site include:

- e. The McDonald's freestanding sign is 57.2 ft² (28.6 ft² per side). Records of the wall signage could not be found.
 - f. The total Walmart signage is 630 ft². The letters for the logo itself are 5'-6" tall. The signage was approved by the ZBR on 7/13/11.
 - g. The Subway wall sign is 20 ft² (2' x 10').
5. There were findings made by the ZBR in their unanimous 2016 approval of the Planet Fitness sign which should be considered as they may also apply to the current application. They are:
 - a. Finding #6 – The Board found that the proposed size of the sign was necessary due to the location of the unit within the shopping plaza.
 - b. Finding #7 – The Board found that the sign was not visible from Plainfield Pike.
 6. With a 5/2 vote to forward a positive recommendation on the variance request for the Planet Fitness sign, the Plan Commission recommended a limit on the wall letter height to 38" to be in character with the other storefront wall signs on the building. The proposal is compliant with the 38" letter height, although the overall sign height is 74" due to there being two rows of letters.
 7. Building is located roughly 470' from Independence Way and 135' Plainfield Pike. The wall signs will not be visible to westbound traffic on Plainfield Pike. Additionally, there are existing trees which restrict line of sight to the building from Plainfield Pike.
 8. Planning staff believes the proposed addition to the existing freestanding sign does not require a variance. The approval of the freestanding sign is based on total area of the structure supporting the sign, not the compartmentalized 13.2 ft² addition of content on the existing freestanding structure. The sign will be in consistent in size with the other existing commercial signs.
 9. There is no record of a permit for the existing temporary banner sign.

ANALYSIS:

The applicant is a tenant in the shopping plaza at the southeast corner of Plainfield Pike and Independence Way, just south of the Johnston/Cranston border. The property is in a C-4 commercial zone (Highway Business), which permits the applicants retail furniture sale as an allowed use. The applicant is requesting wall signage beyond what is permitted by code; 183.23 ft² where 30 ft² is allowed.

As the request is 610% larger than the required maximum, it is evident that either the application or the sign code is inappropriate in this instance, staff finds it to be the latter. The plaza is a relatively large site, 608,969 ft² in area, with the vast parking lot and McDonalds in the 470' between Independence way and the multitenant commercial building. The strict application of the code would limit the wall sign to 30 ft²,

which would be completely illegible considering the distance from the access road to the building. The sign ordinance is more appropriately applied to commercial buildings on their own lots, built closer to the street. Therefore, relief from the sign regulations is warranted.

There have been multiple variances granted for signage on site, most relevant are the sign for Planet Fitness and Dollar Tree. Planet Fitness, which is the abutting tenant to American Freight, has a 308.1 ft² wall sign with overall letter height of 6'-6" (78"), as well as a gear icon of 31.3 ft². The Planet Fitness sign is 185% the area of the proposed American Freight sign and Planet Fitness has 121% the store frontage of American Freight. The 107.67 ft² Dollar Tree sign was approved with the condition of 38" letter height maximum, for a storefront of 80'.

Staff finds grounds for the variance request on several fronts. The variance request is comparable to the other existing signs and variance approvals in the plaza, so the strict application of the code would disproportionately fall on this applicant. The distance between the street and the building can be considered a unique characteristic of the property that is not due to the physical or economic disability of the applicant. The sign ordinance does not appear to appropriately accommodate the particular set of conditions, and in this circumstance, relief would not alter the character of the area or undermine zoning or the Comprehensive Plan.

RECOMMENDATION: Due to consistency with the previous ZBR approvals on site, and finding that the sign will not alter the character of the area or undermine zoning or the Comprehensive Plan, on a motion made by Mr. Mason and seconded by Mr. Spirito, the Plan Commission unanimously voted (7/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

NATHAN L. BEAUVAIS and HEATHER BEAUVAIS (OWN/APP) have filed an application to convert an existing dwelling to a two-family dwelling at 41 Alto Street A.P.7, Lot 561, area 4,400 sq.ft. zoned B1. Applicant seeks relief per 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations. Application filed 11/07/2018. Stephen Levesque. Esq.

VARIANCE REQUESTS:

All requested relief is for existing conditions. No physical changes to the structure or lot are occurring as part of this application.

1. To maintain an existing two-family dwelling on a 4,400 ft² lot where 8,000 ft² is required. [17.20.120 Schedule of Intensity Regulations]
2. To maintain an existing two-family dwelling on a lot with 40' of width/frontage on Alto Street where 60' is required. [17.20.120 Schedule of Intensity Regulations]
3. To maintain an existing two-family dwelling that encroaches in front and side setbacks. [17.20.120 Schedule of Intensity Regulations]
4. To maintain an existing two-family dwelling with a lot coverage percentage in excess of the required 35%. [17.20.120 Schedule of Intensity Regulations]

FINDINGS OF FACT:

1. The subject property is zoned B-1 as is a non-conforming lot with 4,400 ft² of lot area and 40' of frontage. B-1 zoning is intended primarily for the use of single-family and two-family dwellings (17.08.010 Zoning Districts).
2. The lot is currently occupied by a structure that has historically been used as a two-family dwelling. Additionally, the property has been taxed as a two-family dwelling for at least 34 years (based on 1984 Cranston Tax Assessors records).
3. The property has not been legally established as a two-family in Cranston's land use records.
4. The current property owner bought the property in 2012 with the intention of continuing use as a two-family.
5. The minimum lot area for a two-family dwelling in a B-1 zone is 8,000 ft². Therefore, relief is requested in the amount of 3,600 ft² to maintain the existing condition of 4,400 ft².

6. The minimum frontage for a lot in a B-1 zone is 60'. Therefore, relief is requested in the amount of 20' to maintain the existing condition or 40' of frontage.
7. The minimum front yard setback for a lot in a B-1 zone is either 25' or the average setback of abutting building on the same street within 200'. The applicant has not provided analysis of average front yard setback of abutting existing buildings, but in this case the exiting front setback of 0' feet will require relief regardless of which metric is used to determine the front setback.
8. The minimum side yard setback for a lot in a B-1 zone with less than 50' of frontage is 5' [per 17.20.090 (F) - Specific Requirements]. Therefore, relief is requested in the amount of 2.7' to maintain the existing condition of a 2.3' of side setback.
9. The minimum lot coverage in a B-1 zone is 35%. Applicant has submitted in their application that they currently have 80% lot coverage on the property but this appears to account for all paved surfaces of the lot in addition to buildings so this is not seen as an accurate figure. Lot coverage as defined in Cranston Zoning code is based on buildings alone. Based on the site plan, it appears that the current lot coverage amount is approximately 40% so relief is requested to maintain the existing condition.
10. The applicant has provided an analysis of the neighborhood within 400' of the subject property. This analysis states that:
 - There are 80 parcels within 400'.
 - A total of 37.5% of these lots are classified as two-families.
 - A total of 78.75% of these lots have a lot area of 4,400 ft² or less.
11. The use of two-family dwellings is consistent with B-1 zoning and the Comprehensive Plan's Future Land Use allocation for the property of "Single Family/Two Family Residential less than 10.39 units/acre."
12. The property also has an existing 2-car garage and a driveway with parking to fit up to 4 additional vehicles.

ANALYSIS:

No physical changes to the buildings or lot are being proposed as part of this application. The City's land use records indicate that this property is designated as a single-family residence, however the property has been taxed as a two-family dwelling for at least 34 years. The current property owners purchased the property in 2012 with the intention of continuing its use as a two-family dwelling and were unaware of the inconsistency with the land use designation until the present time. The arrangement of the building as a two-family is not the result of any actions taken by the current property owner and this application is viewed as a means to "clean-up" the record on this property moving forward. The use of two-family dwellings is consistent with B-1 zoning and the Comprehensive Plan's Future Land Use allocation for the property of "Single Family/Two-Family Residential less than 10.39 units/acre." The only inconsistencies with City Zoning code are relating to dimensional aspects of the lot and structures for existing conditions. The continued use of the property as a two-family dwelling is viewed as consistent with the character of the surrounding neighborhood.

RECOMMENDATION: Due to the finding that the neither the existing nonconforming conditions nor the creation of the second dwelling unit was a result of the actions or inactions of the current owners, and that the property has been operating and acknowledged as a two-family dwelling without issue for at least 34 years, and due to consistency with Comprehensive Plan's Future Land Use designation, and that there is no perceived detriment to the general welfare or character of the neighborhood, on a motion made by Ms. Bittner and seconded by Mr. Vincent, the Plan Commission unanimously voted (7/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

ALBACO, LLC. (OWN/APP) has filed an application to convert an existing three family dwelling to a four family dwelling at 10 Commercial Street. A.P.1, Lot 383, area 7,124 sq.ft. zoned B1. Applicant seeks relief per Section 17.92.010 Variance, Sections 17.20.030 Schedule of Uses; 17.20.120 Schedule of Intensity Regulations. Application filed 11/8/2018. Robert D. Murray, Esq.

VARIANCE REQUESTS:

Use Variance:

1. To maintain an existing nonconforming use (four-family dwelling) where not allowed in B-1 zoning. [17.20.030 Schedule of Uses]

Dimensional Variances:

1. To maintain an existing four-family dwelling on a 7,124 ft² lot where 18,000 ft² is required. [17.20.120 Schedule of Intensity Regulations]
2. To maintain an existing four-family dwelling on a lot with 57' of width/frontage on Cranston Street where 60' is required. [17.20.120 Schedule of Intensity Regulations]
3. To maintain an existing four-family dwelling that encroaches in front and side setbacks. [17.20.120 Schedule of Intensity Regulations]

FINDINGS OF FACT:

1. The subject property is zoned B-1 as is a non-conforming lot with 7,124 ft² of lot area and 57' of frontage. B-1 zoning is intended primarily for the use of single-family and two-family dwellings (17.08.010 Zoning Districts).
2. The lot is currently occupied by a structure that was constructed in 1894.
3. The property was legally established as a nonconforming three-family dwelling prior to adoption of the zoning code. The property was historically used as a three-family dwelling and was converted to a four-family dwelling without the benefit of a permit at an unknown time over 25 years ago.
4. The property has been taxed as a four-family dwelling (defined as "multi-family" in Cranston's land use records) for 25 years. Multifamily dwellings are not a permitted use in B-1 zoning (17.20.030 Schedule of Uses).
5. The expansion of this property to a four-family dwelling requires a Use Variance under section 17.92.010 Variances.
6. The current property owner bought the property in June 2018 with the intention of continuing its use as a four-family dwelling.
7. The minimum lot area for a multi-family dwelling is 18,000 ft². Therefore, dimensional relief is requested in the amount of 10,876 ft² to maintain the existing condition of 7,124 ft².
8. The minimum frontage for a lot in a B-1 zone is 60'. Therefore, dimensional relief is requested in the amount of 3' to maintain the existing condition or 57' of frontage.
9. The minimum front yard setback for a lot in a B-1 zone is either 25' or the average setback of abutting building on the same street within 200'. The applicant has not provided analysis of average front yard setback of abutting existing buildings, but in this case it is assumed the exiting front setback of 5' feet will require dimensional relief regardless of which metric is used to determine the front setback.
10. The minimum side yard setback for a lot in a B-1 zone is 8 feet. Therefore, dimensional relief is requested in the amount of 1.5' to maintain the existing condition of a 6.5' of side setback.
11. The mix of land uses within a 400' radius of the subject parcel is as follows:

- Properties within 400' in B-1 Residential Zone:
 - Single Family 24
 - Two Family 11
 - Three Family 4
 - Four Family 1
 - Condominiums 10
 - Municipal 4
 - Undeveloped 6

- Charitable 1
- Religious 3
- Properties within 400' in C-3 Commercial Zone:
 - Single Family 3
 - Two Family 3
 - Three Family 3
 - Condominiums 3
 - Mixed Use 3
 - Business 3
 - Undeveloped 2
 - Other 1
- Properties within 400' in S-1 Open Space Zone:
 - Municipal 1

12. The applicant provided a revised site plan (see above) on 12/3/18 which shows proposed improvements to the rear of the property by adding a gravel parking area and expanding on the existing garage to accommodate 8 total parking spaces (2 per unit as required by zoning).
13. It should be noted that the existing curb cut to the subject lot is 8' wide, whereas 12' is required by Zoning Code (Section 17.64.010(F) - Off-street parking). However, this dimension is a pre-existing nonconforming condition and widening the curb cut or driveway is not feasible given the location of the building and dimensions of the lot.
14. The use of multi-family dwellings is not consistent with B-1 zoning and the Comprehensive Plan's Future Land Use allocation for the property of "Single Family/Two Family Residential less than 10.39 units/acre."

ANALYSIS:

The property is currently used as a four-family dwelling and no additional units will be constructed as part of this application. The City's land use records indicate that this property is designated as a three-family residence, however the property has been taxed as a four-family dwelling for 25 years. The current property owners purchased the property in June 2018 with the intention of continuing its use as a four-family dwelling. The owner is proposing to make improvements to the basement unit and improvements to the rear of the property by adding a gravel parking area and expanding on the existing garage to accommodate 8 total parking spaces.

The use of multi-family dwellings is not consistent with B-1 zoning and the Comprehensive Plan's Future Land Use allocation for the subject property of "Single Family/Two-Family Residential less than 10.39 units/acre." As a Use Variance application, this request requires a high level of scrutiny in the review process, including but not limited to a review of consistency with the Comprehensive Plan. Staff has reviewed the Comprehensive Plan to identify if there are any relevant policies that may support the allowance of four-family dwellings in B-1 Zoning Districts in this neighborhood (Pawtuxet), however no such policies exist. Further, the size of the subject property (7,124 ft²) is approximately 40% of the minimum lot size required for a multi-family dwelling (18,000 ft²). Due to the clear inconsistency with the Comprehensive Plan, and the limited size of the lot compared to the minimum requirements of zoning for a multi-family, staff has significant concerns with legitimizing the use of a four-family dwelling on the subject property.

RECOMMENDATION: Due to the application being inconsistent with the Comprehensive Plan, and the existing lot size being significantly below the minimum zoning allowance, on a motion made by Ms. Lanphear and seconded by Ms. Maccarone, the Plan Commission voted (4/3 – Chairman Smith, Mr. Mason, and Mr. Vincent voted nay) to forward a negative recommendation on this application. Due to the result of the vote, **no specific recommendation** was approved to send to the Zoning Board of Review.

UNO FINANCIAL, LLC. (OWN) and NORBERTO SALAS (APP) have filed an application to expand a non-conforming use of land and a structure at **86 Governor Street**, A.P. 8, Lot 612, Area 3161 sq.ft. zoned B2. Applicant seeks relief per 17.92.010 Variance; Section 17.88.030 (A) Extension, Section 17.20.120 Schedule of Intensity Regulations. Application filed 11/16/2018. Jeffrey F. Caffrey, Esq.

VARIANCE REQUESTS:

- 1) To allow the expansion of a building on a non-conforming lot that will result in 35.27% lot coverage where 35% is required. [17.20.120 Schedule of Intensity]
- 2) To allow the expansion of a building to encroach 1.6' within the 5' side setback. [17.20.120 Schedule of Intensity and 17.20.090 (F) - Specific Requirements]
- 3) To allow the modification of an existing garage to encroach 3.2' within the 5' side setback. [17.20.120 Schedule of Intensity and 17.20.090 (F) - Specific Requirements]

FINDINGS OF FACT:

1. The subject property is zoned B-2 and is a non-conforming lot with 3,161 ft² of lot area and 40' of frontage
2. The lot is currently occupied by a vacant structure that was constructed in 1905 - before the zoning code became effective in 1966.
3. The primary structure has been vacant for over 30 years. Prior to this time, the property was used for commercial purposes.
4. The current owner, Uno Financial LLC, purchased the property in 2017.
5. The proposed new use of single family residential is consistent with B-2 zoning and the Comprehensive Plan's Future Land Use allocation of "Residential less than 10.39 units/acre".
6. The existing primary structure is non-conforming with regard to building setbacks as follows:
 - Structure encroaches 22.2' into the 25' front setback (without taking in account the average building setback within 200' of the property).
 - Structure encroaches 1.6' into the 5' side setback. [reduced side setback due to 17.20.090 (F) - Specific Requirements which allows for 5' side setback if lot frontage is less than 50'].
7. The applicant proposes to renovate the existing primary structure by adding a second floor to the existing building area and expanding the first floor footprint with an addition measuring 8' X 20' in the rear of the building.
8. The proposed addition to the primary structure will occur within the side setback and will necessitate a variance to expand on the existing non-conformity by allowing new building activities that encroaches 1.6' into the 5' side setback (same encroachment as existing building).
9. The existing garage in the rear of the property is non-conforming in that it is straddles the property line with the property to the west (currently same owner).
10. The applicant proposes to remove a portion of the existing garage so that it will no longer straddle the property line and the proposed new garage footprint will end 1.8' from the side property line. This change necessitates a variance for altering an accessory structure that will remain in the side setback (encroaching 3.2' within the 5' side setback).
11. The combined addition to the primary structure and the removal of a portion of the garage will result in an increase in the total square footage on the property for a combined lot coverage of 35.27%. The maximum lot coverage in a B-2 zone is 35%. The proposed changes will require a variance for lot coverage due to this minor overage (0.27%).
12. The existing driveway and curb cut to the subject property straddle the property line with the lot to the west and (currently same owner). This driveway currently serves as only means for vehicle access to the rear of both lots due to limited space between the buildings. There are easements on the deeds for both properties memorializing this arrangement.

13. The existing driveway and curb cut servicing the 2 properties will be increased from 10' to 19.3' as part of the proposed redevelopment, which will bring the curb cut into conformity with city code.

ANALYSIS:

The subject lot was platted and developed prior to the effective date of the zoning code in Cranston, so the setbacks of the existing structure were not a consideration at the time. The current property owner is now seeking to redevelop the vacant property into a two-story, single family dwelling. This use is consistent with the zoning code and the Comprehensive Plan's Future Land Map. Additionally, the proposed single family is consistent with the surrounding neighborhood which exhibits a mix of single family, two-family and multi-family dwellings that are 2 to 3 stories high.

The proposed addition to the rear of the primary structure does represent an expansion of the current non-conformity, but the addition will not encroach closer to the side property than the existing building (currently encroaches 1.6' into the 5' side setback). This will expand on the footprint of the existing building from 560 ft² to 720 ft². Note that the minimum side setback requirement for this specific lot is reduced as a result of the provision within Zoning Code Section 17.20.090 (F) which reads "*In Section 17.20.120 the "minimum side yard" requirement for a nonconforming lot (as defined in subsection 17.88.010(B)) having a frontage of less than [sic] fifty (50) feet, shall be five feet.*"

The proposed removal of a portion of the garage so that it no longer straddles the property line will bring the property into further compliance with City requirements, but the proposed new footprint of the garage will still encroach into the side setback. Due to this, the applicant is requesting a variance to allow the modified garage to be in the side setback. The proposed changes to the driveway and curb cut as part of the proposed redevelopment will bring the property into further compliance with City regulations by expanding the curb cut width from 10' to 19.3'. The proposed new driveway and garage layout will be utilized by the subject property and the abutting property to the west (currently same owner) and this arrangement has been memorialized in the deeds for both properties.

In summary, this application requires consideration of relief for a side setback in that the addition to the primary structure that will extend along the existing side-lines of the building (i.e.: the addition will not encroach closer to the side property line than the existing structure). It also requires consideration for an modification to the garage in the rear of the structure that will bring that structure into further compliance with City code. Additionally, the proposed changes will result in an increase in lot coverage percentage that will require minor relief for being 35.27% whereas the maximum limit is 35%. The result of the proposed changes will allow for the redevelopment of a property that has been vacant for over 30 years. While the building had been previously used for commercial purposes, the proposed new use of single family residential is consistent with City code, the Comprehensive Plan's Future Land Map, and the surrounding neighborhood.

RECOMMENDATION: Due to the fact that the new addition to the primary structure will not be closer to the side property line than the existing structure, that the modification to the garage will bring that structure into further compliance with City code, and that the proposed new use of single family residential is consistent with City code, the Comprehensive Plan's Future Land Map, and the surrounding neighborhood, and that there is no perceived detriment to the general welfare or character of the neighborhood, on a motion made by Ms. Bittner and seconded by Mr. Spirito, the Plan Commission unanimously voted (7/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

ORDINANCES

WORKSHOP – *Solar Farm Moratorium Ordinance*

Director Pezzullo stated that “compelling reasons” and a timeframe are needed to have a moratorium on solar farm applications. He recommended the following performance standards for re-evaluation be specifically incorporated into the ordinance for study to be presented to the City Council: 1) Landscaped buffer areas and mandatory minimum setbacks from abutting residential uses and open space conservation areas, 2) maximum percentage of lot coverage, 3) maximum percentage of lot clearance, 4) minimum lot sizes, 5) soil conservation/erosion management plans, 6) operation and maintenance plan requirements, 7) noise – post construction, 8) lighting, 9) impacts and mitigation plan for interconnection path, 10) fencing standards, 11) pollinator species for the grass mix, 12) grading and site preparation standards (i.e. blasting), 13) stormwater management, 14) decommissioning requirements, 15) taxation and other revenue generation, 16) land banking/open space preservation, 17) solar farm growth cap.

Mr. Pezzullo stated that a “land conservation framework was established” several years ago. He asked that the commissioners submit their suggestions by Friday, December 7 by noontime. Chairman Smith mentioned wildlife fencing, Mr. Vincent mentioned “interconnection route and landscape buffer” and the possibility of the requirement of a Special Use Permit. Ms. Bittner mentioned the property tax rate be considered. Mr. Pezzullo stated that the properties are no longer taxed as “farm/forest” once a solar farm has been established. Attorney Murray stated that the solar farms are “taxed higher”. Ms. Lanphear suggested changing the “by right” language and “preserving farmland”. Mr. Pezzullo advised against changing the the amended Comprehensive Plan language allowing for solar farms.

PLANNING DIRECTOR’S REPORT – 2019-2020 CIP, Comprehensive Plan, Unified Development, AirBnB, Solar Farm Moratorium, Long-Range Planning Workshops

Director Pezzullo briefly discussed the resolution for a Solar Farm Moratorium and the requirement for an ordinance. He would be drafting and presenting an ordinance to the City Council and the Plan Commission will be required to make a recommendation on this ordinance at the next regular meeting.

ADJOURNMENT

Upon motion made by Ms. Bittner and seconded by Mr. Mason, the Commission unanimously voted to adjourn at 11:35 pm.

NEXT REGULAR MEETING January 8, 2019 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, MPA, MCP, AICP
Planning Director

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CITY OF CRANSTON
PLAN COMMISSION

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

DATE: December 4, 2018
TIME: 7:00 P.M.
PLACE: Cranston City Hall
Council Chambers
Cranston, RI

BEFORE:

- Michael Smith, Chairman
- Ken Mason, P.E.
- Kimberly Bittner
- Kathleen Lanphear
- Steven Spirito
- Ann Marie MacCarone
- Frederick Vincent
- Robert Strom

PRESENT:

FOR THE APPLICANT ROBERT MURRAY, ESQUIRE
FOR THE PLANNING BOARD STEPHEN ANGELL, ESQUIRE

1 CHAIRMAN SMITH: Okay. The first public
2 informational meeting is on Natick Avenue solar
3 under subdivisions and land development.

4 MR. BERRY: Good evening, Commission. We
5 have a master plan development proposal. The
6 master plan development proposal before you for
7 Natick Ave solar. The owner is Ronald Rossi --

8 AUDIENCE MEMBER: We can't hear you.

9 AUDIENCE MEMBER: Excuse me, can we have
10 the person speaking identify themselves for the
11 audience.

12 MR. BERRY: My name is Joshua Berry. I'm
13 the senior planner for the City of Cranston.

14 AUDIENCE MEMBER: Joshua who?

15 MR. BERRY: Berry, B-E-R-R-Y. The
16 applicant is Southern Sky Renewable Energy of Rhode
17 Island, Natick Ave, Cranston, LLC. The proposal is
18 for a 29.7 acre solar farm which would be a
19 portion, an area of a 64-acre site which is in an
20 A80 zone. This is sized to produce an 8.1 megawatt
21 of renewable energy, solar energy. The proposal is
22 allowed by right under zoning. And is consistent
23 with the goals and policy and the amended
24 Comprehensive Plan.

25 The existing uses on site are hay field,

1 Christmas tree farm, woodlands, which are to remain
2 on the unaffected 29.3 upland area, acres of upland
3 area on the site. The remainder of the site is
4 wetlands. No variances or signage are required or
5 requested for the project. The project will
6 include a buffering plan, and a decommissioning
7 bond.

8 Here's an aerial view of the project. It
9 is in central southern Cranston, right along the
10 West Warwick line, the border. It is on the
11 western side of Natick Avenue. That is the
12 Cranston Country Club for a marker there, just
13 around the half mile mark radius and 295 there to
14 the east. This is a 3D aerial view with a, you
15 know, just a rough boundary so you understand the
16 location of this proposal. There are some out
17 parcels, which cut into the frontage as you see
18 along Natick Avenue on the eastern portion of the
19 site. That thin portion there is their access
20 point, and the larger area of their frontage is the
21 wetland area, which is to remain unaffected.

22 Here's a look at the zoning map. You see the
23 lightest color there is the A80 zone. That is a
24 single family residential zone with a minimum of 2
25 acres or 80,000 square feet per lot. The area to

1 the northwest is A20. That is on Ridgewood Road.
2 So those are single family residential zonings with
3 a minimum area of 20,000 acres per lot. And then
4 on the eastern side of Natick Avenue is A8 zoning.

5 Taking a look at the future land use map,
6 it is designated for a single family residential
7 with less than one unit per acre. The proposal
8 would maintain consistency with the future land use
9 map. This is a street view of the access road from
10 Natick Avenue. As you see, there is a single
11 family residential dwelling just there on the left
12 side. There's also an out parcel. It's a
13 residential lot there for the north as well. It's
14 on the right side of the screen.

15 This was submitted by the applicant to
16 give an idea of the existing conditions. Those are
17 contour lines showing the topography on the site.
18 It is a challenged site for sure. There's
19 significant topography on the site. This also
20 shows the wetlands in area on the southeastern
21 corner of the parcel.

22 This is the site plan as submitted by the
23 applicant. It shows the solar arrays in the center
24 there. I'm going to zoom in a little bit for
25 visibility purposes. You see the access road

1 coming through the small sliver which connects to
2 Natick Avenue and then it goes northbound, heads
3 across west along the top portion of the property
4 and then has a road going through the center of the
5 arrays for access. There you see the area to the
6 west is identified as Parcel A, but it's not going
7 to be subdivided as an individual parcel. That is
8 a small detail which we may correct looking forward
9 to preliminary plan phase, maybe just to title it
10 Area A, Area B, and Area C. C being the wetlands,
11 A being the existing tree farming agricultural use,
12 and Area B being the proposed leased solar farm,
13 not subdivided.

14 There is a buffer planting plan that's
15 been submitted by the applicant. This is something
16 I want to emphasize that is not reviewed in great
17 detail. This is a master plan application. This
18 is something that we're looking for in greater
19 detail in the preliminary plan phase and as we go
20 through the development plan review processes, but
21 it is still something that we recognize is very
22 important to the surrounding communities and we've
23 asked the applicant to provide as much information
24 as early on in the process as possible. So they've
25 complied with that request and provided this buffer

1 planting plan. This is a little zoom in of that
2 plan showing the proposed buffers along the
3 northern property as well as their -- a certain
4 area on the southern property. There are some
5 limitations due to a gas easement and we're going
6 to work out some details regarding, you know, the
7 appropriate amount of buffers as this process would
8 move forward. It is also important to note that
9 the wetlands would remain vegetated and untouched.
10 The solar arrays are more than 400 feet from Natick
11 Avenue. So it is very possible that there is
12 absolutely no impact to the public right-of-way or
13 visual impact to the public right-of-way. The out
14 parcels also would be, of course, untouched from
15 the project. So those would all act as a natural
16 existing buffer to the project as well.

17 In addition to the buffer planting plan,
18 the applicant has provided a view shed analysis.
19 And that's what -- this is coming directly from the
20 application. This is showing a few critical view
21 points to the nearest residences abutting to the
22 north of the project site. It's just showing the
23 existing conditions without the proposed buffers.

24 This is view shed analysis provided by the
25 applicant along the southern property. And this is

1 also something just recently received from the
2 applicant. It's a comparison of the existing and
3 post buffer planting just to show as a visual tool.
4 This is not -- these are not real plantings. This
5 is, you know, a rendering of an example of what
6 they are proposing before and after to show that
7 they're mixing in proposed plants with the existing
8 vegetation to provide a screen.

9 The applicant has provided a concept
10 subdivision plan as an A80 zoned lot. It is
11 feasible that the developer could come in and
12 subdivide the plan for residential development.
13 And although this is not something -- this is a
14 conceptual plan. This has not been vetted in any
15 sense by staff to see if it would actually yield
16 this many lots, but it's just a demonstration, a
17 visual tool of the other alternatives of
18 development at this site.

19 Staff will continue with the remainder of
20 their analysis after the applicant has spoken.

21 CHAIRMAN SMITH: Thank you, Mr. Berry.
22 And the applicant.

23 MR. MURRAY: Good evening, Mr. Chairman,
24 Members of the planning commission. For the
25 record, my name is Robert Murray. I'm an attorney

1 with the firm of Taft and McSally located at 21
2 Garden City Drive in Cranston. And I'm here
3 tonight behalf of the property owner, Ronald Rossi,
4 and the applicant, Southern Sky Renewable Energy
5 RI.

6 This is a project which has garnered some
7 interest from the public and neighbors and
8 hopefully tonight everyone leaves here with a good
9 understanding of what is proposed, what we're
10 trying to do, what mitigation we are promoting.
11 And the bottom line, the message tonight, as we
12 start is that this is at a master plan level. It
13 is a conceptual plan. We have a large body of
14 information on this property, and the information
15 that we've shown and shared with the commission and
16 staff so far there can be good reliance on because
17 of the knowledge of Mr. Rossi of his own property
18 but also the experience of Southern Sky as a solar
19 developer.

20 This is not the final word on this
21 project. It's the beginning of a dialog which we
22 hope will continue over the months ahead. At the
23 risk of repeating some things that Josh just went
24 over, we have a number of witnesses that will
25 testify tonight. My intention is to try and keep

1 this moving along because I know people have taken
2 the time to come here tonight. Some may want to
3 talk, some are just listening, but we want to try
4 and accommodate both the commission and the public
5 in an efficient manner if we can.

6 Let me just first introduce a few people.
7 Not everyone will be speaking, but with us this
8 evening, first and foremost, is Mr. Ronald Rossi.
9 He is the property owner. Mr. Rossi, his son
10 Andrew is with him this evening. The Rossi family
11 lives at 1936 Phenix Avenue, which is to the left
12 of the screen. This parcel that you're looking at
13 here, the entire 64 acres, is comprised of Lot 119
14 and 108 on Assessor's Plat 22. If you go to the
15 west, the Rossi's own an additional 17 or so acres,
16 which their principal residence is on. So
17 Mr. Rossi, in some form, his property goes all the
18 way from Phenix Avenue all the way down to Natick
19 Avenue, and he's been on this property, I think
20 just about his entire life.

21 The -- there is with us also Mr. Ralph
22 Palumbo, and he is the principal of Southern Sky
23 Renewable Energy. His daughter Lindsay, a vice
24 president, is here, as well as his son Kyle
25 Palumbo is a vice president. And we also have with

1 us tonight Mr. David Russo, who is a principal
2 engineer with DiPrete Engineering of Cranston.
3 Mr. Russo has testified before this commission on
4 numerous occasions. And, lastly, we have -- well,
5 not last, but next we have Mr. John Carter. Mr.
6 Carter is a landscape architect who's also
7 testified before various boards in Cranston in the
8 recent past.

9 I am expecting one additional witness,
10 Mr. Edward Pimentel, who is a land use expert.
11 He's testifying right now in Smithfield; and
12 depending on how the program proceeds, he will join
13 us. If not, I will share his information with the
14 commission.

15 Just by way of background, I want to just
16 say that Southern Sky Renewable Energy is probably
17 the leading solar developer in Rhode Island.
18 Mr. Palumbo is going to talk briefly in a few
19 minutes; but with respect to Cranston, this would
20 be the sixth solar project that we're proposing for
21 the city. Just by way of memory, there is, on
22 Seven Mile Road in Western Cranston, off Scituate
23 Avenue, we presently have two, 250-kilowatt
24 projects operating on Seven Mile Road. Those are
25 very small solar fields. This commission has

1 already granted master plan approval for two
2 additional solar fields on Seven Mile Road, which
3 will each be just under 1 megawatt. So those four
4 across from the Scituate town border on Seven Mile
5 Road. The largest project that Southern Sky is
6 undertaking in Cranston right now is a 21.3
7 megawatt solar field on Lippitt -- off of Lippitt
8 Avenue. That was approved by this commission, I
9 believe, starting in 2016. It is well underway, is
10 almost complete in construction, and will be coming
11 online shortly.

12 So we stand here tonight with respect to
13 this Natick Avenue project as someone experienced
14 in the industry, experienced with Cranston, and
15 committed to doing everything we can to bring this
16 project online with the cooperation of city
17 officials, and working with area residents to try
18 and address any concerns that they may have as we
19 go along.

20 Just by way of background, we've had some
21 meetings already. First, on a very informal basis
22 with the developer, Mr. Rossi, and our consultants
23 met with the planning staff and a few department
24 heads several weeks ago, just to assist the
25 planning staff in their comments tonight from the

1 various departments. Last Thursday evening,
2 Southern Sky hosted a neighborhood information
3 session at the St. Joseph School on Wakefield
4 Street in West Warwick. We had a number of
5 residents there, and we attempted, through a short
6 presentation, various easel boards posted around
7 the room to try and answer any questions after
8 brief presentations. All our consultants -- most
9 of our consultants were there. So -- but we didn't
10 want this to be the first meeting that we introduce
11 this project to the public. And so we attempted to
12 do that last week.

13 As I stated earlier, the plan tonight
14 that's before you, I know, has caused some
15 interest, and I would say concern by some neighbors
16 in the area, and we certainly respect their right
17 to be inquisitive, concerned, and hopefully by the
18 end of this evening to be informed with a better
19 body of knowledge than they came here with tonight.

20 I should say that we have tried to answer
21 questions. We've met one on one with people. This
22 is, as I said, this is only the beginning.
23 Mr. Rossi has lived on the property for a lifetime.
24 His decision to explore and propose this solar
25 project came after considerable discussion with his

1 family and consideration by himself. As I stated,
2 he lives, works, and farms this property. Both --
3 what's proposed here tonight, this 29-acre site
4 is -- we are proposing that Southern Sky will lease
5 it from Mr. Rossi. He will continue to own and so
6 what you see there on the right-hand side described
7 as Parcel B, this area right here is the solar
8 field. And this is Parcel B, and that's what will
9 be leased by Southern Sky from him. He will
10 continue to own this 5-acre site here along Natick
11 Avenue which is a wetlands. The remaining portion
12 of the 64 acres is right here. That's an
13 additional 29 acres that he will retain, continue
14 to be part of his tree farm and his farming
15 activities in terms of haying, et cetera, and then
16 as I said, towards this end is the property that he
17 and his wife own and reside on.

18 The -- you know, he views this proposal,
19 frankly, as an opportunity to keep this property in
20 his family for the next generation. He -- early in
21 the presentation from the staff, Josh showed a
22 conceptual subdivision plan. That is not -- just
23 to orient people, here is Natick Avenue. Here's
24 the wetlands. This connects to Briarwood --
25 Ringwood Road -- Ridgewood Road or Ringwood Road --

1 and comes through the property. All these are --
2 there's approximately 25 lots there, all meeting
3 the 80,000 square foot requirement. We have not
4 done any detailed engineering, but it's a
5 representative sampling of what possibly could be
6 done if Mr. Rossi chose to pursue some type of
7 housing project on this site. He is not proposing
8 that. That is not his interest. His interest is
9 to retain his property as we're outlining tonight.

10 Just in case somebody asked, we had that
11 plan available. If people believe that Mr. Rossi
12 should keep his property in its present state in
13 perpetuity, then, you know, they will not agree
14 with this proposal tonight. This is an individual
15 property right that he's pursuing as a matter of
16 right under our ordinances and regulations. But if
17 you want him to keep it in its natural state
18 forever, than this proposal is not for you.

19 There are some who have expressed just
20 philosophical concerns about solar on a very high
21 intellectual level and we respect that. Again, for
22 those people, this proposal that we submit to you
23 tonight is not for them. But as an interested
24 neighbor and area resident, those people with those
25 views have that right because -- to express it in

1 various forms in writing and orally tonight, they
2 have that right to be concerned and interested.
3 But, respectfully, as planning commission members,
4 you have a different role tonight. It's your
5 obligation, as you know, to review these plans
6 dispassionately, with objectivity, and I
7 respectfully suggest that if the commission were to
8 follow our laws, our ordinances, our subdivision
9 regulations, our Comprehensive Plan, then you would
10 have to conclude at the end of this presentation
11 that this plan is worthy of approval.

12 Tonight is about reviewing the proposal,
13 listening, and applying our laws. But, again, it's
14 only the master plan and its conceptual approval.
15 We know already, as I said, a lot about this land
16 as experienced solar developers, but it's early and
17 a lot more details and engineering will come after
18 tonight.

19 Let me just talk about briefly right now
20 without being presumptuous so everybody understands
21 the future steps that would occur with respect to
22 this if we receive approval tonight. I've already
23 has the benefit of reviewing the staff
24 recommendation. I concur with the conditions
25 they've suggested. But, for example, the planning

1 staff is going to urge us to consult with the
2 Cranston Conservation Commission, specifically as
3 it relates to buffering and things like that, and
4 we've done that on other projects, and we would do
5 so again here tonight.

6 At some point, when we have the technical
7 information we need, the city has what's called a
8 development plan review committee, made up of
9 various departments. That process calls for public
10 notice, a public hearing, and we would have to
11 receive development plan review committee approval
12 to go forward. Because of this wetlands on the
13 site and for other reasons, we will be submitting
14 an application to the Department of Environmental
15 Management that will be reviewed and scrutinized,
16 and we will have to obtain the necessary permits
17 from DEM in order to proceed. The next step, as
18 everybody knows on the commission, after the master
19 plan, is preliminary approval. That will happen
20 several -- many months down the road after we have
21 the body of approvals that we would need to come
22 back here. So -- and there would be notice at a
23 public hearing at that time on that. So my
24 important message tonight on all this is, this is
25 the beginning and the public will be informed as we

1 go forward should we receive master plan approval
2 tonight.

3 I also just want to talk briefly about the
4 performance standards the City of Cranston has with
5 respect to solar. Several years ago, the city
6 council enacted a solar power performance standard
7 ordinance which makes certain requirements of solar
8 developers. I want the public to understand the
9 type of things that we'll have to engage in.

10 First, the ordinance is very clear that in terms of
11 site preparation, we can only disturb that portion
12 of land that is necessary. Let there be no
13 confusion. Part of this 29 acres that you're
14 looking at there is treed, and those trees will be
15 removed. But we can't disturb more of the site
16 than is absolutely necessary, and we won't.

17 There's a provision that we can't remove topsoil
18 and we will not. As part of the building permit
19 process, which is way down the road, we would be
20 required to produce for the building inspector a
21 noise study. There are standards in the ordinance
22 that talks about you cannot have noise emanating
23 from the equipment on this site, and I know some
24 neighbors are interested in that. The ordinance
25 talks about 40 decibels, and I don't want to get

1 into noise decibels, but they use an example in the
2 ordinance that that's about the noise level that
3 you would hear in a quiet library or in an office.
4 I assure you that on a 29-acre site, the placement
5 of this equipment, there will be some noise, but it
6 will not leave the property and I respectfully tell
7 you that noise will not be an issue, but we'll
8 satisfy the building inspector at that time.

9 A key component of the solar performance
10 standard is the requirement of a decommissioning
11 bond. The plans for most solar fields today as
12 proposed here to last 25 or 30 years, 25 being as
13 an example, we would be required to provide a bond,
14 money, cash, with the city or with an escrow agent
15 to ensure that the end of the useful life this
16 solar field that it could be removed and it could
17 be removed by the city, if necessary. The
18 ordinance has standards with respect to if the
19 project were to be abandoned and left dormant for
20 more than 150 days, the city could move to remove
21 it; or if at the end of the 25 years -- the
22 decommissioning bond is something Mr. Rossi's
23 interested in also because if, for any reason, and
24 we don't anticipate this happening, the solar field
25 was abandoned, he would want the equipment removed.

1 So the city and Mr. Rossi has an interest in that.
2 And so we would post a bond. The cost which would
3 be determined at that time, would be reviewed by
4 the city, and the funds would be made available.

5 So, again, I'm going to conclude at this
6 point just to say that this is the formal
7 beginning, but it is a beginning. We have been
8 open to discussions with the neighbors. We will
9 continue to be. As recently as today, I
10 communicated with some who -- some of the council
11 members, city council members, have shared with me
12 e-mails they've received. I've tried to be
13 responsive to them, and will continue to be
14 responsive. I thought we were going to do the
15 moratorium workshop earlier. I respect the
16 chairman's right to extend that to the end of the
17 evening. I feel compelled, however, just to talk a
18 little bit about the moratorium.

19 The city council last Monday evening
20 passed a resolution to urge the Planning Commission
21 to adopt a moratorium on any new solar projects
22 after December 1, 2018. Respectfully, and I have
23 submitted a memo to the planning department, to the
24 Chairman, and the solicitors respectfully, a
25 moratorium, in my viewpoint, can only be enacted by

1 the city council. It cannot be adopted by the
2 planning commission on a motion within this body.
3 It has to go through the legislative process. It
4 has to be -- needs to be a public hearing. And
5 right now, I think what you'll find later in the
6 evening is that the goal is perhaps the city
7 council to consider some type of moratorium
8 ordinance in January. But as we stand here
9 tonight, there is no moratorium imposed by the
10 legislature. And since it's my argument that you
11 cannot do it on your own initiative, the language I
12 like to use is that there needs to be legislative
13 legitimacy to the moratorium, and we're not there
14 tonight. So, respectfully, I ask that you proceed
15 forward. This application is in order for
16 consideration. At the end of the evening, I'm
17 going to suggest to you that's in order for
18 approval.

19 With that, Mr. Chairman, I'm going to ask,
20 with your permission, Mr. Ralph Palumbo, just to
21 come up briefly to introduce himself to the
22 commission. I know he has spoken before, but he
23 just wants to bring some greetings and information
24 from Southern Sky.

25 CHAIRMAN SMITH: Very good. Thank you,

1 Mr. Murray.

2 MR. PALUMBO: Commission members, thank
3 you for hearing us tonight. My name is Ralph
4 Palumbo. I'm the president of Southern sky
5 Renewable Energy. I think Bob did a very thorough
6 job and I'll just touch on some high points.

7 Southern Sky, as Bob said, we're a very
8 experienced developer. We've built and developed
9 and installed and financed and manage over 30
10 projects across Massachusetts and Rhode Island.
11 And in Connecticut, we're developing projects right
12 now. So we have a very good understanding of what
13 we need to do here and very -- we have adequate
14 capacity to do it. One thing I do want you to know
15 is that we do have a very good understanding of the
16 rules and regulations and the reasons they were put
17 in place and for reasons of safety and quiet
18 enjoyment of property. We will be very responsive
19 to all the commission's requests of us and very
20 respectful of all the rules and regulations that
21 govern what we do and what we can't do.

22 The project of this magnitude, once it's
23 approved, if it's approved, the construction and
24 installation cycle will be anywhere from 9 to 12
25 months depending on the weather patterns, the

1 winter weather patterns of that year. And then
2 once installed, it's a very dormant and very quiet
3 asset that we will visit once a month for
4 inspection. It's monitored remotely on an hourly
5 basis by the best technology that we have in the
6 industry. The equipment that we'll install will be
7 all Tier 1 highest quality equipment for longevity
8 and proper function. And we have a very, very
9 thorough maintenance plan. We have a very
10 particular investor that requires the highest
11 standards and we follow them. And those standards
12 are for maintenance of simple landscape maintenance
13 and technical maintenance and monitoring and
14 reporting. It will be as transparent as you want
15 us to be in the process. And we look forward to
16 working with you folks and to try and build a
17 project that is in full compliance of all the rules
18 and regulations and most likely, as we do with all
19 our projects, we'll go beyond the compliance
20 requirements for the simple things and the complex
21 things. Thank you, commission.

22 CHAIRMAN SMITH: Thank you, Mr. Palumbo.

23 MR. MURRAY: Mr. Chairman, our next
24 speaker is David Russo. I just want to interject
25 at this point, you know, it's your commission. If

1 you want questions to be asked of the individuals
2 as they're up there, we'll be happy to entertain
3 them. If you want to wait until we're done with
4 our presentation that's fine, too. I don't want
5 to -- Mr. Palumbo will -- is here for the rest of
6 the evening. So if questions come up, he'll be
7 happy to answer them.

8 CHAIRMAN SMITH: Thank you. I think it
9 would be probably easier to have the commissioners
10 hear all the presenters first and then save their
11 questions --

12 MR. MURRAY: That's fine.

13 CHAIRMAN SMITH: -- until after that.
14 Thank you, though.

15 MR. MURRAY: Let me just -- Mr. Russo is
16 familiar to the commission, but I did bring --
17 asked him to bring a resume of his qualifications.

18 MR. RUSSO: Good evening. My name is Dave
19 Russo. I'm a professional engineer with DiPrete
20 Engineering. I'm a project manager on Southern
21 Sky's projects. I worked on multiple projects with
22 Southern Sky across the state. I'm not going to go
23 over some of the information that was already
24 stated tonight for the sake of time, but I will hit
25 upon some points, elaborate on some of them.

1 The site, as stated, does have a wetland
2 in the southeast most corner. That wetland has
3 been flagged by Scott Rabideau of Natural Resource
4 Services. He's a professional biologist. That is
5 an approximately 5 acre swamp wetland with a stream
6 system that you can see crosses under the roadway
7 and goes towards the east side of the property.

8 The property line that's shown is a Class
9 I property line that a surveyor from DiPrete
10 Engineering has completed. So it's an accurate
11 survey as depicted. The southern end of the site,
12 there's a 50-foot wide Tennessee Gas easement.
13 That area is existing cleared area for that
14 easement, gas easement. The site, itself, is a
15 mixture of some cleared areas in the center of this
16 site. There's some clear areas and some existing
17 roadway systems. The rest of it is a vegetated --
18 mostly vegetated. And the soil conditions on the
19 site, it's mostly some stoney soil, some rocky
20 soil, some rock outcrops scattered throughout the
21 site.

22 As stated, our access is off of Natick
23 Ave. It will be a 20-foot wide gravel access road
24 that will come in towards the north. There will be
25 a gate located on the north end of the solar farm

1 so that access is down the center. This roadway
2 also allows the current owner to access the
3 property to the right in the future. The entire
4 solar farm, itself, not the property, will be
5 encapsulated by a 6-foot high chain link fence.
6 That fence will be raised 2 to 6 inches off the
7 ground. We've had the experience in Cranston and
8 other towns, actually, recommending it also for
9 small critters to pass through the site.

10 So the size of the system is an 8.1
11 megawatt DC. It's a fixed-post driven system. The
12 panels sit about three feet off the ground. The
13 back of the panels sit about 8 to 9 feet off the
14 ground. These panels are all facing south to the
15 southern exposure. And the center of the site, you
16 can see these pads there, that's where the
17 equipment will be located. The solar engineer that
18 designs this system puts those in the middle for
19 sound purposes to keep them furthest away from the
20 property line areas. The buffer on the proposed
21 plan, along the south there's no buffer due to the
22 gas easement. There's some small, not too wide
23 vegetation between the property line and the gas
24 easement or location of the gas line. We're
25 proposing with John Carter, the landscape

1 architect, to selectively clear some of the larger
2 trees and then do some supplemental planting to
3 enhance the buffering in that area especially to
4 the -- buffer the home to the south.

5 Along the north end and the eastern edge
6 of the property, we're proposing to leave a 50-foot
7 existing vegetative buffer, and John Carter, along
8 those areas, he'll go over his plans, is proposing
9 a supplemental buffer to create a visual buffer
10 from any of the abutting properties to the system.

11 The system, itself, will require a DEM
12 wetlands preliminary determination approval. What
13 that consists of is we're required to analyze this
14 as it is today. So the rainfall that's coming off
15 the site today, we're required to analyze that.
16 And then after construction of the solar field,
17 we're required, through the use of detention
18 basins, infiltration basins, infiltration swales, a
19 matter of -- multitude of things we can use
20 depending on the soil testing that we do. And we
21 cannot increase the storm water runoff to this
22 wetland. We need to either -- it needs to be equal
23 or less to that wetland area. So the plans that
24 will go to DEM, assuming we get master plan
25 approval, we'll do those after master plan. Those

1 will be fully engineered plans. We're required to
2 do a storm water hydrology report, showing all that
3 data and how we reduce the storm water flow to that
4 wetland. We're also required, as part of the
5 application to DEM, to create a soil erosion
6 control plan, which is utilized during
7 construction. So while this site is under
8 construction and there's soils that are exposed,
9 the contractor's required to have temporary
10 measures in place, especially along this wetland.
11 They'll be required to have a silt fence and a silt
12 or compost sock to prevent sediment from running
13 off into that wetland area. They're also, as part
14 of that, required to complete inspections, the
15 contractor onsite. They complete weekly
16 inspections and then inspections after any
17 significant rainfall. They're required to log any
18 type of erosion that they see, and if there was any
19 remedy that they put in place to correct that.

20 Then, lastly, we're required to do an
21 operation and maintenance plan for the drainage.
22 That operation maintenance plan is for the future
23 maintenance of any drainage that we design on the
24 site. The Southern Sky that's leasing the parcel
25 is responsible for maintaining that on the site.

1 Underneath the panels, this will all be a grass,
2 meadow grass mix underneath the panels. It will be
3 mowed periodically. They're required to mow it for
4 fire safety and also they don't want it to get
5 above the three-foot lip in the front. It can have
6 an effect on the shade cast on the system.

7 Really briefly, the Tennessee Gas line,
8 as stated, is located on the south. We have not
9 approached them yet following master plan. We have
10 had some contact, but we haven't presented this
11 project to them. So we need to work with them once
12 we get through -- start our engineering plans to
13 work hand in hand with them to get their approval
14 and limitations on what we can do within the
15 vicinity of that area.

16 All of the panels, all the site work is
17 located outside the wetland and the 50-foot buffer
18 associated with it. There will be no effect on the
19 ground water from this. It's just a post driven
20 system. Hydrology of solar fields has very minimal
21 impact on hydrology. At the end of the day, when
22 you're doing a hydrology analysis, you're, for the
23 most part, analyzing a wooded site today and a
24 grass field after. The reason for that is
25 underneath the panels is all grass. So where the

1 water runs off, it's hitting the grass eventually.
2 It's not an impervious surface such as a parking
3 lot where it doesn't have the chance to infiltrate
4 into the ground.

5 We have not done any test holes on the
6 site. That's something we will do after master
7 plan. We will have to do test holes in the area of
8 the drainage systems and then, you know, we'll do
9 some spot testing where the panels are going. We
10 also -- we want to do that so we know the earth
11 work that's necessary on the site. Right now,
12 there is some earth work due to some of the slopes.
13 The solar systems can be installed from east to
14 west on a 15 to 25 percent slope, which is a pretty
15 significant slope. So north to south, as long as
16 the slopes are going south, which they are, it's
17 not too much of a concern. So east to west is what
18 we're concerned about. So these slopes in here
19 that are going east to west and these over here,
20 we'll have to work to try to get the minimum slopes
21 and we'll be working with the solar racking company
22 to try to really get the maximum slope because it
23 reduces the amount of earth work necessary and
24 obviously Southern Sky is going to be looking to do
25 the minimum amount of earth work because there's

1 cost savings to that.

2 Traffic on the site, during construction
3 you'll see for this size site normal type traffic
4 coming onto the site. Following construction,
5 you'll see a maintenance vehicle for inspections of
6 the equipment and periodically maintenance vehicle
7 for mowing of the grass on the site.

8 There's no lighting proposed on the site.
9 There's no sewer and water necessary. There's a --
10 as stated earlier, there will be a noise study that
11 will be completed that will show -- that will meet
12 the city performance. And as Mr. Murray stated,
13 this is really the first step. It's really
14 conceptual in nature what we've shown. If we were
15 to get through master plan, we'd go on to the
16 engineering steps and do testing and additional
17 work, especially with DEM to get the necessary
18 permits to move forward. Thank you.

19 CHAIRMAN SMITH: Thank you, Mr. Russo.

20 MR. MURRAY: Before Mr. Carter comes up, I
21 just want to follow up on one brief topic that Dave
22 talked about because there is -- there has been
23 some interest at the neighborhood meeting about
24 blasting, and I want to share the best information
25 I can today with the commission and the public.

1 There is a company called Kinder Morgan
2 which basically operates and maintains the
3 Tennessee Gas pipeline. This pipeline has been
4 there since the early '90's. I've known Mr. Rossi
5 before that, and there was considerable public
6 awareness and discussion way back when this gas
7 line first came it. I know Mr. Lawrence is here.
8 It's nice to see him. He's the abutter the south.
9 He was a leading advocate against the pipeline, and
10 he worked to try to improve it for the community.
11 So -- but I have been in touch with the Tennessee
12 -- I call it the Tennessee Gas pipeline -- with
13 Kinder Morgan. We are aware of their requirements.

14 Tonight, we're not prepared to say that
15 there will be any blasting, a little blasting, but
16 there could be blasting. And I know one of our
17 leaders of our watchdog group on Lippitt Avenue has
18 talked quite a bit about the blasting. In
19 fairness, you know, blasting was really not a focus
20 when we started the Lippitt Avenue project; and,
21 you know, we -- it was not by omission. It was
22 just -- we just didn't anticipate it at that point.
23 With Mr. Palumbo's company now doing some 19 or 20
24 projects around New England, we're more sensitive
25 to that issue. We try and be more up front with

1 it.

2 But I know what the requirements are with
3 respect to that pipeline. If you are blasting
4 within a thousand feet of the pipeline, you need
5 to -- they need to review and approve plans two
6 weeks beforehand, at least two weeks beforehand.
7 If you are blasting within 100 feet of the
8 pipeline, you need to have a representative of
9 their company, licensed blaster, and a seismologist
10 on site. Those are what I know their preliminary
11 requirements are based on the information they
12 published and my discussions with their
13 representatives. So, for example, there were up on
14 Lippitt Avenue, there was a ridge of ledge which
15 we -- first of all, blasting is the last resort,
16 not the first resort. You try to chip it, you try
17 to drill it, you try to break it, all sorts of
18 things before you get to blasting. If you have to
19 blast, the State of Rhode Island sets forth the
20 procedures and the requirements. You have to have
21 a licensed blasting company. The fire department
22 has to be involved. There's notice to a radius of
23 residents around it. They get notice what time of
24 day you're going to blast. For example, on the
25 108-acre site, of which 68 acres is being developed

1 up on Lippitt Avenue over the course of six to
2 seven weeks, we blasted six or seven times, I
3 believe. We know that there are some outcroppings
4 of ledge on this property. Depending on where they
5 are, we will have to figure out how to handle that
6 in terms of the slope and the placement of panels
7 and the I-beams.

8 But we are -- Mr. Rossi is sensitive to
9 it. He's sensitive to his neighbors. And we're
10 sensitive to the Tennessee Gas pipeline. So at
11 this point, I would just say stay tuned on that
12 issue. We will keep the public informed and the
13 city informed. But I want to address that right up
14 tonight because it was, you know, some people have
15 asked about it and they're entitled to know. So
16 that's the best information I have available
17 tonight on the blasting.

18 With that, Mr. Chairman, I'm going to ask
19 John Carter to come forward. John is a landscape
20 architect. He's worked with Southern Sky and my
21 office on numerous projects. He is a Rhode Island
22 registered landscape architect. He -- some of the
23 plans before you this evening were prepared by him
24 and we'll talk about buffering and what we can do.
25 Here's a copy of his resume.

1 MR. CARTER: Thank you. My name is John Carter.
2 I'm a registered landscape architect. My office is
3 960 Boston Neck Road, Narragansett, Rhode Island.
4 I'm registered in Rhode Island, Connecticut, and
5 Massachusetts. I've been in practice for over 30
6 years. I've worked on a variety of development
7 projects, kind of across the board, and I've worked
8 in most of the towns and cities in Rhode Island,
9 including this city in the past.

10 My role, I was asked to collaborate and
11 assist with any of the mitigation of any of the
12 possible impacts that this project might have,
13 primarily visual, and that gets down to buffering,
14 screening adjacent neighbors, and so forth. The
15 first thing we did, of course, was a high level
16 analysis of the site, and I think that Dave Russo
17 did a good job of explaining the site, the
18 contours, and the topography, the hydrology and so
19 forth. It is a master plan level. We didn't go
20 too deep into it but tried to familiarize ourselves
21 with not just the site but the adjacent uses and
22 there are residential homes to the north, to the
23 east, including across Natick Avenue to the east.
24 There's one to the south, but there's a big parcel
25 of land abutting the south. And, of course, to the

1 west is Mr. Rossi's active farm where he does --
2 grows trees and a variety of other farming
3 activities.

4 So what we've done in the past
5 successfully, and we're going to try to get to work
6 here, too, is after the site is cleared, and the --
7 well, first of all, if I can walk that back, so the
8 first thing that would be done on the site is
9 obviously would be stake out of the construction,
10 the buffer zones, the limit of clearing, and so
11 forth.

12 So to the north is a 50-foot existing
13 vegetation adjacent to the north property line that
14 is proposed to remain during the work and remain
15 there as a permanent buffer. To the south where
16 you can see the green on the south, down here that
17 I'm pointing at, that area was selected simply
18 because it's directly adjacent to the house that's
19 to the south, which is really the closest house to
20 the project. There's an area here on the east
21 which would also allow possibilities of planting,
22 restoration planting, buffering, planting to not
23 just the house that's there, but also across Natick
24 Avenue. We did have a discussion. We had a few --
25 we had some good input at the neighborhood earlier

1 in the week, or, excuse me, last week, and some of
2 the neighbors across the street or one of them at
3 least commented that even though they were 600 or
4 more feet away, they were concerned because the
5 topography was rising up as it goes away from their
6 house. So they wanted to pay attention to how that
7 would be screened because they're concerned they
8 might be able to see it.

9 So the proposal at this point, and it is,
10 again, conceptual. It's very high level. We
11 haven't done a detailed analysis; but in the past,
12 the way I've done it and it's worked well is when
13 the clearing is done and the existing vegetation is
14 there, it's visible, we can analyze, inventory what
15 is there, its effectiveness for screening and then
16 propose additional planting, in-fill planting, in
17 order to fill in any of the gaps and make it an
18 effective year-round screen so that the people who
19 live to the north and to the east and the south
20 don't have to see it.

21 One of the techniques we've had, I know
22 Dave pointed out that there's a gas line on the
23 south. And, as such, there's not really much room
24 there to do supplemental planting, but the
25 gentleman owns, I think, this parcel here, again,

1 at that meeting discussed that, and we proposed
2 that or suggested we'd be willing to plant on this
3 site on the property line, on his property to
4 become, you know, his, but then it would provide
5 the screen that we'd like to try to establish and
6 still respect the fact that that gas line can't be
7 planted over with any large trees. We've done that
8 in the past, and it actually works really well
9 because the people take ownership of it and it's
10 more inclined to be taken care of and nurtured in
11 its early days. This is all designed, of course,
12 to establish itself naturally so there's no
13 long-term maintenance involved at all.

14 So, basically, to sort of summarize, the
15 site would be staked out, the limits of clearing
16 would be staked out. Protection would be put in
17 place so nobody accidentally, in the construction
18 process, goes in and cuts buffers that are intended
19 to remain. And then once these buffers are
20 visible, we'll do, at that point, a much more
21 detailed analysis of what's there, how effective it
22 is, and what we can propose to in-fill and plant.
23 If -- Josh, could you put that other -- the
24 rendering up, please. That -- what that is is it's
25 actually -- well, to be clear, the one on the left

1 is a photograph I took. There's a house. You can
2 kind of see a grey house right there. That's an
3 existing buffer that is intended to remain. This
4 is not this site. It's another site. But it's a
5 typical vegetative cover and it's a typical
6 scenario. So this is all going to remain. Now,
7 we're looking at and saying okay but we can see
8 through it or more importantly go back to the
9 person's house and look in and say I can look in
10 there. So to the right, which is not -- that's a
11 Photoshop rendering, I don't want to suggest
12 otherwise, but that represents the technique that
13 we've done in the past and it's very feasible to
14 do. So we recognize where the gaps are, where the
15 views are, and then planting those, fill them in,
16 and then, you know, develop what would ultimately
17 hopefully be a solid opaque screen that you can't
18 see through. So that would come obviously at a
19 later stage when we were doing more detailed plans;
20 and if it does move forward, you would see detailed
21 plans and the staff would see detailed plans,
22 sizes, species, numbers, locations, so if it was
23 approved, there's a document that the applicants
24 are bound by and everybody can understand what is
25 being proposed and what to expect.

1 CHAIRMAN SMITH: Thank you, Mr. Carter.

2 MR. COTTER: Thank you.

3 MR. MURRAY: Mr. Chairman -- Josh, can we
4 go back to the overall site plan. I want to just
5 publicly state a couple of things, following up on
6 John's discussion about the possibilities and the
7 commitment Southern Sky has to a proper and
8 sustaining buffer.

9 Last week at the neighborhood meeting, we
10 had a number of direct abutters there. Had an
11 opportunities to work one on one with them, talk to
12 them. And one of them, you know, asked if we would
13 put something in writing, and I said that we're a
14 little early in the process; but since last week, I
15 have written to four abutters, not to call them
16 out, but their property is next to us. And the
17 gist of my letter to them was that we are committed
18 to working with them individually on a screening
19 that's satisfactory to them, that works for us,
20 that the details of which will emerge over the
21 months ahead. We're going to go from concept to
22 design and placement; but for the record, Mr.
23 Francisco is here tonight. This is his property
24 here, and we've committed to working with him to
25 satisfy him. He directly abuts the pipeline.

1 So -- but we've expressed a willingness, if he
2 wanted to work with him on his property, put some
3 plantings at our expense.

4 Mr. Clint Rossi, no relation to the owner
5 of this property, Ron Rossi, lives right at the
6 access road right here, and he's here tonight and I
7 want to publicly say that his interest in screening
8 along the access road and behind his house is one
9 that we will commit to publicly tonight and I've
10 done so in writing to him.

11 Across the street, Mr. Clark, who lives --
12 his house is really on the cul-de-sac, not on
13 Natick Avenue but he does have a structure right on
14 Natick Avenue, I think it's a barn or garage. You
15 know, he's on the easterly side of Natick Avenue
16 and Drake Patten's husband talked about that the
17 other night. I didn't write to them because I
18 wasn't quite sure what their interest was, but the
19 commitment I made to Mr. Clark applies to, them,
20 also. He's concerned about screening, the visual
21 effect of looking, if at all. I'm not sure it's
22 going to exist, but publicly I want to acknowledge
23 that I did write to him, and we will work with him
24 on that.

25 The last property owner was up here, the

1 Swansons, and they are -- there are three different
2 property owners along the north edge of the
3 property. And at least with respect to
4 Mrs. Czerwien owns this property. We have not -- I
5 have not met her or spoken to her. But the
6 Swansons are right here. Mr. Zevon is right here.
7 He's represented by counsel and we'll certainly
8 work with this legal counsel, if need be. But with
9 respect to the Swansons, they -- publicly I want to
10 commit to them tonight on the record that we will
11 work with them.

12 This is the Briarhill neighborhood up
13 here. This is Ridgewood Road. At the neighborhood
14 meeting, we had a couple of people from there, and
15 I've communicated with them directly through
16 e-mails and things. You can see this is the edge
17 of the solar field here and the leased area for
18 Southern Sky, but I want to acknowledge, at least,
19 that if it's determined that some additional
20 screening is needed in this area, too, Southern Sky
21 will commit to that also.

22 So that's all I want to say about
23 buffering, but I don't want to -- I want to
24 underscore, it's a concern -- if it's a concern for
25 neighbors, it's a concern for Southern Sky, and

1 we're going to take it seriously, and we will
2 obviously satisfy the neighbors, work with the
3 conservation commission and the planning staff as
4 we go forward on that.

5 Mr. Chairman, I take it Mr. Pimentel has
6 not -- he had a project in Smithfield tonight.
7 With your permission, I will briefly go through his
8 presentation, not as eloquently as he would, but I
9 am familiar with it. With your permission, I'll
10 just pass out his resume and his report and --
11 Mr. Edward Pimentel, who is a Cranston resident,
12 resides at 26 Avon Road in Cranston. He is a
13 recognized land use consultant. He holds the
14 proper qualifications. He happens to be the zoning
15 official in the city of East Providence. But
16 during the evening hours, he does work as a
17 consultant with various developers. He has worked
18 on numerous Southern Sky projects in Rhode Island.
19 He has prepared a report for this project which we
20 characterize as a major land development project
21 under our subdivision regulations. His report
22 speaks for itself; but at a high level, his role
23 was to examine the project, the plans, compare them
24 to our subdivision regulations, and most
25 importantly the city's Comprehensive Plan.

1 To summarize his findings, he, in his
2 report, has identified and the staff has spoken to
3 it a little bit in their staff recommendation, that
4 our Comprehensive Plan, say what you want about it,
5 but one thing it does do, it encourages renewable
6 energy production facilities and alternative energy
7 sources. This commission, in 2017, amended the
8 Comprehensive Plan of 2010, with specific
9 references to alternative energy and specifically
10 with respect to solar. And there are numerous
11 recitations throughout the Comprehensive Plan and
12 the various elements, the land use element, the
13 natural resource element that alternative energy
14 resources are encouraged and promoted.

15 A fundamental concept in the Comprehensive
16 Plan and one that not everybody embraces, but the
17 plan speaks to it, it talks about preserving
18 existing farmland and undeveloped land by
19 temporarily removing the development potential
20 through land banking and by allowing passive
21 alternative energy generation facilities like solar
22 power. Wind is another example. The concept of
23 temporary banking this property, and that's what
24 Mr. Rossi is looking to do here tonight. He's
25 removing this from the development potential for

1 housing and is asking permission to utilize a
2 portion of his land for solar energy. Housing is
3 permanent. This, whether you want to accept it or
4 not, the solar farm concept, solar technology is
5 not viewed as a permanent in perpetuity resolution
6 for preserving undeveloped land. The life of these
7 is typically 25 years. Yes, they can be extended.
8 Southern Sky is leasing this land for 25 years from
9 Mr. Rossi. That doesn't mean at the end of 25
10 years if the parties were interested, the lease
11 couldn't be extended. Over the course of those 25
12 years, I will tell you that at some point as we get
13 towards the end, the sunset of the lease period,
14 you know, there may be opportunities to put new
15 equipment in here, upgrade the panels, even though
16 these are the highest level, Tier 1 panels that
17 Mr. Palumbo is proposing, the solar facility could
18 continue beyond the 25 years, but the important
19 thing is that our Comprehensive Plan says this is
20 prudent, this is appropriate; and for that reason,
21 it should be part of your consideration tonight for
22 an approval.

23 The other aspect of Mr. Pimentel's report,
24 and I'll answer questions later. It's addresses in
25 the staff report on Page 11 of the staff

1 recommendation, there are prongs or fundamental
2 steps that one -- this commission needs to consider
3 when considering a major land development project,
4 a series of questions and, you know, process you
5 look at. When you look at each one of those steps
6 for a major land development approval, we meet the
7 test. Things like access to a road, and I'm not
8 going to take up time because I want to get the
9 public to be able to speak, but the bottom line is
10 Mr. Pimentel's report endorses this project,
11 naturally, but it also points out in vivid detail
12 its consistency with the city regulations and
13 ordinances, with your subdivision regulations And
14 most importantly the Comprehensive Plan. The
15 Comprehensive Plan is the document that this
16 commission, the city council, and any other body in
17 the city is supposed to make their land use
18 decisions on. So I urge you to take into
19 consideration his report at the appropriate time in
20 your deliberations.

21 Mr. Chairman, just a couple of closing
22 remarks. First, the only thing we have not talked
23 about that I know is of interest to the neighbors,
24 I want to talk about the interconnection route.
25 That is one that's interested a lot of people.

1 Under PUC regulations and tariffs, the National
2 Grid has an obligation to connect this project to
3 the grid. That's unquestioned. Everything they do
4 is at our cost, but they have an obligation to
5 connect us to the grid. When -- several years ago
6 when this first started, the interconnection route
7 was not necessarily a focus. We knew it had to be
8 connected. But over time, as sophistication has
9 come into this process, it's a question that, now,
10 we try to answer more up front and that's what -- I
11 want to share that information with you. There's a
12 letter in the file that I sent to Mr. Pezzullo with
13 the best information I have available, but for the
14 public, some people know this, but I just want to
15 say what the plan is right now.

16 Obviously, the entrance to this property
17 is on Natick Avenue, right here. The power will
18 leave the site at this location and it will travel
19 north on Natick Avenue. The plan right now that we
20 have from National Grid is to replace approximately
21 6,000 feet of overhead wire to provide for three
22 phase wiring on new poles that will be placed in
23 the location of the existing poles. So we're using
24 replacement -- they will be using replacement poles
25 that will be installed in the exact location, give

1 or take a foot, where the existing poles are, and
2 the new wiring will travel north on Natick Avenue
3 all the way down to the intersection of Wilbur
4 Avenue. I believe the plan that I've seen from
5 National Grid, which is not a public document, but
6 I'm sharing what information I can, that poles --
7 in between Poles 29 and 73 on Natick Avenue, those
8 poles will be replaced. The new poles -- the
9 existing poles out there today are probably 35 feet
10 in height. Because of the three-phase wiring, the
11 new poles will be taller. Depending on how far in
12 the ground they're sunk, they are 45-foot poles.
13 The canopy along any Natick Avenue, I was there
14 again this morning, is not extensive. There are
15 parts that overlaid over the road. There will be
16 some tree trimming necessary with the new poles and
17 the new equipment that National Grid puts on there.
18 They try and keep it to a minimal, but their
19 interest is first they have to provide a safe
20 connection, worker safety comes into consideration
21 with trimming, but based on everything I know and
22 I've see, there won't be extensive tree work.

23 The project will, once it goes down all
24 the way to Wilbur Avenue, then it picks up other
25 three-phase wiring and eventually all the power

1 will go up to Wilbur Avenue to the Laten Knight
2 Road substation. So that's that the preliminary
3 design. I share it this evening with the
4 commission and the public. I have a high degree of
5 confidence that that is the route that will be
6 selected by National Grid, and it's naturally
7 subject to final design, but you can reflect on
8 that information with a high degree of confidence
9 as far as I'm concerned.

10 Mr. Chairman, that is -- at this point,
11 I'd like to stop. I may have additional comments
12 later to supplement, perhaps, some questions or
13 answers that were raised. We will remain available
14 for the rest of the evening to answer questions
15 from the commission. In the past, I know that
16 you've always allowed the public to speak. We'll
17 try and keep track of questions and then answer
18 them at the end in block unless it's a question
19 that want us to answer immediately.

20 CHAIRMAN SMITH: I think it will be best
21 to jot down all the questions and then answer them
22 all together at the end. It will move the meeting
23 along a lot -- more expeditiously.

24 MR. MURRAY: Does the commission have any
25 questions now they want to ask?

1 CHAIRMAN SMITH: Open it up to the
2 commission if you have any questions right now, we
3 can address the questions after the public has been
4 heard.

5 MS. BITTNER: I think it will be
6 appropriate to let the public speak so we can see
7 in terms of the mood we have.

8 MR. VINCENT: Mr. Chairman, when is the
9 staff recommendation going to be given because I
10 heard Joshua say that he stopped midway and was
11 going to continue after the proponents made their
12 presentation; is that correct?

13 CHAIRMAN SMITH: I know that generally
14 what we've done is the staff recommendation comes
15 at the conclusion of hearing from all the people
16 who want to be heard.

17 MR. VINCENT: I think it would be in the
18 public interest to -- for the public to hear what
19 the staff's recommendation is. It's also, as a
20 commissioner, I would like to know that logic
21 behind the staff recommendation. I have some
22 questions, but perhaps the staff recommendation has
23 addressed those. So I would like to see or hear
24 our staff recommendation if that's appropriate.

25 CHAIRMAN SMITH: I have no objection. If

1 there's no objection, Mr. Berry.

2 MR. BERRY: Just slightly before I go to
3 the staff recommendation, I just wanted to report
4 out on the interest of others that were submitted.
5 The Tennessee Gas pipeline reached out to staff
6 recently. They are very concerned and have
7 corresponded with the applicant about all of their
8 requirements to protect the gas easement, the
9 50-foot gas easement along the south of the
10 property. We will be making sure that this
11 easement is respected. It is one of the
12 recommended conditions that the applicant work with
13 the Tennessee Gas pipeline moving forward with this
14 project. We have a few e-mails, two residents in
15 opposition, and one that was concerned, if I
16 interpret their e-mail correctly, was actually to
17 request a continuance. It does ask me to read
18 these into the record. I'm happy to do that now
19 for you all. And we did have multiple discussions
20 as well as report. Without a formal commitment, no
21 written submittal, but there have been many members
22 of the public calling and coming into the office to
23 look at the plans and discuss the plans.

24 So I have an e-mail from a Christie Angel.
25 Good afternoon. My husband and I -- and she's 595

1 Natick Avenue. My husband and I are homeowners at
2 595 Natick Avenue. We have learned of the proposed
3 solar farm project for Natick Avenue very recently
4 via regular mail. It appears that there has been
5 consideration for the abutting and surrounding
6 neighbors regarding notification that this project
7 that was already in the process for approvals with
8 plans available in the planning office for review.
9 With that being said, we are out of the state and
10 unable to attend tonight's meeting. However, we
11 would like this e-mail to serve as our voice and
12 would like it read into the record. We express our
13 disappointment that the residents and property
14 owners were not given ample time to be further
15 informed of what this project entails and the
16 effect it will have on our quality of life. We
17 moved to this city, quote, in the woods, end quote,
18 so to speak, for a reason. We enjoy the quiet, the
19 wildlife, and the privacy of our location. We are
20 not sold on having a solar farm in our backyard.
21 We are concerned about the impact it will have for
22 us and our neighbors particularly with
23 environmental issues and runoff from the site.
24 While we understand there's a Comprehensive Plan in
25 place, there has to be the utmost consideration for

1 those of us that live there if this project is
2 approved, as we will ultimately be the ones that
3 have to live with this long term. Therefore, in
4 closing, we respectfully request that this project
5 be postponed for further study and vetted so that
6 the residents' quality of life be considered before
7 approving this Southern Sky project. Respectfully
8 Matthew and Christie Moretti.

9 Another e-mail I'll read into the record.
10 I'm sorry one is from Christie Angell. The other
11 one was forwarded to me from Christie Angel, but it
12 was obviously from those signatures, Mr. And Mrs.
13 Moretti. Hello, Joshua. Please see the e-mail
14 below that was sent earlier this afternoon. It was
15 brought to my attention and I advise to you as
16 well. With the potential for blasting and a major
17 gas line in the area, clear cutting a significant
18 amount of trees and it being in the middle of our
19 residential neighborhood, we do not support this
20 project. This project would be better suited in
21 commercial area, not in our backyards. Please read
22 this into the record as well.

23 I have also received e-mails from
24 Mr. Douglas Doe. I believe he's here tonight, and
25 I would anticipate that he can speak for himself.

1 I just wanted to mention that the documents that
2 were attachments are in the record.

3 Moving on to our analysis, I mean, first
4 thing I want to say that staff welcomes and
5 applauds the public for raising their concerns for
6 being heavily involved with this project and wants
7 to be very clear that we appreciate the comments
8 the residents of Cranston have and will continue to
9 voice. These comments are informative to staff and
10 will heighten our awareness on the issues that
11 these projects raised within our community.

12 However, we must consider that owners have the
13 right to develop their land under the confines of
14 Federal and state, local laws and regulations.
15 They have the right to cut down trees, to grade, to
16 blast, et cetera, within these confines.

17 The project before the commission tonight
18 is subject to the same laws as everyone else, no
19 more and no less. The City of Cranston cannot tell
20 an owner of an A80 zone lot that they cannot cut
21 down trees to the extent necessary for a solar
22 farm, but they can cut down all of the trees on the
23 site for a subdivision or any undisclosed reason at
24 all. The city's comprehensive plan has been
25 explicit in its support of renewable energy

1 production and they should be proud of that, as
2 well as its land banking strategy to avoid the
3 stress that residential sprawl in western Cranston
4 has on the city's infrastructure, school systems,
5 and budget. We should not entertain the denial of
6 a master plan on the basis of details which are not
7 appropriate for this phase. We need to respect the
8 process, and master plan is an overall plan for a
9 proposed project site outline general rather than
10 detailed development intentions. It describes the
11 basic parameters of the major development proposal
12 rather than giving full engineering details. The
13 applicant has followed the rules, has complied with
14 the request of the city staff, has demonstrated a
15 willingness to work with the public and the
16 neighboring residents to discuss the project and
17 their concerns through this phase and through
18 future phases of the project.

19 In conclusion, due to consistency with the
20 Comprehensive Plan policies, staff recommends a
21 positive recommendation of the master plan project.
22 To highlight some of these bullet points here,
23 essentially compliance with the Comprehensive Plan,
24 this project is allowed by right under zoning. No
25 variances or signage are requested. The solar

1 arrays, it's important to note, are set back 400
2 feet from the right-of-way. So in terms of
3 preserving the rural nature, it is the
4 interconnection which could be, you know, the only
5 impact to the right-of-way and the intent of the
6 buffer plan is to provide the rural nature for the
7 abutting residents.

8 And for these reasons, staff is forwarding
9 a positive recommendation on this application.

10 This would be conditioned to the following: It
11 would be that the applicant shall submit a
12 buffering plan to the conservation commission for
13 review and comment as part of the preliminary plan
14 approval process. Require changes to the buffer
15 planting plan may result in altercations --
16 alterations to the current proposed layout of the
17 solar installations. So we want to make that
18 abundantly clear that this is a conceptual master
19 plan and that it may be altered to meet the
20 buffering standards that staff and the conservation
21 commission may require. It will -- the plan -- the
22 applicant shall receive the preliminary DPR,
23 Development Plan Review Committee, approval prior
24 to submission of a preliminary application with the
25 planning department. That provides a technical

1 level of assurances through city staff to make sure
2 that the preliminary plan is appropriately vetted
3 prior to being submitted to the planning
4 commission. And, third, that the applicant will
5 work with the Tennessee Gas pipeline, TGP, to
6 ensure that the project will be consistent with the
7 terms and conditions of the easement.

8 CHAIRMAN SMITH: Thank you, Mr. Berry.
9 Commissioner Vincent, did you have questions that
10 you wanted to raise?

11 MR. VINCENT: Mr. Chairman, I can do that
12 at your discretion either now with the proposals --
13 the developers or we can hear from the public,
14 whatever you think.

15 CHAIRMAN SMITH: Okay. Well, I thank the
16 members of the public for being so patient. Why
17 don't we -- okay. We're just going to take these
18 in the order in which they were written down. And
19 when you come to the podium, I just ask you to
20 state your name for the record and your address and
21 please speak into the microphone so everyone can
22 hear. And if possible, kind of keep your comments
23 to about two or three minutes because I know that a
24 lot of people want to be heard. Barbara Czerwien,
25 I think it is. Sorry if I mispronounce the name.

1 105 Briar Hill Drive is the first person to ask --
2 to speak.

3 MS. CZERWIEN: Hi. My name is Barbara
4 Czerwien, 105 Briar Hill Drive. I was away from
5 the state for a couple of weeks. I got home
6 yesterday, bombarded with all kinds of notes and
7 stuff about this. So I have no idea really what's
8 going on. My first thought was how close to me is
9 it going to be. My house is at the north -- abuts
10 at the north part of the fence on the left side of
11 the map. Come to find out, it's only 50 feet
12 buffer from my house itself because my house is
13 right at the end of the property line. To me 50
14 feet is nowhere near far enough to be a buffer
15 zone. And my other thought was the blasting.
16 Anybody that lives in that area knows that's all
17 ledge. There's definitely going to be blasting, a
18 lot of it. So that's all I have say for right now
19 because I'm really not up to date on what's going
20 on. Thank you.

21 CHAIRMAN SMITH: Okay. Thank you very
22 much. Our next speaker Walter Lawrence, 745 Natick
23 Avenue.

24 MR. LAWRENCE: I have some concerns. One
25 is this blasting here. My property is just south

1 of the Rossi property. In fact, it abuts the
2 property for 1300 feet, out of the 1500 feet.
3 Blasting, we have wells over there, and sewage with
4 the septic systems. Now, this blasting, I know
5 they have regulations, but things do go wrong once
6 in a while. Also, the noise that it might make. I
7 have a transformer in the front of the house, right
8 in the middle of the lawn. And I have an agreement
9 with Narragansett that if it starts making noise,
10 humming, something like that, they would come and
11 immediately replace it. I don't know what the
12 system is here.

13 Another thing is the underneath. How are
14 they going to keep the vegetation out? I would
15 advise the panel that if they make an agreement
16 here, that they put in it that there's no chemicals
17 to be used. That was done with the gas company
18 that no chemicals, it would be manually
19 de-vegetated.

20 Another thing is the lightning. In this
21 area it's all ledge and stone. My house,
22 personally, has been hit three times. It burned
23 out every television that was plugged in, every
24 phone, the wires were melted. It's a bad place for
25 lightning. I don't know what their system is for

1 lightning. But I know what lightning can do.
2 There was three of us killed back in 1967 when the
3 lightning come down, split, hit my buddy and myself
4 and split and went from North Kingstown near
5 Quonset on the Almacs store we was building to
6 Goddard Park, killing the fellow over there. I'm
7 the only one that survived. I was completely
8 burned. All the hair was off my body. And I was
9 taken to the hospital in the rescue, and the
10 doctors only realized that I could have survived
11 was because I had a piece of plastic and I was
12 holding it here and when I fell, I landed on my
13 fists and gave me my heart massage. The other
14 fellow landed like this, and he was gone. I don't
15 know what the lightning is, but I suggest that they
16 have it in there that vegetation be manually
17 stripped like on -- they've done on the
18 right-of-way for the gas. I'm not against it and
19 I'm not in favor of this. I've been contacted by
20 the company about my piece of property, which would
21 be connected over into his and taken down the road.
22 Thank you.

23 CHAIRMAN SMITH: Thank you very much.

24 Okay. Vincent Moses, 826 Natick Avenue.

25 MR. MOSES: Well, I want to thank the

1 commissioners for giving the public the opportunity
2 to speak. I am vehemently opposed to this project.
3 Before that, I would like to question the quality
4 of the presentation by the planning commission. To
5 me, it was a disgrace to put blurry images on that
6 screen, to refer to locations on that screen
7 without even using a pointer that the attorney for
8 the developer used. If that's an indication of
9 what the City of Cranston's residents have
10 monitoring projects such as this, we're in big
11 trouble. Sloppy -- the Hubble Telescope gives
12 better images than what you put in front of us
13 today. You should be ashamed. Okay.

14 As far as blasting is concerned, I want to
15 echo what Mr. Lawrence said. I have a well and the
16 ledge in the area is notorious. And who knows
17 what's going to happen, who can predict what's
18 going to happen when they start blasting because
19 they're going to hit ledge in an area this massive
20 when they start to do their drilling, which they
21 have yet to do. Interesting to me that that would
22 be the first thing I would do, contemplating a
23 project such as this to see what's involved below a
24 foot or two of soil, to see what they're up
25 against. And what indemnification any they going

1 to present to the people that have wells and septic
2 systems that ultimately could be harmed by the
3 seismic effect of this blasting. Not one word was
4 mentioned. All they're concerned about is the gas
5 transmission line with Tennessee -- the Tennessee
6 Corporation that owns that easement and has that
7 line. I didn't hear one word from the developers'
8 ambassadors talking about the residents and their
9 utilities, water and sewage. Are they going to
10 provide indemnification? What about the water
11 runoff?

12 Right now, if you traveled on Natick
13 Avenue, you still have the remnants of a small pond
14 right near Valley View. Okay. What's going to
15 happen when the temperature drops below freezing
16 and that water runoff is on the road? What's the
17 city going to do about that? For days, we had to
18 use one side of the road to traverse that pond
19 area. And then across from Mr. Lawrence's home, we
20 have another smaller area of the water just can't
21 get off the road. I don't hear the developers
22 talking about putting it drainage to alleviate and
23 mediate those problems, which I'm sure will
24 increase dramatically. We just had the city, I
25 would say, appreciatively repave Natick Avenue

1 because it was a terrible stretch of city road.
2 Now, you're going to bring in 18-wheelers with all
3 kinds of weight that I'm sure are going to have a
4 detrimental effect on the condition of that road.

5 The poles, oh, we're just going to
6 increase the height of these poles by 15 feet or
7 more and what's going to support them in a heavy
8 wind? I imagine they're going to have to use some
9 sort of buttressing to maintain the integrity of
10 those poles. No word. Oh, we're just going to put
11 poles up a few feet higher. When they fall due to,
12 you know, whatever lumber they use or timber they
13 used, that extra height is going to cause some
14 havoc along that road.

15 Okay. What else would I like to say? Oh,
16 the perimeter fencing. They're going to elevate it
17 from the bottom to allow some critters to get
18 through. This area has a wonderful area where
19 wildlife, deer, wild turkeys, and other -- they're
20 not critters. They're not going to be able to go
21 under a foot of a fence that's 6 feet high, nor are
22 they're going to go over it. But that fence is
23 going to cover the entire parameter of this
24 project. So that goes to show you, in my opinion,
25 how much they care about the wildlife and the

1 quality of their life.

2 And what it does -- well, I think I've
3 used up my three minutes. But I would just say
4 this, if I were on this committee, I would say
5 this, if, for some reason, this project gets
6 approved, I would say, number one, bury the
7 transmission lines. Number two, install adequate
8 draining along Natick Avenue to deal with the
9 increased runoff that will most likely occur
10 without a doubt. And what about sidewalks? You
11 know how much times when I drive off to work in
12 Boston at 7 in the morning, I see people liking to
13 walk along Natick Avenue. They take their life in
14 their hands because in its infinite wisdom, whoever
15 planned, never required sidewalks to be put in, at
16 least on one side of the bloomin' road. Thank you
17 for your -- oh, one last thing. I'm sorry. What's
18 the benefit to the city from this? Is the city
19 getting tax revenue from this project, or is it
20 just the landowner having, you know, I'm sure a
21 pretty handsome lease arrangement. Is there any
22 revenue to the City of Cranston -- what's the
23 benefit? Thank you very much.

24 CHAIRMAN SMITH: Next we have Doug Doe,
25 178 Lippitt Avenue. Mr. Doe.

1 MR. DOE: Good evening, Commissioners.
2 Douglas Doe, 178 Lippitt Avenue. As you know I'm
3 an abutter to the Lippitt Ave. project. I spent
4 the last 15 months observing and documenting that
5 project, much to DEM's delight, because they can
6 get out there very often so they appreciate my
7 e-mails. I looked at this from the point of view
8 of the last master plan for Lippitt Ave. because
9 these two properties are very, very similar.
10 Heavily wooded, lots of ledge, lots of rock,
11 wetlands, and actually had the same solar
12 classification. Mr. Rossi's property -- former
13 property on Lippitt Ave. had a heavy boulder field,
14 lots of ledge. That part of the area was blown up
15 with seven days of blasting. So I thought, why not
16 take a look at the master plan findings, findings
17 of fact, for Lippitt Ave. and see how they dealt
18 with their connection of reality. Well, they
19 didn't do very well. One of them required that
20 they will follow all applicable building and
21 development performance standards.

22 You talk about topsoil. They're not going
23 to remove topsoil. There's no topsoil to remove by
24 the time they're done. I've explained this to so
25 many different people. By the time they go in

1 there and cut down all the trees, and they bring in
2 the draggers and the front loaders and all the
3 rest, they rip out all the stumps, run those
4 through the stump grinders, and they bring in the
5 graders and grade down the soil to the right level,
6 then blow up what's left, run that through rock
7 crushers, and grade that out again, there's no
8 topsoil at the Lippitt Ave. project because you
9 really need a DEM inspection report. They have to
10 bring in the loam because it doesn't exist. DEM
11 requires 4 inches of clear -- of screened topsoil.
12 It does not exist on that site. Anybody can go out
13 there and look and confirm that.

14 I've got pictures here I'm going to turn
15 in for the record. There's one of the north side,
16 it was an old farmland, overgrown, they cut it
17 down. The dirt, it's just dirt, rocks, and tree
18 debris. That's all it is. The south side was just
19 about 6 inches of compacted crush pulverized rock
20 they dumped on the site. They crushed it. Loaded
21 it up in a dump truck, hauled it out in the field
22 and paved it over.

23 Now, everybody's talking about the
24 blasting. Just to let you folks know, if they do
25 blast, your windows are going to rattle, your walls

1 will shake, and some of my neighbors will complain
2 about property damage from the blasting. They ran
3 a four-month quarry on Lippitt Ave. They should
4 have gone to zoning for the required permit.
5 Ordinance requires a zoning permit to operate a
6 quarry. That's what they did for four months. Met
7 all the qualifications; drilling, blasting,
8 crushing, hauling away. It was no different from
9 the quarry on Phenix Ave, just a smaller scale.
10 The fact only four months. So what? It was still
11 a quarry. Then operate it like one.

12 Another point, no significant negative
13 environmental impact. Well, you got the DEM
14 inspection reports. You know about the
15 environmental impact that this project has had. It
16 still has. I was out there after the last rain
17 storm and they still have water rolling off the
18 site, through erosion tunnels -- ditches in the
19 wetlands that are filling with cloudy sediment.
20 This is still going on. They suffered tree damage
21 in the wetlands. They suffered tree damage on
22 conservation land because all this woodland was in
23 the middle of the woods. So it's protected.
24 Taking all the trees down and they're wide open to
25 storm damage, which is what happened. We've lost a

1 lot of trees in the wetland because of this
2 project.

3 Let's see, what else is there? All
4 natural -- this is the actual finding in the master
5 plan. All natural wetlands features remain
6 undisturbed and the impacts of this land will be
7 mitigated by screening and appropriate buffering.
8 There's not a single true fact in that statement.
9 Nothing about that statement is true. There is no
10 buffering. I could stand in my driveway and look
11 out my kitchen window and see 1900 feet to the tree
12 line on the other side of that solar field. There
13 was one afternoon this month, my wife and I were
14 standing at the kitchen window, late afternoon, and
15 the sun was hitting those metals posts just right.
16 The glare was so bright we had to pull down the
17 shade. This is in the wintertime.

18 They're showing you nice photographs of
19 vegetation and the vegetative buffers with all
20 leaves on them. That's nice. Go out there now and
21 take the same photograph. It's a huge difference,
22 which is why you need to go out there and do a site
23 visit. I asked you to do that for Lippitt Avenue.
24 You refused. Peter Lapolla didn't want you to do
25 it. Didn't happen. You need to go out there and

1 see what they want to do. You need to go out there
2 to Lippitt Ave. And see what they did. I mean, you
3 can't -- you can't get it from just looking at
4 photographs and listen to people like me talk about
5 it. You have to go out there and look at it.
6 Planning commissions all over Rhode Island do site
7 visits. There's no excuse for this one to refuse
8 to do it. These are brand-new projects. We all
9 know what subdivisions look like. We live in them.
10 We drive by them. Very few of us look out our
11 window at a massive solar field, and clear cut. So
12 you need to go out there and educate yourself by
13 walking by one of these things. See the damage to
14 the wetlands, the woodlands.

15 As far as permanent use, they've applied
16 for -- they want to build another project in
17 Hopkinton. So one of their consultants submitted a
18 decommissioning study report, and you have this in
19 my letter, he gave three options. At the end of 30
20 years, they can extend the agreement for additional
21 time. They can end the agreement and sell it to
22 somebody else and let them continue it, or they can
23 take it down. Two out of the three are permanent.
24 What's the economic reason for taking it down if
25 everybody's making money off of it? None. There's

1 no -- the economic -- unless the solar industry
2 collapses.

3 And this idea that it's consistent with
4 the city Comprehensive Plan. Mr. Murray read the
5 statement I was going to read myself, but the
6 crucial phases by temporarily removing the
7 development potential. Removing the development
8 potential. This is development. You're not
9 removing anything. You can't go out to my
10 neighborhood and tell me that's not development.
11 You can't. After what they did, it's now 15
12 months, they told you 8 to 10. It's now 15. It's
13 probably going to be about 20. They still don't
14 have the interconnection agreement, because they
15 completely screwed that up because of the
16 conservation land on Laten Knight Road. They asked
17 my neighbors for anchor easements, to anchor up
18 telephone poles, power line poles. My neighbors
19 said go away. Don't come back. They want nothing
20 to do with it.

21 And this idea that just because you put
22 something in the Comprehensive Plan makes it true
23 it's just a fallacy. This entire policy is built
24 on fallacy, that this is somehow preserving land,
25 conserving land. As I wrote in my letter, the

1 factually inaccurate solar power Comprehensive Plan
2 amendment, written by an anonymous author cannot
3 turn development into conservation or land
4 preservation. It's impossible. It's impossible.
5 This entire policy is built on a fallacy. I mean,
6 I know Mr. Rossi gave me a tour of his property one
7 month a couple of years ago because he was thinking
8 about trying to find a way to save it. So I
9 understand his desire to hold onto it, but all he's
10 going to have is what's between the property lines.
11 His land is going to disappear. It's going to be
12 gone forever, what he's enjoyed for the last 25
13 years. I mean he watched it happen on Lippitt
14 Ave.. I was out at the gate one afternoon,
15 Saturday afternoon, and he drove up in his pickup
16 and we just -- we were gazing at the fence, looking
17 at this massive pile of blasted quarry rubble. He
18 looked at me and said, there can't be that much
19 left to blast, can there? Well, there was. They
20 kept right on blasting.

21 And as far as the pipeline goes, going to
22 DEM this afternoon to review the file if anybody's
23 interested, the number is 90-0184F, and they
24 couldn't find it. It's so large. They stashed it
25 away someplace, but they're now looking for it.

1 I'm sure they're going to want to review it when it
2 comes time to do the wetland permit.

3 But I hope that you do not vote on this
4 tonight. Number one, you need to do a site visit.
5 Number two, you need more information from the gas
6 company. I'm sure they have plans that they can
7 show you of their pipeline. I'm sure they have
8 construction reports that tell you what
9 construction difficulties they have on their
10 property. Be a perfect way to find out what the
11 land is like from the company that did it. And if
12 the big huge (inaudible) is found because they
13 actually alter the one in the wetlands for some
14 reason they had to change the direction of the
15 pipeline. They got a lot of trouble for that.

16 So, again, I ask you to please continue
17 this hearing one more night. I mean, this passing
18 this master plan for these massive projects in one
19 night has to stop. You've got to stop kicking the
20 can down the road. And say, oh, we'll take care of
21 that in preliminary plan. I mean they made the
22 master plan findings of fact last time and they've
23 proven to be not true. Demonstratively. By
24 prudent facts on the grounds. You go out and you
25 look at it. Don't take my word for it.

1 So, please, take your time. Listen to the
2 people tonight. Go home. Read all the
3 documentation you received. Look at the
4 photographs. Think about this, and what can be
5 done. You need to go out there and stand in Drake
6 Patten's front yard and realize what she's going to
7 see for the next 25 years. You can't hide that
8 from here. It's impossible because of the
9 elevation. People don't move in residential
10 neighborhoods to look at this stuff. They don't
11 want to see it. I don't care how many trees they
12 plant, how many trees they plant as screening, It
13 just doesn't work. I'm 800 feet away from this
14 thing. I can still see it clear as day. I spent
15 all last winter watching the gravel crushers going
16 at it, with the conveyor belts and the front
17 loaders. The heavy equipment is back again today.
18 You know, these people are going to have to --
19 their neighborhood's invaded by a large degree of
20 construction equipment, and they have no idea
21 what's coming down the road. I had no idea. I
22 mean I expect 7, 800 truckloads. We're so far
23 beyond that, it's ridiculous. You know, we're
24 going to be over a thousand, easy. And that road
25 is a lot smaller than Lippitt Ave. And Hope Road.

1 As someone called it, it's a cow path. And those
2 trucks are massive and they can't make the turns
3 because they destroyed my front yard doing it.

4 So, again, take you time. Take the
5 materials home tonight. Spend a month to read it.
6 Formulate questions, as for more information and
7 think about this. There is no rush to do this.
8 None. There's no reason to do this tonight, at
9 all. There's no excuse to do it. You've got too
10 much to think about, too much information in front
11 of you and you haven't seen the photographs. So,
12 thank you.

13 CHAIRMAN SMITH: Thank you, Mr. Doe. Now,
14 Rachel Clark, 41 Woodcrest.

15 MS. CLARK: Good evening. I should say
16 good night. Thank you for allowing me to speak
17 here. First of all, I need to say I respect
18 Mr. Rossi's right to protect his investment, his
19 land and his family because I'm here tonight due to
20 the same thing.

21 Six years ago I stood right here when a
22 contractor proposed to build three little houses in
23 a lot abutting my property, and I was concerned
24 that the developer might need to blast because
25 there's so much ledge in our area. Several of my

1 neighbors came and spoke out about this very same
2 issue. The project was approved and went forward
3 for a bit, and I'm before you tonight and six years
4 later, they have not completed those very same
5 three little houses.

6 The first developer sold the property but
7 not before bringing in an industrial sized
8 excavator with a jackhammer. It was the size of a
9 backhoe. It hammered and crushed rock and ledge
10 starting at 7 A.M. until five or six o'clock at
11 night for four months on end. It disturbed my
12 neighbors and my family. It was mind numbing. It
13 was torturous. There are no words. Six years and
14 they are not finished with three little houses on a
15 third of an acre of land. So forgive my suspicious
16 mind when I don't believe these solar manufacturing
17 people when they estimate a project of this
18 magnitude will be completed in as little as eight
19 to twelve months.

20 We are the neighbors. We know the land.
21 I'm not even going to touch on the flooding issues.
22 Okay. But really what do we want to be known for
23 in Cranston. Newport has its mansions and the
24 beaches. Providence has Thayer Street, Federal
25 Hill, and the universities, and I guess we can be

1 the solar city. Is this what we want for our
2 children. What do you want your legacy to be when
3 you put your heads on the pillow at tonight. Think
4 about it. In 25 years, what did you accomplish?

5 Cities and towns throughout our state are
6 struggling with these issues right now. Recently
7 in Tiverton, the town council put the brakes on a
8 solar project, repealed its solar ordinance when
9 the council plans to amend it, and they stated if
10 we keep going forward, we're not going to have a
11 pretty town anymore. In Portsmouth, two abutters
12 appealed to the Superior Court after the city went
13 forward with a 2.9, only 2.9 megawatt solar project
14 in a residential area. The Court concluded that
15 the zoning board exceeded its statutory authority
16 when it declared a solar facility was permissible
17 in a residential area. The judge ruled that a
18 solar array is most similar to a manufacturing
19 facility. This judge's ruling could have far
20 reaching effects.

21 Let's remember, just because something
22 appears to be legal, doesn't mean it's right.
23 Solar energy is supposed to be green. So what
24 happens in 25 years to these solar panels? Do we
25 toss them in the Johnston landfill? Let's be

1 honest, we all know solar energy is a good
2 alternative, but solar facilities are ugly and they
3 take up a great deal of land for the energy they
4 produce in Rhode Island, anyway. I mean this isn't
5 Arizona. So let's put them on rooftops and
6 landfills where they belong because I really do not
7 want to come back here in six years to tell you
8 that I was right the first time when everyone
9 figures out that this was a big mistake. Thank
10 you.

11 CHAIRMAN SMITH: Thank you very much.
12 Patrick Dougherty, I believe.

13 MR. DOUGHERTY: Thank you, Mr. Chairman.
14 My name is Patrick Dougherty. I'm an attorney
15 licensed in the State of Rhode Island with offices
16 at 887 Boston Neck Road in Narragansett. I
17 represent a number of abutters and near abutters to
18 the project. I can specifically name them for you
19 right now. It's Daniel -- Mr. and Mrs. Daniel
20 Zevon, Carl and Carol Swanson, Drake Patten, and
21 Rite Deeder (phonetic), and Ronald Mancini.

22 I am late to the party here. I first
23 appeared on the property and got a look at this
24 site from the Zevon's property just late morning
25 today. Quite frankly, I'm amazed when I delve into

1 the ordinance and the requirements and I -- you
2 have a difficult job here to do.

3 There's no question that in an A80 zone,
4 these solar power facilities are by right, but that
5 doesn't mean that there can't be significant
6 control over the development and safeguards put in.
7 This commission is the sole firewall for all these
8 people out here whose life savings are put into
9 their houses and their homes. It's a gorgeous
10 area. I never had the privilege of being up in
11 that part of -- on that side of Natick Avenue.
12 It's a very unique place in the State of Rhode
13 Island. I have to add that. You have a beautiful
14 city. It's amazing. The diverse nature and the
15 neighborhoods that you have in this wonderful city
16 here. I think right now from what I've seen for
17 this type of project, you do not have sufficient
18 detail to move forward with this application.

19 If you look at the procedure that's
20 contained in state laws for review of these, sure,
21 you have to, you know, make sure that it's
22 consistent with the Comprehensive Community Plan
23 and Mr. Pimentel is an expert in -- I've used Mr.
24 Pimentel. I'm using him in a project in Newport
25 right now. He's very good at finding elements of

1 the Comprehensive Plan that are consistent, but you
2 can cherry pick elements of the comprehensive plan
3 to find anything that you want.

4 I'd like the opportunity to come back here
5 with countervailing testimony in regard to that
6 because I think it's critically important to look
7 at what is going on here. If you look at what
8 they're doing here, and as you well know, I mean,
9 you've had countless numbers of applications that
10 you've taken under consideration in your years of
11 service to the city here, once a master plan
12 approval is granted, the applicant has a vested
13 right to -- and produce that development.

14 But right now, I don't think that there's
15 anywhere near sufficient detail. When I looked at
16 the site from the Zevon's backyard, from their
17 patio, from their kitchen window, it's not a dense
18 site. It's upland facing over that way. It's
19 scrub oak, a number of different trees, a few
20 maples pushed in, but it's pretty mature forest
21 land and there's not a lot of understory that I
22 could observe from my client -- one of my client's
23 properties.

24 The buffering that they have put forth
25 there in the plan, and Mr. Carter is an excellent

1 landscape architect. I can't fault them for the
2 quality of the experts that they've brought here
3 tonight; but if you look at the landscaping plan,
4 the buffer that they wanted to put in there to
5 give, you know, to add to this, what I think is a
6 very sparse nature of woodland in that 50-foot
7 nature buffer that's there from the proposed
8 delineation of the site into the neighboring
9 properties is -- it gives you really nothing that
10 will provide any sort of a meaningful screen to a
11 project of this magnitude.

12 In addition to that, if you look at the
13 planting schedules that are out there, you're
14 talking about putting 5 to 6 foot white pines and
15 the like as a means of providing a buffer. Well,
16 it's going to take years for those to grow in. In
17 addition to the time that it would take for that
18 screening to mature to a proper level which I'm not
19 even sure quite frankly it will screen the
20 neighboring properties based upon the topography of
21 the land, which I'm going to get to in just a
22 second, but you have to understand that you're
23 dealing with contours that -- and you didn't really
24 see them highlighted in there.

25 As a matter of fact, I was up late last

1 night. I was in the city of Newport until eleven
2 o'clock at a planning board meeting myself. I was
3 a little bit bleary eyed and I became embarrassed
4 because I couldn't even pick out the contour lines
5 clearly on the plans that were shown to me in a
6 kitchen today, and lo and behold I look and I said,
7 my gosh, look at this, they're going from 250-foot
8 elevations down to 110-foot elevation within that
9 area of where they're planning to put the solar
10 panels.

11 Now, I didn't see anything in the detail
12 that talks about what the finished topography is
13 going to be and I know, you know, again, it's
14 master plan, we all know that, but I think you need
15 to know that going into this because they're
16 talking about potentially, if they're talking about
17 leveling this site, you know, I mean we're talking
18 about 140-foot difference in some of the contours
19 from the upper left portion of what you saw on that
20 screen down to the bottom near the wetlands and
21 there was an overlay of solar panels in that area,
22 comprising that entire contour.

23 So I do, you know, and I've read some of
24 Mr. Doe's, you know, research, and I've seen some
25 of his communications back and forth with some of

1 the town and state officials, or not town and state
2 officials, the state officials, and I espouse his
3 begging you to go out there and look at it and also
4 take your time with this. You're taking a
5 beautiful pristine and special place and based upon
6 this, you can't make an informed rational decision
7 for a conceptual design with having further detail.
8 There's just no question about that.

9 The 9 to 12 months for the construction
10 installation schedule, with what I've seen out
11 there and what you've heard from all the abutting
12 residents, it's not going to be sufficient to blast
13 that out unless you have the most egregious
14 blasting going on. Again, the Tennessee Gas
15 pipeline company has a major high pressure line
16 going through that. I'm not sure what Federal
17 agencies may say on that. I'd like the opportunity
18 to see if there are any Federal agencies that
19 should have been notified with respect to that.

20 And not only that, but you look at the
21 public safety issues that are going on out there.
22 If you're blasting ledge and you've got a high
23 pressure gas pipeline, I think you've seen in the
24 news some of the things that happened out west.
25 Entire communities have been obliterated by that.

1 Look at what happened in Massachusetts just in the
2 past year. A town was nearly leveled for city
3 blocks based upon a natural gas, just -- the city's
4 infrastructure going up. Again, this may sound
5 like fear mongering, but these are real questions.
6 These are concerns of the people who've invested
7 their life savings and built beautiful homes and
8 established families and, you know, for lack of a
9 better thing, they've established roots in a place
10 that's very dear to their hearts.

11 You're the last firewall. You're the only
12 firewall. I am astounded, having been involved in
13 municipal law for my entire career. I'm astounded
14 at the lack of foresight of the council in adopting
15 the amendment to the solar ordinance. The
16 standards that you have for performance standards
17 are abysmal. But that doesn't mean that you can't
18 ask for more. That doesn't mean that you can't
19 request additional detail to make sure that the
20 proposed project is consistent with the
21 Comprehensive Community Plan, that it is in
22 compliance with all of the municipality zoning
23 ordinances. There -- you also, in your required
24 findings, you have to find that there's no
25 significant negative environmental impacts from the

1 proposed development, you know, again, shown on the
2 final plan; but right now, I'm looking at huge
3 negative environmental impact, and you need to
4 know, are they going to have a ski slope of solar
5 panels or are they going to be leveled out. And if
6 they're leveled out, how in the name of God are
7 they going to protect the environment when they
8 have to take down 140 feet of contour. I mean,
9 that's -- just think about it. That's taller than
10 the city hall building. It's astounding to me that
11 that detail has not been put forth.

12 And, again, you know, I've represented
13 developers. I've objected before, too. Look at
14 the fairness in this process. You have a developer
15 that has come in, you have applications that came
16 in during a holiday period. People are away for
17 Thanksgiving. That's one thing about our country.
18 We celebrate Thanksgiving. We go visit friends,
19 family, we go over, we spend time away from our
20 homes. People didn't know about this. I just got
21 brought into this this morning. I got a call
22 yesterday evening before I was heading out to
23 another meeting in Newport, and I, you know, out of
24 curiosity and also because this is what I do for
25 work, I went over there today on my way back down

1 from Providence this morning, and I was amazed at
2 the site, the constraints, the flooding in the
3 area, the wetlands that are surrounding that. I
4 think you need more information. I think you need
5 a site visit. I think you need to go out there,
6 look at the sparseness and the mature uplands that
7 are out there. When you're talking about
8 screening, buffer areas, is 50 feet sufficient?
9 You know, you need to look at that from a master
10 plan perspective.

11 In addition to that, and I respect
12 Mr. Murray as well. He comes from a very reputable
13 firm. I know his partner, Jack McGreen, 20 plus
14 year friends with him. They're very honorable
15 guys, but I'm going to ask you, when you're looking
16 at this project if you're going to see fit to give
17 it a master plan approval, make the stated
18 commitments binding, make them a condition
19 because Mr. Murray can speak as an advocate for his
20 client, but his client doesn't necessarily have to
21 live up to Mr. Murray's words, and I don't have
22 anything negative to say about the gentleman over
23 here who's the proponent of the project. I don't
24 know him from Adam. I've never had any experience
25 with any of his projects, but I did hear Mr. Doe

1 who does have experience based on the Lippitt one,
2 and that causes me a grave amount of concern as it
3 should cause you a great amount of concern. So if
4 you're going to adhere or accept the commitments,
5 make them binding, make them part of the conditions
6 for that project. If I could just summarize -- oh,
7 yes, and there was one other thing, too.

8 The statewide planning received a draft of
9 the amendment to the solar ordinance and statewide
10 planning, the director of statewide planning for
11 the State of Rhode Island made specific comments
12 that were mirroring Mr. Doe's comments when he said
13 that this is development. There was a grave
14 concern on the part of the head of statewide
15 planning with the wording of the ordinance, and
16 your Comprehensive Plan is not -- it's expired now.
17 You've got to get another one approved up there.
18 The amendment was not reviewed -- they could only
19 do it in an investigative or advisory capacity, but
20 they did not pass on that. It's not approved. And
21 they said that they had concerns that the language
22 of the ordinance approached the solar power
23 facilities as non development and they disagreed
24 with that. And I firmly espouse what Mr. Doe said.
25 It is development. You're creating. In fact, you

1 call this an industrial use in your use table. You
2 have a combination of uses that are going on on a
3 residential piece of property now.

4 You have two principal uses that are going
5 on. You have a residence -- well, more than that.
6 You've got the farm, you've got a residence, and
7 now you're going to have a solar power generating
8 facility. Are these compatible with the lack of
9 safeguards that have been put forth right now? I
10 disagree. And I'd love the opportunity to come
11 back and provide you with some countervailing
12 testimony. And you -- it probably would be good
13 for you to hear it. It will give you, you know,
14 two sides of the coin. It will give you an
15 opportunity to vet what you think is most
16 appropriate and you'll hear additional information
17 which I think is critical at this stage, especially
18 considering the lack of information regarding what
19 the finished contours are going to be. I mean, we
20 don't even have a general idea about that. 250
21 foot height to 110 feet, what is that going to
22 entail? Ask yourselves that.

23 And I ask you to please continue this, get
24 in some more information, request additional
25 information. Responsible developers grab the

1 opportunity to provide additional documentation for
2 a project that they see fit to, you know, put their
3 name on, and I would ask that you do that. Thank
4 you.

5 CHAIRMAN SMITH: Thank you very much. Mr.
6 Ben Zevon.

7 MR. ZEVON: Hello. My name is Ben Zevon,
8 591 Natick Ave. I'm a freshman in college and a
9 Cranston High School West graduate. Speaking here
10 tonight is very difficult. The Rossi's have been
11 our friends our whole life. Family. I want to see
12 this -- but at this point we can't. Like everyone
13 here, this is something that you guys need to take
14 time to look at. You guys haven't seen what it's
15 like. You guys haven't been there. Like it's --
16 what is being proposed in this piece of land is not
17 only too big of a scale to be put here, like we
18 need -- like there's so much that needs to be
19 considered putting into this. There's so many
20 things that were overlooked in the planning and all
21 of that and the fact that what we saw here today on
22 the presentation, it's all very unprofessional
23 looking and with these guys and I think that needs
24 to be considered.

25 There's also lots of things that are

1 unknown, like that blasting. How is that going to
2 affect the line? There's so many issues that could
3 be shown because of that. The gas line company
4 wasn't notified when this was even coming into
5 effect. And it just seems -- it all seems very
6 unprofessional and under looked at by everybody.

7 Back there there's going to be extensive
8 blasting. I've had the privilege of being able to
9 use that land thanks to the Rossi's my whole life.
10 I know what it's like back there. It's all ledge.
11 It's all very densely -- the whole property is
12 ledge, and the fact that that hasn't been something
13 that's mentioned in the plans is ridiculous as
14 well.

15 I think that we also need to look at the
16 future of this. Are these -- and how long are
17 these solar panels going to be obsolete compared to
18 other sources of renewable energy? Is this the
19 right piece of property to be putting something of
20 this size on? These are all things that you need
21 to look at. Thank you.

22 CHAIRMAN SMITH: Now, Richard Gallo on
23 Locust Glen, 89 I think, 87. Okay. Next is
24 Russell Clark, 41 Woodcrest Court.

25 MR. CLARK: My name is Russ Clark. I live

1 on 41 Woodcrest Court, and my wife Rachel spoke a
2 little while ago and I'd like to echo and elaborate
3 on some of her comments. So it's my understanding
4 that there's ledge on Mr. Rossi's Property to say
5 the least. Last Thursday in Southern Sky's
6 neighborhood meeting, Mr. Palumbo explained that
7 ledge is dealt in one of three ways, by drilling,
8 by blasting, or by hammering. Drilling seems
9 reasonable to me. Mr. Palumbo can correct me if
10 I'm wrong and the idea is you drill a hole into the
11 ledge to provide an anchor for the solar panel
12 support rods. Out of the three methods, this
13 sounds to be the least obtrusive. However, it is
14 also under my impression that drilling is not
15 always practical and Southern Sky will also likely
16 have to resort to more drastic measures. I'm not
17 going to talk about the blasting. I mean, enough
18 of my neighbors have talked about it. I'm not a
19 civil engineer. That's not my area of expertise.
20 It doesn't sound feasible to me, but I can't speak
21 to it. But I can speak to my personal pet peeve
22 which is hammering.

23 As my wife explained, my neighborhood has
24 a lot of experience with hammering. As my wife
25 said, six years ago, myself, my wife, and my

1 neighbors stood right here and pleaded our case to
2 the planning department, okay, about a proposed
3 development on Natick Road that bordered our homes.
4 The proposed plan was for three lots on one parcel
5 of land that was less than one acre in size. Now,
6 the neighborhood lore at the time was this parcel
7 of land was unbuildable because it was on ledge and
8 it wasn't just neighborhood lore. You can go look
9 at it. You can see the ledge there.

10 Now at the time of the meeting, we were
11 concerned about blasting because it was so close to
12 our house and astoundingly the planning department
13 said the developer has every right to blast. Later
14 on, the developer talked to me privately and said
15 I'm not going to blast there. It's right next to
16 your house. That's crazy. But what he did was
17 something just as bad and I want people to keep
18 this in sight. He hammered. And what he used was
19 this. Okay.

20 This is an excavator with a giant
21 jackhammer in front of it. This is no way --
22 there's no way that this piece of machinery should
23 be used in a residential area, okay. Look, you
24 expect a little bit of noise, you expect a lot of
25 noise from bulldozers, from chainsaws, but I'm

1 telling you, this is something else entirely.

2 Okay.

3 Now, as my wife said, this machine would
4 start at 7 A.M. in the morning, okay, so you can
5 forget about staying up the night before bingeing
6 Netflix and sleeping late, okay, because it ain't
7 happening. When this thing is going off, the
8 entire house is shaking. Okay. This should never
9 have been allowed to have run in a residential area
10 in Cranston.

11 Look, I've got a nice little backyard. I
12 got a little playground for my daughter. Got a
13 little pool. In the summer of 2017 when this thing
14 was out running behind my house busting up ledge,
15 there was no way my daughter could be outside.
16 Okay. There was no way that we could have invited
17 a couple of her little friends in the backyard
18 during the weekday because you could not stand next
19 to this thing, and it wasn't any better inside the
20 house. In order to get any relief from this, we
21 had to leave. Think about it. In order to get
22 relief from this, we had to leave our homes.

23 Okay, now listen to me. This is not
24 hyperbole here. One of my neighbors is one of the
25 finest men I know and one of the toughest guys I

1 know. He's a Marine. He's a combat vet. It's not
2 my business to talk about him, but I will say this,
3 he knows something about roughing it and he
4 described the experience, he likened it to torture.
5 That's his words, not mine. All right. And what
6 really angered me about the situation, it was
7 completely avoidable. We stood here and we told
8 the planning department that it was all ledge.
9 There was a reason why that property wasn't built
10 on before it's because it was all ledge. And you
11 guys approved the plan anyway, okay. Now, look, I
12 mean, now you know. Now you have my testimony.
13 Now you have the testimony of my wife. Now you
14 have the testimony of Mr. Doe. Look, this thing
15 chipping is just as bad as blasting.

16 Now, when we called downtown to complain
17 about this, about it starting at 7 A.M., they said
18 there was nothing we can do. Look, we're
19 reasonable people. We're reasonable. Can you
20 start at 9. Even -- no. I'm going to tell you.
21 Monday through Friday, day after day after day
22 after day after day after day after day this went
23 on. Okay. But now you guys know. We have
24 reasonable expectations for peace on our own
25 property. Okay. So what can you do? Well, I

1 understand that you have a noise abatement plan,
2 all right. That should be designed to protect us,
3 not the developer, all right. Here's something
4 else. Here's a passage from the March 16th article
5 in the Providence Journal that talked about the
6 Lippitt Avenue solar plant.

7 On this Saturday morning, a gravel truck
8 rumbles through a chain link gate to pick up
9 another load from the 80,000 cubic yards of stone,
10 blasted from ledge that lined one side of the
11 property. A rock crusher is busy at work while
12 bulldozers dig into giant mounds of dirt. Look,
13 when I read that, I didn't know what a rock crusher
14 was. So I Googled it and let me tell you
15 something, I don't want to listen to that thing
16 either, especially not on a Saturday morning.
17 Okay. So what you guys can do in your noise
18 abatement plan is can you give us a break on the
19 weekends at least because I'll tell you the
20 developer in that property behind us, which is
21 right next to this property, they stopped on
22 Saturday and Sunday.

23 Now, here's another idea. Mr. Palumbo,
24 your options aren't limited to drilling, blasting,
25 or hammering. You've got one more. You can leave

1 it alone. Okay. Listen -- look, I don't want to
2 be cute here, but that might mean the difference
3 between generating 8.1 megawatts of power, okay,
4 and maybe 7 or 6. Look, I mean, I've read the
5 press releases. You guys say you want to be a good
6 neighbor. Look, I try to think that I'm a good
7 neighbor. That's why I don't run my lawnmower
8 before 10 A.M. Okay. You can try to be a good
9 neighbor. Don't blast and don't drill and don't
10 hammer on a Saturday at 7 A.M. All right, Gripe
11 Number 2 that I wrote about, I was planning to talk
12 about was the water issues. Okay. We've talked
13 about that a lot, too, and we also talked about
14 that -- that driveway down the road that we all
15 pass by. Finally -- finally, the city did
16 something about it. Finally, this year, the city
17 did something about that. You know what they did?
18 They put a couple of barrels in the middle of the
19 road. Okay.

20 Now, look, I've got to be honest with you,
21 I've got to be fair, when I went last Thursday and
22 Mr. Palumbo had the neighborhood meeting and showed
23 us the same plans that we listened to again for an
24 hour today, I was really taken aback, there was no
25 discussion about any type of storm water treatment.

1 Okay. And I was heartened today that at least it
2 was mentioned. I believe this gentleman came up
3 and at least talked about it. Okay. I was
4 heartened about -- that -- that made me happy. All
5 right. So thank you for that at least. Okay. But
6 just because there's plans, doesn't mean it's going
7 to be engineered right? Okay. How do we know
8 that's going to be engineered right. Okay.
9 Somebody engineered that driveway down the road.
10 There's a big retention pond right there. It was
11 engineered, but it wasn't right. It floods every
12 single -- it floods every single major rainstorm.
13 Okay. Look, guys, I've got to tell you, these --
14 we're not just coming up here because we've got
15 nothing better to do on a Tuesday night. These are
16 real problems from real people. These are real
17 concerns that we have and, look, I hope that, you
18 know, every time there's any kind of -- any kind of
19 proposal of this nature, you guys just got to sit
20 here and listen to the masses come out there and
21 give you a long list of gripes and hope you're not
22 getting desensitized to that. Okay. So please,
23 please, at least consider the things that we're
24 saying today. Okay. I appreciate it. Thank you.

25 CHAIRMAN SMITH: Thank you, Mr. Clark.

1 And the last speaker, Jessica Marino, I believe,
2 799 Natick Avenue.

3 MS. MARINO: Thank you. I'm here this
4 evening solely in my capacity as a resident in the
5 neighborhood for just shy of 20 years. While I am
6 an attorney, I'm not here in that regard. As much
7 as this is passionate for myself and for others, I
8 will gladly speak passion -- try to leave passion
9 at the table, off to the side, and speak
10 objectively as my brother, Mr. Murray, has
11 mentioned earlier this evening.

12 The elephant in the room for me is that
13 Mr. Murray's job here is not to advise the city as
14 to what's in the best interest of the city. His
15 job here is not to advise what is in the best
16 interest of the residents and the constituents of
17 the city. His job, as he is paid to do, and
18 ethically and the rules of professional conduct
19 require is to be a zealous advocate for his client.
20 He is here to represent his client's best
21 interests. And it is with great dismay when I have
22 to hear from some conversations I have had within
23 the administration, which I will not point out now
24 and get into specifics, that just because
25 Mr. Murray says so, then it is so. That is clearly

1 not the case.

2 Your role here, as Attorney Dougherty has
3 mentioned, you are our fireball. You are out --
4 what is the point of this commission today if it is
5 just because well, if it's allowable under the
6 plan, we are just supposed to approve it. No.
7 This is not enough. There has -- why repeat the
8 mistakes that have been made. Whether intentional
9 or unintentional, the mistakes, as you may call
10 them, that have been done on past solar projects
11 across the site and other parts of the state have
12 been made, why are we just going to allow them to
13 be repeated. You do have authority. You do have
14 different abilities. This is the point of this
15 commission. If these commitments that they are
16 making are so, you know, tried and true, then put
17 you money where your mouth is. Put a financial
18 incentive to abide by the rules.

19 I have heard speaking tonight that there
20 was contact to the Tennessee gas line. My
21 understanding is that even despite them being a
22 legal abutter, even it being as obvious as the day
23 is long when you drive by that property, never mind
24 spending the money in the investment -- in the
25 plans, that they were not contacted by the

1 developer or the property owner. It was the
2 residents who are legal abutters that contacted
3 Tennessee gas line and then put them on notice. So
4 how is it that we are here today, that we're
5 supposed to just take what they say as the gospel
6 truth. And this, to be abundantly clear, you've
7 heard a lot of discussion about the gas line, this
8 isn't a gas line where you tie into your home.
9 This is a major interstate and I believe
10 intercontinental, let's absorb that,
11 intercontinental, high pressure gas line, okay.
12 That is not something to be taken lightly which is
13 why we are here. This is not just about esthetics.
14 The water issues, that is something to be taken
15 seriously as well. Natick Avenue, if any of you
16 are familiar with that road, is a narrow road, is a
17 winding road. You cannot clear 30 acres of land
18 that is on a decline as the planner -- the
19 assistant planner, Joshua Berry, had mentioned
20 earlier in describing Mr. Rossi's property that he
21 will remain as the upper part is the work that you
22 used to describe it. That's correct. It's the
23 upper part. It is the lower, declining part of
24 that property that they seek to develop and put all
25 of these flat panels on while you're clearing all

1 this vegetation that has been there forever. You
2 don't need to be an environmental expert to
3 understand that that is going to have a devastating
4 effect on the lower topography which includes, by
5 the way, wetlands at the base of that, which will
6 then be flooded and ends up into the street.

7 Another objective issue, the street in
8 being narrow, having lived there as long as I have,
9 the poles that are there, if you are going to be
10 putting, not even if, if this goes through I should
11 say, and then poles of a much larger scale and size
12 will be required. I'm not an expert. I will leave
13 this question to be further investigated. That's
14 going to require additional anchoring and sizeable
15 anchoring. Where? I don't know where you're going
16 to put it on that street, frankly. It may require,
17 okay, well, let's say we'll go further down. Where
18 are you going to go down in that street when it is
19 mostly compiled of ledge?

20 Another safety issue with that street
21 being narrow is that cars, and I'm sure all of our
22 fellow residents can attest to this, vehicles hit
23 poles on that street at a frequent -- a frequent
24 pace, okay, multiple times a year, you can look
25 that up at the police department, I'm sure. And

1 they fall down. So what is going to happen when
2 you have those large-scale poles on that narrow of
3 a street. It just doesn't make sense. Also,
4 objectively, again, I'm not an expert on this, this
5 is all new to all of us. I just opened up the
6 paper Thanksgiving weekend and saw this, much to my
7 surprise. I didn't have an opinion one way or the
8 other until I started to look into it and now you
9 know my opinion. It doesn't belong here. It
10 doesn't make sense. The only thing that makes
11 sense is money in the developer's pocket.

12 With respect to -- with respect to the
13 street as well, those size trucks traverse back and
14 forth on that street. That's a hazard in and of
15 itself. You have busses that go down that street.
16 It just doesn't make sense. We are all for
17 renewable energy. We are all for -- I would hope
18 we're all for the environment and I hope that that
19 will be reflected in your decision. This is not
20 going to bode well for either. It's just not.
21 There are other, more appropriate places, and this
22 is just not one.

23 The last thing I will say in my looking
24 into this of late, my understanding is the office
25 of statewide planning and the energy services

1 department are taking another look at this. They
2 have numerous drafts of this. I believe that
3 they're considering when there is sizeable
4 farmland, only 20 percent of the farmland should be
5 used because this isn't this notion of, you know,
6 you're going to re-purpose the land later on. No,
7 you're not. You're killing off vegetation. Those
8 tress don't just all of a sudden repopulate in that
9 amount of time.

10 I thank you for your time, and I hope
11 that, you know, you use your own due diligence and
12 weigh this appropriately. Thank you.

13 CHAIRMAN SMITH: Okay. Thank you very
14 much. Would it be appropriate to take, perhaps, a
15 five-minute recess at this point before we come
16 back and start to address some of the questions
17 that have been raised?

18 MR. VINCENT: I would endorse that, Mr.
19 Chairman.

20 CHAIRMAN SMITH: Okay. Five-minutes.

21 (SHORT RECESS)

22 CHAIRMAN SMITH: Okay. I'd like to call
23 the meeting back to order, please. Okay. I thank
24 everybody for their testimony. There's already
25 some very compelling concerns that were brought up,

1 and I would like to ask the applicant if there are
2 any issues that he could respond to at this time.

3 MR. MURRAY: Thank you, Mr. Chairman.
4 It's not my intention to rebut or respond to every
5 comment. First of all, let me emphasize, I know
6 all those -- the people that came up were well
7 intended and I understand that they are, you know
8 they're area residents and they certainly have the
9 right to have concerns and we totally respect that.

10 Let me just kind of talk, you know,
11 globally about some of the main topics that were
12 touched upon, even though in our principal case we
13 kind of addressed them, but I want to go back
14 because a number of people mentioned them.

15 With respect to the Tennessee Gas
16 pipeline, there's question about, you know, we
17 didn't give them notice and all those things.
18 First of all, let me underscore, the Tennessee Gas
19 pipeline has an easement across Mr. Rossi's
20 property. They don't own the property in fee.
21 They have the right to cross over and maintain the
22 pipeline that runs through Mr. Rossi's property.
23 That easement has been recorded for many, many
24 years. We are absolutely aware that there's the
25 pipeline there, and we would never do anything, and

1 we're obligated to not only Mr. Rossi's family and
2 the rest of his property, but all the area
3 residents and to the Tennessee Gas pipeline that
4 whatever is done in this area, whether it's just
5 site excavation work, whether or not it leads to
6 blasting, and I can't say that tonight, but it
7 could. I'm not going -- I am not standing here
8 saying there will be no blasting. What I'm saying
9 is we don't know yet, and we don't know how much.
10 And when we get to the next level, we will know and
11 have much more information.

12 I appreciate the fact that people will
13 say, you know, there's some unanswered questions
14 here and things like that. This is, by law, master
15 plan. It's conceptual. No applicant in the State
16 of Rhode Island, state law, city ordinances, does
17 not expect an applicant to go full bore, engage,
18 whether it's DiPrete Engineering or another
19 engineering to do the final design of this project
20 if, in fact, we don't know if we have a project.
21 So the master plan conceptual concept is one that
22 is well worn throughout Rhode Island and it works,
23 and everybody's entitled to the information, the
24 planning commission, most important, but it's
25 provided at the next level. And I assure you

1 there will be multiple opportunities for the city
2 administration, the staff, and the commission to
3 engage us on the next level of detail plans.

4 But with respect to the blasting, there's
5 nothing I can say without having a blasting expert
6 here that will satisfy people. My message tonight
7 is we hear you. We understand your concerns; and
8 if there is blasting, it will be done by as
9 licensed blaster. We use extensive seismological
10 equipment around the site. We know exactly what
11 readings are at the parameters of the property. So
12 it will be done properly.

13 The drainage issue and the runoff issue,
14 all I can tell you is that by law, we're obligated
15 not to have any more water running off the site
16 than goes there today. There's a natural wetlands.
17 The property slopes down to Natick Avenue, and it
18 will be managed. It will be maintained through a
19 variety of engineering techniques that Mr. Russo's
20 firm will design, but someone was talking about
21 flooding on a portion of Natick Avenue. I saw that
22 the other day. I know the area they're talking
23 about. I think down near Valley View Drive or
24 Court or whatever. You know, you know, there are
25 parts of Natick Avenue that are sheer cliffs, and

1 I'm sure there's a portion where it's very hard to
2 handle that drainage and it pools there. I'm not
3 suggesting that. We are not talking about creating
4 that situation. It doesn't have to be that way at
5 all near Mr. Rossi's property, and it won't be.
6 The -- you know, the issue of the poles, you know,
7 we'll have more information as we go along. You
8 know, cars hit poles all the time, I understand
9 that. There's nothing special about these poles.
10 They just have to be taller. They are engineered
11 by the design people at National Grid and their
12 consultants. You know, the whole thing about
13 placement of poles is the tension that you put
14 between them. That's what determines whether or
15 not there's guide wires and anchors and things like
16 that. Right now, I don't believe, other than one
17 pole that might be what they call a push brace
18 pole, I didn't see a lot of guide wires on Natick
19 Avenue. I suspect that right now as I stand here
20 the design, going forward, will, you know, if
21 somebody is -- if an easement is needed, it's the
22 developer's responsibility to get it and we'll deal
23 with it at that time. But based on everything I
24 know today with respect to this interconnection,
25 we're talking about replacement poles that are

1 taller, that should not require a lot of guides.
2 The, you know, and along with the blasting, you
3 know, obviously, you know, we have to create a
4 level of detail so we know where people's wells are
5 and septic systems, I don't, you know, based on
6 everything I know, they should not be affected, but
7 that will all be chronicled and documented before
8 anything happens.

9 The -- I sympathize with Mr. and
10 Mrs. Clark. You know, Mr. Clark shared that story
11 with me the other night about the constant
12 hammering with those houses there. If I lived
13 there, I probably would have jumped out a window by
14 now. I totally get it from him. We are not
15 trying -- we are not talking about the same type of
16 equipment. We are not talking about that 7 to 5
17 hammer. That's not what we're talking about there,
18 but I will have more information as we proceed
19 forward.

20 We have to do soil evaluations. We have
21 to do some drilling. So we understand how we can
22 handle this, but the important thing I want to
23 emphasize from what I heard, we're not talking
24 about leveling this ground. The whole concept of
25 this land which kind of slopes from north to south

1 is we're going to work with the contours, okay.
2 We're not talking about wiping out the contours.
3 My brother, Mr. Dougherty, talked about some type
4 of ski slope. We're not going to create a ski
5 slope. There's terracing effects. We work with
6 the, you know -- the only thing we need to do is we
7 need to be able to get the I-beam in to hold the
8 panel. We don't need to get to level ground to do
9 that. That's not -- the whole appeal, and that's
10 my word, of the site is you terrace the panels,
11 working with the existing contours. You know, will
12 there be some modifications here and there? Yes.
13 But, you know, there's an acceptable grade that's
14 allowed and Mr. Russo's firm will design this so
15 that we capitalize on the existing contours and not
16 take away from them.

17 Just look quickly at my notes. The last
18 comment that I think I want to make, I don't want
19 to insult anybody by not responding, I'm just
20 trying to kind of group the comments, you know.
21 Mr. Chairman, I've -- Mr. Doe has followed Southern
22 Sky all over the State of Rhode Island. I've
23 listened to his stories. I've listened to his
24 explanation. Respectfully, I disagree with part of
25 what he says. You know, he talks about DEM

1 violations. And it just angers me, to be honest
2 with you. Yes, in February of 2018, after some
3 deluge of unbelievable storms, there was an
4 inspection by DEM of this site -- of the Lippitt
5 Avenue site, and there was some non conformities
6 noted. We got a letter from DEM. Within two
7 weeks, Mr. Russo's firm and the site contractor had
8 addressed all those conditions and responded.
9 Okay. There wasn't an active construction site in
10 the State of Rhode Island that employs sediment
11 container control measures that was not impacted by
12 the weather and the rain and the amount of water
13 that was shed on sites. Okay. Nothing -- it was
14 nothing out of the extraordinary. Some silt fences
15 got knocked down. Some silt socks got moved. I
16 mean, but the violations or the deficiencies noted
17 were such as one of the -- some of the pages of the
18 site inspection reports didn't have the temperature
19 of the day filled in. There was a pile of rock in
20 the middle of 108 acres that didn't have a silt
21 fence around it. All legitimate issues, but my
22 point is we responded, we addressed the issues, and
23 there are no violations today, and we've worked
24 with -- DEM's had numerous inspections. In fact,
25 Mr. Doe did a public service today and shared with

1 Jason all the inspection reports -- frankly, we
2 hadn't even seen them because they were so out --
3 they were so ordinary, they didn't rise to the
4 level that we even needed to know about them.

5 So -- but the bigger thing with Mr. Doe
6 that just bothers me to no end, and I'm not picking
7 on him, but to be honest with you, I'm a little
8 exasperated because a month ago in Hopkinton I had
9 to address some of the things he said in an open
10 letter to the -- I think it was the Westerly Sun.
11 And he goes to meetings and he reports things that
12 are just in variance with the truth.

13 I want to share with you a letter that we
14 shared with the Hopkinton Town Council, which
15 speaks for itself. Mr. Doe presented a bunch of
16 pictures and talked about how he looks out his
17 kitchen window and he sees 1900 feet. There is a
18 rebuttal to that and you can look at these. I'm
19 just not going to let him get up at another public
20 meeting and besmirch my client and besmirch the
21 truth. This thing about he had to put blinders on
22 this window, I mean, you look at the pictures that
23 he presented and look at the pictures that DiPrete
24 Engineering presented. We rebutted everything,
25 and, you know, he's got to stop. He has the right

1 to come to these meetings. He's not in this area.
2 I have no problem with him coming. I actually like
3 the gentleman. I like his 11 P.M. e-mails that I
4 get from him. You know, he works out with Lindsay
5 McGovern at Orange Juice Theory or something over
6 in Chapel View. I mean, he's all over the place,
7 but, you know, I just can't take it anymore where
8 he just, you know, talks about Southern Sky in a
9 manner this just is not accurate.

10 Mr. Chairman, I'll be happy to answer
11 specific questions from the commission. I thank
12 you for your time. I'm not going to get another
13 opportunity and the commission will do what -- as
14 it sees fit this evening. Notwithstanding the
15 countervailing discussions this evening from the
16 area residents, Mr. Dougherty's presentation, Miss
17 Marino's presentation, we've met the burden to have
18 this master plan approved this evening. As you
19 know, I have total respect for this commission and
20 will be abided by whatever decision you make
21 tonight. But on the facts, on the law, this is
22 worthy of approval tonight. Thank you.

23 CHAIRMAN SMITH: Okay, thank you,
24 Mr. Murray. Questions from members of the
25 commission, comments? Commissioner Vincent.

1 MR. VINCENT: Thank you, Mr. Chairman.
2 Well, first, I'd like to say on a positive note, I
3 was very impressed with the coordination and the
4 outreach that the developer undertook to inform the
5 residents of the proposal. That speaks well. I
6 was more impressed, however, by Cranston's -- no
7 sir, you may not interrupt me. I have the floor.
8 Thank you. I was more impressed by the quality of
9 the testimony we heard under public comment
10 tonight, and the actual experiences and the
11 knowledge of the local -- location. That did not
12 appear in the developer's presentation. What I
13 missed most in the presentation was any discussion
14 of existing site conditions. What are we losing?
15 Was there any inventory of existing vegetative
16 resources, wildlife. None of that was presented to
17 the commission, and I think to be informed, we may
18 well approve a solar panel, but we should know what
19 we're giving up for that decision. That
20 information is available through DEM, the Natural
21 Heritage inventory. So I would want to see that
22 kind of information presented to us. And it -- I
23 think it's totally appropriate in a master plan
24 review.

25 I think one of the most important points

1 raised by several of the abutting property owners,
2 and particularly Mr. Dougherty, yes, we should do a
3 walk through. I don't think there's any way you
4 can understand the site better, and I would hope
5 that the developer would reach out to planning and
6 conservation commission and offer a day where he
7 could join us for that kind of a walk through, so
8 we could have an on-sight discussion and see for
9 ourselves the quality or the issues that have to be
10 developed.

11 And the master plan, as Mr. Murray says,
12 is supposed to be conceptual, but you don't have to
13 be an engineer to know that grades and that slope
14 differential. And I question if you could even
15 build 25 houses as was presented because I don't
16 know -- I would want to -- I would not want to have
17 my driveway on a 15-percent slope, and pay the kind
18 of money that's demanded in Western Cranston.

19 So there's a lot of questions, and I think
20 the commission, again, Mr. Murray's correct. They
21 are vested. They're in before any kind of proposed
22 moratorium. So what would be the harm to the
23 developer by taking more time and satisfying
24 ourselves about this site and its suitability. I
25 mean, that's the last comment I'd like to make that

1 the Comprehensive Plan, somebody said you can pick
2 and choose, but it consistently talks about land
3 suitability and looking at natural, environmental,
4 historic, cultural resources, and that should be a
5 main focus that we look at in the master plan
6 phase. Is it suitable and what are we losing?

7 Thank you, Mr. Chairman.

8 CHAIRMAN SMITH: Thank you, Commissioner
9 Vincent. Any other comments, questions?

10 Commissioner Bittner.

11 MS. BITTNER: Yes. I have some comments.
12 I agree with Commissioner Vincent that we do not
13 have enough information concerning this plan. I
14 have, since 2016 when the solar ordinances were
15 proposed, have always urged the city to take --
16 pump the brakes, consider everything that we are
17 doing, that we are potentially changing the rural
18 character of Western Cranston.

19 I feel like our ordinance with the
20 language prevent -- temporarily stop development
21 and preserving, you know, prevent future
22 development and temporarily remove development
23 potential is frankly offensive. This is
24 development. It's industrial development, and when
25 the developer presents their -- they threaten us

1 with 25 house lots, I'm offended by that as well.
2 I mean, this is a rural neighborhood. People
3 with -- may be happier to see a house next door to
4 them than a solar panel, and I feel like, as the
5 planning commission, it's important for us to
6 consider all the impacts and the impact that this
7 can have on the City of Cranston.

8 I think that Mr. Doe, I appreciate his
9 stories, much to Mr. Murray's chagrin, but he is a
10 valuable resource as far as what has happened on
11 Lippitt Avenue. It's the same developer. It's the
12 same conditions. It certainly provides us with
13 information and a walk through, I think, would be
14 appropriate, maybe of both sites, so we can see
15 that when the Lippitt Avenue was approved back in
16 July of 2016, what happened -- what does it look
17 like now, two and a half years later, and what
18 would we expect on Natick Avenue.

19 I think the residents have legitimate
20 concerns. That road is narrow where you have to
21 pull over so the other person approaching you can
22 get by when there's snow on the side of the road.
23 It's windy. It's -- obviously, there's flooding.
24 I'm sure that Ken could speak to whatever steps DPW
25 has had to deal with with flooding in that area. I

1 think these are all legitimate concerns, and I
2 think that, you know, even the council's urging us
3 to look at our solar ordinance and consider,
4 there's performance standards and evaluating, and
5 even the planning commission is asking us that we
6 should create a more comprehensive solar ordinance
7 and there's so many factors to consider that should
8 be part of our ordinance, and it's not there. And
9 it hasn't been there. So why the rush to put this
10 through without considering all the options. So I
11 think, at least, postpone it so we can take a look
12 at what, you know, the concerns of the public, and
13 why not visit the site and, you know, it's easy --
14 I think it's easy to sit on this commission and
15 approve a garage being put 5 foot over to the right
16 or the left; but when we consider stuff that
17 impacts the City of Cranston into the future
18 forever, we have time to do that. I don't think it
19 should be rushed and, unfortunately, I see a lot of
20 that when certain plans come forward. So I would
21 urge that this, at least, be tabled, so we can give
22 it more careful consideration. Thank you.

23 CHAIRMAN SMITH: Okay. Thank you,
24 Commissioner Bittner. Yes, Commissioner Macceroni.

25 COMMISSIONER MACCERONE: I also, you know,

1 I listen to all the comments and took a bit of a
2 chance to read some of the report by Mr. Pimentel.
3 I wish he was here to present his report. I would
4 also was interested to hear more from Attorney
5 Dougherty. So I'd like to, you know, have a chance
6 for me to rebut Mr. Pimentel's report. I also
7 think a visit to the site would be appropriate.
8 I'm not familiar with that part of the city at all.
9 I have concerns definitely about the environmental
10 impact. I don't think that we have enough
11 information about that. I'm also concerned about
12 the blasting. It just screams to me a nuisance
13 with regard to, you know developing and also in the
14 future. So I understand that the owner has a right
15 to develop his land, but I just feel that we just
16 don't have a lot of information, and I want to have
17 enough information to make an informed decision.
18 And I just don't feel in my conscious that tonight
19 I would have enough information to make that
20 decision.

21 So, you know, I feel that, again, I think
22 it would be a wise decision to go to the site
23 because I don't have -- right now, I don't feel
24 like I have a clear picture of what the land looks
25 like. I'd like to see, you know, really get a good

1 idea, and also I'd like some more information about
2 things, what the environmental impact is. I don't
3 understand a lot about, you know, what this buffer
4 is going to look like. Somebody mentioned, you
5 know, some of those trees are going to look
6 differently in the winter. Well, I don't really,
7 you know, I'm not convinced that buffer is really
8 going to be what -- I mean we have a Photoshop
9 picture of what it's going to look like. So I'm
10 not really convinced if it's going to be, you know,
11 a real good buffer. I understand that the master
12 plan isn't the final plan, but I just, again, I
13 don't feel like we have enough information, and I
14 agree with Commissioner Bittner that we're, you
15 know to rush -- it's a major decision that we have
16 to make, and I just feel we don't have enough
17 information.

18 CHAIRMAN SMITH: Commissioner Lanphear.

19 MS. LANPHEAR: Thank you, Mr. Chairman.
20 I'm not going to belabor this. I agree with my
21 fellow commissioners that have spoken to a number
22 of the issues that were raised tonight. I would
23 just like to add a couple more. This is a
24 conceptual approval when you're at master plan, but
25 as Attorney Dougherty said, it does vest the

1 applicant with certain rights. And before we do
2 that, I think we need to take a look at the issues
3 that were raised not only by the members of the
4 public, by also by my fellow commissioners. And I
5 would also like to just add with regard to findings
6 of fact, one of the things we look at and it's
7 on -- it is proposed Finding of Fact Number 5 where
8 we talk about the project narrative states that
9 clearing of natural vegetation will be limited to
10 what is necessary for the construction and
11 operation of the solar power facility. And also
12 that topsoil will only be disturbed as necessary.
13 Well, that is the standard. We're finding that as
14 fact if we were to vote in favor of master plan
15 approval. But what is necessary and what that
16 definition is should be determined by the
17 regulatory body. That should be determined by us,
18 by the commission staff and the commission, not by
19 a representation that is made by an applicant
20 without underlying facts and evidence to support
21 that finding.

22 So I think we need to put more facts in
23 our findings of facts or more evidence to support a
24 finding or a conclusion that's made before I could
25 support that finding. And I would also say that

1 although there is a finding that the proposal
2 complied with the Comprehensive Plan ordinance
3 which says that it's to preserve existing farmland
4 and developable land that is currently undeveloped
5 by, and it's an error, temporally, should be
6 temporarily, removing the development potential
7 through land banking and by allowing the land to be
8 used for passive alternative energy generation such
9 as solar power, I don't think anyone here would
10 agree that 30 years is temporary. We have not --
11 there is no definition provided in that ordinance
12 that was passed, but we can certainly provide
13 guidance as the commission as to what is temporary.
14 And temporary, if I were to say we were going to
15 enact a moratorium tonight, it's only going to be
16 temporary, but it's going to be for 30 years. I
17 don't think that the developers would agree with me
18 that that's temporary, either. So I think we need
19 to look to that. We need to provide some -- and
20 perhaps the council will do that or it will happen
21 in our work during our workshop on the ordinance,
22 but I wanted to add those issues to the others that
23 were raised by my fellow commissioners. So I, too,
24 would agree that we should not vote on this issue
25 this evening.

1 CHAIRMAN SMITH: Thank you, Commissioner
2 Lanphear. Any other members of the commission?
3 I -- first of all, I appreciate the -- all the work
4 that's gone into this and I appreciate all the
5 testimony that we've heard tonight and my concern
6 is, well, I have two. One, I would like to hear
7 from -- and I realize this is only a master plan,
8 which is conceptual, and that the details have to
9 be built in later. But there are some major issues
10 in my mind that at least need to be addressed, not
11 addressed to completion, but at least addressed.
12 And one of which is that I would like to hear from
13 the company that's responsible for the gas line. I
14 would like to hear some assurances there, and I
15 understand that there are standards for blasting
16 and so forth. But I think that's a piece that's
17 missing here.

18 And I am concerned about the topography,
19 and I live in Western Cranston. So I know about
20 ledge and water tables and all of that, and with
21 the difference between the highest point and the
22 lowest point and how much ledge might be beneath
23 the surface. I would like to have an opportunity
24 to just take a site visit. Again, perhaps with the
25 permission of the developers and the land owner, so

1 that I can see it for myself. So I am not -- I
2 don't think there's anything to lose by
3 reconvening -- continuing this until January and
4 reconvening and taking action on it.

5 So I will entertain a motion at this
6 point.

7 MR. VINCENT: Mr. Chairman, I would move
8 to end the public comment period and continue the
9 petition for solar arrays to our January meeting.

10 CHAIRMAN SMITH: Okay. Motion is made by
11 Commissioner Vincent.

12 MR. MURRAY: Can we just put the date in
13 so that --

14 MR. VINCENT: January 4, I believe.

15 CHAIRMAN SMITH: Continued to January 8,
16 2019. Is there a second?

17 MR. MASON: Second.

18 CHAIRMAN SMITH: Motion seconded by
19 Commissioner Mason.

20 MS. BITTNER: I had a question. So no
21 additional testimony will come in on either side,
22 by the developer or Attorney Dougherty, who wanted
23 to rebut the proposed expert report that we were
24 given in the black folder. So we're just going
25 to -- just review what we have in front of us

1 again? Or are we going to allow for additional
2 time to conduct additional investigation into
3 the --

4 MS. LAMPHEAR: I think it would be nice to
5 have the additional testimony.

6 CHAIRMAN SMITH: The commission always has
7 the opportunity and always will have the
8 opportunity to address questions, any particular
9 questions, to the people that they want to hear
10 from.

11 MR. VINCENT: Mr. Chairman, I'm perfectly
12 willing to amend my motion. Commissioner Bittner
13 makes a very good point. I mean, we heard some
14 very good testimony tonight, and we should follow
15 up.

16 MS. BITTNER: Well, I know that Attorney
17 Dougherty was talking about perhaps having an
18 expert to rebut the developer's expert. If we're
19 tabling it -- continuing it so that we can consider
20 additional information because we are looking as a
21 fact finding commission so we have enough
22 information, like you said about the Tennessee gas
23 line, perhaps by then we will have more information
24 so we know whether that's a public safety issue or
25 not to be blasting where there's a high pressure

1 gas line. So I think additional information should
2 be put in on this.

3 MR. BERRY. May I just request that we
4 clarify exactly what information that we need
5 submitted and by who and by when. We would request
6 two weeks to review the information prior to the
7 meeting at a minimum.

8 MS. LANPHEAR: We may just want to
9 consider whether or not January 4 is adequate
10 opportunity with the holidays, with wanting to take
11 a view, I think most of the commissioners agree
12 that if the applicant is willing, it's something
13 that we would like to do, and then for information
14 to be exchanged and then reviewed, it might not be
15 an adequate amount of time.

16 COMMISSIONER BITTNER: I agree with
17 Commissioner Lanphear. With Christmas and the New
18 Year's, those weeks, I mean, it's already December
19 4th today.

20 MR. PEZZULLO: Mr. Chairman, I just want
21 to point out that we have statutory requirements
22 that we have to act which, if we're talking, if
23 it's not January, into February, being a little
24 close to the, what is it, 90 days? So we have to
25 consider that.

1 CHAIRMAN SMITH: When does the 90 days
2 commence, Mr. Pezzullo?

3 MR. PEZZULLO: When we accepted the
4 complete application, and I don't have that at my
5 fingertips, but that was several weeks ago when we
6 took the application in.

7 CHAIRMAN SMITH: Well, we can only
8 continue from one meeting to the next. So why
9 don't we seek to get as much answered in that
10 amount of time, and then we'll have to make a
11 decision at that point. Okay. So, motion as
12 amended to continue to January 8. Commission
13 Mason, you seconded the motion. Are you willing to
14 second that one?

15 MR. MASON: That was an amended motion,
16 correct? I'll second it.

17 CHAIRMAN SMITH: All right. Motion by
18 Commissioner Vincent to continue to January 8 and
19 seconded by Commissioner Mason.

20 MR. BERRY: What exactly was the
21 amendment? I just want to be sure that we are
22 providing the information that's requested, that's
23 the intent behind, you know, getting you all more
24 information.

25 CHAIRMAN SMITH: That was the --

1 COMMISSIONER BITTNER: You're not closing
2 the comment portion --

3 CHAIRMAN SMITH: The only difference is
4 not closing -- because we -- the commission may
5 want to hear additional testimony. So --

6 MR. BERRY: Is the site visit part of the
7 amended motion? I heard it uttered from many
8 commissioners. So I just want to be clear whether
9 or not a site visit has to be conducted prior to
10 our next --

11 MR. VINCENT: My suggestion was that we
12 coordinate that through the developer and the land
13 owner, but that, you know, we need permission to go
14 on the property. We don't have authority to
15 just --

16 MR. MURRAY: Can I help with that, Mr.
17 Chairman.

18 CHAIRMAN SMITH: Yes.

19 MR. MURRAY: We will absolutely
20 accommodate the commission on the site visit. We
21 will coordinate that through the staff tomorrow.
22 We will come up with some dates that they can
23 circulate to the commission members that we will
24 accommodate you at a time that's convenient for the
25 commission. I also want to just note that

1 Mr. Pimentel did arrive from Smithfield. He, with
2 your permission, if Mr. Dogherty's allowed to offer
3 testimony, I may want to reserve the right to have
4 Mr. Pimentel do a better job on his report than I
5 did this evening. But as far as a site visit,
6 Mr. Rossi will cooperate. Southern Sky will
7 cooperate. It's a non issue, and we'll do it at a
8 time that works for everybody.

9 CHAIRMAN SMITH: Okay, but the motion is
10 to continue to January 8th, and it was seconded.

11 (VOICE VOTE: PASSED)

12 CHAIRMAN SMITH: Yes.

13 COMMISSIONER STROM: Another thing. Can
14 we -- Jason, can you find out when that 90 day
15 period is. I'd like to know in case we want to
16 defer again to possibly February.

17 CHAIRMAN SMITH: Okay. Motion passes.

18 MR. ANGELL: To answer your question,
19 Mr. Strom. It's 90 days from the submission date.
20 We don't have that date. They'll provide that
21 date. My understanding is, however, that if it
22 were two weeks ago, the February meeting will not
23 be in play because it will violate the state
24 statute. It requires this group to act within 90
25 days of the application.

1 MR. MURRAY: Again, can I try and help? I
2 believe it was submitted November 13th, just for
3 the record.

4 MR. ANGELL: My advice would be that the
5 commission make note of that date.

6 MR. STROM: That's what I wanted to know.
7 Thanks.

8 CHAIRMAN SMITH: Thank you very much.

9 (CLOSED AT 10:36 p.m.)

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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 2d day of January, 2019.

Ronald M. Ronzio, Notary Public

RONALD M. RONZIO, NOTARY PUBLIC/CERTIFIED COURT REPORTER

MY COMMISSION EXPIRES: July 24, 2021

IN RE: Cranston Planning

DATE: December 4, 2018

Berry, Joshua

From: Steven Spirito <scspirito@gmail.com>
Sent: Wednesday, December 5, 2018 10:23 AM
To: Pezzullo, Jason; Berry, Joshua; McLean, Douglas
Subject: Question

Jason/Doug/Josh,

If a project is allowed "by right" in zone, why wouldn't it clear Master Plan and go directly to Preliminary Plan Phase? I wouldn't imagine that if a home was to be build in A80 that it would have to go to Master Plan. Most if the discussion last evening, if not all, appeared to be details for the Preliminary Plan Phase?:

I know that you guys are extremely time pressed to get us your recommendations for the meetings. But I felt like the least informed person in the room regarding the solar proposal. Not due to your write up, but ignorance on my part by knowing the detail of the opposition to the development. Some of it was in your write up, you may not have had any idea of the turn out and the complaints. Is this common, that you do not know the extent of the opposition until they show up at the meeting?

Is there a way you can prep us for anticipated complaints? If I knew some of them, I may have driven to the site prior to familiarize myself. Maybe also drive to the Lippitt site.

Thanks,

Steve

Steven C. Spirito, CPA
EDGEWOOD RESOURCES, LLC
1286 Narragansett Boulevard
Edgewood, RI 02905
401.743.9685
scspirito@gmail.com



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Allan W. Fung
Mayor

Jason M. Pezzullo
Planning Director



48 Michael Smith
Chairman

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

Ken Mason, P.E.
Steven Spirito
Robert Strom
Frederick Vincent
Kimberly Britner
Kathleen Lanphear
Ann Marie Maccarone

December 11, 2018

Mr. Ronald Rossi
1935 Natick Avenue
Cranston, RI 02920



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DECISION

Natick Avenue Solar – Master Plan
Major Land Development
Natick Avenue
AP 22, Lots 108 and 119

Dear Mr. Rossi:

Please be advised that your Master Plan submittal entitled 'Natick Avenue Solar' was reviewed by the Plan Commission on December 4, 2018. Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Commission unanimously voted (8/0) to *continue* this matter to the January 8, 2019, Plan Commission Meeting.

If you have any questions or require further assistance, please do not hesitate to contact me.

Sincerely,

Joshua Berry, AICP
Senior Planner/Administrative Officer

cc: Robert D. Murray, Esq.

**CITY OF CRANSTON
CITY PLAN COMMISSION
AGENDA**

Saturday, December 8th, 2018

Natick Avenue Solar Farm

**SITE VISIT FOR PURPOSES OF CRANSTON CITY PLAN COMMISSION MEMBERS
AND CRANSTON CITY STAFF TO WALK THE PROPERTY OF AP 22, LOTS 108 AND
119**

Meeting Point: 1936 Phenix Avenue

Meeting Time: 11:00 AM

Site visit will occur shortly after 11:00 AM

**NOTE: THIS SITE VISIT IS NOT A CONTINUATION OF THE PUBLIC HEARING ON
NATICK AVENUE SOLAR FARM. NO VOTE WILL BE TAKEN DURING THE SITE
VISIT.**

Rec 12/5/18 50

Dear Commissioners,

I have learned that the site visit to the Natick Ave site may be held this Saturday. I ask that you visit the Lippitt Ave site as you discussed at last night's meeting. If you do not visit as a Commission, please accept my invitation to visit as individuals to see what I see every time I go to work. I have attached photos that were taken at the project gate (that show before, during, and after), which I can see very clearly from my home. It is critical that you see what approval of the Natick Ave proposal will mean for that neighborhood.

As for Mr. Murray's baseless remarks at the end, allow me to respond. I attended the Hopkinton town council's hearings on SSRE's proposed 175 acre clear cut at Brushy brook at the request of residents who wanted the council to hear first hand what SSRE did to my neighborhood. I was contacted by email:

We are fighting the good fight against another solar project here in on Valley. _____ forwarded me your information and I read the articles pertaining the W.Cranston project. I am looking for help with this fight particularly on issues post construction. Can you call to discuss?? Thanks

Was I supposed to say No and turn my back on them and walk away? I've received emails from multiple communities dealing with the issue of these large industrial scale solar power facilities proposed for residential neighborhoods since the Lippitt Ave project is one the first and largest such projects to be built. If I can help one neighborhood avoid the fate of Lippitt Ave by speaking at a public hearing, then I will do so. If Mr. Murray and Mr. Palumbo do not want to hear from me, then they should stick to landfills.

Mr. Murray claims that the violations discussed in DEM's letter of Significant Non-Compliance were caused by bad weather. Blaming it on the weather is becoming his standard excuse. You may recall that SSRE told the Commission that the project would be built in 5 acre phases. Their Soil Erosion and Sediment Control permit filing details the steps they would take to carry out this phased construction.

Their promises did not last the first month as they ignore the phased development and clear cut the site in nearly one fell swoop. See #2 on page one of DEM's letter. I raised this issue with Mr. Murray and he responded,

"At one time we anticipated working in smaller phases on site. The vary favorable weather has encouraged us to move as quickly as possible on clearing with hopes of minimizing any inconvenience to neighbors." I appreciate their alleged concern, but their agreement was with you and DEM.

So, violate the permits? Blame it on the good weather!
Violate the permits? Blame it on the bad weather!

Erosion into wetlands was evident last month.

You asked many questions about the new poles. Two have been erected along our dirt road this week. I've attached a photo. If SSRE has their way, about 16 trees in the wetland buffer area in

the background will be cut down to make way for a total of 11 poles in this short section. (DEM #18-0162) This will make our view of the solar field that much worse as Nancy Freeman mentions in her 2018 May 10 report.

So, please, stop by our house and take in the view that Mr. Murray refuses to see.

Thank you
Douglas Doe



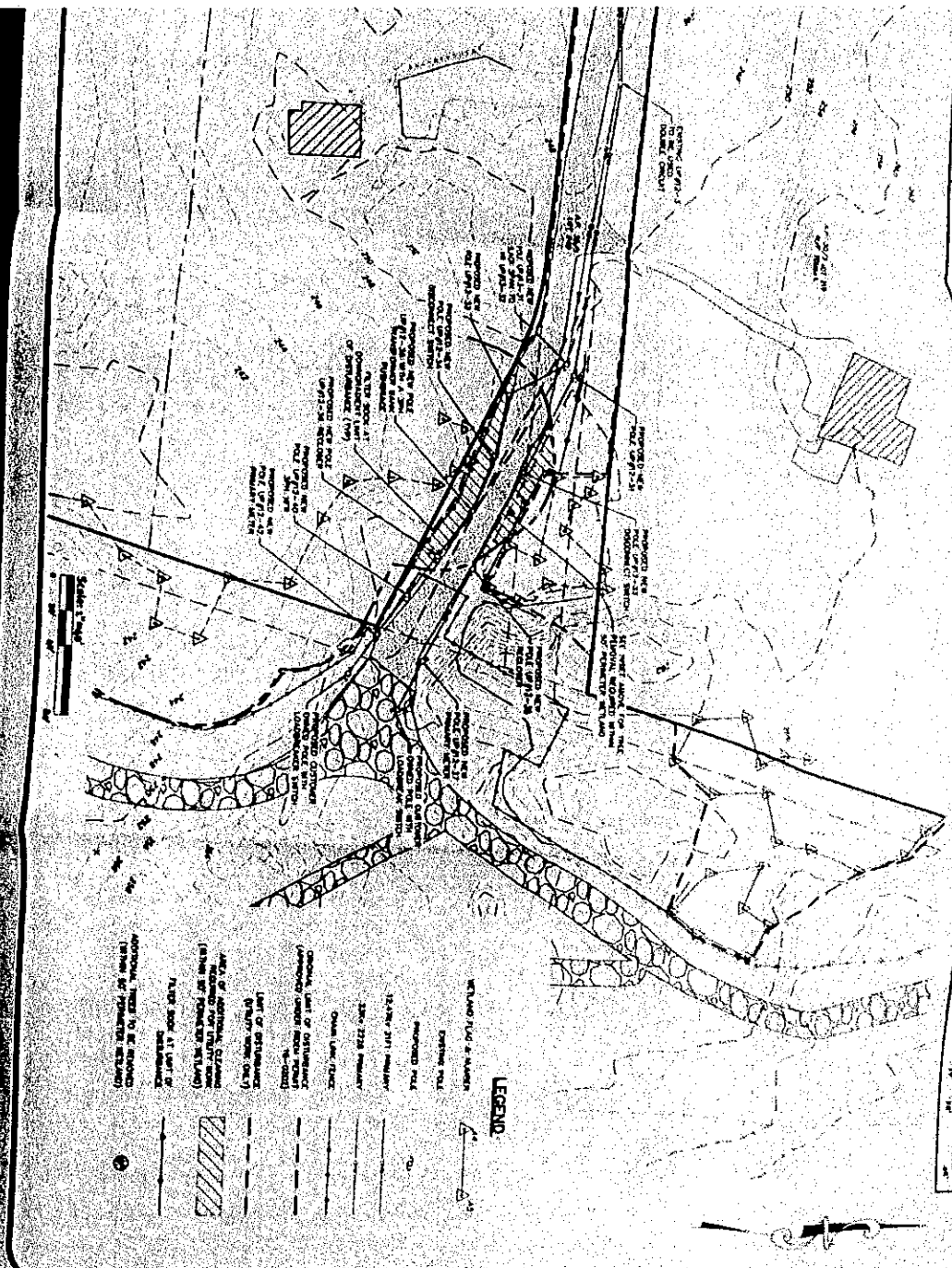






Site (or Approved Equiv.)

Insert: 50' Spillimeter Wetland Limit of Disturbance



- LEGEND**
- WETLAND LIMIT OF DISTURBANCE
 - EXISTING 115KV TRANSMISSION LINE
 - PROPOSED 115KV TRANSMISSION LINE
 - 120KV 275A REGENERATOR
 - OVERLINE TRUCK
 - AREA OF DISTURBANCE
 - AREA OF ADJACENT DISTURBANCE
 - AREA OF ADJACENT DISTURBANCE (WETLAND)
 - WETLAND AT LIMIT OF DISTURBANCE
 - ADJACENT WETLAND TO E. OF WETLAND
 - ADJACENT WETLAND TO W. OF WETLAND

Overhead Utilities Plan
SSRE RI Gold Meadow Farms

CONTRACT NO. 2011-001
 PROJECT NO. 2011-001
 SOUTHERN SKY RENEWABLE ENERGY RHODE ISLAND, LLC
 117 METTS CORNER BOULEVARD, SUITE 2000, WARREN, RI 02886
 RI 603-542-0213

This is a preliminary plan and should not be used for construction without the approval of the appropriate regulatory agencies. The plan is subject to change without notice. The plan is not a warranty of performance or a guarantee of results. The plan is not a contract. The plan is not a license. The plan is not a permit. The plan is not a certificate. The plan is not a decree. The plan is not a judgment. The plan is not an order. The plan is not a ruling. The plan is not a decision. The plan is not an action. The plan is not a proceeding. The plan is not a matter. The plan is not a case. The plan is not a dispute. The plan is not a controversy. The plan is not a question. The plan is not a point. The plan is not a matter in dispute. The plan is not a matter in controversy. The plan is not a matter in question. The plan is not a matter in dispute. The plan is not a matter in controversy. The plan is not a matter in question.

Berry, Joshua

From: Pezzullo, Jason
Sent: Thursday, December 6, 2018 7:29 PM
To: amaccarone@lambroslawllc.com; Smith, Michael E.; hopenkate@gmail.com; Fred Vincent; Kim Bittner; Mason, Kenneth; Strom, Robert; Stephen H. Marsella, Esq.; L Harri; scspirito@gmail.com
Cc: Berry, Joshua; McLean, Douglas
Subject: NATICK SOLAR FARM - Saturday 11:00 AM Site Visit
Attachments: December 8 SITE VISIT.pdf

Commissioners,

I've attached the agenda for Saturday's site visit of the proposed Natick Avenue Solar Farm. Joshua and I will be in attendance, and there is a quorum of the commission. Doug was able to lean on his experience conducting these site visits with the Town of South Kingstown. The following are some general guidelines that we should consider following:

- The purpose of the site walk to accommodate the PC's interest in better familiarizing themselves with the property, but any member of the public who shows up at the designated meeting point and time is welcome to attend since this is a public meeting. There is no portion of this site walk that can be closed off to the public.
- This is the PC's meeting and as such the Chair is responsible for decisions on where/how it will be conducted (within the bounds that it is acceptable to the property owner).
- If the PC chair sees fit, he may elect to cancel or reschedule the site walk if he feels the PC's objectives will not be met (ie: due to weather, site conditions, accommodation of PC or public's interest, or conduct of attendees). As a general practice, any decision to cancel or reschedule should be done with concurrence of PC members, but a formal vote is not needed.
- This site walk is not a continuation of the public hearing and as such is not held to the same standards regarding what constitutes "testimony". No votes can be taken, no formal decisions can be made, and any input that the applicant, property owner, or members of the public may wish to share during the site walk are not considered testimony. Any documents provided during the site walk will be directed to staff (who will attend) in order to share with the entire commission as part of normal communication leading up to the next of public hearing date.
- Minutes of the site visit will be taken and will be included as part of the public record. The Commission will be able to vote on the minutes of this meeting on January 8th, 2019.

See you all then,

Jason

You can reach me directly on my cell phone at 401-465-3331.

Berry, Joshua

From: Robert Murray <rdmurray@taftmcsally.com>
Sent: Friday, December 7, 2018 8:54 AM
To: Pezzullo, Jason; McLean, Douglas; Berry, Joshua
Subject: 12/8 Site Visit

Follow Up Flag: Follow up
Flag Status: Completed

For tomorrow's site visit, members should proceed to 1936 Phenix Avenue. Use the second driveway (not the house driveway) marked with a sign that says Rossi Tree Farm. There will be tree customers also pulling into the property but a greeter will direct members where to park.

Once everyone is assembled we will tour the property in a van that I have arranged for. The van will be heated but members should dress appropriately in case people desire to get out at any point along the way.

Parking is more readily accessible and easier at the Phenix Avenue end of the Rossi property rather than using the Natick Avenue entrance. But the proposed solar field area can be seen just the same.

If anyone gets lost my cellphone number is 401-573-5501. Thank you.

Bob Murray

Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, Rhode Island 02920
rdmurray@taftmcsally.com
Tel. (401) 946-3800 (o)
Fax (401) 943-8859 (fax)

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Pezzullo, Jason

From: Berry, Joshua
Sent: Thursday, December 13, 2018 1:51 PM
To: Pezzullo, Jason
Subject: FW: Natick Solar abutter invitation (Hurricane Hill Farm)

From: cluck [mailto:drake@cluckri.com]
Sent: Friday, December 7, 2018 5:00 PM
To: amaccarone@lambroslawllc.com; shmlaw@verizon.net; Mason, Kenneth <KMason@CranstonRI.org>; msmith@ric.edu; hopenkate@gmail.com; Bittner Kim <kimbit914@aol.com>; FVincent@GM2INC.COM; scspirito@gmail.com; Strom, Robert <RStrom@CranstonRI.org>
Cc: Berry, Joshua <JBerry@CranstonRI.org>; McLean, Douglas <DMcLean@CranstonRI.org>; jpezzullo@CranstonRI.org
Subject: Natick Solar abutter invitation (Hurricane Hill Farm)

Members of the City Plan Commission:

I am writing as the Natick Solar project’s largest direct abutter, Hurricane Hill Farm, to *personally* invite each of you *individually* to stop by my property before or after your meeting at the proposed Natick Solar site tomorrow, December 8th.

I am clear on the open meeting law and suggest only that you might wish to understand the project from an abutters’ location, especially one that is the least mentioned on the buffer plans dues to the virtual impossibility of buffering the southeast face of the proposed project due to slope, angle and the TGC pipeline easement.

I am also willing to offer alternative times that work better for each of you. I may be reached by email or by cell at 401 932 4884. If you do plan on coming by tomorrow, please text or call so I or my husband can meet you.

Although I did not speak at the recent Plan Commission meeting (I am among those represented by counsel) I was heartened by the voices of my neighbors and your own thoughtful review. As a former Plan Commission member myself (I served in Providence), I understand the limits to your purview and win that spirit, I am drafting my own citizen responses to the staff memo/findings of fact as they were presented to you at that meeting. I will be submitting those separately.

Meanwhile, in the event that you visit, or perhaps only as context to what follows I share a little about our conservation farm:

Hurricane Hill Farm is held in a conservation easement established in 2012 by the prior owners when the development rights were bought by the US Government (USDA/NRCS) and the City of Cranston (using open space funds). This purchase was consistent with the goals set forth by the city that year in resolution 2012-13 regarding open space and recreation. Indeed, the easement acquisition was used by Mayor Fung to establish evidence that the city was already supporting the intentions of that resolution. I bought the property in late 2014.

Hurricane Hill was first established as a farm in the mid-1750’s when our country was not yet independent from Great Britain. We are only the third family to live on the property, and we are the first to return the land to true

farming use since the late 1800s. The founding Baker family established their farm on this land based on its ample access to water and water power (at least three mills once served the land). In addition to the historic dwelling, service outbuilding, farm structures, stone fences and animal enclosures, the farm also holds one the few known burial sites of enslaved peoples.

The original holding stretched west from our current acreage (and once included the land now proposed for the solar manufacturing facility; and it stretched east, allowing our 18th century predecessors to travel and move goods by water to and from the Pawtuxet River and the Bay. Since then, the original landholding has been sizably reduced-most notably due to the building of Interstate 295, 37 and the expansion of Providence Water's main line into the capitol and finally, the consequential selling-off of the farm's disconnected acreage east of 295. The TGC supply line almost ended the property's usable life but the former owners and Walter Lawrence (who spoke at the hearing) pursued a long and costly battle to keep the pipeline off their lands.

This farm's many visible scars have all come as a result of un-checked development as first the train-and the then the car-moved people from the city into the country with the supply of goods and services soon following.

In those scars I see both historic misfortune and teachable opportunity, providing us with breath to consider the lessons of these older development-related decisions on the contemporary social and economic culture of New England. I believe this is especially true as it relates to local food and our reviving and growing RI farming economy contends with inflated land prices, the loss of farmland to housing and get-rich-quick opportunities from alternative energy leaseholds.

When I bought this property in 2014, this survivor farm was in bad shape; its acres virtually impassable, choked out by "Christmas tree" field planted to doge taxes but left to grow uncontrollably, tangled invasive plants pulling down mature trees and eroded hillsides from recreational horse usage. The buildings were worn down, the stone walls were tumbling into the street. Our first project was to clear the view shed to Natick Avenue: a first symbolic gesture that the public's funds were going to be honored and that this tired, worn-out farm would rise again.

And so it has.

Today, Hurricane Hill is home to my own small livestock farm focused on heritage chickens and ducks as well as a small flock of endangered, dual-purpose Leicester Longwool sheep (a breed first brought to this country by George Washington). The property is also home to three resident, woman-owned, organic-method farms. Together, these farms feed families through a CSA (many of whose subscribers are here in our neighborhood and elsewhere in Cranston), provide produce to local restaurants, sell product at farmers markets, maker fairs and to both private and retail accounts.

I recently relocated my 6-year old farm store business 'cluck! farm garden & home to Hurricane Hill and my husband, a self-employed artist and designer also works from our farm. Together, we also manage an airbnb cottage in an outbuilding on the property, welcoming guests from all over the world who are visiting RI. All in all, our 48 acres is home to 7 tax-paying, micro businesses, the majority of them minority owned.

All of this falls under our the terms of our easement as well as the right-to-farm act, both measures intended to help small farmers make their operations profitable in the shadow of big agriculture. We embrace this challenge.

A few months ago we were humbled to be chosen as the Northern District's Conservation Farm of Year-recognized as such not only for what we have accomplished to-date but also for our goals for the farm's future and its alignment with Rhode Island local food initiatives and the New England Food Policy Councils' ambitious goals for local food production and farmland protection.

When the city chose this farm for its open-space funds, it leap-frogged over other farms already identified by leaders in the conservation community – and it disregarded formerly -stated goals of selecting properties that would create a contiguous holding for the public’s long-term enjoyment (as detailed in our comprehensive plan). Why this happened, I do not dare to speculate, but we saw it as an opportunity to create a new destination in a lesser known corner of our city.

Ironically, those original properties and those skipped in favor of ours’ are now neighbors to solar manufacturing: the dream of the unspoiled farm route only a memory now

And we, the outlier, survivor farm, currently face the same fate. Had we imagined that this historic farm would one day sit across from an industrial site manufacturing solar power, we would never have fought so hard to become its next stewards, nor would we have invested as we have. We would not have leased to farmers (who may now be forced off the land due to future water and wildlife impact). We would not have competed for or accepted public funding for farmer amenities. And we certainly would not have accepted the Conservation Farm of the Year award a few months ago.

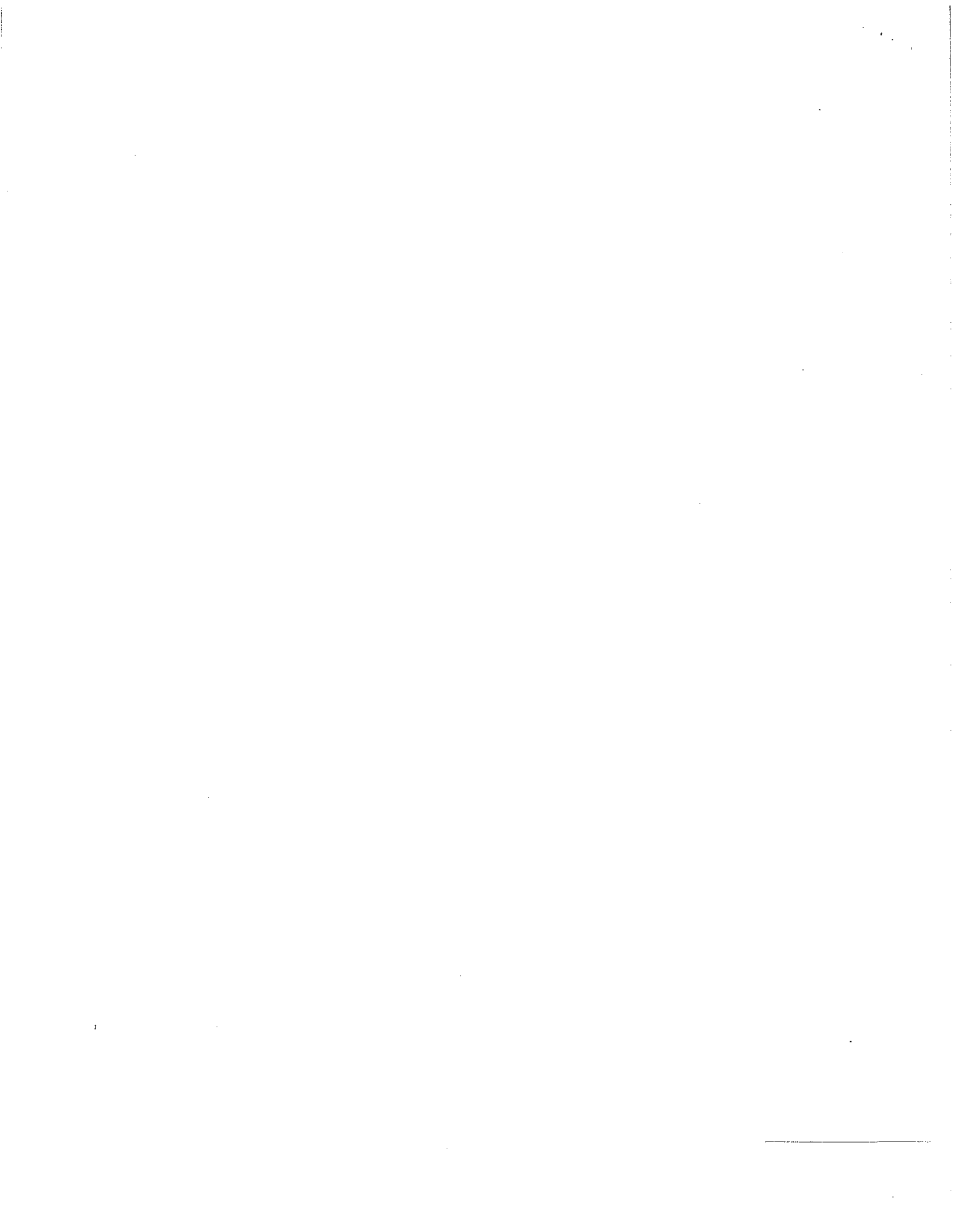
And I’d like to think the city would not have invested the public’s funds and its trust on this property either.

We hope you’ll visit.

I own just under 48 acres that abuts the project-one acre on the west side of Natick directly abutting the TPG easement and the remaining acreage on the east side running north to the Valley View neighborhood and south almost to the West Warwick line. We also abut a section of 295 to the east.

Drake Patten,
Hurricane Hill Conservation Farm
and
cluck! farm, garden & home
684 Natick Ave
Cranston RI 02921

www.cluckri.com



Natick Ave Site Visit 12/8

Name	Affiliation
- Joshua Berry	Cranton Planning
- Patrick J. Dougherty, Esq.	- Self attorney
- Sever C. S. F. M.	Planning Com.
- Kim Bither	Planning
- Ann Marie Maccarone	Planning
- Michael Smith	with - plan
- Fred Vincent	Planning C.
- David Russo	D. Prete
- Kyle Palumbo	A Southern Sky
- Jason Pezzullo	City Planning
- JOHN CARTER	JCC & Co.
- Ronald Green	OWNER
- Jason Pezzolo	Cranton Planning

TWR #2

Name	Affiliation
HOLLY ZEVON	501 Natick Ave
Doug Don	128 Coppitt Ave
Jessica Martin	799 Natick Ave
Henry Palazzo	467 Natick
Kyle Palumbo	Southern Sky
Ralph Palumbo	"
Dave Russo	"
John Carter	"
Bob Murray	"
Mike Smith	PC

MINUTES

Site Visit for Natick Ave Solar Farm - Master Plan – December 8, 2018 – 11:00 AM

1936 Phenix Avenue

Attendance:

Tour #1

<u>NAME</u>	<u>AFFILIATION</u>
Ron Rossi	Property Owner
Ralph Palumbo	Southern Sky Renewable Energy RI / Applicant
Kyle Palumbo	Southern Sky Renewable Energy RI / Applicant
Robert D. Murray, Esq	Attorney for applicant
David Russo	Engineer for applicant
John Carter	Landscape Architect for applicant
Michael Smith	Plan Commission (Chair/President)
Steven Spirito	Plan Commission
Kim Bittner	Plan Commission
Ann Marie Maccarone	Plan Commission
Fred Vincent	Plan Commission (Vice Chair)
Patrick J. Dougherty, Esq	Attorney
Jason Pezzullo	Cranston Planning Department
Joshua Berry	Cranston Planning Department

Tour #2

<u>NAME</u>	<u>AFFILIATION</u>
Ron Rossi	Property Owner
Ralph Palumbo	Southern Sky Renewable Energy RI / Applicant
Kyle Palumbo	Southern Sky Renewable Energy RI / Applicant
Robert D. Murray, Esq	Attorney for applicant
David Russo	Engineer for applicant
John Carter	Landscape Architect for applicant
Michael Smith	Plan Commission (Chair/President)
Jason M. Pezzullo, AICP	Cranston Planning Department
Joshua Berry, AICP	Cranston Planning Department
Holly Zevon	591 Natick Ave
Douglas Doe	618 Lippit Ave
Jessica Marino	799 Natick Ave
Henry Palazzo	467 Natick Ave

11:00am - People arriving and gathering

The site visit was well attended, beyond the capacity of the 12 passenger tour van arranged by the applicant. The applicant, property owner, Plan Commission President, Planning Director, and lawyer representing select members of the public (Patrick J. Dougherty, Esq.), convened to determine the best logistical approach to conduct the site visit. The decision was collectively made to split the tour into two groups, first with the Plan Commission and Mr. Dougherty, and the second with remaining interested participants (with the owner, applicant team, Plan Commission President and City Planning staff attending both tours).

Tour #1 – began roughly 11:20

The tour began at the western end of the property where the Christmas Tree farming business is conducted. The van traversed along a dirt road along the north western portion of the property.

“Briar Hill” subdivision was visible from the van at approximately 100+ feet away, with residences at a higher elevation than the subject lot.

Plan Commissioners asked Mr. Rossi about the soil condition and drainage issues. Mr. Rossi replied that the soils drain very well with 8-12 inches of topsoil, but the site also has a mix of clay and sandy gravel.

There were large rock, boulders and bedrock visible between the tour trail and the Swanson property which was roughly 75' away and roughly 120' to the barn. The commission asked questions about the potential for blasting on this site. Mr. David Russo P.E. stated that they may need to blast one of the two rocks, but that they may be able to “break it up” (drilling, hammering) without the use of blasting.

The Commission wanted to see the edge of the lease area to the northern edge of the property, which was marked with pink flags. The Commission got out of the van and walked the edge of the property to get a sense of the vegetation mix / density, distances and topography. There was a discussion about the appropriate buffering in regards to the existing conditions, proposed future roadway and downward slope away from the residences to the north.

The van stopped at the site entrance at Natick Ave for everyone to observe the viewshed from Natick Ave. Despite the approximate 400' distance from the road to the proposed solar arrays, the solar array will likely be visible looking straight down main site entrance.

The Commission and staff inquired into the proposed interconnection. The decision was made to tour the interconnection route from the site entrance all the way to the intersection with Wilbur Avenue. The proposed changes to the utility infrastructure were described, mainly that the existing single-phase poles would be replaced in the same location by three-phase 45' high poles. Tree trimming would be required, and the poles would go deeper into the ground than the existing, but would be engineered at a later time by National Grid.

Mr. Doherty requested the tour include the private roads through residential properties to the north of the proposed project site. Robert Murray refused the request for lack of permission to encroach on private property. Mr. Doherty gave the authority (although it was unclear whether he had said authority), although Mr. Murray refused to drive the vehicle on other private properties for fear of litigation for trespass.

The tour endeavored south on Natick to the point where the on-site wetlands abut Natick Ave. It was verified by the project engineer that no site work would disrupt the wetland/swamp area.

The tour drove past the gas easement along the southern edge of the property and Cluck farm to observe the site from these perspectives, turning around using Mr. Lawrence's driveway (the property to the south of the site).

The bus drove back into the site and past the Zevon's residence, which was visible at a distance. The project landscape architect described the infill planting approach to buffer the project visually, which would include white pines, red cedars and spruce, among other species. The applicant also mentioned his offers to plant on abutters properties off site, which he said allows the owner to maintain the plantings.

The Commission discussed the gas easement in relation to potential blasting. Dave Russo explained how the project would minimize site work and blasting, and also elaborated on DiPrete's experience blasting near the same pipeline for the large scale Citizen Bank cooperate headquarters project to positive effect. Mr. Russo showed a map/plan highlighting the slopes on site, which is to be submitted to staff prior to the next hearing. He explained how the project will work with the existing topography to the greatest extent possible, and how site “optimization” requires working through, rather than avoiding, some challenging

areas on the site to avoid inter-panel shading. Commissioner Spirito walked down the slope towards Mr. Lawrence's property to observe the site from that vantage point and made the observation that he could not see beyond the hill.

Plan Commissioners asked the applicant regarding the benefit of this project to the City. In addition to the fiscal tax revenue the City would receive, there is also a potential to enter into a net metering agreement for clean, cheaper energy benefiting tax payers.

The Plan Commission asked about the total investment for the project, should it be approved. The applicant stated \$17M – \$18M.

Tour #2 - Began 12:40pm

The second tour was shorter; however, there were similar discussion points from the public and plan commission members as the first tour, including site work, grading, buffering, potential blasting, wetlands protection, and interconnection. No topics were discussed during the second tour that was not also discussed on the first tour. It was made clear that the bus would stop per request to walk any area of the site, but none were made.

At the conclusion of the second bus tour, the informational Site Visit for the Natick Avenue Solar Farm was concluded. There were no motions or votes held during this meeting. The Master Plan Public Information Meeting will continue at the next regular meeting of the City Plan Commission on January 8th, 7:00 PM.

Karen Ragosta

Subject: FW: Cranston Planning Commission site visit question
Attachments: December 8 SITE VISIT.pdf

From: Douglas Doe <dwdoe@cox.net>
Sent: Sunday, December 09, 2018 9:40 PM
To: Open Government <opengovernment@riag.ri.gov>
Subject: Cranston Planning Commission site visit question

Dear Ms. Pinsonneault,

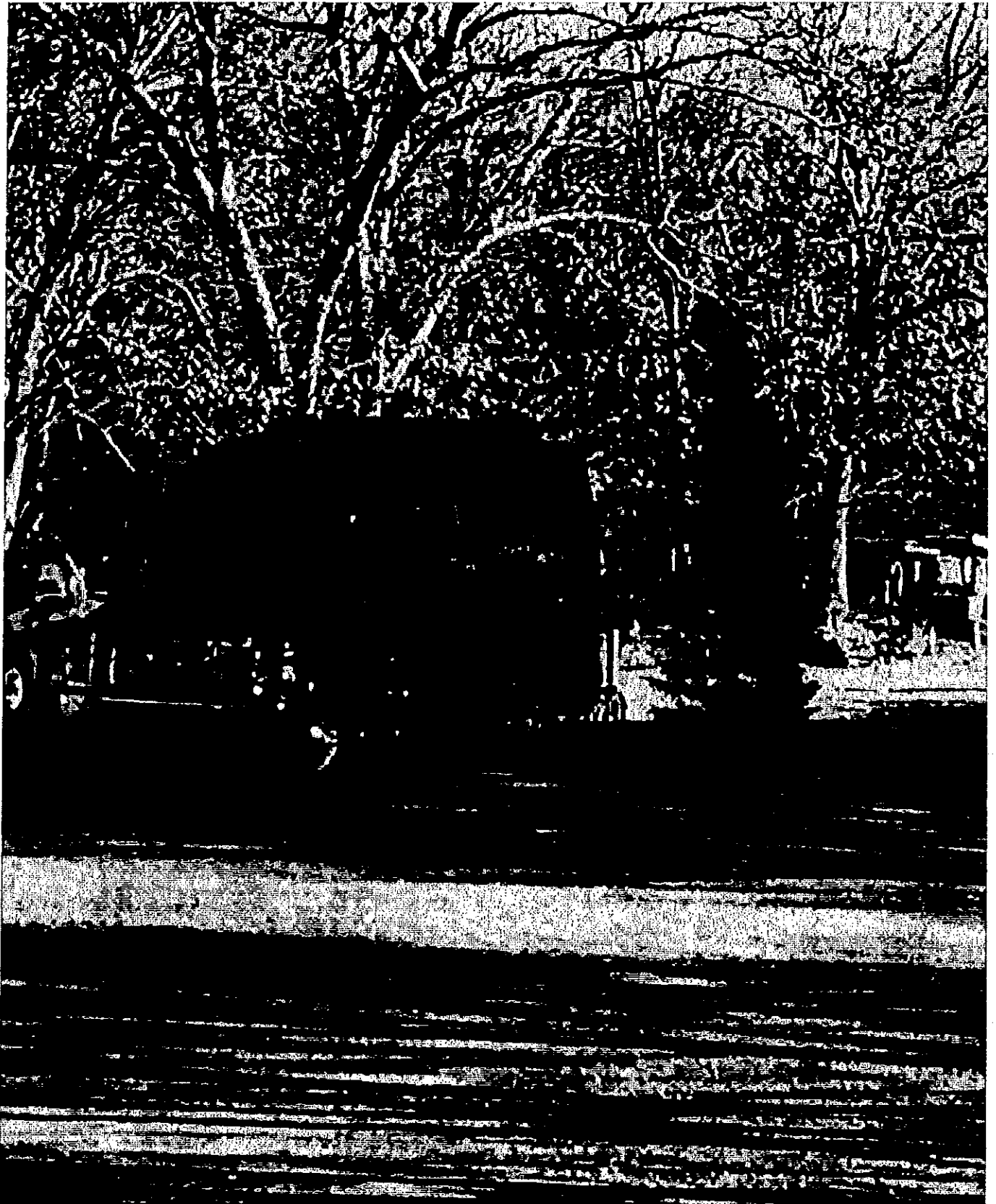
The Cranston Planning Commission held a site visit at Rossi's Tree Farm located at 1936 Phenix Ave, Cranston to view the location of a proposed 30 acre solar facility. The site visit was posted on the city's calendar and the Secretary of State's website. The applicant provided a small coach to chauffeur the Planning Commissioners and others around the site. However the coach was only large enough to carry the commissioners, Planning Department staff, applicants and their lawyer, and a lawyer representing some of the abutters. Members of the public who came to the advertised site visit were left standing in the parking lot for one and a half hours. Members of the public did not take part in the visit because of the long wait. We were told that the coach would return in fifteen minutes. The visit was supposed to start about 11:00 am, but the coach did not return to pick up the public until 12:30. The commissioners left and the public was given a half hour tour of the site with the Commission Chair, applicants, their attorney and consultant, and Planning Department staff.

Does the segregation of the public from the Planning Commissioners meet the standards of the open meeting law? The applicant's lawyer appeared to control the entire visit and the public was not allowed to interact with the commissioners during their visit, hear their comments, or observe the areas of the property that raised commissioners' concerns. The public had no opportunity to raise their own concerns with the commissioners who attended the visit. It was my understanding that this was supposed to be a site walk, but clearly that was not allowed by the applicant.

Was this a legal site visit? Would you please clarify the legal obligations of the Cranston Planning Commission when conducting a site visit?

I have attached a photo of the coach taken at the time of its return to pick up the public and a copy of the meeting notice.

Thank you,
Douglas Doe
178 Lippitt Ave.
Cranston, RI 02921
401-787-1958





State of Rhode Island and Providence Plantations

OFFICE OF THE ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903

(401) 274-4400

Peter F. Neronha
Attorney General

VIA EMAIL ONLY

January 9, 2019

Mr. Douglas Doe
dwdoe@cox.net

Re: Doe v. Cranston Planning Commission

Dear Mr. Doe:

I am in receipt of your email dated December 9, 2018. Respectfully, it is unclear to this Department whether or not you would like to file an Open Meetings Act ("OMA") complaint against the Cranston Planning Commission ("Commission"). Kindly advise.

If you would like to file an OMA complaint, it is my understanding that the coach vehicle did not return timely, but please indicate what prohibited you and others from following in your own vehicles.

If you have any questions, please feel free to contact me.

Very truly yours,

/s/ Andrea Shea

Andrea Shea
Special Assistant Attorney General
ashea@riag.ri.gov

AS/dg

Cc: Christopher Rawson, Esquire
crawson@cranstonri.org

Berry, Joshua

From: Pezzullo, Jason
Sent: Tuesday, January 22, 2019 10:45 AM
To: Berry, Joshua
Subject: FW: Doe v. Cranston Planning OMA Complaint
Attachments: Exhibit A - December 8 Natick Ave Solar Site Visit DRAFT Minutes.pdf; ATT00001.htm; Exhibit C - emails from Joshua Berry.docx; ATT00002.htm; Exhibit B - December 4 Minutes_9304.pdf; ATT00003.htm

From: Rawson, Christopher
Sent: Tuesday, January 22, 2019 6:22 AM
To: Pezzullo, Jason; shmlaw@verizon.net
Cc: rdmurray@taftmcsally.com; emk@kirshenbaumlaw.com; Parrillo, Daniel
Subject: Fwd: Doe v. Cranston Planning OMA Complaint

Jason and Steve,
Attached please find Douglas Doe’s response to our answer to his OMA Complaint.
He provided no narrative, but I presume he wants to show through his providing of the minutes that the more expansive first tour violated the OMA, and was a “meeting.”
I would expect an AG decision possibly by Spring.
Chris

Sent from my iPhone

Begin forwarded message:

From: Douglas Doe <dwdoe@cox.net>
Date: January 21, 2019 at 9:27:28 PM EST
To: "Rawson, Christopher" <CRawson@CranstonRI.org>
Cc: Andrea Shea <ashea@riag.ri.gov>, Dylan Gaddes <Dgaddes@riag.ri.gov>
Subject: Fwd: Doe v. Cranston Planning OMA Complaint

Begin forwarded message:

From: Douglas Doe <dwdoe@cox.net>
Subject: Re: Doe v. Cranston Planning OMA Complaint
Date: January 21, 2019 at 9:22:58 PM EST
To: Andrea Shea <AShea@riag.ri.gov>

Dear Ms. Shea,

I have attached my response to Cranston’s statement.

Thank you,

Douglas Doe

On Jan 18, 2019, at 2:50 PM, Andrea Shea <AShea@riag.ri.gov> wrote:

Good Afternoon,

You have five (5) business days from receipt of the City of Cranston's response to provide a rebuttal to this Department. The City provided its response on 1/17/19,; because Monday 1/21/19 is a holiday, your response is due on 1/25/19.

Best,
Andrea Shea

Andrea M. Shea | Special Assistant Attorney General, Civil Division <image001.jpg>
The State of Rhode Island | Office of the Attorney General
150 South Main Street | Providence, RI - 02903
Office: +1 401 274 4400 | Ext: 2231
ashea@riag.ri.gov | www.riag.ri.gov |

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From: Douglas Doe <dwdoe@cox.net>
Sent: Friday, January 18, 2019 2:46 PM
To: Andrea Shea <AShea@riag.ri.gov>
Subject: Re: Doe v. Cranston Planning OMA Complaint

Ms. Shea,

When is my reply to Cranston's response due?

Thank you,
Douglas Doe

Sent from my iPhone

On Jan 17, 2019, at 10:08 AM, Andrea Shea <AShea@riag.ri.gov> wrote:

This email confirms receipt of the City of Cranston's
Response to Doe's OMA Complaint.

Andrea M. Shea | Special Assistant Attorney General, Civil Division <image001.jpg>
The State of Rhode Island | Office of the Attorney General
150 South Main Street | Providence, RI - 02903
Office: +1 401 274 4400 | Ext: 2231
ashea@riag.ri.gov | www.riag.ri.gov |

CONFIDENTIALITY NOTE:

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From: Rawson, Christopher
<CRawson@CranstonRI.org>
Sent: Thursday, January 17, 2019 7:42 AM
To: Andrea Shea <AShea@riag.ri.gov>
Cc: dwdoe@cox.net; Dylan Gaddes
<Dgaddes@riag.ri.gov>
Subject: Doe v. Cranston Planning OMA Complaint

Ms. Shea,

Attached please find the City of Cranston's response to Douglas Doe's OMA Complaint filed last month.

Thank you for your consideration of this matter.

Chris Rawson
Cranston City Solicitor



Master Plan Submission

Natick Avenue Solar

Located on Natick Avenue
Cranston, Rhode Island

Assessor's Plat 22-3 Lot 108 & 119



Sheet Index

- 1 Cover
- 2 Half Mile Radius Aerial & USGS Map
- 3 Existing Condition Plan
- 4 Site Layout Plan
- 5 Viewshed Analysis-North
- 6 Viewshed Analysis-South
- 7 Detail Sheet

- Boundary Survey (1 of 1)
Landscape Plan (1 of 2)
Landscape Plan (2 of 2)

DiPrete Engineering

Two Stafford Court Cranston, RI 02920
tel 401-943-1000 fax 401-664-6006 www.diprete-eng.com

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DAWD A. RUSSO
No. [Signature]
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No.	Date	Description	By	Design By
1	1-22-2018	Master Plan Submission	S.E.K.	S.E.K.
2	11-09-2018	Tree Height Analysis	K.L.D.	S.E.K.
3	05-09-2018	Master Plan Submission	S.E.K.	S.E.K.
4	05-09-2018	Updated Layout Plan	S.E.K.	S.E.K.
5	05-09-2018	Master Plan Submission	S.E.K.	S.E.K.
6	05-09-2018	Master Plan Submission	S.E.K.	S.E.K.

Cover
Natick Avenue Solar
Assessor's Plat 22-3 Lots 108 & 119
Cranston, Rhode Island
Southern Sky Renewable Energy RI, LLC
117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
tel 781-313-2001
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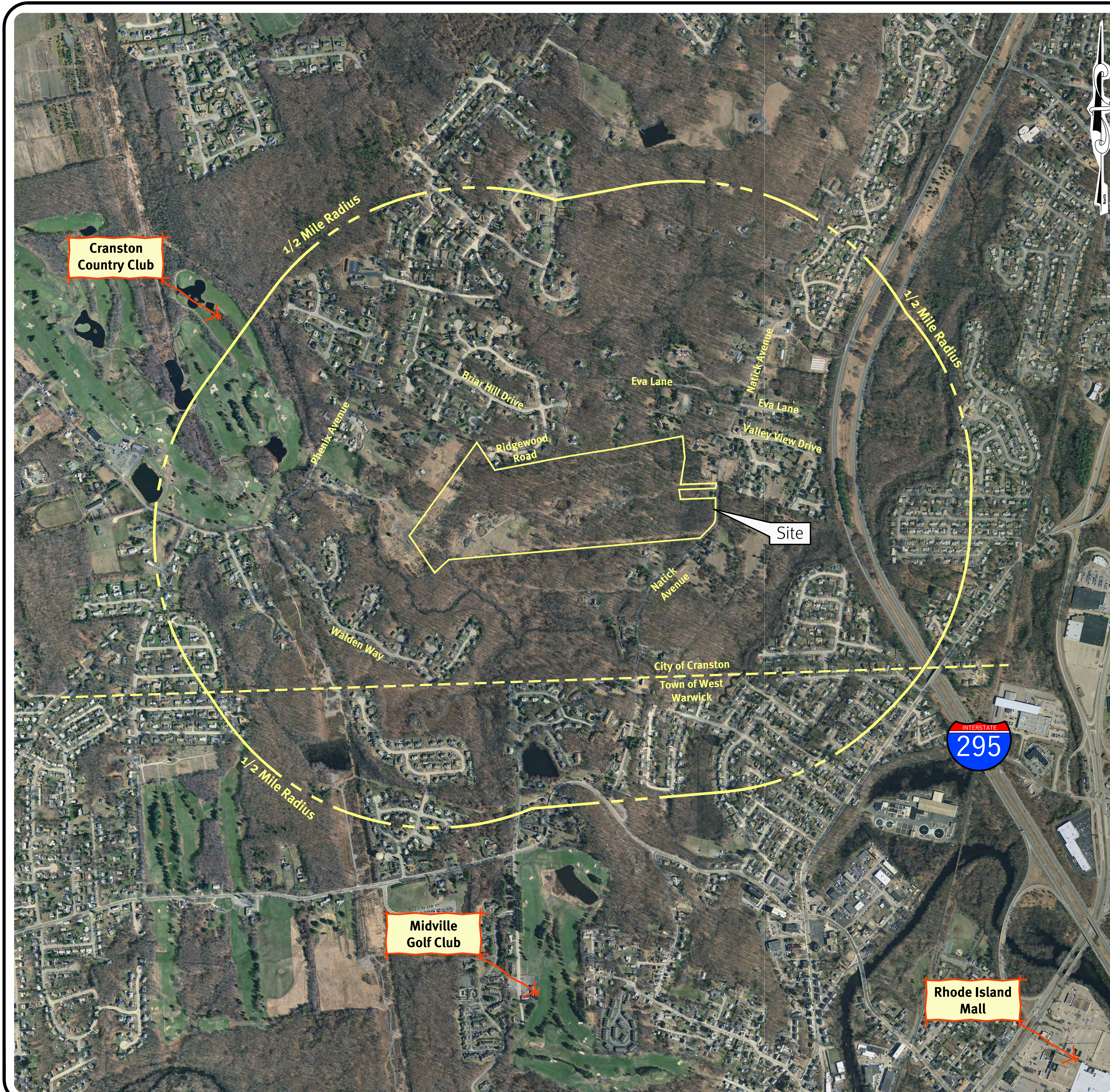
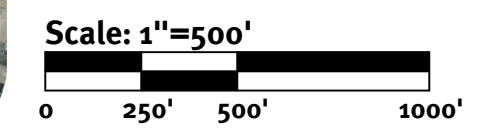


Photo Obtained from RIGIS.



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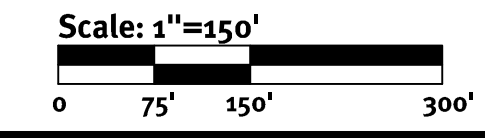
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No.	Date	Description	By	Design By
1	1-2-2019	Master Plan, Registration	D.A.R.	S.E.K.
2	11-09-2018	Final Master Plan	S.E.K.	S.E.K.
3	10-09-2018	Final Master Plan	S.E.K.	S.E.K.
4	09-09-2018	Final Master Plan	S.E.K.	S.E.K.
5	08-09-2018	Final Master Plan	S.E.K.	S.E.K.
6	07-09-2018	Final Master Plan	S.E.K.	S.E.K.
7	06-09-2018	Final Master Plan	S.E.K.	S.E.K.
8	05-09-2018	Final Master Plan	S.E.K.	S.E.K.
9	04-09-2018	Final Master Plan	S.E.K.	S.E.K.
10	03-09-2018	Final Master Plan	S.E.K.	S.E.K.

Half Mile Radius Aerial & USGS Map
Natick Avenue Solar
 Cranston, Rhode Island
 Applicant
Southern Sky Renewable Energy RI, LLC
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 tel 781-371-2001
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- General Notes:**
- THE SITE IS LOCATED ON THE CITY OF CRANSTON, RHODE ISLAND ASSESSORS PLAT 22-3 LOTS 108 AND 119.
 - THE AREA OF THE SITE IS APPROXIMATELY 64.0 ± ACRES. THE SITE IS ZONED AS A-80.
 - THE OWNER OF AP 22-3 LOTS 108 AND 119 IS: RONALD ROSSI
1935 PHOENIX AVE
CRANSTON, RI 02920
 - THIS SITE IS LOCATED IN FEMA FLOOD ZONE X UNSHADED. ZONE X UNSHADED AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44007C0407G & 44007C0426H, MAP REVISED OCTOBER 2, 2015.
 - THIS PLAN IS SUBSTANTIALLY CORRECT IN ACCORDANCE WITH A CLASS I COMPREHENSIVE BOUNDARY SURVEY.
 - SOIL MAPPING OBTAINED FROM WEBSOIL SURVEY OF RHODE ISLAND, PREPARED BY U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE.
 - THE SITE NOT WITHIN A:
GROUNDWATER PROTECTION AREA (RIDEM)
COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
NATURAL HERITAGE AREA (RIDEM)
GROUNDWATER PROTECTION OVERLAY DISTRICT (TOWN)
S.A.M.P. AREA (CRMC)
NON-COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
 - THE SITE DOES NOT CONTAIN ANY HISTORICALLY SIGNIFICANT SITES OR STRUCTURES, STATE OR LOCAL HISTORIC SITES, DISTRICTS, CEMETERIES, ARCHAEOLOGICALLY SIGNIFICANT SITES, OR STATE DESIGNATED SCENIC AREAS. THIS WAS DETERMINED THROUGH FILE REVIEW AND SITEWALK COMPLETED BY DIPRETE ENGINEERING 05/15/2018 AND IS CORRECT TO THE BEST OF OUR BELIEF.

Lidar Note:
CONTOUR DATA SHOWN ON THIS PLAN CONFORMS TO A T-4 TOPOGRAPHICAL SURVEY STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS; SAID DATA IS BASED ON ELEVATION INFORMATION THAT WAS COLLECTED WITH AIRBORNE LIDAR TECHNOLOGY FOR THE ENTIRE AREA OF RHODE ISLAND BETWEEN APRIL 22 AND MAY 6, 2011 AS PART OF THE NORTHEAST LIDAR PROJECT. THIS DATA'S POSITIONAL ACCURACY AND RELIABILITY HAS NOT BEEN VERIFIED BY DIPRETE ENGINEERING AND IS SUBJECT TO CHANGES AN AUTHORITY FIELD SURVEY MAY DISCLOSE.

Abbreviations:

EXISTING	EX
PROPOSED	PR
TYPICAL	TYP
ASSESSOR'S PLAT	AP
NOW OR FORMERLY	N/F
UTILITY POLE	U.P.

Existing Legend:
NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS

	PROPERTY LINE
	ASSESSOR LINE
	SETBACK
	MINOR CONTOUR LINE
	MAJOR CONTOUR LINE
	100' RIVERBANK WETLAND
	STREAM
	SOIL BOUNDARY LINE
	FEMA BOUNDARY
	GIS WETLAND EDGE
	FIELD LOCATED WETLAND EDGE
	WETLAND HATCH
	50' PERIMETER WETLAND
	ELECTRIC OVERHEAD WIRE
	ELECTRIC UTILITY POLE
	ZONING LINE

This Plan Should Be Indexed By The Following Streets:

- Natick Avenue

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Two Stafford Court Cranston, RI 02920
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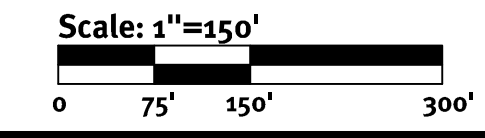
DAWD A. RUSSO
No. 1435
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7	10-26-2018	Final Master Plan, Final	D.A.R.	S.E.K.
8	10-26-2018	Final Master Plan, Final	D.A.R.	S.E.K.
9	10-26-2018	Final Master Plan, Final	D.A.R.	S.E.K.
10	10-26-2018	Final Master Plan, Final	D.A.R.	S.E.K.

Existing Condition Plan
Natick Avenue Solar
Assessor's Plat 22-3 Lots 108 & 119
Cranston, Rhode Island
Applicant: **Southern Sky Renewable Energy RI, LLC**
117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
tel 781-313-271-2001
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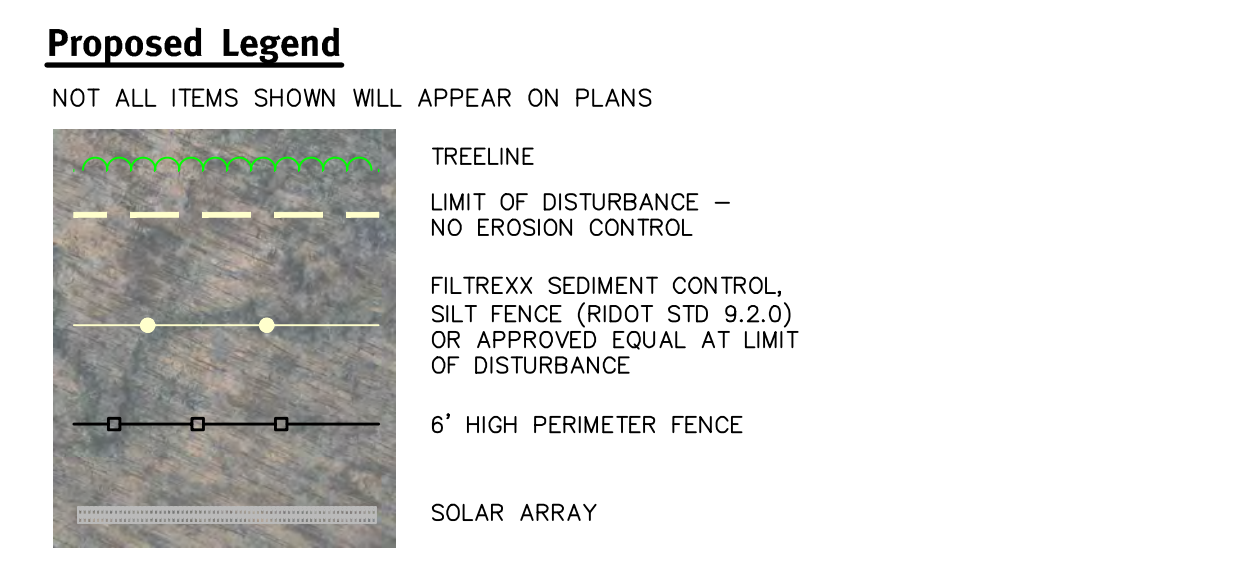
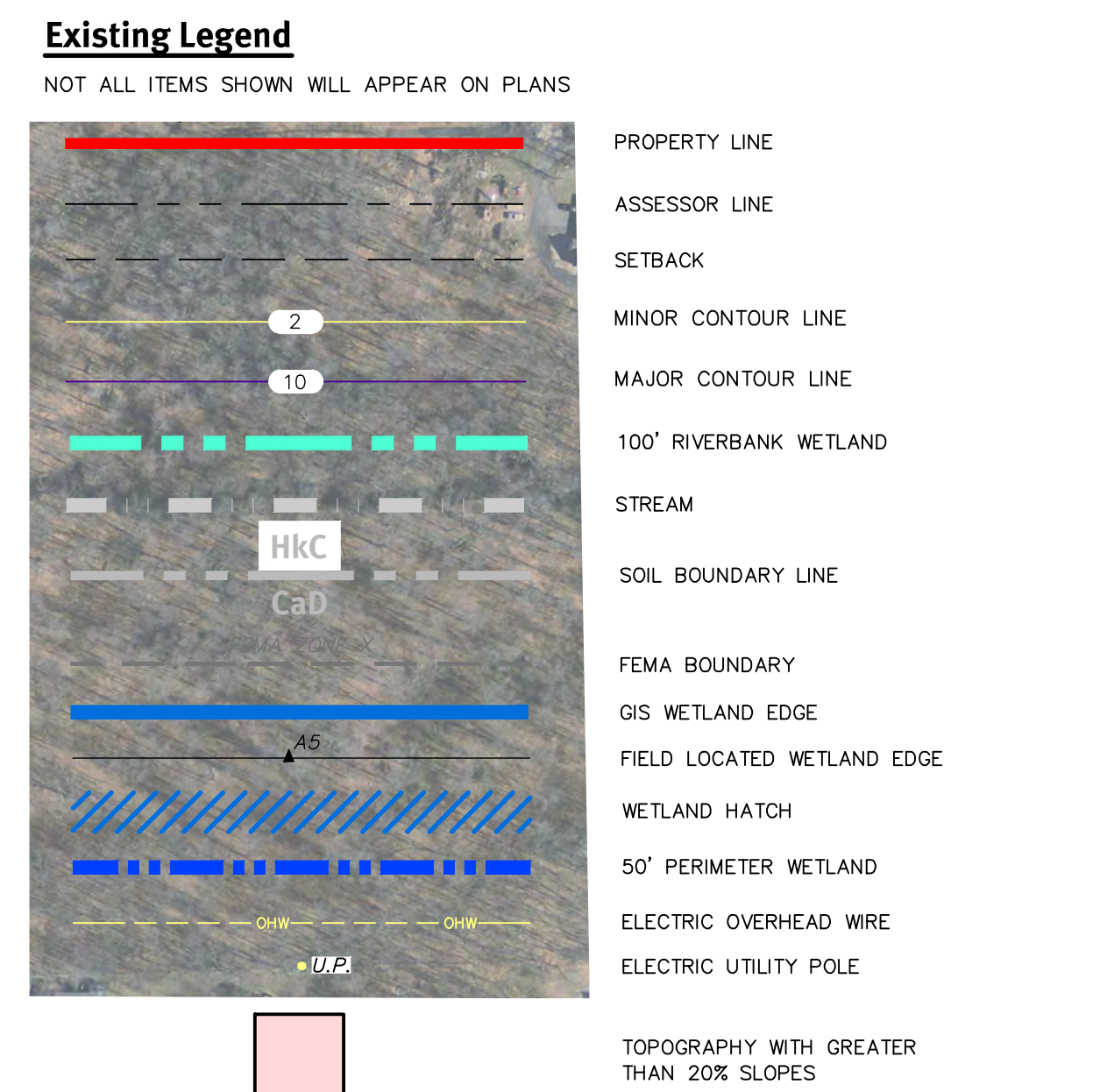


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 - COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
 - NATURAL HERITAGE AREA (RIDEM)
 - GROUNDWATER PROTECTION OVERLAY DISTRICT (TOWN)
 - S.A.M.P. AREA (CRMC)
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- Site Layout Notes:**
- DETAILED SOIL EROSION AND SEDIMENT CONTROL MEASURES TO BE INCORPORATED AT THE PRELIMINARY DESIGN STAGE AND WILL CONFORM TO RIDEM BEST MANAGEMENT PRACTICES.
 - NO NEW WELLS OR OWTS PROPOSED. THE SITE IS NOT PROPOSED TO BE SERVICED BY PUBLIC WATER.
 - ALL ELECTRICAL CONNECTION AND DISTRIBUTION LINES WITHIN THE FACILITY SHALL BE UNDERGROUND. ELECTRICAL EQUIPMENT BETWEEN THE FACILITY AND THE UTILITY CONNECTION MAY BE ABOVE GROUND IF REQUIRED BY THE UTILITY.
 - NO NEW LIGHTING INSTALLATIONS ARE PROPOSED.
 - PROPOSED SIGNAGE IS LIMITED TO SECURITY SIGNS (OR SIMILAR) INSTALLED ON THE FACILITY PERIMETER FENCING.
 - PROJECT WORK WILL BE UNDERTAKEN IN ONE PHASE.
 - NO TOP SOIL IS TO BE REMOVED DURING CONSTRUCTION AND INSTALLATION OF THE SYSTEM.
 - CONSTRUCTION STAGING AREA TO INCLUDE CONCRETE WASHOUT AREA AND VEHICLE FUELING/ STORAGE/ MAINTENANCE AREA.

Dimensional Regulations:

CURRENT ZONING:	REQUIRED
A-80	80,000 SF
MINIMUM LOT AREA:	200'
MINIMUM FRONTAGE AND LOT WIDTH:	40'
MINIMUM FRONT AND CORNER SIDE YARD:	20'
MINIMUM SIDE YARD:	100'
MINIMUM REAR YARD:	



8.1 MW DC Solar Farm

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No.	Date	Description	Drawn By	Checked By	Design By
1	12-20-2018	Master Plan, Revisions	D.A.R.		
2	11-02-2018	Final Layout, Analysis	K.E.D.		
3	10-25-2018	Final Layout, Analysis	M.D.L.		
4	10-25-2018	Final Layout, Analysis	M.D.L.		
5	10-25-2018	Final Layout, Analysis	M.D.L.		
6	10-25-2018	Final Layout, Analysis	M.D.L.		
7	10-25-2018	Final Layout, Analysis	M.D.L.		
8	10-25-2018	Final Layout, Analysis	M.D.L.		
9	10-25-2018	Final Layout, Analysis	M.D.L.		
10	10-25-2018	Final Layout, Analysis	M.D.L.		

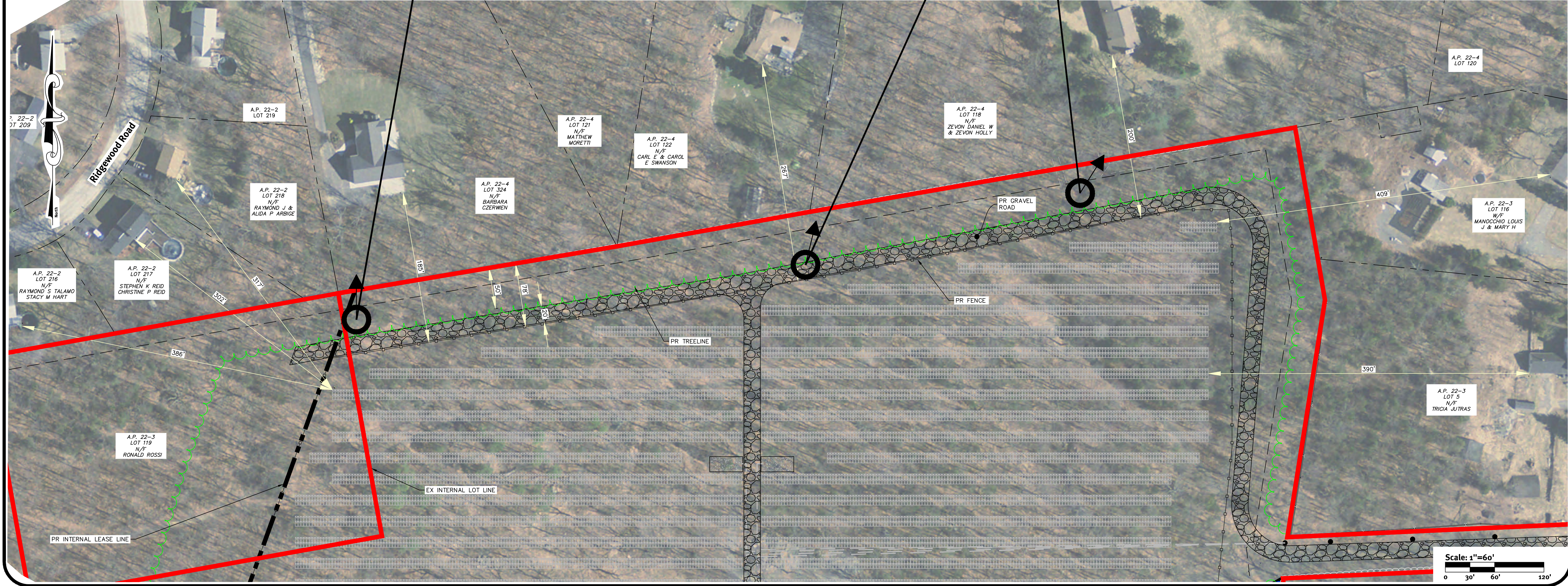
Site Layout Plan
Natick Avenue Solar
Cranston, Rhode Island

Southern Sky Renewable Energy RI, LLC
117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
Tel 781-371-2001

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SHEET 4 OF 7

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Viewshed Analysis-North
Natick Avenue Solar
 Assessor's Plat 22-3, Lots 108, 108 & 119
 Cranston, Rhode Island
Southern Sky Renewable Energy RI, LLC
 Applicant
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 Tel 781-371-2001
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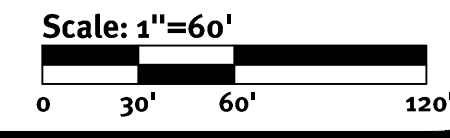
No.	Date	Description	By:
1	12-20-18	Master Plan, Preliminary	S.E.K.
2	11-02-2018	Tree Impact Analysis	S.E.K.
3	05-09-2018	Master Plan, Preliminary	S.E.K.
4	05-09-2018	Master Plan, Preliminary	S.E.K.
5	05-09-2018	Master Plan, Preliminary	S.E.K.
6	05-09-2018	Master Plan, Preliminary	S.E.K.

Drawn By: S.E.K. Design By: S.E.K.

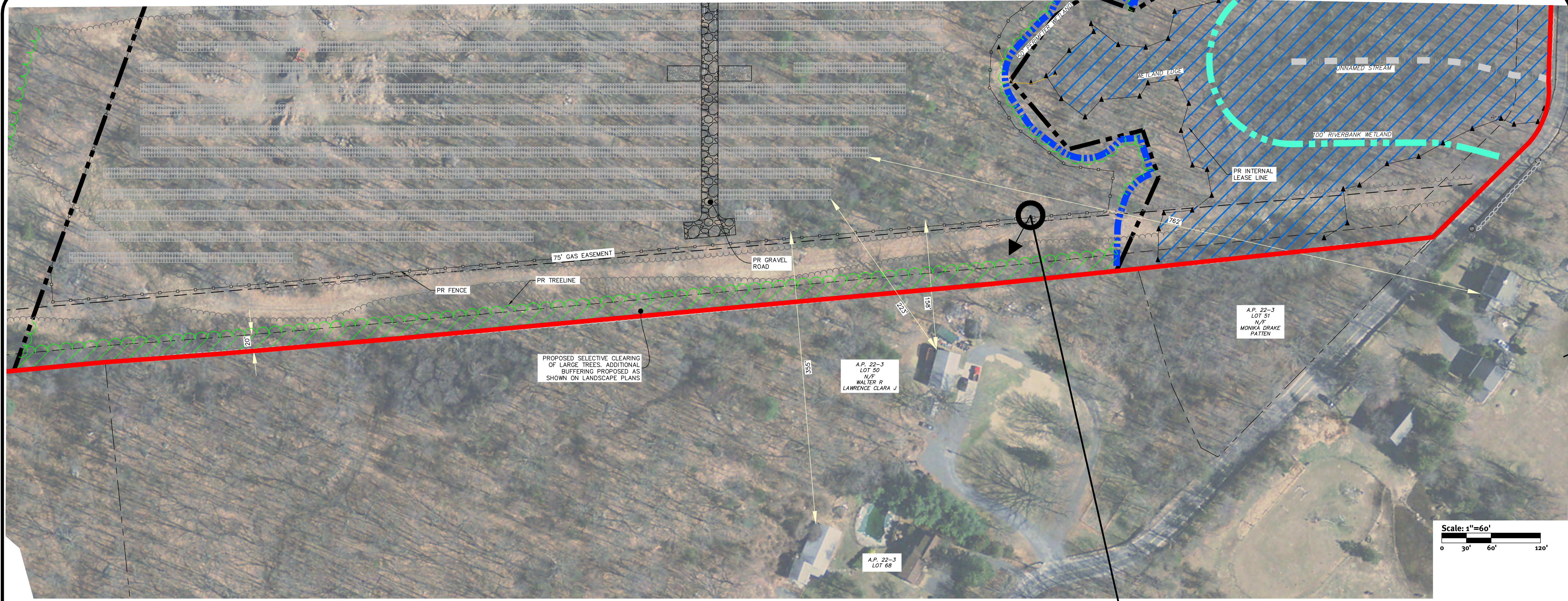
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Viewshed Analysis-South
Natick Avenue Solar
 Cranston, Rhode Island
Southern Sky Renewable Energy RI, LLC
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 tel 781-371-2001

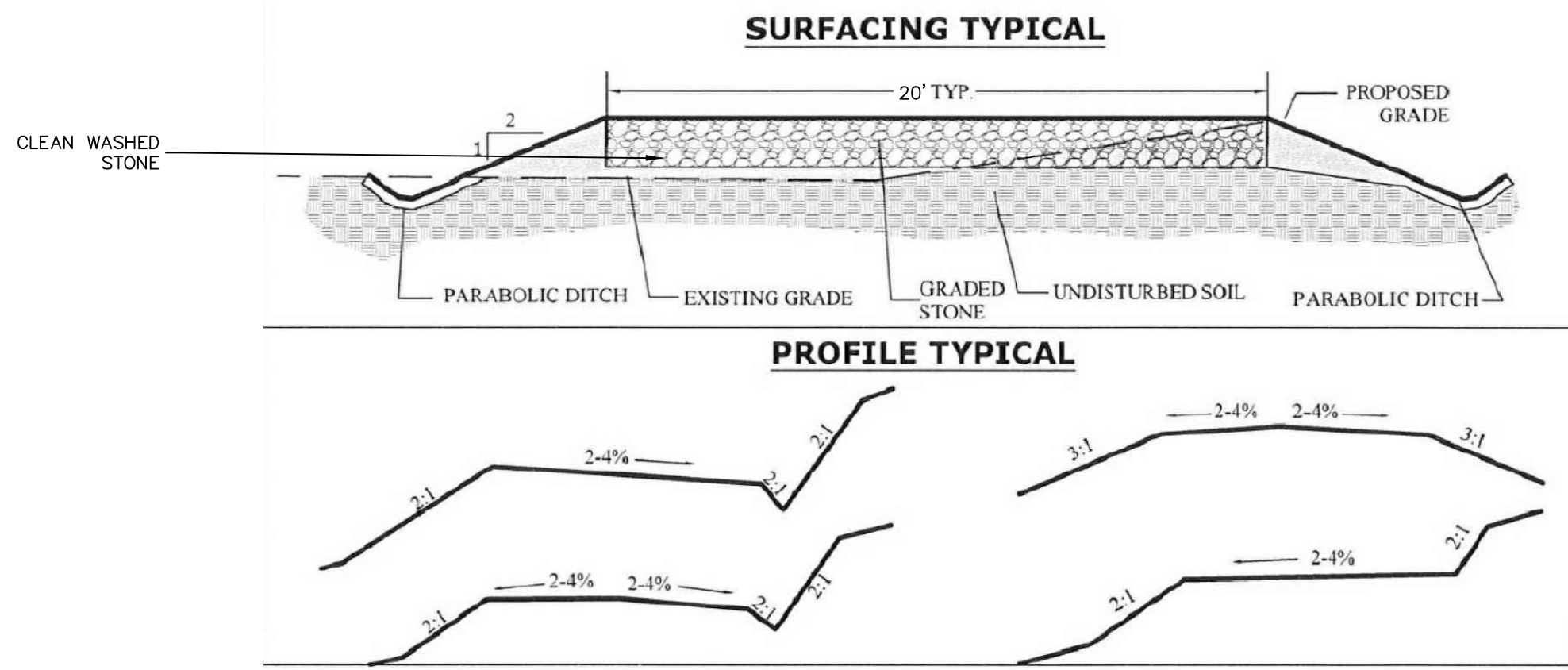
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No.	Date	Description	By:
1	12-20-2018	Master Plan, Re-submission	S.E.K.
2	11-09-2018	Tree Height Analysis	K.L.D.
3	10-26-2018	Master Plan, Re-submission	W.D.H.
4	09-26-2018	Updated Layout Plan	S.E.K.
5	07-22-2018	Master Plan, Re-submission	S.E.K.
6	05-22-2018	Master Plan, Re-submission	S.E.K.

Drawn By: S.E.K. Design By: S.E.K.

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SURFACING SPECIFICATIONS

Conditions:	Road Thickness	Stone Size	Fines
Base Layer with Geotextile Fabric (not excessively wet)	4" Min.	3-3 1/2	0-6%
Base Layer with Geotextile Fabric (wet conditions)	6" Min.	3-3 1/2	0-6%

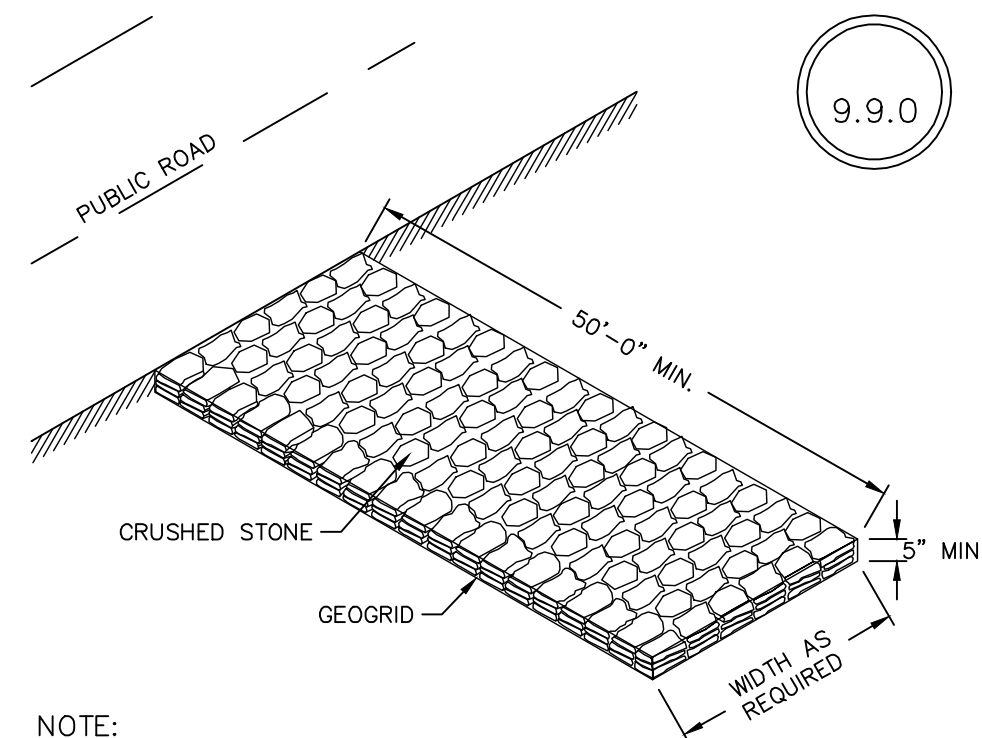
MATERIAL SPECIFICATIONS

Sieve Designation	Percentage by Mass (Weight) Passing Square Mesh Sieves
90mm (3.5 inch)	100
75 mm (3 inch)	90-100
50 mm (2 inch)	75-100
25 mm (1 inch)	50-80
12.5mm (1/2 inch)	30-60
4.75 mm (No. 4)	15-40
75µm (No. 200)	0-4

NOTE:
1. CLEAN WASHED STONE IS REQUIRED FOR THE PERMEABLE ACCESS ROAD TO PROMOTE INFILTRATION.

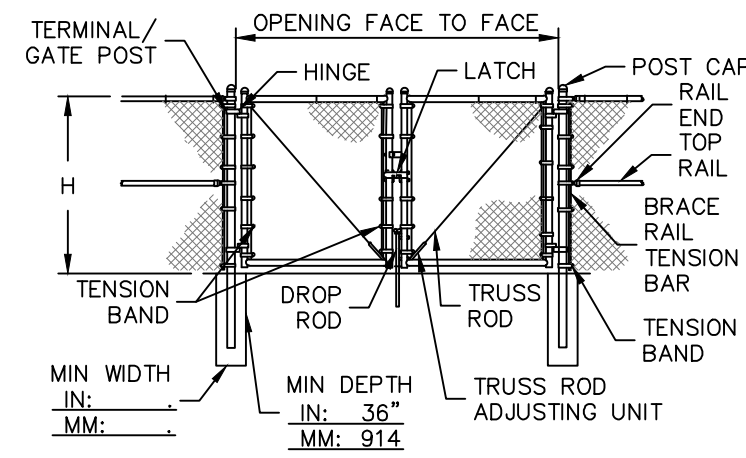
- SOURCES:**
- **Surfacing Typical and Surfacing Specs:** Derived from USDA NRCS drawing "Access Road; ME-ENG-AR1"
 - **Profile Typical:** Derived from USDA Forest Service Publication "Forest Road Construction and Maintenance"
 - **Material Specs:** Derived from VTrans 704.06 Subbase

PERMEABLE ACCESS DETAIL
NTS



NOTE:
SHALL BE IN ACCORDANCE WITH SECTION 211 OF THE R.I. STANDARD SPECIFICATIONS.

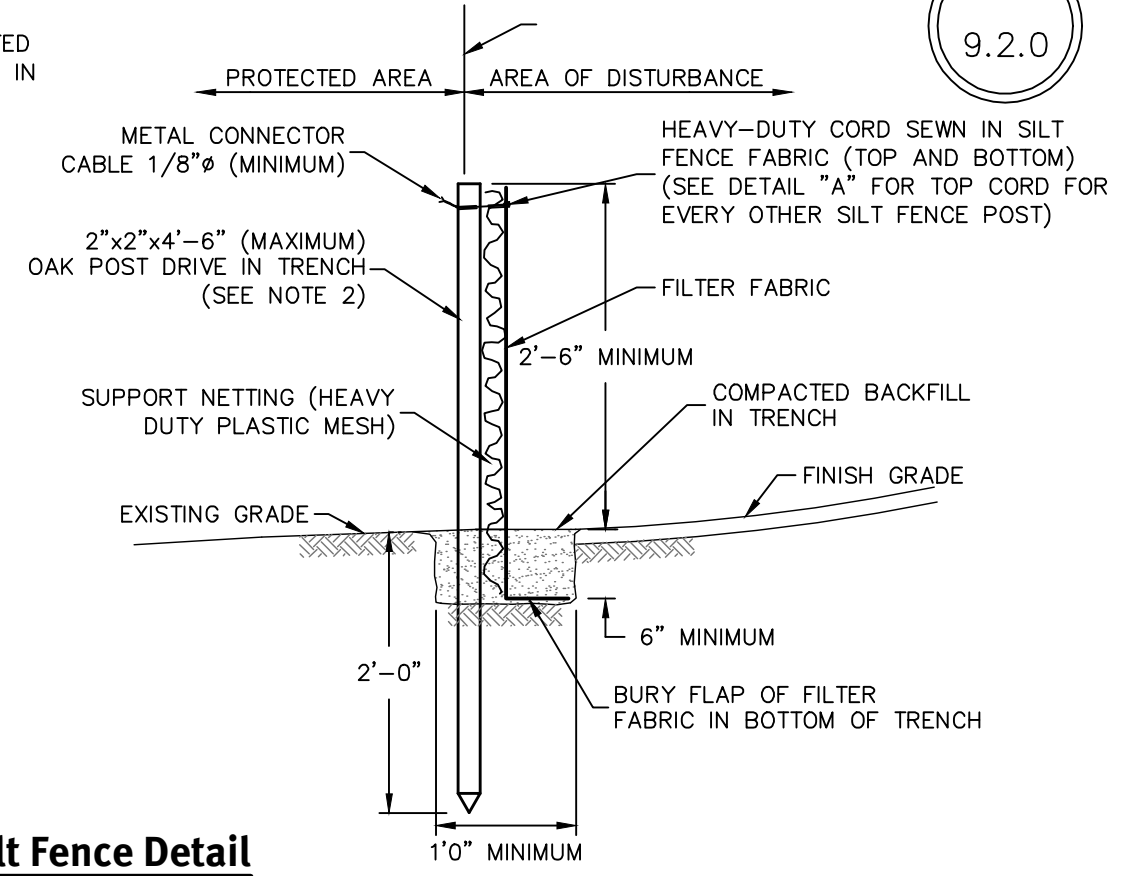
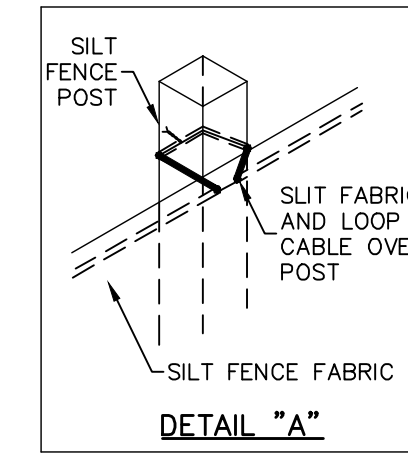
Construction Access
NOT TO SCALE



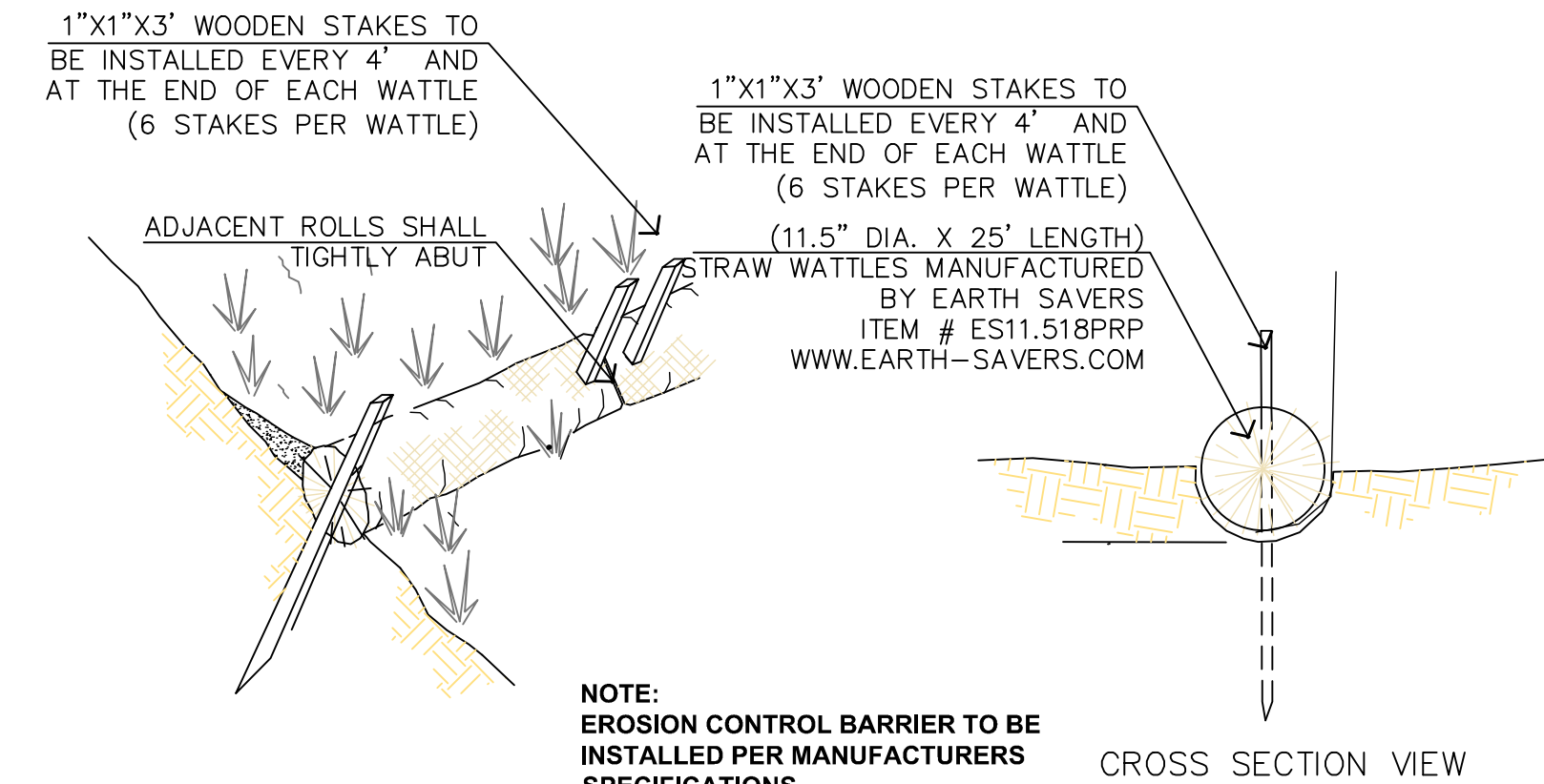
NOTE:
1. METRIC DIMENSIONS ARE NOMINAL EQUIVALENTS TO U.S. DIMENSIONS.
2. SPECIFICATIONS SHOWN CAN BE CHANGED BY THE MANUFACTURER ONLY.
3. FOOTING WIDTH TO BE (4)X POST WIDTH.

Double Swing Gate 12' Opening
NOT TO SCALE

- NOTES:**
1. SHALL BE IN ACCORDANCE WITH SECTION 206 OF THE R.I. STANDARD SPECIFICATIONS.
 2. 2"x2"x4'-6" (MAXIMUM) OAK POSTS FOR SILT FENCE SHALL BE LOCATED 8'-0" (MAXIMUM) O.C. IN WETLAND AREAS AND 4'-0" (MAXIMUM) O.C. IN WETLAND RAFFINE, GULLY OR DROP-OFF AREAS AS SHOWN ON PLANS.
 3. 1"x1"x4'-6" (MINIMUM) POSTS PERMITTED FOR PRE-FABRICATED SILT FENCE.
 4. SILT FENCE SHALL BE INSTALLED BEFORE ANY GRUBBING OR EARTH EXCAVATION TAKES PLACE.

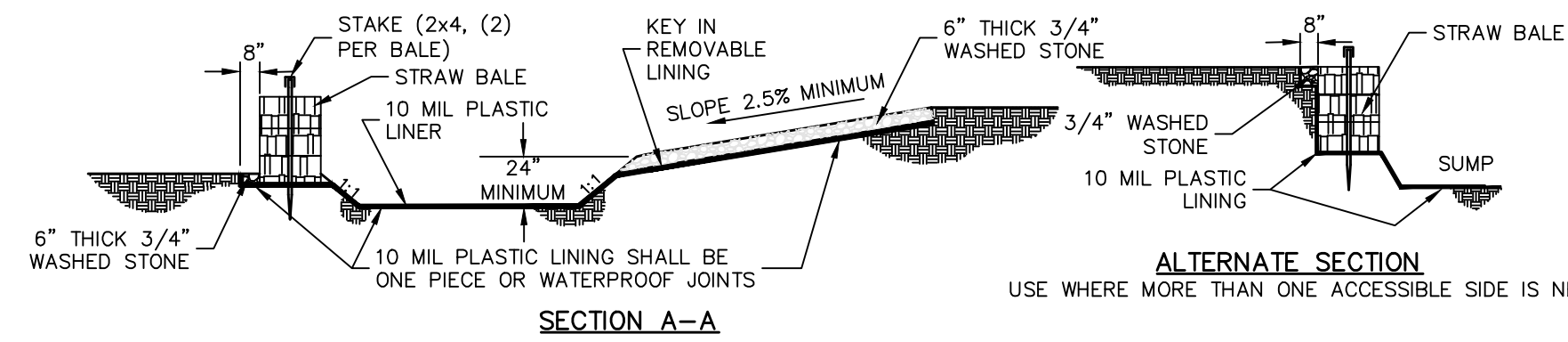
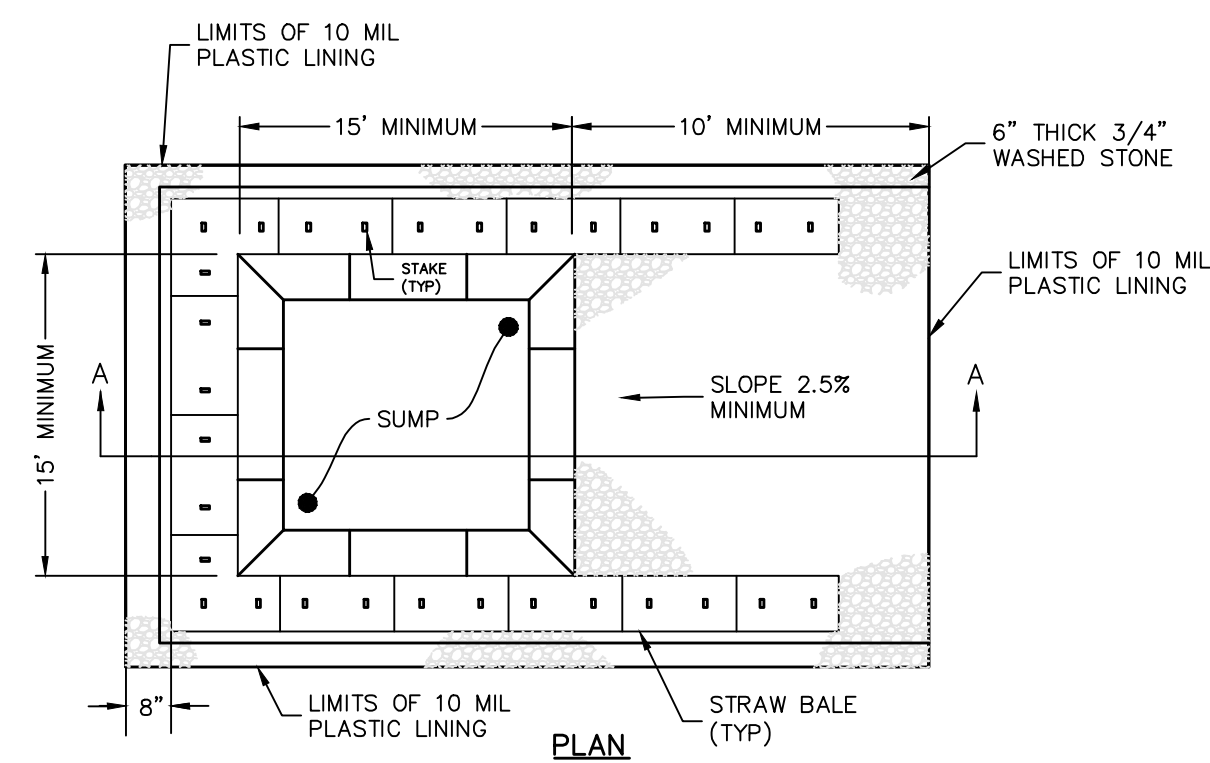


Silt Fence Detail
NOT TO SCALE



NOTE:
EROSION CONTROL BARRIER TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS

Straw Wattle Sediment Barrier
NOT TO SCALE



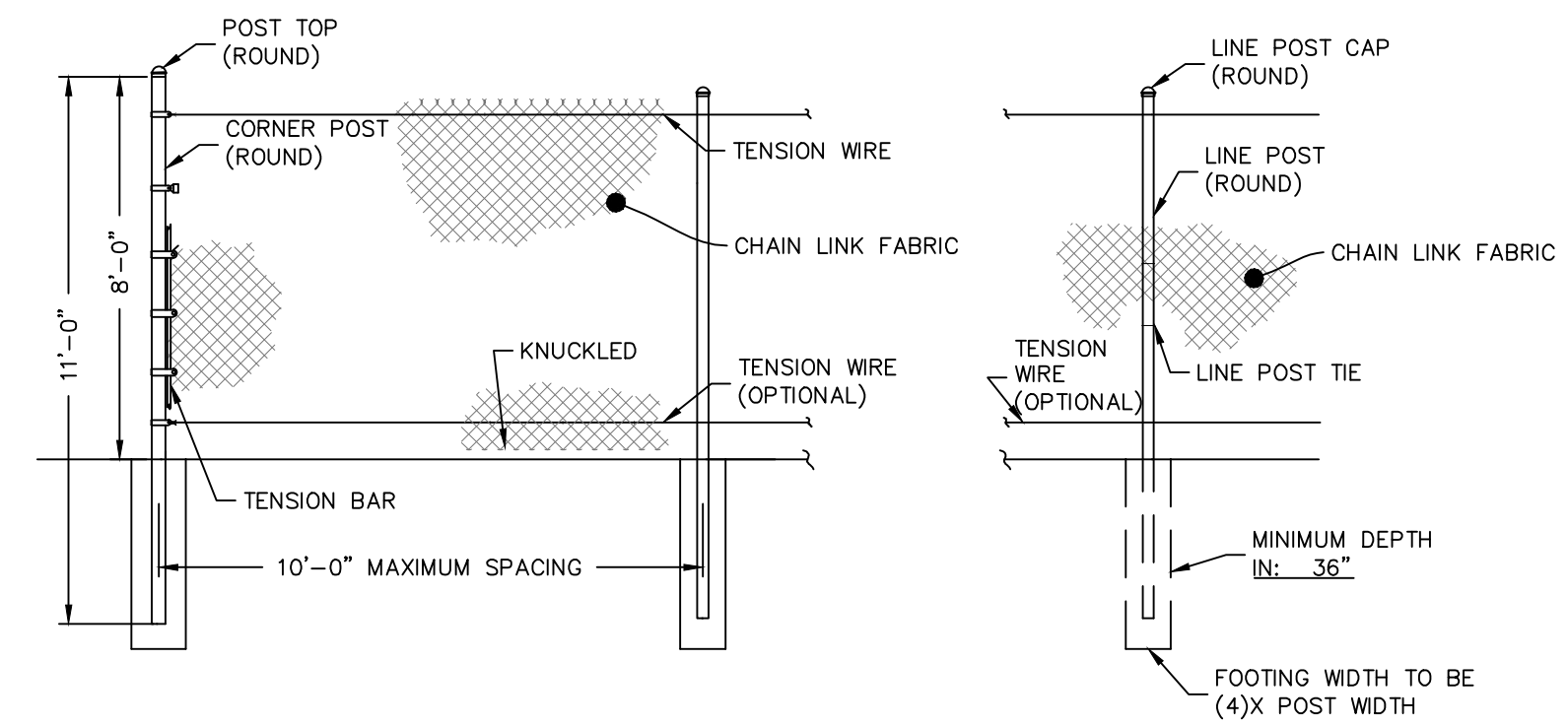
NOTES:

1. PIT IS SPECIFICALLY DESIGNATED, DIKED AND IMPERVIOUS CONTAINMENT TO PREVENT CONTACT BETWEEN CONCRETE WASH AND STORMWATER.
2. WASH WATER SHALL NOT BE ALLOWED TO FLOW TO SURFACE WATER.
3. FACILITY MUST HOLD SUFFICIENT VOLUME TO CONTAIN CONCRETE WASTE WITH A MINIMUM FREEBOARD OF 12."
4. FACILITY SHALL NOT BE FILLED BEYOND 95% CAPACITY UNLESS A NEW FACILITY IS CONSTRUCTED.
5. SAWCUT PORTLAND CEMENT CONCRETE, RESIDUE FROM SAWCUT AND GRINDING TO BE DISPOSED OF IN THE PIT.
6. CONCRETE WASHOUTS SHALL BE LOCATED A MINIMUM OF 100' FROM DRAINAGE WAYS, INLETS, AND SURFACE WATERS.
7. MANUFACTURED CONCRETE WASHOUT DEVICES MAY BE USED IF REMOVED FROM THE SITE WHEN 95% FULL CAPACITY.

ALL CONCRETE TRUCKS SHALL WASHOUT HERE

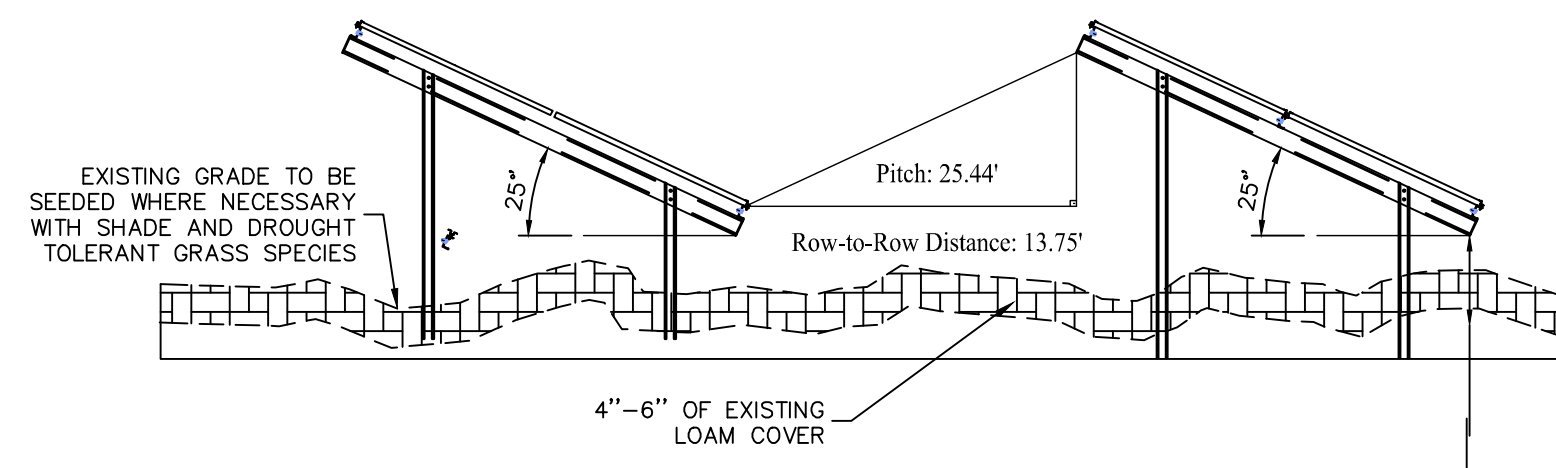
WASHOUT SIGN

Concrete Washout Area
(NOT TO SCALE)



Typical High Fence
NOT TO SCALE

ROUND END POSTS, WITHOUT TOP RAIL & WITHOUT BARBED WIRE



NOTE:
1. TOPSOIL ON SITE SHALL BE PRESERVED. TOPSOIL SHALL NOT BE EXPORTED FROM THE SITE.

Onsite Grading Material and PV Array Distance Scheme - Tilt, Angle, and Shading Detail

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The contractor is responsible for all of the means, methods, safety precautions and requirements, and OSHA conformance in the implementation of this plan and design.

No.	Date	Description	By	Design By: S.E.K.
1	12-20-08	Master Plan, Re-submission	S.E.K.	
2	11-09-2008	Final Master Plan	S.E.K.	
3	10-29-2008	Final Master Plan	S.E.K.	
4	10-29-2008	Final Master Plan	S.E.K.	
5	10-29-2008	Final Master Plan	S.E.K.	
6	10-29-2008	Final Master Plan	S.E.K.	

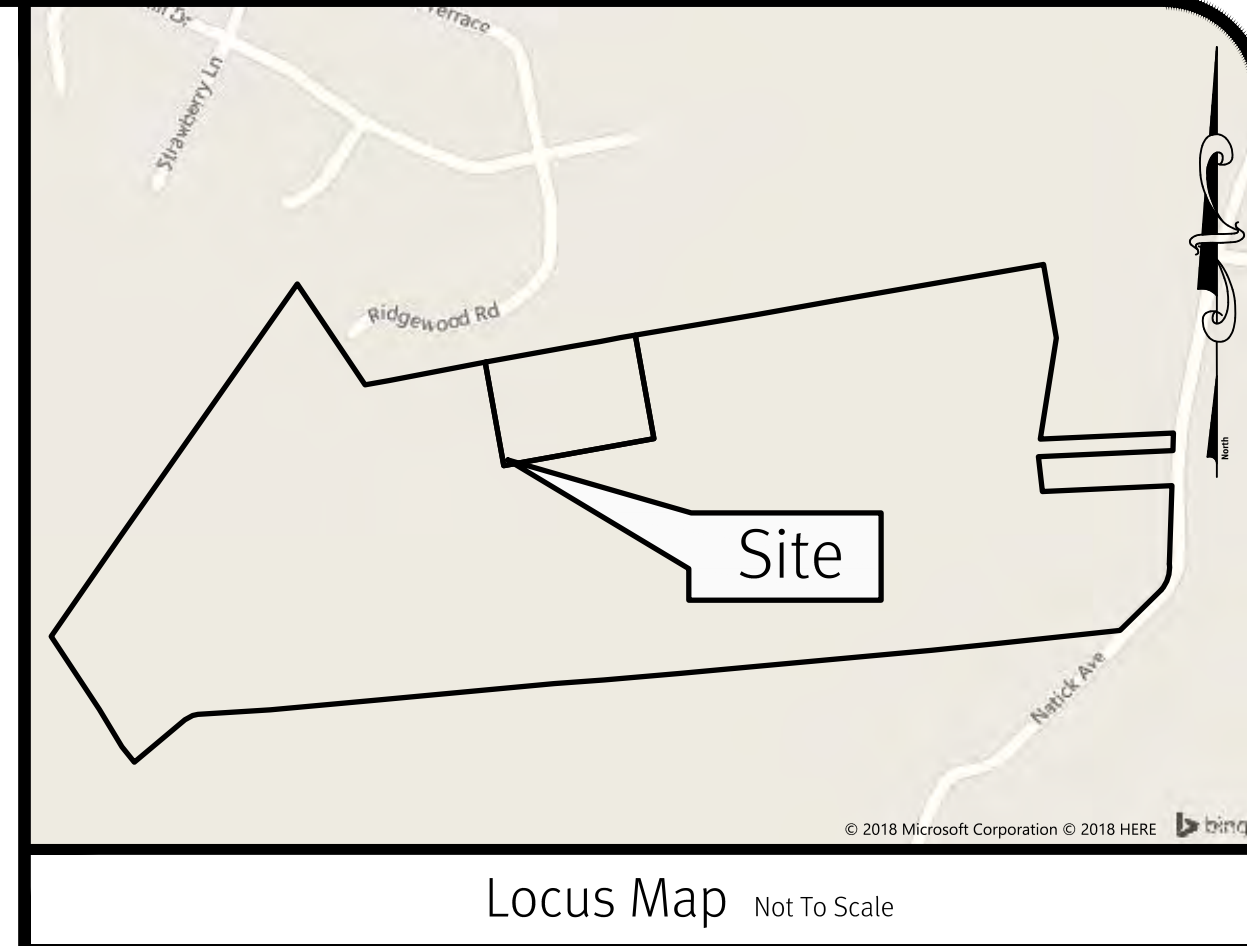
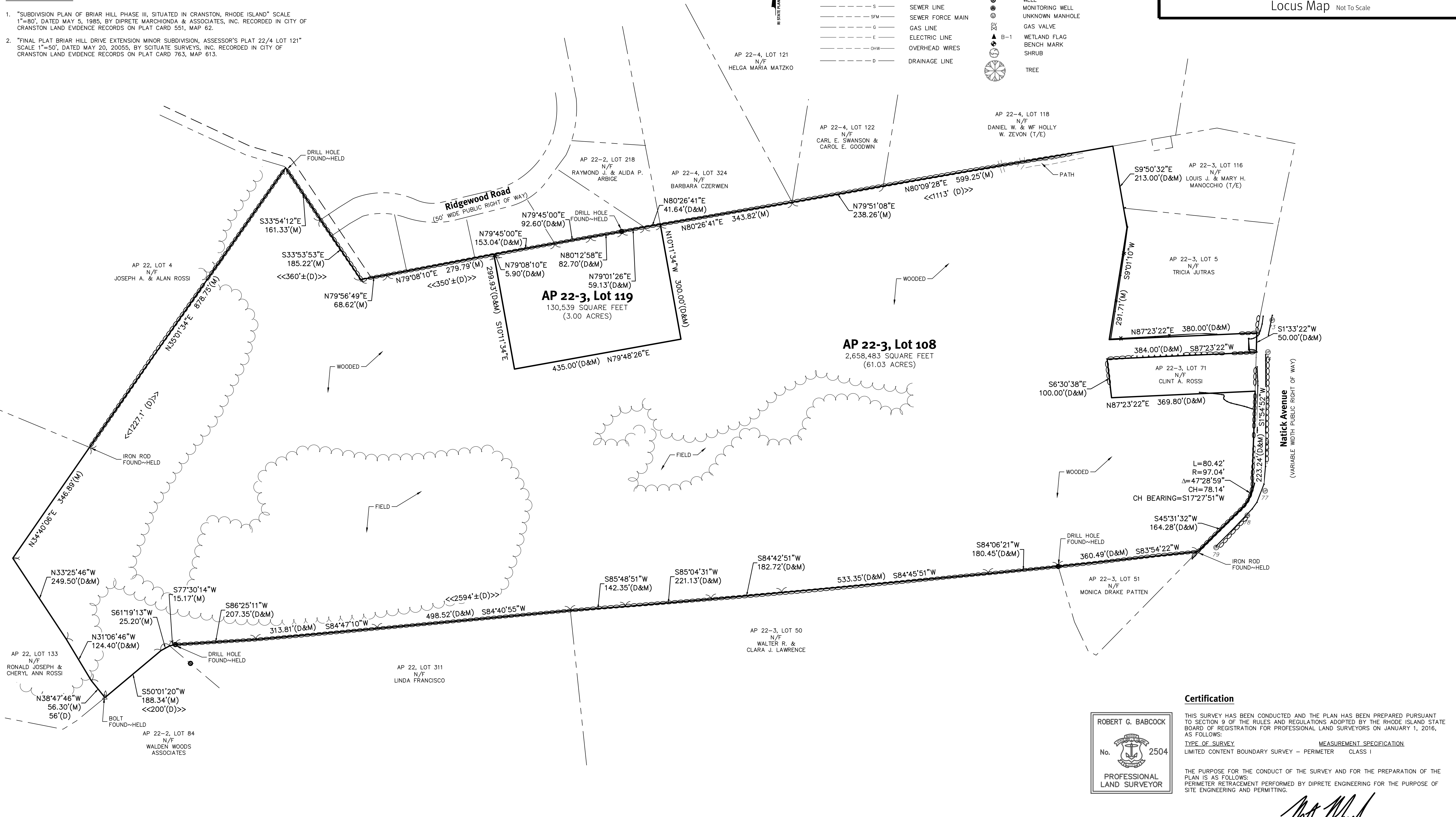
Detail Sheet
Natick Avenue Solar
Accessors: Plat 22-3, Lots 108 & 119
Cranston, Rhode Island
Southern Sky Renewable Energy RI, LLC
117 Metro Center Blvd #207, Warwick, Rhode Island 02886
tel 781-371-2001
Copyright 2018 by DiPrete Engineering Associates, Inc.

General Notes

1. THE PARCEL IS FOUND ON ASSESSOR'S PLAT 22, LOT 108 & 119 IN THE CITY OF CRANSTON, PROVIDENCE COUNTY, RHODE ISLAND.
2. THE OWNER PER DEED BOOK 853, PAGE 793 IS RONALD ROSSI.
3. BASED ON GRAPHICAL PLOTTING ONLY, THE PARCEL IS LOCATED IN X PER FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP 44007C0407G, DATED MARCH 2, 2009 & MAP 44003C0126H, DATED OCTOBER 2, 2015. THIS DESIGNATION MAY CHANGE BASED UPON REVIEW BY A FLOOD ZONE SPECIALIST OR BY THE RESULTS OF A COMPREHENSIVE FLOOD STUDY.
4. THE PARCEL IS ZONED A80 BASED ON VISION GOVERNMENT SOLUTIONS CRANSTON. ANY OVERLAY DISTRICTS, SPECIAL PERMITS OR VARIANCES SPECIFIC TO THIS SITE ARE NOT TAKEN INTO CONSIDERATION. PLEASE CONTACT THE ZONING DEPARTMENT FOR ANY ADDITIONAL INFORMATION OR FOR A CERTIFICATE OF ZONING.
5. THERE WERE NO CEMETERIES, GRAVE SITES AND OR BURIAL GROUNDS OBSERVED WITHIN THE LIMITS OF THE SURVEY.
6. FIELD SURVEY PERFORMED BY DIPRETE ENGINEERING ON OCTOBER 4, 2018. THIS PLAN REFLECTS ON THE GROUND CONDITIONS AS OF THAT DATE.
7. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. DIPRETE ENGINEERING IS NOT RESPONSIBLE FOR ANY UNKNOWN OR UNRECORDED EASEMENTS, DEEDS OR CLAIMS THAT A TITLE REPORT WOULD DISCLOSE.

Plan References:

1. "SUBDIVISION PLAN OF BRIAR HILL PHASE III, SITUATED IN CRANSTON, RHODE ISLAND" SCALE 1"=80', DATED MAY 5, 1985, BY DIPRETE MARCHIONDA & ASSOCIATES, INC. RECORDED IN CITY OF CRANSTON LAND EVIDENCE RECORDS ON PLAT CARD 551, MAP 62.
2. "FINAL PLAT BRIAR HILL DRIVE EXTENSION MINOR SUBDIVISION, ASSESSOR'S PLAT 22/4 LOT 121" SCALE 1"=50', DATED MAY 20, 2005, BY SCITUATE SURVEYS, INC. RECORDED IN CITY OF CRANSTON LAND EVIDENCE RECORDS ON PLAT CARD 763, MAP 613.



Diprete Engineering
Two Stafford Court, Cranston, RI 02920
Tel: 401-943-1000 Fax: 401-664-6006 www.diprete-eng.com

Boston • Providence • Newport

0	10/11/2018	Boundary Survey		E.L.T.
1	10/11/2018	Description		By:
Drawn By: E.L.T.				

Boundary Survey
Natick Avenue Solar
Cranston, Rhode Island

Southern Sky Renewable Energy RI, LLC
Client
117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
Tel: 781-371-2001

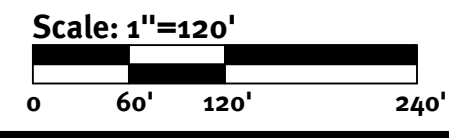
DE JOB No: 2437-015 Copyright: 2018 by Diprete Engineering Associates, Inc.

ROBERT G. BABCOCK
No. 2504
PROFESSIONAL LAND SURVEYOR

Certification
THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON JANUARY 1, 2016, AS FOLLOWS:
TYPE OF SURVEY: LIMITED CONTENT BOUNDARY SURVEY - PERIMETER CLASS I
MEASUREMENT SPECIFICATION: CLASS I

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:
PERIMETER RETRACEMENT PERFORMED BY DIPRETE ENGINEERING FOR THE PURPOSE OF SITE ENGINEERING AND PERMITTING.

Robert G. Babcock
ROBERT G. BABCOCK, RIPLS #2504, COA #S.000A160
11/9/2018



NOTES:

GENERAL:

1. THE EXISTING SITE INFORMATION WAS TAKEN FROM A PLAN PREPARED BY DIPRETE ENGINEERING, TITLED 'SITE LAYOUT PLAN', AT A SCALE OF 1"=150', DATED 6-15-2018, LAST REVISED 9-27-2018 AND FROM SITE OBSERVATIONS PERFORMED BY JOHN C. CARTER & CO.
2. ANY PROPERTY LINES DEPICTED ON THIS PLAN ARE PICTORIAL ONLY. THIS PLAN IS TO BE USED FOR THE SELECTION, LOCATION AND INSTALLATION OF LANDSCAPE MATERIALS ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. ALL FOUNDATIONS, RETAINING WALLS AND DRAINAGE COMPONENTS SHALL BE STAKED OUT BY THE ENGINEER OR SURVEYOR.
3. WRITTEN DIMENSIONS AND SPECIFICATIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
4. THE LOCATION OF UTILITIES IF SHOWN ON THIS PLAN ARE APPROXIMATE ONLY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES BEFORE ANY EXCAVATION. DIG-SAFE SHALL BE CONTACTED AT LEAST 12 HOURS BEFORE EXCAVATION. DIG-SAFE CAN BE REACHED AT 1-800-344-1233.

BUFFER ASSESSMENT & SUPPLEMENTARY BUFFER PLANTING

1. THE PROPOSED LIMIT OF CLEARING WILL BE DELINEATED IN THE FIELD PRIOR TO ANY LOT CLEARING.
2. LARGE TREES ON THE SOUTH PROPERTY LINE THAT CAST SHADE ON THE SOLAR ARRAY SHALL BE SELECTIVELY REMOVED.
3. THE REMAINING PERIMETER VEGETATION SHALL THEN BE ASSESSED AND SUPPLEMENTAL PLANTINGS ADDED AS NECESSARY TO ESTABLISH AN EFFECTIVE VISUAL SCREEN BETWEEN THE EXISTING HOUSES AND THE PROPOSED SOLAR ARRAY.
4. IF IT IS DETERMINED THAT ADDITIONAL PLANTINGS ARE NECESSARY, THE PLANTS SHALL BE INSTALLED AS DESCRIBED IN THE PLANTING SEQUENCE.

PLANTING SEQUENCE

1. CARE SHALL BE TAKEN TO NOT DAMAGE THE EXISTING BUFFER VEGETATION WHILE INSTALLING ADDITIONAL PLANTS.
2. IF POSSIBLE, EXCAVATION SHALL BE AVOIDED WITHIN THE DRIP-LINE OF THE EXISTING TREES.
3. EVERGREEN TREES SHALL BE LOCATED IN THE GAPS WITHIN THE EXISTING BUFFER VEGETATION AND PLANTED AS SPECIFIED IN THE PLANTING DETAILS.

PLANTING:

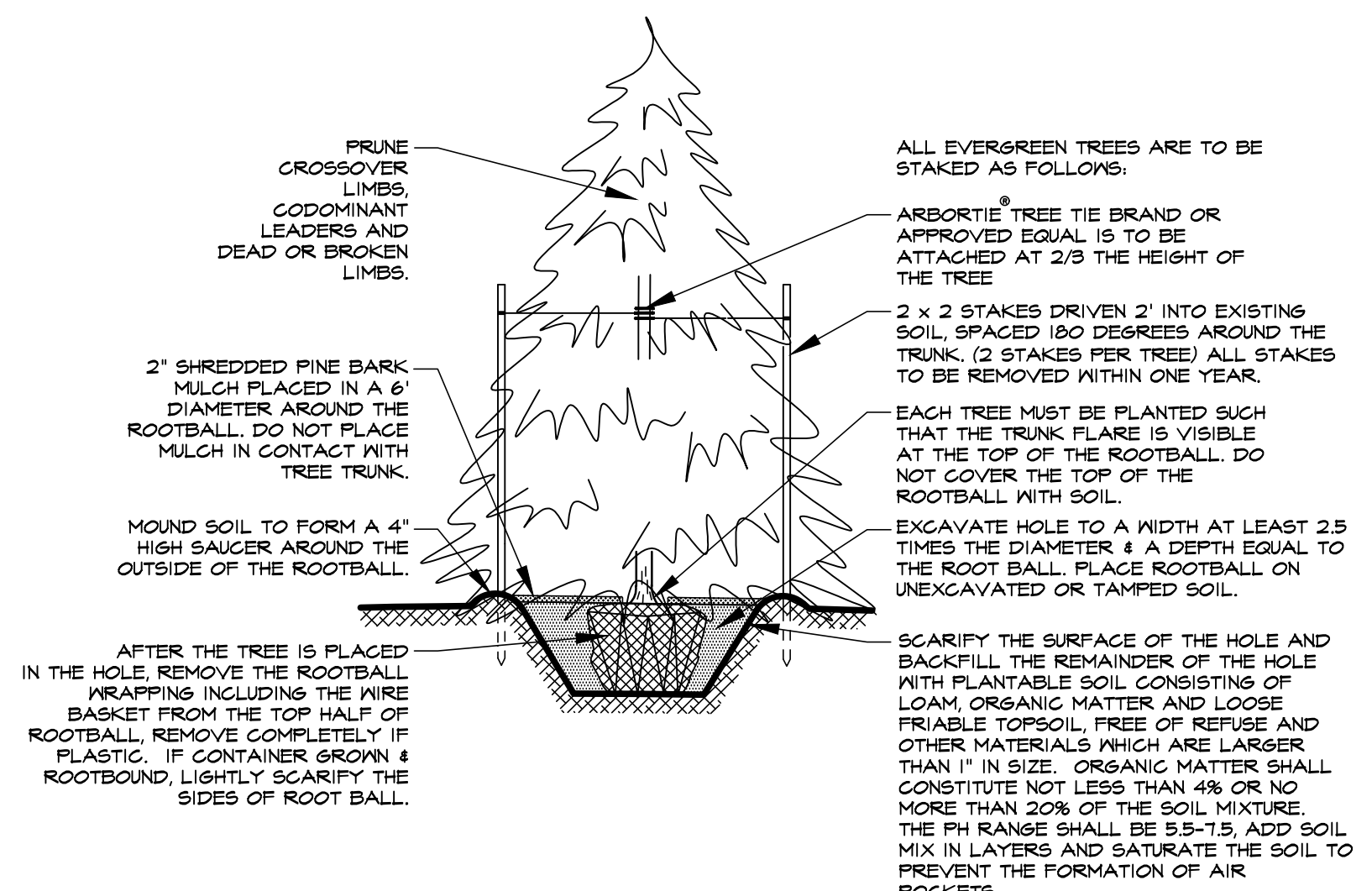
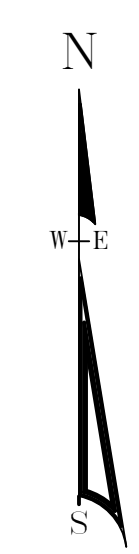
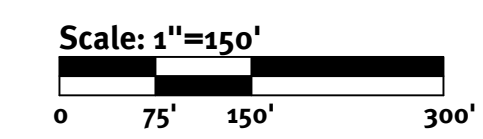
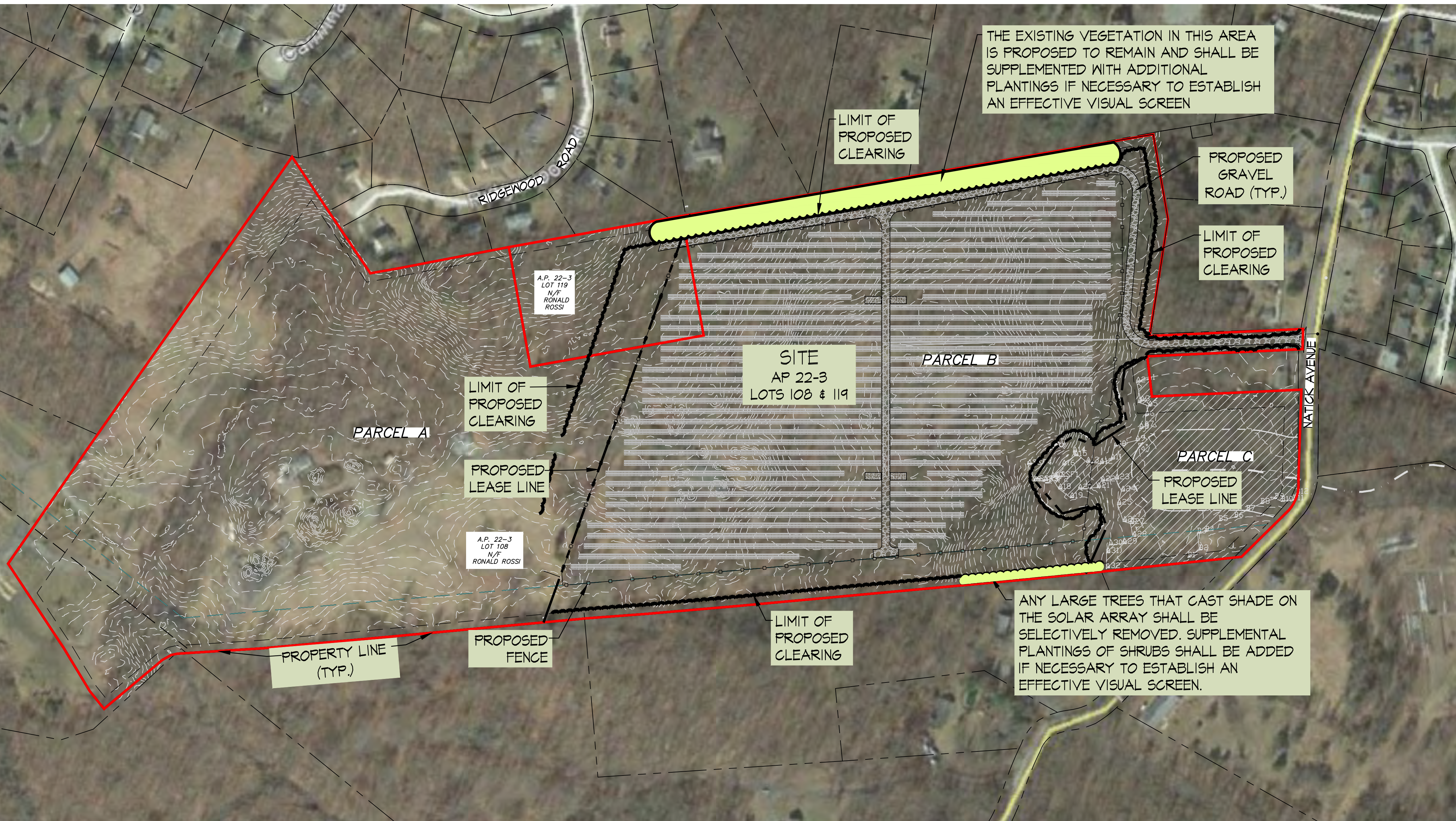
1. PROVIDE QUALITY PLANTS IN THE GENUS, SPECIES AND VARIETY INDICATED IN THE PLANT SCHEDULE, COMPLYING WITH APPLICABLE REQUIREMENTS OF ANSI Z60.1 AMERICAN STANDARD FOR NURSERY STOCK.
2. PROVIDE PLANTS IN THE SIZE AND NUMBER INDICATED IN THE PLANT SCHEDULE. PLANTS SHALL BE GROWN IN NURSERIES LOCATED IN THE NORTHEASTERN U.S.
3. DELIVER FRESH DUG TREES WHICH ARE BALLED AND BURLAPPED. ALL PLANTS ARE TO BE HEALTHY, VIGOROUS AND FREE OF INSECTS AND DISEASE.
4. PLANTS ARE TO BE INSTALLED AS SPECIFIED IN THE PLANTING DETAILS WITH ADEQUATE WATER PROVIDED DURING PLANTING TO ALLOW COMPACTION OF THE PLANTING SOIL TO PREVENT ANY AIR POCKETS OR SETTLEMENT AFTER PLANTING.
5. ALL PLANTING BEDS ARE TO BE COVERED WITH 2" OF COMPOSTED WOOD CHIP MULCH.
6. IF NECESSARY, THE TREES ARE TO BE STAKED AS SHOWN IN THE PLANTING DETAILS. TREES ARE TO REMAIN PLUMB AND SHALL BE ADJUSTED AS NEEDED. ALL STAKES AND ARBOR TIES ARE TO BE MAINTAINED AND ADJUSTED TO PREVENT GIRDLING OF THE TRUNK AND REMOVED WHEN NO LONGER NEEDED.
7. RECOMMENDED PLANTING DATES ARE APRIL 15 TO JUNE 15 AND SEPTEMBER 15 TO NOVEMBER 15.
8. PLANT SUBSTITUTIONS SHALL BE ALLOWED BASED ON AVAILABILITY. SUBSTITUTIONS MAY BE MADE ONLY WITH DIRECT APPROVAL FROM THE LANDSCAPE ARCHITECT OR OWNER.

PLANT SCHEDULE			
BOTANICAL NAME	COMMON NAME	SIZE	NOTES
PINUS STRUBUS	EASTERN WHITE PINE	8-10'	B4B
PICEA GLAUGA	WHITE SPRUCE	8-10'	B4B

NO MOW LAWN SEED MIXTURE
TO BE PLANTED BENEATH THE PV ARRAY

PERCENT	INGREDIENT
24.50 %	SHADOW III CHEWING FESCUE
24.50 %	BLUE MESA SHEEP FESCUE
12.25 %	SWORD HARD FESCUE
12.25 %	SEA FIRE SLENDER CREEPING RED FESCUE
12.25 %	KENT CREEPING RED FESCUE
12.25 %	GLADIATOR HARD FESCUE
1.90 %	INERT MATTER
05 %	OTHER CROP SEED
05 %	WEED SEED

OR APPROVED EQUAL - AVAILABLE AT: PRAIRIE NURSERY, #5875 DYKE AVENUE, WESTFIELD, NJ 08844

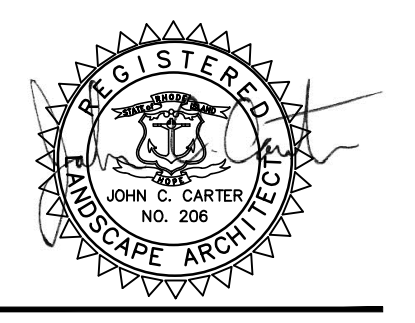


EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE
© 2018 JOHN C. CARTER & CO., INC.

BUFFER PLANTING PLAN

PREPARED FOR:
NATICK AVENUE SOLAR

LOCATED AT:
A.P. 22-3, LOTS 108 & 119
CRANSTON, RHODE ISLAND



REVISIONS

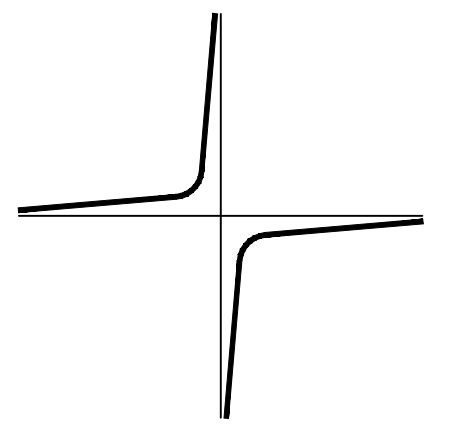
12-31-2018 Sheet 2 (Added, So Tr [] [])
[] Out revised, tree site.

SCALE: 1" = 150'
DATE: November 13, 2018

Issued for Permitting
THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION

SHEET NUMBER

1 OF 2



JOHN C. CARTER & CO., INC.
960 BOSTON NECK RD. NARRAGANSETT, RI
(401) 783-3500

LANDSCAPE ARCHITECTURE
DESIGN & BUILD

SUPPLEMENTAL BUFFER PLANTINGS

PREPARED FOR:
NATICK AVENUE SOLAR

LOCATED AT:
A.P. 22-3, LOTS 108 & 119
CRANSTON, RHODE ISLAND



REVISIONS

SCALE: Not to Scale
DATE: December 31, 2018

Issued for Permitting

THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION

SHEET NUMBER

2 OF 2



EXISTING VIEW

1 A.P. 22-2, LOTS 217, 218
ARBIGE & REID
22 & 30 RIDGEWOOD ROAD



VIEW AFTER SUPPLEMENTAL BUFFER PLANTINGS

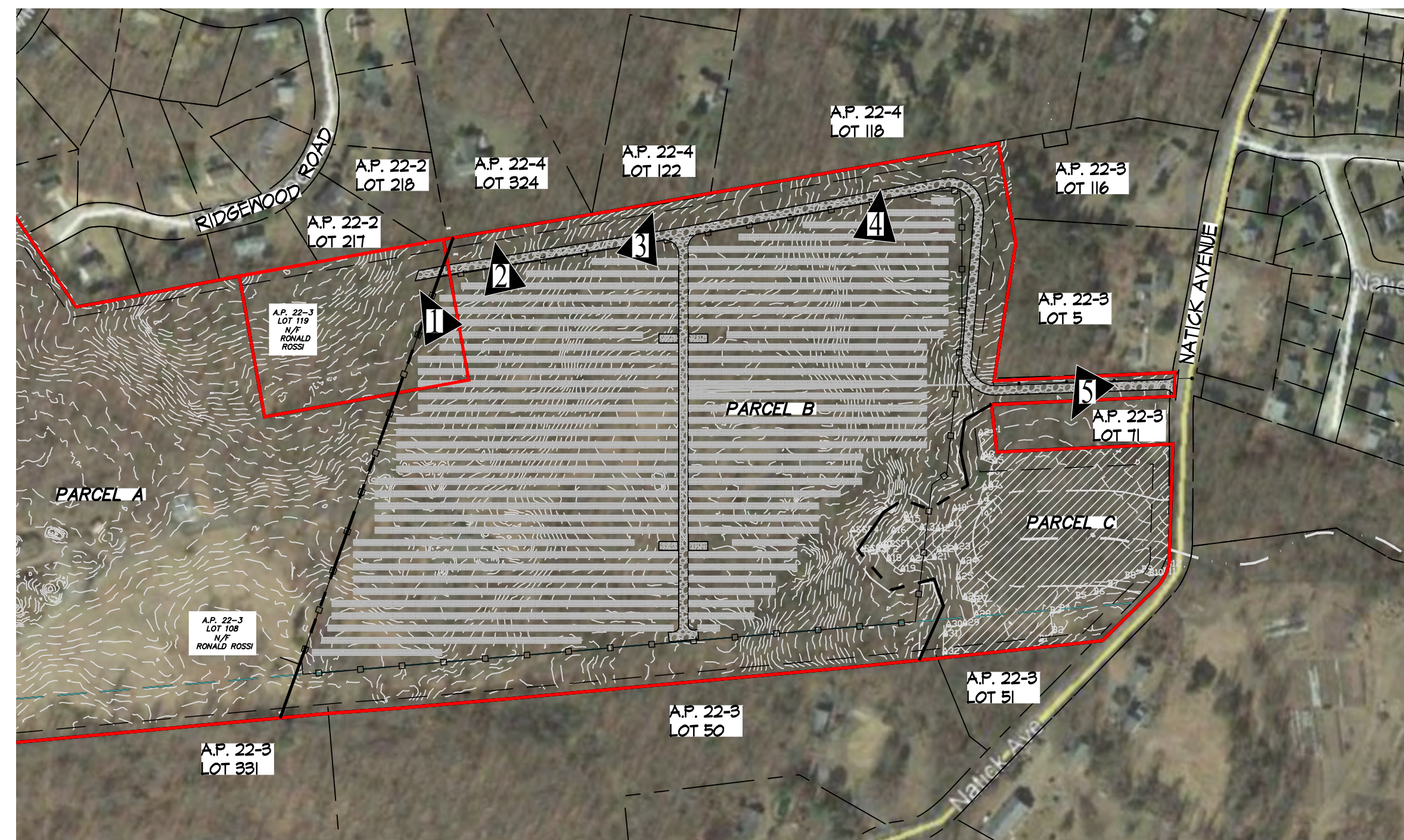


EXISTING VIEW

2 A.P. 22-4, LOT 324
CZERWIEN
105 BRIAR HILL DRIVE



VIEW AFTER SUPPLEMENTAL BUFFER PLANTINGS



LOCUS MAP - NTS



EXISTING VIEW

3 A.P. 22-4, LOT 122
SWANSON
593 NATICK AVENUE



VIEW AFTER SUPPLEMENTAL BUFFER PLANTINGS



EXISTING VIEW

5 A.P. 22-3, LOT 71
CLINT ROSSI
659 NATICK AVENUE



VIEW AFTER SUPPLEMENTAL BUFFER PLANTINGS



EXISTING VIEW

4 A.P. 22-4, LOT 118
ZEVON
591 NATICK AVENUE



VIEW AFTER SUPPLEMENTAL BUFFER PLANTINGS

z:\deman\projects\2437-015 natick avenue solar\autocad drawings\2437-015-plan.dwg Plotted: 1/2/2019



General Notes:

1. THE SITE IS LOCATED ON THE CITY OF CRANSTON, RHODE ISLAND ASSESSORS PLAT 22-3 LOTS 108 AND 119.
2. THE AREA OF THE SITE IS APPROXIMATELY 64.0 ± ACRES. THE SITE IS ZONED AS A-80.
3. THE OWNER OF AP 22-3 LOTS 108 AND 119 IS: RONALD ROSSI
1935 PHOENIX AVE
CRANSTON, RI 02920
4. THIS SITE IS LOCATED IN FEMA FLOOD ZONE X UNSHADED. ZONE X UNSHADED AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44007C0407G & 44007C0426H, MAP REVISED OCTOBER 2, 2015.
5. THIS PLAN IS SUBSTANTIALLY CORRECT IN ACCORDANCE WITH A CLASS I COMPREHENSIVE BOUNDARY SURVEY.
6. SOIL MAPPING OBTAINED FROM WEBSOIL SURVEY OF RHODE ISLAND, PREPARED BY U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE.
7. THE SITE NOT WITHIN A:
GROUNDWATER PROTECTION AREA (RIDEM)
COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
NATURAL HERITAGE AREA (RIDEM)
GROUNDWATER PROTECTION OVERLAY DISTRICT (TOWN)
S.A.M.P. AREA (CRMC)
NON-COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
8. THE SITE DOES NOT CONTAIN ANY HISTORICALLY SIGNIFICANT SITES OR STRUCTURES, STATE OR LOCAL HISTORIC SITES, DISTRICTS, CEMETERIES, ARCHAEOLOGICALLY SIGNIFICANT SITES, OR STATE DESIGNATED SCENIC AREAS. THIS WAS DETERMINED THROUGH FILE REVIEW AND SITEWALK COMPLETED BY DIPRETE ENGINEERING 05/15/2018 AND IS CORRECT TO THE BEST OF OUR BELIEF.

Lidar Note:

CONTOUR DATA SHOWN ON THIS PLAN CONFORMS TO A T-4 TOPOGRAPHICAL SURVEY STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS; SAID DATA IS BASED ON ELEVATION INFORMATION THAT WAS COLLECTED WITH AIRBORNE LIDAR TECHNOLOGY FOR THE ENTIRE AREA OF RHODE ISLAND BETWEEN APRIL 22 AND MAY 6, 2011 AS PART OF THE NORTHEAST LIDAR PROJECT. THIS DATA'S POSITIONAL ACCURACY AND RELIABILITY HAS NOT BEEN VERIFIED BY DIPRETE ENGINEERING AND IS SUBJECT TO CHANGES AN AUTHORITY FIELD SURVEY MAY DISCLOSE.

Abbreviations:

EXISTING	EX
PROPOSED	PR
TYPICAL	TYP
ASSESSOR'S PLAT	AP
NOW OR FORMERLY	N/F
UTILITY POLE	U.P.

Existing Legend:

NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS

	PROPERTY LINE
	ASSESSOR LINE
	SETBACK
	MINOR CONTOUR LINE
	MAJOR CONTOUR LINE
	100' RIVERBANK WETLAND
	STREAM
	SOIL BOUNDARY LINE
	FEMA BOUNDARY
	GIS WETLAND EDGE
	FIELD LOCATED WETLAND EDGE
	WETLAND HATCH
	50' PERIMETER WETLAND
	ELECTRIC OVERHEAD WIRE
	ELECTRIC UTILITY POLE
	ZONING LINE
	TOPOGRAPHY WITH GREATER THAN 20% SLOPES

This Plan Should Be Indexed By The Following Streets:

- Natick Avenue

Diprete Engineering
Two Stafford Court Cranston, RI 02920
tel 401-943-1000 fax 401-641-6006 www.diprete-eng.com

Boston • Providence • Newport

DAWD A. RUSSO
No. 1435
REGISTERED PROFESSIONAL ENGINEER CIVIL

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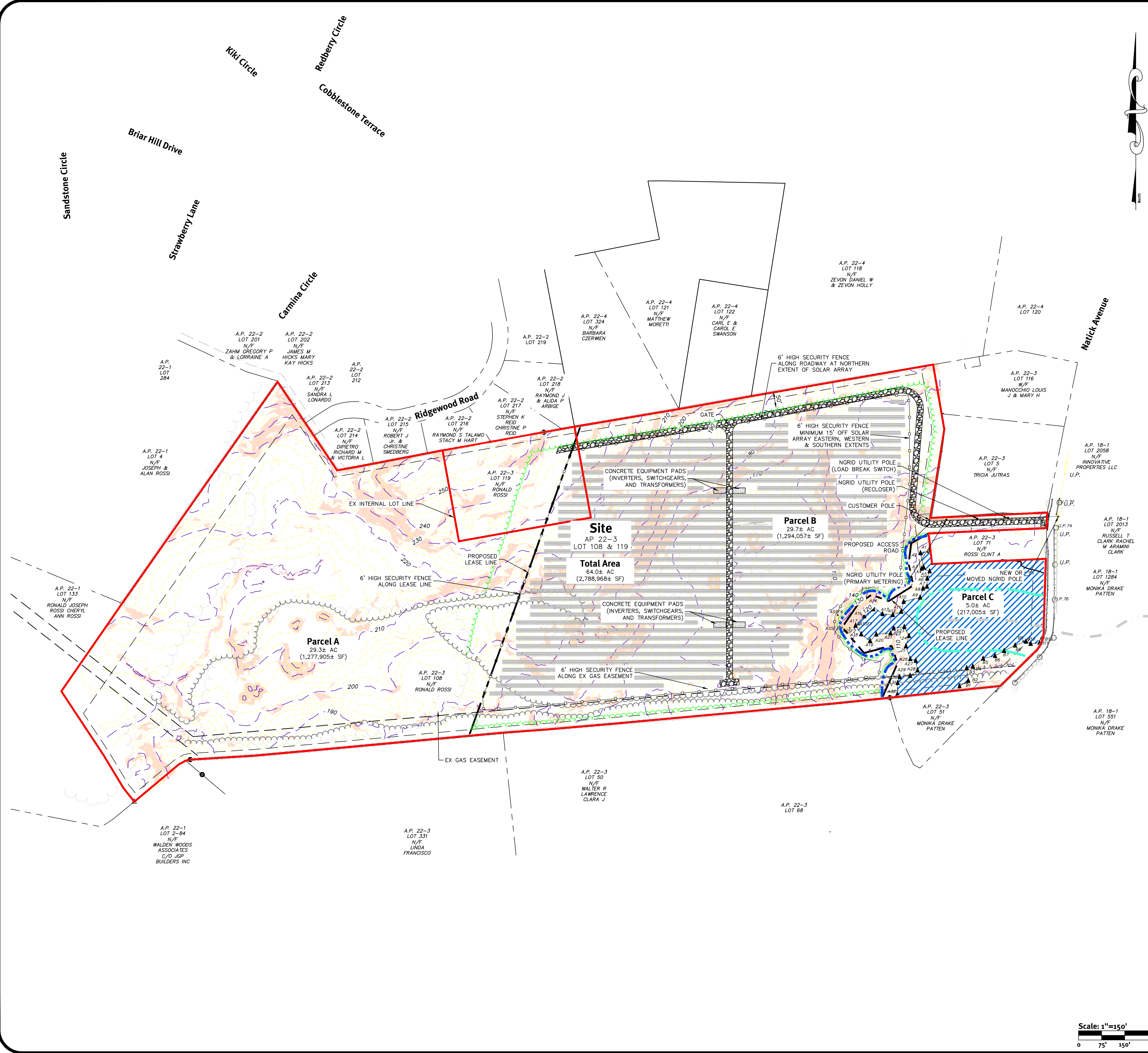
No.	Date	Description	By	Design By
1	12-20-2018	Master Plan, Preliminary	S.E.K.	S.E.K.
2	11-09-2018	Final Master Plan	S.E.K.	S.E.K.
3	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
4	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
5	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
6	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
7	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
8	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
9	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
10	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
11	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
12	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
13	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
14	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
15	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
16	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
17	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
18	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
19	10-25-2018	Final Master Plan	S.E.K.	S.E.K.
20	10-25-2018	Final Master Plan	S.E.K.	S.E.K.

Existing Condition Plan
Natick Avenue Solar
Assessor's Plat 22-3 Lots 108 & 119
Cranston, Rhode Island

Southern Sky Renewable Energy RI, LLC
117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
tel 781-313-271-2001

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z:\deman\projects\2437-015 natick avenue solar\autocad drawings\2437-015-plan.dwg Plotted: 1/2/2019

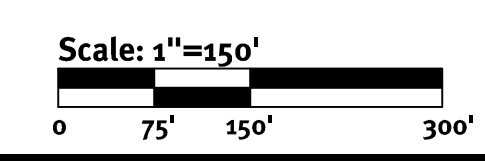
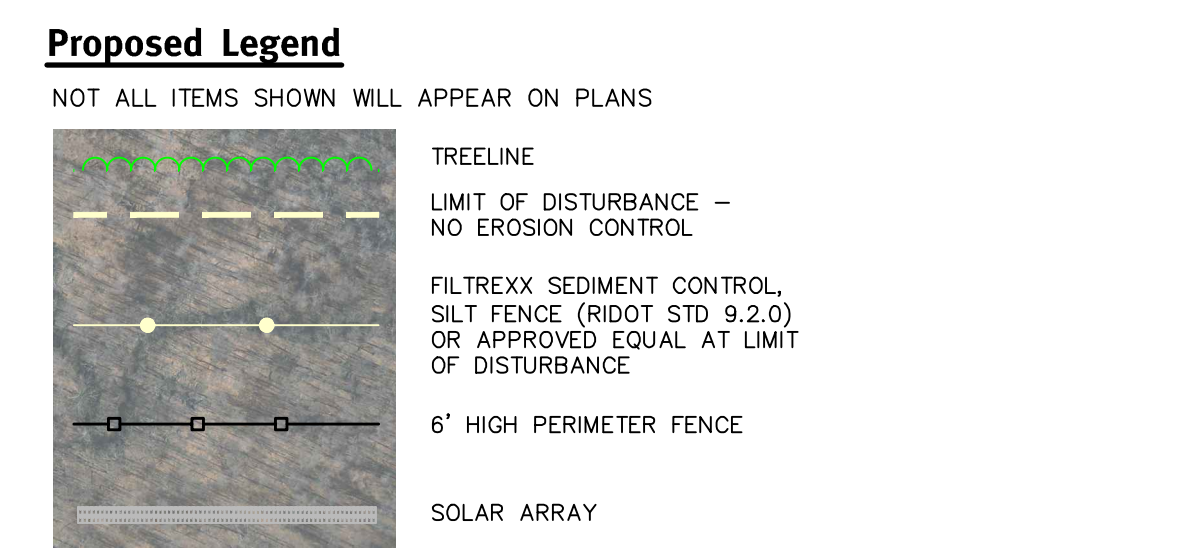
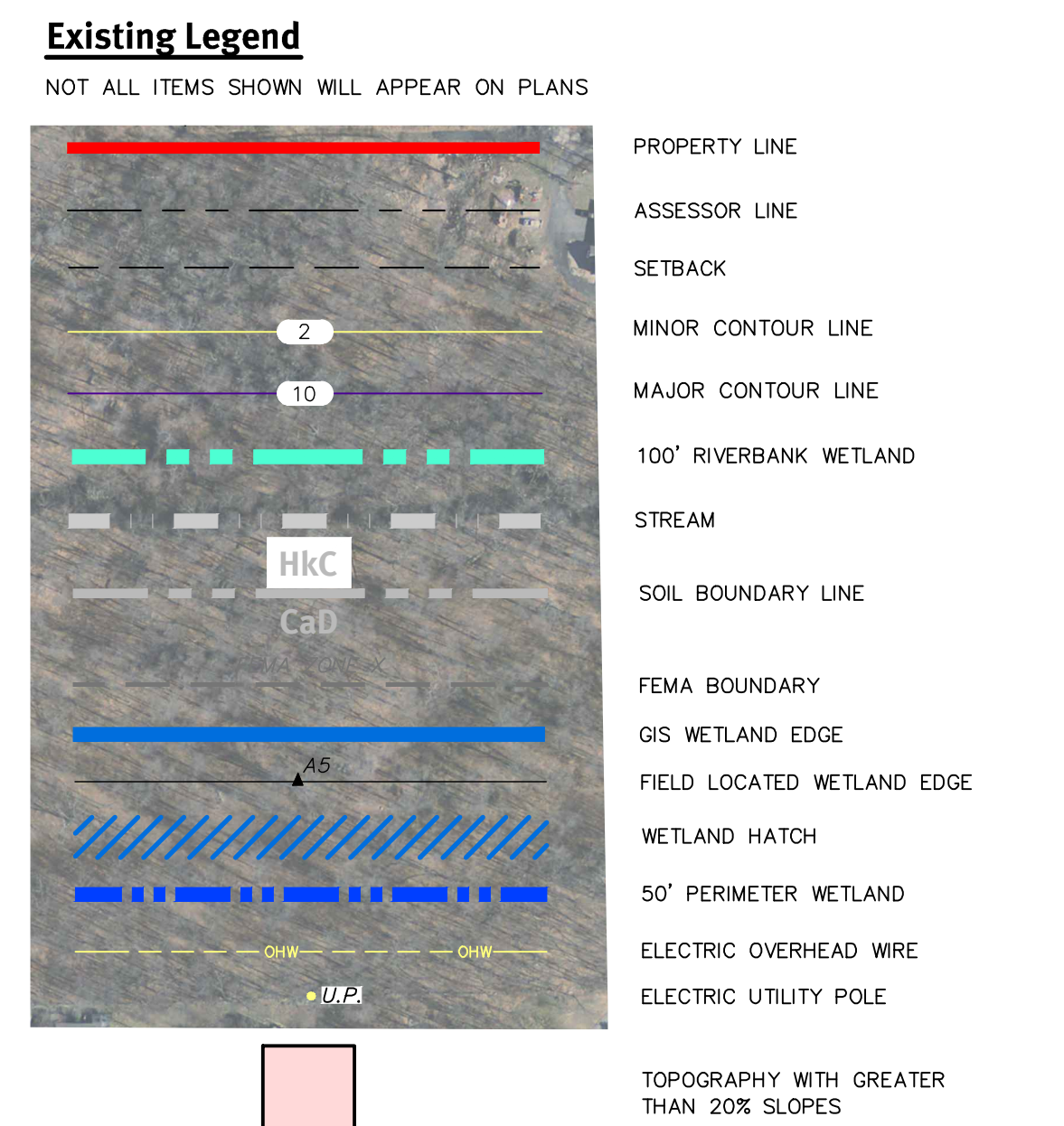


- General Notes:**
- THE SITE IS LOCATED ON THE CITY OF CRANSTON, RHODE ISLAND ASSESSORS PLAT 22-3 LOTS 108 AND 119.
 - THE AREA OF THE SITE IS APPROXIMATELY 64.0 ± ACRES. THE SITE IS ZONED AS A-80.
 - THE OWNER OF AP 22-3 LOTS 108 AND 119 IS: RONALD ROSSI, 1935 PHOENIX AVE, CRANSTON, RI 02920
 - THIS SITE IS LOCATED IN FEMA FLOOD ZONE X UNSHADED. ZONE X UNSHADED AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44007C0407G & 44007C0426H, MAP REVISED OCTOBER 2, 2015.
 - THIS PLAN IS SUBSTANTIALLY CORRECT IN ACCORDANCE WITH A CLASS I COMPREHENSIVE BOUNDARY SURVEY.
 - SOIL MAPPING OBTAINED FROM WEBSOIL SURVEY OF RHODE ISLAND, PREPARED BY U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE.
 - THE SITE NOT WITHIN A:
 - GROUNDWATER PROTECTION AREA (RIDEM)
 - COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
 - NATURAL HERITAGE AREA (RIDEM)
 - GROUNDWATER PROTECTION OVERLAY DISTRICT (TOWN)
 - S.A.M.P. AREA (CRMC)
 - NON-COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
 - THE SITE DOES NOT CONTAIN ANY HISTORICALLY SIGNIFICANT SITES OR STRUCTURES, STATE OR LOCAL HISTORIC SITES, DISTRICTS, CEMETERIES, ARCHAEOLOGICALLY SIGNIFICANT SITES, OR STATE DESIGNATED SCENIC AREAS. THIS WAS DETERMINED THROUGH FILE REVIEW AND SITEWALK COMPLETED BY DIPRETE ENGINEERING 05/15/2018 AND IS CORRECT TO THE BEST OF OUR BELIEF.

- Site Layout Notes:**
- DETAILED SOIL EROSION AND SEDIMENT CONTROL MEASURES TO BE INCORPORATED AT THE PRELIMINARY DESIGN STAGE AND WILL CONFORM TO RIDEM BEST MANAGEMENT PRACTICES.
 - NO NEW WELLS OR OWTS PROPOSED. THE SITE IS NOT PROPOSED TO BE SERVICED BY PUBLIC WATER.
 - ALL ELECTRICAL CONNECTION AND DISTRIBUTION LINES WITHIN THE FACILITY SHALL BE UNDERGROUND. ELECTRICAL EQUIPMENT BETWEEN THE FACILITY AND THE UTILITY CONNECTION MAY BE ABOVE GROUND IF REQUIRED BY THE UTILITY.
 - NO NEW LIGHTING INSTALLATIONS ARE PROPOSED.
 - PROPOSED SIGNAGE IS LIMITED TO SECURITY SIGNS (OR SIMILAR) INSTALLED ON THE FACILITY PERIMETER FENCING.
 - PROJECT WORK WILL BE UNDERTAKEN IN ONE PHASE.
 - NO TOP SOIL IS TO BE REMOVED DURING CONSTRUCTION AND INSTALLATION OF THE SYSTEM.
 - CONSTRUCTION STAGING AREA TO INCLUDE CONCRETE WASHOUT AREA AND VEHICLE FUELING/ STORAGE/ MAINTENANCE AREA.

Dimensional Regulations:

CURRENT ZONING:	REQUIRED
A-80	80,000 SF
MINIMUM FRONTAGE AND LOT WIDTH:	200'
MINIMUM FRONT AND CORNER SIDE YARD:	40'
MINIMUM SIDE YARD:	20'
MINIMUM REAR YARD:	100'



8.1 MW DC Solar Farm

DiPrete Engineering
Two Stafford Court Cranston, RI 02920
Tel 401-943-1000 Fax 401-641-6006 www.diprete-eng.com

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DAWD A. RUSSO
No. 14255
REGISTERED PROFESSIONAL ENGINEER CIVIL

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The contractor is responsible for all of the means, methods, safety precautions and requirements, and OSHA conformance in the implementation of this plan and design.

No.	Date	Description	By
1	1-2-2019	Master Plan, Re-submission	S.E.K.
2	1-2-2019	Final Master Plan	S.E.K.
3	1-2-2019	Final Master Plan	S.E.K.
4	1-2-2019	Final Master Plan	S.E.K.
5	1-2-2019	Final Master Plan	S.E.K.
6	1-2-2019	Final Master Plan	S.E.K.

Drawn By: S.E.K. Design By: S.E.K.

Site Layout Plan
Natick Avenue Solar
Cranston, Rhode Island

Southern Sky Renewable Energy RI, LLC
117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
Tel 781-313-371-2001

DE JOB No: 2437-015 Copyright 2018 by DiPrete Engineering Associates, Inc.

SHEET **4** OF 7



Memo – **FINAL DRAFT - 1/4/19**

Revised plans were submitted since the draft memo dated 12/21/18. The analysis in the final version of the memo has not been internally altered based on the changes, but is *supplemented* by an update (p.13) responding to the revised plans received on 1/2/19. Please note that the plan snippets internal to the memo are NOT the plans received on 1/2/19, as analysis in the memo refers to these images. **The most recently submitted plans are attached to this memo as a separate file.**

To: Cranston City Plan Commission
From: Joshua Berry, MURP, Senior Planner / Administrative Officer
Date: January 4, 2019
Re: "Natick Avenue Solar"
Master Plan – Major Land Development

Owner: Ronald Rossi
Applicant: Southern Sky Renewable Energy RI Natick Ave Cranston LLC
Location: 0 Natick Ave, AP 22-3, Lot 108 & 119
Zone: A-80 (single family dwellings on lots of minimum areas of 80,000 ft²)
FLU: Single family residential less than 1 unit/acre

I. **Proposal**

The applicant is proposing to develop, install and operate an approximate 8.1 megawatt (dc) ground mounted solar energy farm on a 29.7 acre area within a 64 acre site comprised of two lots located within an A-80 zone. There are two areas of the site that will not be utilized by the project (designated as 'Parcel A' and 'Parcel C' on the Site Plan) which are a hayfield/Christmas tree farm/woodland area and a wetland area, respectively, and are proposed to remain as such. The site is covered with existing vegetation as well as topography sloping towards an existing wetland area in the southeast corner of the property. The proposed project includes the clearing and grading as necessary to install the ground mounted solar arrays, associated electrical equipment (inverters, switchgears and transformers), and the gravel roadway providing access to the solar farm and the portion of the property to the west of the proposed solar farm (currently labeled 'Parcel A' on the Site Plan). The proposal includes a buffer planting plan to visually screen the project from adjacent residential properties.

AERIAL VIEW



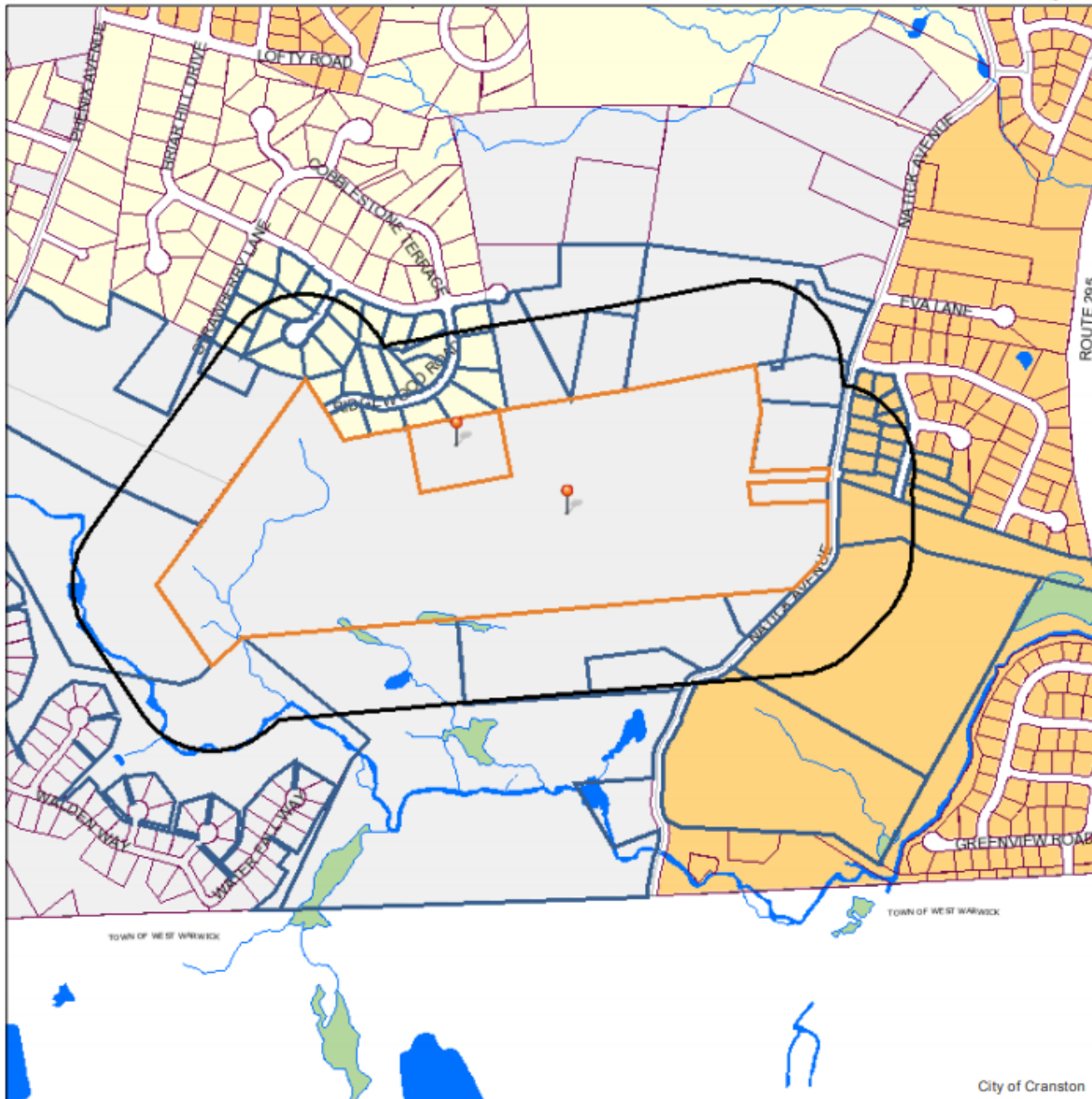
STREET VIEW (Entrance @ Natick Ave)





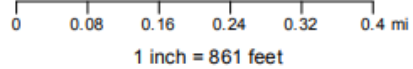
City of Cranston Zoning Map

11/28/2018



Legend

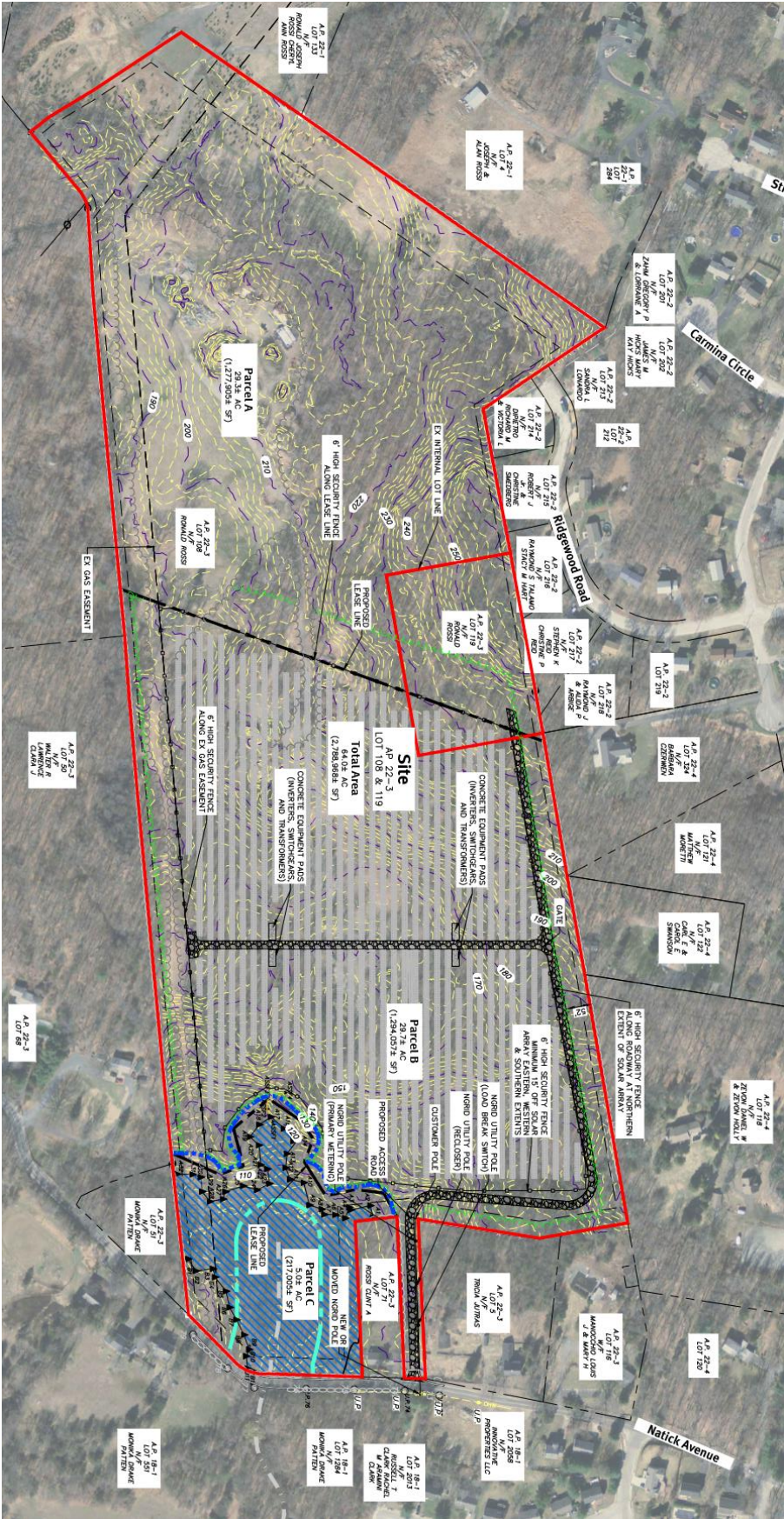
Plat Bounds	Zoning	A8	C2	M2
Historic Overlay District	none	A6	C3	EI
Parcels	A80	B1	C4	MPD
Water Body	A20	B2	C5	S1
Streams/Rivers	A12	C1	M1	



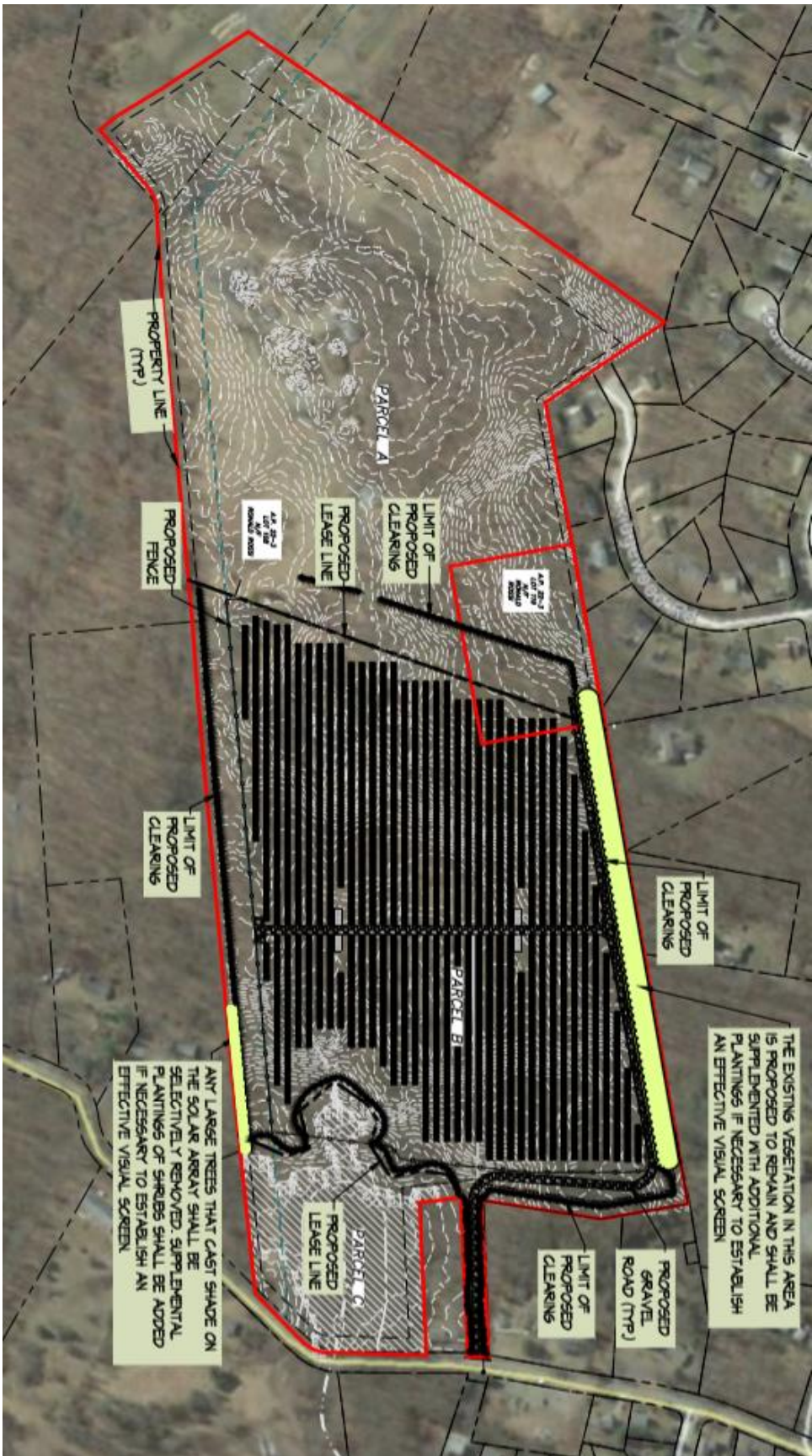
This map/data/geospatial product is not the product of a Professional Land Survey. It was created for general reference, informational, planning and guidance use and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this data may require the assistance of appropriate professional services. The City of Cranston makes no warranty, expressed or implied related to the spatial accuracy, reliability, completeness or currentness of this map/data.

SITE PLAN (snippet)

[11/9/18 plan. See revised 1/2/19 attached separately]



BUFFER PLANTING PLAN (snippet)
[11/9/18 plan. See revised 1/2/19 attached separately]



II. Documents which are part of the application

1. Subdivision and Land Development application signed by owner Ronald Rossi.
2. Filing fee for the Master Plan in the form of check #1895 dated 11/13/18 in the amount of \$2,675.00 from Southern Sky Renewable Energy RI.
3. Filing fee for the Pre-application in the form of check #1894 dated 11/13/18 in the amount of \$580.00 from Southern Sky Renewable Energy RI.
4. Both the filing fee for the Pre-app and Master Plan were miscalculated, so supplementary checks #25488 for \$52.50 dated 11/28/18 and #25487 for \$114 dated 11/28/18 from Taft & McSally were submitted for the remaining balance.
5. (10) Project Narratives dated 11/9/18 from Project Manager Dave Russo, PE from DiPrete Engineering.
6. (3) 100' radius map with list of abutters.
7. Notarized Affidavit of Notice Compliance signed by Robert D. Murray, Esq.
8. Certificate of Municipal Liens issued 9/19/18 for AP 22, Lots 108 & 119.
9. (10) Master Plan Submission plan sets in full size and 11" x 17" entitled "Natick Avenue Solar" prepared by David A. Russo, PE of DiPrete Engineering dated 11/9/18.
10. (10) Landscaping plan sets in full size and 11" x 17" entitled "Buffer Planting Plan" prepared by John C. Carter PLA of John C. Carter & Co., INC. dated 11/13/18.
11. (10) Class I Survey copies in full size and 11" x 17" prepared by Robert G. Babcock PLS of DiPrete Engineering dated of 11/9/18.
12. (10) "Supplemental Residential Buffer Plantings" exhibits from John C. Carter & Co., INC, received on 12/3/18.
13. Revised Site Layout Plan (sheet 4 of 7) with revised proposed fence location.
14. Memo regarding the proposed interconnection addressed to Planning Director Jason Pezzullo dated 11/28/18.
15. Ed Pimentel, AICP, of Pimentel Consulting, Inc., provided a report dated 12/3/18 at the December Plan Commission Hearing on the Master Plan project application.
16. Revised Master Plan Submission plan set entitled "Natick Avenue Solar" prepared by David A. Russo, PE of DiPrete Engineering dated 11/9/18 last revised 1/2/19.
17. Revised existing condition plan showing topography with greater than 20% slopes with the last revised date 1/2/19.
18. Revised site layout plan with aerial imagery removed with the last revised date 1/2/19.

III. Surrounding land use and context

Analysis using the City of Cranston Geographic Information System indicates that:

1. The site is zoned A-80 (single family dwellings on lots of minimum areas of 80,000 ft²). The two lots that comprise the total site (AP 22-3, Lots 108 & 119) are combined for zoning purposes per City Code Section 17.88.010. As evident on the Zoning Map on page #3 of this report, the majority of the parcels surrounding the

property are also zoned A-80, though there are abutting A-20 lots off of Ridgewood Road to the north of the site towards its northwestern corner. The eastern side of Natick Ave is zoned A-8, although the 41.5 acres has been permanently preserved by the City of Cranston through the purchase of development rights.

2. The Future Land Use Map (FLUM) designates the site as Single Family Residential Less than 1 unit/acre. The proposed use is consistent with this designation, as this is the FLUM category consistent with A-80 zoning.
3. The subject, have frontage on the western side of Natick Avenue near the southern edge of the City. The two points of frontage on Natick Ave are split by AP 22-3 Lot 71 (an A-80 single family residence) which is situated just north of the wetland area labeled 'Parcel C' on the Site Plan. The smaller northern portion of the frontage is 50' wide and serves as the point of access to the property. There are two A-80 lots, AP 22-3 Lots 116 & 5, which are north of the site entrance, between Natick Avenue and the project site.
4. The site has existing structures on the portion labeled 'Parcel A' on the Site Plan, which is an existing agricultural use (Christmas tree farm/hayfield/woodland) which is proposed to remain separate from the proposed solar project.
5. There is a 50' gas easement owned by the Tennessee Gas Pipeline (TGP) that runs along the southern property line. There is currently no part of the proposed project that would violate this easement, the applicant is now in correspondence with TGP, understands TGP's requirements, and the project engineer David Russo, PE has experience conducting site work near the same pipeline. See Section V of this report for the correspondence from the Tennessee Gas Pipeline as well as correspondence regarding blasting conducted by DiPrete Engineering for the Citizens Bank project in Johnston near the TGP between Plan Commissioner Vincent Town of Johnston's Town Planner, Thomas E. Deller, AICP. See Section IV of this report for planning analysis of this issue.
6. The project site has considerable topography, sloping downward towards the southeast to the existing wetland area called out as 'Parcel C' on the Site Plan. The proposed locations of the panels currently range roughly 114' from the 234' contour line in the northwest corner of proposed leased 'Parcel B,' to the 120' contour line in the southeast corner of 'Parcel B.' There were a few rock boulders and ledge that were identified during the site visit on December 8th, 2018. For further discussion, see Section IV of this report.
7. The City GIS shows a portion of the western corner of the lot which have wetlands, in addition to the wetland area labeled 'Parcel C' on the site plan in the southeast corner of the site. There is a 100' Riverbank Wetland setback that does not surpass the 100' rear yard setback per zoning and is significantly setback far from proposed solar farm. The proposed lease area and all proposed work associated with the project do not conflict with the wetlands on site.

IV. Staff / Agency Comments

Pursuant to RIGL 45-23-41 A3, these plans were distributed for comment to Veolia Water, PWSB, Public Works Department / Engineering Division, Building and Zoning Department, Conservation Commission, and the Fire Department. Responses are as follows:

1. **Veolia Water** – The development does not require water supply.
2. **Providence Water Supply Board** – The development does not require water supply.
3. **Public Works Department / Engineering Division** – This Office reviewed the Master Plan proposal and recommends approval of the project subject to the following:
 - 1) The development follow existing grades as much as possible, where changes are needed, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such be mechanical as much as possible.
 - 2) Storm water management follow existing topography and utilize R.I.D.E.M. Best Maintenance Practices (BMP's) to ensure conformance to City code, Said plan also attempt to enhance any conditions (existing and proposed) at, to or near adjacent wetlands and Natick Avenue.
 - 3) As discussed to the DPR pre-application meeting, the developer and Engineer were reminded any transmission lines and/or utility pole relocations within the Natick Avenue Right-of-Way are carefully coordinated with the appropriate utilities.
4. **Public Works Department / Traffic Safety** - Stephen Mulcahy reviewed the plans and due to the lack of anticipated trip generation, had no comments at this time.
5. **Fire Department** – No comments have been received from the Fire Department at this time.
6. **Building and Zoning Department** – Stanly Pikul reviewed the plans and will require the dimension of the curb opening to Natick Avenue to be provided on the site plan.
7. **Conservation Commission** – Staff communicated with Mr. Carl Santucci, chair of the Cranston Conservation Commission. At that time, we discussed the need for Conservation Commission review and comment to the Plan Commission during the Development Plan Review process and prior the Preliminary Plan stage of review.
8. **Planning Analysis**
 - **Consistency with the Comprehensive Plan**

In 2017, the City passed Ordinance 01-17-11 “Solar Performance Standards” to amend the Comprehensive Plan to specifically promote solar land uses as a policy stance in support of renewable energy. The Council found it to be in the best interest of the City to permit renewable energy production facilities, and modified the Goals and Policies Statement, Land Use Element, Natural Resource Element, Economic Development Element, and the Implementation Program Element. The Ordinance amended the Land Use Plan element with the following language:

Cranston should actively encourage the availability and implementation of energy infrastructure throughout the City. For example, the Zoning

Ordinance should permit the development of renewable energy production facilities in appropriate areas, including, without limitation, in the A-80, M-1, M-2, and S-1 zoning districts, and should promote the development of multiple renewable energy production facilities within the City. Development of such renewable energy production facilities can advance the City's goals of developing the City's economic resources while limiting the impact of development on surrounding areas and on municipal services. Such developments also further the City's low-impact and green development objectives by improving air quality and reducing reliance on traditional energy resources.

This excerpt from the Comprehensive Plan speaks to the benefits of renewable energy on many fronts. The impact that subdivisions in A-80 have on municipal services is substantial, and although it may be the personal preference of constituents in the neighborhood to have residential development over solar, the Council recognized the *negative* fiscal implications of suburban and exurban residential housing sprawl and put this policy into effect to benefit the City as a whole.

Ordinance 01-17-11 "Solar Performance Standards" articulates the City's land banking strategy. The following language was added to the end of Land Use Plan 1.3, "Preserve existing farmland and developable land that is currently undeveloped, by temporarily removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power." At the December Plan Commission hearing, it was brought into question whether solar farms themselves should be interpreted to count as 'development.' When one takes the context of the quote into consideration, it is evident that the strategy is to remove permanent residential development potential, meaning the subdivision of larger lots in the A-80 zone. The water, sewer and site work required for subdivisions combine to much more than is required for solar farms, as evident by the fact that solar farms can be decommissioned and removed from a site, dissimilar to subdivisions. This provides the City will the opportunity to use the additional tax revenue to potentially purchase development rights and conserve land in Western Cranston. Therefore, staff holds that this statement in the Comprehensive Plan holds true and supports this application.

Ordinance 01-17-11 establishes clear policy guidance for staff to support the proposed land use, which is a permitted use in A-80 zoning. Staff supports this project due to its consistency with the current policies and zoning regulations, but still has concerns with some of the details of the proposal.

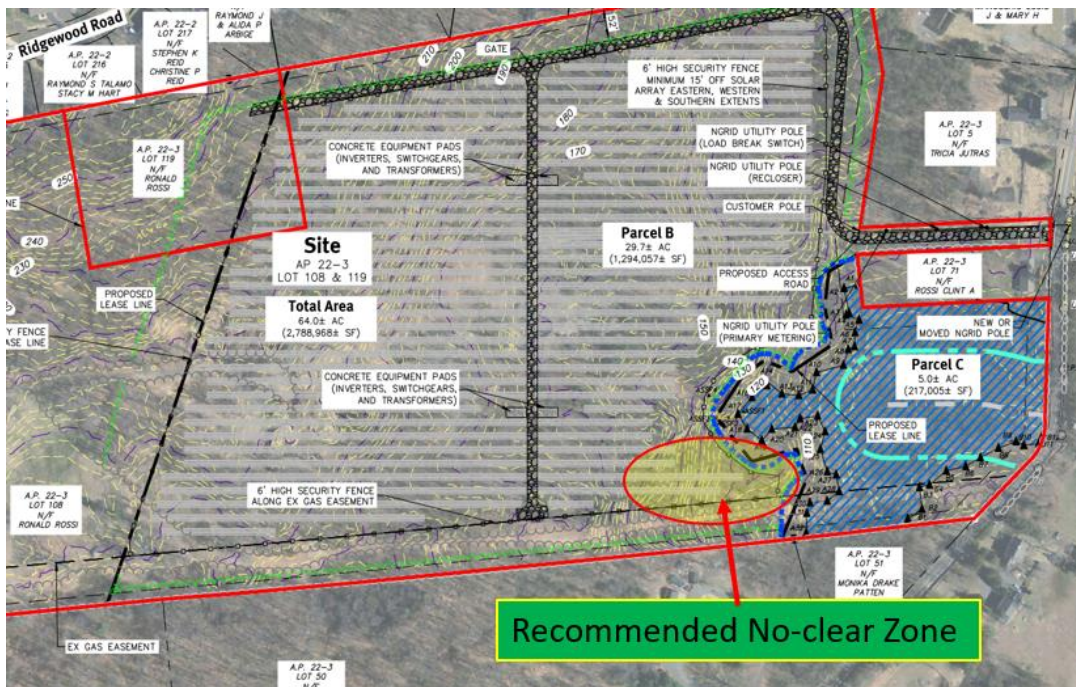
- Buffering

Buffering plan details are solidified during the DPR and Preliminary Plan phases, not the Master Plan phase of the project, but Staff recognizes buffering as a critical element of solar projects. The applicant has provided a Buffer Planting Plan and a "Supplemental Residential Buffer Plantings" exhibit as part of the Master Plan submittal plan set for initial comment and review. The Planning Department is currently in the process of drafting performance standards on this particular issue, but does not have the benefit of codified standards to apply on this application. During the site visit conducted on December 8th, as corroborated by the viewshed analyses provided on pages 5 & 6 of 7 in the submittal plan set, it was evident that the existing visual screening to the proposed solar arrays is inadequate. Staff is recommending that the Buffering Plan be forwarded to the Conservation Commission for review and comment to work out the details of the buffering

plan as necessary during the Preliminary Plan process. Staff holds that buffers must be maintained on the project site, and may not count vegetation on other properties. However, without codified buffer requirements, staff's is working with the applicant to achieve the intent of the buffering (visual screening) in the absence of concrete requirements.

While acknowledging that the buffering details are not handled at the Master Plan phase, staff still finds it appropriate to call out of some preliminary issues identified with the buffering plan, and to be clear that staff's recommendation to condition Master Plan approval to further review of the Buffer Plan may lead to changes in the configuration on the solar arrays. If the Plan Commission incorporates this condition into a Master Plan approval, it would mean that the exact layout of the solar arrays would not be vested at Master Plan, but would be subject to the outcome of the Development Plan Review Committee, review by the Conservation Commission, and Preliminary Plan processes. Having heard the public concerns voiced at the December 4th Plan Commission hearing, particularly in regards to the buffering and the pace at which projects of this scale are reviewed, staff believes this condition speaks to these concerns and serves the public interest. It is not clear whether the proposed buffer planting plan adequately buffers the residences on Ridgewood Road, or the other properties abutting to the north. Additionally, the gas easement along the southern property line appears to restrict the depth of the proposed buffer to the residential properties to the south. During the site visit on December 8th, staff joined the attending Plan Commissioners in walking a portion of the easement near AP 22-3 Lots 68 & 50, owned by Walter and Clara Lawrence. Commissioner Spirito progressed down the slope heading easterly on the gas easement to try to get a sense of the view roughly from the vantage point of the Lawrence residence. Commissioner Spirito made the observation that he could not see up over the slope from that elevation. Therefore, staff recommends the applicant revise the site plan to relocate the panels as to use the existing slope as a natural buffer visual barrier (the circled area identified in "Staff Recommended No-Clear Zone Exhibit").

STAFF RECOMMENDED NO-CLEAR ZONE EXHIBIT



This revision would have the additional benefits of minimizing the visual impacts from Drake Patten’s properties, AP 22-3 Lot 51 on the western side of Natick Ave and AP 18-1 Lot 551 on the eastern side of Natick Ave, removing site work from perhaps some of the most challenging slopes on the site near the gas pipeline, as well as setting the development further away from the wetland area and Natick Avenue. Staff has corresponded this proposed change to the applicant’s representative, who responded positively to the idea but has not yet been able to confirm whether the change will be made.* (**See updated plans attached separately and analysis update on p.13*)

The proposed project should be screened from both neighboring properties, but also from Natick Avenue. The proposed arrays would be almost entirely screened from Natick Avenue for a combination of reasons. Primarily, the solar arrays are roughly 400’ from Natick Ave, the majority of which is screened by the wetland area “Parcel C” and existing residential lots AP 22-3 Lots 71, 5 & 116. The land just north of the site entrance on the western side of Natick Ave is several feet above the road and has an existing stone wall as shown in the picture below. There is a stone wall along the southern edge of the site entrance, which in concert with the existing residence, vegetation and topography, which would effectively screen the proposed solar arrays south of the site entrance (see the street view picture on page 2 of this memo). The only remaining viewshed to the project site from Natick Avenue is through the Tennessee Gas Pipeline easement. There is some vegetation at the road frontage which obscures some, but not all of the line of sight as seen in the picture below. Staff hopes that the recommended no-clear zone would reduce and possibly eliminate line of sight from Natick Ave via the easement area.

VIEW ON NATICK AVE FACING NORTH



VIEW ON NATICK AVE FACING WEST @ THE TGP



- Site work / grading / blasting

Applicants are not required to provide fully engineered plans or details at the Master Plan phase, nonetheless, the anticipated clearing of the site for the solar arrays and the potential for blasting has raised considerable concern from the public, staff, and Plan Commission. Project engineer Dave Russo, PE of DiPrete Engineering both in discussions with staff as well as during the site visit, has verified the ability of the solar arrays to work with the existing grades to a large extent. Where it is not feasible to construct panels on the existing conditions, there is the potential that blasting or other techniques could be employed to properly engineer the site. Mr. Russo states that it is possible to install racks and panels on slopes up to 20-25% following much of the existing grades and topography Mr. Russo has expressed the intent of the applicant is to manipulate the site as little as possible in order to effectively engineer the project. This intent demonstrates preliminary consistence with the condition of approval proposed by the City Engineering Department, "The development follow existing grades as much as possible, where changes are needed, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such be mechanical as much as possible." Mr. Russo's project narrative details and verifies the intent to comply with all environmental regulations through RIDEM and the City. Staff's proposed no-clear zone would remove the need for site work in one of the more if not the most challenging area of the site, and relocate the panels further from existing residences.

- Interconnection

In addition to the many aspects of the plan that are not fully reviewed at the Master Plan phase, the details of the interconnection plan are still largely an unknown at this time as National Grid does not provide interconnection plans at this juncture. What is available at this time is a "conceptual interconnection plan" that has been provided to the applicant by National Grid, the details of which are in a memo submitted by Taft & McSally, LLP dated November 28, 2018. The conceptual plan involves replacing approximately 6,000' of existing overhead power lines from the point of the the site entrance at Natick Avenue to its intersection with Wilbur Avenue (existing pole numbers 29 and 73) with 3-phase power on 45' poles (the existing poles are 35' high). Some tree trimming is anticipated. The site

visit on December 8th included a drive of the interconnection route and a discussion of the proposed interconnection. Staff recognizes the impact that interconnection may have, so this is an issue that will be monitored closely should the Master Plan be approved.

- Other Issues

The above issues are not exhaustive of staff's potential concerns with the project, but highlight the main issues as appropriate for Master Plan review as prescribed in the Subdivision Regulations. Staff will be reviewing plan elements such as proposed fencing, potential blasting, grading, soil erosion, noise, construction operations, buffer & grass plantings, and more. Staff will continue to work with the public, Plan Commission, DPR Committee and Conservation Commission regarding these issues should the Master Plan receive approval.

A decommissioning bond will be required for this project. Per the narrative provided by Project Manager Dave Russo, PE, a bond estimate will be provided during the Preliminary Plan review phase for discussion, which is to be finalized during the building permit phase. The bond will cover costs associated with the removal of installations, electrical equipment & all appurtenant structures, and stabilization or revegetation of the site as necessary to minimize erosion.

Update in Response to Revised Plans Received 1/2/19

After considering comments from the Planning Commission and staff, the applicant submitted a revised plan set on Wednesday, January 2nd, 2019, attached to this memo. Additionally, staff requested a site plan with the aerial imagery removed and an existing conditions plan showing slopes greater than 20%, which are subsequently attached.

The main change to the site plan is that the applicant has removed 500 +/- panels in the southeastern corner of the project site, off of challenging slopes, and away from the wetland area, Mr. Lawrence's & Mrs. Patten's property, and Natick Avenue. This change meets the intent of staff's recommended "no-clear zone" detailed in Section IV, page 10 of this memo, and is therefore a welcome change for all the reasons discussed.

Although staff supports this revision, but acknowledges that the change has created a new uncertainty. The plans show a reduction of 500 +/- panels from the southeast most area of the site, and do not indicate any new panels to offset the number lost. Staff inquired whether this change reduces the total anticipated energy production, to which the applicant has corresponded that the intent is to maintain 8.1mW of energy production and that the change was made to demonstrate acceptance of staff's request, but was unable to reflect the area where the panels will be relocated. Therefore, **it is important to clarify that the revised plans received 1/2/19 do not show the full anticipated number of panels.** The applicant states in an email to staff on 1/3/19, "*As you know, as a result of input from the Planning Commission and staff, some solar panels were removed from the southeast corner of the site. It is Southern Sky's intention to relocate those 500 +/- panels within the west and southwest areas of the solar array. Final determinations will be made in consultation with the property owner and the panel designer subsequent to the master plan level.*" Staff acknowledges that it may be much simpler to remove panels from a plan than it would be to relocate the panels on site as it would take time to identify the most ideal location for the relocated panels and reconfigure the proposed lease area. For these reasons, it can be understood why one change was able to be made before

the upcoming Plan Commission meeting on January 8th, but not the other. Due to the existing configuration of the solar arrays on the project site, it is not anticipated that the panels could be located anywhere other than to the west of the existing lease area. Nonetheless, staff cannot be comfortable recommending approval for a project when a portion of it is not shown on the plans, without some level of assurance of how the plan may change. In order to rectify this uncertainty, feeling that almost any location to the west of the existing lease area would be preferred to the “no clear-zone” area from which panels were removed, staff recommends the condition that approval of the Master Plan does NOT vest approval for any changes to the solar arrays which shall be are subject to review and comment from the Conservation Commission, and must be approved by the Development Plan Review Committee and Plan Commission during the Preliminary Plan phase.

The other main addition to the plans is the identification of areas with slopes greater than 20%. This was provided at the recommendation of staff as a visual aid to identify the areas that may require anticipated grading, leveling and/or blasting. Project Engineer Dave Russo, P.E., states that ground mounted solar arrays can be installed on slopes up to 25%, but used the 20% as a conservative threshold to identify the steep slopes on site. The applicant is not required to provide further engineering details until the preliminary plan phase.

The Buffer Planting Plan and viewshed analysis were updated consistent with the solar array revisions, and a Supplemental Buffer Plantings sheet was added to visually demonstrate the anticipated impact of the proposed plantings. These items do not affect staff’s analysis of the buffering in Section IV of this memo.

Lastly, a site plan was provided without aerial imagery simply to increase visual clarity of the plan.

V. Interests of Others

As displayed at the December Plan Commission hearing, as well as letters in the Cranston Herald, there is a significant amount of concern voiced by Cranston residents regarding proposed project. All written and emailed correspondence submitted to staff has been entered into the case file. Planning staff has received multiple requests for access to plans and has provided such. There have been verbal discussions with members of the public regarding specifics in the plans, concerns have included interconnection, buffering, slope, grading & drainage and blasting. The applicant held a neighborhood information meeting, and has provided the written letters to residents confirming the applicant’s willingness to work with them throughout the process. A site visit was conducted on December 8th as a public meeting, the sign-up sheet and meeting minutes are being submitted to the Plan Commission to be adopted at the January 8th meeting.

As the gas pipeline is an issue of particular concern, the correspondence from Carey Diehl from the Tennessee Gas Pipeline on 12/3/18 is provided below (please note that there has been correspondence between TGP and the applicant since the date of this email to staff):

Thank you for taking the time to speak with me about the proposed solar project off Natick Ave, Cranston. Tennessee Gas Pipeline (TGP) currently operates and maintains a 16”, high pressure natural gas pipeline within a 50’ right of

way. The right of way is centered on the pipeline meaning TGP has 25' northerly and 25' southerly of the 16" pipe. TGP requires any development near our pipeline to go through a Developer Review Process prior to any approval or commencement of construction to confirm there will be no impact to TGP's pipeline and right of way. Once the project has been reviewed and approved by TGP a Developer Approval Letter with conditions will be issued to the developer for signature prior to the commencement of any work near TGP's pipeline and right of way. To date TGP has NOT been contacted by Southern Sky about the proposed solar installation. TGP would like to request that Southern Sky contact us to discuss the project. Below are preliminary comments and concerns regarding the project.

- *No contact from Southern Sky*
- *Accuracy of pipeline and easement location on plan. TGP typically requires the developer contact us to have the pipeline and easement flagged/located and then have those points surveyed.*
- *TGP requires a blasting plan for review and approval. TGP will provide a Blasting Approval Letter.*
- *TGP will require the developer to provide an EMI study.*
- *TGP does not permit any structures or vegetation to be planted within the right of way.*
- *No trees can be felled onto TGP's easement.*
- *Any and all proposed equipment crossings will need to be reviewed and approved.*
- *TGP request the Developer Approval process and Approval Letter be completed and signed prior to final municipal approval.*

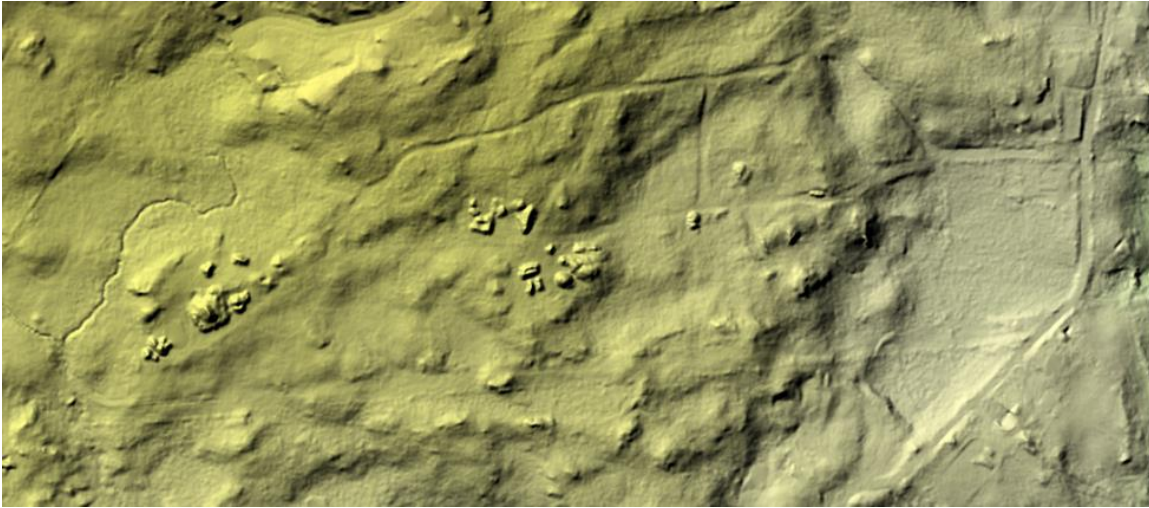
I have attached a copy of TGP's Developer Handbook for your reference.

Thank you for your time and I look forward to further discussions with the City of Cranston and Southern Sky.

The pipeline, particularly in regards to potential blasting, was discussed during the December 8th site visit. Project engineer Dave Russo, PE, discussed his experience with blasting near the very same pipeline in Johnston for the Citizens Bank development. Hearing this, Plan Commissioner Vincent reached out to Johnston Planner Thomas E. Deller, AICP, to get his input on the blasting near the TGP. Mr. Deller corresponded via email on 12/18/18, "*We had no issues with blasting at Citizens. We were anticipating all kinds of issues from the neighbors who had a lot of issues with the Citizens proposal, but no complaints. So, the best I can say is that the protocol that was followed worked for us.*"

Cranston resident Douglas Doe has provided comments, DEM documents regarding another solar development in Cranston by the same applicant, and the following LIDAR image intended to help visualize the topography. Additionally, Mr. Doe submitted a letter and images on 1/4/19 which have been forwarded to the Plan Commission.

LIDAR TOPOGRAPHICAL IMAGE



Source: <https://edc.maps.arcgis.com/home/item.html?id=e8d52881d58146d8a9083ddffc6005e8>

Cranston resident Drake Patten reached out via email and offered that staff and the Plan Commission view the site from her property. Planning staff (Joshua Berry) toured Mrs. Patten's property on 12/14/18 and discussed her & her husband's concerns with buffering, wetlands impacts, public process, and policy among other topics. The following pictures show the view to the southern boundary of the project site, facing west, the first is from Mrs. Patten's property on the east of Natick Avenue, then from the undeveloped triangle lot on the west of Natick Avenue. As currently proposed, the solar arrays would be visible from both lots, more substantially from the undeveloped parcel on the west of Natick Avenue, AP 22-3 Lot 51.

VIEW FACING WEST FROM AP 18-1 LOT 551



VIEW FACING W / NW FROM AP 22-3 LOT 51



VI. Findings of Fact

Staff has reviewed this Master Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

Findings:

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 11/22/18.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. See discussion in Section IV of this report. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11. The Land Use, Economic Development and Natural Resources Elements were all amended to include encouragement of renewable energy facilities.
3. Aesthetically, there are many qualities of the project which preserve the rural character of Western Cranston. Firstly, the solar arrays are proposed more than 400' from Natick Avenue behind existing residential lots and a vegetated wetland area, additionally screened by existing stone walls and slope. Therefore, it is anticipated that there will be very limited line of sight opportunities to the project from Natick Avenue unless looking directly down the site entrance or gas easement. No signage is proposed with the project, maintaining the existing character of the roadway. The applicant proposes a Buffer Planting Plan to screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the DPR and Preliminary Plan approval processes to ensure the preservation of the rural character of Western

Cranston. The project is consistent with the City's long-term land banking strategy which is intended to preserve the rural character of western Cranston.

4. Ed Pimentel, AICP, of Pimentel Consulting, Inc., provided a report dated 12/3/18 at the December Plan Commission meeting on the Master Plan project application finding that the proposal is consistent with the City of Cranston's Comprehensive Plan and the State Energy Plan.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

5. The proposed solar and existing agricultural uses are permitted uses by-right in the A-80 zone.
6. The site is comprised of two lots, merged for zoning purposes, which meet the requirements of A-80 zoning.
7. The project narrative by project engineer Dave Russo, PE, of DiPrete Engineering states “. . . clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility” and also that “Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site.” These statements demonstrate direct compliance with Cranston's solar performance ordinance.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.” (emphasis added)

8. This finding pertains specifically to the final plan. There is proposed clearing and a yet undetermined amount of grading and/or potential blasting. However, the project will be subject to all local, state and federal standards regarding environmental impacts. Further details will be provided if the project moves to the DPR and Preliminary Plan stages of Development.
9. Project engineer Dave Russo, PE of DiPrete Engineering discussed the ability of the solar arrays to run with the existing slopes to the greatest extent possible, as well as the intent of the applicant to manipulate the site as little as possible in order to effectively engineer the site. Mr. Russo's project narrative dated 11/9/18 details and verifies the intent to comply with all environmental regulations through RIDEM and the City.

10. Meadow grass is proposed between and under the solar panels.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

11. The project proposes lease areas, not the actual subdivision of lots. No change to the existing lot boundaries are proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

12. The property in question has adequate permanent physical access from Natick Ave, improved public roadways located within the City of Cranston.
13. The proposed use will not have a negative impact on vehicular traffic, generating only a monthly inspection once operational.

VII. Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60, the Comprehensive Plan, as well as with the City of Cranston's Subdivision and Land Development Regulations. Staff therefore recommends that the City Plan Commission adopt the findings of fact documented above and **approve** the Master Plan submittal, subject to the conditions denoted below:

VIII. Conditions of approval

1. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan process. Required changes to the Buffering Planting Plan may result in alterations to the current proposed layout of the solar installations.
2. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
3. The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.
4. The Preliminary Plan site plan shall provide the dimension of the curb opening on Natick Avenue.
5. The development shall follow existing grades as much as possible, where changes are required, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such be mechanical as much as possible.
6. Storm water management shall follow existing topography and utilize R.I.D.E.M. Best Maintenance Practices (BMP's) to ensure conformance to City code. Said plan shall attempt to enhance any conditions (existing and proposed) at, to or near adjacent wetlands and Natick Avenue.
7. As discussed to the DPR pre-application meeting, any transmission lines and/or utility pole relocations within the Natick Avenue Right-of-Way are carefully coordinated with the appropriate utilities.
8. Any changes to the solar arrays shall be shown consistently on the Buffer Planting Plan subject to review and comment from the Conservation Commission, and must be approved by the Development Plan Review Committee and Plan Commission during the Preliminary Plan phase.

Berry, Joshua

From: Pezzullo, Jason
Sent: Tuesday, December 18, 2018 2:07 PM
To: Berry, Joshua
Subject: FW: Citizens Bank Campus- Blasting

Josh,

Lets try to work this into the narrative somehow.

From: Thomas Deller [mailto:tdeller@johnston-ri.us]
Sent: Tuesday, December 18, 2018 1:43 PM
To: Fred Vincent
Cc: Pezzullo, Jason
Subject: RE: Citizens Bank Campus- Blasting

Hey Fred, Happy holidays to you. We had no issues with blasting at Citizens. We were anticipating all kinds of issues from the neighbors who had a lot of issues with the Citizens proposal, but no complaints. So, the best I can say is that the protocol that was followed worked for us.

Good luck with your project.

Thom

Thomas E. Deller, AICP

Town Planner - Town of Johnston
 O 401.231.4000 x 4021
 M 401.282.0431

NOTE: I will typically be in the office Tuesday and Thursday.

From: Fred Vincent [mailto:FVincent@GM2INC.COM]
Sent: Friday, December 14, 2018 12:09 PM
To: Thomas Deller <tdeller@johnston-ri.us>
Cc: 'Pezzullo, Jason' <jpezzullo@CranstonRI.org>
Subject: Citizens Bank Campus- Blasting

Hi Tom,

Hope this email finds you well. The Cranston Planning Commission has a 8.1 megawatt solar development proposed in rural western Cranston. The project is in the Master Plan phase but surrounding neighbors are most concerned with the extent (not entirely known at this time) of blasting and drilling of rock involved in the \$18m project, especially with impacts to septic systems and wells. In addition a major gas pipe line (high pressure?) runs the entire southern boundry under a 50ft easement.

My question to you is the project engineer (DiPrete Engineering) states that blasting on the Citizens Bank site was conducted without issues or negative impacts to neighbors and they maintain the same protocols will be employed in this project. Is that an accurate assessment of the Johnston project? Do you have any suggestions in this matter that we might consider as we review this significant development? There is a significant grade change from north to south on this 64 acre site with slopes of 15-25% which gives me pause as well.

Thanks Tom for your consideration.

Best,

Fred

Memo

To: Joshua Berry
From: W. Skorupski
Date: December 20, 2018
Re: Natick Avenue Solar (Master Plan)

This Office recommends approval of the above mentioned Master Plan project subject to the following

- 1) The development follow existing grades as much as possible, where changes are needed, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such be mechanical as much as possible.
- 2) Storm water management follow existing topography and utilize R.I.D.E.M. Best Maintenance Practices (BMP's) to ensure conformance to City code, Said plan also attempt to enhance any conditions (existing and proposed) at, to or near adjacent wetlands and Natick Avenue.
- 3) As discussed to the DPR pre-application meeting, the developer and Engineer were reminded any transmission lines and/or utility pole relocations within the Natick Avenue Right-of-Way are carefully coordinated with the appropriate utilities.

Berry, Joshua

From: Robert Murray <rdmurray@taftmcsally.com>
Sent: Thursday, January 3, 2019 1:37 PM
To: Berry, Joshua; Pezzullo, Jason
Cc: Ralph Palumbo; Lindsay McGovern; Ryan Palumbo; Kyle Palumbo
Subject: Natick Avenue Solar

Josh I want to clarify that it is still the applicant's intentions to keep the Natick Avenue solar project as an 8.1 mW facility.

As you know, as a result of input from the Planning Commission and staff, some solar panels were removed from the southeast corner of the site. It is Southern Sky's intention to relocate those 500 +/- panels within the west and southwest areas of the solar array. Final determinations will be made in consultation with the property owner and the panel designer subsequent to the master plan level.

Please contact me with any questions.

Bob Murray

Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, Rhode Island 02920
rdmurray@taftmcsally.com
Tel. (401) 946-3800 (o)
Fax (401) 943-8859 (fax)

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Berry, Joshua

From: Robert Murray <rdmurray@taftmcsally.com>
Sent: Monday, January 7, 2019 1:54 PM
To: Pezzullo, Jason; Berry, Joshua
Cc: Ralph Palumbo; Lindsay McGovern; Kyle Palumbo; Ryan Palumbo; ronrossi1@cox.net
Subject: Natick Avenue Solar

Follow Up Flag: Follow up
Flag Status: Completed

Jason/Josh:

I want to comment on part of the staff recommendation from last week on the Natick Avenue Solar project. There are a couple of points of concern and I want to clarify before tomorrow night and will do so in person then.

It relates to the staff designated term of a "recommended no clear zone" on the sketch shown on Page 10 of the report. While the developer was agreeable to relocating some panels in the southeast corner of the property we never agreed to not possibly clear some trees that may affect insolation and cast shade on the remaining panels. The southern border is critical to the operation of the solar array. As John Carter's note states on the revised buffering plan, any large trees that cast shade on the solar array shall be selectively removed. We will certainly be open to supplemental plantings of shrubs for a visual screen.

Frankly, the visibility of this corner of the property is minimal from Natick avenue but nonetheless, Southern Sky will work with the Conservation Commission and Planning Commission on some screening as we proceed forward.

The second note relates to the so-called "vesting" of the replacement panels that are going to be replaced. We are asking for and expect to receive a full unqualified master plan approval for an 8.1 mW solar project. The site plan that has been shown at this time is the one that we materially and substantially anticipate returning with at the Preliminary level. There are always some minor changes when you get in the actual engineering design stage but we have a high confidence level that the representations that are and will be made are reliable. In a field of 20,000 +/- panels, relocating 2.5% is de minimis. Southern Sky has several ways to make up the small numbers of relocated panels.

I do not believe you used the term vesting as contemplated under your regulations or state law. But I do not want any confusion that approval of the master plan is less than a full throated approval under the subdivision regulations and RIGL §45-23-40.

The commission always reserves the right to review the next generation of plans at the Preliminary plan level.

Please contact me with any questions.

Bob Murray

Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, Rhode Island 02920
rdmurray@taftmcsally.com
Tel. (401) 946-3800 (o)
Fax (401) 943-8859 (fax)

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Berry, Joshua

From: Pezzullo, Jason
Sent: Tuesday, December 18, 2018 1:23 PM
To: Berry, Joshua; McLean, Douglas
Subject: FW: Letter

Follow Up Flag: Follow up
Flag Status: Completed

From: Tim Forsberg [mailto:timf@rhodybeat.com]
Sent: Tuesday, December 18, 2018 12:25 PM
To: Pezzullo, Jason
Subject: Letter

Dear Editor,

As residents of the Natick Ave neighborhood in Cranston, we are writing to thank the Herald for its recent coverage of a proposed solar farm project on a 30-acre wooded portion of the Rossi Christmas Tree Farm, located on Phenix Avenue. As the article noted, the proposed project by Southern Sky Renewable Energy – a company that has five other projects in various stages of development throughout Cranston -- poses several risks to the neighborhood, including clear-cutting of hundreds (if not thousands) of trees, potential blasting and drilling of an unknown amount of ledge adjacent to a high-pressure gas line, and the construction of new, much higher telephone poles along a one-mile stretch of Natick Avenue.

In the article, City Planning Director Jason Pezzullo said that the city's primary interest is "safeguarding peoples' interest." Many of us read that comment and wondered whose interests he is actually describing. Consider the following.

Pezzullo describes the project as a "short-term" solution to "hold" the land, in the words of the Herald article, "until a point where the city has the resources to preserve it, should it choose." The project has a 25-year lease. In 25 years, all of our children will be grown and gone, and in reality, many of us will likely be gone as well. Indeed, 25 years is largely accepted as the length of a generation. In whose dictionary is a generation defined as "short term"?

Moreover, the contention that the solar farm is intended to "preserve" the land is almost laughable. This woodland is being destroyed, not preserved, and not in a residential manner, but in an industrial manner. Cranston residents should not be misled: This solar farm is a large-scale, manufacturing project designed to generate 8.1 megawatts of electricity. This is a money play, pure and simple, designed to enrich the parties involved. The electricity generated will not even benefit the surrounding neighborhood or the city of Cranston itself.

Pezzullo also countered that the land could potentially support 15 to 25 homes (in other meetings, this was presented as up to 60 homes) – would the surrounding residents prefer that? While all of us would prefer the land remain untouched, some of us would in fact choose friendly human neighbors over acres of solar panels. However, even Pezzullo admitted the cost of developing a new subdivision on this parcel makes it a difficult, if not impossible, proposition for the city to consider. To the surrounding neighbors, this "option" feels more like a threat being wielded to scare us into acquiescence.

Herald readers, please ask yourselves: would you want this behemoth, literally, in your back yard? This development could potentially affect our safety, our home's structural integrity, our peaceful way of life, and our overall property values for decades to come. And as Pezzullo noted in the article, it is perfectly legal under a zoning

amendment approved last year. So yes, it *could* happen to you. Please join us in supporting renewable energy where it belongs – not in residential neighborhoods or farmlands, but in brown fields, landfills, and other similar sites.

Finally, we deeply appreciate the careful consideration the Planning Commission is giving this project, and we encourage the residents of Cranston to attend its upcoming meeting on Tuesday, January 8, 2019, to learn more and express their concerns.

Thank you,
The Concerned Residents of Natick Avenue



**SOUTHERN SKY
RENEWABLE ENERGY RI**

January 11, 2019

Dear Editor:

I am writing to thank the members of the community, administration, Cranston City Council and Planning Commission for their interest and attention to the 8.1 megawatt solar project that my company has proposed for the property off Natick Avenue owned by Ronald Rossi.

As climate change accelerates and the danger to the planet increases, Cranston should be proud of its role as a state leader in the support of green power and renewable energy. Southern Sky Renewable Energy RI, LLC prides itself on being Rhode Island's leading developer of solar energy systems that produce safe, environmentally friendly developments. Cranston leaders should be commended for their vision and support of these projects. They have developed a regulatory structure that strikes just the right balance between community needs and Cranston's leadership in green development.

The Natick Avenue solar farm is allowed as a "matter of right" under Cranston's zoning code. Reflecting our commitment to being a good neighbor, Southern Sky has shared more detailed information at this conceptual "master plan" stage of approval than normally required. Through two nights of public information sessions and an extensive site visit, our consultants have outlined our plans to site the solar farm with enhanced buffering and screening for our neighbors. We will continue to have our landscape architect work with neighbors to provide an effective level of screening.

As we proceed to the next level of engineering detail I am confident that our state-of-the-art drainage and sedimentation control plans will protect and preserve nearby wetlands area. Our next level of plans will also show how we will respect existing contours of the property to minimize grade changes. In the uncertain event that minimal blasting is required our experts have detailed how best it can be done with proper licensed procedures and paramount safety near the Tennessee Gas Pipeline.

We are at only the beginning of the community dialogue about how best to bring this solar project to reality. Following a master plan approval we look forward to further public comment and review of this solar development that will provide clean energy and reduce our fossil fuel dependency.

Sincerely,

Ralph A. Palumbo, President
Southern Sky Renewable Energy RI, LC



Berry, Joshua

From: Douglas Doe <dwdoe@cox.net>
Sent: Saturday, December 8, 2018 10:24 AM
To: Berry, Joshua
Subject: Natick Ave solar site LiDar

Joshua,

I have attached a LiDAR image of the Natick Ave solar site for the record. I have found these images to be very helpful in visualizing topographical maps.

Douglas Doe



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Berry, Joshua

From: Douglas Doe <dwdoe@cox.net>
Sent: Monday, December 10, 2018 8:18 AM
To: Berry, Joshua
Subject: Environmental Data Center

Joshua,

It's from this website:

<https://edc.maps.arcgis.com/home/item.html?id=e8d52881d58146d8a9083ddffc6005e8>

Doug

Sent from my iPhone

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Berry, Joshua

From: Douglas Doe <dwdoe@cox.net>
Sent: Thursday, January 3, 2019 9:56 PM
To: Berry, Joshua
Subject: To the Planning Commission - Comments on Natick Ave solar project
Attachments: master plan comments January 2019.docx

Follow Up Flag: Follow up
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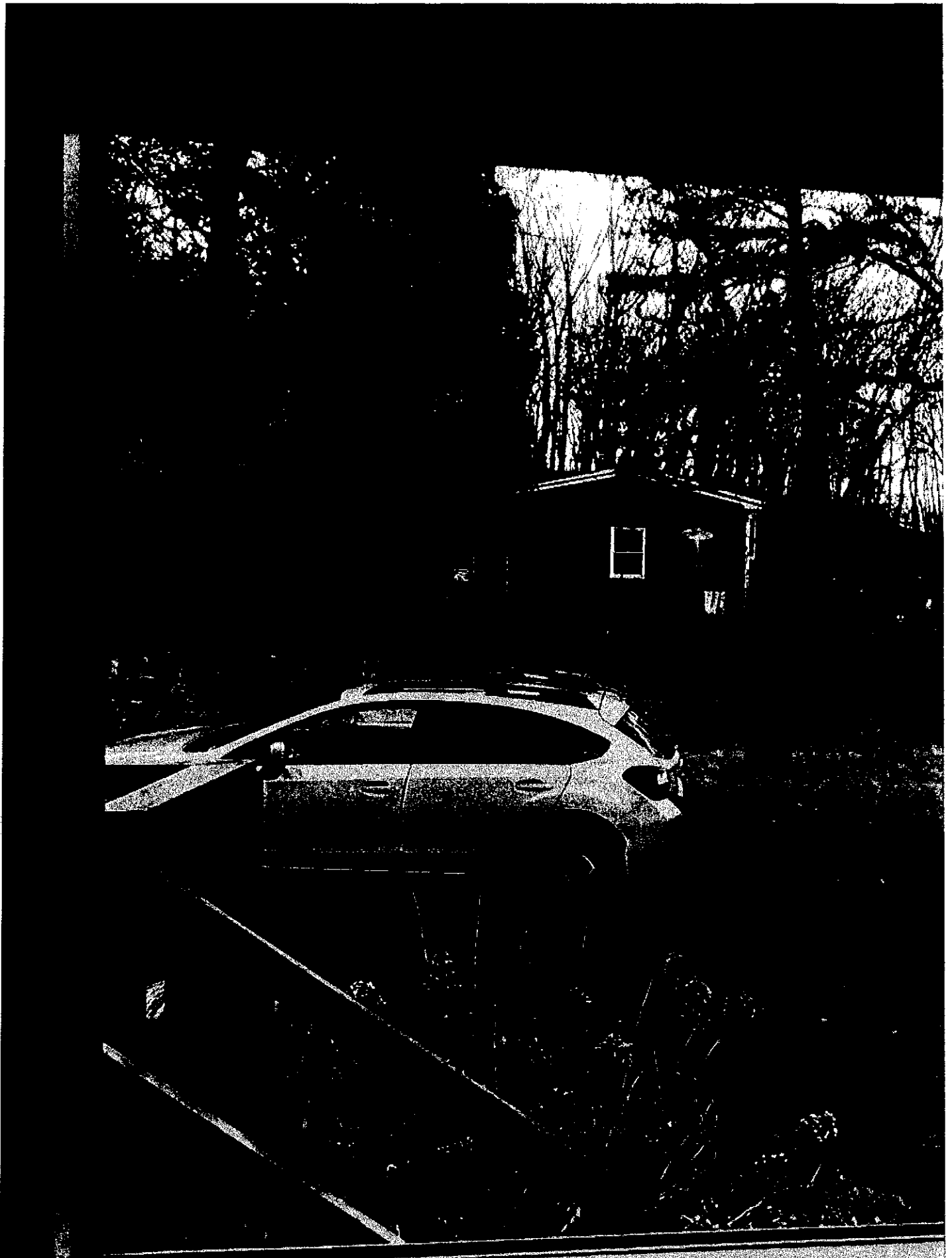
Dear Commissioners,

Please find attached additional comments on the Natick Ave solar project.

You are welcome to visit this weekend since the Commission did not schedule a site visit.

Thank you,
Douglas Doe
401-787-1958

If I can see the distant tree line, then I can see the solar arrays in between. Stop by and see for yourself.





Dear Commissioners,

David Russo, DiPrete Engineering, sent a letter to the Hopkinton Town Council dated 2018 November 7. I received a copy of the letter on December 20. I was stunned at the distortions and blatant misrepresentation of the facts on the ground. I have attached my response sent to Dennis DiPrete. Their eleven page work of fiction is exposed by their statement on page 6: "The above image was taken from the entrance roadway of the site directly in front of Mr. Douglas Doe's house looking east."

I invite any commissioner to visit my house before the next meeting.

They found my house, but could not or would not find my door to knock to see if I was home. Nor did they call, email, or send a letter to set up appointment to see what I see every morning. They made no attempt to personally verify my statement. Why? A one-minute visit will verify my statement. Why did they go to such lengths to create their fantasy that borders on character assassination? I doubt DiPrete prepared the letter for free. Think of the money they could have saved by a simple visit. So, again, why did they do it? They failed to visit my house to retain the cloak of deniability, a self-imposed ignorance. And then there is the Pimentel report.

There are five answers in Edward Pimentel's report.

Page 2: "The property is extensively vegetated, having mature trees throughout...,thereby evidencing the ability to properly screen any future development."

Page 5: "To reiterate, the property is already well vegetated, and therefore will properly screen any future development."

Page 6: "Greater than one-half of the land resources will remain in a naturally vegetated state."

Page 7: "DiPrete Engineering prepared a modified 'View Shed' analysis...to illustrate how present conditions are already well-vegetated."

Page 8: 'Furthermore, given the overall minimized height of the proposed solar panel array...and present thick vegetation to be maintained as a natural buffer, it is difficult to comprehend how any possible visual, or other negative impact, could possibly be realized.'

Clearly Mr. Pimentel has never been to the Lippitt Ave site during the fall, winter, or early spring. Have you? (What happened to the site visit to Lippitt Ave? You would think that SSRE would be proud to show it off.)

Forget my kitchen view for now. My neighbors' homes are about 380-390 feet from the solar arrays as measured on DEM's GIS map. I stood on their porches and saw the view that they are subjected to every day since the leaves fell. One of them told me that the view resembled Epcot Center because of the sea of metal visible from their house. Have you noticed something about the photos provide by DiPrete? The trees and shrubs have leaves ignoring the fact that leaves fall in autumn. There is no hiding thousands of solar panels once the leaves fall. Maybe that is why the Natick Ave project is being sited so that Mr. Rossi will not be able to see the panels from his house due to the topography of his land. His neighbors do not have that advantage.

That is a key lesson learned from the Lippitt Ave project. Vegetated buffers are a false promise when solar projects are built in deciduous woodlands. Topography is the critical determining factor. Residents on Whispering Pines Drive can see the solar arrays though they are 600-800 feet distant all because of the topography. The applicant's emphasis on the distance from the neighbors' homes to the proposed site is irrelevant if the topography is not in neighbors' favor.

Southern Sky's (SSRE) desperate fantasy attempt to discredit the fact that I can see the arrays from 800 feet and the tree line 1900 feet distant is a blatant attempt to cast doubts on my testimony and to deflect attention away from the impact of autumn in New England.

What of other statements found in Mr. Pimentel's report?

Page 1 "Solar facility developments, unlike other utilities, contribute on a variety of levels without any corresponding negative concerns, such as may be associated with the introduction of wind turbines."

How can any knowledgeable person may such a statement in today's climate of solar moratoriums and extensive press coverage of the obvious negative impacts? Opposition to industrial scale solar power facilities extends across the state to the point that the state felt obliged to develop draft solar power siting guidelines. His statement is stunningly tone deaf.

Page 8: "The subject Solar Facility development maintains the rural landscape..."

Again he either has not been to Lippitt Ave or he has odd views about what constitutes a rural landscape.

Page 8: He states "residential development realizes permanent, and potentially inappropriate, property and neighborhood alterations" such as "vast land clearing."

Seriously? The Lippitt Ave project destroyed approximately 30 more acres than the most recent residential master plan would have impacted. Destroyed is not an exaggeration as that land was stripped, blasted, quarried, and flattened.

Page 10: "The proposed Solar Facility development does not necessitate any infrastructural improvements..."

This is embarrassing. The interconnection plan will necessitate the replacement of poles and power lines the length of Natick Ave.

He claims that this is not a "true" industrial venture. Either he has not read a recent Superior Court decision or he does not accept the court's findings. The case, Roger Fontaine and Jane Fontaine v. James Edwards, et al., (NC-2017-0261), involved a Portsmouth Zoning Board of Review decision. "Thus, even though the Board found that the proposed solar farm was similar to a public utility, it would be, in fact, a manufacturing facility because it would transform sunlight into electricity. As stated above, manufacturing is expressly prohibited in residential zones under the Ordinance. As a result, the granting of a special use permit for a manufacturing facility—the solar farm—was clearly erroneous." (page 15)

Page 11: "...a solar installation has little or no impact on a property."

Again, this is a fallacy as any visit to Lippitt Ave will prove.

Page 12: Finally, he calls this project "a non-intrusive land use that will be well buffered..."

DiPrete Engineering is not the only SSRE consultant engaging in pure fantasy.

Ownership

SSRE has portrayed itself as a company that will continue ownership of the projects that they build by repeatedly stressing their local family roots. Staff's Lippitt Ave Preliminary Plan report, 2016 December 23, states, "The applicant proposes to develop, install and operate a ground mounted solar energy farm." Real estate records from Cranston, Warwick, and Johnston, and RI Corporate database records lead me to believe that SSRE does not own or intend to own their major RI solar developments.

I want to Cranston's city clerk's office to check the land records for Southern Sky and Lippitt Ave and confirmed my suspicions. SSRE has apparently transferred ownership of several of their projects to Captona Partners including the Lippitt Ave project. Recorded documents list a note purchase agreement dated July 2, 2018. Since then five projects have been gone to Captona with the LLC name changes taking effect in November 15 and 16, 2018: Captona-NP, LLC

- West Shore Road-Warwick, LLC
- Kilvert St -Warwick, LLC

- A Street 1-Johnston, LLC
- A Street 2-Johnston, LLC.

They were all originally Southern Sky Renewable Energy RI...

They recorded the initial Captona document for Lippitt Ave, an Open-End Lease Mortgage, on December 17, 2018. SSRE's mortgage with Seminole Funding Resources, LLC should be discharged sometime this year as happened with the other construction mortgages. The name change to Captona-Lippitt Ave-Cranston, LLC should follow. Why didn't SSRE disclose their intentions? They have known Izzet Bensusan, Managing Partner and Founder of Captona Partners, since his days at Karbone, a financial services firm specializing in renewable energy. (See SSRE's response to Westerly's RFP for Virtual Net Metering, 2016 April 20; Westerly Town Council, Committee of the Whole, 2017 January 9. SSRE proposed using part of the Lippitt Ave site for the Westerly project.) A review of the real estate records and corporate filings with the state could lead a reasonable person to conclude that SSRE serves as a front for Captona Partners. As Captona's own website quotes Mr. Bensusan, "And Southern Sky's deep experience in the region was invaluable in working through the challenges of development from the greenfield stage through leasing, permitting, procurement, and construction." The website includes an aerial photograph of the Lippitt Ave site. The same process has taken place in Massachusetts. For example, see Southern Sky Renewable Energy Ravenbrook, LLC. There are more listed on the state's corporate database.

Does SSRE have the same arrangement with Captona Partners for the Natick Ave project?

Other issues

The problems associated with the Lippitt Ave project have been well documented.

Ongoing damage to wetlands with one acting as retention pond because of water flowing offsite. Trees have been lost due to wind damage, wetlands have turned orange because of newly introduced iron bacteria, and sediment has flowed into wetlands.

The applicant never disclosed the need for blasting during the permitting process, but embarked on almost four months of quarry operations because of the ledge on site.

Construction traffic was far more than even I anticipated beginning as early as 5:30 AM and continuing all day as logging and gravel trucks made their round trips.

Trees on conservation land were cut down and trimmed severely in the name of "air rights," another consequence of not requiring buffers.

The destruction of wildlife habitat and potential open space has had a severe impact on wildlife. Deer tracks are found along side the approximately 1.5 mile long fence as they try to find a way around. The required 2-5 inch gap at the bottom of the fence has not been observed in areas of the fence.

The construction of the interconnection line will result in the destruction of approximately 150 public street trees. This will have a severe impact on the rural character of the affected roads.

Final fantasy

The critical fantasy is found in the comprehensive plan solar power amendment:

"Preserve existing farmland and developable land that is currently undeveloped, by temporarily removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power." (emphasis added)

If the Lippitt Ave project is not development, then the word has been stripped of all useful meaning.

Sincerely,
Douglas Doe
Attachment (1)
Letter to Dennis DiPrete

Dear Mr. DiPrete,

A member of your firm, David Russo, sent a letter to the Hopkinton Town Council dated 2018 November 7. I received a copy of the letter on December 20. I was stunned at the distortions and blatant misrepresentation of the facts on the ground. I assumed that professional engineers based their conclusions on facts and observations not baseless suppositions. I have invited any public official, Hopkinton and Cranston, to visit my house and see what I see every day when I go to work or look out an east facing window. I extend the same invitation to you. Then you will see what Mr. Russo could not be bothered to see. He has never contacted me to make arrangements to confirm or refute my letter.

Mr. Russo asserts that he is correcting the record and clarifying "inaccurate and misleading aspects" of my letter. It is he who is misleading and inaccurate. He states as fact that "the solar development is not visible from Mr. Doe's house as he has portrayed" His statement has no attachment to reality. Come see for yourself.

He provides photos of the site that show the trees covered with leaves. Does Mr. Russo not know that this is New England where the leaves fall in autumn? The photos are clearly meant to deceive the reader since my email was sent November 4 after many of the trees had lost their leaves. The current view is even more obvious now that the rest of the leaves have fallen. He provides aerial views and diagrams that purport to prove his point when all he had to do was contact me or simply stand in my drive way. On page 4 he states, "The above image shows where approximately we believe these photographs were taken..." We believe? I gave Mr. Russo a personal tour of the area during the planning phase and would have been happy to do so again. He has my email address.

The image 2 narrative refers to "existing vegetation," which ignores the obvious reality and fact that, at present and for at least 5 months, there is no leaf vegetation.

Again images 3 and 4 show a fully vegetated site. These images are irrelevant to the discussion and are meant to mislead.

Images 5 and 6 are useless and irrelevant. At least 5 was without leaves.

My image #3: "Mr. Doe claims that this image was taken from inside his kitchen." I do not "claim" it, I state it as fact. Come see for yourself. Or look at the attached images and check the metadata.

Image 7: Is Mr. Russo a detective? The photos were taken with an iPhone SE camera, not exactly known for their "significant zoom" features. Mr. Russo wasted a great deal of time conjuring up fantasies when he could have simply sent me an email requesting a visit or knocked on my door. The photographer was standing at the end of my driveway. Or he can look at the attached images taken December 23. Funny thing about iPhone photos. Objects appear farther away than they actually are, just the opposite of a car's side view mirror. Also, one of the photos sent to Hopkinton shows the reflection of my kitchen in the window, but that doesn't fit his tale.

Image 8: The photos were taken before the panels were installed. The racking system was clearly visible at the time as the panels are now as well as the tree line 1900 feet distant as measured on DEM's GIS map.

As you can see from the photos, the leaves had not fallen completely so I've attached new photos. Fortunately Southern Sky did not cut down trees in the wetland buffer along the road just past the gate. Doing so would have increased our view of the solar arrays.

Mr. DiPrete, I've come to expect this type of distortion from others, but I never expected Mr. Russo and DiPrete Engineering to stoop to this level. The RI Code of Ethics for Professional Engineers is clear:

1.4 Registrants shall recognize their responsibility to the public and shall represent themselves before the public only in an objective and truthful manner.

How does Mr Russo's letter meet that responsibility? I expect a representative of DiPrete to visit my house to view the matter first hand instead of relying on conjured up fantasies. I expect DiPrete to submit a complete retraction of Mr. Russo's letter of November 7 to the Hopkinton Town Council and the Cranston Planning Commission. We can disagree on the current solar power policies, but facts are stubborn things that I would expect engineers to respect.

I am sending a copy of this email to Cranston and Hopkinton officials since they have received Mr. Russo's letter.

Sincerely,
Douglas Doe



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Berry, Joshua

From: cluck <drake@cluckri.com>
Sent: Friday, January 4, 2019 5:53 PM
To: Ann Marie Maccarone; shmlaw@verizon.net; Mason, Kenneth; msmith@ric.edu; hopenkate@gmail.com; FVincent@GM2INC.COM; scspirito@gmail.com; Strom, Robert
Cc: Berry, Joshua
Subject: Natick Solar, an abutter's comments
Attachments: pattennatick comments1-19.pdf

Commission Chairman Smith,

Attached, please find my letter to the Commissioners. I do not have emails for your newest members and although I trust they will not be voting on this continued issue given their absence for the first two-thirds of this review, I ask that you please forward this correspondence.

Thank you,

M. Drake Patten
Hurricane Hill Farm & cluck! farm, garden & home
401 932 4884



Rec 1/4/19
JB



Hurricane Hill
684 Natick Ave Cranston RI 02921

City Plan Commissioners:

My late father, a fan of Tom Lehrer, often quoted the musician/satirist's ballads. He was especially fond of this one:

*"Once the rockets are up, who cares where they come down.
That's not my department,' says Wernher von Braun"*

For those of you who don't recognize Von Braun's name, he is responsible for developing ballistic missiles on both sides of the Atlantic during and after WWII and was also credited with making the US space program a reality (a fairly controversial figure to say the least).

In the weeks since the last Plan Commission meeting, I have found myself giving pause to these lyrics. You see, in hard-won meetings from the Speaker's office to a Governor's senior staff office, I have heard only this: "it's not the state's problem-this is for the cities and towns to sort out." My take-away is that the Governor created an admittedly noble (and, for her, politically expedient) initiative (*once the rocket is up*) but is allowing our cities and towns to be torn apart by the on-the-ground impact of renewable energy and its trade-offs (*where they come down*). The administration's miles-high vista is our grass-blades view.

In previous correspondence (when I invited all of you to add our 48-acre historic conservation farm to your site visit), I promised to share my thoughts as a former Commissioner for Providence) on the 'findings of fact' provided by the Planning Department. Our counsel has advised against this since we will be presenting this larger argument on Tuesday. I must defer to him on this.

This leaves me only to offer more general thoughts for your consideration as you return to your review of the Natick Solar Project. I have been interested in and have educated myself on renewable energy for longer than the Natick project has been alive-albeit for different reasons than those that propel me now. My standing as an abutter has re-directed my research into new areas,

strengthening my resolve to speak up-and to stay vigilant-around an energy industry that, albeit "green" is a commodity-led, modern, goldrush with no end in sight. By training, I am an anthropologist-so for me, understanding an issue means exploring the systems that have created it. In what follows, I offer some of the results of that exploration, framed in a series of questions.

1) With whom are we doing business? Despite self-describing as a "local, family company," Southern Sky (SSRE) does not retain ownership of its projects. The PUC and Cranston city records both show a clear pattern of projects being sold the minute they are permitted or completed. SSRE is not alone: even a cursory look at the RI PUC docket (9/18 being the most recent available) shows that almost every project in Rhode Island is owned out of state; owned, in fact, by hedge funds and investment firms. In short, our land and our communities are being compromised in order to meet the diversification needs of global portfolios, over and over again. We can all recall the genesis of the 2008 mortgage crisis. I truly hope I am wrong, but I anticipate that renewable projects are the next bad paper. Is that something we want to be a part of?

2) How does the installation of solar arrays protect land for the future?

Our Planning Department insists (and, indeed, the Comp Plan solar amendment reinforced) that the use of land for solar arrays is a form of landbanking. 'Landbanking' is actually an entity-based process: specifically, it is the formal acquisition (through a trust or organization) of an asset with a set plan for its renewal and/or protection. It is specifically NOT simply an idea that at some point in the future there *might* be a means to acquire an asset for its renewal or protection. No such mechanism currently exists in Cranston. In fact, at the end of 25 years, the land's owner may not only renew the solar contract for an additional 10 years but could also, 'by-right', develop the site as housing (or whatever 25 years in the future might then allow in residential zones).

3) Can this project meet performance standards?

a) To be even more specific as to the future of this land, the natural terrain of the Natick site must be manipulated to provide the maximum benefit for solar collection. Despite the state and local 'performance standard' that demands no removal of topsoil, this type of manipulation cannot occur without disturbing the soil food web (which is integral to topsoil actually being topsoil). One inch of topsoil takes a minimum of 100 years to occur naturally-in some cases, more than 500 years. 'Fill' that is trucked in to meet a performance standard is not topsoil. The developer cannot both build this project and meet this standard.

b) A decommissioning bond is great-but did you know that, at present, solar panels are not being recycled in the US? The cost to do so is prohibitive (or at least, not beneficial). As a result, panels (measured in are headed for the landfill. They are also headed to developing nations where inefficient panels are usable (longer sun days and less energy needed). This is just as we handle our e-waste, used clothing and tires: a shameful comment on our nation's treatment of our global neighbors. Heaven forbid the array suffer damage of any kind (human, weather, fire)-once broken or compromised in any way, these panels are toxic. Think about mercury thermometers-they were in every home-and were great-until they broke (we no longer make them for a reason). Yes, a lot can change in 25 years-but if it doesn't, will the current bond be adequate? If it doesn't, to what kind of new environmental crisis are we contributing? Will former solar arrays become the new brownfield?

4) Will these projects truly help Cranston remain 'competitive'?

Like others neighborhoods, we have been told that if the proposed project site does not become solar manufacturing, it will become housing. While this is, at present, actually a false equivalency as no housing has been proposed; our community would be fine with housing. After all, we moved here knowing that it was likely that more housing would follow. As Commissioners, I believe you should be concerned that, as it relates to the Natick Solar project, housing is being treated as a dirty word by our own planning department. Is it not the job of planners to ensure good development and adequate housing for our neighbors?

To have housing either vilified or celebrated according to the desired outcome of a project is beyond disingenuous and it has been going on for far too long. As evidence of this being wrongheaded, consider this: despite (or perhaps because of) being an active and thoughtful stakeholder in the state's working group on renewables, the Rhode Island Builders Association (RIBA) is considering submitting legislation to require cities and towns to match any acreage committed to renewable energy with equal acreage of housing. While it might seem like an aggressive tactic, it also makes sense: after all, our comp plans call for development in certain areas-areas that are now being re-allocated for manufacturing of energy. With our state facing the possible loss of a congressional seat based on declining population *and* considering we have a housing shortage, RIBA is pointing out a critical inconsistency. Meanwhile, if you believe our own planners, the goal is zero (or little) growth in school age children-and that this, by extension will be better for our bottom line. If that is the case, states with growth in school-age families should be in bad economic shape but, if you look across the country, that is not the case (yet, here in RI, we are closing schools and not building much-needed middle class family housing or living-wage housing and we have a slow (and some would argue, dead) economy). You can't move people into solar arrays. You can, however move them into responsibly planned communities built by local trades and supplied by local industry. Solar arrays don't support our local businesses, or

raise generations of citizens who contribute to Rhode Island. People moving into communities make the difference here.

5) Will the *direct* income from these projects change the overall wellbeing of the city?

The anthropologist in me could argue this for hours from the position of human capital but I will spare you a conversation around the intangible benefits of a strong human ecosystem and turn straight to our tangible economy. If the city's estimate is correct, the Natick project will generate \$55,000 in annual tax revenue. That is c. \$54,000 more than it currently generates. The city also argues that it will cost the city nothing to have this manufacturing in the neighborhood (unlike those costly babies people insist on having!). I beg to differ. If the Natick project moves forward, all of us abutting it will petition to have our property re-evaluated-we have no choice but to do so. Conservatively, if our properties' values are reduced even by a small percentage, that \$54,000 windfall will soon dwindle. Similarly, will the abutters to the transmission lines agree to the same taxes when the city takes anchor land for the taller poles? Speaking only for my property, I anticipate the run-off and wildlife dislocation will have a direct cost to me and to the farmers who lease from me. If their production drops, losses increase or if they leave altogether, their contribution to our local economy changes. In turn, my farm's overall local contribution (in dollars and community-building) will fall too. I trust you get my point.

In conclusion, if we are prepared to place a moratorium on renewable energy projects across our city out of concern for what is happening, it stands to reason that we also know that something truly is amiss in the projects currently being reviewed. SSRE and the Planning Department are telling all of us that the Natick Ave project is a "by-right" development and therefore it must (and will) pass. If that were so, then it would not be coming to you for review. But it has come to you-and you are where we have placed our trust to protect the future of our city. As my neighbor said at the last meeting, "You are our firewall."

I encourage you to reject this project and in so doing, to allow the moratorium to provide the time and shared opportunity to create a measured and responsible renewable energy policy for Cranston that we can all embrace and support.

(You, and only you, can determine where the rockets come down!)

Respectfully,

M. Drake Patten

Owner, Hurricane Hill Farm and cluck! farm, garden & home

Berry, Joshua

From: Berry, Joshua
Sent: Monday, January 7, 2019 12:43 PM
To: 'cluck'
Cc: Pezzullo, Jason
Subject: RE: natick
Attachments: Natick Ave Solar - Master Plan - Site Plan REVISED 1.2.19.pdf; Natick Ave Solar - Master Plan - Staff Memo January FINAL.pdf

Hello Drake,

Attached are the staff memo and revised current plans. There is one more attachment which will not fit on this email, so I will send separately.

You mention in your letter that you have thoughts on the staff findings, but that your legal counsel has advised against distributing them. I do not mean to undermine your legal advice, but it is unclear to me how the delay of information would benefit the Commission or community in this process. The Department values your input, something I hope I was able to convey when I visited your property, and would like the chance to be able to understand and incorporate your points into the information considered before the meeting. I respectfully request that you consider sharing your thoughts.

Best,

Joshua Berry

Senior Planner

City of Cranston, City Planning Department

869 Park Ave, Cranston, RI 02910

P: (401) 780-3139

From: cluck [mailto:drake@cluckri.com]
Sent: Friday, January 4, 2019 5:54 PM
To: Berry, Joshua <JBerry@CranstonRI.org>
Subject: natick

Hello Josh-I just copied you on a letter to the Commissioners. I am hoping that you can forward any new/revised information that may have been distributed to the Commission at your earliest convenience-which I realize now will likely be on Monday!

Thank you,

Drake Patten, Head Farmer
cluck! farm, garden & home
684 Natick Ave
Cranston RI 02921

401 274 1160
www.cluckri.com

Berry, Joshua

From: Pezzullo, Jason
Sent: Tuesday, January 8, 2019 4:54 PM
To: Berry, Joshua
Subject: FW: Natick Solar emails received so far
Attachments: Re: Natick Ave Solar Mftg; Natick Ave Solar Mftg; Natick Solar Project; NATICK SOLAR: Solar Projects Continue to Throw Shade at Green Space — ecoRI News; Natick Ave. Solar Farm; Re: Proposed Solar Project in Fiskeville; Re: Proposed Solar Project in Fiskeville; Proposed Solar Project in Fiskeville; NATICK AVENUE SOLAR MANUFACTURING; City Plan Commission; Re: Natick solar farm; Natick Solar Project; Natick Ave. Solar; Natick solar farm; Natick Solar Project; Natick Ave Solar Panels; Natick Solar, an abutter's comments

Follow Up Flag: Follow up
Flag Status: Flagged

From: Smith, Michael E. [mailto:msmith@ric.edu]
Sent: Tuesday, January 08, 2019 4:42 PM
To: Stephen H. Marsella, Esq.; Pezzullo, Jason; McLean, Douglas
Subject: Natick Solar emails received so far

I see that some were also addressed to Council President Farina.



MICHAEL E. SMITH
OFFICE OF THE PRESIDENT - STRATEGIC INITIATIVES
RHODE ISLAND COLLEGE R-409
PROVIDENCE RI 02908
(401) 456-8004

Berry, Joshua

From: Ray DiRaimo <raydiraimo@cox.net>
Sent: Sunday, January 6, 2019 6:49 PM
To: msmith@ric.edu; brady4cranston@gmail.com; dukefarina@cs.com
Cc: drake@clukere.com; jfamily21@icloud.com
Subject: Natick Ave Solar Panels

Dear City Planning Commission,

We are opposed of the Natick Solar Project. This industrial size solar project does not belong in a quiet residential area. People did not move to this area with this in their future. None of you can honestly say you would want this in your back yard. I hope this council obtains a full report from the Tennessee Gas pipeline engineers regarding the structural integrity of the underground pipeline during and after the blasting/drilling that will occur before the project begins. Please post their report online. The large trucks hauling stone away will destroy Natick Road. This seismic shock wave will have some sort of impact on the high pressure gas pipeline and people's homes. What ramification's does the tax payer have? People along the road and in the community won't be happy with these forty five foot powerline poles. There's no room on Natick road now. The solar panels on the thirty acres of the individual driving the project is one thing, poles down the street effect many people. If the council does decide to allow this solar project, add a mandated stipulation to have the power lines to be installed under ground. We enjoy looking at the tree line, not the anticipated forty five foot high power lines that's their cheap way out. Our property values will go down with these high power poles in place. Protect our environment and the taxpayers of this area who stand to gain nothing by this project.

Taxpayers
Raymond and Sheila DiRaimo
179 Locust Glen Drive
Cranston, RI 02921

Berry, Joshua

From: Peter Day <pday01125@gmail.com>
Sent: Monday, January 7, 2019 4:41 PM
To: Smith, Michael E.
Cc: brady4cranston@gmail.com; dukefarina@cs.com
Subject: Natick Solar Project

Dear Commissioner and council members,

My wife and I are residents and property owners of 1 Valley View Circle, in Cranston and are adamantly opposed to an industrial scale solar farm on Natick Road. It would not fit in with residential nature of the neighborhood. Also, and just as important is that the clearing of trees, brush and other natural barriers that slow runoff would only exacerbate the flooding issues already present on Natick Road. Therefore we urge you to vote against this proposal.

Thank you,

Sincerely,

Peter E. Day and Marilyn C. Day

Berry, Joshua

From: Peter Rivelli <playfulpartyrentals@yahoo.com>
Sent: Monday, January 7, 2019 6:31 PM
To: Smith, Michael E.; brady4cranston@gmail.com; dukefarina@cs.com
Subject: Natick solar farm

Mr chairman, and councilmen,

My name is Peter Rivelli. My address is 22 Valley View Dr, Cranston. Please do not support the Natick Ave solar project.

Respectfully,
Peter Rivelli

Sent from Yahoo Mail for iPhone

Berry, Joshua

From: vmoses3522@aol.com
Sent: Monday, January 7, 2019 9:14 PM
To: Smith, Michael E.
Subject: Natick Ave. Solar

Dear Mr. Smith, Chairman, Cranston Planning Commission

As a longtime Cranston resident living at 826 Natick Ave. I object to the granting of approval of the Natick Ave. Solar Project.

My objections are based on the following including but not limited to:

Clear-cutting of forest land will have a significant impact on wildlife habitation.

Blasting/drilling which will potentially have adverse effect on homeowners' artesian wells, septic systems as well as affecting the Tennessee Valley Gas transmission lines located adjacent to the project site.

New electrical poles dramatically taller than existing poles creating increased risk during storms and other hazardous weather conditions which will cause even more electrical outages.

The impervious nature of solar panels will result in significant increase in water runoff resulting in increased flooding along Natick Ave.

Fencing around the site perimeter will have a severe impact on the migratory wildlife that live in this neighborhood.

Damage by construction vehicles/equipment to newly paved Natick Ave.

Noise/pollution caused by construction vehicles/equipment.

I am urging you to support the views of the members of the Natick Ave. neighborhood and please vote no on the approval of this application.

Sincerely,

Vincent J. Moses
826 Natick Ave.
Cranston, 02921

Berry, Joshua

From: George Simmons <gasimmons2@gmail.com>
Sent: Monday, January 7, 2019 9:47 PM
To: Smith, Michael E.; brady4cranston@gmail.co; dukefarina@cs.co
Subject: Natick Solar Project

Dear Sirs:

I am writing to express my concern over the proposed development of a 30 acre solar facility in the Natick Avenue area of Western Cranston. Although I support the generation of solar electricity, I don't believe the developments should be located in a residential neighborhood. This is especially true if it involves clear cutting and blasting of pristine forested areas. I moved to Cranston just under two years ago, and I live on Locust Glen Drive which runs parallel to Natick Avenue. One of the reasons that I was drawn to this area was the beauty of Natick Avenue. My wife and I travel this road multiple times a day to and from work, and it would be a shame to see this natural area destroyed.

Please note my voice against this development proposal. There are blighted and brownfield areas that are far more suitable to industrial scale solar manufacturing. Please protect the remaining forests and undeveloped land that helps keep the rural feel of Western Cranston.

Sincerely,
George Simmons
89 Locust Glen Drive,
Cranston, RI 02921

Berry, Joshua

From: Makayla Petronelii <kaylaangelxo@gmail.com>
Sent: Monday, January 7, 2019 11:30 PM
To: Smith, Michael E.
Subject: City Plan Commission

Hi this is from 115 Locust Glen Drive, Cranston RI and I vote not to have any industrial scale solar manufacturing done in my residential neighborhoods Thank you Sent from my iPhone

Berry, Joshua

From: Linda Hughes <lindagrossihughes7@gmail.com>
Sent: Tuesday, January 8, 2019 9:07 AM
To: Smith, Michael E.
Subject: NATICK AVENUE SOLAR MANUFACTURING

Dear Mr. Smith, Brady & Farina,

I am writing you all to voice my rejection of the Natick Avenue Solar Manufacturing that is being proposed in my neighborhood.

My reasons are as follows:

1. Natick Avenue is a state road that cannot support any additional traffic such as large trucks and heavy equipment. It is a narrow country road that has had its share of accidents due to the narrowness of the lanes.

The road cannot be widened as this has been a proposal for many years, due to the ledge issues. We have severe drainage issues and flooding occurs after every rain storm. I have lived here for over 36 years. I have been affected many

times by being cut off from using Natick avenue to get home due to flooding. The great flood of 2010 we were an island cut off due to both brooks overflowing and damaging the road and bridges. We could not leave our homes for three

days. Most recently, a rain garden that the city gave permission to build, north of Eva Lane, has flooded Natick Avenue completely and the City decided to drain it down Eva Lane into our catch basin that is never cleaned out. As of this

date, it still has not been repaired.

2. Telephone poles will all need to be replaced with very tall poles that will spoil the appearance of our country setting and expose the residents to possible health issues.

3. Drainage is an issue in this area. There is a lot of ledge on the western side of Natick Avenue. The blasting of the ledge can and will affect our wells in this area. Many of our homes are not on city water.

4. We have a very large easement that carries water from the reservoir to East Providence, RI. If a crack occurs, our homes that lie on the east side of Natick Avenue can and will be completely destroyed. When this was being built, we were advised of this. Has The Providence Water Supply Board been contacted. This easement is over 45 years old.

5. The Tennessee Natural Gas line abuts this property. If this is damaged in any way we are facing total destruction. At our last meeting they had not even been contacted.

6. We have wet lands that abut the area and must be preserved. The trees in this area hold back a lot of water from flooding our land and roads.

7. I took the liberty to drive on Hope Road to view the solar manufacturing project being built. I am dismayed that our city council would permit this type of building on farm land. It completely destroys our countryside. This type of building

needs to occur in islands on the side of major highways. All along route 495, solar farms exist along the highway on land that is not available for any other use. Trees did not need to be destroyed nor land blasted.

As a City planning commission, you need to look at what our neighbors are doing and doing well to protect our environment. The islands along Route 295 can affectively handle this and bring revenue to the city.

My family has been landowners and business owners in this part of the city for over 65 years. Natick Avenue has not changed, nor the problems that occur. My dad had to use his tractor many times to get a car out of the brook near the nursery, due to the sharp curves on this road. The city recently put up signs advising drivers of the sharp curves. We have signs prohibiting large trucks from using the road to get from Cranston to West Warwick. We want to bring in more large trucks during this construction. You will spoil the rural atmosphere that has been maintained here. School buses have a difficult time maneuvering on Natick Avenue and it will endanger our children.

I urge you to reject this proposal.

Thanking you in advance for your anticipated cooperation.

Sincerely,

Linda G. Hughes
7 Eva Lane

Berry, Joshua

From: Jessica Salter <jessdsalter@gmail.com>
Sent: Tuesday, January 8, 2019 9:38 AM
To: brady4cranston@gmail.com
Cc: Smith, Michael E.; dukefarina@cs.com
Subject: Proposed Solar Project in Fiskeville

Good morning Councilman Brady,

I am a resident of Ward 4 and recently received notification from Hexagon Energy out of Virginia of a proposed solar farm project on the land that directly abuts mine. The proposed project would involve clear cutting and leveling land that is owned by the Arkwright Mill (Fiskeville Realty Co.). If it moves forward as proposed it would have numerous negative impacts on our small residential area, not the least of which is that my personal property value would plummet. The project also proposes a drastic widening of a small residential lane in order to accommodate one time construction and logging trucks - a move that would require the removal of forests and rock walls that are hundreds of years old.

I will be in attendance at tonight's City Planning Commission meeting, as the sudden and extreme growth of solar farms in our small area of Western Cranston is a concern to me regardless of this particular project.

My neighbors and I are in support of the proposed moratorium on solar projects. It is important to the integrity of our area and the city as a whole that a better system be put into place to vet these projects and the long term impact they will have on our area. Currently, with the large Lippitt Ave, Laten Knight, and Natick Ave projects moving forward, there is already an unfair burden on a small corner of the city.

My husband and I are not native Rhode Islanders, but chose to move here from Louisiana and Florida, create roots, and invest in property here. I work with a leading Rhode Island nonprofit and my husband is a Registered Nurse. We have come to call Rhode Island home but are dismayed with the recent changes that these projects in our area are causing. We are not anti-renewable energy, but it is stretch to refer to the clear cutting of so much heavily forested land as a "green project."

I urge you to support the moratorium and to speak on behalf of your Ward residents who are feeling the squeeze of these growing projects in our small area.

If you would like to discuss this in greater detail, please feel free to contact me via email or call me at 504-638-5874.

Thank you,

Jessica Salter
Ward 4 resident
Vaughn Lane, Fiskeville

Berry, Joshua

From: Jessica Salter <jessdsalter@gmail.com>
Sent: Tuesday, January 8, 2019 10:09 AM
To: Edward Brady
Cc: dukefarina@cs.com; Smith, Michael E.
Subject: Re: Proposed Solar Project in Fiskeville

Thanks so much for your response. I appreciate your efforts in slowing down the drastic increase of these projects. I look forward to meeting you in person.

On Tue, Jan 8, 2019 at 9:59 AM Edward Brady <brady4cranston@gmail.com> wrote:

Thank you for your email. Not only am I in support of the moratorium but Council President Farina and I drafted and sponsored this ordinance. We are very hopefully it passes at the end of the month at our full council meeting as this issue is a very large growing concern in our neighborhoods. We stand behind you and the residents of ward 4 and I will also be in attendance tonight! Due to ethics laws I cannot speak at this meeting but have already voiced by numerous concerns and am hopeful they will be heard. Again thank you for your email and look forward to meeting you.

Ed Brady

401 378 7072

On Tue, Jan 8, 2019 at 9:38 AM Jessica Salter <jessdsalter@gmail.com> wrote:

Good morning Councilman Brady,

I am a resident of Ward 4 and recently received notification from Hexagon Energy out of Virginia of a proposed solar farm project on the land that directly abuts mine. The proposed project would involve clear cutting and leveling land that is owned by the Arkwright Mill (Fiskeville Realty Co.). If it moves forward as proposed it would have numerous negative impacts on our small residential area, not the least of which is that my personal property value would plummet. The project also proposes a drastic widening of a small residential lane in order to accommodate one time construction and logging trucks - a move that would require the removal of forests and rock walls that are hundreds of years old.

I will be in attendance at tonight's City Planning Commission meeting, as the sudden and extreme growth of solar farms in our small area of Western Cranston is a concern to me regardless of this particular project.

My neighbors and I are in support of the proposed moratorium on solar projects. It is important to the integrity of our area and the city as a whole that a better system be put into place to vet these projects and the long term impact they will have on our area. Currently, with the large Lippitt Ave, Laten Knight, and Natick Ave projects moving forward, there is already an unfair burden on a small corner of the city.

My husband and I are not native Rhode Islanders, but chose to move here from Louisiana and Florida, create roots, and invest in property here. I work with a leading Rhode Island nonprofit and my husband is a Registered Nurse. We have come to call Rhode Island home but are dismayed with the recent changes that these projects in our area are causing. We are not anti-renewable energy, but it is stretch to refer to the clear cutting of so much heavily forested land as a "green project."

I urge you to support the moratorium and to speak on behalf of your Ward residents who are feeling the squeeze of these growing projects in our small area.

If you would like to discuss this in greater detail, please feel free to contact me via email or call me at 504-638-5874.

Thank you,

Jessica Salter
Ward 4 resident
Vaughn Lane, Fiskeville

--
Edward Brady
Cranston City Council - Ward 4

Berry, Joshua

From: Jim Hicks <kerin3153@verizon.net>
Sent: Tuesday, January 8, 2019 10:44 AM
To: Smith, Michael E.; brady4cranston@gmail.com; dukefarina@cs.com
Subject: Natick Ave. Solar Farm

Gentlemen,

As an abutting resident to the proposed Natick Ave. Solar Farm, I would like to tell you about several concerns I have regarding this project. As I drive around the state, I see more and more of these types of projects sprouting up along the highways. They are all on large tracts of land, and are certainly not in residential areas. I am certain that if a project like this is completed, it will have a negative impact on the property values in the entire area. (Not to mention the destruction of natural woodlands, which was a reason why many of us bought property here years ago).

I am also concerned about the impact that this project will have on the ecosystems of the area. Has anyone considered delaying this project until a Comprehensive Environmental Impact Study can be completed and independently analyzed.

Finally, blasting or drilling in an area where there is a High Pressure Interstate Natural Gas Line seems dangerous at best! (After all, mistakes can be made, see Lawrence, Andover and N. Andover MA). And once all of this is done, how will it affect Natick Ave. which is already prone to flooding.

I urge you all to use caution and good judgement before approving such a project !!

Sincerely,
Jim Hicks
15 Carmina Circle.

Berry, Joshua

From: Mary Manocchio <marym90@verizon.net>
Sent: Tuesday, January 8, 2019 2:55 PM
To: Smith, Michael E.
Cc: brady4cranston@gmail.com; dukefarina@cs.com
Subject: Natick Ave Solar Mftg

The industrial scale solar manufacturing farm does not belong in our residential neighborhood.
Please do not vote to support this project!

Sent from my iPhone

Berry, Joshua

From: Diane <diane@coventrylibrary.org>
Sent: Tuesday, January 8, 2019 12:15 PM
To: Smith, Michael E.; brady4cranston@gmail.com; dukefarina@cs.com
Cc: Diane
Subject: Natick Solar Project

Dear Sirs:

I am writing to express my concern over the proposed development of a 30 acre solar facility in the Natick Avenue area of Western Cranston. Although I support the generation of solar electricity, I don't believe the developments should be located in a residential neighborhood. This is especially true if it involves clear cutting and blasting of pristine forested areas. I moved to Cranston just under two years ago, and I live on Locust Glen Drive which runs parallel to Natick Avenue. One of the reasons that I was drawn to this area was the beauty of Natick Avenue. My husband and I travel this road multiple times a day to and from work, and it would be a shame to see this natural area destroyed. I also worry about more destruction of the habitat of our wildlife.

Please note my voice against this development proposal. There are blighted and brown field areas that are far more suitable to industrial scale solar manufacturing. Please protect the remaining forests, wildlife, and undeveloped land that helps keep the rural feel of Western Cranston.

Sincerely,
Diane Simmons
89 Locust Glen Drive,
Cranston, RI 02921

Pezzullo, Jason

From: Stephen H. Marsella, Esq. <shmlaw@verizon.net>
Sent: Tuesday, January 08, 2019 4:18 PM
To: 'Smith, Michael E.'; Pezzullo, Jason; McLean, Douglas
Subject: RE: NATICK SOLAR: Solar Projects Continue to Throw Shade at Green Space - ecoRI News

Thanks Mike:

What I was worried about is this constituent is contacting members directly – which is not great – Also, only some members, which is worse, so wanted to make sure all the members saw what was sent

Stephen H. Marsella, Esq.

From: Smith, Michael E. [<mailto:msmith@ric.edu>]
Sent: Tuesday, January 08, 2019 4:06 PM
To: Stephen H. Marsella, Esq. <shmlaw@verizon.net>; 'Pezzullo, Jason' <jpezzullo@CranstonRI.org>; 'McLean, Douglas' <DMcLean@CranstonRI.org>
Subject: RE: NATICK SOLAR: Solar Projects Continue to Throw Shade at Green Space - ecoRI News

Found in the same issue, I'm attaching another article entitled "The Environment is Everyone's Business." Don't need to read the whole thing, but I've highlighted the interesting passages in yellow.



MICHAEL E. SMITH
 OFFICE OF THE PRESIDENT - STRATEGIC INITIATIVES
 RHODE ISLAND COLLEGE R-409
 PROVIDENCE RI 02908
 (401) 456-8004

From: Stephen H. Marsella, Esq. <shmlaw@verizon.net>
Sent: Tuesday, January 08, 2019 11:59 AM
To: 'Pezzullo, Jason' <jpezzullo@CranstonRI.org>; 'McLean, Douglas' <DMcLean@CranstonRI.org>
Cc: Smith, Michael E. <msmith@ric.edu>
Subject: FW: NATICK SOLAR: Solar Projects Continue to Throw Shade at Green Space - ecoRI News

Jason/Doug

Print and put in the file so we can enter in the record –

Thanks

Stephen H. Marsella, Esq.

From: cluck [<mailto:drake@cluckri.com>]
Sent: Tuesday, January 08, 2019 11:57 AM
To: Ann Marie Maccarone <amaccarone@lambroslawllc.com>; shmlaw@verizon.net; KMason@CranstonRI.org;

msmith@ric.edu; hopenkate@gmail.com; FVincent@GM2INC.COM; scspirito@gmail.com; RStrom@CranstonRI.org

Subject: NATICK SOLAR: Solar Projects Continue to Throw Shade at Green Space — ecoRI News

https://www.ecori.org/smart-growth/2019/1/7/solar-projects-continue-to-throw-shade-over-green-space?fbclid=IwAR0IxnIBRIGzu3Hcb_FP0Qa7geZSmvw0L6MuLwB3MFN0MrDFYhKnIcpj9Gg

Drake Patten, Head Farmer
cluck! farm, garden & home
684 Natick Ave
Cranston RI 02921
401 274 1160
www.cluckri.com

Land Use



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Solar Projects Continue to Throw Shade at Green Space

January 07, 2019

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Cranston, R.I., resident Douglas Doe has documented the destruction of forestland in his neighborhood to make room for some 60,000 solar panels. (Courtesy photo)

Another project proposed for Cranston would clear-cut nearly 30 acres

CRANSTON, R.I. — A proposed 29-acre, ground-mounted solar project has neighbors concerned about a controversial issue that transcends city limits: another swath of Rhode Island marked for clear-cutting to make room for a renewable-energy project.

“I want to make it super clear that this isn’t about the project across the street,” said Natick Avenue resident Drake Patten, who lives and works across the way from the mostly wooded site. “What we’re concerned about is what is happening in Rhode Island in general. This project has given me an opportunity to be part of the larger conversation.”

Neighbors, such as Patten, of the proposed 8.1-megawatt solar facility support renewable-energy growth but, like many others in the state, favor the responsible siting of utility-scale projects.

Patten owns Cluck!, an urban agricultural and garden business, which is situated across the street from the privately owned proposed solar site. The 40-acre property is also where she lives and farms, and where three other farmers lease land.

A group of residents, including Patten, met with state officials earlier this month to express their concern about where utility-scale solar projects are being sited statewide. Patten said they were basically told it’s a local issue.

“Cities and towns are being crushed under this and are asking for help,” Patten said. “It was disingenuous to announce a renewable-energy goal without studying the impact.”

Some Rhode Island municipalities and developers are siting industrial-scale solar projects on vacant or underused developed space. For instance, East Providence, North Providence, and South Kingstown are all using closed landfills to generate solar power. To build renewable-energy projects on landfills, brownfields, and Superfund sites, however, requires state and/or federal incentives, such as higher rates for power, grants, and low-interest loans.

In the meantime, while developers wait for Rhode Island to adopt better incentives, the state is in the midst of a solar-energy stampede into rural communities with less developed open space and regulations not yet adequate to deal with large energy projects. In this ongoing rush to clear-cut woodlands and take farmland out of production, disturbed areas, such as big-box store rooftops

and parking lots, strip malls, other paved-over places, medians, and gravel pits, are largely ignored.

The Ocean State's green-space energy rush began in earnest in spring 2017, when Gov. Gina Raimondo signed an unenforceable executive order that encouraged the state to procure 1,000 megawatts of renewable energy by 2020 — the state currently has 304. The action increased the number of renewable-energy applications being filed in cities and towns that hadn't yet adopted regulations to address the impacts of this fast-growing industry. The problem persists today.

While the press release that accompanied the governor's order refers to the state's renewable-energy goal as "strategic," some municipal planners, concerned residents, and environmentalists have called the governor's decision "irresponsible" and/or "shortsighted," because the executive order made no mention of where to site these projects.

In Cranston, for example, under zoning changes approved more than a year ago to the city's comprehensive plan, a utility-scale solar facility is an allowable development, even in neighborhoods zoned residential, meaning it doesn't require a variance or a special-use permit by the City Council.

In late 2015, the city's planning director, Peter Lapolla, told ecoRI News that a 10-megawatt solar farm is better than an a large housing development. He noted that solar doesn't require costly public services such as police, fire, water, sewage, and schools, nor does it create noise, traffic, and stormwater runoff.

"A solar array has little or no impact," Lapolla said that November.

The department's views haven't changed, even though Jason Pezzullo replaced Lapolla early last year as Cranston's director of planning. Pezzullo told the Cranston Herald last month that he sees the project as a means of "holding" the privately owned property until the city has the resources to conserve it, should it choose to do so, while generating tax revenue of about \$55,000 annually.

Pezzullo told the newspaper that renewable energy is short term — 25 years is the projected life of the project and the term of the lease — and the property can be preserved when the solar facility is defunct. It also could be developed as a subdivision or re-upped as a utility-scale solar facility.

He estimated that if developed for single-family homes, between 15 and 25 houses could be built. He said chances of saving the property as a single parcel

would be lost and the cost of city services required would exceed the taxes generated. He called solar facilities “an alternative to residential sprawling.”

Patten called the language being used to peddle these projects alarming.

“It’s been surprising to me that in our community housing is being vilified as something we shouldn’t want,” she said. “We’re vilifying housing and having to educate schoolchildren. When did planners decide housing is bad?”

She noted that building non-McMansion homes in areas zoned residential makes sense. She said what doesn’t make sense is cutting down trees and covering farmland to make room for utility-scale solar arrays when there is plenty of developed space in Cranston and statewide that could house such projects.

The developer of the proposed Natick Avenue site, [Southern Skies Renewable Energy RI](#) of Warwick, which is essentially [Southern Skies Renewable Energy](#) of Boston, is already operating or building five solar facilities in Cranston. These [other projects](#), some of which required the [clear-cutting of woodlands](#) in residential areas, helped spark the [ongoing statewide debate](#) over the siting of renewable-energy projects.

The continuation of the project’s public informational hearing is on the City Planning Commission’s [Jan. 8 meeting agenda](#). The commission is also expected to discuss an ordinance that would place a moratorium on solar facilities.

An informational meeting with the Natick Avenue neighbors was held in late November and in early December Cranston officials hosted a site visit.

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POST COMMENT...



greg gerritt 2 hours ago · 0 Likes

I expect that this issue wil contnue to haunt us for a bit, but efforts are underway to try and get a reasonable bill through the legislature. You can help



Miranda Spencer 16 hours ago · 0 Likes

If the goal of the solar farms is energy that cuts carbon emissions, then to cut down carbon-sequestering woodlands to put up renewable energy doesn't make sense, because it cancels out the environmental benefits.

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Solar Projects Continue to Throw Shade at Green Space



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Why Topping Hurts Trees

Learn why topping is not an acceptable pruning technique and discover recommended alternatives.



Topping is perhaps the most harmful tree pruning practice known. Yet, despite more than 25 years of literature and seminars explaining its harmful effects, topping remains a common practice.

What is Topping?

Topping is the indiscriminate cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role. Other names for topping include "heading," "tipping," "hat-racking," and "rounding over."

Topping is often used to reduce the size of a tree. A homeowner may feel that a tree has become too large for his or her property, or that tall trees may pose an unacceptable risk. Topping, however, is not a viable method of height reduction and certainly does not reduce future risk. In fact, topping will increase risk in the long term.

Topping Stresses Trees

Topping can remove 50 to 100 percent of a tree's leaf-bearing crown. Leaves are the food factories of a tree. Removing them can temporarily starve a tree and trigger various survival mechanisms. Dormant buds are activated, forcing the rapid growth of multiple shoots below each cut. The tree needs to put out a new crop of leaves as soon as possible. If a tree does not have the stored energy reserves to do so, it will be seriously weakened and may die.

A stressed tree with large, open pruning wounds is more vulnerable to insect and disease infestations. The tree may lack sufficient energy to chemically defend the wounds against invasion, and some insects are actually attracted to the chemical signals trees release.

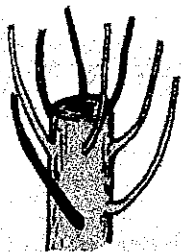
Topping Leads to Decay

Correct pruning cuts are made just beyond the branch collar at the point of attachment. The tree is biologically equipped to close such a wound, provided the tree is healthy enough and the wound is not too large. Cuts made along a limb between lateral branches create stubs with wounds that the tree may not be able to close. The exposed wood tissues begin to decay. Normally, a tree will "wall off," or compartmentalize, the decaying tissues, but few trees can defend the multiple severe wounds caused by topping. The decay organisms are given a free path to move down through the branches.

Topping Can Lead to Sunburn

Branches within a tree's crown produce thousands of leaves to absorb sunlight. When the leaves are removed, the remaining branches and trunk are suddenly exposed to high levels of light and heat. The result may be sunburn of the tissues beneath the bark, which can lead to cankers, bark splitting, and death of some branches.

Topping Can Lead to Unacceptable Risk



New shoots develop profusely below a topping cut.

The survival mechanism that causes a tree to produce multiple shoots below each topping cut comes at great expense to the tree. These shoots develop from buds near the surface of the old branches. Unlike normal branches that develop in a socket of overlapping wood tissues, these new shoots are anchored only in the outermost layers of the parent branches and are weakly attached.

The new shoots grow quickly, as much as 20 feet (6 m) in one year in some species. Unfortunately, the shoots are prone to breaking, especially during windy or icy conditions. While the original goal was to reduce risk by reducing height, risk of limb failure has now increased.

Topping is cutting branches back to stubs or lateral branches not large enough to sustain the remaining branch.



Leaving a stub maintains an open pathway to decay.



**Natick Ave Solar Project
Requests from Abutters
January 2019**

1) Buffering plan:

Abutters and neighbors do not find the current buffer zone to be spatially adequate nor sufficiently aware of the true density of existing deciduous trees that are expected to provide a year-round visual buffer. They also do not feel confident that the proposed buffer plantings will prove successful: according to Southern Sky's own landscape architect, "planting at edges of forest land makes it difficult to establish plantings." Abutters are additionally concerned with the vagueness of the planting plan and the slowness with which the size of proposed plantings can actually accomplish the need for a robust visual buffer.

As such,

a) Abutters request a distance-to-project setback (a no-clear zone) of at least four hundred feet on the south, south-east, north and north-west faces of the project area as well as an additional 100' along the west or wetlands face(s) of the project in order to both adequately buffer neighbors and to allow for any needed adjustments to be made to existing forest edge in order to create successful buffer plantings.

b) Abutters request a new plant inventory that address both understory and canopy so as to appear naturalized and not inserted. The planting plan should focus on native species and include a mix of maturities. Tree choice must specifically include mature specimens and be a mixture of coniferous and deciduous species. Abutters wish to work with a landscape architect/arborist team of their choosing and request a local, Rhode Island licensed nursery to provide plant specimens.

2) Protection of property:

Abutters are concerned about the impacts of this project on physical property. As such:

a) Septic systems of all abutters shall be inspected prior to project work commencing and at the completion of the project. Any damage to septic systems due to blasting, drilling or any other mechanical manipulation shall be repaired by SSRE (or its assigns).

- b) Foundations of all abutters shall be inspected prior to project work commencing and subsequently monitored using an inspection- industry accepted standard crack monitoring plan. Any damage to any monitored foundation shall be repaired at the expense of SSRE (or its assigns).
- c) Wells of all abutters shall be inspected prior to project work commencing and at the completion of the project. Any damage to wells due to blasting, drilling or any other mechanical manipulation shall be repaired by SSRE (or its assigns).
- d) Well water of all abutter wells shall be tested prior to project work commencing, and from there at 6 month intervals for the first three years of the project's operation, thereafter at 1-year intervals for the life of the project and any additional lease-extension. The resolution of any adverse affects to any abutters water supply shall be at the expense of SSRE (or its assigns) to include, but not limited to installation of a new well, provision of city water or any other reparation that can restore safe drinking water to abutters.

In all cases above:

- i) inspection and repair, if necessary shall be done by companies of the abutters' choice.
- ii) these terms shall carry with the abutting properties, not with property owners at time of project and shall be filed with the City of Cranston so as to carry with the property by deed.
- iii) all existing condition and monitoring reports shall be shared with abutting property homeowners and filed with the city Planning Department.

3) Protection of Life:

In the event of any blasting, drilling or ledge removal by mechanical means that could place the TPG gas supply line at any risk at all, all abutters request to be:

- a) informed of the blast schedule ten business days in advance of blast
- b) housed (with pets) at a mutually agreeable off-site location for the duration of the blasting period. Abutters will only return to their homes subsequent to a successful inspection of the gas supply line by TPG.

4) Hours of Operation:

Abutters request limits to the hours of operation during project construction. We request a workday from 9AM-5PM, no weekends or holidays will be allowed.

5) Wildlife and Pollinator Protections:

Abutters understand that wildlife will be greatly affected by loss of native habitat. It is their hope that the increased buffer zone requested will lessen the relocation of animal life and lessen injury resulting from the disruption of pathways and loss of ecosystem protection for deer, fox, coyote, bobcat and smaller mammals.

As such, abutters request that pollinators, both native and invasive (specifically, honeybees) be protected as follows:

- a) seed mix to be used under panels shall be organic-sourced (no GMO seed or otherwise enhanced seed) and consist of local seed varieties that would be found in NE meadows
- b) control of growth must be limited to mechanical methods: no herbicides or other chemical means may be used to control growth under the panels

6) Protection of Real Estate values:

Abutters realize that the impact on property values will be substantive- not only for direct abutters but also for neighbors; directly for some and generally in our neighborhood as a result of the decline in comparative sales. Some industry estimates suggest as much as a 25% loss in value for residential properties abutting industrial uses in an otherwise residential neighborhood. We request the developers work in collaboration with appraisers and our counsel on a reasonable formula for projecting this loss in post-construction real estate value. We additionally request the subsequent creation of a developer- funded escrow account to allow abutters with standing who are not able to sell their property at appraised value during the project's life to be made whole, thereby also protecting the mean property values of our community from excessive decline.



77

Ashley V. Sweet
207 North Street
Warwick, RI 02886
avh1284@yahoo.com, (401) 391-9929
Professional Planning and Land Use Consultant

Education

Bachelor of Science in Marine and Coastal Policy and Management, Minor in Marine Resource Development, Department of Marine Affairs, University of Rhode Island, Kingston, RI 02881, Date of Completion: May, 2002.

MCP, Department of Community Planning, University of Rhode Island, Kingston, RI 02881, Date of Completion: December 2005.

Professional Planning Experience

Jamestown Planning Office: Jamestown, RI 02835 (June 2004 to September 2004)

Duties:

- Administration and analysis of town wide survey of 2500 mailings
- Co-author of Town's Hazard Mitigation Plan
- Fort Getty ten-year Master Plan update
- Co-author of Town Hall Study for consolidation of town offices

Director of Planning: Hopkinton, RI, 02833 (May 2005 to May 2007)

Duties:

- General Planning Department Management
- Affordable Housing Plan Adoption and Implementation
- Land Development and Subdivision Site Plan Review
- Exit 1 Master Plan/Rezoning
- Author of Municipal Subsidy Ordinance
- Planning Board Administration
- CDBG application management

Director of Planning: Charlestown, RI, 02813 (May 2007 to November 2013)

Duties:

- General Planning Department Management
- Land Development and Subdivision Review
- Planning Commission Administration
- CDBG application management
- Zoning Ordinance and Subdivision Regulation Rewrite Project
- Town wide Business Survey
- Grant opportunity searching, writing and administration
- General Ordinance Development and Review
- Annual Budget Preparation
- Comprehensive Plan Administration and Update
- Planning and Zoning related professional development through training

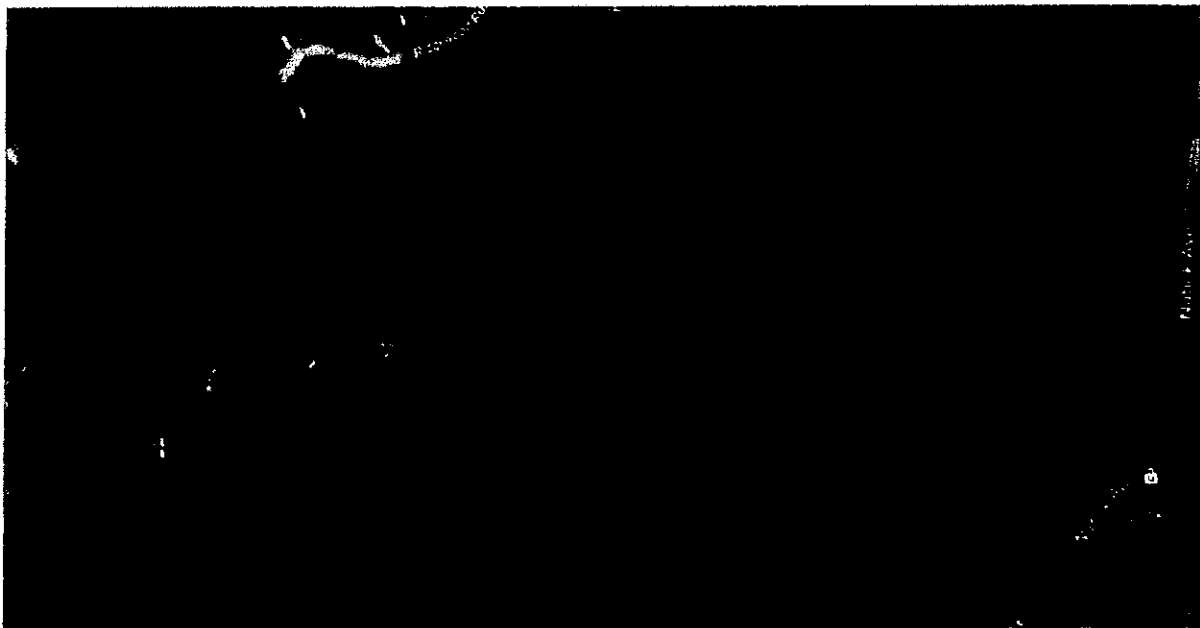
Professional Planner – Expert Witness: July 2013 to Present

Appearances before:

- Barrington Planning Board
- Exeter Planning Board
- Exeter Zoning Board



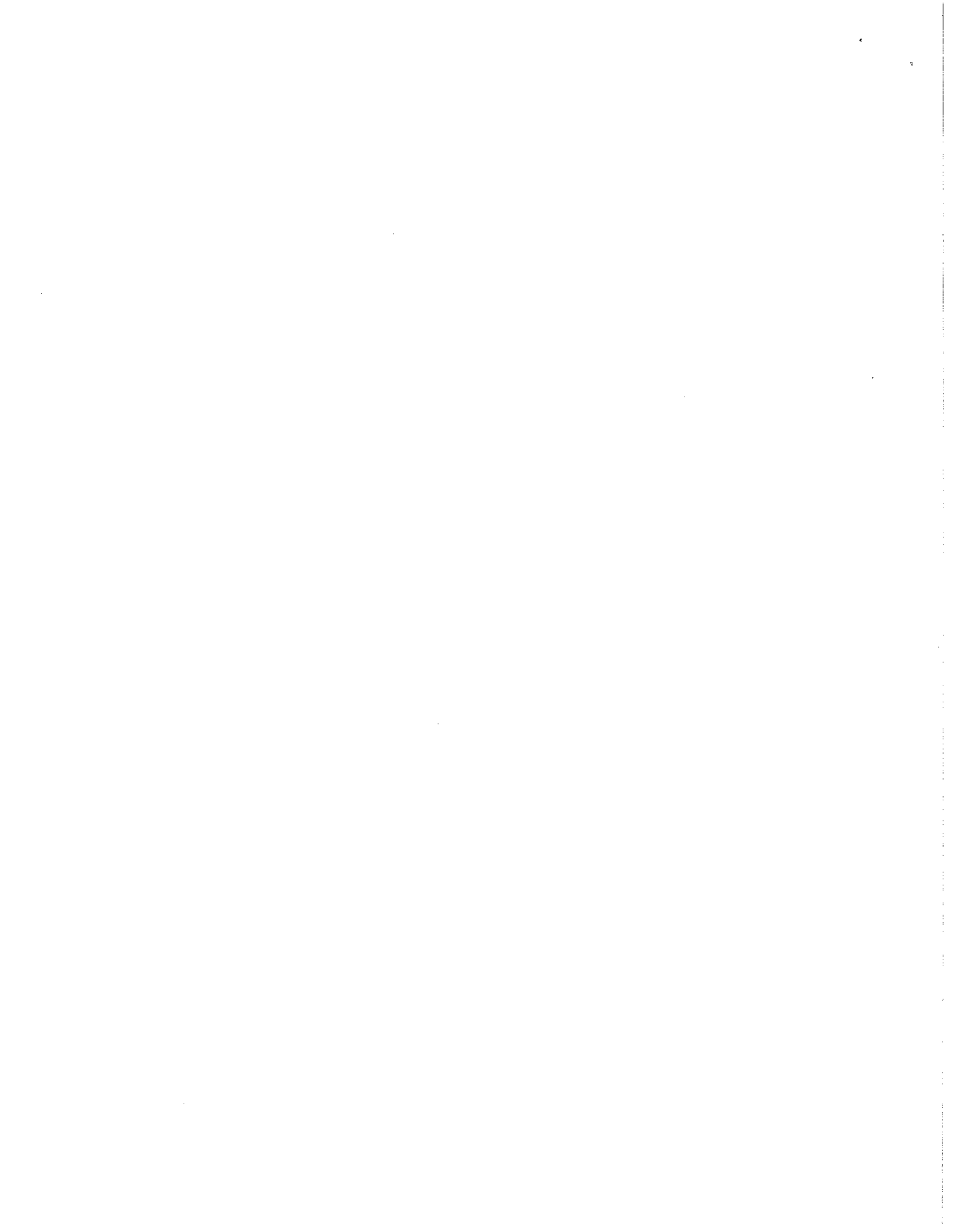
**Proposed Major Land Development
Solar Installation – Natick Avenue
Assessor’s Plat 22-3; Lots 108 & 119:
An Analysis and Report**



**Prepared For: Patrick Dougherty, Esq.
Attorney at Law
887 Boston Neck Road, Suite #1
Narragansett, RI 02882**

**Submitted by: Ashley V. Sweet
Professional Planning and Land Use Consultant
207 North Street, Warwick, RI 02886**

January 7, 2019



Introduction

A concerned group of neighbors to the Natick Ave solar project have retained my professional land use planning and zoning consulting services to provide an independent analysis of the proposed project (described below) and its overall consistency with the City of Cranston's comprehensive plan and zoning ordinance. In conducting this analysis the following documents were reviewed:

- Cranston Zoning Ordinance
- Cranston Subdivision Regulations
- Cranston Comprehensive Plan 2010
- May 2017 Comprehensive Plan amendments titled Renewable Energy Production: Supportive Goals and Objectives
- Natick Ave application for development including site plans and supporting documents supplied by the applicant
- A site visit was conducted on 1/5/19. The property line was walked along several abutting properties. A neighborhood tour was provided on the same day to view the surrounding neighborhood properties.

These documents were reviewed for consistency with the proposed project. A full report of the findings of that review is contained within the report below.

Section 17.20.030 Schedule of uses, identifies solar as a permitted use by right under the use termed "solar power". The application is being processed through the Major Land Development process which is regulated by Cranston Subdivision Regulations. This report will discuss the consistency, or lack of, with the City of Cranston Comprehensive Plan, Zoning Ordinance and Subdivision Regulations. An analysis of consistency with state guide plan elements or state law was not directly conducted, as it is assumed that local regulations are consistent with those documents as required, and therefore if the project is found to be consistent with local regulations, consistency with state requirements is assumed.

Project Description

The proposal before the Town is to construct an 8.1 Megawatt solar facility on a parcel located on Natick Avenue in the western portion of Cranston. The site itself consists of two (2) parcels totaling just over 64 acres which are identified as Assessor's Plat 22-3, Lot(s) 108 and 119.

The site is itself is mostly wooded with a large cleared area in the southwest corner of the lot that is currently utilized as a Christmas tree farm and a materials processing area. The southeast corner of the property contains a wetland area.

The solar installation is proposed to occupy approximately half of the site, situated on the eastern portion closest to Natick Avenue. This siting will require the eastern portion of the site to be cleared and leveled, as the western portion of the site already has been. This will create a fully developed site leaving little to no area remaining as natural habitat with natural vegetation, positively contributing to wildlife habitat, carbon reduction, ground and surface water management and visual quality for the

area. Virtually the entire lease area of 30 acres will have the trees removed in order to prepare the area for panel installation. The site contains some steep slope areas, in some cases in excess of 20%. The lease area is at approximately elevation 230 feet in the northwest corner of the property and slopes down across the property to an approximate elevation of 110 feet in the southeast corner. That is an approximate 120 foot elevation drop across approximately 1,400 feet.

Comprehensive Plan Solar Amendments

In April of 2017, the City adopted several amendments to the Comprehensive Plan to promote and support renewable energy, specifically solar. These amendments, in some cases, took a unique approach to promoting solar development. Of particular interest are the following concepts introduced with the 2017 amendments:

- Solar development is a form of “land banking” that preserves the property from development. The term land banking is defined as follows:
 - According to the Center for Community Progress: *“Land banks are governmental entities or nonprofit corporations that are focused on the conversion of vacant, abandoned, and tax delinquent properties into productive use”*
 - According to Wikipedia: *“Land banking is the practice of aggregating parcels of land for future sale or development...in the United States it refers to the establishment of a quasi-governmental county or municipal authorities purposed with managing an inventory of surplus land”.*
 - According to HUD: *“They are public or community owned entities created for a single purpose: to acquire, manage, maintain and repurpose vacant, abandoned, and foreclosed properties...”.*

While these entities define land banking slightly differently, it is not defined (anywhere I can find) in the way the City of Cranston seems to use it in their recent Comprehensive Plan amendments. The City essentially suggests that allowing solar development somehow preserves the land from development. Clearly, from the definitions above land banking is about aggregating underutilized parcels for future development, and this is accomplished by an entity, often state or municipally authorized. The way the City has promoted the use of solar installations in residential districts as a “land banking” tool, is not supported or practiced by any reliable sources.

Additionally, and related, the City seems to infer that a solar installation is not a form of development but instead a land preservation technique. This is a puzzling approach since clearly the installation of solar panels on a property requires alterations to the property that are similar to those required by other forms of development. The Plan amendments use the specific language below in numerous locations throughout the adopted amendments.

- Solar development should be allowed in the A-80, M-1, M-2 and S-1 districts “**without limitations**”. The A-80 district being the only residential district in the entire City where commercial scale ground mounted solar is allowed by right.

In fact the Division of Planning identified, in its review of the proposed amendments, that not recognizing solar installations as a development was contrary to commonly accepted practice and that the amendments would not be supported or accepted by the Division until a different approach was applied to the amendments.

The solar amendments seem to have been drafted in a vacuum, ignoring many other applicable sections of the Plan that identify the importance of the quality of life and environment in western Cranston, as well as the important social fabric created by the City’s housing and residential neighborhoods.

The concepts outlined above will be further discussed in other sections of the report. Below is a summary of the Comprehensive Plan amendments that were approved in April of 2017 (emphasis added):

To LUP-1.3 the following language was added:

“ Preserve existing farmland and developable land that is currently undeveloped, by temporarily removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power”

To EDG-2.4 the following language was added:

“encourage the development of renewable energy facilities”

To NRP-1.9 the following language was added:

“Encourage the development of renewable energy facilities in appropriate locations supporting economic growth while fostering low impact development”

The Land Use Plan Element:

Under Key Strategies, the following language was added:

“Renewable Energy Production and Consumption: Cranston should actively encourage the availability and implementation of energy infrastructure throughout the City. For example, the Zoning Ordinance should permit the development of renewable energy production facilities in appropriate areas, including, without limitation, in the A-80, M-1, M-2, M-2 and S-1 zoning districts, and should promote the development of multiple renewable energy production facilities within the City. Development of such renewable energy production facilities can advance the City’s goals of developing the City’s economic resources while limiting the impact of development on surrounding areas and on municipal services. Such developments also further the City’s low impact and

green development objectives by improving air quality and reducing reliance on traditional energy sources.

The Zoning Ordinance should be modified to identify which types of renewable energy production facilities area to be allowed within the City, the zoning districts in which such facilities are to be located, and the standards by which such facilities are to be developed.

Ground-mounted solar power facilities are a main type of renewable energy production, and it is encouraged that the Zoning Ordinance be amended to allow this type of renewable energy production within the City, including within residential and commercial districts”

At the end of Preserve the agricultural lands along the Historic Farm – Concentrate development, inserting:

*“Temporarily removing the development potential of the land located in Western Cranston [land banking] by allowing the land to be used for **passive alternative energy generation, such as solar power”***

*Table 2-4 (Smart Growth – Green Development Action Items) at the end of the LU-10 the following language was inserted : “Temporarily removing the development potential of the land located in western Cranston [land banking] by allowing the land to be used for **passive alternative energy generation, such as solar power”***

The Economic Development Element

Part III Strategies and Actions: the following language was added:

*“Renewable Energy Production and Consumption: Cranston should develop renewable energy infrastructure for the benefit of the private sector to spur economic activity in the City. Cranston aims to show a continued commitment to environmentally friendly policies, which **in turn will cause businesses to generate renewable energy and benefit from savings that will generate construction jobs, pay for better employee benefits and/or be reinvested within the community.** Moreover, the development of renewable energy infrastructure within the City **may result in additional tax revenue, jobs and overall economic activity within the City.***

Implementation Program Element was amended to insert the following language:

Table 9-1 at the end of LU-10:

“Temporarily removing the development potential of the land located in western Cranston [land banking] by allowing the land to be used for passive alternative energy generation, such as solar”.

Table 9-1 at the end of LU-17:

"Encourage the development of renewable energy facilities – short term (1 year)"

Table 9-1 adding ED-29:

"Encourage the development of renewable energy facilities – short term (1 year)".

Table 9-1 at the end of NR-3:

"Encourage the development of renewable energy facilities – short term (1 year)".

Consistency with the Comprehensive Plan

All proposed development is required to be found to be consistent with the comprehensive plan (herein after referred to as the Plan) adopted by the community. As summarized above, Cranston recently amended its comprehensive plan in April of 2017 to address renewable energy. Several sections of the plan were amended to address renewable energy, specifically solar development. When considered independently as amendments, and not within their context of the entire Comprehensive Plan, the amendments certainly support and actively encourage all renewable energy development, specifically solar. When compared and contrasted with many other long standing sections of the Plan, it becomes very clear that the newly adopted solar policies and initiatives are inconsistent with various land use policies, housing policies and natural resource policies as a whole throughout the Plan. This has created internal inconsistencies within the Plan.

Among the most concerning language recently adopted is the proposed concept that allowing solar installations *"without limitation, in the A-80, M-1, M-2 and S-1 zoning districts"* is a consistent and appropriate approach to developing energy production facilities throughout the City. There is no language in any other sections of the Comprehensive Plan that would support any type of development *"without limitation"*. Every type of development has limitations when it comes to determining what is appropriate in terms of scale and impacts on the immediate community and community as a whole. The concept of promoting solar development *"without limitation"* in a residential district is inconsistent with several other sections of the Comprehensive Plan. Those inconsistencies are detailed below (emphasis added):

Element 1: Goals and Policies Statement

Element 2: Land Use Plan

"To encourage the use of innovative development regulations and techniques that promote the development of land suitable for development while protecting our natural, cultural, historical, and recreational resources and achieving a balanced pattern of land uses.

LUG-1 Preserve the rural quality and critical resources of Western Cranston through appropriate land use controls.

LUP-1.1 Promote residential land use patterns that concentrate and compact development and maintain significant percentage of open space.

LUP-1.2 Preserve, in significant tracts, 20 percent of the remaining open space in western Cranston, or 500 acres, (exclusive of wetlands), through restrictions associated with clustering of future development or through purchase.

LUP-1.4 Preserve and enhance the quality of existing valuable resources including wetlands, surface water, ground water, wildlife habitats and migration corridors, historic sites, scenic views and unique cultural resources.

LUP-2.6 Implement policies that protect residential neighborhoods from commercial encroachment through regulation, appropriate buffers, development design standards, traffic planning and site plan review.

All of the goals and policies reiterated above clearly portray the City's goal to preserve land in western Cranston. When you read the goals and policies stated it is obvious that the point of the preservation goal is to protect and preserve the environment and the quality of life for residents. Not a single goal or policies talks about giving up these protections in the name of reducing a financial burden associated with residential housing. The installation of a solar facility on the Natick Ave site will not preserve open space, it will not enhance the quality of existing valuable resources, it will not protect the existing residential neighborhood from commercial encroachment. Every one of the goals and policies from this section of the Plan will be willingly violated by an approval of this project. Cranston cannot ignore the fact that solar installations do absolutely nothing to promote, preserve or protect the natural resources of the site upon which they are located, nor do they promote, preserve or protect the neighborhood in which they are sited. They may assist in adding to tax revenue for the City, but at what cost?

LUG-10 Ensure future residential growth in western Cranston conforms to conservation subdivision design

Element 3: Housing Goals (HG) and Policies (HP)

HG-1 Ensure that future residential development in western Cranston is consistent with the capacity of the area's natural resources and infrastructure, and preserves community character.

HP-2.1 Develop a system of density bonuses for the clustering of new residential development in order to conserve open space, preserve natural systems and wildlife habitat, minimize municipal service costs, and maintain the sense of rural character.

These goals and policies reiterate that conservation subdivision is the preferred development mechanism in Cranston. The City has not adopted conservation design, despite it being called out as a mandate in the Plan since 2010. This tool alone will actually preserve and protect currently undeveloped land to a reasonable degree. Large portions of sites can be permanently protected in their

current fully vegetated natural state, while still providing needed housing that is the social backbone of the City. Solar installations do not accomplish either of these goals.

HG-3 Achieve a balance between economic development and housing in the City

HP-3.2 Maintain the stability of established neighborhoods in connection with continued economic development and revitalization: in particular, protect neighborhoods abutting the City's major commercial corridors from adverse impact arising from incompatible uses.

HG-10 Conserve resources in new subdivisions

HP-10.1 Require conservation-type subdivisions on remaining undeveloped land to conserve natural resources, protect public resources, improve property values, and improve accessibility.

The Housing Element of the Plan clearly identifies the importance of protecting existing neighborhoods and creating a balance between housing needs and economic development needs. The Plan specifically calls out the need to require conservation-type subdivisions and to provide adequate protections between residential housing and economic development activities. Allowing the placement of a 30 acre solar installation in the center of a well established residential neighborhood, with inadequate buffering, is inconsistent with these goals and policies. Doing so all in the name of removing the potential for residential housing, because there is a financial cost associated with it, is inappropriate on another level.

Element 5: Natural and Cultural Resources Goals (NRG) and Policies (NRP)

NRG-1 Protect and enhance Cranston's natural environment and resources. Establish a balance between natural resource protection and growth-related needs.

NRP-1.7 Preserve and protect environmentally sensitive natural resource areas, including prime farmlands, steep slopes, floodplains, watersheds, aquifers, shorelines and coastal and inland wetlands.

Allowing solar installations, without limitation, in the A-80 district in Cranston is not striking a balance between natural resource protection and growth-related needs. It is exactly the opposite by favoring one type of development over another, at the detriment of residential neighborhoods and the environment, all in the name of reducing the tax burden associated with residential housing.

Introduction to the Land Use Plan Element

Build an Even Better Cranston

*There are many opportunities for new residential development in western Cranston as well as redevelopment and infill opportunities in eastern Cranston, based on recent land use data. **Guidelines for development will protect community character and channel***

development potential in ways that will maintain the local environment and quality of life.

This section requires that development guidelines will protect community character and direct development in ways that protect and maintain the environment and quality of life. Authorizing the development of solar installations in western Cranston “without limitation” certainly does not work towards the preservation of the environment or quality of life. The Natick Ave project provides little in the way of buffering the neighbors from an industrial use essentially in their back yards. The project as proposed is not consistent with this requirement of the Plan.

Key Strategies

This Plan recommends the following key land use strategies:

Apply “Smart Growth” Policies

Among other strategies, Smart Growth policies:

- *Promote development in already built areas*
- *Emphasize a mix of uses*
- *Reduce development of open space*
- *Support transit improvements and transit-oriented development*
- *Promote land use practices that reduce sprawl and improve the quality of neighborhoods and village centers*

Implementation of these policies in Cranston is recommended as a means to improve the overall quality of life.

Enhance Western Cranston

Creating traditional village centers can accommodate future growth and demand, requiring conservation design for new subdivisions can allow development while minimizing loss of open space, and preserving and enhancing the historic landscape will reinforce western Cranston’s early agrarian history.

The language contained within these sections requires that the City work towards reducing the development of open space and the overall reduction of sprawl, which work towards improving the quality of neighborhoods. The Plan clearly identifies conservation design as a mechanism for minimizing the loss of open space; while preserving the existing landscape will assist reinforce agrarian history. This proposed project actively develops 30 acres of currently open space and will actually decrease the quality of life for the immediate neighborhood. Solar installations in residential neighborhoods should be significantly screened to provide buffering from an industrial use in a residential area. Allowing them in the only agricultural areas left in the City “without limitations” will be in direct contradiction to the stated goal of preserving any cultural or historical value.

Part III. Strategies and Actions

Principle 4: Protect and stabilize existing residential neighborhoods by basing land use decision on neighborhood needs and quality of life.

Protect the natural, historic and visual resources that define the neighborhoods. In addition, support the existing residential development patterns in order to stabilize the residential blocks and neighborhoods.

Principle 6: Tailor new public and private development towards recognizing and preserving the City's heritage.

Regulate new residential development in western Cranston to ensure the City's valuable natural settings and landscapes remain.

Principle 4 is of particular interest. It clearly states that land use decision should be based on neighborhood needs and quality of life. In other words, the decision on a land use should be locally based first and foremost, related to the needs and quality of life of the immediate abutters. The adopted solar amendments have clearly taken a conflicting position in designating the A-80 district as the prime location for solar installation, without limitation, because it is a better fiscal decision for the entire City than it would be to allow the properties to develop as residential housing. That approach is clearly inconsistent with Principle 4, requiring that land use decision making is predicated on what is best for the immediate neighborhood. In the case of the Natick Ave proposal the installation of almost 30 acres of solar panels is not in the best interest of the neighborhood first and foremost.

Equally concerning language is the concept that somehow the installation of solar facilities is in fact, not a form of development, and is equivalent to "land banking". Solar installations are most definitely a form of development that needs to be properly sited and regulated to preserve and protect the neighboring properties, immediate and surrounding habitat, and ground and surface water preservation and management.

Wikipedia defines land development as:

"...altering the landscape in any number of ways such as:

- Changing landforms from a natural or semi-natural state for a purpose such as agriculture or housing*
- Subdividing real estate into lots, typically for the purpose of building homes*
- Real estate development or changing its purpose, for example by converting an unused factory complex into condominiums".*

Surely, if converting undeveloped land to agriculture is a form of development as identified above, then solar panel installation is development. The City currently classifies the uses of "solar power" and "alternative energy generation" under the subheading of "Industrial" within the schedule of uses. It is very clear that solar facilities are very much development, and an industrial form it.

Solar installations require the cutting down, and often the stumping and grubbing, of trees both within the solar panel installation area and the immediate surrounding area to remove any panel shading. Solar installations often require the leveling of any significantly sloping land, so as to even the ground for installation. Solar installations can require the blasting of ledge so that the land can be adequately penetrated by the support systems. Solar installations significantly alter the landscape of a forested property by changing the tree cover considerably, altering topography and surface water patterns, as well as changing wildlife corridors and removing habitat. These alterations on the landscape and neighborhood can be significant if not properly sited and regulated. Approaching this, or any type of land use, as a “non-development” is detrimental to the site, the immediate neighborhood and the community as a whole.

Additionally, these amendments on “land banking” specifically call out the use of “*passive alternative energy generation, such as solar*”. Curiously, the use of the word passive, when associated with solar, is typically used to describe designing your home (or other building) to optimize the sun’s radiant heat naturally. According to TechTarget (www.whatistechtarget.com/definition/passive-solar/) passive solar “*is the use of the sun’s energy directly for either heating or cooling purposes. Unlike photovoltaic or other technological solar power applications, passive solar does not involve energy gathering or transformation through mechanical or electronic means. The principles behind passive solar may be applied in construction of a home as with integrated solar or applied as later upgrades. Examples of built in passive solar features include south facing windows, dark floors (often stone) to collect and store heat as a thermal mass for release during cooler times*”.

The San Francisco Gate (www.homeguides.sfgate.com/difference-between-active-passive-solar-collectors-79581.html) identifies the difference between active and passive solar as “*active solar collectors are more complex than passive collectors in both design and mechanism. They consist of flat-plate PV panels that are usually mounted and remain stationary, although some are designed to track the sun throughout the course of the day*”.

The type of solar installation proposed at the Natick Ave site is clearly an active solar installation by definition and any reference to “passive solar” and consistency with the amendments that call it out, are not applicable to this project.

The flip side of this concept that solar is not a form of development, is that it is being used to replace actual forms of development, namely residential. This practice of “selling” solar to the communities as an alternative to residential housing construction is potentially destructive to the fabric of neighborhoods and the community. There is no doubt that residential housing will not produce the tax payments that a solar installation will, but a residential development that houses residents of the City builds a social fabric that cannot be replaced by an inanimate object that pays more in taxes. Housing, neighborhoods, landscapes, scenic views, public spaces and people create community and a sense of place. Solar installations do not. Allowing solar installations “without limitation” in residential areas will begin to erode the sense of place and community that is built by the people who live there.

Housing vs. Solar

The Comprehensive Plan amendments and the applicant's expert testimony strongly suggest that solar installations are a perfect replacement to residential housing for two reasons. The first of which is that residential housing is costly to the community and replacing housing with solar development will decrease the tax burden on the City. Previously, it was touched upon that although residential housing has a cost associated with it; it is also an imperative form of development that creates a social fabric that no other type of development can offer. Housing creates neighborhoods and the Comprehensive Plan takes many opportunities to address how important the residential fabric of the community is to the overall health of the City (emphasis added):

Introduction to the Housing Element – Key Challenges

*Overall growth is comparatively slow, except in western Cranston where undeveloped land is still available for new housing development. However, development of this land is constrained by environmental and other regulatory restrictions, and the public's desire for open space preservation. **This makes it even more crucial to plan how the remaining land in western Cranston is developed, preserved or improved.***

The Plan clearly identifies the land in western Cranston as distinctly different than the rest of the City. The remaining rural and agricultural character is called out as unique and imperative to protect. The Plan recognizes that careful consideration must be taken in how this area of the City is further developed as it contributes significantly to Cranston's unique and desirable characteristics. Unlimited solar development of this area will most certainly threaten those attributes and the quality of life for the residents.

Part I. Summary and Accomplishments of the 1992 Comprehensive Plan: Strategies for New Residential Development

Transitional Areas and Buffers

*The City was to adopt design standards for transitional areas separating residential and commercial activities. **These standards were to provide wide buffer areas along common property lines.***

The above section is again cited verbatim in the "Strategies for New Residential Development" portion of the same section of the Plan. The Plan is calling out the importance, both in the 1992 version and the 2010 version, that **"These standards were to provide wide buffer areas along common property lines"** when referencing commercial activities abutting residential. In the case of this application for Natick Ave Solar, an industrial use would be abutting a residential use and the applicant is offering minimal buffering. Certainly the proposed project does not comport with the clear requirement of the Comprehensive Plan that the community was to provide standards for substantial buffering between commercial and residential activities. In this case, there is an industrially classified use, abutting residential on all sides and very little buffering is being provided.

The Housing Element of the Plan takes significant real estate to discuss and promote the virtues of Conservation Subdivision Design (CSD). This section provides numerous reasons why in the development of western Cranston, CSD is the first and foremost tool to accomplish permanent land preservation and to minimize the impacts upon the land as much as possible.

Part II. Current Conditions

Conservation Subdivisions

*When properly designed and regulated, the **subdivision of land can meet both the goals for preservation of critical resources and high quality development.** Since the adoption of the 1992 Comprehensive Plan, the concept of Conservation Subdivision Design (CSD) has evolved as a new method to improve the subdivision of land development process to meet these goals.*

The CSD process could be utilized in western Cranston. Undeveloped land in western Cranston has very different characteristics from other areas of the city:

- *It is primarily zoned for residential development;*
- *Water and sewer utilities do not completely service the area;*
- *This area contains some of the City's last remaining agricultural lands;*
- *The area has unique topographic features;*
- *A small portion of it is located within the Scituate Reservoir watershed;*
- *The area contains the largest, preserved open space parcels in Cranston;*
- *The city's "farm loop" and bike path run through this area and;*
- *Roads in western Cranston are not designed for large volume traffic flows.*

These conditions call for an approach to development that recognizes the above inherent limitations and opportunities by establishing a different way of developing subdivisions as "Conservation Subdivisions". Conservation subdivisions will:

- *Allow greater flexibility and creativity in design of residential developments;*
- ***Encourage permanent preservation of open space, agricultural land, forest, forestry land, wildlife habitat and other natural resources such as aquifers, watershed, water bodies, wetlands, and historical and archeological resources in a manner consistent with the Comprehensive Plan.***

- **Encourage a more efficient form of development that is less sprawling, consumes less open land, and conforms to existing topography and natural features;**
- **Minimize the total amount of disturbance on a site which preserves the natural topography of a site;**

This section of the Plan makes it very clear that CSD is the preferred method of land development for western Cranston. The sections cited above provide a clear mechanism to permanently preserve land, minimizing impacts upon the land that is developed and keep site disturbances to only what is absolutely necessary. These clear goals for future land development in western Cranston are in direct conflict with unlimited solar development in the same areas of the City.

The Land Use Plan element also identifies CSD as the appropriate regulatory tool in western Cranston.

Part III. Strategies and Actions

Conserve Resources in New Subdivisions

Ensure new residential development in western Cranston conforms to conservation subdivision standards.

The use of conservation subdivision design (CSD) development and standards directs development to:

- *Increase open space and reduces the need to acquire new public park land,*
- ***Reduce the isolation of neighbors,***
- *Decrease municipal costs,*
- ***Reduce the loss of habitat,***
- *Reduce pollution and contaminant runoff, and*
- *In a special case, protect agricultural land and its scenic qualities. Where conventional subdivision design consumes large tracts of land by situating each house on a parcel conforming with zoning, CSD would maximize the amount of preserved open space in a subdivision. CSD would concentrate the homes into those areas of a subdivision that are suitable for development which protects land and water resources, provides common space, and creates a strong sense of neighborhood.*

The language excerpted from this section of the Plan is probably some of the strongest language available to contrast that solar installations, without limitation, in rural western Cranston are not an appropriate form of land conservation. The Plan clearly considered what the best approach to development was in this area and determined that CSD can accomplish many of the goals and policies

set forth in the Plan for this area. Solar development on the Natick Ave site will not accomplish the goals and policies outlined in the Comprehensive Plan related to open space preservation, minimization of land disturbance, reduction in the loss of habitat, protection of agricultural lands and scenic qualities and preservation and enhancement of the social fabric created by neighborhoods.

The second argument being made in favor of solar over housing is the already discussed concept of solar being a "land preservation" tool, while the construction of housing is being considered a "loss" of land. In reality, in almost all circumstances, residential development is less destructive and intensive on the land than a solar installation would be in terms of overall site disturbance. When looking at this property in particular, approximately 30 acres of the site will be leased for the solar installation. For an equal comparison, if the same 30 acres of the site was going to be developed as residential housing, a significant amount of trees, compared with what will be taken down with the solar installation, would remain on the site. There would be significantly less site grading and the neighboring property owners would have significantly more natural buffer remaining on the subject property. Residential construction is certainly a form of development, but the Comprehensive Plan purports that a solar installation, which will disrupt significantly more of the natural features of the site, is considered to not be development of the site, but instead a preservation technique that "land banks" the site and temporarily removes the development potential.

The property is zone A-80 and requires a minimum of approximately two (2) acres per house lot. A reasonable estimate for the construction of homes on the 30 acre lease site would be anywhere from ten (10) to thirteen (13), when factoring in any unsuitable land and allowing for roadway construction. On average about an acre of each house lot could be cleared to provide a house footprint and yard area. That is approximately 10-13 acres for yards and 3-4 acres for road construction. That is a total of 13-17 acres of land for a residential housing subdivision on the same lease area. About one half of the lease area would be altered for residential housing, while all 30 acres will be altered for a solar installation. This concept is supported through Section XII.C of the Cranston Subdivision Regulations requiring that ***"The Commission shall encourage that as many trees as possible be left standing when a subdivision is developed"***. This requirement cannot be met on the same piece of property when a solar installation is proposed. Residential housing provides more traffic, more people and more permanency but a solar installation cannot be considered development neutral when allowed to develop "without limitations" on residential lands.

If a majority of remaining large undeveloped parcels were developed through conservation development, as identified as a priority in the Comprehensive Plan, significant areas of western Cranston could be permanently protected, development impacts on the land would be significantly minimized and much needed housing would be created to continue to contribute to the fabric of the existing community. The implementation of conservation design in western Cranston would further the goals of the Plan, more so than unlimited solar development of the same areas.

Taxation

Directly related to the issue of replacing new homes with solar installations, is the effect that solar installation may have on surrounding property values. A basic straightforward assessment of the

existing property values of the direct abutter's homes produces a tax income of approximately \$156,000. The two new homes built across the street can be estimated at a taxation of \$3,500. The condominium association contributes approximately \$300,000 in annual tax payments. There are approximately ten (10) homes within close enough proximity to be impacted but not considered direct abutters. A conservative estimate of \$3,000 per each house, adds \$30,000 in annual tax payments. That is an approximate total of \$493,000 in annual tax payments. If each property owner that abuts the project were to request a revaluation based on abutting an industrial use, and received a 10% decrease in their valuations, the City would lose approximately \$49,000 in tax revenue from the residential neighborhood surrounding this site.

The City expects to realize a tax payment of approximately \$55,000 per year from the solar installation. When you couple that with a projected tax revenue loss of \$49,000, the City would only gain approximately \$6,000 a year in new tax revenue with the installation of this solar project. This example is not a qualified analysis by an expert in real estate valuations, but it is presented as food for thought. We would encourage the City to explore this issue before moving forward with the project as there needs to be full understanding of what the actual benefits are and if they can outweigh the potential consequences.

Consistency with the Zoning Ordinance

In order to approve a development, the Planning Commission must find that it is consistent with the Zoning Ordinance. This section will discuss several reasons why this particular project is not consistent with the City's zoning ordinance.

Section 17.20.120 of the Cranston Zoning Ordinance identifies a lot coverage maximum for the A-80 district as 10% of the property. This requires that no structures can occupy more than 10% of the entire parcel. Lot coverage percentages are not just about stormwater management. Lot coverage requirements affect the aesthetic quality to and from a site, continued contribution to stormwater management, ground water recharge, wildlife habitat maintenance and community character. Over developing a site with structures affects many aspects of community development. The purpose of a lot coverage maximum is to assist with maintaining as many of the features on the site as possible, in spite of its development. This solar installation far exceeds a 10% lot coverage maximum when you consider the entire area that is developed. Even if you just considered the area that the panels occupy, it is in excess of the 10% coverage maximum that is required by the zoning ordinance. Treating solar panels as if they don't exist on the site they are installed upon, for both the purposes of lot coverage and the consideration as a form of development, should be considered an inconsistent practice according to the provisions and standards of the zoning ordinance.

Section 17.20.030, which is identified as the "Schedule of uses", identifies particular uses and deems them permitted, not permitted or requiring a special use permit. This table contains both a use titled "Alternative energy systems" and a use titled "Solar power". Those definitions, contained within Section 17.04.030, are identified below:

"Alternative energy generation" is defined as "any facility or installation such as a windmill or hydroelectric unit, which is designed and intended to produce energy from natural forces such as wind, water, or geothermal heat, for offsite use". The same section defines "Solar power" as "electrical power generated through the utilization of photovoltaic cells, non-mechanical semiconductor devices that convert sunlight into direct current electricity". These uses are separated in the schedule of uses and regulated very differently. The use of alternative energy generation and solar power is permitted in Section 17.20.030 as follows:

	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G
Alternative energy generation	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	S
Solar power	Y	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N

Alternative energy generation provides a much broader definition, encompassing many types of energy generation, and being quite restricted in its application. The use itself is not allowed in any residential district and only allowed by special use permit in manufacturing zones. By definition the use contains reference to the ability to "produce energy from natural forces such as wind, water or geothermal heat, for offsite use". Solar power on the other hand, specifies the use of sunlight and is significantly more liberal in its allowance, being permitted by right in the A-80 district and all manufacturing districts. The zoning ordinance lacks any explanation as to why solar is not contained within the definition of "Alternative energy generation" and instead identified as a separate use that is liberally permitted. Lumping all alternative energy production uses into one category, and then singling out solar, and allowing it much more permissively than others, seems to be inconsistent with the premise and design of the zoning ordinance. Hydroelectric, geothermal and wind occupy significantly less real estate than a solar installation, and although they each present their own set of circumstances to be regulated and mitigated, there is no clear reason why solar has been presented with such preferential treatment for development in western Cranston. This appears to be inconsistent on its face.

An additional wrinkle in attempting to separate the category of solar from alternative energy generation is the fact that in the solar amendments to the Comprehensive Plan that were adopted in 2017, the language specifically calls solar an "alternative energy generation" method.

*"Temporarily removing the development potential of the land located in western Cranston [land banking] by allowing the land to be used for **passive alternative energy generation, such as solar power**"*

The above language was inserted several times in to the Comprehensive Plan in an attempt to justify solar as a land banking technique. It certainly appears to be inconsistent to call solar an "alternative energy generation" tool in the Comprehensive Plan but then to exclude it from that exact category in the schedule of uses in the zoning ordinance. Instead it was inserted as a separate category for "solar power", ignoring the "alternative energy generation" category in both its applicability and allowances.

Solar has to be considered an "alternative energy generation" tool in the zoning ordinance schedule of uses if it is called out as one in the Comprehensive Plan as demonstrated here in this report.

Conclusion

Solar development has its place in every community. The purpose of this analysis is not to suggest that ground mounted solar has no place in western Cranston, certainly the value and benefit of solar is recognized and the City should desire to take part in renewable energy production. What is at issue in this case is the lack of appropriate regulatory tools to ensure that the requirements of the Comprehensive Plan are met. These requirements detail the importance of true open space protection, wildlife habitat preservation, ground and surface water management, aesthetic quality, environmental protection, neighborhood enhancement and preservation and overall maintenance of the quality of life for the residents. Presently the regulatory tools to accomplish these important goals and policies set forth in the Plan are severely lacking in Cranston's current regulatory framework regarding solar installations.

The Natick Ave solar project will significantly disrupt the fabric of the western Cranston neighborhood in which it is located due to a lack of any real standards that would afford protection to the valuable resources located in and around the proposed site. Cranston's approach to unlimited and under regulated solar installations in the only remaining rural areas of the City are detrimental to those neighborhoods as well as to the City as a whole.

Although amendments were made to the Comprehensive Plan in an attempt to promote solar development in western Cranston, those amendments seem to have been inadvertently crafted in a vacuum, and what was adopted is in direct conflict with many of the other goals and policies identified for this region of the City. This report has attempted to outline those internal inconsistencies and bring to light that if the City seeks to support and promote solar development, a much more holistic and comprehensive approach is necessary in order to maintain consistency with the other sections of the Plan that are highlighted here.

The Comprehensive Plan speaks to the importance of open space preservation in western Cranston. The concept that solar installations are somehow a form of land preservation is misguided. The purpose of land preservation is not solely to prevent the financial burden often associated with residential housing. Land preservation serves as habitat and natural resource protection, environmental quality preservation, ground and surface water management, promotion of aesthetic quality, maintenance of quality of life and often can assist in preservation of historic and natural features. Solar installations do not accomplish any of these goals associated with true land preservation. Solar installations merely kick the financial can down the road by delaying the construction of residential homes. Large areas of the site are cleared and leveled during solar construction and it is impossible to preserve any valuable features associated with the land.

The solar amendments suggest that solar installations can be a tool to preserve farmland, which can be true, but with the current lack of regulations or requirements for installations on farms it will be difficult to use it as an agricultural preservation tool. There is nothing within the zoning ordinance or solar

performance standards that require installations on farmland to keep any part of the farm in operation. While that concept is a worthy one, without the proper regulatory tools to accomplish actual farmland preservation, it is entirely possible to actually lose productive agricultural land to solar installations. This is especially concerning given that the solar amendments to the Comprehensive Plan actually call out solar installations to take place in the A-80 district (where virtually all of Cranston's current farmland is located) "without limitations". With absolutely no regulatory guidelines under which to accomplish solar installations on farms, the City would be hard pressed to require a farm to continue farming as opposed to turning the site over to a solar installation if proposed.

The Natick Ave solar project is a perfect example of how a lack of clear and protective measures in the zoning ordinance can result in a solar installation that is designed with the minimum protective measures possible. Some of the neighboring properties have less than 20 feet of existing vegetation between their property line and the first solar panels. The Comprehensive Plan clearly calls for significant vegetated buffers between commercial and residential uses, but because the regulatory framework is void of any real standards, the applicant can supply the minimum amount of buffering, subjecting residential properties to industrial operations right on their borders.

The proposed Natick Ave solar project is a use allowed by right in the A-80 zoning district. The problem arises when the design of the project violates several goals and policies identified in the Comprehensive Plan that were clearly designed to protect residential neighborhoods in western Cranston. The goals and policies outlined in this report are in direct conflict with the solar amendments of 2017 and this project specifically. So while the project may be able to claim consistency with specific solar amendments, it is overwhelmingly inconsistent with a plethora of sections of the Comprehensive Plan. This has caused an internal inconsistency that must be remedied. It cannot reasonably be found that the project is consistent with the comprehensive plan as outlined by the overwhelming number of sections that are in direct contradiction to this proposal.

Solar development has its place and each location needs to be carefully considered. In order to maintain consistency with the goals and policies identified in this report the City will have to recognize that 1) solar is a form of development that requires careful consideration and comprehensive regulatory tools and 2) no development should happen "without limitations" and that doing so is potentially detrimental to the natural and built characteristics that make Cranston unique and desirable.

The project as proposed is not consistent with the City of Cranston's zoning ordinance, subdivision regulations or comprehensive plan as detailed throughout this report. We recognize that the applicant has provided information arguing that the project is consistent with these documents and the Plan Commission must determine which perspective they agree with. We take the position that the project is not able to be approved as presented for the following specific conflicts:

- The project does not provide adequate buffering to the neighbors and must increase the buffer area along abutting property lines to protect the home values and quality of life of the immediate neighbors. We recommend a vegetated buffer of 200-400 feet depending on the density of the existing vegetation. A detailed buffer plan should be submitted by the applicant and the City should consider a peer review by an independent landscape architect

- The applicant is proposing to clear the eastern portion of the site which is currently fully wooded. The western portion of the site already has extensive clearing. In order to be consistent with the provisions of the comprehensive plan, zoning ordinance and subdivision regulations, the placement of the solar installation should be shifted to the western part of the site so as to utilize the already cleared land. This would work towards ensuring that the requirements of minimizing habitat impacts and limiting clearing to only what is necessary would be more achievable. As presently sited, with an already cleared portion of the site, it is impossible to declare that habitat loss is minimized and clearing is limited to what is necessary.
- Lot coverage restrictions in this district are 10%. This project does not abide by that lot coverage restriction. It is impossible to calculate lot coverage because the applicant does not provide the size of the panels so there is no way to estimate how much of the lot is covered by the panels. Solar panels are structures and need to be treated accordingly. No type of development should be exempt from lot coverage requirements. They are required as part of a regulatory framework that protects a myriad of items necessary for the overall health, safety and welfare of the community. Recognizing that solar panels are structures, which are subject to lot coverage limitations, would preserve a significant portion of the property maintaining existing vegetation, existing contours, existing ground and surface water mediation. Protection and preservation of these is essential to conforming with the City's regulatory tools (comprehensive plan, zoning ordinance and subdivision regulations), as is required by state law.

The City's Planning staff have identified that the applicant intends to move 500 panels from the southeast corner of the property. It appears that the new location of these panels is yet to be determined. In my professional opinion, it is entirely inappropriate for the Plan Commission to consider issuing a decision on this project until it is properly before them. State law and local regulations require that the Commission issue findings of fact based on the application as presented. It is not possible to do so with any merit, if the plan before you is not the intended layout and design. We urge the Plan Commission to require the applicant to return with a site plan and associated supporting documents once they have identified the location of the 500 relocated panels. Then, and only then, should the Plan Commission issue a decision on the project.

In my professional opinion, as stated and supported in this report: the proposed Natick Ave solar project located on AP 22-3, Lots 108 and 119 **IS NOT CONSISTENT** with the City of Cranston's Comprehensive Plan or Zoning Ordinance.

AGENDA
January 8th 2019
CRANSTON HIGH SCHOOL EAST AUDITORIUM
7 p.m.

With the exception of the Recognition / Welcome, CIP, & the Planning Director's Report, docketed agenda items require a majority vote by the City Plan Commission

1. CALL TO ORDER

2. RECOGNITION OF COMMUNITY SERVICE

- Lynne Harrington – City Plan Commissioner 2014-2018
- Kimberly Bittner – City Plan Commissioner 2014-2018

3. WELCOME – NEW PLAN COMMISSIONERS

- Robert A. DiStefano, Jr.
- Joseph Morales

4. APPROVAL OF MINUTES

- Minutes of the December 4th, 2018, City Plan Commission Meeting
- Minutes of the December 8th, 2018, City Plan Commission – Site Visit (Natick Solar)
- Minutes of the January 5th, 2019, City Plan Commission – Site Visit (100 Sockanossett)

5. CAPITAL BUDGET AND IMPROVEMENT PROGRAM (CIP)

- First draft submissions by department heads

6. SUBDIVISIONS AND LAND DEVELOPMENTS

OLD BUSINESS

- **Natick Avenue Solar** (Continued from December 4th, 2018) **Public Informational Meeting**

Master Plan - Major Land Development (30 Acre / 8MW Solar Farm on 64 acre site)
Natick Avenue
AP 22, Lots 108 and 119

NEW BUSINESS

- **Mixed-Use Development at 100 Sockanossett** **Public Informational Meeting**

Master Plan - Major Land Development (Former Citizens Bank Site)

- Two-story, 200,000 sq.ft. of office space
- Four-story, 450 space parking structure
- Three-story Commercial Recreation / Entertainment Center (Topgolf)

100 Sockanossett Crossroad

AP 14, Lot 2

&

- **Ordinance 12-18-02** - Zone Change / Major Amendment – 100 Sockanosset Cross Road. Petition filed by 100 Sockanosset LLC. (Commercial Recreation)

- **Whiting Street Minor Subdivision**

Public Hearing

Preliminary Plan – Minor Subdivision with street extension

- Applicant seeks to improve and connect the final segment of Whiting Street
- Five (5) additional single-family house lots are proposed

AP 12-4, Lots 1065-1070 & 1106

Whiting Street

7. PERFORMANCE GUARANTEE

- **The Oaks at Orchard Valley**
 - Existing Letter of Credit set to expire

8. ZONING BOARD OF REVIEW RECOMMENDATIONS

- **RODNEY W. RYAN and ROBYN A. RYAN (OWN/APP)** have filed an application to convert an existing attached garage to living space at **76 Lake Garden Drive** A.P. 37, lot 333, area 8287 s.f., zoned A8. Applicant seeks relief per Section 17.92.010 variance; Section 17.20.120 Schedule of Intensity Regulations.

9. ORDINANCE RECOMMENDATIONS

- **Ordinance 12-18-01** - Ordinance Placing a Moratorium on Solar Farms Pending Review of Zoning and Performance Standards.

10. ELECTION OF CITY PLAN COMMISSION OFFICERS

11. CITY PLAN COMMISSION 2019 REGULAR MEETING SCHEDULE

12. PLANNING DIRECTOR'S REPORT – 2019-2020 CIP, Comprehensive Plan, Long-Range Planning Workshops

13. ADJOURNMENT / NEXT REGULAR MEETING February 5th, 2019 – City Council Chamber, 7 pm

**Individuals requesting interpreter services for the hearing impaired must contact the office of City Planning at 461-1000 ext. 3136 seventy-two [72] hours prior to the meeting.*

January 8, 2019
MINUTES

Chairman Smith called the City Plan Commission Meeting to order at 7:10 p.m. in the Cranston High School East Auditorium. He introduced and welcomed new commissioners, Robert DiStefano and Joseph Morales.

The following Commission members were in attendance:

Michael Smith, Chairman
Fred Vincent
Ken Mason, P.E.
Robert Strom
Kathleen Lanphear
Steven Spirito
Ann Marie Maccarone
Robert DiStefano
Joseph Morales

Also present were:

Jason M. Pezzullo, AICP, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Douglas McLean, AICP, Principal Planner
Joshua Berry, AICP, Senior Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. Spirito and seconded by Mr. Mason, the Commission unanimously voted (9/0) to approve the minutes of the December 4, 2018, Plan Commission Meeting.

Upon motion made by Ms. Maccarone and seconded by Mr. Vincent, the Commission voted (8/0 – Ms. Lanphear abstained) to approve the minutes of the December 8, 2018, Plan Commission Meeting.

CAPITAL BUDGET AND IMPROVEMENT PROGRAM (CIP)

Mr. Pezzullo stated that the departmental submissions are still coming in. The first draft of the CIP will be presented next month and the final draft in March.

ZONING BOARD OF REVIEW RECOMMENDATIONS

RODNEY W. RYAN and ROBYN A. RYAN (OWN/APP) have filed an application to convert an existing attached garage to living space at **76 Lake Garden Drive** A.P. 37, lot 333, area 8287 s.f., zoned A8.

Applicant seeks relief per Section 17.92.010 variance; Section 17.20.120 Schedule of Intensity Regulations.

VARIANCE REQUEST: To allow the conversion of an attached garage (considered an accessory structure) into a bedroom (considered part of the primary structure) that would encroach 1.9' into the 10' side yard setback and 0.3' into the 25' front yard setback. [17.20.120 Schedule of Intensity]

FINDINGS OF FACT:

1. The applicant proposes to convert an existing attached garage to a bedroom on the northern side of the dwelling.
2. There are no proposed expansions to the footprint of the existing structure as part of the immediate application.
3. The subject property is an A-8 zoned lot and is currently occupied by a single family residence.
4. The surrounding neighborhood within 200' is comprised entirely of single family dwellings zoned A-8.
5. The subject property is a corner lot at the intersection of Lake Garden Drive and Stone Drive. As a corner lot, the property is interpreted to have two front yard setbacks (abutting Lake Garden Drive and Stone Drive, respectively) and two side yard setbacks.
6. The existing attached garage is currently 8.1' from the side property line to the north, and 24.7' from the front property line to the west (abutting Lake Garden Drive).
7. Per the City Zoning Code, the setback requirements for an accessory structure (which includes attached garages) is 5' for the side setback and 25' for the front setback. The setback requirements for a primary structure (which includes all living space/bedrooms in a dwelling) is 10' for the side setback and 25' for the front setback.
8. Regarding the requested side setback relief: the current condition of the garage (8.1' from side property line) is in compliance with the accessory side setback requirement (5'), however, the proposal to convert the attached garage into a bedroom triggers the side setback requirement for a primary structure (10'). The dimensional relief necessary to allow the conversion represents an encroachment of 1.9' into the 10' side yard setback.
9. Regarding the requested front setback relief: the City Zoning Code requirement relating to the front setbacks does not change based on the type of structure (accessory or primary), so dimensional relief is necessary to allow the work to occur 0.3' within the 25' front setback.
10. The current dwelling is 23.5' from the front property line to the south (abutting Stone Drive), encroaching 1.5' into the 25' front setback. Since the southern portion of the dwelling is not subject to any work being proposed in the immediate application, staff finds that no dimensional relief is necessary relative to the existing conditions of this side of the structure/lot.
11. The subject parcel (8,287 ft²) meets the minimum lot size for the A-8 zone (8,000 ft²), and the proposed lot coverage percentage (18.3%) is below the maximum lot coverage amount allowed by zoning (30%).
12. The use of single family residential is consistent with zoning and with the Comprehensive Plan's Future Land Use allocation of Single Family Residential 7.26 – 3.64 units/acre. No change of use is proposed.

ANALYSIS:

The applicant proposes to convert an existing attached garage to a bedroom on the northern side of the dwelling. The application states that the conversion is to accommodate a family member who is aging in place. There are no proposed expansions to the footprint of the existing structure as part of this application. The conversion of the attached garage to a bedroom triggers a more strict side setback requirement, and as a result the project requires relief for an encroaching into the side setback without a physical expansion of the structure. In an abundance of caution, relief is requested for the front yard setback along Lake Garden Drive due to the fact that the proposed work will take place within the front

yard setback. All dimensional relief being requested is for improvements made within the existing footprint of the structure.

The surrounding neighborhood is comprised of single family dwellings in an A-8 zone. The nearby properties are built at a similar density level to the subject parcel. Approval of the variance is not perceived to have a negative effect on the character of the neighborhood or the general welfare. The proposed work would not alter the footprint of the home, and the requested relief is considered to be relatively minor in nature compared the required setback amounts (variance for encroaching 1.9' into the 10' side yard setback and 0.3' into the 25' front yard setback).

RECOMMENDATION: Due to the fact that the modifications to the home would not expand the footprint of the building, and that there is no perceived detriment to the general welfare or character of the neighborhood, on a motion made by Mr. Vincent and seconded by Mr. Mason, the Plan Commission unanimously voted (9/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

SUBDIVISIONS AND LAND DEVELOPMENTS

Natick Avenue Solar *(Continued from December 4th, 2018)*

Master Plan - Major Land Development (30 Acre / 8MW Solar Farm on 64 acre site)

Natick Avenue

AP 22, Lots 108 and 119

Mr. Berry presented the basic information of the application from the first December 4, 2018, Plan Commission Meeting. He talked about the Plan Commission site visit and general observations of the overall parcel. He presented his slideshow presentation, stating that ground-mounted solar panels can be placed on land with slopes up to 25%. He stated that since the first iteration, the southeast corner has been revised from last month and some panels have been removed. The landscaping and screening plan illustrates how existing mature trees will be removed in certain areas to be replaced with smaller screening vegetation to buffer the existing residents from the panel areas. The buffer planting plan illustrated how the panels will be located and screened approximately 400' back from Natick Avenue.

Mr. Marsella noted that the two new commissioners (Robert DiStefano & Joseph Morales) have reviewed all of file documents up to that point and would be able to take part in all discussions and vote on the application.

Attorney Murray, representing the applicant SSRE, stated that the solar farm proposal is a use allowed by-right in the A-80 zoning district. Mr. Dave Russo P.E., DiPrete Engineering, spoke to the commission about the revised plan, and stated that there will be further testing and evaluation to determine the extent of ledge outcrops on site. He stated that the panels originally proposed in the southeast corner of the site have been removed due to the present of ledge. As far as water runoff and drainage onsite, he stated that a RIDEM permit will be required for discharge into the existing wetlands areas and that the state requirement is for zero net runoff post-construction.

Commissioner Lanphear asked where the removed panels will be relocated to maintain the 8.1 MW produced. Mr. Russo stated that currently they have not been relocated and that energy could be accommodated elsewhere onsite. Commissioner Vincent stated that some of the proposed panels have encroached into the depicted buffer area. Mr. Russo responded, stating that none of the panels have been located within this 50 ft. setback buffer. Mr. Vincent also expressed concern with re-seeding, and Mr. Russo stated that the RIDEM would set forth development requirements necessary for re-seeding and stabilizing the site. Attorney Murray stated that the developer will follow the city ordinance of not removing topsoil and that

the site would be properly stabilized. He further clarified that “500 panels have been removed out of 20,000” and the 8.1 MW will be maintained.

Mr. John Cotter, RLA, representing SSRE, stated that the landscaped screening plan has not been fully prepared at this time, but select viewshed areas have been identified where significant plantings will be required. Mr. Cotter has identified the need for screening vegetation with heights of 8-10 feet in height with a mix of species. Attorney Murray stated that the developer “will do their best to satisfy everyone” regarding screening and the vegetated buffer areas.

Mr. Andrew DuFour of Main Drilling and Blasting, speaking for SSRE, stated that his is a 52 year old company. His company worked on the new Citizens Bank complex in Johnston where the Tennessee Gas Pipeline also exists. He stated that if any blasting is required within 100 ft. of the pipeline an inspector will be present. His company works closely with the State Fire Marshall, as required, and will use seismograph equipment to measure vibration as required. Mr. DuFour spent time carefully explaining the steps required in the overall blasting process. Mr. Vincent questioned if in his experience had any blasting damaged wells or septic systems to which Mr. DuFour responded that it had not. He also stated that his explosives don't contain “florites” which are considered a hazardous or poisonous material. Attorney Murray assured everyone that any blasting would be done carefully and not indiscriminately.

Mr. Ed Pimentel, AICP, Planning Consultant representing SSRE, presented a summary of his planning study; stating that he has been involved with a dozen solar projects. He stated that the City has a precise definition in the Comprehensive Plan regarding solar projects and that this project was consistent with the Comprehensive Plan. He further stated that the Zoning Code was amended as well to permit (these projects) as a matter of right and the zoning is consistent with the adopted Comprehensive Plan.

Mr. Walter Lawrence, 745 Natick Avenue, stated that he attended the site tour and was offered compensation from SSRE to allow trimming of his trees to prevent shading the abutting panels. He presented an arborist report that spoke to the concerns of topping off of trees. He also expressed concern with the Tennessee Gas Pipeline.

Attorney Patrick Doherty, on behalf of several neighboring property owners, delivered Ashley Sweet's resume and report, stating that she should be recognized by the Commission as an expert in planning. He also provided a letter from the Associate Director of Statewide Planning noting that the City's Comprehensive Plan is considered expired by the State, but is in effect for local decision making. He stated that the Statewide Planning program had concerns with the Cranston Comprehensive Plan amendment specifically relating to solar farm development. He stated that the site will be denuded after construction. He asked that Ms. Sweet be “qualified” as an expert. City Solicitor Stephen Marsella stated that the Plan Commission does not qualify experts.

Ms. Sweet, planning consultant representing abutting neighbors, presented the summary of her study. She stated that this project is in conflict with many elements of the City's Comprehensive Plan. She stated that the proposed project is not passive solar but is actually active solar. She stated that the applicant should be seeking a zoning variance as the project exceeds the lot coverage in an A-80 zone. She noted the competing interest for land for solar versus housing. She stated that the Comprehensive Plan and the Zoning Code use table are inconsistent in that the Comprehensive Plan identifies solar as an alternative energy. She stated that only the cleared area of the site be considered for this development. She stated that the buffering and screening as proposed is inadequate. In reference to the panels that were removed from the Southeast corner, she stated that the full plan should be in front of the Commission.

Attorney Doherty again addressed the Commission, noting that a solar moratorium is pending. He questioned whether the proposed housing plan depicted by the applicant could even be built due to the constraints of the property. He urged the Commission to place conditions on this development with a larger setback buffer. He ended by urging the Commission to deny the project.

Ms. Drake Patten, 684 Natick Avenue (Hurricane Hill Farm), stated that she would hold the developer, Southern Sky, to their commitment of working with the community. She then distributed copies of a letter prepared for the Commission. The letter itemized a number of conditions the neighborhood would like incorporated into the design if the Commission ultimately saw fit to approve the project.

Mr. Douglas Doe, 178 Lippitt Avenue, stated that he has been asked by other communities in Rhode Island to share his experiences and to speak at various public meetings. He spoke at length and disputed the findings of Mr. Dave Russo's letter presented last month to the members of the City Plan Commission. He stated that the buffering proposed by the developer is inadequate and the sites cannot be hidden by screening.

Mr. Kevin Wilbur, 51 Country Lane, stated that he was in favor of the proposed solar farm development rather than a residential subdivision.

Ms. Rachel Clark stated her concerns about potential blasting onsite. She mentioned the Town of Tiverton's halt to such projects and asked what would happen to the solar panels in 25 years. She stated that solar panels belong on rooftops and landfills, not in greenspace.

Mr. Richard Bowling, 18 Beaver Creek Ct., stated that "in Walden Woods there are 82 homes on 1/3 acre lots with 26 wooded acres". He stated that he moved there because it was "in the woods". He expressed concern with the potential encroachment for this project.

Attorney Murray read the Comprehensive Plan's 45-22.2-13 (Compliance and Implementation) element and stated that the existing Comprehensive Plan is valid. He stated that there is no dispute in this city right now that solar is allowed in the A-80 zone as a matter of right.

Mr. Pezzullo, Planning Director, disputed the characterization that the Cranston Comprehensive Plan is expired or invalid for local land use decision making. He stated that the Comprehensive Plan was adopted by the State of Rhode Island in 2012, and expired by the State in 2017. Mr. Pezzullo explained that the locally adopted plan is evergreen and is the valid. He stated that the City's first solar farm project was appealed to the Platting Board and the State Superior Court and the City prevailed both times. Mr. Pezzullo stated that he disagreed significantly with Ms. Sweet's report that was handed to the Commission when she began her presentation.

Mr. Berry, Senior Planning for the City, gave the staff recommendation of approval and the conditions of approval, noting that this project is consistent with the Comprehensive Plan. Upon motion made by Mr. DiStefano and seconded by Mr. Strom, the Commission unanimously voted (9/0) to close the public comments public portion of the public informational meeting. Mr. Vincent stated that the conditions of approval do not adequately address the various concerns raised and that the Commission should address Ms. Patten's itemized concerns with the developer. He further suggested attaching her submission to the conditions of approval. Upon motion made by Mr. Vincent and seconded by Ms. Lanphear, the Commission unanimously voted (9/0) to add Ms. Patten's list as a ninth condition of approval. Attorney Murray stated that Mr. Palumbo will work with the community and the Plan Department to address these concerns.

Ms. Lanphear expressed concern with the relocation of the solar arrays from the Southeast corner of the property. She stated that we don't have a plan that shows us all of the solar panels. Mr. DiStefano agreed, therefore, upon motion made by Mr. DiStefano and seconded by Ms. Lanphear, the Commission voted (6/3 – Mr. Mason, Mr. Strom and Mr. Spirito voted nay) to continue this matter to the February 5, 2019, Plan Commission meeting to be held in the City Council Chambers, in order to allow the applicant sufficient time to submit a revised site plan that shows all of the proposed panels required to produce the intended 8.1 megawatts of energy. Additionally, upon motion made by Mr. Vincent and seconded by Ms. Lanphear, the Commission unanimously voted (9/0) to add Ms. Patton's "Request of Abutters" as a condition of the potential

Master Plan approval as a vehicle to engage in a dialogue with the Plan Department and the applicant to address the concerns.

Whiting Street Minor Subdivision - Preliminary Plan

Minor Subdivision with street extension
Applicant seeks to improve and connect the final segment of Whiting Street
Five (5) additional single-family house lots are proposed
AP 12-4, Lots 1065-1070 & 1106

At the applicant's request, upon motion made by Mr. DiStefano and seconded by Mr. Strom; the Commission unanimously voted to continue this matter to the February 5, 2019, Plan Commission Meeting in the City Council Chambers.

PERFORMANCE GUARANTEE

The Oaks at Orchard Valley - Existing Letter of Credit set to expire

Upon motion made by Mr. Vincent and seconded by Mr. Spirito, the Commission unanimously voted to continue this matter to the February 5, 2019, Plan Commission Meeting in the City Council Chambers.

Ordinance 12-18-01 - Ordinance Placing a Moratorium on Solar Farms Pending Review of Zoning and Performance Standards

Mr. Pezzullo stated that a six-month moratorium has been proposed by the City Council in order to examine and evaluate the existing regulations for solar farms. He explained the reasons why a temporary stay on new solar farms was necessary during this time period and how the City will use this time crafting a new code. He further stated that no one should expect the State to have specific guidance for all the different communities of Rhode Island as they are all very different.

Upon motion made by Mr. Strom and seconded by Mr. DiStefano, the Commission unanimously voted (9/0) to forward a positive recommendation to the City Council Ordinance Committee on the proposed Ordinance 12-18-01.

Mixed-Use Development at 100 Sockanossett

Master Plan - Major Land Development (Former Citizens Bank Site)
Two-story, 200,000 sq.ft. of office space
Four-story, 450 space parking structure
Three-story Commercial Recreation / Entertainment Center (Topgolf)
100 Sockanossett Crossroad
AP 14, Lot 2

Mr. McLean gave an overview of the project. He explained that the applicant has proposed a mixed-use development consisting of three primary components:

- 1) The reuse of a portion of an existing building (former Citizens Bank headquarters) for office and retail uses.
- 2) New golf entertainment center (Topgolf).
- 3) New structured parking garage.

The existing building on the 22.55 acre site is being partially demolished and the remaining sections of the building along Sockanosset Cross Road will be 1- 2 stories in height. The proposed golf entertainment center in the rear of the property will consist of a 3-story building and driving range area

surrounded by poles and netting up to 190' in height. The proposed parking garage will be 4-stories high and will be centrally located on the property in order to service all of the proposed uses.

This parcel was originally zoned as C-5 (Heavy Business / Industry) and was rezoned in 2016 to allow for additional uses and alternative dimensional standards that allow greater intensity of development on the site. The current zoning on the site, and the proposed zoning amendment as part of the immediate application, are consistent with the Comprehensive Plan – Future Land Use Map which designates the parcel as “*Highway Commercial/Services*”. The Comprehensive Plan identifies the Highway Commercial/Services designation as being suitable for the most intensive types of commercial uses in the City, and further describes the intent of this designation as being “oriented toward providing services to citywide and regional markets”.

He stated that a peer review of traffic was received the day before the meeting. He stated that it reflects fewer trips in the AM and PM peaks but will increase in the evenings and weekends.

Mr. Kelly Coates, Carpionato Corporation, stated that this is an “entertainment” development. He stated that Topgolf has entered into a 20-year lease agreement. He noted the Garden City Shopping Center’s interest in this project as entertainment as a new anchor. He stated that this project is a “key office amenity” and weekend use of the Topgolf facility will be more social use. He stated that there will be more traffic in the evening and weekends. He stated that Topgolf has done their diligence and they want to be at this location. He finished by stating that this development will not be looking for a tax treaty or tax break from the City.

Mr. Robert Clinton of VHB, traffic engineer for the developer, distributed his response to the peer reviewed traffic study. He stated that there is a 35% reduction in office space. The driveway will be aligned with the liquor store across the street. He explained the TIGER Grant project, which will go to bid this year, and roadway work will begin in 2020-21. He stated that a larger study, going forward, will be conducted regarding holiday traffic. He stated that signal timing will be optimized.

Mr. Joseph Lombardo, planning consultant for the applicant, provide a fiscal impact analysis. He stated that this project will generate approximately \$1.4 million a year in tax revenue. The facility will employ 125-150 full-time jobs. He also stated that the project is consistent with the Comprehensive Plan-Future Land Use Map. Mr. Strom added that the additional tangible tax, as well as the restaurant tax, will also benefit the city.

Mr. Thomas Sweeney, real estate consultant for the applicant, stated that the proposed changes are “consistent with the heavy C-5 Zone”. He stated that the project is well designed and will complement the surrounding area.

Mr. Robert Waldo of the Topgolf corporation presented the development proposal. He stated that it is a “sports entertainment venue”. He stated that the sound system is controlled and monitored within the building. He stated that “no light will extend beyond the boundaries of the parcel”. He stated that “the light dies out 150 ft. into the outfield”. He stated that the northern most residence is 1,400 ft. away. The hours of operation have not yet been determined. He stated that there will be security staff from 6 p.m. to 8 a.m. He stated that the bays are rented per hour at \$25 - \$50 per hour and the facility can accommodate up to 1,000 guests.

Mr. Kevin Wilbur, 51 Country Lane, Mr. Adam Lupino, 62 Highland Street, and Mr. Carlos Samborano, expressed their support of the project. Mr. Arthur Jordan, 35 Lincoln Park Avenue, on behalf of the Laborers International Union, and the 1,100 union members that live in Cranston, spoke in favor of the project as well.

Mr. Tom Wolcheck expressed concern with traffic and questioned the validity of the traffic study. He noted the concerns that have been expressed from outside communities where Topgolf operates. He is concerned with how this project might affect the overall quality of life for Cranston residents.

Mr. Michael Friedman, owner, Mulligan's Island, stated that this project "will have a devastating impact on his small business". He however did not speak against the project but asked the Plan Commission to be open minded if his business were to seek new zoning at his facility in the future.

Attorney Robert Murray, on behalf of CFS Partners, owner of the Crossroad Office Park, which consists of seven buildings with 68 tenants, expressed concern with the proposal. He asked that the Commission "table this project until further study is complete and the training school development (the Fountains at Chapel View) is considered". He agreed that morning traffic will be less, however, "traffic is the issue". He stated that "there are many stakeholders in this corridor". He stated that "you have to look at this (traffic) going forward". He questioned the traffic counts provided by VHB.

Mr. McLean read a statement provided by Mr. Stephen Boyle, Cranston Chamber of Commerce, in favor of the project.

Upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Commission unanimously voted (9/0) to close public comments.

Chairman Smith noted that "this is the most complete and well thought out Master Plan proposal that (has been presented) in his ten years here (on the Plan Commission)".

Ms. Lanphear expressed concern with "Section 4" (regarding parking) of Mr. Coates' handout. She asked if this proposed parking "is typical". Mr. Pezzullo responded, stating that the condition "is consistent with mixed use developments we have done". He explained that it behooves the developer to provide the parking they need for their tenants.

Upon motion made by Mr. DiStefano and seconded by Mr. Vincent, the Commission unanimously voted (9/0) to adopt the Findings of Fact denoted below and approve this Master Plan proposal subject to the following conditions.

Findings:

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 12/27/18.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, "The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies."

2. The proposed mixed-use development is consistent with the Comprehensive Plan – Future Land Use Map designation of the parcel as "Highway Commercial/Services," because this designation is suitable for the most intensive types of commercial uses in the City. The proposed uses for the site (commercial recreation, office, retail, and structure parking) and the proposed intensity/scale of development on the site are consistent with the Comprehensive Plan's vision for the Highway Commercial/Services designation. Additionally, the Comprehensive Plan describes the intent of this Future Land Use Map designation as being "oriented towards providing services to citywide and regional markets".
3. JDL Enterprises provided a report entitled "Planning Report on: Amendment to City of Cranston, RI Zoning Ordinance" dated December 2018, received by the Planning Department on January 3, 2019 finding that the proposed Master Plan application and associated zoning change are consistent with the City of Cranston's Comprehensive Plan.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, "The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance."

4. The proposed mixed-use development is **not** compliant with the current standards and provisions of the zoning ordinance for this parcel of land. It is understood that the applicant has proposed a zoning amendment, and if such an amendment is approved without modification then this negative finding is converted into a positive finding of compliance with the zoning ordinance.
5. The proposed mixed-use development application is consistent with the *majority* of the zoning provisions currently in place for this parcel of land. The primary zoning provisions that need to be amended for the application to be completely compliant are as follows: 1) add commercial recreational as an allowed use (Topgolf facility), 2) increase the maximum accessory height to 190' (poles and netting), and 3) increase signage allowance.
6. The proposed zoning amendment associated with this Master Plan application is consistent with the Comprehensive Plan, as further detailed in the accompanying staff memo to the City Plan Commission entitled "Staff Report - Ordinance #12-18-02". A finding of consistency with the City's Comprehensive Plan is a fundamental component in the Plan Commission's consideration of the appropriateness of the requested zoning amendment.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, "There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval." (emphasis added)*

7. The current site is almost entirely paved except for the perimeter slope areas, parking lot landscaped islands, and a small wetland in the south-east corner of the lot. The proposed development will allow for more on-site drainage infiltration than currently exists on the site. The applicant has proposed permanent stormwater management measures that will fully mitigate the impacts to stormwater runoff, and will comply with the City of Cranston Stormwater Ordinances and the Stormwater Management Standard and Performance Criteria of the RI Stormwater Design and Installation Standards Manual (RISDISM). The project will be subject to all local, state and federal standards regarding environmental impacts. Further details will be provided if the project moves to the DPR and Preliminary Plan stages of Development. Based on the Master Plan level of review, staff finds that there positive indication that there will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval."

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, "The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans."

8. The proposed project does not incorporate a subdivision of land or any improvements that would create physical constraints to development such that future building would be impracticable.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, "All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement."

9. The property in question has adequate permanent physical access from Sockanosset Cross Road, an improved public roadway located within the City of Cranston.

10. The proposed project will result in a net traffic reduction to and from the site compared to the previous use on the site (Citizens Headquarters) or the potential future use of existing building as high density office.

Conditions of Approval

1. City Council approval of the requested change of zone submitted in association with this Master Plan application prior to a Preliminary Land Development Plan submittal;
2. Preliminary Development Plan Review (DPR) Committee Approval prior to a Preliminary Land Development Plan submittal to the Plan Commission;
3. Conservation Commission review and comment on the Preliminary Development Plan Review, including but not limited to street trees, landscaping, and proposed vegetative screening;
4. Veolia Water approval of sewer engineering stating that the plans conform to Annex A - Design of Sewers;
5. Obtain final design approval from the Providence Water Supply Board;
6. All required reviews, permits, and approvals to be granted by the various state or federal agencies with jurisdictional authority for the project, including but not limited to: RIDEM, RIDOT, RIHPHC, Federal Highway, prior to a Preliminary Land Development Plan submittal;
7. Detailed traffic analysis of the proposed development compliant with the City Plan Commission policy for traffic mitigation prior to a Preliminary Land Development Plan submittal;
8. Final lighting, landscape screening and sign design to be given final approval by the Plan Commission at the Preliminary Land Development Plan phase.

Ordinance 12-18-02 - Zone Change / Major Amendment – 100 Sockanosset Cross Road. Petition filed by 100 Sockanosset LLC. (Commercial Recreation) relief per Section 17.92.010 variance; Section 17.20.120 Schedule of Intensity Regulations.

Upon motion made by Mr. Spirito and seconded by Mr. DiStefano, the Commission unanimously voted (9/0) to forward a positive recommendation on this matter to the City Council Ordinance Committee.

Upon motion made by Mr. Vincent and seconded by Ms. Lanphear, the Commission unanimously voted (9/0) to continue the remaining agenda items to the February 5, 2019, Plan Commission Meeting in the City Council Chamber.

ADJOURNMENT

Upon motion made by Mr. DiStefano and seconded by Mr. Strom, the Commission unanimously voted to adjourn at 12:55 a.m., Wednesday, January 9, 2019.

NEXT MEETING

February 5, 2019, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, MPA, MCP, AICP
Planning Director

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CITY OF CRANSTON
PLAN COMMISSION

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

DATE: January 8, 2019
TIME: 7:00 P.M.
PLACE: Cranston High School East
School Auditorium
Cranston, RI

BEFORE:
Michael Smith, Chairman
Ken Mason, P.E.
Kathleen Lanphear
Steven Spirito
Ann Marie Maccarone
Frederick Vincent
Robert Strom
Joseph Morales
Robert DiStefano, Jr.

PRESENT:
FOR THE APPLICANT ROBERT MURRAY, ESQUIRE
FOR THE PLANNING BOARD STEPHEN MARSELLA,
ESQUIRE

1 CHAIRMAN SMITH: Okay. We next move on to
2 the subdivision and land development part of the
3 agenda for tonight, and the first of those items is
4 the Natick Avenue Solar, which we had heard in the
5 December meeting, and the commission wanted to
6 continue it to the meeting this evening because
7 there were a few questions that members had and
8 they wanted to vote on that at that time. So is
9 there a staff report?

10 MR. BERRY: Yes.

11 MR. SMITH: Okay. Thank you.

12 MR. BERRY: Thank you, everyone, for
13 bearing with us with a few technical difficulties.
14 Sorry about having my back to any of you as we go
15 through the presentation. This is a continued
16 matter from the December 4 planning commission
17 hearing. So we'll keep it brief. I want to go
18 over some of the things that were spoken, and
19 information that was conveyed at that meeting as
20 well as new happenings, new information that has
21 developed since that public meeting on December 4.

22 So if you're not familiar with the
23 project, this is the Natick Avenue solar major land
24 development master plan application. Owner is
25 Ronald Rossi. The applicant is Southern Sky

1 Renewable Energy, Rhode Island, Natick Ave.,
2 Cranston, LLC. It's on Natick Avenue, Lots 22 --
3 108, 119. It is zoned for A80, which is single
4 family residential dwellings on a minimum of 2
5 acres or 80,000 square feet to be precise, and a
6 future land use map designation, single family
7 residential less than 1 unit per acre. The
8 proposal signed is it's to lease 29.7 acres of a
9 64-acre site. It is zoned -- zoned site in order
10 to develop a solar farm which would produce 8.1
11 megawatts of clean, renewable energy. The proposal
12 is allowed by right under the zoning ordinance, the
13 City of Cranston, and per the goals and policies in
14 the amended Comprehensive Plan.

15 Existing uses on the site are a hay field,
16 Christmas tree farm, woodlands, which are to remain
17 on the unaffected 29.3 acres of upland area. There
18 are some wetlands on site. There's no variances or
19 signage required or requested as part of the
20 application. The project includes a buffering plan
21 as well as the decommissioning bond.

22 Here's an aerial view. The site is in the
23 center there. You see a -- Cranston Country Club
24 to the northwest as a mark, a landmark. The
25 Cranston and Town of West Warwick line is just to

1 the south, 295 to the east. Here's a 3D aerial
2 view so you can get a sense of the vegetation on
3 site and the character of the development of the
4 surrounding area. You can see in this area here
5 just along the southern border of the property
6 there is the Tennessee Gas pipeline easement. It's
7 50 feet wide and that's why that's cleared there
8 and is to remain undisturbed. The zoning map
9 shows -- the white color there is A80. So that
10 shows the consistency north and south. To the
11 northwest there's A20 and that's single family
12 residential zoning with 20,000 feet of minimum lot
13 size. And then to the east of Natick is the A80
14 zoning. However, those three large parcels south
15 to southwest -- I'm sorry, south to southeast of
16 the project site are conserved with an easement and
17 they are the farm property. So they would never
18 been developed for A80 size single family
19 residential. As you see here on the future land
20 use map, those properties are pretty clearly carved
21 out. Again, the future land use map calls for
22 single family residential. The proposal is
23 consistent with that of our future land use map
24 designation.

25 This is the street view of Natick Avenue

1 facing west towards the property entrance, that end
2 property entrance, and there's two residential out
3 parcels, one south and one north, blocking in that
4 entranceway. See the vegetation and the existing
5 stone walls. But that is not in the wintertime.
6 It's the existing conditions as submitted. I'm
7 going to zoom in as well, but it's always part of
8 our applicant's request to show the site plans as
9 submitted. So this will give you a little bit
10 better ability to see. There's some heavy
11 topography going from the northwest portion of the
12 leased area, and this is the leased area line, this
13 black line, kind of diagonally splitting the middle
14 of the parcel. And just -- this other parcel, just
15 so you know, it is combined for zoning purposes as
16 one lot. So although this red boundary line, this
17 rectangle here, that does not create a separate
18 parcel for zoning purposes. It does not create any
19 setbacks from it.

20 Since your December meeting, the
21 topography and the site work that would be required
22 for this project has been a major topic of staff
23 and public concern. For that reason, we have
24 recommended that the applicant provide an
25 additional visual analysis. So the pink that you

1 see on this new with plan with the existing
2 conditions shows the slope that's greater than 20
3 percent on the site. So these are going to be
4 potentially challenging areas within the site that
5 could be graded, blasted, or worked with various
6 engineering techniques. Ground mounted solar
7 arrays can be installed up to on 25 percent slopes.
8 So there are -- there is a possibility that not all
9 of these pink areas would require site work, but we
10 just wanted to visually identify them so it becomes
11 clear. This is the revised site plan as submitted.
12 I'm going to zoom in so you can all see it a little
13 better. So the first -- this was the site plan,
14 the December site plan. So I wanted to kind of
15 show a before and after of what was presented last
16 month and then what has progressed since that time.

17 So the major revision is, although there
18 are slight other revisions, but the major revision
19 is in that area on wetlands in the southeastern
20 corner of the lot close to Mr. Lawrence's property
21 to the south and near the Tennessee Gas easement.
22 So the revised site plan removes the solar panel
23 arrays from this area, which is on a very
24 challenged portion of the lot and on wetlands. So
25 it gives a multitude of benefits from relocating

1 the panels from the site.

2 Zooming in even further so you can see it,
3 this is the center site plan, and this is the
4 current site plan. Solar panels are gray. So
5 they're a little difficult to see. You can see all
6 the panels in this area become moved away from the
7 wetlands, away from Natick Avenue, away from Mr.
8 Lawrence's property, away from Miss Patten's
9 property, and off of the challenge of the slopes.
10 That's just a before and after, again, showing the
11 change in the plan.

12 So in the staff report, I just wanted to
13 make a point that was brought up by the applicant.
14 In the staff report, we recommended it as a
15 no-clear zone, but the intent was visual screening,
16 not necessarily that no tree would be removed. So
17 we want to make sure that this note is being
18 honored, that any large trees that cause shade on
19 the solar array shall be selectively removed, a
20 supplemental planting of shrubs shall be added, if
21 necessary, to establish an effective visual
22 screening. So it's really meant the intent. It's
23 not that no tree can be removed from this area, but
24 that we are getting away from the wetlands, getting
25 away from the challenging slopes in that area, and

1 hopefully using the topography. So the genesis of
2 this was during the site visit, Mr. Spirito
3 traversed down the slope and was making
4 observations about the limitations of this site
5 from certain vantage points. And also hearing
6 comments from Mr. Doe how topography is a critical
7 element in screening, we found this to be a
8 reasonable recommendation to protect the
9 neighborhood and the public right-of-way from a
10 clear line of site to the solar projects.

11 We have a few spots here to show the
12 distances, some distance analysis before and after.
13 It's right now at 500 -- it was in the summer plan
14 536 feet to Miss Patten's residence and 182 to
15 Mr. Lawrence's property, 368 to the property there
16 from Mr. Lawrence's, and those changed to 762, over
17 230 feet additional distance to the Clark property,
18 and then again a little bit of relief to 223 for
19 Mr. Lawrence, but that's just to the nearest panel,
20 whereas here there was a multitude of panels that
21 would have been within his line of sight.

22 I believe there's just an error on this
23 last figure based on where the arrow is leading.
24 It says 355 feet, but it's not actually pointing
25 directly to a panel. I believe that distance also

1 has increased based on this change.

2 The applicant submitted a clean site plan
3 just for that -- for visual purposes. There's no
4 additional benefit other than if we want to use
5 this for clarity. Here's the buffer planting plan
6 as submitted by the applicant. Zoom in so you can
7 see a little more clearly. Most of the planting is
8 going to be to the north of the property, which has
9 the highest elevations. In the south, southeast
10 has the lowest elevations to the site. You can
11 notice that the panels, themselves, are over 400
12 feet from Natick Avenue, and this presents a
13 natural buffer of distance but also all the
14 vegetation, the topography, the existing stone
15 walls, the residences, the vegetated wetlands are
16 all between Natick Ave. and the solar arrays.

17 Existing vegetation, this is an important
18 note for the strategy of the buffer planting plan.
19 The existing vegetation in this area is proposed to
20 remain and shall be supplemented with additional
21 plantings, if necessary, to establish an effective
22 visual screen. So what I'm emphasizing here is not
23 that for the buffer planting that they go in and
24 clear any of the trees in that area, that they
25 would supplement the existing trees, and there are

1 many visuals to demonstrate their strategy here.
2 This comparison, this is a visual from the
3 applicant, the supplemental residential buffer
4 plantings with the existing views on the left and
5 the view after the supplemental plantings on the
6 right. They did a view shed analysis to the
7 current upland residential properties, and they
8 took pictures to show and you can see that are
9 partially screened, but definitely not completely
10 screened.

11 This is a new supplemental buffer planting
12 exhibit, and I'm going to zoom in using a locust
13 map for each one of these to show you a little bit
14 more clearly, and the locust map in the upper left
15 of the arrow shows you what vantage point that
16 we're looking from. So that there we are in the
17 northwest of the leased area looking towards
18 Assessor's Plat 22.2, Lots 217 and 218, and I'm
19 just going to show a series of before and after
20 exhibits of what they anticipate the supplemental
21 plantings will do to screen the property -- to
22 screen the project.

23 At any point, we can come back and use
24 these for discussion about buffering. This one is
25 on Clint Rossi's property at the entrance where

1 there's a stone wall. I do want to make a point
2 that if there are any plantings that are shown in
3 any exhibit that are not on the property, but on
4 the abutting property, that would be an agreement
5 that would have to be with that property owner. We
6 want to see as many of the plantings on the actual
7 site as possible. But it is within their right to
8 make an agreement to plant buffers on the abutting
9 properties, per striking agreements with them. We
10 are told the sometimes that allows them to manicure
11 those plantings for their desire, and it can be a
12 preferred option.

13 This is a concept subdivision plan. This
14 was presented last month. Nothing has changed.
15 This is a potential view plan but that has not been
16 fully vetted by staff. It's just basically a
17 visual tool to demonstrate that this could be
18 engineered for a residential subdivision.

19 This is some street views. I'm going to
20 show some photographs that were taken on site
21 visits. This is facing north on Natick Avenue with
22 a site entrance there to the west. You can see the
23 topography you are heading south there on the
24 passenger side. There's several feet where it
25 climbs and then the stone wall. So this shows the

1 view from four feet high that the site is
2 effectively screened by a stone wall, the
3 topography when heading south in a vehicle on
4 Natick Avenue.

5 This is looking down the entrance, and it
6 shows that there's stone walls and vegetation, but
7 that you would be able to see the site
8 approximately 400 feet away from Natick Ave. on
9 that slim 50-foot wide entry point as you drive by.
10 You're literally only going to see it for a flash
11 because, you know, you'd be driving south and the
12 wall would protect it all the way up until -- then
13 you see it for about 50 feet as your drive by.

14 These were some pictures taken from the
15 site visit. This is heading eastward all along the
16 northern property boundary of the leased area.
17 That is that stone wall, marks the edge of the
18 property. It's very faint. Going to start here in
19 this area. You can hardly make out any of the
20 residences, but you can barely see some of them.
21 As you get closer, this was the point taken where
22 the closest point of solar arrays to the northern
23 property line, and you can see residences clearly
24 from there, not clearly, but you can definitely see
25 it. And this is a picture showing -- facing

1 eastbound toward Natick Ave. on the Tennessee Gas
2 pipeline. You can see Mr. Lawrence's property here
3 and Natick Avenue is about 700 feet away. That is
4 that point down there. I did an additional site
5 visit to the Clark farm, and this is the view of
6 the property from that perspective at our travel
7 entry. You would have seen the project in this
8 area right here through those trees should the
9 developer not have made the changes they did, back
10 up the hill.

11 This is the look from Natick Avenue
12 westward down the Tennessee Gas pipeline. Again,
13 partially screened. An interconnection plan, at
14 this point in a master plan phase, it's only
15 conceptual interconnection plan provided by
16 National Grid. It is going to be replacing 6,000
17 feet of existing overhead power lines from the site
18 entrance on Natick Avenue. That's where you see
19 down here at the start point. So 6,000 feet,
20 replacing poles 29 to 73 to Wilbur Avenue. That's
21 a little bit more than one mile. The pole height
22 will change from 35 feet to 45 feet. Tree trimming
23 would be anticipated.

24 Then we've had clearly significant public
25 concern and comment in opposition, which there are

1 articles in the Herald and Echo News. Other
2 significant, you know, we're going to detail that
3 and you all will get ample opportunity to again
4 voice your opinions and concerns for the project at
5 the master plan phase. The Tennessee Gas pipeline
6 has contacted staff and have been in correspondence
7 with the applicant regarding the easement
8 protections. And we have conditioned easement
9 protections should the plan commission decide to
10 approve the master plan and also multiple
11 undocumented discussions without formal comment
12 submittal.

13 At this point, assistant city solicitor
14 Steve Marsella had a point to make regarding new
15 plan commissioners and their involvement with this
16 application.

17 MR. MARSELLA: So just for the record,
18 there are two new commissioners on the board this
19 month that were not here on the initial month,
20 Robert DeStefano and Joe Morales. They have
21 informed me that they have reviewed the transcript
22 of the December hearing, all the exhibits submitted
23 at the hearing, all the initial back-up
24 documentation, and Mr. DeStefano, I believe, has
25 done a site visit.

1 MR. DE STEFANO: Yes, I have.

2 MR. MARSELLA: Also for the record,
3 Mr. Morales has not done a site visit, but that's
4 not necessary in order for him to participate.
5 Both are going to participate in this hearing
6 tonight, and I just wanted to put that on the
7 record. Also, Miss Lanphear did a site visit, but
8 not at the same time of the I'll call it the group
9 site visit the.

10 MS. LANPHEAR: January 2d with
11 Commissioner DeStefano.

12 MR. MARSELLA: With Commissioner DeStefano
13 and Attorney Murray and Mr. Rossi.

14 MR. BERRY: Going to hold staff analysis
15 until after the applicant and public have spoken.

16 CHAIRMAN SMITH: Okay. Thank you,
17 Mr. Berry. At this point, I would like to invite
18 the applicant to the podium. I understand there's
19 some additional answers and so forth that have been
20 developed over the last month.

21 MR. MURRAY: Good evening, Mr. Chairman,
22 members of the planning commission. For the record
23 and the public, my name is Robert Murray. I
24 apologize for my back to the audience. I am the
25 attorney of record for Southern Sky Renewable

1 Energy and Mr. Rossi, the property owner. I know
2 we have a busy agenda tonight. It's not my
3 intention to duplicate things that you've already
4 heard.

5 First, I want to compliment Josh. I
6 thought he did a very concise and comprehensive
7 recap of the project. So that will save us some
8 time. My purpose in getting up here, I am going to
9 offer just two short witnesses who did not testify
10 in December. Tonight is an opportunity, perhaps
11 for the planning commission member, most of you
12 have -- the majority of you have seen the site
13 since the December 4th meeting. You may have
14 additional questions. First of all, on behalf of
15 Southern Sky and Mr. Rossi, we want to thank both
16 the public and the members of the commission who
17 took the time to come visit the site, and we
18 appreciated that.

19 This is, as Josh stated at the beginning,
20 and I'm not going to recap everything, but this,
21 for the new members and the public, this use is, as
22 proposed, is a use allowed under the A80 zoning.
23 This is the first step in this process, as we've
24 stated. If the master plan is approved this
25 evening, we would then come back at various public

1 hearings as the development of the plans are
2 engineered and proceed forward. So this is not the
3 final night on this project. It's the first one,
4 and we would have to go through a detailed
5 technical review process with city departments. We
6 have to come back to you after we have all our DEM
7 permits for a preliminary approval. So there's
8 going to be ample opportunity going forward for
9 both the public and the commission continue to
10 comment on this project.

11 The first gentleman I want to offer just
12 to inform the -- just to talk briefly about the
13 revised site plan that was submitted --
14 Mr. Chairman, I do have copies. I did provide -- I
15 know it's in your slide show. This is the packet.
16 I don't know if any members want the revised plan.
17 I did bring extra copies. I gave the staff -- it's
18 as represented on the slide, but I just wanted to,
19 in case someone likes to refer to the hard copy, I
20 did bring extra copies with me.

21 I'm going to ask Dave Russo -- first of
22 all, let me just mention for the commission and the
23 public, with us this evening are a number of
24 consultants for Southern Sky, but the principal of
25 Southern Sky Renewable Energy is Mr. Ralph Palumbo.

1 He is the managing partner. He is here this
2 evening available to answer any questions. His son
3 Kyle is the vice president of the company. He's
4 here. We have Dave Russo from DiPrete Engineering.
5 We have John Carter, our landscape architect. We
6 have Ed Pimentel, who's going to briefly talk about
7 his Comprehensive Plan analysis. I should note
8 Mr. Ronald Rossi and his son Andrew are present
9 this evening to answer any questions, and most of
10 the commission members had an opportunity to meet
11 them at the site on December 8th. I have one
12 additional witness I'm going to offer this evening
13 from the Maine Drilling and Blasting Company.
14 There seemed to be considerable discussion -- there
15 was considerable discussion at the last meeting
16 concerning blasting, the relationship to the
17 Tennessee Gas pipeline, and Mr. Andrew Dufore is
18 here tonight. He has extensive experience in this,
19 and I think his information will be helpful to the
20 commission and the public to really understand what
21 we're talking about with the limited blasting we're
22 talking about as it relates to the pipeline.

23 I'm going to ask Dave Russo from DiPrete
24 Engineering to come up here briefly. I just put
25 new batteries in. The pointer's working. I just

1 want Dave to be available to answer any questions,
2 but, Dave, you were on the site visit. Could you
3 just go over the concept that, you know, I think
4 commission members understand, so the public
5 understands, we are going to work with the contours
6 of the land in the placement of the panels. And if
7 you just talk about the change in the -- and be
8 available to answer any questions.

9 MR. RUSSO: So the plan that was presented
10 to you tonight shows a pink hatch. That hatch
11 that's shown is the 20 percent slope. Those are
12 the areas that we expect some grading to be
13 performed. Because there's grading that's going to
14 be performed in those areas doesn't necessarily
15 mean there has to be blasting in all those areas.
16 We'll have to do testing on the site to figure out
17 where the ledge is present in those areas.

18 So these are the areas that, you know, the
19 significant slopes that we believe we have to work
20 with on the site. And as that planning staff
21 mentioned, this lower southeast corner during the
22 site walk with the planning staff and the board,
23 that area is an area of concern. We decided to
24 shift those panels out of that area. That area is
25 one of the worst areas of the site. There is

1 visible ledge in that area, and that's definitely
2 one of the worst spots of the site. So we
3 relocated the panels out of that area. Then during
4 the site walk also the approximately 5-acre
5 wetland, which is located to the southeast, is
6 visible; and that area now is where all this storm
7 water goes to that. So the high point of the site
8 is up on the north, and all this water flows south
9 and towards the southeast, towards the wetlands and
10 towards the small stream system that we had shown
11 on the plans.

12 The project, if it were to get approved at
13 master plan, would require a DEM wetlands permit to
14 discharge water to this wetlands. We wouldn't be
15 changing the flow of the storm water. We would
16 still maintain all that water to go here. The
17 state requirement is that we can't increase that
18 water. So to do that, we would do testing on the
19 site to evaluate the soils and the depth of the
20 ground water and then depending on those results,
21 we would choose best management practices such as
22 detention basin, infiltration basin, storm drainage
23 grass, swale systems, but none of that can really
24 be determined until we complete that testing on
25 site.

1 So we'd have to do all that, prepare all
2 the reports, submit it to DEM. They would do a
3 site visit, and they would analyze all our
4 engineering, and they would have to sign off on
5 these plans before we came back to the city for
6 preliminary review of the site.

7 Really, the change on our end for the
8 civil site is just that southeast corner. Mr.
9 Carter here -- is here also for the landscape
10 architect. He made some revisions which he'll
11 speak about later. Be happy to answer any
12 questions the board may have.

13 MS. LANPHEAR: Mr. Russo, thank you. I
14 just have a question. You talked about the panels
15 that were taken out of the area that has a large
16 amount of ledge and said that they were relocated.
17 Can you tell the commission approximately how many
18 feet of panels we're talking about, and where
19 they've been relocated to.

20 MR. RUSSO: I apologize. When I said
21 relocated, I meant we actually rearranged the
22 field -- actually got rearranged on the site plan.
23 They'll be relocated to the southwest most corner.
24 So our plan has just shifted them out of there and
25 shifted around the panels. So they weren't

1 relocated on the plan that you see. So there's
2 less than 8.1 megawatts of panels shown on the
3 plan. So there's approximately 250 kilowatts of
4 panels that need to be -- a home found for them.

5 MS. LANPHEAR: So they're not currently
6 relocated on the plan?

7 MR. RUSSO: That's correct. We relocated
8 the panels out of that area.

9 MR. VINCENT: Mr. Chairman. Can you just
10 explain, in looking at the first site plan in the
11 data, it appears that -- first of all, that you
12 show the 50-foot wetlands buffer edge, and then on
13 the site plan, the first one, it looked like that
14 buffer was encroached. Now, on the revised plan,
15 can you testify that you are not within the 50-foot
16 wetland buffer?

17 MR. RUSSO: The original plan there is no
18 panels in the 50-foot buffer, and there will be no
19 panels or disturbance to the 50-foot buffer. I can
20 testify to that.

21 MR. VINCENT: Okay. Thank you.

22 CHAIRMAN SMITH: Okay. Thank you. Do you
23 have anything additional to add at this point?

24 MR. MURRAY: Not from Mr. Russo. I didn't
25 know if there were any other questions.

1 MR. VINCENT: Can you also -- there's been
2 a lot of discussion about visual, topsoil and the
3 impact that will have on the site, and some of your
4 notes indicate that you're going to do re-seeding
5 as necessary. Can you -- and we'll find out. If
6 necessary, does that mean that it will be your
7 decision where you would seed or will it be more
8 prudent to say you will re-seed the entire site if
9 you're disturbing it?

10 MR. RUSSO: That will be part of the --
11 DEM will require that. So if there's any bare
12 areas, then we'll have to seed it. That's the end
13 result of the development will have to be seeded.

14 COMMISSIONER VINCENT: Again, are you
15 saying that it will be re-seeded?

16 MR. RUSSO: It will be re-seeded.

17 COMMISSIONER VINCENT: In its entirety?

18 MR. RUSSO: Correct.

19 MR. VINCENT: Thank you.

20 MR. MURRAY: Let me just follow up on two
21 points. First, on the last one with respect to Mr.
22 Vincent's question, under the Cranston solar
23 performance standards ordinance, you are only
24 allowed to disturb that amount of topsoil necessary
25 to install the panels, and you're not allowed to

1 remove topsoil from the site, and we will follow
2 that mandate. The areas that are disturbed, there
3 will be a seed mix used to stabilize the site
4 afterwards, and it will be throughout the solar
5 panel array. But we're not allowed to remove
6 topsoil. We know that. And whatever we work with,
7 anything we disturb, we'll stabilize. Initially --
8 historically, we stabilize like with mulch,
9 depending on the time of the year; and then when
10 we're ready, we will work with a seed mix to plant
11 the solar array field.

12 I just want to clarify Miss Lanphear's
13 question. There were about -- it was about two and
14 a half percent of the panels were relocated, about
15 500 panels. Let me say they weren't relocated yet.
16 They were removed. There's quite a detailed
17 process we have to go through, not with Mr. Russo,
18 but with our solar panel expert. It is our
19 intention to maintain this project at 8.1
20 megawatts. There's a number of alternatives we
21 have to do that. Sometimes it has to do with the
22 type of panel you use that might have a little
23 higher wattage. So you might not have to have the
24 same one for one replacement. But our intentions
25 are, if we're approved tonight, the next generation

1 of plans this committee -- the commission sees, and
2 the technical review committee sees, we will have
3 all those panels -- sufficient number of panels to
4 generate 8.1 megawatts of power. So the easiest
5 thing we can do following the site visit in
6 preparation for tonight was Mr. Palumbo instructed
7 Mr. Russo let's, you know, in my -- the commission
8 comments and the public comments, let's get it out
9 of there, and we will figure out where to put the
10 panels, but we're talking about 500 panels out of
11 probably 20,000. So it's not -- it can be handled,
12 and it will be.

13 So I just want to clarify that. Did I
14 cause any other questions to be asked by that?
15 Okay. That being said, I'd like to ask John Carter
16 just to come up briefly to talk about the
17 supplemental screening plan that we submitted. As
18 members of the commission know, Mr. Carter was
19 present for the site visit on December 8th. He had
20 obviously been to the property beforehand because
21 we had done an initial buffering plan. The
22 buffering plan is going to be as extensive as
23 necessary to satisfy obviously the commission, but
24 also to work with the individual abutting property
25 owners. You're going to see representative

1 samplings of what, you know, he was able to do
2 through the magic of Photoshopping, with taking
3 existing views, adding, you know, sample shrubs.
4 We are not -- this is not the final word. It's the
5 beginning. Our intention is to do whatever we can,
6 and Mr. Palumbo's committed to working to provide
7 buffering so that -- because obviously Mr. Carter
8 had the perspective of looking off our property to
9 the surrounding property. We did not go on anyone
10 else's property to prepare these plans. So -- but
11 we are committed to working with the abutters in
12 trying to satisfy them to, you know, do what we can
13 as best as possible.

14 So I'd just like to ask John just to come
15 up, talk a little bit about any additional
16 information he wants to share with you, and then
17 he'll be available to answer any questions. Thank
18 you.

19 MR. CARTER: Thank you. My name is John
20 Carter, and I'm a registered landscape architect.
21 I think between Josh and Bob, you have a pretty
22 good explanation of what the proposed buffer
23 planting intentions are. Obviously, we're working
24 at a somewhat high level because this is a master
25 plan, and we're not, you know, proposing details at

1 this point. But we did -- initially, the plan
2 you're looking at was the initial submission, and
3 what we did by walking the site and looking at the
4 neighboring properties is try to identify the areas
5 that might be impacted visually by the installation
6 of this panels.

7 So you can see that there's an area here
8 on the north side and a small area on the south
9 side, and there's some notes explaining the
10 intention of what's to be done. So the intent is
11 that we can't stand here today and say this is
12 exactly where a plant can go and -- for it to be an
13 effective screen, but I think that by what we've --
14 my experience through the years and what we've seen
15 on the site, that we can make a commitment that
16 when the site's cleared and we're able to assess
17 exactly where and how many evergreens to plant,
18 that we will be able to sufficiently screen the
19 panels from the views of the house.

20 So this is -- you've seen that one before.
21 What we did to sort of further enhance it, and,
22 Josh, can you go to the one with the -- keep going.
23 There you go. Thank you. And I know this is hard
24 to see for the audience and for board members, but
25 basically, as Josh explained, we took -- we went

1 out to the parameter of the site where we were
2 standing approximately where the panel would be at
3 the closest point to the adjacent house, and we
4 took a photograph. So this one on the left is a
5 photograph standing approximately where a panel
6 would be looking back at, in this case, two houses.
7 There's one that I'm pointing at here, and I
8 believe there's one sort of hidden in there. And
9 then this scenario showed how planting 8- to
10 10-foot Evergreens probably White Pine and White
11 Spruce because of their somewhat deer resistant,
12 rapid growth and I think adaptable to those sites,
13 to those soils and conditions would effectively be
14 able to plug the holes that we're looking through.
15 So in this photo, we're looking through these gaps
16 in the trees. And, again, this is winter. This is
17 leaves off. This is the probably most exacerbated
18 situation, and in the summer the understory fills
19 in with all the stuff that's growing in there and
20 further enhances it.

21 So kind of in summary, we went to one,
22 two, three, four, five places and -- where we
23 thought it may be most effective to screen or where
24 the abutting properties might look into the site,
25 and assessed them and made those representations in

1 the photos.

2 This last one, actually, is Mr. Rossi,
3 Mr. Clint Rossi, who lives where the arrow is
4 pointing at the entrance. I believe there's been
5 conversation between him and Mr. Ron Rossi or him
6 and Mr. Palumbo, I don't know who, but they
7 represented to me that he'd be happy to have plants
8 on his side of the stonewall. So we showed by
9 filling in gaps on his side of the stonewall, it
10 would become an effective screen along that side of
11 the entrance.

12 Again, this will be further developed, and
13 I think that it will be very effective if the
14 project goes forward, that when it's cleared and we
15 can actually stand there and look and decide
16 exactly where to put the trees, how many. We're
17 not making a commitment now of how many. We'll put
18 in what it takes to make that -- to be effective.
19 Anybody has any questions, that's all we've got.
20 Thank you.

21 CHAIRMAN SMITH: Any questions for
22 Mr. Carter from the members of the commission?

23 MR. VINCENT: Mr. Chairman. Mr. Carter,
24 what size tree, in your professional opinion,
25 minimum size, are you anticipating planting?

1 MR. CARTER: We are proposing to plant 8
2 to 10 feet in height.

3 MR. VINCENT: And if, as you just said a
4 moment ago, if that is not an effective visual
5 screening, would you consider larger plantings?

6 MR. CARTER: Within reason, I'm sure,
7 yeah. I mean, that would be a decision, of course,
8 of the developer of the project; but, yes, he's
9 indicated to me that he's willing to work with it.
10 So, yes.

11 MR. VINCENT: So when Mr. Murray said that
12 he'd work with abutters, that is their intention?

13 MR. MURRAY: Yes.

14 MR. VINCENT: A commitment, not the
15 intention --

16 MR. MURRAY: Within reason. I mean, I'm
17 not presently the proverbial blank check. We're
18 reasonable people. The neighbors are reasonable.
19 We'll -- I'm sorry, we will certainly do our best
20 to satisfy everybody. And, you know, we won't --
21 they'll be a dialog. They'll be communication, be
22 understanding of what we're proposing. So to the
23 extent that I can represent that we are going to
24 make our very best efforts to satisfy everybody,
25 both in terms of species, in terms of height of

1 plantings, where they're going, you have our
2 commitment tonight.

3 MR. VINCENT: Thank you.

4 MR. MURRAY: Okay. Very quickly. At this
5 point, I'm going to ask Mr. Andrew Dufore to come
6 forward from -- Mr. Dufore is a 13-year veteran
7 with Maine Drilling and Blasting. That's a company
8 that's been around for about 66 years, as I
9 understand it. It is an extensive company that's
10 done work up and down the East Coast. They started
11 in Maine and worked extensively both through the
12 Northeast and down into the mid-Atlantic states.

13 As a result of the last meeting and the
14 considerable discussion about the need for blasting
15 and the relationship to Tennessee Gas pipeline, we
16 have brought Andy onboard to share information,
17 answer specific questions. So I'm going to ask him
18 to just introduce himself and kind of talk about
19 his experience and the requirements in the State of
20 Rhode Island, their experience in Rhode Island.
21 And then we'll -- I'll follow up if there's any
22 questions that I don't think he covered. But,
23 Andy, just state your name and address for the
24 record.

25 MR. DUFORE: Good evening. My name is

1 Andy Dufore, and I'm with Maine Drilling and
2 Blasting. As Bob stated, we're actually founded in
3 1966 so we're 52 years old, not 66, but we've got
4 some experience under our belts. I'm the manager
5 for all of our construction activity in
6 Massachusetts and Rhode Island. Our regional
7 office is here in Milford, Massachusetts. So
8 that's where we'd operate out of for a project such
9 as this.

10 It's my understanding there's a lot of
11 concern about the Tennessee Gas pipeline on this
12 project. So I'm here to speak to that and let you
13 know our experience and what we have done, not what
14 we can do, you know, but what we have done in our
15 resume. I think the one project that would
16 probably resinate the most amongst the group is the
17 Citizens Bank project in Johnston. We blasted over
18 a hundred thousand cubic yards in that project from
19 December of 2016 to August of 2017, and now there
20 was a Tennessee Gas pipeline at a one point. It
21 runs through. We're within 250 feet of it. The
22 one thing to note about Tennessee Gas is their
23 parent company is Kinder Morgan, and they have a
24 very strict blasting specification that we have to
25 adhere to, one of the more stricter of pipeline

1 owners.

2 If we were to be within 300 feet of the
3 pipeline, we would have to actually submit our
4 blast design to them for review so they could
5 review it and approve it. And then if we were to
6 get within 100 feet of their pipeline, they would
7 actually have an inspector on site with us
8 throughout the duration of that blasting process.
9 Another thing to note is there would be no blasting
10 within that actual easement on this project.

11 As far as the state's concerned, we are
12 governed by the state fire marshal's office.
13 That's where we would obtain our blasting permit,
14 and then get signed off here with you folks. And
15 the last note for safety purposes to measure the
16 vibrations that we're actually putting into the
17 ground, we would use seismographs so they measure
18 the vibration of the seismic data. Tennessee Gas
19 would require that we have one directly over the
20 pipeline, and the state requires that we have one
21 within the closest occupied structure not
22 controlled by the project to ensure that we're
23 within safe limits, the vibration limits do not
24 cause any damage to the weakest construction
25 material, which is horsehair plaster. So we've got

1 to keep our vibrations such that we don't cause
2 damage to horsehair plaster construction.

3 I don't know, Bob, if there's anything
4 else you'd like me to touch on or open up for
5 questions.

6 MR. MURRAY: Yeah. Let me just talk about
7 two things. First, the, you know, you've reviewed
8 the DiPrete Engineering plans, the slopes, and the
9 discussion. Obviously, and I said this in
10 December, blasting is the construction activity of
11 the last resort. It's not the first. So could
12 you, for the benefit of the public here, you know,
13 if, in fact, there were an area, and we're going to
14 try to minimize it, what process do you go through
15 to actually set a charge and things like that?
16 Just share that information with the public.

17 MR. DUFORE: Sure. So it is -- blasting
18 is done on solar farms; but as Bob said, it's the
19 last method. As you saw earlier, these things can
20 be constructed on 25-degree slopes and they're
21 not -- when we get into there, the earthwork
22 contractor actually slope until they hit ledge, but
23 if it does -- if blasting does have to occur, and
24 typically we come with a more technical formal
25 presentation; but in this process, there's no

1 cut/fill analysis here because we're not exactly
2 certain where the blasting has to take place. When
3 that -- if that has to -- if blasting does occur,
4 it all starts with a pre-blast analysis. So
5 essentially on that site drawing, you would
6 identify where the blasting would occur. We'd
7 identify how close we are to Tennessee Gas. We
8 identify how close we are to the closest resident,
9 and we design the charge of explosives, the weight
10 per delay, that's what causes the vibration. So
11 it's all done -- it's all planned out in a very
12 systematic method.

13 So once we determine the charge weight,
14 that would determine what type of pattern we are to
15 drill. So that's the construction sequence. We
16 send a drill out to drill a series of holes. And
17 then once that's complete, on blast day, we go in
18 and we load those holes with a charge. We don't
19 load them to the top. We're load them to at about
20 6 feet to the surface and the top of that is filled
21 with earth stone, it's like a stemming stone or a
22 pea stone. So the top six feet of the blast column
23 is filled with stone or nonexplosive product. Then
24 after that's done, we actually can place blasting
25 mats on the top of that to prevent anything from

1 leaving the blast zone. On a site this size, a
2 blast map would typically be 12 by 24 feet. It's
3 consisted -- it's recycled tires bound together by
4 wire rope. So they weigh 12,000 pounds a piece.
5 So they're very heavy and when you lay those down,
6 you don't just lay one here and here. You overlap
7 them. You make sure that everything's overlapped.
8 You go beyond the actual shot. So when that
9 happens is the blast is detonated, it prevents
10 anything from leaving the blast zone.

11 There's also site security plans, meaning
12 when we identify the blast zone, before the blast
13 goes off, there's a series of signs per regulation
14 that we have to have out. There's a series of
15 whistles we have to set up. Five minutes before
16 the blast, three would go off. A minute before the
17 blast, two would go off, and we would initiate the
18 blast. And then when we determine everything
19 detonated, we blow one whistle for all clear, and
20 people could get back to work. Within that site
21 security plan before anything's detonated, there's
22 sentries set around all the points of egress,
23 anywhere anybody could come hiking through, any,
24 you know, the pipeline, is there's ATVs, wherever
25 anybody could enter the blast zone, we place a

1 sentry; and before the blast went off, there would
2 be by radio communication, everybody would radio
3 around to make sure the blast site is secured
4 before the actual blast initiated.

5 MR. MURRAY: I think that pretty much
6 covers it. And is it fair to say that Maine
7 Drilling and Blasting, given your history and
8 lineage, you are familiar with the requirements of
9 the State of Rhode Island, the state fire marshal,
10 and you would follow all those protocols?

11 MR. DUFORE: Yes. That's correct.

12 MR. MURRAY: Mr. Chairman, I think that
13 was helpful. I'd be happy to have Mr. Dufore
14 answer any other questions. I have no other
15 questions at this point.

16 CHAIRMAN SMITH: I just had one question
17 for Mr. Dufore, and I realize that there's a whole
18 science and a great deal of engineering to the
19 whole blasting profession. Have you ever had
20 experience where, despite all precautions that were
21 taken, that there was some damage to a structure
22 somewhere in the vicinity, and what would the
23 recourse be for that individual? Is there an
24 insurance that is provided, a bond or something
25 like that?

1 MR. DUFORE: Yeah. We would provide our
2 certificate of insurance to the contractor, yes.
3 And that would be the recourse, yes. So if
4 something does happen, if there is damage caused,
5 we move all personnel, I mean that's the most
6 important, is human life, but if something happened
7 and it was directly caused by the damage, that it
8 would go through the insurance companies, correct.

9 CHAIRMAN SMITH: Thank you. Any other --
10 yes, Commissioner Vincent.

11 MR. VINCENT: Mr. Dufore, in your 50-plus
12 years of experience, did you encounter any damage
13 to septic systems or wells in the vicinity of your
14 blast sites?

15 MR. DUFORE: Honestly, no. No. Septic
16 systems and wells have a very -- more -- so that
17 vibrations at 2 inches per second for horsehair and
18 plaster, for example, Tennessee Gas pipeline allows
19 4 inches per second, which is double. Because it
20 takes a lot more vibration to damage wells and
21 septic systems. I think a lot of concern about
22 wells is chemicals leaching into them versus them
23 actually getting damaged. One of those chemicals
24 is what's called perchlorates. That's the big one
25 that leaches into wells, and all of our explosives

1 do not contain perchlorates. They're all
2 perchlorate free.

3 MR. VINCENT: One of the questions, for
4 the nine months that you did blasting on the
5 Citizens Bank campus, hundred thousand cubic yards
6 I think you mentioned. So can you give us an idea
7 of the times you blast. I mean, do you have a set
8 schedule in taking out, what's that, 10,000 cubic
9 yards once a month; I mean, how do you schedule
10 your blasting? So the neighbors know and the city
11 knows, et cetera.

12 MR. DUFORE: So we can provide
13 notifications. Our schedule is usually dictated
14 by -- we're supported by the earth workers site
15 contractor. Our schedule's typically dictated by
16 them. If there's certain blast windows we have to
17 meet, we can do that. But, number one, safety is
18 always precedent. We like to blast around 11 so we
19 can get to work together and get drilling again for
20 the next day's shot. So I mean that's an ideal
21 blast time is 11. We try to combine all of our
22 activity into one blast for the day if we can, so
23 we don't disturb the neighbors and the work site
24 more than once a day. That's not always possible
25 because we've got little pieces here and there that

1 we have to take care of. So at citizens, you know,
2 it was roughly nine months, December to August,
3 nine, ten months, hundred thousand yards. So,
4 yeah, it was roughly 10,000 yards. I think a lot
5 of that was front loaded. We did a lot more in the
6 beginning. Then came back and picked up some
7 trenches and things of that nature. So I think,
8 you know, shooting from the hip, it was probably
9 more 20, 30,000 yards towards the beginning and
10 tapered off towards the end as the cuts got
11 shallower.

12 MR. VINCENT: Thank you.

13 MR. DUFORE: You're welcome.

14 MR. MURRAY: I just want to -- I don't
15 want to cause any concern here that there's any
16 thought that any blasting activity, if it's
17 necessary on this site, is going to last the
18 duration of the Citizens Bank project. That was an
19 extensive campus. As the members of the commission
20 who toured the site know, there are piles of rock
21 that are going to be moved by equipment. Whatever
22 can be done with equipment will be done. There
23 is -- the blasting will be kept to a minimal, and
24 as Andy said, there will be notice. There will be,
25 you know, licensing procedures, but, you know, we

1 are not talking about a lot of blasting here. I
2 didn't -- the Citizens Bank is an excellent example
3 because of the relationship to the Tennessee Gas
4 pipeline. It is not a good example of equal sites,
5 equal amount of blasting. So the most important
6 thing is that Kinder Morgan, who operates and owns
7 the Tennessee Gas pipeline, has the developer's
8 handbook, there's construction activity and
9 blasting done all along the pipeline, every day.
10 And it's done safely. It's done with proper
11 notification in cooperation with Kinder Morgan and
12 the fire marshal and that's what will happen here.
13 But I want to underscore, as everybody knows on
14 that site, the ability to work with the contours of
15 the land is the first choice and frankly it's an
16 expense to blast. So we don't want to blast any
17 more than is necessary, and we're certainly not
18 going to blast indiscriminately. That's just not
19 going to happen. So, are there any other
20 questions?

21 CHAIRMAN SMITH: I, also, just wanted to
22 add one other thing that was brought up at the site
23 visit that in terms of rock or ledge that if the
24 only purpose of addressing the ledge is for the
25 anchoring of the structure for the solar panels,

1 that we can also drill into the rock and not have
2 to remove the rock if that's the purpose of it.

3 MR. MURRAY: Absolutely. And Mr. Dufore's
4 company has experience on that. He's worked with
5 -- on other Southern Sky projects. So the ability
6 to drill to get the I-beams in to support the
7 panels, you know, that will be the first choice.
8 But I don't want -- I don't want anyone to leave
9 here tonight that suddenly this is going to be, you
10 know, blast well. That's certainly not going to
11 happen.

12 CHAIRMAN SMITH: I'm sure that the plan
13 will be for the least obtrusive method of anchoring
14 the panels and placing them. Any questions at this
15 time?

16 MR. MURRAY: Thank you. My last witness,
17 who's just going to give very brief presentation,
18 is Mr. Edward Pimentel. As you know, he had a
19 conflict on December 4. He was already testifying
20 in Smithfield. He did arrive at your meeting late,
21 and I did present his report. I have additional
22 copies tonight along with his resume. But he can
23 do a much better job summarizing his findings than
24 I did that night. So I just ask your indulgence to
25 let him do that. And like I said, I have

1 additional copies of his report with me and I'll
2 share them, and you can distribute them as you
3 wish.

4 MR. PIMENTEL: Good evening, commission
5 members. So I've now been involved in at least
6 approximately a dozen solar projects throughout the
7 State of Rhode Island. I've done several projects
8 for the subject applicant. It is my typical
9 experience, given that addressing alternative
10 energy is actually fairly new in the State of Rhode
11 Island, and considering that many communities, due
12 to a lack of staffing, due to a lack of funding
13 have rather outdated, woefully outdated
14 Comprehensive Plans.

15 It's required by the state now, statewide
16 planning, as one of the state guide plans, that
17 when you amend your Comprehensive Plan, that you
18 actually address energy in general and alternative
19 energy specifically. One of my first projects in a
20 community that wanted the solar project in question
21 we helped to assist in actually writing the
22 Comprehensive Plan language, supporting language,
23 in the zoning regulations. But typically when I'm
24 reviewing Comprehensive Plans, trying to establish
25 their foundational support for zoning regulations

1 that have already been amended, it just isn't
2 there. This was not the case in regards to the
3 City of Cranston.

4 The City of Cranston actually has adopted
5 very concise and precise supporting foundational
6 language for solar projects, solar array
7 installations. And it's my opinion that it's
8 actually fairly recent. We're talking
9 approximately two years. And that in so doing, it
10 is recognizing that given the nature of these types
11 of installations, they're typically going to be
12 located in areas where you need some sizeable
13 acreage; and as such, it defined in the
14 Comprehensive Plan, laying the foundational
15 support, regulatory support, that the A80 district
16 is not only an appropriate district, but it's
17 actually welcomed in the A80 district.

18 Subsequent to that, the zoning regulations
19 were amended as is required by law. You amend your
20 Comprehensive Plan. Then you bring your zoning
21 regulations to be consistent in accordance with
22 your Comprehensive Plan. So in your zoning
23 ordinance, first, the land use schedule was amended
24 to permit, not conditionally permit, but permit as
25 a matter of right, solar installations in the A80

1 district. Why this is such an important point is
2 that many communities want to give that extra layer
3 of regulatory review, so albeit conditionally
4 permissible, meaning typically permitted by right,
5 subject to reasonable conditions of approval, here
6 City of Cranston says no, we welcome them in the
7 A80. We're going to give them as a matter of
8 right, pursuant to certain performance standards.
9 I followed up and reviewed those performance
10 standards and we're on front with all of those.

11 So my professional opinion is that we're
12 consistent with both the intent and purposes of
13 your Comprehensive Plan and your zoning
14 regulations. The later review that was imposed
15 upon these types of installations was to define
16 them as major land development projects. So we're
17 at the first stage of review. As this commission
18 well knows, it's the master plan stage. It's a
19 conceptual stage. It's where you vest the concept
20 if you deem it appropriate so that then you can
21 pursue the hard design, hard engineering. Yes, we
22 need to meet all the standards. We need to meet
23 all the design regulations. We need to show that
24 we can, in fact, engineer this in a safe and
25 appropriate manner. I've worked with the Palumbo

1 family on several projects. I can tell you they go
2 above and beyond the call of duty to do so, and
3 they do reach out to the neighbors as been said
4 time and time again tonight.

5 But that being said, it is a vesting
6 concept. I think a lot of the testimony I've heard
7 from the December 8th meeting, and I was here for
8 most of it, had to do more with concerns of the
9 design and the engineering. We've actually
10 provided to some degree the engineering that would
11 be considered a preliminary phase, but I can assure
12 this board there's much more to come. No applicant
13 would go to that hard cost of designing something
14 if the concept hasn't been vested yet. That's why
15 the state established the regulatory process that's
16 in place.

17 So I, in my professional opinion again,
18 believe that we are consistent with your
19 Comprehensive Plan. We're consistent with your
20 zoning ordinance. Clearly, it's a by-right land
21 use, and that I believe this commission can feel
22 comfortably vesting this so that we can proceed and
23 then start following through with that hard design,
24 hard engineering work.

25 CHAIRMAN SMITH: Questions from members of

1 the commission? Thank you very much, Mr. Pimentel.

2 MR. MURRAY: Mr. Chairman, I'm prepared to
3 stop now, which I'm sure will be welcome by a
4 number of people, but the -- we'll stand ready to
5 answer any questions that may come up during the
6 discussion. But I thank you for your time, and I
7 don't -- I didn't touch upon the interconnection
8 route. I think it's pretty self-explanatory. You
9 know, we took a ride down there on the site visit;
10 but that's an area that if commission members have
11 any follow up on that, I'll be happy to answer your
12 questions later, whatever. But Mr. Palumbo will be
13 happy to talk further about the interconnection.

14 As Josh said on the slide there, you know,
15 until we have master plan, the actual design of the
16 interconnection is not done because, frankly, we
17 have to pay substantial dollars to National Grid to
18 do that. It's well over a million dollars. So we
19 would not do that until we knew the project was a
20 go, but what we've represented to the staff and to
21 the commission is based on information we got from
22 National Grid so we know what the route will be,
23 how they will connect us to the substation up on
24 Laten Knight Road. So I have confidence in that.
25 The information you see there about Pole 29 to Pole

1 -- came from National Grid. So we didn't make it
2 up, but that will be -- the design is a separate
3 operation within National Grid, and that will
4 happen, but I'll stop at this point. Thank you for
5 your time.

6 CHAIRMAN SMITH: Thank you, Mr. Murray,
7 and to all your colleagues as well.

8 We have a sign-up sheet for speaking on
9 this issue for Natick Solar, and I'll just go in
10 order. First individual that would like to be
11 heard is Walter Lawrence, 745 Natick Avenue.
12 Mr. Lawrence.

13 MR. LAWRENCE: Walter Lawrence, 745 Natick
14 Avenue, Cranston. Since the last meeting, I've
15 been approached by participants of the project.
16 Gave me a site tour; and when they left me off at
17 the house and just before that, we was driving and
18 they said about asking me permission, and, of
19 course, they wanted to pay me, I guess, they didn't
20 say how much yet, of topping off the trees on my
21 property because they're too tall, and they're
22 going to shade the panels. And I haven't told them
23 yes; haven't told them no. But I -- in the
24 meantime, there's been some research done, and I'd
25 like to give one of these to each one of the panels

1 if somebody will take them and pass them out. This
2 is from the Arbor Society, and it says about
3 topping off the trees. And also that blasting, of
4 course, I said last meeting the septic system and
5 the well. And I don't know what kind of prime that
6 they use in these solar panels; but if they keep
7 dripping and dripping somewhere and nobody finds it
8 for quite a while, it's going to be in the soil and
9 it's going to get washed around with the rain
10 water. And that's one of the concerns I have.

11 As far as I'm concerned, whoever's here,
12 they're not going to get topping off my trees
13 because it will kill them in the end. And that's
14 from the Arbor Society, those papers. You would
15 read the first line. Thank you for your time.

16 CHAIRMAN SMITH: Thank you very much for
17 your presentation. Now, we have --

18 MR. LAWRENCE: Tell you something.
19 Tennessee Gas line is placed right on the rock.
20 There is no cushion under it, only in certain
21 spots. It's directly on top of the ledge. So any
22 shaking is going to do the line damage. In fact,
23 they just came just this past summer, and they had
24 to dig up the road and put a sleeve over the line
25 in the road where it's been gauged over 20 percent

1 of the casing, and they had to put a sleeve over
2 it. There's a mark in the road where they had the
3 policeman there as detail, and they had to put a
4 sleeve over it. And in order to get that sleeve
5 on, they had to chop with a small hammer to chop
6 the ledge so that they could get around and clean
7 the pipe and put the sleeve on. So this pipe is
8 only in certain places around the Rossi property
9 that's cushioned at all, and they buried it with
10 just a blasted stone that they use the same
11 material that they dug with. There's no sand
12 cushion at all in this area. I got pictures and
13 video of it.

14 CHAIRMAN SMITH: Thank you, Mr. Lawrence.
15 Next is Patrick Dougherty.

16 MR. DOUGHERTY: Thank you, Mr. Chairman,
17 members of the commission. My name is Patrick
18 Dougherty, and I'm an attorney licensed in the
19 State of Rhode Island, among other places, with
20 offices at 887 Boston Neck Road in the town of
21 Narragansett. I represent a number of abutters and
22 interested parties in the adjacent neighborhood,
23 including, but not limited to, the Zevons,
24 Swansons, Mancini's, and Deiders (phonetic). And I
25 have brought -- first off, I want to thank the

1 commission for allowing us the opportunity to come
2 back here and present some expert testimony. In
3 keeping with my representation to the commission, I
4 do have an expert witness, Ashley Sweet, who is a
5 planner as well, and I would like to bring her up.
6 I have a report that she prepared, just complied.
7 I've given a copy to Mr. Murray as soon as I
8 arrived here this evening. I have enough copies
9 for everyone on the commission and a few extras.

10 In addition to that, I would like to
11 preface before bringing Miss Sweet up -- oh, I'm
12 sorry, I also have her resume, which I'd like to
13 distribute as well. In addition, I would like
14 these marked as exhibits. And, finally, as far as
15 exhibits are concerned, I would also like to
16 provide a copy of a letter from the assistant
17 director of the Rhode Island Department --
18 associate director of the Rhode Island Department
19 of Administration, Division of Statewide Planning,
20 which I referenced in my earlier remarks on
21 December 4th.

22 Prior to bringing up Miss Sweet, I would
23 like to bring a few things to the attention of the
24 commission. As this commission knows, the
25 Comprehensive Plan for the City of Cranston and any

1 other municipality in the State of Rhode Island
2 must be submitted and approved by the Division of
3 Statewide Planning. It's, you know, in accordance
4 with the law. As referenced in the letter, the
5 September 12, 2017 letter, which you have a copy of
6 before you now, the City of Cranston's
7 Comprehensive Plan has expired as of -- the one
8 dated 2010. It is in this context that you are
9 reviewing amendments to the Comprehensive Plan and
10 the ordinance which addressed solar projects and
11 which the applicant has asked you to determine are
12 consistent with the Comprehensive Plan in the City
13 of Cranston.

14 Statewide Planning would not do that,
15 first off, because there is an expired plan, but
16 they were allowed to review the proposed solar
17 amendments to the Comprehensive Plan. And they had
18 grave concerns over them, many of which -- all of
19 which will be addressed by Ashley Sweet, and all of
20 which you've heard addressed in public comment in
21 one form or another at the prior meeting.

22 So you can't read specific non-ratified
23 amendments to the Comprehensive Plan that deal with
24 solar power installations in a vacuum. The City of
25 Cranston does have a plethora of elements contained

1 within its Comprehensive Plan that specifically
2 address a lot of the characteristics that are
3 brought into play and the issues that are brought
4 into play in this particular development. And
5 Mr. Pimentel was correct in his comments to you
6 earlier a few minutes ago that they have to prove
7 to you that they will meet the performance
8 standards contained in the ordinance for this
9 supposed by-right development. But more
10 importantly, it's incumbent and required by this
11 commission to make a finding that this development,
12 major land development, is in conformance with the
13 Comprehensive Plan. And you're about to hear a
14 panoply of reasons that are substantively contained
15 in the Comprehensive Plan that was ratified by
16 Statewide Planning and that has guided development
17 in the City of Cranston for years now that show
18 that it is wholly inconsistent with the
19 Comprehensive Plan.

20 Now, Mr. Pimentel is right, and I -- when
21 you deal, you know, I've been involved in zoning
22 for decades as well as Mr. Murray and Mr. Pimentel
23 and other experts and people that have been
24 involved in this project providing testimony before
25 you. But you must ensure that the development is

1 responsible if it's done -- even if it's done by
2 right. It's not a done deal simply because it has
3 a Y or a P in a zoning ordinance, if it's permitted
4 or if it's a yes. In this case, they're going to
5 have to come back with something different because
6 you'll hear and you'll see contained in the report
7 that the overwhelming weight of elements contained
8 in your Comprehensive Plan are in contradiction to
9 the minimal solar elements that it does meet with.
10 And you have to look at how Western Cranston is
11 treated in your future land use map, in your
12 Comprehensive Plan, and all of these founding
13 binding documents that govern your review of this
14 project.

15 It's not to say that this property could
16 never support a solar installation. It's by right,
17 but it must be in conformance with the elements of
18 the Comprehensive Plan. And as you'll hear from
19 Miss Sweet, I don't think that it's reasonably
20 possible to make that finding that it is consistent
21 when there are so many direct contradictions with
22 other elements in the Comprehensive Plan.

23 So I'd like to bring Miss Sweet up to
24 provide a summary of her report for your -- here
25 for your review, and then I'd like to just reserve

1 on some closing comments and elements that I'd like
2 to address. And keep in mind as you hear what is
3 being put forth here by Miss Sweet, the site plan
4 that you have up there, there's a couple of things
5 that you must take notice of. The array of solar
6 panels covers the entirety of the inside of that
7 buffer zone. All of those trees that you saw on
8 the site views and the visual markups, they're not
9 going to be there. Every single one of those trees
10 is going to be removed from the entirety of that
11 area. And you can see it right up there. All of
12 that, everything in there is going to be denuded.
13 The trees are going to be cut out. The area is
14 going to be grubbed. It's going to be graded, and
15 although the ordinance and the performance
16 standards talk about removing only what is
17 necessary, if you look at that plan, everything is
18 necessary to be removed from that entire area.
19 Everything.

20 So although the performance standards talk
21 about just doing what is specifically necessary,
22 everything is necessary. And the visual views that
23 you saw were the perspective of the solar panels.
24 They weren't the perspective of the neighboring
25 abutters. As you saw from the site visit,

1 topography, most of the abutters are looking down
2 on this to the -- I'm sorry, most of the abutters
3 to the north and to the east are looking down upon
4 the project due to the topography of the land.
5 Those screens are not going to do -- you know, the
6 5- to 8-foot plantings of white pines and other
7 conifers and whatnot, they're not going to do
8 anything to hide these panels from these people.
9 There are other elements of the zoning ordinance
10 that directly contradict what's going to happen
11 here. Any development has to show that no glare,
12 no offensive glare, is going to be seen outside of
13 the parameters of the property. There are a number
14 of different things in the zoning ordinance that
15 are supposed to protect against this, the
16 vibration, the noise, the glare; and those aren't
17 performance standards. Those are overall
18 requirements for any land development project and
19 any development project in the city.

20 So with that being said and with those
21 things in your mind, I'd like to bring up Miss
22 Sweet and, again, I don't know if Mr. Murray will
23 stipulate. I can go through this. I think in the
24 interest of all the people here, and you have quite
25 an agenda this evening, I think in the interest of

1 speeding this thing along, I would like to allow
2 Miss Sweet to provide a summary of her report, and
3 I would also, you know, in lieu of having to go
4 through all of her qualifications that are here, I
5 would like a stipulation, if it's possible, that
6 Miss Hahn can be recognized as an expert in
7 planning.

8 MR. MURRAY: Mr. Chairman, I know my
9 brother doesn't leave Narragansett too often, but
10 my 30-year history with this commission is that
11 particularly you do not qualify witnesses as
12 experts. I did not do so with Mr. Pimentel. I am
13 familiar with Miss Sweet's background. I, you
14 know, if the commission deems fit to qualify her as
15 an expert in the area of land use, then I would
16 certainly ask my brother to concede --

17 MR. DOHERTY: I stipulate that Mr.
18 Pimentel is an expert in land use and planning.
19 I've used him.

20 MR. MURRAY: As recently as last night I
21 understand. So I think he's familiar with
22 Mr. Pimentel --

23 MR. DOUGHERTY: And we have three-quarters
24 of the planners in the State of Rhode Island,
25 they're expert witnesses, in the room here tonight,

1 because you'll be hearing from Mr. Lombardo as
2 well.

3 MR. MURRAY: So I mean, you know, it's up
4 to the commission, but I'm not, you know, I'm
5 familiar with her resume, and, you know, we're
6 going to have dueling opinions on consistency with
7 the Comprehensive Plan, and the commission can draw
8 their own opinion on that with the guidance from
9 the staff. Thank you.

10 CHAIRMAN SMITH: Well, my question, and,
11 actually, I should ask counsel, what would be the
12 criteria for accepting somebody as an expert. That
13 hasn't been anything we've worked with before.

14 MR. MARSELLA: Correct. Our procedures
15 are with planning, not with zoning, is we don't
16 qualify the people testifying as experts. However,
17 ultimately, you do have the resume of Miss Sweet in
18 front of you. She will be going over aspects of
19 the Comprehensive Plan along -- as Mr. Pimentel
20 did. It will be up to you to weigh the credibility
21 of each witness, the background of each witness
22 testifying as to each subject, and then ultimately
23 make your decision. So I don't think we have to go
24 through the whole process of qualifying, going over
25 the resume, and qualifying them as an expert.

1 CHAIRMAN SMITH: All right. On advice of
2 legal counsel, we'll forego that, but we certainly
3 have the witness's resume.

4 MR. DOUGHERTY: And may I just ask that
5 the resume, the report, the letter from Statewide
6 Planning be admitted as a exhibits and authorized
7 as exhibits in this proceeding.

8 CHAIRMAN SMITH: Absolutely.

9 MR. DOUGHERTY: Thank you. With that, I'd
10 like to bring up Miss Sweet. Thank you.

11 MR. MURRAY: Mr. Chairman, can I just ask
12 Mr. Dougherty if he has an extra copy of the
13 letter. I didn't get a copy of that. I got a copy
14 of the report and the resume. Thank you.

15 MS. SWEET: Good evening. My name is
16 Ashley Sweet, for the record. I reside at 207
17 North Street in Warwick.

18 I was asked to do an analysis of the
19 project before you; and in doing so, I looked at
20 your zoning ordinance, your subdivision
21 regulations, your 2010 Comprehensive Plan, your
22 2017 renewable energy amendments to your
23 Comprehensive Plan, the actual application itself,
24 and all the supporting documents that were supplied
25 with it, and I did conduct a site visit, not on the

1 site itself, but walked the parameter of the site
2 on some of the abutters' properties on both the
3 northern and southern boundaries on January 5th.

4 I'm just going to give you a summary of
5 the report. I would skip -- I'll skip the project
6 description. You all know the project quite well.
7 As I said and as you know, in April of 2017, the
8 city adopted several amendments to the
9 Comprehensive Plan, specifically for renewable
10 energy production, and those were mostly tailored
11 towards solar energy specifically. A concept that
12 was -- two concepts that kind of came out of that,
13 which is also highlighted in the statewide planning
14 letter, was that solar development is a form of
15 land banking, and that solar development is
16 actually not a form of development, but more of a
17 preservation tool. Those are entirely new concepts
18 to me as a planner.

19 When you look at what land banking means,
20 it's typically talking about aggregating derelict
21 parcels, underutilized land, vacant land, abandoned
22 properties, and aggregating those for some form of
23 development. It's usually done by a municipal
24 organization or a quasi-municipal agency. So the
25 term "land banking" is a new concept to apply here

1 in the form of solar development somehow banking
2 land. And, again, as I said in the statewide
3 planning letter, clearly statewide planning had
4 trouble with the solar amendments based on the fact
5 that it seems that they were not recognizing solar
6 as an actual form of development.

7 In the amendments, specifically, one piece
8 that strikes me is that it says -- and it says this
9 in several sections of those amendments that solar
10 development should be allowed in the A80, M1, M2,
11 and S1 districts without limitations. Your A80
12 district, as you know, is the only residential
13 district in the entire city where commercial scale,
14 ground-mounted solar is allowed by right. When you
15 look to the Comprehensive Plan and consider the
16 amount of language in that plan that's dedicated to
17 discussing tools and techniques needed to preserve
18 Western Cranston, it seems completely contradictory
19 to then designate the A80 district as a -- the sole
20 residential district that allows utility scale
21 solar without limitation. Those two concepts are
22 directly contradictory to each other.

23 I won't go through every single citation
24 I've given you from the Comprehensive Plan. I'd
25 just like to highlight some of the more important

1 ones. When you're talking about -- the goals and
2 policies section lays out a long list of intended
3 goals and policies to achieve in the application of
4 the Comprehensive Plan. Again, as I said, that
5 wording, "without limitation," is cited in several
6 sections of those amended language.

7 When you look at the goals and policies
8 that are identified in the plan, we start to talk
9 about, in the land use element, preserving existing
10 farmland and developable land that is currently
11 undeveloped by temporarily removing the development
12 potential through the land banking by allowing the
13 land to be used for passive alternative energy
14 generation such as solar power. That's a language
15 that was added as one of the amendments under the
16 solar guidelines.

17 When we go to the rest of the
18 Comprehensive Plan, the foundations of the plan
19 that were -- that have existed since 2010, when you
20 consider the solar amendments independently, they
21 certainly support solar development and renewable
22 energy development in the city. But when you put
23 them back into the plan and consider them within
24 the context of the rest of the elements of the plan
25 and the language that has existed long term, it's

1 very clear that the solar policies and initiatives
2 are actually inconsistent with various other
3 sections of the plan, and it's created an internal
4 inconsistency issue within your Comprehensive Plan.
5 When you look to the land use element, we talk
6 about preserve the rural quality and critical
7 resources of Western Cranston through appropriate
8 land use controls.

9 The plan, itself, calls out Western
10 Cranston as a distinctly different district and
11 area than the rest of the city. The land use
12 element goal -- policy says promote residential
13 land use patterns that concentrate in compact
14 development and maintain significant percentage of
15 open space. Preserve and enhance the quality of
16 existing valuable resources including wetland
17 surface water, ground water, wildlife habitats,
18 migration corridors, historic sites, scenic vistas
19 and unique and cultural resources. Implementing
20 policies that protect residential neighborhoods
21 from commercial encroachment, the regulation of
22 appropriate buffers, development design standards,
23 traffic planning, and site plan review. There are
24 significant language that exists in that section
25 that discusses residential areas and Western

1 Cranston that calls out separating those uses,
2 providing appropriate bufferings between commercial
3 and industrial uses and the residential districts.

4 In my professional opinion, you're siting
5 an industrial use, your use -- your schedule of
6 uses in your zoning ordinance, both solar power and
7 the energy, the other -- I'm sorry -- it's defined
8 as two separate pieces in your schedule of uses,
9 both of those fall under the category of industrial
10 uses. So you're essentially siting an industrial
11 use in the center of a residential district. And
12 several sections of the plan do call out that when
13 these uses meet, the borders are required to have
14 substantial buffering and prevention of
15 encroachment of those uses coming together.

16 The plan -- the Comprehensive Plan spends
17 an inordinate amount of time talking about
18 conservation design, and that is the primary
19 mechanism for Western Cranston to preserve land.
20 Conservation design was called out to be adopted by
21 the city and implemented in Western Cranston as a
22 preservation tool. You take a -- for anyone who is
23 not clear on what that is, you would look at the
24 parcel, you would identify the most sensitive and
25 natural features on the site with a density

1 calculation of what you could do for a conventional
2 subdivision. You would then cluster those homes in
3 the less appropriate area for preservation. So you
4 take the homes and put them away from the sensitive
5 areas, keeping the same density of housing, but
6 then actually protecting large portions of the site
7 as permanently protected open space.

8 As I said, the plan spends a tremendous
9 amount of real estate talking about why
10 conservation design is the best preservation tool
11 and why conservation design is incredibly important
12 to be applied in Western Cranston, and that ties
13 directly into the language in the plan that talks
14 about why Western Cranston is the area to be
15 preserved, where it's important that development is
16 regulated appropriately, the conservation design is
17 used to protect as much land as possible through --
18 recognizing that development is inevitable in the
19 area.

20 The housing element of the plan also
21 speaks volumes to the need to protect the fabric of
22 existing residential communities. One of the
23 policies reads, require conservation type
24 subdivisions on remaining undeveloped land to
25 conserve natural resources, protect public

1 resources, improve property values, and improve
2 accessibility.

3 Under the land use element, there is an
4 entire section that calls out Western Cranston and
5 talks about enhancing Western Cranston and actually
6 provides different policies and goals to achieve
7 that. One of them I'd like to bring your attention
8 to is Principle 4, which talks about protect and
9 stabilize existing residential neighborhoods by
10 basing land use decisions on neighborhood need and
11 quality of life. Clearly, the idea behind a
12 principle like that is to make sure that any land
13 use decisions that are happening in these
14 residential areas in Western Cranston are locally
15 based, and I understand solar development and
16 renewable energy development is an important item
17 for the city. It's important for the state, but
18 when you're talking about putting an industrial use
19 in the middle of a residential neighborhood, you
20 need to take the needs of the neighborhood and the
21 concerns of the neighborhood. First and foremost,
22 your Comprehensive Plan requires you to do that in
23 Principle 4, understanding that Solar replaces
24 housing, which is a cost issue for the city,
25 housing costs money. There are children. There's

1 services to provide to that housing, and the solar
2 doesn't require those same services. So
3 understanding that from a 10,000-foot view, solar
4 makes more sense financially, but your
5 Comprehensive Plan requires you to make those
6 decisions on neighborhoods at the 10-foot view.
7 And when you look at this from the 10 feet, from 10
8 feet, I think you would find that there's not
9 consistency with the Comprehensive Plan when it
10 specifically calls out Western Cranston for
11 preservation, for protection of resources, for
12 retaining the fabric of the neighborhoods that
13 exist there, and for use -- specifically for using
14 conservation design as the tool to preserve the
15 areas that are called out in the plan.

16 One thing I'd just like to raise for your
17 attention and for you to think about is that the
18 elements that were added as part of the solar
19 amendments call out passive alternative energy
20 generation such as solar. That caught my eye
21 because I've not seen the use of passive in my
22 experience with solar, and I've had more of it than
23 I've wanted to in the last year. When you go and
24 look for a definition of what passive solar is, you
25 will find that passive solar is the act of actually

1 designing a house so that the house uses the solar
2 energy to its benefit by putting the windows in the
3 appropriate direction, using dark colored flooring
4 to absorb heat and then to release that heat and
5 then be cool at night. So any Comprehensive Plan
6 amendment that uses the term "passive alternative
7 energy generation" is not a solar panel as its
8 presented in this form. This is active solar or
9 active energy generation. When you go to look for
10 a definition, I found a difference. It says active
11 solar collectors are more complex than passive
12 solar collectors in both design and mechanism.
13 They consist of flat plate PV panels that are
14 usually mounted and remain stationary, although
15 some are designed to track the sun through the
16 course of the day. There are two different types
17 of solar energy. The Comprehensive Plan has used
18 the word passive alternative energy. This is not
19 passive. This is active alternative energy.

20 There's been a discussion, and not just in
21 Cranston, but really statewide, where we have been
22 talking about the idea that renewable energy is 100
23 percent, no discussion about it, a worthy goal for
24 the state and for every municipality in Rhode
25 Island. The problem we're having is that we have

1 competing interests. We have solar installations
2 that are vying for the same property that housing
3 is vying for, and I think we all know that we also
4 have a housing shortage and a housing crisis. So
5 we have an issue of competing interests. And so
6 when a community is faced with a choice between
7 housing, which is much needed throughout the state,
8 and solar installations, which is also needed
9 throughout the state, the community will likely
10 choose solar because solar is not going to cost for
11 services, it's not going to create children that go
12 into the schools, and solar will pay tax dollars in
13 excess of any service that they're ever going to
14 require from the municipality.

15 The problem we're creating is the fact
16 that housing is the fabric of our communities. We
17 shouldn't be looking at housing as a -- we
18 shouldn't be looking at solar as a way to get out
19 of producing housing. Housing is much needed in
20 the state. It's needed in every community, and
21 your Comprehensive Plan definitely calls out
22 Western Cranston as a place to preserve existing
23 neighborhoods, to make land use decisions that are
24 sensitive to the environment, to the natural
25 resources that exist there, to the remaining

1 farmland that you do have, and the housing element
2 also calls out conservation subdivision as the
3 mechanisms to protect those areas. Understanding
4 that when these original sections of the
5 Comprehensive Plan were written and adopted, solar
6 was not what it is today in Rhode Island. I think
7 we're pretty far behind the curve when you look at
8 the rest of the country in developing solar. It's
9 just recently, within the last few years, and it's
10 specifically within the last year, has really
11 picked up pace in Rhode Island and multiple
12 communities are kind of grappling with the idea of
13 how to regulate this new land use that we don't
14 know a whole lot about; we don't have a lot of
15 experience with it.

16 I just want to call your attention to
17 another section of the land use element that talks
18 about conserving resources in new subdivisions. It
19 identifies that in a special case, protect
20 agricultural land and its scenic qualities where
21 conventional subdivision design consumes large
22 tracts of land by situating each house on a parcel
23 conforming with zoning, conservation subdivision
24 design would maximize the amount of preserved open
25 space in a subdivision. Conservation subdivision

1 design would concentrate the homes into those areas
2 of the subdivision that are suitable for
3 development which protects the land and water
4 resources, provides common open space, and creates
5 a strong sense of neighborhood.

6 When you install a solar installation in
7 an area, a 30-acre area like you have, as
8 Mr. Dougherty said, the whole -- almost the entire
9 30 acres needs to be leveled in some respect,
10 whether it's the trees come down, the site is
11 graded, the topsoil is moved around, and then
12 regraded underneath the panels, you can't achieve
13 the goals that are called out in the plan for
14 Western Cranston by putting in a solar
15 installation. You can't preserve open space. You
16 can't call out the unique and natural habitats and
17 stay away from them. It's the entire 30 acres is
18 consumed basically by the development.

19 One section of your subdivision
20 regulations that I believe is especially pertinent
21 is Section 12.C of your regulations that says that
22 the commission shall encourage that as many trees
23 as possible be left standing when a subdivision is
24 developed. And it's important to recognize that we
25 are talking about residential land. So there's

1 been a long -- a long-term expectation that these
2 residentially-zoned properties would be developed
3 as housing. Only within very recent history has it
4 become apparent that there are other options on the
5 table, and that in some cases communities are
6 calling out residential districts for solar
7 installations.

8 It's impossible for the planning
9 commission -- for the planning commission to
10 encourage as many trees as possible to stay on the
11 site because the trees are not -- they're not
12 conducive to solar installations. The trees have
13 to be removed. If this was designed as a
14 conservation subdivision, which your plan would
15 require you to do, you would have a significant
16 portion of the site that would remain in its
17 natural vegetated state, and you would be able to
18 preserve any of the unique features on the site.

19 When we look to consistency with the
20 zoning ordinance, the zoning ordinance requires a
21 lot coverage maximum. In this district, that lot
22 coverage maximum is 10 percent of the property.

23 Solar panels are structures. The reason
24 for lot coverage is not just about storm water.
25 DEM manages the storm water portion of the

1 permitting. Lot coverage is about esthetic value.
2 It's about quality of life for the neighbors. It's
3 about overdevelopment of a site. So it has
4 multiple uses when it's applied to a property. And
5 in this case, certainly a panel is a structure. It
6 has a foundation. It's an object that sits on the
7 land. This would far exceed your 10 percent lot
8 coverage requirement on the property. So I believe
9 that you would -- the applicant would need to get a
10 zoning variance in order to exceed that 10 percent
11 coverage.

12 In your schedule of uses, you call out two
13 different terms, alternative energy systems and
14 solar power. They're both categorized as
15 industrial uses but they are treated, very, very
16 differently in the schedule of uses. If I can just
17 give you the quick definition. Alternative energy
18 generation is defined as any facility or
19 installation such as a windmill or hydroelectric
20 unit which is designed and intended to produce
21 energy from natural forces such as wind, water, or
22 geothermal heat for off-site use.

23 Solar power is defined as electrical power
24 generated through the utilization of photovoltaic
25 cells, nonmechanical semiconductor devices that

1 convert sunlight into direct current electricity.
2 When you look at alternative energy generation, it
3 is not allowed in any residential district. It's
4 only allowed by special use permit in the
5 manufacturing districts. When you look at the
6 solar power use, it's allowed by right in an A80.
7 It's allowed by right in the manufacturing
8 districts, and it's allowed by right in the S1
9 district. There's no discussion in the zoning
10 ordinance that I can find that gives a rationale
11 for why these uses are separated. Wind power,
12 geothermal, any renewable energy has its own issues
13 to deal with. But certainly solar power takes up
14 far more land than a turbine or a geothermal unit
15 would. It's seems contradictory in that sense that
16 you would have solar power allowed basically
17 without restriction, but other forms of alternative
18 energy are very restricted and only allowed by
19 special use permits in manufacturing districts.

20 Now, to kind of complicate that issue a
21 little further, your Comprehensive Plan, in its
22 solar amendments, specifically calls out passive
23 alternative energy generation such as solar. So
24 your Comprehensive Plan identifies solar as an
25 alternative energy generation, but yet you've

1 separated in your Comprehensive Plan into two
2 different districts and singled out solar. So
3 there's inconsistency in that regard that your
4 Comprehensive Plan identifies solar as an
5 alternative energy generator, but your zoning
6 ordinance actually separates those two uses out and
7 treats them very differently and allows solar very
8 liberally and does not allow alternative energy
9 generation. It is much more restrictive in that
10 sense.

11 So I would argue in my professional
12 opinion that there's an inconsistency in that
13 respect between your use table and your
14 Comprehensive Plan that clearly identifies solar as
15 an alternative energy generation.

16 As Patrick touched on, I think the intent
17 to put amendments into the Comprehensive Plan to
18 allow for renewable energy is a worthy goal. It's
19 something that every community is going to have to
20 do if they have not done so already. But when I
21 reviewed those amendments in contrast with the rest
22 of the Comprehensive Plan, there's clearly
23 conflict. The two don't agree with each other.

24 I understand, again, as I said, that, you
25 know, there is -- the idea behind not wanting the

1 expense of housing, but to use solar as a mechanism
2 to relieve the city of building housing is not a
3 good practice. And as I said, you know, it's
4 contradictory to the goals of the Comprehensive
5 Plan which talk about enhancing the fabric of the
6 existing communities.

7 Understanding that you're in the process
8 of reviewing a project, you have a master plan
9 before you, and a decision is required on your
10 behalf, we would offer you the following points:

11 The buffering that's been provided, in my
12 opinion, is inadequate. I have gone on solar site
13 walks. We have stood, you know, 40 feet. When
14 you're in -- on paper, 40 feet looks very different
15 than it looks in the field. I don't know what the
16 exact distances are on these site plans, but I have
17 kind of come to a realization that 40 feet is not a
18 whole lot of distance; 50 feet is not a whole lot
19 of distance. When you're faced with being next to
20 an industrial use in a residential district, I
21 don't know that there is too much buffering that
22 can actually happen in those areas. So we would
23 offer to you that we believe far more buffering is
24 required than exists if this project is to move
25 forward.

1 Certainly, your regulations and your
2 Comprehensive Plan talk about minimizing
3 disturbance through development, and I would draw
4 your attention to the fact that the eastern
5 portion, excuse me, the western portion of the site
6 is 40 percent clear right now. What will happen is
7 you'll have the western portion already cleared,
8 and now you're going to clear the entire eastern
9 portion, which is going to result in essentially
10 the entire property being utilizing in some form of
11 development.

12 We would offer that if there is a cleared
13 area on the site, that's the appropriate place to
14 be installing solar panels as opposed to looking to
15 the vegetated side of the site and actually
16 clearing and disturbing that side when the western
17 portion is already substantially cleared and
18 disturbed. Again, we believe that lot coverage
19 applies here. We believe that a panel is a
20 structure, and that the 10 percent coverage would
21 apply in this case.

22 Before I came, and confirmed by being
23 here, it's my understanding that those 500 panels
24 are being relocated. I would in -- again, in my
25 professional opinion, I would never have a planning

1 commission or a planning board approving a site
2 plan that did not show the location of those 500
3 panels. I understand it's a conceptual stage of
4 review, but you're vesting the project. It's, in
5 my opinion, inappropriate for you to be making a
6 decision on an application that does not show you
7 where those 500 panels are going. You're required
8 by state law and by your local regulations to make
9 findings of fact based on what's presented to you.
10 And I don't know how you do that with any merit
11 without the full plan being in front of you. Thank
12 you.

13 MR. DOUGHERTY: If the commission has any
14 questions for Miss Sweet, I think she's completed
15 her presentation.

16 CHAIRMAN SMITH: Any questions from the
17 members of the commission? Thank you very much.

18 MR. DOUGHERTY: Mr. Chairman, I thank you
19 for your time. I just have a few short points and
20 issues that I'd just like the commission to take
21 into consideration.

22 You're going to be considering moratorium
23 language. This application is vested -- has vested
24 rights to be reviewed in the absence of a
25 moratorium, but I think the fact that a moratorium

1 on solar is being considered is indicative of the
2 major problems that the solar ordinance has and the
3 inconsistencies that it has, direct contradictions
4 that it has with the elements of the Comprehensive
5 Plan. You've heard a number of them. There's 19
6 pages in that report that are clear guiding
7 principles that are being violated by this project
8 in this particular spot.

9 One of the things that I want to caution
10 you. That proposed subdivision plan, I would bet
11 my house that that subdivision plan could not be
12 built and permitted on that property due to site
13 constraints. So don't be threatened by this
14 massive number of residences that would be
15 purported to be placed on there because I -- I
16 handle a load of development. No way would that
17 thing get permitted.

18 With regard to the buffers, you've been
19 out there on the site visit. It's mature hardwood
20 upland. There's no significant understory. The
21 50-foot buffer is wholly inadequate, wholly
22 inadequate. There's no way that that will do
23 anything to shield or to properly cover this
24 monstrosity of a development from the surrounding
25 properties. If you are, in some way, going to try

1 and find that this is consistent and you would see
2 fit to grant this master plan, which I urge you not
3 to, and I find -- I submit you can't, based upon
4 what you've just heard. Instead of relying on
5 vague commitments from the developer, which are not
6 binding and are meaningless, that you place
7 significant conditions in the form of enhanced
8 buffers, multi-hundred-foot buffers. Don't rely on
9 what they say that they're going to do to work with
10 the people. Look at what's happened before.
11 You've heard Mr. Doe come up here and talk about
12 his experience and his property. He's some 600
13 feet away from the place on Lippitt, and you've
14 heard from him, and you'll probably hear from him
15 again tonight. Limit the disturbance to the
16 topography.

17 Look at what they're doing. They're going
18 to level that site as best they can. They're going
19 to make as much of that land contiguous in some
20 form of grading as possible, after removing the
21 trees and grubbing out the stumps and taking out
22 the ledge and the rocks and what have you. You're
23 going -- you have to give these people enhanced
24 landscaping and screening, and you should limit the
25 blasting. You should absolutely do whatever you

1 can to ensure that that doesn't take place.

2 But this is a major land development
3 project. It's not a done deal. That project is a
4 bad project. It doesn't belong on this site. It
5 doesn't belong there as it is put forth in
6 conceptual master plan form before you tonight.
7 It's wholly inconsistent with the Comprehensive
8 Plan.

9 So I'm going to ask you, and I'm going to
10 urge you, to take your power that you have as the
11 only failsafe step in this process for my clients
12 and the other citizens that are going to have to
13 look at this thing in the event that it were
14 permitted, I'm going to ask you to exercise your
15 powers in denying this plan. Let them come back
16 with something that's more reasonable. Let them
17 come back with something that fits and is in
18 keeping with your Comprehensive Plan, not just a
19 few isolated solar power amendments that have not
20 even been ruled appropriate and passed upon by
21 statewide planning. It needs to be redesigned. It
22 needs to be placed in a more appropriate location;
23 or if it is going to come to this location, it
24 needs to be downsized to incorporate the elements
25 that protect and preserve Western Cranston.

1 This is not land banking. This is
2 development. The associate director of statewide
3 planning found that. It's contained in his letter.
4 This amendment -- the amendments have no place in
5 the ordinance. They have no consistency with the
6 Comprehensive Plan. Please deny this. Do not
7 thrust this upon the citizens of this area. Thank
8 you.

9 MR. VINCENT: Thank you. Our next speaker
10 is Drake Patten, 684 Natick Avenue.

11 MS. PATTEN: Good evening. Drake Patten,
12 684 Natick Avenue. Just to clear up the record,
13 it's not Cluck Farm. It's Hurricane Hill --

14 THE REPORTER: Sorry. I can't hear you.

15 MS. PATTEN: To clear up the record, it is
16 not Cluck Farm, but Hurricane Hill Farm.

17 THE REPORTER: I still can't hear you.

18 MS. PATTEN: Is it the microphone, sir?

19 THE REPORTER: I don't know, but if you
20 could speak a little louder and a little slower,
21 please.

22 MS. PATTEN: Sure. Is that better?

23 THE REPORTER: We'll see.

24 MS. PATTEN: Drake Patten, 684 Natick
25 Avenue. I'm the largest single abutter to this

1 project. I'm across the street on the western edge
2 of the wetland and below. The farm's name is
3 Hurricane Hill Farm, and I do have my farm store,
4 Cluck, there, just to clear the record.

5 I also hope that you do not approve this
6 project tonight for the reasons that have already
7 been stated. However, as a representative of our
8 abutter group and other neighbors who are concerned
9 about this project, I am coming forth tonight to
10 hold the company at their word and what Mr. Murray
11 said tonight, which was that Mr. Palumbo is
12 committed to work with us. I will also quote from
13 Southern Sky's website where they say that as one
14 of the premier solar project developers in the
15 Northeast, we build partnerships with the
16 communities where we plan to develop a solar
17 facility. We're committed to sustainability and
18 corporate social responsibility. Our development
19 choices make a good business sense and have a
20 positive impact on the communities where we work.
21 We'd like to believe that's so; and to quell Mr.
22 Murray's concerns about a blank check, we have some
23 ideas about how this can be done, and it's not
24 related to money. It's about partnership and good
25 community service. Mr. Palumbo has brought his

1 family to these meetings and made a point of saying
2 that he's in the community and cares deeply about
3 the community. So this is what we'd like him to
4 do.

5 I have copies for all of you. If someone
6 can take those. We have six points. I will read
7 them to you. Buffering plan. Abutters and
8 neighbors do not find the current buffer zone to be
9 spatially adequate nor sufficiently aware of the
10 true density of existing deciduous trees that are
11 not expected to provide a year-round visual buffer.
12 You've heard about that just now. They also do not
13 feel confident that the proposed buffer plantings
14 will prove successful. According to Southern Sky's
15 own landscape architect, quote, "Planting at edges
16 of forest land makes it difficult to establish
17 plantings." Abutters are additionally concerned
18 with the vagueness of the planting plan and the
19 slowness with which the size of proposed plantings
20 can actually accomplish the need for a robust
21 visual buffer.

22 As such, abutters request a
23 distance-to-project setback or a no-clear zone of
24 at least 400 feet on the south, north, northeast,
25 and northwest faces of the project area, as well as

1 an additional 100 feet along the west or wetlands
2 face in order to both adequately buffer neighbors
3 and to allow for any needed adjustments to be made
4 to existing forest edge in order to create
5 successful buffer plantings.

6 Abutters request a new plant inventory
7 that addresses both understory and canopy so as to
8 appear naturalized and not inserted. The planting
9 plan should focus on native species and include a
10 mix of maturities. Tree choice must specifically
11 include mature specimens and be a mixture of
12 coniferous and deciduous species. Abutters wish to
13 work with the landscape architect and arborist team
14 of their choosing and request a local Rhode Island
15 licensed nursery to provide plant specimens.

16 Two, protection of property. Regardless
17 of the conversation tonight regarding blasting, we
18 remain concerned about this aspect, whether it's
19 blasting or mechanical manipulation. While we are
20 not experts that can submit resumes to you, we do
21 live there. And most of us contend with the rock
22 and the ledge that is there, and we have a lot of
23 experience with that land.

24 Septics systems of all abutters shall be
25 inspected prior to project work commencing and at

1 the completion of the project. Any damage to
2 septic systems due to blasting, drilling, or any
3 mechanical manipulation shall be repaired by
4 Southern Sky or its assigns. Foundations of all
5 abutters shall be inspected prior to project work
6 commencing and subsequently monitored using an
7 inspection industry accepted crack monitoring plan.
8 Any damage to any monitored foundation shall be
9 repaired at the expense SSRE or its assigns.

10 Wells of all abutters shall be inspected
11 prior to project work commencing and at the
12 completion of the project. Any damage to wells due
13 to blasting, drilling, or any mechanical
14 manipulation shall be repaired by SSRE or its
15 assigns.

16 Well water. All abutter wells shall be
17 tested prior to project work commencing and from
18 there at six-month intervals for the first three
19 years of the project's life and -- sorry. And,
20 thereafter, one-year intervals for the life of the
21 project and any additional lease extension. The
22 resolution of any adverse effects to any abutter's
23 water supply shall be at the expense of Southern
24 Sky or its assigns to include, but not limited to,
25 installation of a new well, provision of city

1 water, or any other reparation that can restore
2 safe drinking water to abutters.

3 In all cases above, inspection and repair,
4 if necessary, shall be done by companies of the
5 abutter's choice. These terms shall carry with the
6 abutting properties, not with property owners at
7 the time of project, and shall be filed with the
8 City of Cranston so as to carry it with the
9 property ID. All existing condition and monitoring
10 reports shall be shared with abutting property
11 homeowners and filed with the city Planning
12 Department.

13 Three, protection of life. In the event
14 of any blasting, drilling, or ledge removal by
15 mechanical means that could place the TPG gas
16 supply line in any risk at all, all abutters
17 request to be, A, informed of the blast schedule
18 ten business days in advance; and, B, housed with
19 any domestic pets at a mutually agreeable offsite
20 location for the duration of the blasting period.
21 Abutters will only return to their homes subsequent
22 to a successful inspection of the gas supply line
23 by TPG.

24 Four, hours of operation. Abutters
25 request limits to the hours of operation during

1 project construction. We request a workday from 9
2 to 5. No weekends or holidays to be allowed.

3 Wildlife and pollinator protections.
4 Abutters understand that wildlife will be greatly
5 affected by loss of native habitat. It is our hope
6 that the increased buffer zone requested will
7 lessen the relocation of animal life and lessen
8 injury resulting from the disruption of pathways
9 and loss of ecosystem protection for deer, fox,
10 coyote, bobcat, and smaller mammals. As such,
11 abutters request that pollinators, both native and
12 invasive, specifically, honeybees, be protected as
13 follows: A, seed mix to be used under the panels
14 shall be organic sourced, no GMO seed or otherwise
15 enhanced seed, and consist of local seed varieties
16 that will be found only in New England meadows.

17 B, control of growth must be limited to
18 mechanical methods. No herbicides or other
19 chemical means may be used to control growth under
20 the panels.

21 Finally, six, protection of real estate
22 values. Abutters realize that the impact on
23 property values will be substantive, not only for
24 direct abutters but also for neighbors directly for
25 some general -- for some and generally in our

1 neighborhood, as a result of the decline in
2 comparative sales. Some industry estimates suggest
3 as much as a 25 percent loss in value for
4 residential properties abutting industrial uses in
5 residential neighborhoods. We request the
6 developers work in collaboration with appraisers
7 and our counsel on a reasonable formula for
8 protecting this loss in post-construction real
9 estate value.

10 We additionally request a subsequent
11 creation of a developer-funded escrow account to
12 allow abutters with standing who are not able to
13 sell their property at appraised value during the
14 project's life to be made whole, to allow them to
15 be made whole, thereby also protecting the mean
16 property values of our community from excessive
17 decline. Thank you.

18 MR. VINCENT: Thank you. Our next speaker
19 is Doug Doe, 178 Lippitt Avenue, Cranston.

20 MR. DOE: Good evening, Mr. Chairman.
21 Douglas Doe, 178 Lippitt Avenue, Cranston. If I
22 may, at last month's hearing, Mr. Murray had some
23 rather intemperate remarks at the very end directed
24 directly at me, and I didn't have a chance to
25 respond. I'd like to do so tonight. He alluded to

1 this idea that I follow Southern Sky around the
2 state to comment on their projects. This is
3 ludicrous. Documentation e-mails I sent you, I
4 documented five separate projects that they built,
5 be on industrial land or landfills, where they
6 should be built. I didn't go to a single hearing.
7 I didn't even know about them. I don't care about
8 them. I'm glad they're doing them there. However,
9 they have planned to build 175 acre clear cut in
10 Hopkinton. And because of being on the news,
11 someone from Hopkinton asked me to come down and
12 speak about my experiences with Southern Sky, the
13 Lippitt Ave. project. Well, I'm not going to turn
14 my back and say no. You know, if I can help one
15 neighborhood avoid the fate of Lippitt Avenue by
16 speaking at a public hearing, I'll do so. We have
17 a responsibility to each other in this regard.

18 Anyway, I went down there, I spoke. I
19 turned in a letter. The Westerly Sun asked if they
20 could publish it. I said sure, go right ahead.
21 Not a problem. So this idea that I'm traipsing
22 after Southern Sky is just ludicrous. Maybe he's
23 just frustrated with my arguments, I don't know,
24 instead of dealing with facts, to make personal
25 attacks. I can deal with that, you know. We go

1 back and forth over the years.

2 But then on December 20, someone sent me
3 an e-mail of a letter that was submitted to you by
4 DiPrete Engineering signed by Dave Russo. By the
5 time I peeled myself off the ceiling, I was shocked
6 and stunned that Dave Russo would write this
7 letter. I never expected it to come from DiPrete
8 Engineering. It's complete utter hogwash, the
9 entire letter. They had no business doing this. I
10 mean, they're an engineering firm, surveying firm.
11 Their reputation depends upon accuracy, going out
12 in the field, and actually measuring things on
13 site, to the source. They never contacted me. All
14 Dave Russo had to do was contact me and say, Doug,
15 my client doesn't accept your statement about
16 seeing their solar panels from your window. Can I
17 come by and verify this? Sure. Come on over. I
18 give them all the same invitation to come over. No
19 one took advantage of it.

20 CHAIRMAN SMITH: Mr. Doe, we appreciate
21 your comments, but a lot of people want to speak
22 tonight, and please confine them to the --

23 MR. DOE: But they submitted this personal
24 attack. I have a right to respond to this personal
25 attack. They don't get a free pass --

1 CHAIRMAN SMITH: Not at this time. I'm
2 sorry.

3 MR. DOE: No. This was submitted to this
4 venue. This was submitted to this application.
5 It's part of the public record.

6 CHAIRMAN SMITH: It has nothing to do with
7 the matter before the people tonight.

8 MR. DOE: It has to do with their
9 credibility. That's a critical matter here. To
10 put a signature on a piece of paper that's a
11 bold-faced nonsense. This is credibility.

12 I've been in contact with Dennis DiPrete
13 about this issue. I expect a full and complete
14 retraction of this letter both to you and the
15 Hopkinton Town Council for this nonsense, and for
16 the same thing from Southern Sky because they
17 initiated this letter. All they've got to do is
18 come by my house. That's all anybody has to do.

19 But I find this typical of Southern Sky.
20 Their record for Lippitt Ave. is obvious. It's
21 documented. DEM has documented what they've done.
22 We've talked about blasting type. That was never
23 raised with Lippitt Ave. You asked about property
24 damage. I'll give you the names of my neighbors.
25 They'll give you an earful about property damage.

1 They came up and discussed the blasting at
2 Citizens Bank. Why didn't they talk about the
3 blasting at Lippitt Ave. It's far more relative to
4 this project. Same type of conditions. Same type
5 of landscape. They blasted seven times in about a
6 month and a half. Far more relevant. They never
7 mentioned it.

8 Topsoil, Bob Murray kept saying we're not
9 removing topsoil from the site. I don't think they
10 did. They tell me they're done with site
11 preparation. There's no topsoil to remove. It was
12 gone. They promise 5-acre phase development. You
13 remember that. Ignored that. Violated their
14 permits doing it. There's damaged wetlands,
15 conservation lands, all documented DEM reports.

16 So it just all goes to their credibility
17 of what they're telling you. We know they've
18 broken their promises. We know they've been
19 deceptive in the past. It's documented. You can't
20 ignore it. But some good news for a change. I've
21 read the staff report, and it said vast change from
22 previous staff reports that we've received on these
23 projects.

24 Site visit. I'm glad you finally did one.
25 I wish you had done one at my site. I know some of

1 you wanted to come up to Lippitt Ave. for this
2 project to see what they've done. I'm surprised it
3 didn't happen. You would think Southern Sky would
4 be pleased as punch to bring you folks out there
5 and show you what they've done to my neighborhood,
6 but that didn't happen. There's a nice green road.
7 You could have taken that little van right around
8 the road, and see the whole thing. All 67 acres.
9 I don't know why they didn't do it.

10 Interconnection discussion. Finally. I
11 kept talking about that until I was blue in the
12 face for months, a year, two years. Now they can't
13 talk enough about it. Well, good. It's a good
14 change. If they had done that with Lippitt Ave.,
15 they wouldn't have had that problem with Laten
16 Knight Road.

17 Buffers. Staff mentioned this. We had
18 this discussion yesterday at the state's solar
19 siting committee for guidelines, and topography is
20 critical. It's not the distant. It's 320 feet,
21 not 220. So what? My neighbor's are 390 feet. He
22 describes his view as looking at his own private
23 Epcot Center. That's through the trees. If you go
24 down to -- I sent you a photograph -- Wall Street
25 in West Warwick, on the southeast corner. It's

1 just a sea of metal. There's no way to hide that,
2 even though there's a 300-foot wetland buffer
3 between them because of elevation and topography.
4 Some of these sites just cannot be hidden. You
5 can't be obscured, and you're going to get stuck
6 looking at them whether you want to or not. It's
7 going to affect property values. It affects the
8 ambiance of the whole neighborhood. And they just
9 don't want to deal with it. They plant some plants
10 for photographs. So what? 390 feet of woods and
11 you can still see it like there's nothing.

12 One of my problems with this whole plan is
13 this critical document with these plans. This is
14 DEM soil erosion sediment control plan. That tells
15 you what the grading is going to do. I never
16 understood that until the very end of the process.
17 I finally understood what all those lines meant on
18 those maps. They were the grading lines. They
19 show you the change in elevation so you get a very
20 detailed map of what's going to happen. And,
21 unfortunately, we're just playing guessing games
22 looking at these maps to approve master plan. It's
23 unfortunate.

24 Buffers. I was before you and tell you
25 that buffers were the responsibility of the

1 developers, not the abutters. And I was ignored.
2 Nobody did anything about buffers on Lippitt Ave.
3 So I was pleased to see the staff now accepts my
4 view. Buffers are the responsibility of the
5 developers. And we can argue about whether there
6 should be 100 feet, 200 feet, 500 feet, whether
7 they're effective at all on these utility scale
8 projects, but at least they know where they're
9 supposed to be now instead of being on somebody
10 else's property.

11 And, finally, just get to your point, this
12 meeting is not about their personal attacks on me,
13 no matter how baseless they may be. It's about
14 their document issue, deception, and broken
15 promises on their previous projects, Lippitt Ave.,
16 their first project on Seven Mile Road, the
17 testimony you heard from residents of Natick Ave.
18 It's about the testimony from their expert
19 witnesses, and it's about what's going to happen in
20 this neighborhood if you allow this to take place.
21 I find it very, very telling that Mr. Rossi cited
22 this project on the one piece of his property that
23 he can't see from his kitchen window. He is more
24 than willing to impose this project on his
25 neighbors, but he's not willing to impose it on

1 himself. And you should take that into
2 consideration when you make your decision. He
3 doesn't want to see it. The neighbors don't want
4 to see it. You should give them that right and
5 that choice. And he hasn't done that tonight. So
6 you need to send this back to the drawing board,
7 tell them to come back with something better that
8 doesn't impose this massive project on his
9 neighbors. Thank you.

10 CHAIRMAN SMITH: Thank you, Mr. Doe. Next
11 speaker is Kevin Wilbur.

12 MR. WILBUR: Kevin Wilbur, 51 Country
13 Lane. Could you put up the subdivision plan. I'm
14 against this. I'm for the solar. Things make
15 sense to me such as buffers and to people's
16 concern, but I like driving Natick Ave. to get
17 home, and we can't take any more traffic on Natick
18 Avenue. So I'd like this board to consider passing
19 this to some form and not have another subdivision
20 in Western Cranston. Thank you.

21 CHAIRMAN SMITH: Thank you. Jessica
22 Marino, 799 Natick Avenue.

23 MS. MARINO: Jessica Marino. I would like
24 to thank the commission this evening for giving
25 more consideration to a plan of this magnitude and

1 not simply pushing it forward. I hope this evening
2 I'm not going to waste a lot of time here. I hope
3 this evening that the commission gives great weight
4 to the experts that they heard tonight, especially
5 Miss Sweet, because simply from a layman's
6 perspective, I know for myself as a concerned
7 neighbor who's lived in this area for quite
8 sometime as well as others, just from a layman's
9 perspective looking at the Comprehensive Plan in
10 advance of this, there were gross irregularities.
11 And she has done a great job, I think, in pointing
12 out those issues.

13 The other couple of things I wanted to
14 mention this evening is that there was indication
15 this evening from the -- Andrew Dufore, I believe
16 is how you pronounce his name, from Maine Drilling
17 and Blasting. There's been reference with this
18 comparison to the Citizens Bank project. As I
19 indicated and it was actually the only remark I had
20 made in the second van site visit, the second tour,
21 which not everyone was a part of that day,
22 Mr. Murray had represented that the work done at
23 the Citizens Bank location involved the same line,
24 and I had pointed out that time that it is my
25 understanding that it is not exactly the same line.

1 The Citizens Bank area, the Tennessee pipe line,
2 Kinder Morgan line in that location is not of the
3 same high pressure that is found at the Natick
4 Avenue location, and that is significant. The
5 Citizens Bank location, for example, you can tie
6 into. You cannot do that at this location on
7 Natick Avenue, and that's something that needs to
8 be factored into here, especially because it does
9 fall into that category of credibility, you know.
10 You can't simply take them at their word because if
11 it wasn't for us as concerned residents, abutters,
12 and non-abutters, a lot of the truth to concerns
13 would not have surfaced, and they're legitimate.

14 Also, I think that there needs to be pause
15 given to the fact that while I appreciate his
16 experience and his commentary that, you know, to
17 his knowledge that there have never been any
18 incidents, there's insurance and there's bonding
19 for a reason, because there is great risk. Yes,
20 there are proper measures, but in -- something done
21 of this scale is not a necessity, it's wrong for a
22 lot of reasons, and that just adds to the list.
23 And let me add, all it takes is one mistake.
24 Abutters and non-abutters will pay the price, and
25 you can't -- you can't replace that.

1 With respect to development, I've also
2 lived in that area a long time. Myself, as well as
3 I'm sure many of the residents, chose to live there
4 for the reason knowing that the development
5 potential was limited because of the ledge, because
6 it is well incepted. There's no city water coming
7 into that location. You're not going to have three
8 homes because it's simply not developable to that
9 capacity. And, again, we said it before, we'll say
10 it again, it is -- these are lots where it's about
11 80,000 -- about 2,000 -- excuse me, 2 acres per
12 home that is allotted in that location. This is
13 not a mass residential development potential in
14 that location.

15 I thank you for your time, and I hope you
16 make the right decision.

17 CHAIRMAN SMITH: Rachel Clark.

18 MS. CLARK: Good evening. My name is
19 Rachel Clark. Thank you for allowing me to speak
20 tonight. I don't want to repeat myself, but I beg
21 you to remember this when you're making your
22 decision. I stood before the planning committee
23 six years ago when a contractor proposed to build
24 three houses in a lot that abutted my property, and
25 I spoke to the committee that night because we were

1 concerned that they might blast because there is so
2 much granite in our area. Well, the project was
3 approved and went forward, and I'll be brief. But
4 I'm here tonight again, and six years later, they
5 still haven't finished those very same houses. One
6 is almost done.

7 In that time, the property changed hands,
8 but not before bringing in an industrial-sized
9 excavator. So when everyone claps and says oh, no
10 blasting. Don't get too excited because the
11 excavator broke rock and ledge all day, starting at
12 seven until six at night without rest. So bear
13 with me when I repeat this story because it was my
14 numbing. There are no words. Six years and
15 they're still not done with three houses on a third
16 of an acre of land.

17 So forgive the neighbors when we don't
18 believe that this will -- this monstrosity, this
19 devastation to the land that we're supposed to be
20 keeping safe for our children, we don't believe
21 this will be done in twelve months.

22 What is happening with the telephone poles
23 now? Can anyone explain how in God's green earth
24 is the tiny crooked cow path of Natick Ave. going
25 to survive the removing and replacing of each

1 telephone pole. Hope it doesn't rain because we
2 all know the puddles that pile up on Natick Ave.
3 make the Scituate Reservoir a little bit jealous.

4 I have an idea. Why don't we put the
5 telephone poles through Mr. Rossi's property?
6 That's where they belong. This is his project. I
7 really enjoy being liked, but I don't want to come
8 back here again after all the trees are gone and
9 this devastation has taken hold of our
10 neighborhood. Who do we call when the flooding
11 starts, Southern Sky? I have a feeling they're not
12 going to be anywhere near this.

13 We are a small state. We are supposed to
14 be stewards of the land. These are long-lasting
15 decisions, and they should not be made quickly.
16 Cities and towns are struggling with this issue of
17 solar sprawl. And as I mentioned before, the town
18 council in Tiverton put the brakes on all solar
19 projects. It repealed its solar ordinance, and the
20 town has plans to amend -- amend it, stating
21 that we will not have a pretty town anymore if
22 these projects keep going forward. In Portsmouth,
23 two abutters appealed to Superior Court, back to
24 what Miss Sweet said, when the town went forward --
25 when the city went forward with 2.9 megawatt

1 project in a residential area and the court
2 concluded that the zoning board exceeded its
3 statutory authority when it declared that a solar
4 facility is permissible in a residential area. The
5 judge ruled that a solar array is most similar to
6 manufacturing, not a public utility because it
7 transforms sunlight into electricity. The judge's
8 ruling can have far reaching effects, but what
9 matters after it's all gone. What are we going to
10 do with all these solar panels?

11 So back to that, solar energy is supposed
12 to be green. What happens to these solar panels in
13 25 years? Do we toss them in the landfill? Think
14 of what your cell phone looked like five, ten years
15 ago. You were carrying a shoe around, and it's
16 this big now. So in 25 years, this is going to be
17 useless. Are we going to be a laughing stock?
18 Think about it, people are going to say, oh, that's
19 Cranston. That's where all the solar facilities
20 are. We have to make the right decision tonight.
21 Solar facilities are ugly. They take up a lot of
22 space and in Rhode Island, I mean, think about
23 today, how much sunlight did we really get today?
24 They belong on rooftops and landfills. Thank you
25 so much. Please make the right decision. Good

1 night.

2 CHAIRMAN SMITH: Thank you, very much, and
3 thank you everyone for --

4 MR. BOLIG: Mr. Chairman, you skipped my
5 name. Richard Bolig.

6 CHAIRMAN SMITH: Oh, okay. I'm terribly
7 sorry. Yes, your name is here. It's checked off.
8 I'm sorry. Please come up. My apologies.

9 MR. BOLIG: My name is Richard Bolig. I
10 live at 18 Beaver Creek Court in Cranston. I live
11 in a community called Walden Woods, and it's called
12 Walden Woods because it's in the woods. There are
13 82 homes that pay taxes to the City of Cranston and
14 in exchange for -- instead of having two-acre lots
15 we have one-third-acre lots, but what we have to
16 supplement that is 26 wooded acres. That was a big
17 draw in coming to Walden Woods because we're in the
18 woods, but we're not very far from highways and
19 civilization and shopping malls. We're
20 responsible. We take care of our streets. We
21 repair our own streets. We take care of our snow
22 plowing, and we came here because we wanted to be
23 in the woods -- in the woods. So we have our own
24 community, our own neighborhood, our own identity,
25 and we are in the middle of other woods.

1 So for us to think that there is going to
2 be some encroachment on our little piece of Heaven
3 by these solar panels is very troubling. I don't
4 know if, technically, we're -- I don't think we're
5 in -- within that red line, but I think we're
6 fairly close to it, and it's a little bit
7 troubling. So I'm just here to say that on behalf
8 of the residents of our little piece of Heaven, we
9 are against anything that would take away from the
10 nature of our community, and we hope that the
11 better heads of the City of Cranston will
12 appreciate that.

13 CHAIRMAN SMITH: Thank you. Okay. Staff
14 wrap up, but, Mr. Murray, do you want to address
15 any of the concerns?

16 MR. MURRAY: I don't want to take up a lot
17 of time, Mr. Chairman. Everybody had their
18 opportunity to speak, as well as the applicant.

19 I just want to -- the only point I want to
20 make in the sense of a closing statement before
21 Josh's recommendation is that Miss Sweet did a nice
22 job of picking out those sections of the
23 Comprehensive Plan which, frankly, are all in
24 there. They're more applicable to residential
25 subdivisions. We have -- you may not be aware of

1 it, but we do have a residential plan district
2 ordinance that encourages cluster developments.
3 The last subdivision you approved, the Estates of
4 Camden Woods, is an example of a cluster
5 development. So that is absolutely a -- those
6 sections she cited are applicable, but they -- not
7 necessarily for this type of project.

8 The only legal issue I want to raise is
9 that Mr. Dougherty, you know, raised this letter
10 from September of 2017. There is a statute, just
11 for the record, 45-22.2-13 entitled "Compliance and
12 Implementation under the Rhode Island Comprehensive
13 Planning and Land Use Act," and that statute says,
14 even if you accept, and I don't accept that the
15 Comprehensive Plan is not valid, it is absolutely
16 valid as it relates to local land use decisions.
17 The city council -- this planning commission and
18 the city council amended in 2017 the Comprehensive
19 Plan. Those provisions are absolutely valid, but
20 that statute I just cited states that if there's a
21 conflict between the zoning ordinance and the
22 Comprehensive Plan, then the zoning ordinance
23 applies. There is no dispute that in this city
24 right now in an A80 zone, solar array fields are a
25 permitted use.

1 Last night I attended the inauguration of
2 the city council for the new council taking office,
3 and several times during the evening I was struck
4 how there were various -- there were multiple oaths
5 of office given, and every one of them recited the
6 required oath that said, you know, they will uphold
7 the laws and constitution of the United States,
8 State of Rhode Island, and local ordinances. And
9 everybody affirmed to that as they should.

10 Respectfully, I say to you tonight is
11 that, yeah, I understand the emotions of this
12 issue, but I also would convey to you that as
13 commissioners you're obligated to follow the
14 ordinance that says this is a permitted use as a
15 matter of right. We believe that we've provided
16 substantial mitigation here. I'm not saying it's
17 the final word on it, but we're at the master plan
18 level.

19 So I say to you, you can't be -- we don't
20 do this by popular vote. This is a weighty
21 responsibility the planning commission has.
22 Neighbors have their right to express their
23 concern. And at the end of the day, this
24 applicant, Mr. Rossi, as the property owner, has
25 the right to expect that this commission will apply

1 the law as it exists today. And if you do that,
2 it's worthy of favorable support for this
3 application.

4 Beyond that, Mr. Chairman, I thank you for
5 your time. I don't really want to, you know, I'm
6 not going to take the time to go down the list.
7 People had the right to express their opinion, and
8 I respect that. Thank you.

9 CHAIRMAN SMITH: Thank you, Mr. Murray.
10 Also before we ask staff to provide findings and
11 recommendations, I did receive at least through
12 about four o'clock this afternoon, a total of
13 twelve e-mails to my office and wanted to make sure
14 that we include those as part of the record. They
15 have been shared with the members of the
16 commission. So they've all seen them, but they
17 were very thoughtfully written and sincere and they
18 should be a part of the record as well. Thank you.

19 MR. PEZZULLO: I just wanted to say a
20 couple of things about the Comprehensive Plan as
21 well. The Comprehensive Plan was first adopted in
22 1982. It was never approved by the State. It
23 wasn't approved by the state because the city had a
24 conflict of language about the expansion of the
25 prisons. We lived with that plan until we started

1 the new one in 2005, and it was approved by the
2 state in 2012. So it's not an old plan. It's not
3 something we got full approval by the state. It's
4 true, it is expired now, but that only affects land
5 use issues of a statewide nature. The local plan
6 is evergreen for the city. It binds everything we
7 do, and we have to be compliant with it.

8 The discussion about whether or not the
9 Comprehensive Plan supports solar was literally
10 litigated. Our first solar farm out of the gate
11 was Hope Solar, and that was in 2015. During that
12 time, we entertained a re-zone, amendment to the
13 schedule of uses to allow solar in the A80, the M1,
14 M2, and S1. At that time, we had not done an
15 amendment to the Comprehensive Plan since 2012 in
16 any substantial way. I was able to go through our
17 own Comprehensive Plan much the same way that
18 Ashley Sweet went through our Comprehensive Plan,
19 and I found dozens of goals, policies, objectives,
20 implementation actions that support solar farm in
21 the western part of the state.

22 Now, it was accepted by the planning
23 commission. It was accepted by the City Council.
24 We were appealed to Superior Court because an
25 abutter said you cannot change your zoning because

1 it's not consistent with your Comprehensive Plan.
2 We won that case in Superior Court that our
3 Comprehensive Plan did support this use. In the
4 interim, we did an amendment, a very pointed
5 amendment, that we added language to multiple
6 elements of the Comprehensive Plan strengthening
7 that policy. This was last year we did this.

8 So to say over and over your plan -- this
9 is not consistent with the Comprehensive Plan. I'm
10 sorry, that's just not the case. There was issues
11 of zoning that were raised about whether or not lot
12 coverage, that this exceeds the lot coverage of the
13 lots. So we have to word it somehow illegitimate.
14 This is not our first solar farm that we've done in
15 the city. This is actually our fourth or fifth one
16 at this point. The determination is made by the
17 city's zoning official. And the city's zoning
18 official has agreed with us that that issue of lot
19 coverage is not applicable.

20 So -- and also the issue about passive
21 solar versus active energy -- I'm sorry, it's
22 getting late -- but active or energy generation.
23 That specifically related to, again, hydro and
24 wind. Very active, power generating types of
25 facilities. When solar is done and up and

1 connected and operating, I think it's a stretch of
2 the definition of the term "industry" that is
3 industrial. Industry means bringing labor,
4 bringing raw materials, producing products,
5 bringing something to market. Yes, being an
6 abstract way of doing that with power, but it's a
7 passive use. We're not talking, you know, water,
8 you know, heaters on top of your house, you know,
9 1970's style where you had passive water heaters.
10 We're talking once it's built, is it a passive use
11 versus a wind turbine? I would say, yeah, it's
12 pretty passive.

13 Again, these concepts in terms of land
14 banking, it doesn't matter if someone else is
15 looking at our Comprehensive Plan and say they
16 don't agree that our concept of land banking is
17 legitimate. It's our concept. We amend the
18 Comprehensive Plan to adopt that concept. At its
19 core, we're saying if you do solar for a limited
20 amount of time, 25, 30 years, which is short term
21 in the scheme of things, you have an opportunity to
22 preserve that property, even if it's subdivided.
23 Even subdivided for conservation subdivision, it is
24 still developed. It is developed as a permanent
25 residential subdivision. This is something we've

1 talked about multiple times, and we've been to
2 Superior Court over whether or not a Comprehensive
3 Plan addresses these. The answer is yes, it does.

4 So I just want to -- you know, this was a
5 20-page report that's been given to us tonight. We
6 haven't had any time to read it or review it, and
7 there's a lot of claims here that I don't agree
8 with. And I think that the rest of the staff would
9 not agree with. And I would contend the planning
10 commission might not agree with a lot of these if
11 given time to review this. So those are just some
12 of my thoughts, but I don't want to really belabor
13 that.

14 MR. DOUGHERTY: Mr. Chairman, just one
15 short point, very short, if I may. Don't get
16 distracted. Don't get distracted here by what
17 you're hearing about the Comprehensive Plan and
18 solar power not being a use that's in conformity
19 with the Comprehensive Plan. There are ordinances
20 and there are references in the Comprehensive Plan
21 to solar power and solar facilities. But what
22 you're here on tonight is a major land development
23 project, and all of the testimony of Miss Sweet was
24 dealing with whether or not this project was in
25 conformance with the Comprehensive Plan. And

1 that's a finding that you have to make. And with
2 all due respect to Mr. Pezzullo, you made a lot of
3 references to the Superior Court. The Superior
4 Court has found that solar power is manufacturing.
5 It's industrial in nature. It is not passive. It
6 is not in keeping with the residential area.

7 But restrict your review and your context
8 for all the comments that led up to this right now
9 to whether or not this major land development
10 project is in conformance with the Comprehensive
11 Plan. And you heard a panoply of reasons why it's
12 absolutely not. It's in direct contradiction to
13 it. Thank you.

14 CHAIRMAN SMITH: I, you know, I've never
15 seen any kind of large scale planning document that
16 doesn't have some inherent contradictions, and I
17 think any kind of report is written by a committee,
18 especially a large committee, you would end up with
19 a document that you can find pretty much anything
20 that you want to in it. So I do think that there
21 is room for interpretation. That's my opinion.
22 Okay, please continue.

23 MR. BERRY: First, I just want to thank
24 everyone for their patience tonight. I know a lot
25 of you are here for other projects and it's just a

1 demonstration of your commitment to your community
2 tonight, and I applaud you and your patience.

3 I don't want to add any more time to the
4 back and forth and the debate about the
5 Comprehensive Plan. Staff finds that it is
6 consistent with the Comprehensive Plan. The
7 Superior Court has found on appeal on the Hope
8 Solar project was consistent with the Comprehensive
9 Plan. The Superior Court held that an appeal on
10 the adoption of the zoning ordinance was consistent
11 with the Comprehensive Plan after which we modified
12 the Comprehensive Plan specifically with language.
13 And, again, as President Smith has said, it is not
14 perfect. We're excited to re-write a Comprehensive
15 Plan. We have a solar moratorium later on the
16 agenda. We're excited to make our regulations
17 improved and working with you through this process,
18 but this application has to be reviewed based on
19 the regulations in the Comprehensive Plan as it was
20 at the submittal date.

21 So it is our finding that it's consistent
22 with the Comprehensive Plan. It's by right, major
23 land development application under zoning with no
24 variances or signage requested. The solar arrays
25 are set back. I don't want to repeat all of the

1 information you heard about buffering. There's
2 going to be a large discussion about buffering.
3 One of the conditions, specifically, is that the
4 buffering plan goes to the conservation commission
5 for review and comment should master plan be
6 approved. It will be heavily vetted through the
7 development plan review committee phase and the
8 preliminary plan phase and through the conservation
9 commission review and comment.

10 So it's for these reasons that we
11 recommend that the planning commission approve the
12 master plan submittal. I'm just going to briefly
13 detail some of these conditions because we do find
14 them critical.

15 Again, the first is regarding buffering
16 and the stages which the plan will have to go
17 through, the conservation commission, preliminary
18 plan approval process, and development plan review
19 process. The applicant shall receive that approval
20 prior to submission of a preliminary plan
21 application through DPR. That's Condition 2. The
22 applicant will work with the Tennessee Gas
23 pipeline. They have corresponded a large
24 checklist. They've corresponded their handwork.
25 We understand that zero risk is the best, but only

1 have the rights to work with existing regulations
2 to conduct the site work as will be required.

3 The preliminary plan site plan shall
4 provide the dimension or the curb cut that is
5 something that was added by the zoning official.
6 And the next few were added conditions from
7 engineering department. The development shall
8 follow existing grades as much as possible. Where
9 changes are required, it shall be kept as minimal
10 as possible, and this is something that has been
11 confirmed by the applicant that they want to do for
12 cost reasons. In the event of ledge and rock
13 removal, such should be mechanical as much as
14 possible. And there's storm water regulations.
15 Number 6. Number 7, any transmission line and
16 utility pole relocations with Natick Ave.
17 right-of-way are carefully coordinated with the
18 appropriate utilities. And, lastly, that any
19 changes to the solar arrays shall be shown
20 consistently on the buffer planting plan. That is
21 subject to review by the conservation commission.
22 So this is basically touching on the fact that the
23 change in the new plans relocated some of the solar
24 arrays, and there's only 2.5 percent of the total
25 arrays of the total site. We find that pretty de

1 minimis, and the only logical place to put them
2 would be to the west. However, we want to make
3 sure that these are properly vetted moving forward,
4 and that there's no relocation of any of those
5 panels in any undesirable location.

6 CHAIRMAN SMITH: Okay. Thank you.
7 Questions, discussion, members of the commission?
8 At this point -- thank you. I neglected to do
9 that. At this point, we're going to close public
10 comment. We have heard from everyone who has
11 signed up. I'll accept a motion to close public
12 comment at this time.

13 MR. DE STEFANO: Motion to close.

14 CHAIRMAN SMITH: Motion made by
15 Commissioner DeStefano. Seconded by Commissioner
16 Strom.

17 (VOICE VOTE: PASSED)

18 CHAIRMAN SMITH: Ayes have it. And public
19 comment for this is now closed.

20 Now, questions, comments, discussion,
21 members of the commission.

22 MR. VINCENT: Mr. Chairman, members of the
23 commission. I think we've heard some excellent
24 presentations on both sides, I might add. However,
25 I find the conditions of approval based on what

1 we've heard tonight do not adequately address real
2 issues on both sides. The Comprehensive Plan but
3 also mitigation; and we first heard this at the
4 December meeting that there was inadequate
5 discussion and presentation on impacts, natural,
6 and environmental impacts. I was pleased to see
7 clearly that the proximity to the wetlands area has
8 been moved away, and that's a positive. But, that
9 said, I think we would be remiss, as a commission,
10 not to consider some of the very important points
11 that were raised. And I think we can do this in
12 our conditions of approval. For your discussion, I
13 think we should address under mitigation the points
14 presented by Drake Patten in her January memorandum
15 that was submitted. And I don't see any reason why
16 discussion between the developer on these
17 mitigation actions could not take place as a
18 condition for approval. That way this commission
19 would know when they come before us in the
20 preliminary phase, that you have done everything in
21 your power to address legitimate concerns by the
22 residents and the abutting property owners. I
23 think this was an excellent first step, and I don't
24 want to see it overwrote. The only way the
25 commission can assure that is if we get past this

1 as a commission for the developer to read and
2 discuss and show us in the preliminary plan how he
3 has addressed each and every one of these
4 mitigation actions.

5 That's my recommendation to amend
6 conditions of approval to incorporate as a -- under
7 mitigation actions the recommendation -- or the
8 recommendations presented by Drake Patten at this
9 hearing.

10 MS. LANPHEAR: I would second that.

11 MS. MACCARONE: I have a comment. I agree
12 with Mr. Vincent. I am -- especially, I am
13 concerned about the -- Miss Patten's comments about
14 the environmental, Number 5 on this list of things,
15 and her concerns about the environmental, the
16 wildlife, and the pollinating protection. I think
17 that's really important, although I know this is
18 only the master plan stage, but I think that the
19 attached -- these conditions -- I know some of the
20 things may be a little bit, you know, extensive.
21 Number 6, I'm not really sure if that's -- that
22 might be cost prohibitive in terms of -- I know
23 that -- I really appreciate the fact that the
24 developers see that they've really been very
25 transparent, and they've made, you know, they've

1 made a lot of -- it seems that they've gone out of
2 their way to really work with the abutters, but at
3 least --

4 MR. VINCENT: Just to clarify. I'm not
5 saying that these have to be, each and every one of
6 these are carved in stone. I'm saying that there
7 needs to be a discussion and a presentation to this
8 commission as part of the preliminary planning
9 submission, to demonstrate that they have taken
10 into consideration these points. I'm not here to
11 sit -- this is the first time this commission has a
12 hundred pages of materials to review, and we are
13 all working people, like you are. So we do our
14 best, but we cannot possibly consider all of this
15 in the two and half hours that we just spent.

16 So my proposal is that the developer and
17 the planning staff do further investigation on
18 these points so that we can all be sure that we
19 have considered what I think are very good
20 mitigation actions.

21 CHAIRMAN SMITH: Commissioner Lanphear.

22 MS. LANPHEAR: Do we have a pending
23 motion?

24 CHAIRMAN SMITH: That's in the form of a
25 motion, Commissioner Vincent? Yes? Okay.

1 COMMISSIONER VINCENT: Yes, I did.

2 CHAIRMAN SMITH: Is there a second?

3 MS. LANPHEAR: Second.

4 CHAIRMAN SMITH: Okay. Motion made by
5 Commissioner Vincent. Seconded by Commissioner
6 Lanphear.

7 MR. MASON: Quick question. Is this a
8 motion to approve with these added stipulations?

9 MR. VINCENT: Yes, it is.

10 MR. MASON: So that would include all of
11 the planning department's recommendations and also
12 these six?

13 MR. DI SPIRITO: Exactly as they're stated
14 here or do we have to take them under
15 consideration?

16 CHAIRMAN SMITH: As I understand it, the
17 motion is that they need to be discussed and
18 mitigated as best as can be done. They need to be
19 addressed. Doesn't necessarily mean that every --
20 not verbatim, but all of those issues need to be
21 addressed at some point.

22 MR. STROM: Commissioner Vincent, question
23 for you. What you're saying is that based on these
24 six that's been proposed, the various points, this
25 is going to be -- you would like to have the

1 planning department and the developer work out some
2 of these points, maybe tweak them, if necessary.
3 And then come back to us and say this is what we've
4 agreed to.

5 MR. VINCENT: Yes. That's exactly right,
6 because the next step after master plan is
7 preliminary and, you know, as we've heard
8 consistently that some of the information that
9 we've all wanted to see can't be done until we get
10 to that next phase; but if we don't, as a
11 commission, give some direction in our conditions,
12 we may not see any follow-through.

13 MR. STROM: So with this sterling
14 discussion between the developer and the planning
15 department, do we still have the ability to support
16 staff's recommendation with these?

17 MR. VINCENT: I think the answer is yes
18 because I see this as Point Number 5 on conditions
19 of approval on Page 11. I'm looking at this --

20 MR. STROM: So based on the discussion we
21 had, we would add Number 9.

22 MR. VINCENT: Okay. Number 9.

23 MR. STROM: Jason, are you okay with this
24 as far as the discussion we develop and try to --

25 MR. PEZZULLO: I think we can do that.

1 And I think that these kind of performance
2 standards and right amendments, we can work with
3 the developer, the development plan review
4 committee first, and that would be the first blush,
5 with them to see how far we've come, and then it
6 would be discussion with the applicant before this
7 board whether they can or can't meet some of these
8 at that preliminary stage. That's how I see --

9 MR. STROM: Mr. Murray, are you okay with
10 this further discussion on these initial points?

11 MR. MURRAY: Mr. Chairman, I just saw them
12 in writing for the first time a couple of seconds
13 ago. I listened to Miss Patten. I can say this.
14 We understand the intent of them. We understand
15 the seriousness of them. Mr. Palumbo will be
16 willing to work with the planning department and
17 staff and the technical review committee to try and
18 achieve those as best as possible. I'm not saying
19 we agree with every line of those six conditions.
20 Miss Maccarone pointed out the one about the fund
21 and things like that. I mean -- but for tonight's
22 purposes, Mr. Palumbo is authorizing me to say we
23 can -- that's a starting point. We're willing to
24 have a dialog, and we will work towards trying to
25 achieve those as best we can. So if they're part

1 of a condition of the other conditions of approval,
2 I think we can, you know, we'll do our best. I'm
3 not saying I agree on everything Miss Patten said.
4 There are clearly things we do agree with, and we
5 can work with. Where we have a difference, we will
6 try and narrow them, and we'll try and come up with
7 a better product.

8 MR. MARSELLA: And, Mr. Strom, just for
9 the record, it's not really up to Mr. Murray. It's
10 up to the board to put any conditions that you wish
11 and that the parties work through those conditions
12 of approval prior to the preliminary --

13 CHAIRMAN SMITH: Motion has been made and
14 seconded.

15 (VOICE VOTE: PASSED)

16 CHAIRMAN SMITH: So the ayes have it.
17 Motion passes unanimously.

18 MR. DE STEFANO: Mr. Chairman, after this
19 discussion, rather than come to a vote, does it
20 make sense to consider continuing this so that we
21 can have our meeting and then review this in its
22 totality?

23 CHAIRMAN SMITH: Well, I believe that the
24 motion actually permits that. In other words, the
25 developer and our staff have to work together now

1 and it will come back before us as preliminary
2 plan. So we will see it again, and then we'll be
3 able to address any of those remaining issues.

4 MR. DE STEFANO: Mr. Chairman, if I may, I
5 thought the motion was to approve the master plan
6 with these stipulations. Is that what the -- my
7 recommendation is why are we going to approval of
8 master plan and not putting this for continuance
9 after we incorporate this all together, and then
10 come to a vote?

11 CHAIRMAN SMITH: Just as a matter of
12 process, it will come back to the commission.

13 MS. LANPHEAR: Mr. Chairman, may I? I
14 apologize. I think I was confused about the
15 substance of that last vote, and please correct me
16 if I was. I thought that Commissioner Vincent's
17 motion was merely to add a condition of approval to
18 the list of conditions, that it was not a vote on
19 whether or not we were giving master plan approval.
20 So my second and my ultimate vote was premised on
21 that we were merely adding, I don't mean to say
22 merely because it's a substantive addition, but we
23 were adding a ninth condition of approval, not that
24 we were acting on the master plan approval.

25 CHAIRMAN SMITH: Mr. Vincent, that was

1 your motion? I did not understand it either as --

2 MR. MARSELLA: So, you know, to simplify
3 this and move this along, if Mr. Vincent's motion
4 was to add the additional condition of approval to
5 this, then I would suggest that the planning board
6 take a vote on that, and then entertain a motion
7 either to approve with staff recommendations plus
8 the additional condition of approval. So you
9 basically take -- you can take two separate votes.
10 So the first vote would be to add the ninth
11 condition of approval to what we have in front of
12 us. And then if the board wishes, we would then
13 have another motion to approve or not approve based
14 upon staff recommendations, and then nine
15 conditions of approval, keeping in mind there's a
16 statute that says, you know, the planning
17 commission has to act within a certain period of
18 time, otherwise it's deemed approved. So planning
19 boards cannot deny by essentially continuing the
20 matter ad infinitum.

21 CHAIRMAN SMITH: And when did the clock
22 start ticking on this one?

23 MR. MARSELLA: Josh, you have a date on
24 that?

25 MR. BERRY: Yes, I do. It was November

1 13th. Ninety days from that would be February 10.
2 The first Tuesday of February would be February 5,
3 would be five days prior to the 90 days.

4 MR. MARSELLA: So right now, we have a
5 motion, Mr. Vincent's motion, and a second. So I
6 would, again, based upon just adding that as a
7 submission of approval, so don't know if you want
8 to bring that -- I would suggest you bring that to
9 a vote first. And then if anyone else wants to do
10 a motion to approve based upon the amended
11 conditions, you could also do that.

12 CHAIRMAN SMITH: A little unusual but,
13 I'll entertain a motion, then, to attach the
14 additional condition Number 9 to the conditions of
15 approval in the staff recommendation.

16 MR. VINCENT: So moved, Mr. Chairman.

17 MS. LANPHEAR: Second.

18 CHAIRMAN SMITH: Seconded by Commissioner
19 Lanphear.

20 (VOICE VOTE: PASSED)

21 CHAIRMAN SMITH: The ayes have it. It
22 passes unanimously. Is there a further motion?

23 MS. LANPHEAR: Mr. Chairman, is there
24 still discussion?

25 CHAIRMAN SMITH: For commission members,

1 yes.

2 MS. LANPHEAR: I do have one issue that I
3 am concerned about, and it's something that the
4 staff raised and also Miss Sweet raised, and
5 Mr. Dougherty raised; and in the staff
6 recommendation, the staff discussed the movement of
7 those solar arrays. I know that Mr. Berry
8 characterized it as de minimis. There's
9 approximately 2.5 percent of the total number of
10 solar arrays. In the staff report and
11 recommendation, there was some discussion, and
12 staff stated that staff would recommend the
13 condition that approval of the master plan does not
14 vest approval for any changes to the solar arrays
15 which are subject to review and comment from the
16 conservation commission and must be approved by the
17 development plan review committee and the planning
18 commission during the preliminary plan phase. And
19 then under conditions of approval, there is
20 Condition 8, which says any changes to the solar
21 arrays shall be shown, but I don't think that that
22 condition and that language is quite as strong as
23 what you recommended previously, which made very
24 clear that approval of the master plan does not
25 vest approval for any changes to the solar arrays

1 -- those solar arrays that are not presently shown
2 on the plan.

3 MR. BERRY: Well, Condition Number 1 says
4 that required changes to the property planting plan
5 may result in alterations to the current proposed
6 layout of the solar installation. So right there,
7 there's already vested that, you know, maybe that's
8 not the right word to use, but it's already stated
9 that the proposed layout may change based on
10 further review processes. If you would like us to
11 clarify that language, I have no problem doing that
12 if it is unclear.

13 MS. LANPHEAR: Before I put you through
14 your paces for that unnecessarily, I think that
15 that being said, I have concerns that we don't have
16 a plan that shows us all of the solar arrays.
17 We -- I have concerns that we are -- even though
18 you characterize that as de minimis, and I guess it
19 depends on one's definition of de minimis; but if
20 you look at that, I would prefer to have a plan
21 before me that I'm going to vote on master plan
22 because it does vest an applicant with a number of
23 rights that reflect where all solar arrays will be
24 whether or not, as Mr. Murray said, there may be
25 the same number that's reflected now, but they may

1 be of a different intensity. What we know is that
2 it will be the 8.1 megawatts, but we don't know
3 exactly where they will be. So I don't feel that
4 we're at a point where we should vote on something.
5 I think it's a dangerous precedent to vote on
6 something like that, that that leaves 2.5 percent
7 of the project not detailed enough for at least my
8 voting for a master plan approval.

9 MR. DE STEFANO: Commissioner, I would
10 agree with you as well. Being new to this planning
11 commission and over the last couple of weeks
12 reading a lot of this information, it's been
13 very -- a very eye-opening experience tonight
14 hearing first hand the residents and their
15 concerns. And -- but the fact of adding additional
16 documentation per Miss Patten, I would like the
17 board to really consider continuing this until we
18 have enough time to take all this information,
19 gather it with the addendum, and then reconsider
20 vote on the master plan.

21 CHAIRMAN SMITH: Can you make that in the
22 form of a motion.

23 MR. DE STEFANO: I'd like to make a motion
24 to continue.

25 CHAIRMAN SMITH: Motion made to continue.

1 MR. MARSELLA: We would need it to a date
2 certain. So it could be the next meeting.

3 MR. DE STEFANO: Mr. Chairman, I make the
4 motion to continue this to the February 5 meeting.
5 That allows the commission to continue our due
6 diligence.

7 CHAIRMAN SMITH: Is there a second?

8 MS. LANPHEAR: Second.

9 CHAIRMAN SMITH: Motion made by
10 Commissioner DeStefano and seconded by Commissioner
11 Lanphear.

12 (VOICE VOTE: PASSED)

13 CHAIRMAN SMITH: Yes. Spirito, Mason and
14 Strom, the nays. Mr. Smith is an aye to continue.
15 That portion of this evening is concluded. Thank
16 you, everyone. It was a 6-to-3 vote to continue to
17 February.

18 (NATICK AVENUE PORTION ADJOURNED

19 AT 10:37 P.M.)

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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 2d day of February, 2019.

Ronald M Ronzio, Notary Public

RONALD M. RONZIO, NOTARY PUBLIC/CERTIFIED COURT REPORTER

MY COMMISSION EXPIRES: July 24, 2021

IN RE: Cranston Plan Commission - Natick Avenue Solar

DATE: January 8, 2019

Allan W. Fung
Mayor

Jason M. Pezzullo
Planning Director



201901140003970 Bk:LR5712 Pg:181
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83
Michael Smith
Chairman

Ken Mason, P.E.
Steven Spirito
Robert Strom
Frederick Vincent
Kathleen Lanphear
Ann Marie Maccarone
Joseph Morales
Robert DiStefano

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

January 14, 2019

Mr. Ronald Rossi
1935 Natick Avenue
Cranston, RI 02920

DECISION

Natick Avenue Solar – Master Plan
Major Land Development
Natick Avenue
AP 22, Lots 108 and 119

Dear Mr. Rossi:

Please be advised that your Master Plan submittal entitled 'Natick Avenue Solar' was reviewed by the Plan Commission on January 8, 2019. Upon motion made by Mr. DiStefano and seconded by Ms. Lanphear, the Commission voted (6/3 – Mr. Mason, Mr. Strom and Mr. Spirito voted nay) to continue this matter to the February 5, 2019, Plan Commission Meeting to be held in the City Council Chambers, in order to allow the applicant sufficient time to submit a site plan that shows all of the proposed panels required to produce the intended 8.1 megawatts of energy. Additionally, upon motion made by Mr. Vincent and seconded by Ms. Lanphear, the Commission unanimously voted (9/0) to add a condition to the potential Master Plan approval that the applicant address the items listed in the "Request from Abutters" (attached hereto).

If you have any questions or require further assistance, please do not hesitate to contact me.

Sincerely,

Joshua Berry, MURP
Senior Planner/Administrative Officer

cc: Robert D. Murray, Esq.
Southern Sky Renewable Energy

Berry, Joshua

From: Robert Murray <rdmurray@taftmcsally.com>
Sent: Thursday, January 10, 2019 12:56 PM
To: Berry, Joshua
Cc: Pezzullo, Jason
Subject: RE: Natick Solar meeting follow up

We are in the process of doing the revised plan. I will get an ETA.

As to Drake Patten’s letter, I am not going to respond before a master plan approval. If they want to attach her letter as an additional condition and ask us to review its extensive and extraordinary terms for discussion involving DPRC and Preliminary approval, I cannot stop them. And as I said, we would take a look at it.

I am concerned that to somehow suggest that we need to negotiate with her (which I will not do) is an impermissible delegation of authority by the commission. I don’t mean you are saying that.

As to Allied, I hired Ron Ronzio for the public information meeting. He said you had him there for Top Golf and something else. He said he will call somebody on this.

Bob Murray

Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, Rhode Island 02920
rdmurray@taftmcsally.com
Tel. (401) 946-3800 (o)
Fax (401) 943-8859 (fax)

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From: Berry, Joshua [mailto:JBerry@CranstonRI.org]
Sent: Thursday, January 10, 2019 12:44 PM
To: Robert Murray
Cc: Pezzullo, Jason
Subject: Natick Solar meeting follow up

Bob,

I just wanted to touch base to make sure we are on the same page following the events of the January PC meeting.

The Plan Commission requires a revised site plan showing all of the proposed panels prior to the February meeting. We will work with you regarding a deadline, but please do your best to submit in time to allow staff review before distribution of the update to the Commission. If you could correspond an ETA on the revised plan, that would be appreciated.

Also, we are anticipating that you will submit a response to the "Requests from Abutters" document. It is my understanding that it was added to the Master Plan approval conditions as a document that must be addressed, not that your client must comply with each request. I did not hear the Commission say that your response is expected for the February meeting, but I anticipate that the Plan Commission may ask you to for an update of progress on this issue. Jason and I will be happy to discuss this anticipated condition with you and how to demonstrate compliance.

Lastly, please provide a \$300 check for the stenographer fee made out to Allied Court Reporter.

Let me know if you have any questions,

Joshua Berry

Senior Planner

City of Cranston, City Planning Department

869 Park Ave, Cranston, RI 02910

P: (401) 780-3139

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Berry, Joshua

From: Robert Murray <rdmurray@taftmcsally.com>
Sent: Friday, January 25, 2019 12:12 PM
To: Pezzullo, Jason; Berry, Joshua
Cc: Dave Russo
Subject: Revised Natick Avenue Solar site plan
Attachments: Natick Ave Site Plan revised 1-24-19.pdf

Attached is the latest revised site plan for the Master Plan submission as requested at the last meeting by Commissioner Lanphear.

This plan accommodates the panels that were relocated from the southeast corner of the Rossi Property. Please note that the corner of the leased premises at the northwest corner remains unchanged. The corner of the leased premises at the southwest corner was extended slightly further west.

Please note that as a result of this revision the three (3) identified parcels from the plan dated 1-2-2019 have changed slightly in size.

- Parcel A went from 29.3 +/- acres to 29.0 +/- acres.
- Parcel B (the leased premises) went from 29.7 +/- acres to 27.3 +/- acres.
- Parcel C went from 5.0 +/- acres to 7.7 +/- acres.

The larger change in Parcel C resulted from removing part of Parcel B where the panels were previously shown that will not be part of the leased premises.

I will drop off hard copies of the plan for you on Monday.

Bob Murray

Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, Rhode Island 02920
rdmurray@taftmcsally.com
Tel. (401) 946-3800 (o)
Fax (401) 943-8859 (fax)

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January 23, 2019

Mr. Jason Pezzullo
Planning Director
869 Park Avenue
Cranston, RI 02910

RE; Natick Avenue Solar

Dear Mr. Pezzullo:

At your request, I am writing to offer some comments, context and reaction to the statements or suggestions posed by an area resident Drake Patten at the January 8, 2019 Planning Commission meeting.

By way of introduction, my client Southern Sky Renewable Energy RI, LLC "Southern Sky") has a history of working cooperatively with municipal boards and commissions to balance a community's renewable energy efforts with the interest of neighbors and area residents. That commitment is reiterated to you and the commission members for the Natick Avenue solar project under consideration for master plan approval.

As I stated at the last meeting, Ralph Palumbo and his consultants will continue a community dialogue as this project proceeds to the higher, more detailed levels of engineering and approvals. For now, while we are at the conceptual stage (with a large body of information), I want to try and offer some responses. Clearly, many of Ms. Patten's suggestions are extraordinary in their scope and consequences. To even apply some of these extraordinary concepts to the Natick Avenue solar project would be to treat this major land development dramatically different than other land development projects or housing subdivisions for example.

There is a fundamental concept of property right law that allows Mr. Rossi to use and develop his property in accordance with our zoning laws, subdivision regulations and Cranston's comprehensive plan. When we deal with a use that is clearly permitted in the zoning district and complies with the city's comprehensive plan, then it is incumbent on the Planning Commission to support this master plan application subject to reasonable conditions and suggestions.

Today, I can only characterize most of Ms. Patten's suggestions as unreasonable, unnecessary and clearly promoted to try and stop this legally permitted use.

For your convenience, I have restated Ms. Patten's suggested conditions followed in sequence with the response of Southern Sky.

1) Buffering plan:

Abutters and neighbors do not find the current buffer zone to be spatially adequate nor sufficiently aware of the true density of existing deciduous trees that are expected to provide a year-round visual buffer. They also do not feel confident that the proposed buffer plantings will prove successful: according to Southern Sky's own landscape architect, planting at edges of forest land makes it difficult to establish plantings." Abutters are additionally concerned with the vagueness of the planting plan and the slowness with which the size of proposed plantings can actually accomplish the need for a robust visual buffer.

As such,

a) abutters request a distance-to-project setback (a no-clear zone) of at least four hundred feet on the south, south-east, north and north- west faces of the project area as well as an additional 100' along the west or wetlands face(s) of the project in order to both adequately buffer neighbors and to allow for any needed adjustments to be made to existing forest edge in order to create successful buffer plantings.

b) Abutters request a new plant inventory- that address both understory and canopy so as to appear naturalized and not inserted. The planting plan should focus on native species and include a mix of maturities. Tree choice must specifically include mature specimens and be a mixture of coniferous and deciduous species. Abutters wish to work with a landscape architect/ arborist team of their choosing and request a local, Rhode Island licensed nursery- to provide plant specimens.

Southern Sky Response:

Buffering and screening are important considerations for Planning Commission members. Southern Sky has already devoted considerable time and efforts to have its Professional Rhode Island Landscape Architect John Carter assess existing conditions and make initial recommendations on the buffering and screening. At this early stage with the help of several site visits, he has preliminary thoughts on what can be done and how to accomplish proper screening with adequate buffers. All existing and applicable solar ordinance requirements for setbacks and abutter screening will be complied with and reflected all the way to the final plan. Some decision will need to wait until final placement of panels and how they relate to surrounding properties and visual corridors.

As required at the Master Plan stage, concept plans for setbacks and landscape screening have been provided to the Planning Commission. Once the project's Master Plan has been approved more detailed plans for setbacks and landscaping, as well as other major elements of the project design (civil engineering, panel layouts, and grading) will be finalized.

Master plan approval will lead to extensive discussions with the Development Plan Review Committee, input from the Conservation Commission and future meetings with the Planning Commission.

Throughout those steps, Southern Sky is committed to working with individual property owners that abut the subject property. Respectfully, the critical element in effective screening is not the width of a buffer area. It is the actual and detailed screening that is used to site specific neighbor concerns.

The suggested four hundred foot no clear zone is not a practical suggestion. It would have the effect of eliminating the whole project. As you know, at the suggestion of the staff and Commission members, a small number of panels have been relocated from the southeast corner of the leased premises. A revised site plan showing the relocated panels in the 8.1 mW solar array has been submitted, as requested by the Planning Commission.

The applicant is committed to having its landscape architect and consulting team provide a diversified planting inventory with species that will thrive. The comments of Ms. Patten in terms of mix of plantings, maturities and species will absolutely be considered. However, for proper management and project development the applicant must maintain control of the planting program using an inclusive approach with direct abutters.

2) Protection of property:

Abutters are concerned about the impacts of this project on physical property. As such:

a) Septic systems of all abutters shall be inspected prior to project work commencing and at the completion of the project. Any damage to septic systems due to blasting, drilling or any other mechanical manipulation shall be repaired by SSRE (or its assigns).

b) Foundations of all abutters shall be inspected prior to project work commencing and subsequently monitored using an inspection- industry accepted standard crack monitoring plan. Any damage to any monitored foundation shall be repaired at the expense of SSRE (or its assigns).

c) Wells of all abutters shall be inspected prior to project work commencing and at the completion of the project. Any damage to wells due to blasting, drilling or any other mechanical manipulation shall be repaired by SSRE (or its assigns).

d) Well water of all abutter wells shall be tested prior to project work commencing, and from there at 6 month intervals for the first three years of the project's operation, thereafter at 1-year intervals for the life of the project and any additional lease- extension The resolution of any adverse affects to any abutters water supply shall be at the expense of SSRE (or its assigns) to include, but not limited to installation of a new well, provision of city water or any other reparation that can restore safe drinking water to abutters.

In all cases above:

- i) inspection and repair, if necessary shall be done by companies of the abutters' choice.
- ii) these terms shall carry with the abutting properties, not with property owners at time of project and shall be filed with the City of Cranston so as to carry with the property by deed.
- iii) all existing condition and monitoring reports shall be shared with abutting property homeowners and filed with the city Planning Department.

Southern Sky Response:

Respectfully, the concerns outlined above are extreme and not based on any identified empirical data or evidence that the construction of the proposed solar facility will bring any of the suggested results to septic systems or wells. None of the known septic systems or wells in the area fall within any remote impact area that might be affected by excavation or construction work on the Rossi property. The closest well or septic system is on Mr. Rossi's own property.

As with all Southern Sky solar installations, industry standards and best practices will be applied throughout the construction and subsequent operations period. The developer and its construction managers utilize appropriate measures and standards that are implemented to protect individuals, promote animal safety and to prevent on-site and off-site property damage. Historically, Southern Sky hires experienced project contractors selected of high-quality reputation, with extensive experience and expertise, a proven safety track record, and all will be properly bonded and insured. All regulatory standards will be strictly complied with during construction and operation. Comprehensive insurance will be carried by Southern Sky and its contractors in the unlikely event of any on-site or off-site property damage.

Following master plan approval, Southern Sky's engineers will undertake in depth site investigations and gather information to prepare much more extensive engineering plans with a significant body of information on the site than is known today. Such an undertaking routinely occurs after a "conceptual" plan approval from the Planning Commission

What is known today is that there will be little or no need to do any blasting based on numerous site visits and relying on the property owner's intimate knowledge his property. As testified, at the January 8th meeting, an experienced blasting company licensed in Rhode Island and following all required licensing and safety protocols will be used if minimal blasting is required.

Even at this early date, the developer has been in touch with representatives of Kinder Morgan, the owner/operator of the Tennessee Gas Pipeline. Kinder Morgan's own "developer handbook" expressly states their requirements when blasting in the pipeline vicinity. If they have procedures and they are followed, the developer believes the Planning Commission should defer to that process and the regulatory scheme required by the State Fire Marshal for blasting in Rhode Island.

The State of Rhode Island requires a minimum \$50,000 blasting license bond with the issuance of a blasting permit in accordance with the terms and conditions set forth in Rhode Island Title 23-28.28 of the General Laws entitled "Health and Safety", subject to any further regulations and restrictions specified within any individual blasting permit. The obligation is specifically conditioned

upon the payment of any loss, damage or injury resulting to persons or property by reason of such blasting and the bond period in question must run for a period of up to twelve (12) months.

Notwithstanding the safety regulations in place, Southern Sky would consider testing of wells of direct abutters (with their permission) prior to any blasting activities. The blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.

3) Protection of Life:

In the event of any blasting, drilling or ledge removal by mechanical means that could place the TPG gas supply line at any risk at all, all abutters request to be:

- i) informed of the blast schedule ten business days in advance of blast
- ii) housed (with pets) at a mutually agreeable off-site location for the duration of the blasting period. Abutters will only return to their homes subsequent to a successful inspection of the gas supply line by TPG.

Southern Sky Response: *The protection of property is only second to the protection of life. As stated above, if blasting is required, the rigid licensing requirements of the State Fire Marshal will be followed. The protocols of notification to abutters and neighbors within the required distance from the project will be timely prior to each event of blasting, if applicable. Appropriate safety measures will be taken to provide for individual and animal safety. The blasting will be performed by licensed industry experts, with full communication, coordination and compliance with Kinder Morgan standards. All information and communications will be provided to the City of Cranston officials and the public as required.*

The suggested ten (10) day advance notice proposal is not operationally practical. That time frame does not reflect any concept of construction practices and applies suggested requirements that are preempted by state law and regulation. With all respect to the author of the letter to the Commission, there is nothing unique about the proximity of the gas line to any other construction site or development in the eastern United States.

Further, the suggestion to house individuals and pets off site is also extreme. Lastly, I would suggest that the Planning Commission does not have the authority to impose an inspection requirement on Kinder Morgan. Their representatives will have reviewed and approved the developer's plans and may in fact have an inspector on site (at their discretion) at the time of any blasting should it occur.

In short, the extensive time requirements proposed are not necessary or realistic and apply a different set of standards to this applicant than any other developer of housing or other projects would be required to follow.

4) Hours of Operation:

Abutters request limits to the hours of operation during project construction. We request a workday from 9AM-5PM, no weekends or holidays will be allowed.

Southern Sky Response: *The goal of Southern Sky is to construct and begin operation of the solar facility quickly and with the least amount of intrusion to area residents. After the initial site work, the solar panels are installed by experienced national contractors with the use of electrical workers provided by the local International Brotherhood of Electrical Workers union. Work in the middle of twenty nine acres well set off from Natick Avenue will be isolated.*

The hours of operation during project construction will be in accordance with City of Cranston ordinances. Any attempt to change the customary business day will only delay the completion of the project. Once completed, there will be no impact in terms of traffic, noise, or visibility.

5) Wildlife and Pollinator Protections:

Abutters understand that wildlife will be greatly affected by loss of native habitat. It is their hope that the increased buffer zone requested will lessen the relocation of animal life and lessen injury resulting from the disruption of pathways and loss of ecosystem protection for deer, fox, coyote, bobcat and smaller mammals.

As such, abutters request that pollinators, both native and invasive (specifically, honeybees) be protected as follows:

- a) seed mix to be used under panels shall be organic-sourced (no GMO seed or otherwise enhanced seed) and consist of local seed varieties that would be found in NE meadows
- b) control of growth must be limited to mechanical methods: no herbicides or other chemical means may be used to control growth under the panels.

Southern Sky Response: *Southern Sky offers an unparalleled commitment to green energy sustainability and dedicated corporate social responsibility. Their projects are environmentally friendly. A special sensitivity to wildlife and the environment is promoted in Southern Sky's mission and is reflected in their completed projects.*

Please note that the solar farm only encompasses approximately twenty nine (29) acres owned by Ronald Rossi. An additional twenty nine (29) plus five (5) acres designated as wetlands will remain unaffected for the wildlife that may traverse this property. That does not include the approximate seventeen (17) acres owned by Mr. Rossi and his wife. The placement of fencing that leaves a gap at the bottom will allow small animals and critters to still access the solar array area.

In the past, Southern Sky has reinforced its commitment to its neighbors and surrounding environment by engaging and working with local biologists, environmental engineers, and forestry experts to implement so-called "habitat enhancement areas" in its project vicinity. For example, in one recent project Southern Sky committed to installing a minimum number of birdhouses around the project at locations optimum for habitat enhancement to provide additional cover, escape, and nesting areas. In addition, in certain areas surrounding one of its projects where trees were removed for shading and setback requirements, Southern Sky committed to planting low lying vegetation to promote habitat for small animals. The plantings typically proposed consist of vegetation known to support sensitive bird species in Rhode Island (e.g. Northern Parula, Eastern Bluebird, and Eastern Meadowlark). Southern Sky would look forward to working with the Planning Department and

Conservation Commission to implement an appropriate arrangement at the Natick Avenue site with the cooperation of the property owner.

It should be noted a low growth grass seed is used in all Southern Sky projects. No chemicals or herbicides are used to manage the solar premises vegetation.

Finally, as a sincere expression to Southern Sky's commitment to the environment and the project surroundings, my client desires and would undertake at its expense a footpath or walking trail for the benefit of the public on the former Moreau farm property now owned by Drake Patten.

There is a Conservation Easement recorded in the Land Evidence Records of the City of Cranston in Book 4521 at Page 236 between the City of Cranston and other funding agencies and the Moreau family, the former owner of the Patten Property.

The easement provides that the City of Cranston may establish a foot path or hiking trail around the south, east, and north perimeter of the former Moreau property. It would be required to be known as the "Moreau Trail at Baker Farm". The exact location would need to be determined but Southern Sky would pay for and build the walking trail. In addition, Southern Sky would install and maintain during the term of its project, small parking areas on both ends of the Moreau Trail. One parking area would be at the southwest corner of the property to be accessed from Natick Avenue. The other parking area would be located near the northeast corner of the property to be accessed by a driveway from Valley View Drive.

Such a partnership between the city and Southern Sky would enhance the passive recreational opportunities for Cranston citizens and be consistent the City's Comprehensive Plan.

6) Protection of Real Estate values:

Abutters realize that the impact on property values will be substantive- not only for direct abutters but also for neighbors; directly for some and generally in our neighborhood as a result of the decline in comparative sales. Some industry estimates suggest as much as a 25% loss in value for residential properties abutting industrial uses in an otherwise residential neighborhood. We request the developers work in collaboration with appraisers and our counsel on a reasonable formula for projecting this loss in post-construction real estate value. We additionally request the subsequent creation of a developer- funded escrow account to allow abutters with standing who are not able to sell their property at appraised value during the project's life to be made whole, thereby also protecting the mean property values of our community from excessive decline.

Southern Sky Response: This suggested escrow account is an extreme suggestion not based in any reality. There has been no demonstration that such an arrangement is justified. There is no empirical data that shows any causal effect on the value of property and the location of a nearby solar field.

In fact, many national studies show no effect on the value of real estate when a solar project is sited nearby. The price of real estate fluctuates based on a series of national, regional and local factors. Historically, real estate values in Western Cranston have appreciated over time.

No commitment will be made for property value measurements or the establishment of an escrow fund as suggested. Property values surrounding the project will invariably go up and down throughout any economic cycle regardless if the system is ever built; residents and the City cannot use the applicant to hedge against what may be a natural economic certainty.

Summary:

In closing, the community dialogue between Southern Sky, the neighbors and city officials has been extensive and will certainly continue through the permitting process. At the last Planning Commission meeting, it was suggested that some of these raised issues should be included in the Planning Staff's recommendation of approval.

On behalf of Southern Sky, I offer to move forward with their consultants and you and your staff to implement the developer's responses identified above following a Master Plan approval.

Thank you for your time and consideration.

If you have any questions, please feel free to contact me.

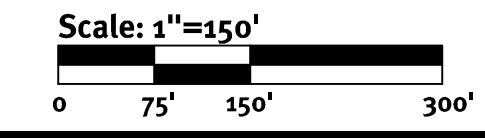
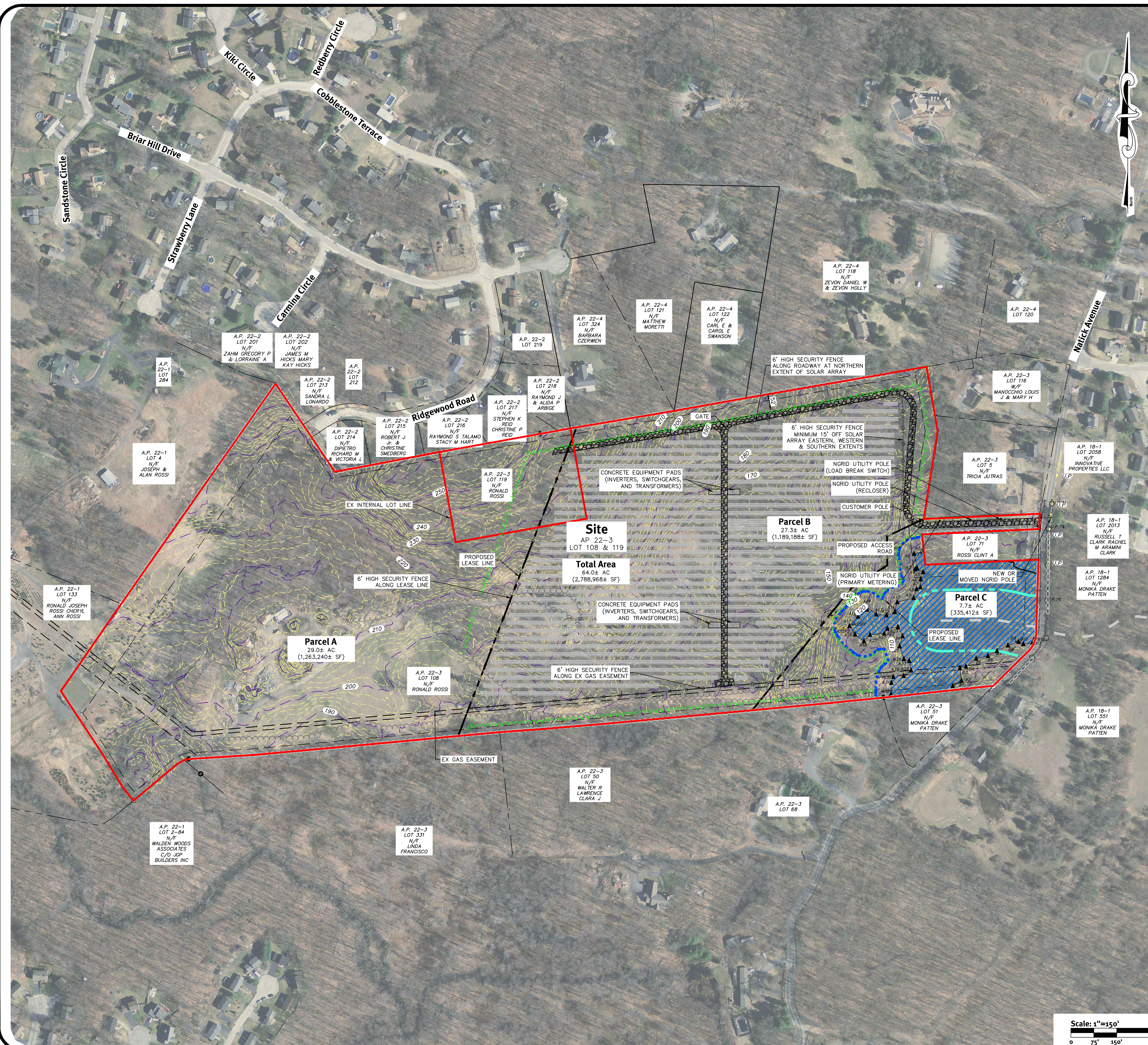
Very truly yours,

TAFT & McSALLY LLP

Robert D. Murray

RDM/mk

z:\deman\projects\2437-015 natick avenue solar\autocad drawings\2437-015-plan.dwg Plotted: 1/24/2019



General Notes:

- THE SITE IS LOCATED ON THE CITY OF CRANSTON, RHODE ISLAND ASSESSORS PLAT 22-3 LOTS 108 AND 119.
- THE AREA OF THE SITE IS APPROXIMATELY 64.0 ± ACRES. THE SITE IS ZONED AS A-80.
- THE OWNER OF AP 22-3 LOTS 108 AND 119 IS: RONALD ROSSI, 1935 PHOENIX AVE, CRANSTON, RI 02920
- THIS SITE IS LOCATED IN FEMA FLOOD ZONE X UNSHADED. ZONE X UNSHADED AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44007C04076 & 44007C0426H, MAP REVISED OCTOBER 2, 2015.
- THIS PLAN IS SUBSTANTIALLY CORRECT IN ACCORDANCE WITH A CLASS I COMPREHENSIVE BOUNDARY SURVEY.
- SOIL MAPPING OBTAINED FROM WEBSOIL SURVEY OF RHODE ISLAND, PREPARED BY U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE.
- THE SITE NOT WITHIN A:
 - GROUNDWATER PROTECTION AREA (RIDEM)
 - COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
 - NATURAL HERITAGE AREA (RIDEM)
 - GROUNDWATER PROTECTION OVERLAY DISTRICT (TOWN)
 - S.A.M.P. AREA (CRMC)
 - NON-COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
- THE SITE DOES NOT CONTAIN ANY HISTORICALLY SIGNIFICANT SITES OR STRUCTURES, STATE OR LOCAL HISTORIC SITES, DISTRICTS, CEMETERIES, ARCHAEOLOGICALLY SIGNIFICANT SITES, OR STATE DESIGNATED SCENIC AREAS. THIS WAS DETERMINED THROUGH FILE REVIEW AND SITEWALK COMPLETED BY DIPRETE ENGINEERING 05/15/2018 AND IS CORRECT TO THE BEST OF OUR BELIEF.

Site Layout Notes:

- DETAILED SOIL EROSION AND SEDIMENT CONTROL MEASURES TO BE INCORPORATED AT THE PRELIMINARY DESIGN STAGE AND WILL CONFORM TO RIDEM BEST MANAGEMENT PRACTICES.
- NO NEW WELLS OR OWTS PROPOSED. THE SITE IS NOT PROPOSED TO BE SERVICED BY PUBLIC WATER.
- ALL ELECTRICAL CONNECTION AND DISTRIBUTION LINES WITHIN THE FACILITY SHALL BE UNDERGROUND. ELECTRICAL EQUIPMENT BETWEEN THE FACILITY AND THE UTILITY CONNECTION MAY BE ABOVE GROUND IF REQUIRED BY THE UTILITY.
- NO NEW LIGHTING INSTALLATIONS ARE PROPOSED.
- PROPOSED SIGNAGE IS LIMITED TO SECURITY SIGNS (OR SIMILAR) INSTALLED ON THE FACILITY PERIMETER FENCING.
- PROJECT WORK WILL BE UNDERTAKEN IN ONE PHASE.
- NO TOP SOIL IS TO BE REMOVED DURING CONSTRUCTION AND INSTALLATION OF THE SYSTEM.
- CONSTRUCTION STAGING AREA TO INCLUDE CONCRETE WASHOUT AREA AND VEHICLE FUELING/ STORAGE/ MAINTENANCE AREA.

Dimensional Regulations:

CURRENT ZONING:	A-80
REQUIRED:	80,000 SF
MINIMUM LOT AREA:	200'
MINIMUM FRONT AND LOT WIDTH:	40'
MINIMUM FRONT AND CORNER SIDE YARD:	20'
MINIMUM SIDE YARD:	100'
MINIMUM REAR YARD:	100'

Existing Legend

NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS

	PROPERTY LINE
	ASSESSOR LINE
	SETBACK
	MINOR CONTOUR LINE
	MAJOR CONTOUR LINE
	100' RIVERBANK WETLAND
	STREAM
	HKC
	CaD
	SOIL BOUNDARY LINE
	FEMA BOUNDARY
	GIS WETLAND EDGE
	FIELD LOCATED WETLAND EDGE
	WETLAND HATCH
	50' PERIMETER WETLAND
	ELECTRIC OVERHEAD WIRE
	ELECTRIC UTILITY POLE

Proposed Legend

NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS

	TREELINE
	LIMIT OF DISTURBANCE - NO EROSION CONTROL
	FILTREX SEDIMENT CONTROL, SILT FENCE (RIDOT STD 9.2.0) OR APPROVED EQUAL AT LIMIT OF DISTURBANCE
	6' HIGH PERIMETER FENCE
	SOLAR ARRAY

8.1 MW DC Solar Farm

DiPrete Engineering
 Two Stafford Court Cranston, RI 02920
 tel 401-943-1000 fax 401-641-6006 www.diprete-eng.com

Boston • Providence • Newport

This regulatory submission set shall not be used for construction purposes unless stamped 'Issued for Construction' and signed by a DiPrete Engineering representative.

The contractor is responsible for all of the means, methods, safety precautions and requirements, and OSHA conformance in the implementation of this plan and design.

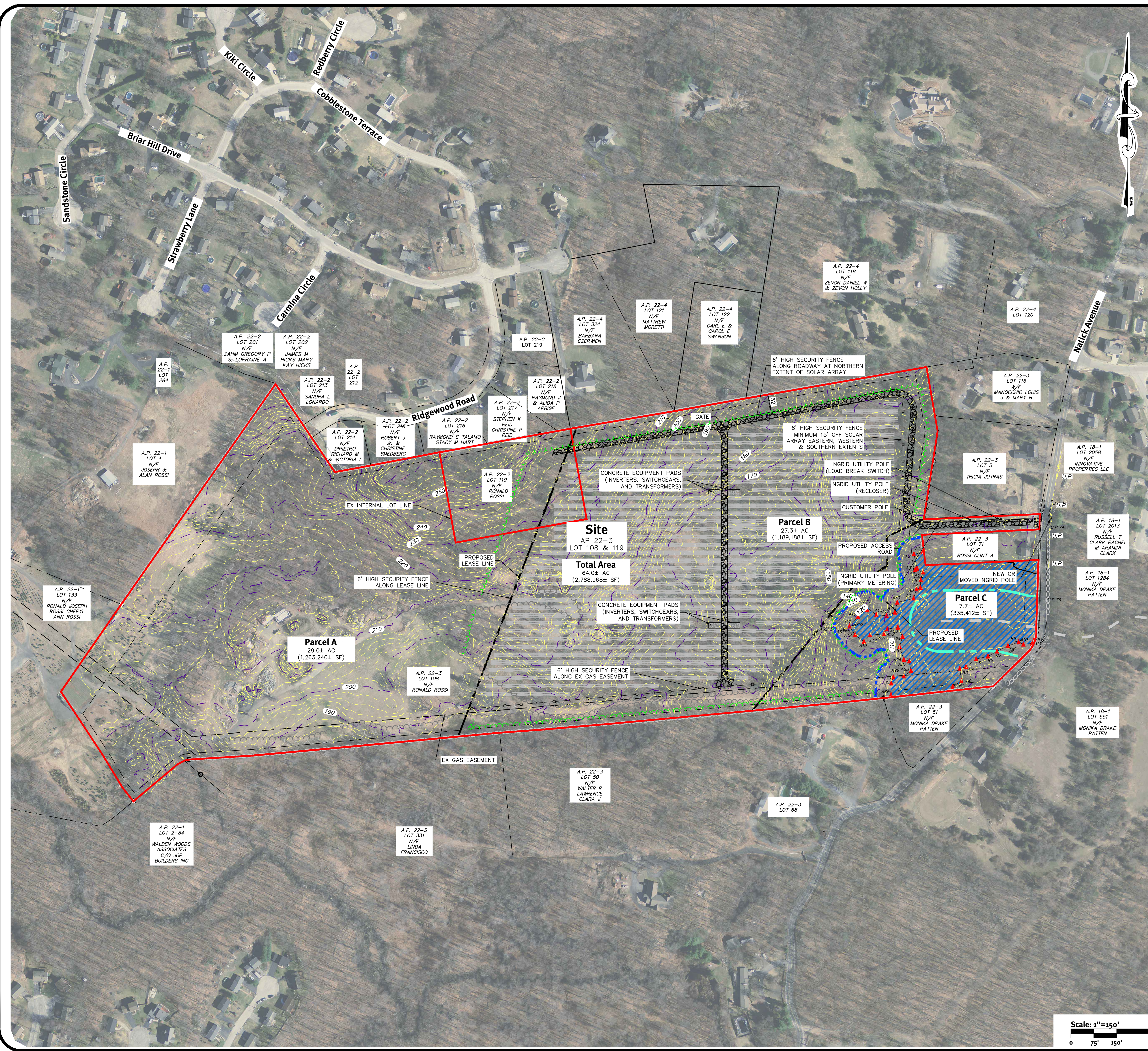
NO.	Date	Description	By	Design By
1	12/26/2018	Updated Layout Plan	D.A.R.	S.E.K.
2	1/2/2019	Master Plan, Re-submission	D.A.R.	S.E.K.
3	1/2/2019	Final Master Plan	D.A.R.	S.E.K.
4	1/2/2019	Final Master Plan	D.A.R.	S.E.K.
5	1/2/2019	Final Master Plan	D.A.R.	S.E.K.
6	1/2/2019	Final Master Plan	D.A.R.	S.E.K.
7	1/2/2019	Final Master Plan	D.A.R.	S.E.K.

Site Layout Plan
Natick Avenue Solar
 Assessor's Plat 22-3, Lots 108 & 119
 Cranston, Rhode Island

Southern Sky Renewable Energy RI, LLC
 Applicant
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 tel 781-371-2001

Drawn By: S.E.K. Design By: S.E.K.

z:\deman\projects\2437-015_natick_avenue_solar\autocad\drawings\2437-015-plan.dwg Plotted: 3/14/2019



General Notes:

- THE SITE IS LOCATED ON THE CITY OF CRANSTON, RHODE ISLAND ASSESSORS PLAT 22-3 LOTS 108 AND 119.
- THE AREA OF THE SITE IS APPROXIMATELY 64.0 ± ACRES. THE SITE IS ZONED AS A-80.
- THE OWNER OF AP 22-3 LOTS 108 AND 119 IS: RONALD ROSSI, 1935 PHOENIX AVE, CRANSTON, RI 02920
- THIS SITE IS LOCATED IN FEMA FLOOD ZONE X UNSHADED. ZONE X UNSHADED AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44007C0407G & 44007C0426H, MAP REVISED OCTOBER 2, 2015.
- THIS PLAN IS SUBSTANTIALLY CORRECT IN ACCORDANCE WITH A CLASS I COMPREHENSIVE BOUNDARY SURVEY.
- SOIL MAPPING OBTAINED FROM WEBSOIL SURVEY OF RHODE ISLAND, PREPARED BY U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE.
- THE SITE NOT WITHIN A:
 - GROUNDWATER PROTECTION AREA (RIDEM)
 - COMMUNITY WELLHEAD PROTECTION AREA (RIDEM)
 - NATURAL HERITAGE AREA (RIDEM)
 - GROUNDWATER PROTECTION OVERLAY DISTRICT (TOWN)
 - S.A.M.P. AREA (CRMC)
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- THE SITE DOES NOT CONTAIN ANY HISTORICALLY SIGNIFICANT SITES OR STRUCTURES, STATE OR LOCAL HISTORIC SITES, DISTRICTS, CEMETERIES, ARCHAEOLOGICALLY SIGNIFICANT SITES, OR STATE DESIGNATED SCENIC AREAS. THIS WAS DETERMINED THROUGH FILE REVIEW AND SITEWALK COMPLETED BY DIPRETE ENGINEERING 05/15/2018 AND IS CORRECT TO THE BEST OF OUR BELIEF.

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Existing Legend

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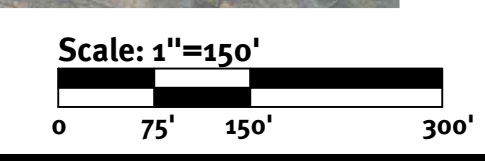
	PROPERTY LINE
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8.1 MW DC Solar Farm



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The contractor is responsible for all of the means, methods, safety precautions and requirements, and OSHA conformance in the implementation of this plan and design.

NO.	Date	Description	By:	Design By: S.E.K.
1	12/22/2018	Updated Layout Plan	D.A.R.	
2	1/2/2019	Master Plan, Re-submission	D.A.R.	
3	1/2/2019	Final Master Plan	S.E.K.	
4	11/02/2018	Final Master Plan	S.E.K.	
5	10/26/2018	Master Plan, Re-submission	S.E.K.	
6	10/26/2018	Master Plan, Re-submission	S.E.K.	
7	10/26/2018	Master Plan, Re-submission	S.E.K.	

Site Layout Plan
Natick Avenue Solar
 Cranston, Rhode Island

Southern Sky Renewable Energy RI, LLC
 117 Metro Center Blvd #2007, Warwick, Rhode Island 02886
 tel 781-371-2001

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Memo – 1/31/19

The purpose of this memo is to cover only the information that resulted from the Plan Commission's discussion and continuance at the January 8th, 2019 meeting. This memo is an addendum to the January staff memo and is not meant to be a standalone comprehensive memo of the master plan application.

This memo covers the following items:

- I. Revised site plans showing the relocated panels
- II. Bolstered environmental impact findings
- III. Consistency with the Comprehensive Plan
- IV. Analysis of the "Requests from Abutters" document and the applicant's response
- V. Revised conditions of approval

To: Cranston City Plan Commission
From: Joshua Berry, MURP, Senior Planner / Administrative Officer
Date: January 31, 2019
Re: "Natick Avenue Solar"
Master Plan – Major Land Development

Owner: Ronald Rossi
Applicant: Southern Sky Renewable Energy RI Natick Ave Cranston LLC
Location: 0 Natick Ave, AP 22-3, Lot 108 & 119
Zone: A-80 (single family dwellings on lots of minimum areas of 80,000 ft²)
FLU: Single family residential less than 1 unit/acre

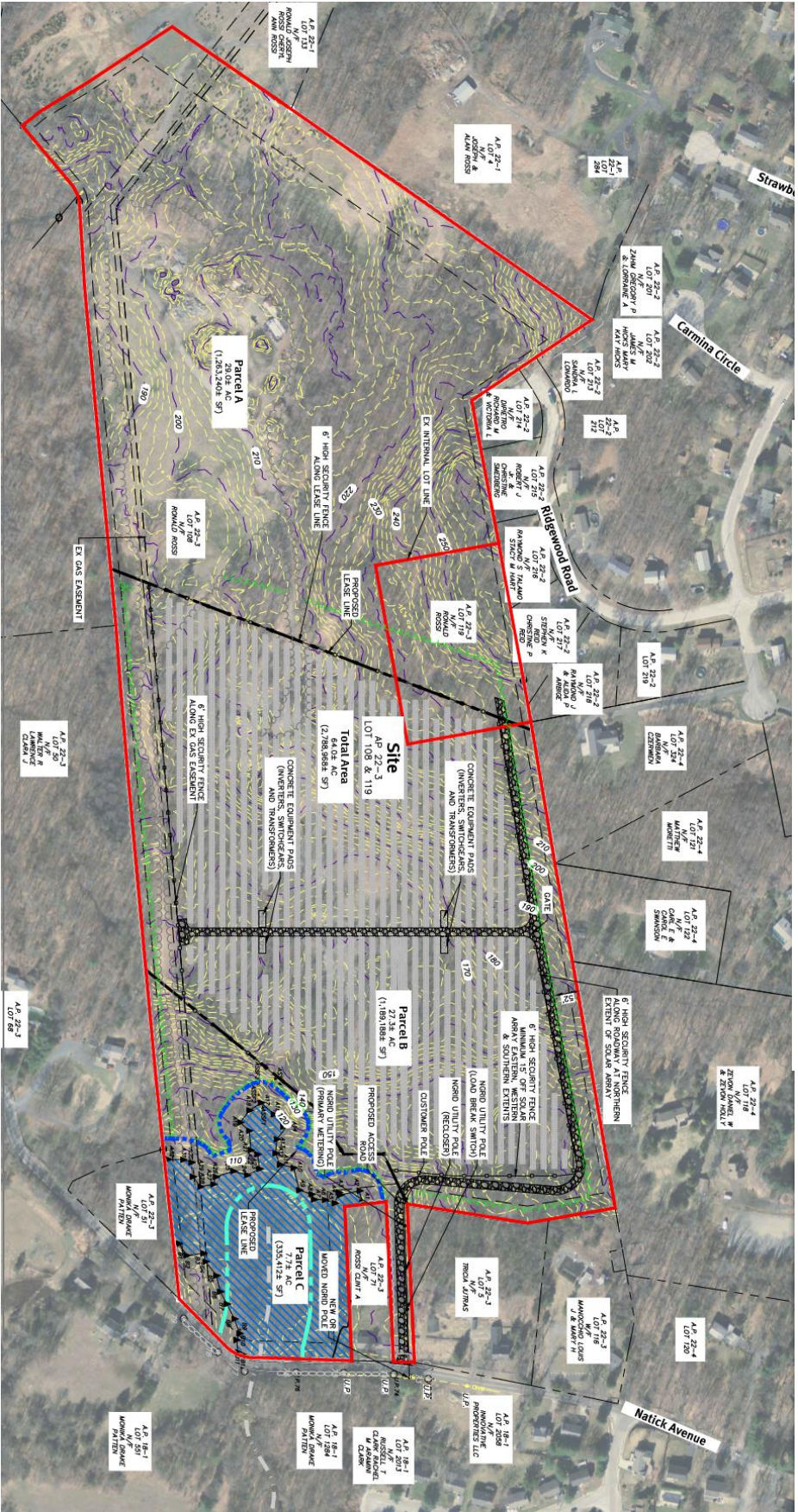
I. Revised Site Plan

Context of the Site Plan Revision

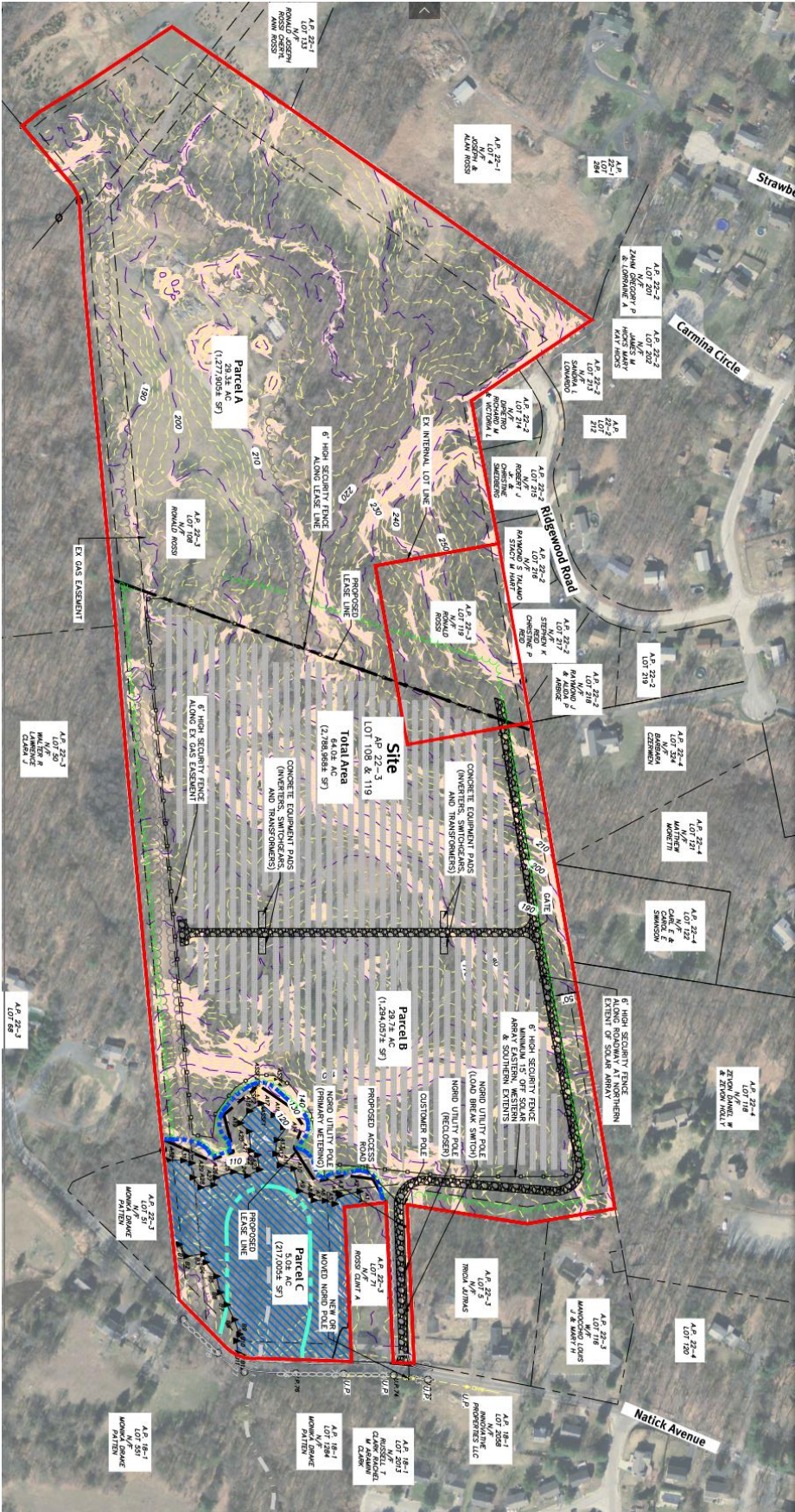
Staff recommended that the applicant remove panels from the southeastern corner of the site adjacent to the wetland area for the reasons detailed in the January staff memo. The applicant revised the proposed site plan just prior to the January Plan Commission meeting. As discussed in the January staff memo section titled "Update in Response to Revised Plans Received 1/2/19," the applicant did not have time to negotiate a new lease area with the property owner to relocate the panels, but provided to the site plan with the removed panels anyway to demonstrate their willingness to adhere to the requested modification. The Plan Commission did not find it appropriate to entertain a Master Plan that did not demonstrate the location of all of the panels, and ultimately (and unanimously) voted to continue the matter to allow the applicant time to provide a revised site plan. The applicant has submitted the revised site plan on the following page, which can be compared to the previous version of the plan on page 3.

SITE PLAN (snippet)

[Newest Version]



SITE PLAN (snippet)
[Outdated - January Version]



There two main changes to the plans (excluding the pink slopes over 20% layer being turned off) are:

1. The western lease line was adjusted by moving the point where it intersects the southern property line approximately 20-25' to the west, gaining approximately 0.3 acres from Parcel A. The proposed solar arrays were modified to fill in the newly acquired space and maximize the area near the western lease line.
2. The area from which the panels have been removed have been transferred from Parcel B to Parcel C, and is therefore no longer part of the project area.

These changes have caused the following changes in proposed area sizes:

Parcel A changed from 29.3 +/- acres to 29.0 +/- acres.

Parcel B (the leased premises) changed from 29.7 +/- acres to 27.3 +/- acres.

Parcel C changed from 5.0 +/- acres to 7.7 +/- acres.

As anticipated, the location of the newly relocated panels do not change staff's analysis of the proposal. The new location for the panels have been sited in the only possible location given the lack of options to the north, south, and east. Staff does not anticipate that the newly sited panels would have any new or additional impact on the neighbors or the environment. The project lease area has been reduced from 29.7 +/- acres to 27.3 +/- acres, which in conjunction with the 2.7 +/- acres increase in Parcel C, is a welcomed revision to the proposal.

II. Bolstered Environmental Impact Findings

Plan Commissioner Vincent had stated that he would like to see additional information regarding the anticipated environmental impacts of the project.

Staff adds the following finding under *RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, "There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval."*

- The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site. There nearest known rare species locations are roughly 1,600 meters away. This information has been confirmed by David W. Gregg, Ph.D. Executive Director of the Rhode Island Natural History Survey.
- Solar energy production has an important role in the reduction of greenhouse gas emissions contributing to climate change. There are a multitude of environmental benefits (as well as numerous other benefits) to clean renewable electricity as found by the Environmental Protection Agency in their 2018 report, "*Quantifying the Multiple Benefits of Energy Efficiency and Renewable Energy: a Guide for State and Local Governments.*"

III. Consistency with the Comprehensive Plan

Hearing the continued debate and having received a report calling into question the Natick Avenue Solar Master Plan's consistency with the Comprehensive Plan, staff finds it appropriate to further reiterate that **the proposal is consistent with the Comprehensive Plan**. Staff holds that the statements made in the January memo remain true and valid, and does not intend to repeat the same analysis in this memo. Instead, staff has attached a series of exhibits to be entered as corroborating evidence that the solar development in A-80 zoning is consistent with the Comprehensive Plan. These exhibits are followed by a brief discussion of the documents as well as a concise response to the report authored by Ashley V. Sweet, which was submitted and narrated during the January meeting.

Staff provides the following exhibits relating to the history of the determination that solar installations in Cranston's A-80 zones are consistent with the Comprehensive Plan:

- **Exhibit A:** Timeline of Events (A 2015 document from the Planning Department to the Plan Commission which outlined the major steps in the adoption of Ordinances 7-15-04 & 7-15-15)
- **Exhibit B:** Plan Commission Responses to Councilman Stycos (Councilman Stycos posed a series of questions on proposed changes to the Use Table in Ordinances 7-15-04 & 7-15-15. This letter is the response)
- **Exhibit C:** *United States Investment & Development Corporation v. Robert Strom, et al* (Appeal of Council's adopted changes to the Use Table)
- **Exhibit D:** *United States Investment & Development Corp. v. The Platting Board of Review of the City of Cranston, et al.* (Appeal of the Platting Board's decision to uphold the Plan Commission's decision to approve the Hope Farm 10 MW Solar Array)
- **Exhibit E:** Planning Staff Statement on Consistency with the Comprehensive Plan (Read into the record during the Public Meeting for Hope Farm 10 MW Solar Array)
- **Exhibit F:** Affidavit of Peter Lapolla (Testimony that Ordinances 7-15-04 & 7-15-15 are consistent with the Comprehensive Plan for *United States Investment & Development Corporation v. Robert Strom, et al*)
- **Exhibit G:** Superior Court's Decision rendered on *United States Investment & Development Corp. v. The Platting Board of Review of the City of Cranston, et al*
- **Exhibit H:** Superior Court's Decision rendered on *United States Investment & Development Corporation v. Robert Strom, et al*

The above exhibits demonstrate that the question whether solar development in A-80 zoning is consistent with the Comprehensive Plan has been thoroughly discussed, challenged, and decided. The Superior Court has sided with the City of Cranston on both appeals, both decisions coming in 2018. It is important to note that the two appeals took place **BEFORE** Ordinance 01-17-11 "Solar Performance Standards" was passed which specifically and undeniably modified the Comprehensive Plan to support solar development in the City of Cranston. The contents of Ordinance 01-17-11 were quoted and discussed in the January staff memo.

During the January 8th Plan Commission Meeting, Ashley V. Sweet, a planning and land use consultant, distributed and narrated a report prepared for Patrick Dougherty, Esq., entitled “Proposed Major Land Development Solar Installation – Natick Avenue Assessor’s Plat 22-3; Lots 108 & 119: An Analysis and Report” attached as **Exhibit I**. The findings in this report are not consistent with staff findings, nor the findings of the superior court. Although staff does not agree with many of the statements made throughout the report, it does not intend to itemize and reply to each point of disagreement. Instead, staff offers the following observations which expose the issues with the main arguments in the report.

Sweet’s report seems to blur the line between the evaluation of the current master plan application under the existing regulatory framework with criticism of the framework itself. Sweet’s conclusion offers the following clarification of the purpose of the report:

The purpose of this analysis is not to suggest that ground mounted solar has no place in western Cranston, certainly the value and benefit of solar is recognized and the City should desire to take part in renewable energy production. What is at issue in this case is the lack of appropriate regulatory tools to ensure that the requirements of the Comprehensive Plan are met. These requirements detail the importance of true open space protection, wildlife habitat preservation, ground and surface water management, aesthetic quality, environmental protection, neighborhood enhancement and preservation and overall maintenance of the quality of life for the residents. Presently the regulatory tools to accomplish these important goals and policies set forth in the Plan are severely lacking in Cranston’s current regulatory framework. (p. 18)

This language appears to be more of an argument in favor of the solar moratorium as opposed to an argument against the current master plan application. The criticism that the “appropriate regulatory tools to ensure that the requirements of the Comprehensive Plan are met” is wholly different than a criticism of the master plan application and must be not be misconstrued as justification to deny a by right master plan application. The City has a number of tools at its disposal in addition to the codified solar performance standards, including the Development Plan Review regulations in Code Sec. 17.84, the Subdivisions Regulations, and regulatory powers bestowed to the Plan Commission. The recently adopted a moratorium on solar developments will allow the City to improve its ordinances and address the concerns raised by Sweet. The Plan Commission is charged with rendering a decision on the current application under the existing regulatory framework. The Superior Courts have already determined on two occasions that solar development in A-80 zoning is consistent with the Comprehensive Plan, even before Comprehensive Plan Amendment Ordinance 01-17-11 “Solar Performance Standards” made it even more clearly and explicitly so.

Sweet’s report ignores many relative facts that are relevant to the evaluation of the Natick Ave Solar Master Plan proposal. For example, leaves **57% of the site undisturbed**. This is NOT a 64 acre proposal on a 64 acre site, although the report characterizes it as a complete overbuild of the site. Only 27.3 acres (reduced from 29.7) are being proposed as a leased portion of the site and 36.7 acres are to be unaffected by the project. Another fact missing from her report is that the proposed panels are more than 400’ from Natick Ave, separated from line of site from the right of way by vegetated undisturbed wetlands, residential outparcels, topography and retaining walls. Instead, Sweet’s report characterizes the development as “in the center of a well established

residential neighborhood” where in actuality the site is *behind* established neighborhoods without a single abutting home whose front faces the project site.

Sweet’s report does not factually address that solar installations are temporary, causing less impacts than permanent forms of development. The report includes extensive discussion of conservation subdivision practices, and attempts to demonstrate how this project falls short of the aspirational values of conservation subdivisions which are not codified in Cranston’s zoning or Subdivision Regulations. It is unreasonable to expect solar installations be to meet conservation subdivision goals when they are two vastly different types of land uses (although staff is interested in exploring these values and seeing how they can be *appropriately* applied to solar as part of the solar ordinance rewrite). In her Bench Decision on *United States Investment & Development Corporation v. Robert Strom, et al*, Associate Justice Maureen B. Keough writes, “The Cranston Comprehensive Plan already expressed an aspiration to protect agricultural land in Cranston from being lost to more intense – more permanent – development, and that solar installations are consistent with that aspiration. . .” In short, Sweet’s report does not fairly assess the facts.

Sweet’s report incorrectly reduces the City’s motive of the solar developments as merely financial while completely overlooking the environmental benefits. The report paints a picture of Cranston as financially motivated while socially and environmentally blind. The fact of the matter is that the environmental benefits of solar developments far outweigh the negative, as outlined in EPA’s 2018 report “*Quantifying the Multiple Benefits of Energy Efficiency and Renewable Energy: A Guide for State and Local Governments.*” The City should not understate the commitment that it has made to renewable energy and the environment, but needs to remember this commitment as it pertains to land use decisions. The moratorium is intended to address any lack of protection regarding the environmental, social and community impacts. Nearly any development project can be questioned by citing competing values within a comprehensive plan. There is often a tradeoff when values are prioritized. In this instance, Comprehensive Plan Amendment Ordinance 01-17-11 “Solar Performance Standards” provided policy direction for land use decisions regarding solar proposals in A-80.

For these reasons among others not detailed in this report, staff rejects the conclusions of Sweet’s report and holds that the Natick Avenue Solar Master Plan is consistent with the Comprehensive Plan.

IV. Analysis of the “Requests from Abutters” document and the applicant’s response

The Plan Commission unanimously voted to add a condition of master plan approval that the applicant *address* the itemized requests in the “Natick Ave Solar Project Requests from Abutters” document that was distributed and narrated by Drake Patten during the January 8th Plan Commission meeting, attached as **Exhibit J**. As the meeting ultimately resulted in a continuance and not an approval of the application, the applicant has preemptively complied and has provided a response, attached as **Exhibit K**.

Staff will briefly comment on each of the six (6) requests and the applicant’s response.

1. Buffering Plan

The request for a 400' project setback from the south, south-east, north and north-west faces of the project area would eliminate over 80% of the project area. The proposed panel area is approximately 1,200 feet (east/west) by roughly 1,000' (north/south). The 400' buffers along the north and south property alone would restrict the site to 1,200 feet (east/west) by roughly 200' (north/south), a reduction of 960,000 ft² or 22 acres (80.6%) of the proposed 27.3 acres. The applicant's response reflects that they cannot feasibly work with this request, but emphasize that buffer *width* is not the most critical element to effective screening. SSRE's response states that they are willing and committed to working out the details of an effective screen during the Preliminary Plan phase, as is recommended as a condition of approval. The abutter request also includes a proposed 100 no-clear zone from the wetland edge. The panels are almost all 100' setback from the wetland's edge, although the applicant holds that they may need to remove trees that cast shade on the solar arrays.

The abutters request a new plant inventory that will provide both understory and canopy as to be well integrated into the existing vegetation. SSRE has confirmed that this request can be *considered*. Staff cautions that the cost of mature specimens may be a concern when considering this request, particularly as the request does not include any quantifiable measure that would satisfy the intent. The applicant holds that the stipulation that the abutters choose the landscape architect and nursery are not viable expectations as they could create issues over the project management, although their suggestions should be taken into account as part of the "inclusive approach."

As a result of this request and the applicant's response, Staff recommends the following condition:

- **The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.**

2. Protection of Property

The abutters request inspections of septic systems, foundations, wells and well water prior to work commencing, accompanied by the obligation of SSRY to pay for any damages caused by project work. The State Fire Marshall's regulatory scheme for any potential blasting will be followed and adhered. It is not reasonable to single out an applicant for enhanced inspections and testing beyond what is required under law. To alter the requirements would potentially set a precedent for all developments in any zone. Nevertheless, Southern Sky stated that they will consider testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties. The requested intervals for well water testing and the request for the abutter's authority in choosing the inspection company are not tenable.

As a result of this request and the applicant's response, Staff recommends the following condition:

- **The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.**

3. Protection of Life

The abutters request ten (10) day notification prior to any blasting and to house individuals and their pets for the duration of the blasting period at a mutually agreeable location. Again, the State Fire Marshall's regulatory scheme for blasting will be followed and adhered. The request far exceeds the legal and regulatory framework for blasting and would potentially set a precedent for blasting protections within the City and could be very complicated in the event that the City have to enforce this proposed condition. Modification of the State Fire Marshall's regulatory scheme could create potential hazards. Therefore, staff believes this is not a viable request.

Staff does not recommend any additional condition based on this request by abutters.

4. Hours of Operation

The abutters request that construction hours be limited to 9AM-5PM, no weekends or holidays. The strict adherence to this request would lengthen the time of construction, and presents the City with problematic enforcement issues. To alter the requirements would potentially set a precedent for all developments in any zone.

Staff does not recommend any additional condition based on this request by abutters.

5. Wildlife and Pollinator Protections

The abutters request both native and invasive pollinators (honeybees) be protected. SSRE holds that a low growth grass seed is used in all their projects and that no chemicals or herbicides are used to manage the vegetation.

Additionally, SSRE offers to pay for and construct a public walking trail on the former Moreau property (now *Hurricane Hill Farm*) currently owned by Drake Patten, along with a parking area on each end of the trail. Staff appreciates the gesture for the proposed public amenity, but cautions a strict condition of a path that involves property that does not belong to the applicant and an easement that has not been researched by staff. Staff would like the opportunity to look into the matter further should the Master Plan be approved.

As a result of this request and the applicant's response, Staff recommends the following condition:

- **Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.**

- **Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.**
- **During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE’s letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (Exhibit K).**

6. Protection of Real Estate Values

The abutters request the creation of a “developer-funded escrow account to allow abutters with standin2g who are not able to sell their property at appraised value to be made whole.” Due to the numerous factors that contribute to the assessment of property values, staff is not aware of any mechanism that could single out the impact of the solar development. This condition is not something imposed on any other forms of development, nor does the City have the capacity to be able to monitor and enforce this proposed request.

Staff does not recommend any additional condition based on this request by abutters.

V. Revised Conditions of Approval

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60, the Comprehensive Plan, as well as with the City of Cranston’s Subdivision and Land Development Regulations. Staff therefore recommends that the City Plan Commission adopt the findings of fact documented above and in the January staff memo and approve the Master Plan submittal, subject to the conditions denoted below:

1. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan process. Required changes to the Buffering Planting Plan may result in alterations to the current proposed layout of the solar installations.
2. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
3. The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.
4. The Preliminary Plan site plan shall provide the dimension of the curb opening on Natick Avenue.
5. The development shall follow existing grades as much as possible, where changes are required, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such be mechanical as much as possible.
6. Storm water management shall follow existing topography and utilize R.I.D.E.M. Best Maintenance Practices (BMP’s) to ensure conformance to City code. Said plan shall attempt to enhance any conditions (existing and proposed) at, to or near adjacent wetlands and Natick Avenue.

7. As discussed to the DPR pre-application meeting, any transmission lines and/or utility pole relocations within the Natick Avenue Right-of-Way are carefully coordinated with the appropriate utilities.
8. The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.
9. The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.
10. Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.
11. Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.
12. During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE's letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (Exhibit K).



Memo – 1/31/19 – (edited 2/4/19)

The purpose of this memo is to cover only the information that resulted from the Plan Commission's discussion and continuance at the January 8th, 2019 meeting. This memo is an addendum to the January staff memo and is not meant to be a standalone comprehensive memo of the master plan application.

This memo covers the following items:

- I. Revised site plans showing the relocated panels
- II. Bolstered environmental impact findings
- III. Consistency with the Comprehensive Plan
- IV. Analysis of the "Requests from Abutters" document and the applicant's response
- V. Revised conditions of approval

To: Cranston City Plan Commission
From: Joshua Berry, MURP, Senior Planner / Administrative Officer
Date: January 31, 2019 (edited 2/4/19)
Re: "Natick Avenue Solar"
Master Plan – Major Land Development

Owner: Ronald Rossi
Applicant: Southern Sky Renewable Energy RI Natick Ave Cranston LLC
Location: 0 Natick Ave, AP 22-3, Lot 108 & 119
Zone: A-80 (single family dwellings on lots of minimum areas of 80,000 ft²)
FLU: Single family residential less than 1 unit/acre

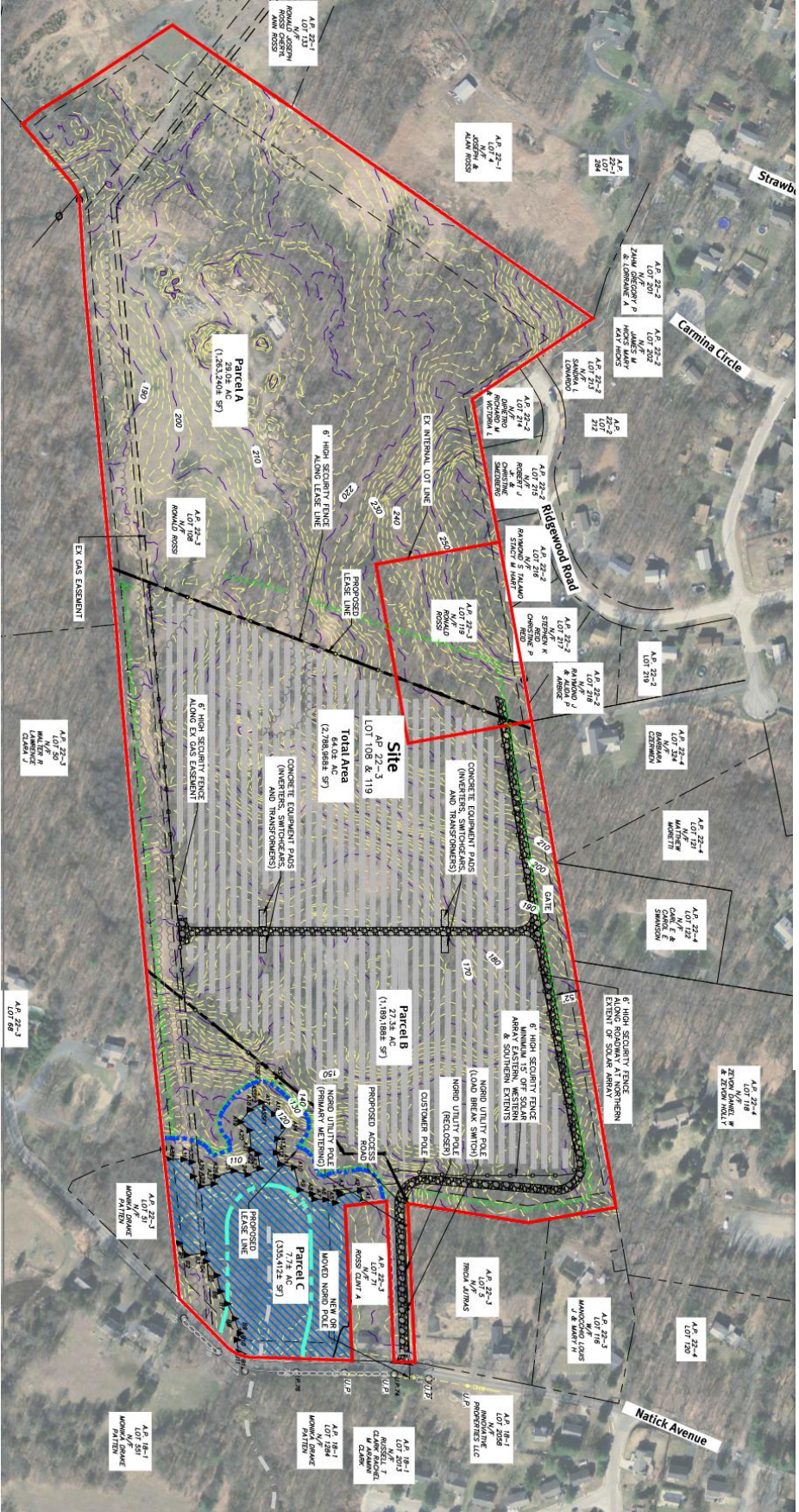
I. Revised Site Plan

Context of the Site Plan Revision

Staff recommended that the applicant remove panels from the southeastern corner of the site adjacent to the wetland area for the reasons detailed in the January staff memo. The applicant revised the proposed site plan just prior to the January Plan Commission meeting. As discussed in the January staff memo section titled "Update in Response to Revised Plans Received 1/2/19," the applicant did not have time to negotiate a new lease area with the property owner to relocate the panels, but provided to the site plan with the removed panels anyway to demonstrate their willingness to adhere to the requested modification. The Plan Commission did not find it appropriate to entertain a Master Plan that did not demonstrate the location of all of the panels, and ultimately (and unanimously) voted to continue the matter to allow the applicant time to provide a revised site plan. The applicant has submitted the revised site plan on the following page, which can be compared to the previous version of the plan on page 3.

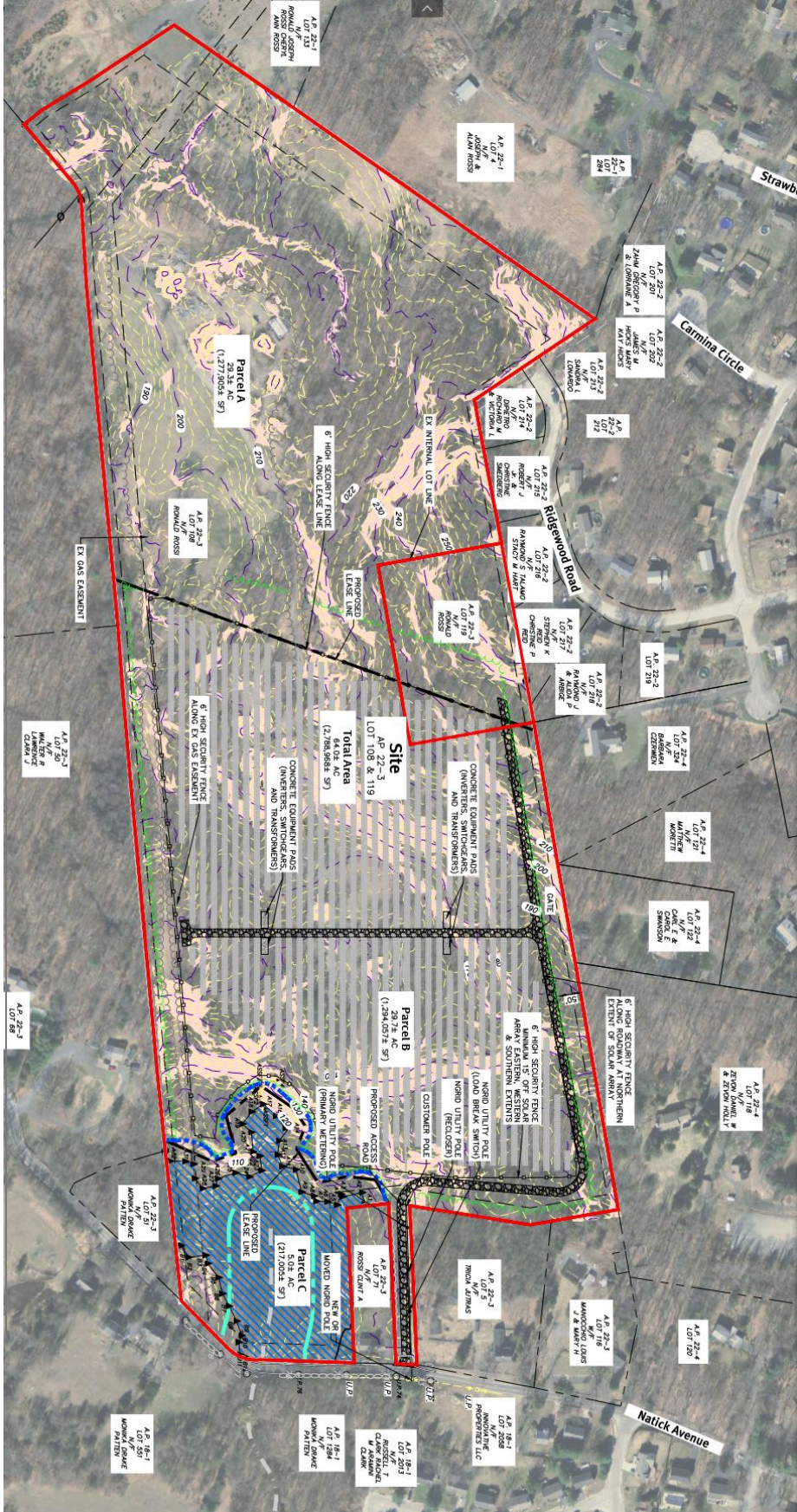
SITE PLAN (snippet)

[Newest Version]



SITE PLAN (snippet)

[Outdated - January Version]



There two main changes to the plans (excluding the pink slopes over 20% layer being turned off) are:

1. The western lease line was adjusted by moving the point where it intersects the southern property line approximately 20-25' to the west, gaining approximately 0.3 acres from Parcel A. The proposed solar arrays were modified to fill in the newly acquired space and maximize the area near the western lease line.
2. The area from which the panels have been removed have been transferred from Parcel B to Parcel C, and is therefore no longer part of the project area.

These changes have caused the following changes in proposed area sizes:

Parcel A changed from 29.3 +/- acres to 29.0 +/- acres.

Parcel B (the leased premises) changed from 29.7 +/- acres to 27.3 +/- acres.

Parcel C changed from 5.0 +/- acres to 7.7 +/- acres.

As anticipated, the location of the newly relocated panels do not change staff's analysis of the proposal. The new location for the panels have been sited in the only possible location given the lack of options to the north, south, and east. Staff does not anticipate that the newly sited panels would have any new or additional impact on the neighbors or the environment. The project lease area has been reduced from 29.7 +/- acres to 27.3 +/- acres, which in conjunction with the 2.7 +/- acres increase in Parcel C, is a welcomed revision to the proposal.

II. Bolstered Environmental Impact Findings

Plan Commissioner Vincent had stated that he would like to see additional information regarding the anticipated environmental impacts of the project.

Staff adds the following finding under *RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, "There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval."*

- The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site. There nearest known rare species locations are roughly 1,600 meters away. This information has been confirmed by David W. Gregg, Ph.D. Executive Director of the Rhode Island Natural History Survey.
- Solar energy production has an important role in the reduction of greenhouse gas emissions contributing to climate change. There are a multitude of environmental benefits (as well as numerous other benefits) to clean renewable electricity as found by the Environmental Protection Agency in their 2018 report, "*Quantifying the Multiple Benefits of Energy Efficiency and Renewable Energy: a Guide for State and Local Governments.*"

III. Consistency with the Comprehensive Plan

Hearing the continued debate and having received a report calling into question the Natick Avenue Solar Master Plan's consistency with the Comprehensive Plan, staff finds it appropriate to further reiterate that **the proposal is consistent with the Comprehensive Plan**. Staff holds that the statements made in the January memo remain true and valid, and does not intend to repeat the same analysis in this memo. Instead, staff has attached a series of exhibits to be entered as corroborating evidence that the solar development in A-80 zoning is consistent with the Comprehensive Plan. These exhibits are followed by a brief discussion of the documents as well as a concise response to the report authored by Ashley V. Sweet, which was submitted and narrated during the January meeting.

Staff provides the following exhibits relating to the history of the determination that solar installations in Cranston's A-80 zones are consistent with the Comprehensive Plan:

- **Exhibit A:** Timeline of Events (A 2015 document from the Planning Department to the Plan Commission which outlined the major steps in the adoption of Ordinances 7-15-04 & 7-15-15)
- **Exhibit B:** Plan Commission Responses to Councilman Stycos (Councilman Stycos posed a series of questions on proposed changes to the Use Table in Ordinances 7-15-04 & 7-15-15. This letter is the response)
- **Exhibit C:** *United States Investment & Development Corporation v. Robert Strom, et al* (Appeal of Council's adopted changes to the Use Table)
- **Exhibit D:** *United States Investment & Development Corp. v. The Platting Board of Review of the City of Cranston, et al.* (Appeal of the Platting Board's decision to uphold the Plan Commission's decision to approve the Hope Farm 10 MW Solar Array)
- **Exhibit E:** Planning Staff Statement on Consistency with the Comprehensive Plan (Read into the record during the Public Meeting for Hope Farm 10 MW Solar Array)
- **Exhibit F:** Affidavit of Peter Lapolla (Testimony that Ordinances 7-15-04 & 7-15-15 are consistent with the Comprehensive Plan for *United States Investment & Development Corporation v. Robert Strom, et al*)
- **Exhibit G:** Superior Court's Decision rendered on *United States Investment & Development Corp. v. The Platting Board of Review of the City of Cranston, et al*
- **Exhibit H:** Superior Court's Decision rendered on *United States Investment & Development Corporation v. Robert Strom, et al*

The above exhibits demonstrate that the question whether solar development in A-80 zoning is consistent with the Comprehensive Plan has been thoroughly discussed, challenged, and decided. The Superior Court has sided with the City of Cranston on both appeals, both decisions coming in 2018. It is important to note that the two appeals took place **BEFORE** Ordinance 01-17-11 "Solar Performance Standards" was passed which specifically and undeniably modified the Comprehensive Plan to support solar development in the City of Cranston. The contents of Ordinance 01-17-11 were quoted and discussed in the January staff memo.

During the January 8th Plan Commission Meeting, Ashley V. Sweet, a planning and land use consultant, distributed and narrated a report prepared for Patrick Dougherty, Esq., entitled “Proposed Major Land Development Solar Installation – Natick Avenue Assessor’s Plat 22-3; Lots 108 & 119: An Analysis and Report” attached as **Exhibit I**. The findings in this report are not consistent with staff findings, nor the findings of the superior court. Although staff does not agree with many of the statements made throughout the report, it does not intend to itemize and reply to each point of disagreement. Instead, staff offers the following observations which expose the issues with the main arguments in the report.

Sweet’s report seems to blur the line between the evaluation of the current master plan application under the existing regulatory framework with criticism of the framework itself. Sweet’s conclusion offers the following clarification of the purpose of the report:

The purpose of this analysis is not to suggest that ground mounted solar has no place in western Cranston, certainly the value and benefit of solar is recognized and the City should desire to take part in renewable energy production. What is at issue in this case is the lack of appropriate regulatory tools to ensure that the requirements of the Comprehensive Plan are met. These requirements detail the importance of true open space protection, wildlife habitat preservation, ground and surface water management, aesthetic quality, environmental protection, neighborhood enhancement and preservation and overall maintenance of the quality of life for the residents. Presently the regulatory tools to accomplish these important goals and policies set forth in the Plan are severely lacking in Cranston’s current regulatory framework. (p. 18)

This language appears to be more of an argument in favor of the solar moratorium as opposed to an argument against the current master plan application. The criticism that the “appropriate regulatory tools to ensure that the requirements of the Comprehensive Plan are met” is wholly different than a criticism of the master plan application and must be not be misconstrued as justification to deny a by right master plan application. The City has a number of tools at its disposal in addition to the codified solar performance standards, including the Development Plan Review regulations in Code Sec. 17.84, the Subdivisions Regulations, and regulatory powers bestowed to the Plan Commission. The recently adopted a moratorium on solar developments will allow the City to improve its ordinances and address the concerns raised by Sweet. The Plan Commission is charged with rendering a decision on the current application under the existing regulatory framework. The Superior Courts have already determined on two occasions that solar development in A-80 zoning is consistent with the Comprehensive Plan, even before Comprehensive Plan Amendment Ordinance 01-17-11 “Solar Performance Standards” made it even more clearly and explicitly so.

Sweet’s report ignores many relative facts that are relevant to the evaluation of the Natick Ave Solar Master Plan proposal. For example, the project leaves **57% of the site undisturbed**. This is NOT a 64 acre proposal on a 64 acre site, although the report characterizes it as a complete overbuild of the site. Only 27.3 acres (reduced from 29.7) are being proposed as a leased portion of the site and 36.7 acres are to be unaffected by the project. Another fact missing from her report is that the proposed panels are more than 400’ from Natick Ave, separated from line of site from the right of way by vegetated undisturbed wetlands, residential outparcels, topography and retaining walls. Instead, Sweet’s report characterizes the development as “in the center of a well established

residential neighborhood” where in actuality the site is *behind* established neighborhoods without a single directly abutting home whose front faces the project site.

Sweet’s report does not factually address that solar installations are temporary, causing less impacts than permanent forms of development. The report includes extensive discussion of conservation subdivision practices, and attempts to demonstrate how this project falls short of the aspirational values of conservation subdivisions which are not codified in Cranston’s zoning or Subdivision Regulations. It is unreasonable to expect solar installations be to meet conservation subdivision goals when they are two vastly different types of land uses (although staff is interested in exploring these values and seeing how they can be *appropriately* applied to solar as part of the solar ordinance rewrite). In her Bench Decision on *United States Investment & Development Corporation v. Robert Strom, et al*, Associate Justice Maureen B. Keough writes, “The Cranston Comprehensive Plan already expressed an aspiration to protect agricultural land in Cranston from being lost to more intense – more permanent – development, and that solar installations are consistent with that aspiration. . .” In short, Sweet’s report does not fairly assess the facts.

Sweet’s report incorrectly reduces the City’s motive of the solar developments as merely financial while completely overlooking the environmental benefits. The report paints a picture of Cranston as financially motivated while socially and environmentally blind. The fact of the matter is that the environmental benefits of solar developments far outweigh the negative, as outlined in EPA’s 2018 report “*Quantifying the Multiple Benefits of Energy Efficiency and Renewable Energy: A Guide for State and Local Governments.*” The City should not understate the commitment that it has made to renewable energy and the environment, but needs to remember this commitment as it pertains to land use decisions. The moratorium is intended to address any lack of protection regarding the environmental, social and community impacts. Nearly any development project can be questioned by citing competing values within a comprehensive plan. There is often a tradeoff when values are prioritized. In this instance, Comprehensive Plan Amendment Ordinance 01-17-11 “Solar Performance Standards” provided policy direction for land use decisions regarding solar proposals in A-80.

For these reasons among others not detailed in this report, staff rejects the conclusions of Sweet’s report and holds that the Natick Avenue Solar Master Plan is consistent with the Comprehensive Plan.

IV. Analysis of the “Requests from Abutters” document and the applicant’s response

The Plan Commission unanimously voted to add a condition of master plan approval that the applicant *address* the itemized requests in the “Natick Ave Solar Project Requests from Abutters” document that was distributed and narrated by Drake Patten during the January 8th Plan Commission meeting, attached as **Exhibit J**. As the meeting ultimately resulted in a continuance and not an approval of the application, the applicant has preemptively complied and has provided a response, attached as **Exhibit K**.

Staff will briefly comment on each of the six (6) requests and the applicant’s response.

1. Buffering Plan

The request for a 400' project setback from the south, south-east, north and north-west faces of the project area would eliminate over 80% of the project area. The proposed panel area is approximately 1,200 feet (east/west) by roughly 1,000' (north/south). The 400' buffers along the north and south property alone would restrict the site to 1,200 feet (east/west) by roughly 200' (north/south), a reduction of 960,000 ft² or 22 acres (80.6%) of the proposed 27.3 acres. The applicant's response reflects that they cannot feasibly work with this request, but emphasize that buffer *width* is not the most critical element to effective screening. SSRE's response states that they are willing and committed to working out the details of an effective screen during the Preliminary Plan phase, as is recommended as a condition of approval. The abutter request also includes a proposed 100 no-clear zone from the wetland edge. The panels are almost all 100' setback from the wetland's edge, although the applicant holds that they may need to remove trees that cast shade on the solar arrays.

The abutters request a new plant inventory that will provide both understory and canopy as to be well integrated into the existing vegetation. SSRE has confirmed that this request can be *considered*. Staff cautions that the cost of mature specimens may be a concern when considering this request, particularly as the request does not include any quantifiable measure that would satisfy the intent. The applicant holds that the stipulation that the abutters choose the landscape architect and nursery are not viable expectations as they could create issues over the project management, although their suggestions should be taken into account as part of the "inclusive approach."

As a result of this request and the applicant's response, Staff recommends the following condition:

- **The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.**

2. Protection of Property

The abutters request inspections of septic systems, foundations, wells and well water prior to work commencing, accompanied by the obligation of SSR~~YE~~ to pay for any damages caused by project work. The State Fire Marshall's regulatory scheme for any potential blasting will be followed and adhered. It is not reasonable to single out an applicant for enhanced inspections and testing beyond what is required under law. To alter the requirements would potentially set a precedent for all developments in any zone. Nevertheless, Southern Sky stated that they will consider testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties. The requested intervals for well water testing and the request for the abutter's authority in choosing the inspection company are not tenable.

As a result of this request and the applicant's response, Staff recommends the following condition:

- **The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.**

3. Protection of Life

The abutters request ten (10) day notification prior to any blasting and to house individuals and their pets for the duration of the blasting period at a mutually agreeable location. Again, the State Fire Marshall's regulatory scheme for blasting will be followed and adhered. The request far exceeds the legal and regulatory framework for blasting and would potentially set a precedent for blasting protections within the City and could be very complicated in the event that the City have to enforce this proposed condition. Modification of the State Fire Marshall's regulatory scheme could create potential hazards. Therefore, staff believes this is not a viable request.

Staff does not recommend any additional condition based on this request by abutters.

4. Hours of Operation

The abutters request that construction hours be limited to 9AM-5PM, no weekends or holidays. The strict adherence to this request would lengthen the time of construction, and presents the City with problematic enforcement issues. To alter the requirements would potentially set a precedent for all developments in any zone.

Staff does not recommend any additional condition based on this request by abutters.

5. Wildlife and Pollinator Protections

The abutters request both native and invasive pollinators (honeybees) be protected. SSRE holds that a low growth grass seed is used in all their projects and that no chemicals or herbicides are used to manage the vegetation.

Additionally, SSRE offers to pay for and construct a public walking trail on the former Moreau property (now *Hurricane Hill Farm*) currently owned by Drake Patten, along with a parking area on each end of the trail. Staff appreciates the gesture for the proposed public amenity, but cautions a strict condition of a path that involves property that does not belong to the applicant and an easement that has not been researched by staff. Staff would like the opportunity to look into the matter further should the Master Plan be approved.

As a result of this request and the applicant's response, Staff recommends the following condition:

- **Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.**

- **Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.**
- **During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE’s letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (Exhibit K).**

6. Protection of Real Estate Values

The abutters request the creation of a “developer-funded escrow account to allow abutters with standing who are not able to sell their property at appraised value to be made whole.” Due to the numerous factors that contribute to the assessment of property values, staff is not aware of any mechanism that could single out the impact of the solar development. This condition is not something imposed on any other forms of development, nor does the City have the capacity to be able to monitor and enforce this proposed request.

Staff does not recommend any additional condition based on this request by abutters.

V. Revised Conditions of Approval

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60, the Comprehensive Plan, as well as with the City of Cranston’s Subdivision and Land Development Regulations. Staff therefore recommends that the City Plan Commission adopt the findings of fact documented above and in the January staff memo and approve the Master Plan submittal, subject to the conditions denoted below:

1. The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter’s request for buffer widths, both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.
2. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan process. Required changes to the Buffering Planting Plan (including buffer widths) may result in alterations to the current proposed layout of the solar installations. The widths of the buffers will be required to be as wide as necessary to effectively screen the solar panels and equipment. Required widths may vary depending on topography or other site conditions.
3. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
4. The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.
5. The Preliminary Plan site plan shall provide the dimension of the curb opening on Natick Avenue.

6. The development shall follow existing grades as much as possible, where changes are required, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such ~~shall~~ be mechanical as much as possible.
7. Storm water management shall follow existing topography and utilize R.I.D.E.M. Best Maintenance Practices (BMP's) to ensure conformance to City code. Said plan shall attempt to enhance any conditions (existing and proposed) at, to or near adjacent wetlands and Natick Avenue.
8. As discussed ~~to~~ at the DPR pre-application meeting, any transmission lines and/or utility pole relocations within the Natick Avenue Right-of-Way are carefully coordinated with the appropriate utilities.
9. The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.
10. Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.
11. Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.
12. During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE's letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (Exhibit K).

Exhibit A

Timeline of Events

(A 2015 document from the Planning Department to the Plan Commission which outlined the major steps in the adoption of Ordinances 7-15-04 & 7-15-15)

January, 2015: the Department presented a work program to the City Plan Commission. As part of that work program, the staff identified as one of the work items for zoning the need to update the Schedule of Uses and the definitions associated with the uses.

June-July, 2015: Staff from the Department of Planning and Building Inspections drafted two ordinances one to amend the Schedule of Uses and one to amend the definition section of the Zoning Ordinance.

July, 2015: The two draft ordinances were submitted to the City Council to be accepted as new business at the July 27, 2015 Council meeting. Full text of both ordinances was published as part of the Council's docket.

August 4, 2015: The City Plan Commission discussed and voted a recommendation on the two ordinances. The matter was listed as an item on the Commission's posted August 4, 2015 Agenda. Prior to the August 4th meeting, the Plan Commission was forwarded a copy of the full text for ordinances, a Schedule of Uses with the proposed changes in uses highlighted in red and a staff report.

September 17, 2015: The ordinance committee of the City Council opened its public hearing on the two draft ordinances. Prior to hearing, notice of the hearing was given once per week for three successive weeks in a newspaper of general circulation as required by law. The public hearing was listed as an item on the Committee's posted September 17, 2015 Agenda. Prior to the hearing, the ordinance committee was given a copy of the Plan Commission's recommendation and a Schedule of Uses with the proposed changes in uses highlighted in red. The committee's hearing was continued to October 15, 2015 in order to give time for the committee to receive additional information that it had requested. The date, time and place of the continued hearing was announced at the meeting.

At the September 17, 2015 ordinance committee hearing, staff from the Department of Planning informed the committee that RES America had approached the Department about establishing a solar power facility the

Hope Farms site. The committee was informed that RES America had indicated that it would file an application for Development Plan Review and Major Land Development should the zoning be changed. [The announcement was made over a month and half before they applied.]

October 15, 2015: The ordinance committee took up the continued public hearing on the proposed changes to the zoning ordinances. The public hearing was listed as an item on the Committee's posted October 15, 2015 Agenda. The hearing was continued to November 12, 2015 in order to allow time for the ordinance committee time to ask the Plan Commission questions on the proposed ordinances and to allow time for the Plan Commission to respond to those questions. The date, time and place of the continued hearing was announced at the meeting.

November 3, 2015: The City Plan Commission discussed and voted its response to questions on the proposed zone changes as posed by Councilman Stycos. The matter was listed as an item on the Commission's posted November 3, 2015 Agenda. Prior to the November 3rd meeting, the Plan Commission was forwarded a copy of Councilman Stycos' questions and a copy of draft response prepared by staff for the Commission to consider. The Commission's response was forwarded to the ordinance committee.

November 9, 2015: Application was received for Development Plan Review to construct a solar power facility at the Hope Farms site. On November 10, 2015 notice was given via e-mail to the DPR Committee [including the Conservation Commission], the City Council and the Mayor's office. Notice was also given by mail to all property owners within 200' of the site's property line. Notice briefly described the project and give the date, time and place which the DPR would review the Application. On November 13, 2015 a link to a digital copy of the DPR application was posted on the Planning Department web page.

November 12, 2014: The ordinance committee took up the continued public hearing on the proposed changes to the zoning ordinances. The

public hearing was listed as an item on the Committee's posted November 12, 2015 Agenda. The hearing concluded with the ordinance committee voting not to recommend approval of the two ordinances. The ordinance committee also voted to schedule a special workshop for November 18, 2015. The purpose of the workshop was to meet with staff of the Department Planning to discuss the two zoning ordinances which they had voted on. The date, time and place of the workshop hearing was announced at the meeting.

November 16, 2015: Application was received for Major Land Development to construct a solar power facility at the Hope Farms site. On November 18, 2015 notice of a hearing on the application was published in a paper of general circulation. On November 20, 2015, notice was given by certified mail to all property owners within 100' of the site's property line. On November 19, 2015, the Conservation Commission was given notice of the application via mail and was informed of the availability of application materials. The notices included a brief description of the project and stated that a public hearing for the application would be held on December 1, 2015.

November 18, 2015: The DPR committee held a meeting to review RES America's application to construct a solar farm. The public meeting was listed as an item on the DPR Committee's posted November 18, 2015 Agenda. At the applicant's request the DPR meeting was continued to December 3, 2015 without taking testimony. The date, time and place of the continued meeting hearing was announced at the meeting.

November 18, 2015: The ordinance committee held a workshop with staff from the Department. The sole purpose of the workshop was to review the two zoning ordinances that had been proposed and to answer any question, in more detail, that the committee may have. The workshop hearing was listed as an item on the Committee's posted November 18, 2015 Agenda.

November 23, 2015: The City Council took up, as an agenda item at its November 23, 2015 meeting, the two proposed zoning ordinances. After due discussion, the City Council voted to pass the two ordinances as amended.

December 1, 2015: The City Plan Commission will open a public hearing on RES America's application for Major Land Development to construct a solar power facility. This hearing is listed as item on the Commission posted agenda.

In addition to all of the above, there has been numerous newspaper articles on either the zoning ordinance or the proposed project at the Hope Farms site.

The Providence Journal published articles on:

- October 12, 2015
- October 15, 2015
- October 29, 2015
- October 29, 2015 [editorial]
- November 4, 2015
- November 18, 2015
- November 24, 2015

The Cranston Herald published articles on:

- October 16, 2015
- November 25, 2015

The Rhode Island Eco News published an article on November 8, 2015

Exhibit B

City of Cranston Plan Commission Responses to Councilman Stycos

(Councilman Stycos posed a series of questions on proposed changes to the Use Table in Ordinances 7-15-04 & 7-15-15. This letter is the response)

Allan W. Fung
Mayor

Peter S. Lapolla
Director Planning



Michael Smith
President

James Moran
Vice Chairman

CITY PLAN COMMISSION
Cranston City Hall

Steven A Stycos,
Councilman Ward 1
Cranston, RI

RE: Plan Commission Response to October 27, 2015 Questions on Proposed Zoning Ordinance

Dear Councilman Stycos:

The City Plan Commission, at its November 3, 2015 meeting, discussed as an agenda item the your October 27, 2015 question regarding the proposed zoning ordinance currently before the Ordinance Committee. After due discussion, on a motion made by Commissioner Motte and seconded by Commissioner Nadeau, the City Plan Commission voted [8/1 Commissioner Harrington voting nay] to submit the following response to the questions,

1. *Why does the proposal endorse placing animal day care facilities in A-80 residential zone with a special permit when other businesses are prohibited? Did the commission consider the barking noise these facilities may generate? What types of signs will be allowed in residential areas if this proposal passes?*

The 2102 amendment to the Schedule of Uses authorized by special permit the following business uses in an A-80 zone:

- Animal Grooming Services
- Kennel
- Landscape Tree Service
- Nursery
- Veterinarian Hospital and Clinic.

The logic for authorizing these uses as a special permit is[was] that that A-80 zoning is largely restricted to western Cranston, has minimum lot size for A-80 is 80,000 SF and the uses could help support some of the farm activities provided they are properly sited. In that Animal Day Care Facility is a similar use to those above, it was treated in a similar fashion and also allowed by special permit. As for other business uses, given their more commercial nature, they would not be appropriate for a residential zone.

In zoning, use is universal and impacts from the use are site specific. Barking may or may not be a problem for a given site or a given building configuration. The ordinance proposes to make Animal Day Car a use by special permit in A-80 zone so that the Zoning Board of Review can consider the impacts generate by a specific project and on a specific site and approve oy deny as appropriate.

There is no change in signage under proposed zoning amendment. In an A-80 zone, a total of 8 SF of signage is authorized as governed by Table 17.72.010(1).

2. *Why does this proposal allow animal day care facilities and solar power facilities in S-1 open space zones? Would this allow the city to rent parks for animal day care and power plants?*

Not all S-1 zoned land is owned by the City. The zoning amendment would authorize Animal Day Care and Solar Power on this land.

As for City owned land, the zoning amendment would authorize Animal Day Care and in particular Solar Power as uses on said lands. Authorization does not mean that the City is required to use the land for said uses. Control of city land rests with the City Council. If in its wisdom, the City Council feels that the use of a City owned site for solar power or for animal day care was not appropriate, it does not have to allow it.

3. *Why require a special permit for animal day care facilities in a C-5 zone, the heaviest of commercial zone, but not require it for less intense commercial zones?*

One of the underlying principals in authorizing uses through the Schedule of Uses is to reserve the City's limited industrially zoned land to industrial uses. In that C-5 is a transition zone, "Heavy Business/Industrial" and in that Animal Day Care is a business/service activity, the use is authorized by special permit.

4. *The proposal would allow alternative energy facilities in A-80 zones with a special permit. Would this include a wood burning plant? A tire burning plant? A trash incinerator? A wind farm? What types of facilities would be allowed?*

What is allowed as an alternative energy facility is control by its definition? The zoning ordinance defines Alternative Energy Facility as "Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass, for offsite use." Based on the definition, a wind farm and wood burning plant could be allowed by special permit. A trash incinerator and tire burning plant would not be allowed. In addition, please note that for a wood burning plant, said plant would have to meet DEM and EPA emission standard independent of any city actions.

5. *Where are solid waste transfer stations currently allowed in Cranston? Would this blanket ban prevent the city from opening its own composting station?*

A Solid Waste Transfer Facility is currently not allowed within Cranston by omission. Any use not listed within the Schedule of Uses is deemed not allowed. That being said, there are a number of uses within the Schedule of Uses that the City has singled out to prohibit outright. It was decided include solid was transfer stations as one of these use. [Please note that Waste Management on Pontiac Avenue has license to operate a solid waste Transfer Facility but that use is currently inactive.] The zoning amendment proposes to define Solid Waste Transfer Facility as "a place or facility where nonhazardous solid waste materials are taken from a collection vehicle or dumpster, temporarily stored or stockpiled and placed in a transportation unit for movement to another facility." To the extent that composting is not a solid waste transfer station [and it is not], it would not be prohibited.

6. *Why is there no special permit required for metal plating facilities in M-1 and M-2 zones? Was this proposal introduced because the zoning board recently rejected a special permit request for a metal plating facility at the Cranston Print Works?*

As has been stated a number of times, metal plating facility was allowed by special permit simply because that was the way they have historically been treated in zoning ordinances. In 2012, the use was designated a special permit without considering changes to the regulatory regime and changes in technology with regards to metal plating. When the use table was amended in 2012, metal plating facility should have been designated as a use by right. The recent zoning action on the Cranston Print Works only helped highlight the error in the use table.

7. *Why are upholstering facilities only allowed in C-5 zones by right? Why not C-4? Why only by special permit in C-3? Why not in C-1 and C-2?*

The proposed changes to zoning envisioned two types of upholstering facilities: a small neighborhood type repair and resale shop that would be allowed in the City's C-3 zones and a larger more industrial upholstering use which would be more appropriate in an industrial zone. The use designations for C-2, C-5, M-1 and M-2 for were based on these assumptions.

8. *Does the Plan Commission think it is wise to allow solar power facilities in residential A-80 zones when there are no city regulations of such facilities, including decommissioning requirements?*

As has been noted at all the public meetings/ hearings on this matter, the decision to allow solar power as a use by right in A-80 zones was informed by the range of impacts that could be generated by such a project [virtually none]. A project proposing solar power use would be subject to a Development Plan Review where it would be reviewed at a public meeting and probably a Major Land Development where it would be reviewed at a public hearing. During their reviews, the Development Plan Review Committee and the City Plan Commission would identify impacts that may be created by a specific project on a specific site and would require mitigative measures to address those impacts. As part of the review process for a major land development, the Plan Commission informs all appropriate state agencies, such as the Department of Environmental Management, and seeks their comments/input. Please note that independent any City action, a project would be required to obtain all necessary state and federal permits which would add an additional layer of review. Given all of the above, it was felt that the creation of a separate set of performance standards within the zoning ordinance would not be required. Decommissioning can be treated as any other potential impact as a condition set for approval tailored to the site and project.

9. *What are the Plan Commission's thoughts about locating a solar power facility on agricultural land when industrial zone sites are available? Has the Plan Commission considered the implications of the loss of agricultural land to Cranston's economy, Cranston's agricultural heritage and Cranston's long term food supply?*

The proposed zone change authorizes solar power in A-80, S-1, GI, M-1 and M-2 zoning districts. This use designation is not mutually exclusive. If the City is going to help meet the future need/demand for renewable energy, it will require the use of land in all of these districts. It is in these zoning districts that there are parcels of land that can accommodate sizable solar farms.

For example, there is a current proposal to construct on 78 acres of land with 50 acres usable and that has proximity to the electric grid. The land is zone A-80 and is located in western Cranston. An alternative analyzing using the City's GIS indicates that there is no comparable vacant industrially zone land both in terms of size and location.

It is important to note that no protection is currently provided for Cranston's agricultural land. Except of S-1 land, other zoning districts allow more intense development than solar power. Unless the City is willing to buy agricultural land in western Cranston either outright or through easement or create protections through zoning, the question is not if agricultural land will be lost but under what circumstances.

10. *Did the Plan Commission consider adopting a solar energy facility siting policy, such as prohibiting their location on prime agricultural land, when approving changes that will allow solar power facilities by right in A-80 and S-1 zones?*

It is important to note that the zoning amendment proposes a use change to A-80 and S-1 zoning districts. While within these districts there may be agricultural uses, agricultural uses are not protected by zoning. In an A-80 zone, the principal use authorized is single family residence with a minimum lot size of 80,000 SF. To the extent that zoning is a predictor of future land use, the A-80 land in western Cranston will eventually be developed as house lots. Again it is not a question of protecting said land for solar power but a question as to how the land will be developed. The Plan Commission would suggest that the conversion of A-80 land to residential development will be more intensive, have a greater impact and be permanent.

11. *In allowing distribution facilities by right in industrial zones, did the commission consider the potential impact of increased truck traffic to nearby residential zones? Where are distribution facilities currently allowed?*

In assigning uses through the Table of Uses, use is universal. A use is either appropriate for a particular zone or it is not. The question of specific impacts that may be created by a use is parcel and project specific. With regards to truck traffic, for any given project, there may or may not be impacted residential street and there may or may not be a significant increase in truck traffic. Specific impacts on a specific site and for a specific project are addressed through the land use review process [Development Plan Review and Major Land Development] and the City has in place a policy to review and mitigate traffic through those review processes.

Distribution Facilities are currently not authorized through the Schedule of Uses.

12. *What is the reasoning behind the proposed changes in zoning for motor vehicle repair shops?*

Two changes have been proposed with regards to motor vehicle repair shops:

- The first change involves a change in name for a use that is already in the use table from "Motor Vehicle Repair and Service Establishment, Minor" to "Motor Vehicle Repair and Service Establishment, Light," and to allow it as a use by right in a C-4 zoning district [it is currently a special permit in C-4].
- The second change involves the creation of a new use "Motor Vehicle Repair and Service Establishment, Heavy." This use is currently authorized by reference in the Industrial Equipment Rental use. The proposed amendment would clearly authorize the use instead of by reference in that this use already exists in the industrial zones.

Exhibit C

*United States Investment & Development
Corporation v. Robert Strom, et al*

(Appeal of Council's adopted changes to the Use Table)

**STATE OF RHODE ISLAND
PROVIDENCE, SC.**

SUPERIOR COURT

**UNITED STATES INVESTMENT &
DEVELOPMENT CORPORATION,**
Plaintiff,

vs.

**ROBERT STROM, in his capacity as the
Finance Director for the City of Cranston,**

and

**MARIO ACETO, PAUL ARCHETTO,
DONALD BOTTS, JR., MICHAEL J.
FARINA, MICHAEL FAVICCHIO,
JOHN E. LANNI, JR., CHRISTOPHER
PAPLAUSKAS, RICHARD D.
SANTAMARIA, JR., and STEVEN
STYCOS, in their capacities as members of
the Cranston City Council,**
Defendants.

C.A. NO:

COMPLAINT

Introduction

Plaintiff files this instant action as an appeal, pursuant to R.I. Gen. Laws § 45-24-71, of the decision of the City of Cranston City Council (the "City Council") to enact certain amendments to the City of Cranston Zoning Ordinance (the "Zoning Ordinance"), passed November 23, 2015. Plaintiff maintains that the referenced amendments have been unlawfully enacted by the City Council because of their inconsistency with the City of Cranston's Comprehensive Plan (the "Comprehensive Plan"); therefore, they must be invalidated.

Parties

1. Plaintiff, United States Investment & Development Corporation ("Plaintiff"), is a Rhode Island domestic profit corporation with a mailing address of 33 Glen Hills Drive,

Cranston, Rhode Island 02920, and is the owner of Assessor's Plat 23, Lot 11, located off of Burlingame Road, Cranston, Rhode Island (the "Property").

2. Defendant, Robert Strom ("Strom") is the Finance Director for the City of Cranston and is being sued in that capacity.

3. Defendant, Mario Aceto ("Aceto") is a member of the Cranston City Council and is being sued in that capacity.

4. Defendant, Paul Archetto ("Archetto") is a member of the Cranston City Council and is being sued in that capacity.

5. Defendant, Donald Botts, Jr. ("Botts") is a member of the Cranston City Council and is being sued in that capacity.

6. Defendant, Michael J. Farina ("Farina") is a member of the Cranston City Council and is being sued in that capacity.

7. Defendant, Michael Favicchio ("Favicchio") is a member of the Cranston City Council and is being sued in that capacity.

8. Defendant, John E. Lanni, Jr. ("Lanni") is a member and President of the Cranston City Council and is being sued in that capacity.

9. Defendant, Christopher Paplauskas ("Paplauskas") is a member of the Cranston City Council and is being sued in that capacity.

10. Defendant, Richard D. Santamaria, Jr. ("Santamaria") is a member of the Cranston City Council and is being sued in that capacity.

11. Defendants Aceto, Archetto, Botts, Farina, Faviccio, Lanni, Paplauskas, Santamaria, and Stycos will hereinafter be referred to in their individual capacities or collectively referred to as the "City Council", where appropriate.

Jurisdiction

12. This Court has jurisdiction of this matter pursuant to the Uniform Declaratory Judgment Act located at R.I. Gen. Laws § 9-30-1 *et seq.*, and the Zoning Enabling Act located at R.I. Gen. Laws § 45-24-1 *et seq.*

General Allegations

13. Plaintiff is the record owner of the Property, which is an approximately sixty (60) acre parcel of real estate located in western Cranston, Rhode Island.

14. The Property's zoning designation, pursuant to the Zoning Ordinance, is "A-80", as is the case for several adjacent properties.

15. The Zoning Ordinance defines the A-80 zoning district as intended for the use of single-family dwellings on lots of minimum areas of eighty thousand (80,000) square feet.

16. The Future Land Use Map, incorporated in the Comprehensive Plan, designates the Property, along with several adjacent properties, as intended for "Single Family Residential Less Than 1 Unit Per Acre" in the future.

17. On November 23, 2015, the City Council passed an amendment to the Zoning Ordinance, which negatively impacted the Property (the "Amendment").

18. Prior to the Amendment, the Zoning Ordinance was in conformance with the Comprehensive Plan, as required by R.I. Gen. Laws § 45-24-50.

19. With the passage of the Amendment by the City Council, the City's Zoning Ordinance is no longer in conformance with the Comprehensive Plan.

20. A provision of the Amendment added "Solar Power", which is an industrial use, as a new land use item permissible by-right in the A-80 zoning district.

21. The Amendment permits the ability to use property with the A-80 zoning designation industrially, which is in contravention to provisions of the Zoning Ordinance and the Comprehensive Plan.

22. Prior to the Amendment's enactment, industrial uses were not permitted on properties with the A-80 zoning designation.

23. By permitting the ability to use adjacent parcels that share the A-80 zoning designation for an industrial use by-right, the Amendment negatively impacts the Property by rendering it valueless.

24. The City Council's decision to approve the Amendment is not in conformance with the Zoning Ordinance, Comprehensive Plan, the Rhode Island General Laws or the Rhode Island State Constitution.

25. R.I. Gen. Laws § 45-24-50 empowers the City Council to adopt zoning ordinance amendments that promote the health, safety, morals and general welfare of the public within the City of Cranston (the "City"), and are consistent with the Comprehensive Plan.

26. The City Council's decision to approve the Amendment does not protect the health, safety, morals and welfare of the general public of Cranston, and, in fact, harms the general public in a variety of ways.

27. The City Council's decision to approve the Amendment so devalues the Property that it constitutes a taking pursuant to the Rhode Island law.

28. The City Council's decision to approve the Amendment is not rationally related to any legitimate governmental purpose.

COUNT I

(Appeal of Amendment pursuant to R.I. Gen. Laws § 45-24-71)

29. Plaintiff re-alleges and incorporates by reference paragraphs 1-28 of this Complaint, as if fully set forth herein.

30. R.I. Gen. Laws § 45-24-50 empowers the City Council to adopt zoning ordinance amendments that promote the health, safety, morals and general welfare of the public within the City, and are consistent with the Comprehensive Plan.

31. On November 23, 2015, the City Council adopted the Amendment, which added “Solar Power”, an industrial use, as a land use item permissible by-right in the A-80 zoning district.

32. The Amendment permits the ability to use property with the A-80 zoning designation industrially, which is in contravention to provisions of the Zoning Ordinance and the Comprehensive Plan.

33. By permitting the ability to use adjacent parcels that share the A-80 zoning designation for an industrial use by-right, the Amendment negatively impacts the Property by rendering it valueless, thereby amounting to an inverse condemnation.

34. The City Council’s decision to approve the Amendment is not in conformance with the Zoning Ordinance, Comprehensive Plan, the Rhode Island General Laws or the Rhode Island State Constitution, and so devalues the Property that it constitutes a taking pursuant to the Rhode Island law.

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Sustain this appeal and remand the matter to the City Council with an order directing the City to rescind the Amendment;

- (2) In the alternative, sustain this appeal and remand the matter to the City Council with an order finding that a taking has occurred and directing the City to provide Plaintiff just compensation;
- (3) Order a stay of the enforcement and application of the Amendment pending a result on the merits of this action; and,
- (4) Award Plaintiff reasonable attorneys' fees, interest and costs, as well as any other relief that this Court deems equitable and necessary.

COUNT II

(Declaratory Judgment that the Amendment violates the Zoning Enabling Act)

35. Plaintiff re-alleges and incorporates by reference paragraphs 1-34 of this Complaint, as if fully set forth herein.
36. R.I. Gen. Laws § 45-24-50 empowers the City Council to adopt zoning ordinance amendments that promote the health, safety, morals and general welfare of the public within the City, and are consistent with the Comprehensive Plan.
37. R.I. Gen. Laws § 45-24-29 provides the legislative findings and intent of the Zoning Enabling Act.
38. R.I. Gen. Laws § 45-24-30 provides for the general purposes of municipal zoning ordinances.
39. The Amendment is inconsistent with provisions of the Zoning Ordinance and the Comprehensive Plan.
40. The Amendment is contrary to the legislative findings and intent of the Zoning Enabling Act.
41. The Amendment is contrary to the general purposes of zoning ordinances as set forth by R.I. Gen. Laws § 45-24-30.

WHEREFORE, Plaintiff respectfully requests that:

- (1) This Court issue an order declaring that the Amendment is illegal, null and void because the Amendment violates R.I. Gen. Laws §§ 45-24-29, 45-24-30 and 45-24-50; and,
- (2) Award Plaintiff reasonable attorneys' fees, interest and costs, as well as any other relief that this Court deems equitable and necessary.

COUNT III

***(Declaratory Judgment that the Amendment
violates the Rhode Island State Constitution)***

42. Plaintiff re-alleges and incorporates by reference paragraphs 1-41 of this Complaint, as if fully set forth herein.

43. Pursuant to the Due Process Clause of Article I, Section 2 of the Rhode Island State Constitution, Plaintiff has a fundamental right to be free from arbitrary, capricious and irrational actions/exercises of power by the City.

44. Pursuant to the Due Process Clause of Article I, Section 2 of the Rhode Island State Constitution, in exercising any police power, such as enacting ordinances, the City is prohibited from taking such action if it bears no rational relationship to the health, safety, morals and welfare of the public of the City.

45. The Amendment constitutes an arbitrary, capricious and irrational action by the City that bears absolutely no rational relationship to the health, safety, morals and welfare of the public of the City.

46. In fact, for all the reasons set forth *supra* in this Complaint and others, the Amendment is clearly detrimental to the health, safety, morals and welfare of the public of the City.

WHEREFORE, the Plaintiff respectfully requests that:

- (1) This Court issue an order declaring that the Amendment is illegal, null and void because the Amendment violates the Substantive Due Process Clause of Article I, Section 2 of the Rhode Island State Constitution; and,
- (2) Award Plaintiff reasonable attorneys' fees, interest and costs, as well as any other relief that this Court deems equitable and necessary.

COUNT IV

(Injunctive Relief enjoining the City from the enforcement and application of the Amendment)

47. Plaintiff re-alleges and incorporates by reference paragraphs 1-46 of this Complaint, as if fully set forth herein.
48. Plaintiff has a likelihood of success on the merits of succeeding on Counts I-III of this Complaint.
49. Plaintiff will suffer irreparable harm in the form of damages, depreciation and loss of use of the Property if the Amendment is enforced and applied.
50. Plaintiff will suffer irreparable harm in the form of lost business expectations, opportunity and advantages in regards to the use of the Property if the Amendment is enforced and applied.
51. The balancing of the equities weighs heavily in favor of the award of injunctive relief requested herein.
52. The requested injunction(s) shall preserve the *status quo*.

WHEREFORE, Plaintiff respectfully requests that:

- (1) This Court enter a temporary, preliminary and permanent injunction restraining and enjoining the City from enforcing and applying the Amendment.

(2) Award Plaintiff reasonable attorneys' fees, interest and costs, as well as any other relief that this Court deems equitable and necessary.

Respectfully submitted:

**UNITED STATES INVESTMENT &
DEVELOPMENT CORPORATION**

By and through its attorneys,

/s/ Michael A. Kelly

Michael A. Kelly, Esq. (#2116)

Nicholas J. Goodier, Esq. (#7858)

Kelly & Mancini, PC

128 Dorrance Street, Suite 300

Providence, RI 02903

Tel.: (401) 490-7334

Fax: (401) 490-7874

Dated: December 17, 2015

Exhibit D

*United States Investment & Development Corp.
v. The Platting Board of Review of the City of
Cranston, et al.*

(Appeal of the Platting Board's decision to uphold the Plan
Commission's decision to approve the Hope Farm 10 MW Solar
Array)

STATE OF RHODE ISLAND

CITY OF CRANSTON

IN RE: APPEAL OF THE CITY OF	:	
CRANSTON CITY PLAN	:	
COMMISSION'S DECISION DATED	:	ZONING BOARD OF REVIEW,
JANUARY 14, 2015 GRANTING	:	<i>sitting as the</i>
MASTER / PRELIMINARY PLAN	:	PLATTING BOARD OF
APPROVAL FOR HOPE FARM 10 MW	:	REVIEW
SOLAR ARRAY	:	

MEMORANDUM IN SUPPORT OF APPEAL

Hope Farm 10MW Solar Array
Assessor's Plat 23, Lot 12 & Assessor's Plat 24, Lot 66
840 Hope Farm Road

I. Introduction.

United States Investment & Development Corporation (hereinafter, the "Appellant") has appealed to the City of Cranston Zoning Board of Review in its capacity as the Platting Board of Review (hereinafter, the "Board of Appeals"), pursuant to Section XI of the City of Cranston's Subdivision and Land Development Regulations and Rhode Island General Laws § 45-23-66, from the decision of the City of Cranston Plan Commission (hereinafter, the "Plan Commission"), which approved the Master/Preliminary Plan Application submitted by Daniel Pagliarini and RES America Development, Inc. (hereinafter, "RES America") for the Major Land Development Project entitled "Hope Farm 10 MW Solar Array" (hereinafter, the "Project") to be located at 840 Hope Farm Road in the City of Cranston, which is more particularly identified as Assessor's Plat 23, Lot 12, and Assessor's Plat 24, Lot 66 (hereinafter, the "Property"). Said Decision was was executed and recorded on January 14, 2016 (hereinafter, the "Decision"). A copy of the Decision dated January 14, 2016 is attached hereto as Exhibit A.

II. Facts and Travel.

The Appellant is the record owner of the property located off of Burlingame Road, in the City of Cranston (hereinafter, the "City"), which is more particularly identified as Assessor's Plat 23, Lot 11 (hereinafter, "Appellant's Property"). The Appellant is an aggrieved party whose property is within the required notice area for the Project. RES America's Project proposes to construct a ten (10) megawatt solar array which will consist of ground-mounted solar panel arrays, a security fence, stormwater management areas and associated gravel driveways on the Property, which is located in the A-80 Residential Zoning District and is immediately adjacent to the Appellant's Property. The majority of the Property has been operated as commercial nursery and is annually planted with corn. There are also nine (9) wetlands on the site that covers approximately 13.8 acres. The Project will be developed and constructed in a single phase.

Importantly, Cranston's Zoning Code defines the A-80 zoning district as **intended for the use of single-family dwellings on lots of minimum areas of eighty thousand (80,000) square feet.** Further, The Future Land Use Map, incorporated in the City's Comprehensive Plan, designates the Property, along with several adjacent properties, as intended for "Single Family Residential Less Than 1 Unit per Acre" in the future.

On November 23, 2015, the City Council passed an amendment to the Zoning Ordinance, which negatively impacted the Property (the "Amendment"). Prior to the Amendment, the Zoning Ordinance was in conformance with the Comprehensive Plan, as required by R.I. Gen. Laws § 45-24-50. With the passage of the Amendment by the City Council, the City's Zoning Ordinance is no longer in conformance with the Comprehensive Plan. A provision of the Amendment added "Solar Power", which is an industrial use, as a new land use item permissible

by-right in the A-80 zoning district. The Amendment permits the ability to use property with the A-80 zoning designation industrially, which is in contravention to provisions of the Zoning Ordinance and the Comprehensive Plan. Prior to the Amendment's enactment, industrial uses were not permitted on properties with the A-80 zoning designation.

On December 1, 2015, the Plan Commission found that the Property and Project met various requirements contained in the City's Subdivision and Land Development Regulations and the Cranston Zoning Code and granted Master/Preliminary Plan Approval, which was memorialized through the execution of the Decision on January 14, 2016.

III. Standard of Review.

In reviewing an appeal from the Plan Commission, the Zoning Board of Review, sitting as the Platting Board of Review is mandated to apply the standard of review prescribed by R.I. Gen. Laws § 45-23-70, which provides that a board of appeal may not substitute its judgment for that of the Plan Commission but must consider the issue based upon the findings and record of said Board. *See* R.I. Gen. Laws § 45-23-70; *See also* Section XI, Article B of Cranston's Subdivision and Land Development Regulations, at page 73. A decision of the Planning Board must be reversed if it is determined that the Planning Board committed (1) Prejudicial Procedural Error; and/or (2) Clear Error and/or (3) the Planning Board's Decision lacked support based upon the weight of the evidence in the record. *See id.*

IV. Grounds for Appeal.

The Appellant requests that the Zoning Board of Review in its capacity as the Platting Board of Review reverse the Plan Commission's Decision granting Master/Preliminary Plan approval for the Project as it does not comport with the City's Comprehensive Plan. In its Decision, the Plan Commission voted to approve the combined Master/Preliminary Pan

application for the Project with certain waivers and conditions. The Plan Commission's positive findings in its Decision include:

2. The proposed Master/Preliminary Plan and its resulting land use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as Residential—Less than one unit per acre. The City Council specifically authorized Solar Power as a use allowed by-right in land zoned A-80. The use is therefore consistent with the Comprehensive Plan.
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code. The Cranston Zoning Code specifically authorizes solar farm arrays as a use allowed by-right in the A-80 zone.
5. The proposed Master/Preliminary Plan promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.

Prior to the Amendment that added "Solar Power", which is an industrial use, as a new land use item permissible by-right in the A-80 zoning district, industrial uses were not permitted on properties with the A-80 zoning designation. Therefore, prior to the Amendment, the Project would not have been allowed on the Property. The Amendment permits the ability to use property with the A-80 zoning designation industrially, which is in contravention to provisions of the Zoning Ordinance and the Comprehensive Plan. The Plan Commission's positive findings in the Decision are inaccurate and flawed.

Appellant argues that the Project *will* alter the general character of the surrounding area and *will not* reflect the surrounding neighborhoods' existing characteristics. Properties adjacent to the Property are zoned residentially as A-80 or A-20, which are both intended for single-family dwellings and did not permit any business or industrial uses by-right prior to the Amendment.

The City Council's decision to approve the Amendment does not protect the health, safety, morals and welfare of the general public of Cranston, and, in fact, harms the general

public in a variety of ways. The City Council's decision to approve the Amendment is not in conformance with the Zoning Ordinance, Comprehensive Plan, the Rhode Island General Laws or the Rhode Island State Constitution. Permitting any industrial uses in the A-80 zoning district is contrary to the intended use of properties in the district and, further, will conflict with the existing character of the areas adjacent to the Property. The Project will be detrimental to the value of adjacent properties as well as the well-being of the City's residents that reside near the Property. For all of these reasons, this Board of Appeals must reverse the Plan Commission's Decision.

Additionally, the proceedings before the Planning Commission did not comply with notice requirements of R.I. Gen. Laws §45-23-42 and the City of Cranston Land Development and Subdivision Regulations at §§s V.

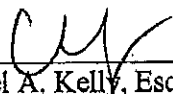
V. Relief Requested.

For the reasons set forth above, which will be further presented at the Appellant's appeal hearing, the Appellant respectfully requests that this Platting Board reverse the Plan Commission's Decision and reverse the Plan Commission's decision approving the Master/Preliminary Plan Application as submitted by RES America.

Respectfully submitted,

APPELLANT,

By and through its attorneys,



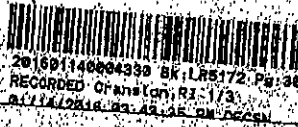
Michael A. Kelly, Esq. (#2116)
128 Dorrance Street, Suite 300
Providence, RI 02903
Tel.: (401) 490-7334
Fax: (401) 490-7874
mkelly@kellymancini.com

Dated: February 1, 2016

Exhibit A

Allan W. Fung,
Mayor

Peter S. Lapolla
Planning Director



File copy

Michael Smith
Chairman

James Moran
Vice Chairman

Ken Mason, P.E.
Mark Motte
Gene Nadeau
Robert Strom
Frederick Vincent
Lynne Harrington
Kimberly Bittner

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

January 14, 2016

Daniel Paglanni, Trustee (owner/applicant)
700 Bishop Street, Suite 2100
Honolulu, HI 96813

Res America Development, Inc. (applicant)
1101 West Rothe Avenue
Broomfield, CO 80021

DECISION

Hope Farm 10 MW Solar Array
Master/Preliminary Plan
840 Hope Farm Road
AP 23, Lot 12, AP 24, Lot 66

Dear Applicant/s:

On December 1, 2015, the City Plan Commission reviewed the combined Master/Preliminary Plan application entitled "Hope Farm 10 MW Solar Array" for conformance with required standards set forth in RIGL Section 45-23 as well as the City of Cranston's Subdivision and Land Development Regulations as amended, and the Cranston Zoning Code. Commissioner Lynne Harrington recused herself from the proceedings and remained outside the chambers for the entirety of the public hearing. Commissioner Nadeau was absent.

Upon motion made by Commissioner Motte and seconded by Commissioner Strom, the City Plan Commission voted 6-1 (Commissioners Motte, Strom, Moran, Smith, Mason, Vincent - AYE, Commissioner Bittner - NAY) to grant the waivers detailed in Section VI, Waivers of the Final Draft version of the staff memorandum dated 12/1/15 (Waivers of Subdivision and Land Development Regulations, as amended Section(s) III.J.2.c, III.J.2.d, III.J.3.c. 2-7, III.J.3.c.11, III.J.3.d.1-5). The granting of these waivers to accept an incomplete application was necessary in order for the public hearing to proceed to the consideration of the combined Master/Preliminary Plan application.

Upon motion made by Commissioner Motte and seconded by Commissioner Vincent, the City Plan Commission voted unanimously (7-0) to combine the Master and Preliminary Plan stages of approval.

Upon motion made by Commissioner Motte and seconded by Commissioner Mason, the Commission voted (6-1) to support staff recommendation and adopt the Findings of Fact documented below and approve the combined Master/Preliminary Plan with the waivers detailed in Section VI, Waiver in the Final Draft version of the staff memorandum dated 12/1/15 (Waivers of Subdivision and Land Development Regulations, as amended Section(s) III.J.2.c, III.J.2.d, III.J.3.c. 2-7, III.J.3.c.11, III.J.3.d.1-5.) and conditions documented below.

Telephone: (401) 461-1000 ext 3136

Fax: (401) 780-3171

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master/Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via Certified and Return Receipt Requested mail on 11/20/15, and the meeting agenda was properly posted. Advertisement for the combined Master/Preliminary Plan was published in the 11/16/15 edition of the Cranston Herald.
2. The proposed Master/Preliminary Plan and its resulting land use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as Residential - Less than one unit per acre. The City Council specifically authorized Solar Power as a use allowed by-right in land zoned A-80. The use is therefore consistent with the Comprehensive Plan.
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code. The Cranston Zoning Code specifically authorizes solar farm arrays as a use allowed by-right in the A-80 zone.
4. There will be no significant negative environmental impacts from the proposal as shown on the Master/Preliminary Plan. The RIDEM wetlands permit will determine how the wetlands and stormwater management will function. This final determination will be required at the Final Plan submission.
5. The proposed Master/Preliminary Plan promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed Master/Preliminary Plan will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access on Hope Road, an improved public roadway located within the City of Cranston.
8. The proposed Master/Preliminary Plan provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for suitable building sites.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of approval

The following conditions shall be met by the applicant prior to filing a Final Plan application with the Planning Department:

1. Obtain the final RIDEM Wetlands Permits. The Final Major Development Plan set shall be consistent with this State approval;
2. Verification from the Cranston Fire Department that the proposed maintenance access ways are accessible for public safety vehicles;
3. Obtain Final approval from the Development Plan Review Committee;
4. Final Plan application shall appear before the City Plan Commission to verify that all (City Council Ordinance 11-15-03, as introduced) performance standards including noise, visual impacts / vegetative landscape buffers, stormwater runoff, lighting, long-term maintenance, decommissioning, and environmental requirements have been met prior to recording the Record.



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Hope Farm 10 MW Solar Array
Master/Preliminary Plan Decision

January 14, 2016
Page 3

5. Plan in land evidence.
6. Submission of a performance bond for the Building Inspections Department for decommissioning in accordance with proposed standards found in City Council Ordinance 11-16-03, as introduced.

If you have any questions or require further assistance, please do not hesitate to contact me.

Sincerely,

Jason M. Pezzullo, MCP, MPA, AICP
Principal Planner/Administrative Officer

CC: Attorney John Bolton - Representing Res America

Exhibit E

Planning Department Statement on Consistency with the Comprehensive Plan

(Read into the record during the Public Meeting for Hope Farm 10
MW Solar Array)

As part of its review of a Major Land Development, the City Plan Commission needs to find that a proposed project is consistent with the City's Comprehensive Plan. For most projects, that determination is arrived at during the Commission's general review. However, for this particular project, staff believes that the findings of consistency with the Comprehensive Plan deserve a more detailed analysis and presentation. That being said staff would make the following comments:

Generally, an analysis of consistency with a comprehensive plan is conducted at two levels. First and foremost, a determination is made as to if a project's [zone change] is consistent with the Future Land Use Plan of the Comprehensive Land. Secondly a determination is made as to if a project's [zone change] is consistent with other Comprehensive Plan Elements of the Plan where and if there is applicable language.

With regards to the Future Land Use Plan, said plan identifies a land use classification for each parcel of land. That LUC serves and indicator/guide as to how a parcel [area] should be used/developed and it serves as a guide as to how a specific parcel should be zoned. For the Hope Farms site, the Future Land Use Map has assigned a LUC of Single Family Residential- Less Than 1 Unit per Acre and the Land Use Element states that the appropriate zoning for this LUC is Residential A-80. It is important note that neither the Future Land Use Map nor any text of the Comprehensive Plan specifies what uses would be appropriate for or either a specific land use classification or Zoning Classification. For example Garden City. If the zoning for a parcel of land consistent with the LUC then what determines if a particular use is appropriate the Schedule of Uses within the zoning ordinance. Quite simply if a particular use is authorized for a particular zoning classification and the zoning classification is consistent with the LUC then a use is consistent with the Future Land Use Plan. In the matter before the Commission, the City Council after three months of public hearing on the solar power use voted to make said use a use by right in an A-80 zone. A solar power use would therefore be consistent with the future land use map.

With regard to the text within the Comprehensive Plan, the Land Use, Natural Resources and Open Space and Recreation Elements all address the issue of future development wester Cranston. The elements generally acknowledge that there is an issue with the development encroaching into what has be historically farm lands and unparticular the historic farm loop. The elements all recognize the importance of preserving protecting the remaining agricultural lands. The elements go onto recommend range of mitigative measure that the City implement to achieve this goal. These measures are as follows:

Preserve the agricultural lands along the Historic Farm Loop.

The City should continue its efforts to preserve and protect its remaining agricultural lands. The following strategies can be utilized in the furtherance of this goal:

- Conserve the basic resource - The preservation of productive agricultural land can be accommodated through conservation of prime agricultural soils, which protects the land best suited for farming.
- Concentrate development - Concentrating development in higher densities on smaller footprints promotes development that provides the same square footage or number of units, without displacing areas that could be preserved for open space and agricultural uses. This would include the use of the CSD technique to preserve the farms but allow adjacent development. An incentive to use this technique could be to allow a greater density of development with increasing percentages of area dedicated as open land.
- Transfer of development rights – A transfer of development rights (TDR) ordinance removes development potential from farmlands and concentrates that development in another location.
- Purchase of development rights - Another approach to limit further development is the purchase of development rights, which can be used as a bonus for other development sites without the direct transfer of development potential by zoning.
- Establish a “farm-based retail” overlay district based on the model proposed in South County whereby farm goods and related activities are allowed by right to permit farms to supplement income.

- Purchase the properties in fee simple, or purchase development rights to continue the properties as agricultural operations.

It should be noted the Plan Elements does not indicate that measures are mutually exclusive or that one measure should take precedence over the others. The elements just recognize them as tools to apply when and we appropriate to preserve a parcel. To that end the Commission has already employed some the suggested tools it has acquired development rights to the Moreau Farm and is in the process of drafting Cranston's version of a conservation subdivision ordinance.

It should also be noted that the Comprehensive Plan does not identify specific parcels of land to be acquired and it does not seek to protect farming as an activity by suggesting the adoption of an agricultural zoning district.

In the current instance, the use of A-80 land for solar power, that would suggest that it is whole consistent with the first tool articulated preserving agricultural lands. Solar power consists of the installing of non-permanent structures on a site. After installation, the use of the land is largely passive. In effect, staff would suggest that it can be seen as a form of land banking which will conserve a site's agricultural land for next 25 year. This is wholly consistent with the Comprehensive Plan.

Exhibit F

Affidavit of Peter Lapolla

(Testimony that Ordinances 7-15-04 & 7-15-15 are consistent with the Comprehensive Plan for *United States Investment & Development Corporation v. Robert Strom, et al*)

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

UNITED STATES INVESTMENT &
DEVELOPMENT CORPORATION,
Plaintiff

v.

ROBERT STROM, in his capacity as the
Finance Director for the City of Cranston,

and

C.A. No. 2015-5506

MARIO ACETO, PAUL ARCHETTO,
DONALD BOTTS, JR., MICHAEL J.
FARINA, MICHAEL FAVICCHIO,
JOHN E. LANNI, JR., CHRISTOPHER
PAPLAUSKAS, RICHARD D.
SANTAMARIA, JR., and STEVEN
STYCOS, in their capacities as members of
the Cranston City Council

AFFIDAVIT OF PETER LAPOLLA

I, Peter Lapolla being first duly sworn, depose and state as follows:

1. I have been Planning Director for the City of Cranston for 10 years [March, 2007].
2. I have 37 years experience with City Planning and Comprehensive Plans.
3. My duties as Planning Director include, preparing and/or updating the Cranston's Comprehensive Plan, reviewing and making recommendations on amendments to the Comprehensive Plan proposed by others and reviewing and making recommendations on proposed amendments to the City's Zoning Ordinance [in particular if said amendments are consistent with the Cranston's Comprehensive Plan]. With regards to Cranston's current Comprehensive Plan, I would further note that I and my staff were responsible for

preparing the final draft of the Comprehensive Plan and having that plan approved by both the City Council and the State Planning Commission.

4. The facts and aspirations set forth herein are hereby made to a reasonable degree of certainty based on my extensive experience with municipal comprehensive planning in Rhode Island and with municipal regulatory provisions.
5. Generally, when determining whether a proposal is consistent with the Comprehensive Plan, a determination is made as to whether a project, or in some cases a zone change, is offensive to the future land use plan of the Comprehensive Plan. A determination is also made as to whether a project or a proposed zone change is consistent with other elements of the Comprehensive Plan, where there is relevant aspirational language, reasonably related to public health, safety and welfare which addresses the subject matter.
6. Neither the future land-use map nor the various elements of the Comprehensive Plan specify what specific uses will be appropriate within any given area. For example, nowhere in the Comprehensive Plan does it say that uses such as residential homes are the exclusive use intended for the A-80 area. Such a schedule of uses is a function of the zoning ordinance, and not the Comprehensive Plan. In fact, there are a number of other uses permitted in the A-80 zone other than single-family residential, such as a family day care, bed and breakfasts, cemeteries, schools, cultural centers, hospitals, public safety facilities, religious worship centers, golf courses, open space areas, membership clubs, agricultural operations, animal grooming services, kennels, landscaping and tree services, veterinarian hospitals and clinics, and telecommunications towers and facilities.
7. The future land use classification determines what the appropriate broad zoning classification should be. The appropriate *uses* within the *zoning classification* is

determined by the schedule of uses contained in the *zoning ordinance*. They do not all have to be the same, but they should be compatible with the broad zoning classifications and the other aspirations and goals outlined in the Comprehensive Plan taken together.

8. After three months of hearings and public debate which included discussions as to whether the proposed zone change would be consistent with the City's Comprehensive Plan, the City Council voted to authorize solar power as a use authorized **by right** in A-80 zoning districts. This was consistent with – and not offensive to – the Comprehensive Plan for several reasons.
9. The Comprehensive Plan elements address an ongoing issue with development encroaching an area of western Cranston that has been historically farm and agricultural land. The Plan discusses a range of mitigating measures that the city could implement. These measures include: encouraging a more efficient form of development that is less sprawling, consumes less open land and conforms to existing topography and natural features. . . Minimizes the total amount of disturbance on a site which preserves the natural topography of the site; and preservation of existing undeveloped land, historic and cultural resources, infrastructure capacity, all of which are western Cranston's concerns.

The specific language from the Plan in this regards is as follows:

Land Use Plan, p. 7: “To encourage the use of innovative development regulations and techniques that promote the development of land suitable for development while protecting our natural, cultural, historical, and recreational resources and achieving a balanced pattern of land uses.

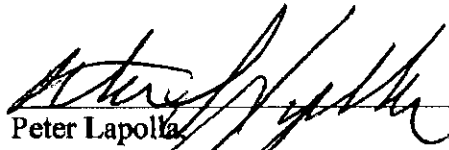
Housing Element, p. 57: “Overall growth is comparatively low, except in western Cranston, where undeveloped land is still available for new housing development. However, development of this land is constrained by environmental and other regulatory restrictions, and the public's desire for open space preservation.

This makes it even more crucial to plan how the remaining land in western Cranston is developed, preserved, or improved.”

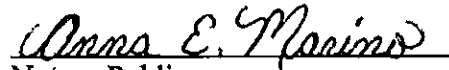
Housing Element p. 64: “Preservation of existing undeveloped land, historic and cultural resources, infrastructure capacity, and traffic are western Cranston’s largest concerns as a result of this high growth trend.”

Housing Element, p. 64: “[Goal]: Encourage a more efficient form of development that is less sprawling, consumes less open land, and conforms to existing topography and natural features . . . Minimize the total amount of disturbance on a site which preserves the natural topography of a site.”

10. The Comprehensive Plan elements do not indicate that the suggested measures are exclusive. The Plan does not favor one mitigation tool versus another. They are to be viewed equally and non-exclusively.
11. Solar power consists of the installation of nonpermanent structures which are removable. Upon installation, the use of the land is largely passive and unobtrusive. Solar power installations may be viewed as a form of land management or preservation which may assist in preserving a particular site’s agricultural or historic features. Contrarily, large scale residential subdivisions (which are permitted in the A-80 zone) are sprawling in nature; intrusive, permanent and create negative effects to local agricultural, historic, scenic, wildlife, and environmental features. Solar power is removable, passive, less sprawling, environmentally safe and non-intrusive to sensitive areas.
12. The City Council properly determined solar power to be advantageous to the City and a means of protecting the interests of western Cranston in a manner consistent with the Comprehensive Plan.


Peter Lapolla
Director of Planning City of Cranston

Subscribed and sworn to before me this 16th day of October, 2017


Notary Public
ANNA E. MARINO

Comm.
expires June 8, 2021

Exhibit G

Superior Court's Decision rendered on *United States Investment & Development Corp. v. The Platting Board of Review of the City of Cranston, et al*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

(FILED: December 27, 2017)

UNITED STATES INVESTMENT & :
DEVELOPMENT CORPORATION :

v. :

C.A. No. PC-2016-5739

THE PLATTING BOARD OF :
REVIEW OF THE CITY OF :
CRANSTON; MICHAEL SMITH, :
JAMES MORAN, KEN MASON, P.E., :
MARK MOTTE, GENE NADEAU, :
ROBERT STROM, FREDERICK :
VINCENT, LYNNE HARRINGTON, :
KIMBERLY BITTNER, in their :
capacities as Members of the City Plan :
Commission of the City of Cranston; :
DAVID CAPUANO, in his capacity as :
Treasurer for the City of Cranston; :
DANIEL PAGLIARINI, Trustee; and :
RES AMERICA DEVELOPMENT, :
INC. :

DECISION

LICHT, J. United States Investment & Development Corporation (hereinafter, the Appellant) appealed from a decision of the City of Cranston Zoning Board, sitting as the Platting Board of Review of the City of Cranston (hereinafter, the Platting Board). The Platting Board's Decision (hereinafter, the Decision) unanimously upheld the January 14, 2016 decision of the City Plan Commission of the City of Cranston (hereinafter, the Plan Commission) granting combined Master/Preliminary approval to an application for approval of a proposed solar energy array, named Hope Farm 10 MW Solar Array (hereinafter, the Solar Array), to Daniel Pagliarini (hereinafter, Mr. Pagliarini) and RES

America Development, Inc. (hereinafter, RES). The Appellant timely appealed the Platting Board's Decision to this Court pursuant to G.L. 1956 § 45-23-71.

I

Facts and Travel

Mr. Pagliarini is the owner of the subject property located at 840 Hope Farm Road, Cranston, Rhode Island, and otherwise known as Lot 12 on Assessor's Plat 23 and Lot 66 on Assessor's Plat 24. (Compl. ¶ 5.) Collectively, the combined parcels contain approximately seventy-five acres. (Certified R., Item J, at 5.) The property is zoned A-80 and solar farm arrays are a permitted use in the A-80 zone. (Certified R., Item A, at 21.) The majority of the property has operated as a commercial nursery and is partially planted with corn. (Certified R., Item D, at 1.) An electric transmission line runs through the eastern portion of the property in a right-of-way of National Grid. *Id.*

On November 16, 2015, Mr. Pagliarini and RES submitted a Master/Preliminary Plan application to the Plan Commission seeking approval of the Solar Array. (Certified R., Item A, at 10.) The proposal is for a 10-megawatt solar array consisting of 938 ground-mounted solar panels, a gravel driveway providing access to the equipment, a security fence, and stormwater management areas. *Id.* Each panel is 11' x 63', for a total surface area of 650,034 square feet or 14.9 acres. *Id.*

On December 1, 2015, the Plan Commission held a hearing on both the Master Plan application and the Preliminary Plan application. (Certified R., Item H.) The documents before the Plan Commission included a project narrative prepared by the project engineers, a Stormwater Management Report, a Long Term Stormwater Management System Operation and Maintenance Plan and Source Control and Pollution

Prevention Plan, and a Soil and Erosion and Sediment Control Plan. (Certified R., Items A, E, F, and G.)

John Starbuck (hereinafter, Mr. Starbuck), an engineer with VHB, was the project manager on the project and testified, among other things, that all of the construction proposed is “within existing disturbed farm areas, agricultural areas” and outside of the wetlands. (Certified R., Item H, at 9-10.) Further, Mr. Starbuck confirmed that “[t]he entire area that we’re working is currently agricultural farmland.” *Id.* at 34-35. Mr. Starbuck’s testimony also affirmed that a “drainage analysis consistent with the Rhode Island DEM ground storm water design and installation standards manual” was completed and that the analysis “complies with all the requirements of that manual.” *Id.* at 35. In regard to footings for the project, Mr. Starbuck testified that years from now, the footings could be pulled up and nothing would be left in the ground, other than underground conduit for the electrical services, which could also be removed. *Id.* at 44.

Cranston Principal Planner Jason Pezzullo (hereinafter, Mr. Pezzullo) presented the findings of a detailed City Planning Department Staff Report, which recommended that the Plan Commission approve the Master/Preliminary Plan. (Certified R., Item A, at 21; Item H, at 87-89.) The City Planning Department Staff Report noted that “[a] meadow will be established under the solar array that can better support meadow wildlife.” (Certified R., Item A, at 14.) The Staff Report further opined that “[t]he majority of the existing agricultural areas onsite have been tilled and predominately do not have existing vegetation”, but that these areas of erosion will be “restored with permanent vegetation that will remain for the life of the project,” thereby improving the habitability of the area for meadowland wildlife. *Id.* at 13-14.

Peter Lapolla (hereinafter, Mr. Lapolla), the City's Planning Director, testified extensively about the solar farm's consistency with the Comprehensive Plan. His testimony will be discussed in greater detail below. The Plan Commission had no testimony before it that the proposed Master/Preliminary Plan or its resulting land use was inconsistent with the City's Comprehensive Plan. Appellant did not attend any of the hearings before the Plan Commission on this matter or present any testimony for the record in opposition to the application. (Certified R., Item L, at 4.)

The Plan Commission voted to approve the applications on a 6-1 vote and its decision was recorded on January 14, 2016. (Certified R., Item I.) Specifically, the Plan Commission found that

“[t]he proposed Master/Preliminary Plan and its resulting land use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as Residential – Less than one unit per acre. The City Council specifically authorized Solar Power as a use allowed by-right in land zoned A-80. The use is therefore consistent with the Comprehensive Plan.” *Id.* at 2.

Appellant, a Rhode Island corporation and owner of Lot 11 on Assessor's Plat 23, which abuts the subject property owned by Mr. Pagliarini (Compl. ¶ 1), filed a timely appeal of the Plan Commission's decision to the Platting Board. (Compl. ¶ 10.)

The Platting Board held hearings related to this appeal on May 11, 2016 and November 9, 2016. (Certified R., Items J and K.) Counsel for the Appellant argued as follows:

“And that's the essence of the appellant's position, that there's a clear error here because the proposal to do an industrial use doesn't comport with the zoning ordinance, which dictates what can happen on that property, and it

doesn't comport with the Comprehensive Plan, multiple goals and land use policies . . ." (Certified R., Item J, at 17.)

Conversely, counsel for the Plan Commission argued that a Comprehensive Plan does not dictate every single permitted use that can be allowed in a zoning ordinance, but instead states broader aspirations. *Id.* at 31. Counsel further argued that the Comprehensive Plan has an overarching aspiration of trying to "preserve as much as possible agriculture land and the soil in agriculture land for future agriculture use." *Id.* Testimony was presented to the Plan Commission that a solar farm was a less disruptive and less intense use than subdividing the land for a residential neighborhood. *Id.*

On November 9, 2016, the Platting Board held a vote on the matter voting 4-0 to unanimously uphold the previous Plan Commission decision. (Certified R., Item K.) On November 28, 2016, the Platting Board recorded its Decision affirming the Plan Commission's decision. (Certified R., Item L.) Among numerous other findings, the Decision concluded that

"the weight of the evidence in the record clearly supported the decision of the Plan Commission to grant Master/Preliminary Plan approval of the Application and was not clear error . . . the decision of the Plan Commission, that the use of the Parcel for Solar Power was consistent with the comprehensive plan, was also not clear error and was supported by the weight of the evidence in the record. At the hearing and in its decision, the Planning staff took great lengths in enumerating its reasoning for its finding that the use is consistent with the comprehensive plan . . . the use as a Solar Farm is allowed and is less intense and more passive than the previously approved 31 lot residential subdivision . . . the Plan Commission had no other contrary evidence before it that would allow this [Platting Board] to conclude that the decision of the Plan Commission was clear error." *Id.* at 4-5.

The Appellant timely appealed the Platting Board's Decision to this Court pursuant to § 45-23-71. Appellant argues that the Plan Commission erred in finding, based on the record before them, that the proposed solar energy array is consistent with the Comprehensive Plan. Thus, Appellant avers that the Platting Board erred in upholding the decision of the Plan Commission.

II

Standard of Review

Under the Development Review Act, review of a planning board's decision is limited. A zoning board reviewing the decision of a planning board may reverse the lower body only if the zoning board finds that there was "prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record." Sec. 45-23-70(a). Appeals to the Superior Court for review of a decision of a zoning board, sitting as a board of appeal, are brought under § 45-23-71. The statute provides as follows:

"The court shall not substitute its judgment for that of the planning board as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of appeal or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:

"(1) In violation of constitutional, statutory, ordinance or planning board regulations provisions;

"(2) In excess of the authority granted to the planning board by statute or ordinance;

"(3) Made upon unlawful procedure;

"(4) Affected by other error of law;

"(5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or

"(6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion." Sec. 45-23-71(c).

Judicial review of a board's decision is not *de novo*, and thus, this Court does not consider the credibility of the witnesses, weigh the evidence or make its own findings of fact. *Munroe v. Town of E. Greenwich*, 733 A.2d 703, 705 (R.I. 1999) (citing *Kirby v. Planning Bd. of Review of Middletown*, 634 A.2d 285, 290 (R.I. 1993)). Rather, the Court's review is "confined to a search of the record to ascertain whether the board's decision rests upon 'competent evidence' or is affected by an error of law." *Kirby*, 634 A.2d at 290. If there is any competent evidence upon which the agency's decision rests, then the decision will stand. *Restivo v. Lynch*, 707 A.2d 663, 665-66 (R.I. 1998).

III

The Platting Board Decision

Prior to granting approval for the proposed solar energy array at issue in this case, the Plan Commission was required to comply with the following statutory requirement:

"All local regulations shall require that for all administrative, minor, and major development applications the approving authorities responsible for land development and subdivision review and approval shall address each of the general purposes stated in § 45-23-30 and make positive findings on the following standard provisions, as part of the proposed project's record prior to approval:
"(1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies[.]"
Sec. 45-23-60(a).

In seeking to make this required finding, the Plan Commission found that

"[t]he proposed Master/Preliminary Plan and its resulting land use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as Residential – Less than one unit per acre. The City Council specifically authorized Solar Power as a use allowed by-right in land zoned A-80. The use is therefore consistent with the Comprehensive Plan." (Certified R., Item I, at 2.)

Appellant's core argument is that the Plan Commission erred in finding, based on the record before them, that the proposed solar energy array is consistent with the Comprehensive Plan. Appellant argues that this finding by the Plan Commission was arbitrary and capricious and clearly erroneous in light of the evidence, most notably, the Comprehensive Plan that was in effect at the time of approval. Correspondingly, Appellant contends that the Platting Board also erred in upholding the Plan Commission decision.

On November 23, 2015, prior to the Plan Commission hearing at issue herein, the Cranston City Council passed an amendment to the Zoning Ordinance. (Appellant's Mem. of Law, Ex. B.) Pursuant to this Amendment, solar power was added as a new land use item permissible by right in the A-80 zoning district. *Id.* Appellant maintains that the Comprehensive Plan should have first been amended to encourage the development of solar power on properties and then the zoning ordinance should have been brought into compliance with the Comprehensive Plan at a later time. Appellant suggests that the opposite was done in this case. However, this argument fails. No change to the Comprehensive Plan was required in this particular case because the Comprehensive Plan was already consistent with the zoning ordinance. Counsel for the Plan Commission testified before the Platting Board as follows:

"There are times where a proposed use has no seed, no aspect of the Comprehensive Plan to support it, and it's usually those cases that we go and get a specific Comprehensive Plan amendment. But in this case, the very reason the Planning Commission and the council found this consistent with the Comp. Plan is found in the Comp. Plan itself." (Certified R., Item J, at 36.)

Furthermore, as a general rule, “local zoning ordinances acquire a presumption of legality.” *D’Angelo v. Knights of Columbus Bldg. Ass’n of Bristol R.I., Inc.*, 89 R.I. 76, 83, 151 A.2d 495, 498 (1959). Further, “[t]his presumption of validity includes the presumption that the zoning enactments were ‘in accordance with a comprehensive plan.’” *Id.* at 83, 151 A.2d at 498-99. As such, this Court presumes that the November 23, 2015 amendment to the Zoning Ordinance, whereby solar power was added as a new land use item permissible by right in an A-80 zoning district, was enacted in accordance with the Comprehensive Plan.

However, Appellant contends that the Plan Commission’s findings were arbitrary and capricious because, although the proposed Master/Preliminary Plan was consistent with the zoning ordinance in effect at the time, it was not also consistent with the Comprehensive Plan. In support of this position, Appellant points to *West v. McDonald*, 18 A.3d 526 (R.I. 2011). In *West*, the Rhode Island Supreme Court rejected the argument that a comprehensive plan does not carry the same weight of a statute, ordinance, or regulation. *Id.* at 539. Further, the Court upheld the trial justice’s determination that the board of appeals did not err in denying a proposal that failed to comply with the comprehensive plan, even if it did comply with the zoning requirements. *Id.* at 536. In essence, *West* stands for the proposition that the developer bears the burden to comply with both the municipality’s comprehensive plan and its zoning code, not one or the other. *Id.* at 539-40.

Appellant’s reliance on *West* is misplaced. In *West*, there was an inconsistency between the comprehensive plan and the zoning ordinance. The density limitations in the comprehensive plan were more restrictive than the lot-size requirements in the zoning

ordinances. The petitioner's application complied with the zoning code but not the comprehensive plan. The petitioner contended the zoning code should control. No such conflict exists in this case. Here, the Plan Commission found the proposed development to be consistent with the Comprehensive Plan, because the proposed development comports with the Comprehensive Plan's goal of preserving agricultural lands and soil in Western Cranston. The issue for this Court is whether there was evidence to support that conclusion.

To begin that analysis, the Court starts with the Comprehensive Plan which calls for the City of Cranston to consider "stronger zoning tools that would require preservation of land in the future to actively preserve the area's agricultural history." (Appellant's Mem. of Law, Ex. I, at 155.) The Comprehensive Plan also postulates that "[I]and that is used for agricultural purposes contributes substantially to the overall quality of life for the residents of Cranston, protects natural resources, and prevents land development." *Id.* at 102.

At the December 1, 2015 hearing, Mr. Lapolla testified extensively as to the proposed solar energy array's consistency with the Comprehensive Plan's objective of protecting agricultural lands. Specifically, Mr. Lapolla discussed the issue of development encroaching onto agricultural lands in Western Cranston. Further, Mr. Lapolla's testimony referred to the Comprehensive Plan's goal of preserving agricultural lands through the conservation of prime agricultural soil, which protects the land best suited for farming. Mr. Lapolla testified that

"[t]he elements generally acknowledge -- all the elements generally acknowledge that there is an issue with development encroaching into what has been historically farm and agricultural in Western Cranston, and in particular

the historic farmland. We all recognize the importance of preserving and protecting the remaining agricultural land. I stress agricultural land. It does not talk about farms, oddly enough. The elements [go into recommending] a range of [mitigation] measure[s] that the city could implement. These measures are as follows: And I'm just going to quickly go to the Comprehensive Plan. They're there, and I'll just -- just basically I'll start off with the city should continue to preserve and protect the remaining agricultural needs. The following strategies can be utilized to further this goal. Conserve the basic resources. The preservation of agricultural land can be accommodated through conservation of prime agricultural soil which protect the land best suited for farming." (Certified R., Item H, at 58-59.)

Mr. Lapolla also testified at length regarding the nonpermanent nature of the proposal. The purpose of this testimony was to illustrate the fact that the proposed installation of solar arrays would help to conserve the agricultural land on the site and not degrade the land in the same manner that other forms of permanent development might. As such, Mr. Lapolla argues that the installation of solar arrays was consistent with the Comprehensive Plan's objective to conserve agricultural lands. Mr. Lapolla explained:

"Solar power consists of the installation of nonpermanent structures. It's tough to say they're nonpermanent because they're going to be there for 25 years; but they're nonpermanent. You can pull them out. You can take them away. After installation, the use of the land is largely passive. Bear in mind, all land is used somehow. We're not saying the land isn't going to be used, but you need to make the argument, forest land is used for forest. All land is used. It is how that land is used. ... [T]he solar arrays can be seen as a form of land management, which would conserve, after the installation of the arrays, it would conserve the site's agricultural land for the next 25 years. This is then wholly consistent with the Comprehensive Plan. We're preserving the land use in the comprehensive plan and that while we're not acquiring it, not required, not doing a conservation subdivision, we are taking steps to conserve the agricultural lands that are on the site. They will not be used. They will not be degraded." *Id.* at 61.

Essentially, Mr. Lapolla explained to the Plan Commission that the proposed solar energy array would be a more effective method of preserving Western Cranston's remaining agricultural land than other uses allowed in the A-80 zoning district, such as the previously approved thirty-one lot residential subdivision. Mr. Lapolla's position was that, "our choice right now is either houses or vegetables. Better off [preserving] the farmland." *Id.* at 63. Further, Mr. Lapolla testified that

"[i]n terms of the ordinance -- the Comprehensive Plan talks of preserving the land and the agricultural nature of the land. It does not talk in terms of farming. It does talk about protecting the scenic views . . . I suggest that what you're looking at is you're trying to protect the rural nature, and we will do that, at least from the scenic road perspective by maintaining the 75-foot buffer and landscape in between that buffer. So you don't see development. So you can see the rural area. So it is -- to the extent that we're preserving the farmland and we're preventing the development of this land, the encroachment of this land for permanent -- referring the goals -- we're referring some of the goals of the comprehensive plan, not all of them. No project, no zoning ordinance will meet all the goals of the plan . . . I fully agree . . . [That's] my opinion . . . [which] I humbly suggest that the commission . . . consider." *Id.* at 63-64.

The opinion that Mr. Lapolla expressed to the Plan Commission—namely, that the proposed solar arrays were consistent with the Comprehensive Plan's goal of preserving the agricultural nature of the land—was further reinforced by Mr. Pezzullo, who also testified in favor of the proposition that the proposed solar arrays would comport with the Comprehensive Plan. Mr. Pezzullo's testimony before the Plan Commission was as follows:

"One thing I just wanted to add, there's talk about preserving farmland and that is a goal of the Comprehensive Plan, for sure. The idea that this would be developed as a housing development is not an attraction

. . . And I feel this is better land management. It's better than 27 houses because that's permanent forever." *Id.* at 85-86.

One aspiration of the Comprehensive Plan is to try to preserve as much agricultural land as possible in Western Cranston. The Comprehensive Plan states that:

"Western Cranston has seen significant residential development activity on formerly agricultural land, resulting primarily in single-family homes on ½ to 2-acre parcels. . . . Preservation of existing undeveloped land, historic and cultural resources, infrastructure capacity, and traffic are western Cranston's largest concerns as a result of this high growth trend." (Appellant's Mem. of Law, Ex. I, at 64.)

The evidence proffered to the Plan Commission by Mr. Lapolla and Mr. Pezzullo urged that the development of housing lots was inapposite to the Comprehensive Plan's goal of preserving agricultural lands. In their view, the non-permanent nature of the proposed solar farm was less intrusive and less harmful to wildlife than a residential development would have been.

As such, the decision of the Plan Commission that the proposed use of the parcel for solar power was consistent with the Comprehensive Plan was not clear error. Instead, the Plan Commission's decision was supported by the great weight of the competent evidence in the record. *See Kirby*, 634 A.2d at 290. The testimony of Mr. Lapolla before the Plan Commission demonstrated that the solar farm was consistent with the comprehensive plan; namely, that the use as a solar farm is allowed in Zone A-80 and is less intense and more passive than the previously approved thirty-one lot residential subdivision. The Plan Commission was presented with no evidence to the contrary. *See Lett v. Caromile*, 510 A.2d 958, 959 (R.I. 1986). Therefore, the Platting Board properly found that the decision of the Plan Commission was not clear error.

IV

Conclusion

In sum, after a thorough review of the entire record, this Court finds that the Decision of the Platting Board is not clearly erroneous, is not made upon improper procedure, is not in violation of ordinance provisions or planning board regulations, is within the Platting Board's authority, is not arbitrary or capricious or characterized by abuse of discretion, and is not affected by clear error of law. Substantial rights of the Appellant have not been prejudiced. As such, the Decision of the Platting Board, upholding the decision of the Plan Commission, granting Master/Preliminary Plan approval to the Solar Array is hereby affirmed. Counsel shall submit the appropriate judgment for entry.



RHODE ISLAND SUPERIOR COURT
Decision Addendum Sheet

TITLE OF CASE: United States Investment & Development Corp.
v. The Platting Board of Review of the City of
Cranston, et al.

CASE NO: PC-2016-5739

COURT: Providence County Superior Court

DATE DECISION FILED: December 27, 2017

JUSTICE/MAGISTRATE: Licht, J.

ATTORNEYS:

For Plaintiff: Joelle C. Rocha, Esq.

For Defendant: William Landry, Esq.
Andrew Tugan, Esq.

Exhibit H

Superior Court's Decision rendered on *United States Investment & Development Corporation v. Robert Strom, et al*

STATE OF RHODE ISLAND
PROVIDENCE, Sc.

SUPERIOR COURT

UNITED STATES INVESTMENT &)
DEVELOPMENT CORPORATION,)
Plaintiff)

v.)

C.A. No. PC-2015-5506

ROBERT STROM, in his capacity as)
Finance Director for the City of Cranston;)

and)

MARIO ACETO, PAUL ARCHETTO,)
DONALD BOTTS, JR., MICHAEL J. FARINA,)
MICHAEL FAVICCHIO, JOHN E. LANNI, JR.,)
CHRISTOPHER PAPLAUSKAS, RICHARD D.)
SANTAMARIA, JR., and STEVEN STYCOS, in)
their capacities as Members of Cranston City Council,)
Defendants)

ORDER ON CROSS MOTIONS
FOR SUMMARY JUDGMENT

This matter came before the Court (M. Keough, J.) on March 12, 2018, on Plaintiff's and Defendants' Cross-Motions for Summary Judgment. After consideration of the briefs of the parties and oral argument on March 12, 2018, and in accordance with a Bench Decision rendered by the Court on March 12, 2018, it is hereby

ORDERED, ADJUDGED, and DECREED,

as follows:

1. Defendants' Motion for Summary Judgment is hereby granted.
2. Plaintiff's Motion for Summary Judgment is hereby denied.
3. Based on the pleadings, affidavits, exhibits, admissions, and memoranda, there is no genuine issue as to any material fact. Neither party has contended that there is a material issue of fact. Defendants are entitled to Judgment as a matter of law, and Judgment should enter

in their favor declaring and confirming that, based on the totality of circumstances, the challenged amendments to the City of Cranston Zoning Ordinance, more particularly described in City of Cranston Ordinances # 7-15-04 and # 7-15-05 (the “Amendments”) are not procedurally defective or inconsistent with the City of Cranston Comprehensive Plan.

4. The Amendments, which constitute legislative action by the Defendant City of Cranston City Council, are not defective or invalidated by reason of, (a) an alleged failure of the City of Cranston City Plan Commission to adequately include a demonstration of recognition and consideration of the purposes of zoning pursuant to R.I. Gen. Laws § 45-24-52 in its findings and recommendations to the City Council on the Amendments; or (b) the Amendments allegedly being inconsistent with the City of Cranston’s Comprehensive Plan.

5. There was considerable back and forth between the City Plan Commission and the City Council on the Zoning Amendments that did not touch upon every single purpose of zoning reflected in R.I. Gen. Laws § 45-24-30, but that demonstrated a rational relation between the City Plan Commission’s input, and the Amendments themselves, and important applicable purposes of zoning, within the tolerances of the applicable case law on this issue, which generally describes § 45-24-52 as “directory only”.

6. The Minutes of the August 4, 2015 meeting of the City Plan Commission at which the Commission first made a recommendation that the City Council adopt the Amendment described the Amendment as an “update” to Zoning Ordinance revisions that had been accomplished in 2012 based on a commitment at the time to “revisit” the table of uses generally, and that the proposed changes involving Alternative Electric Generation and Solar Power “reflect changes to technology”. (Plaintiff’s Exhibit C). A letter to the same effect was directed to the City Plan Commission the same day. (Plaintiff’s Exhibit B).

7. Then, on November 3, 2015, the City Plan Commission met again to consider a series of written questions from a member of the City Council on the Amendments and a further advisory to the City Council. The Minutes of the Meeting reflect thoughtful consideration of the Amendments by the City Plan Commission as relating to important purposes of zoning. The purposes of zoning, as set forth in R.I. Gen. Laws § 45-24-30, include such broad concepts, without limitation, as promoting the public health, safety and general welfare; providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs; providing for orderly growth and development that recognizes ... the goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 ...; the nature characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution ...; the value of unique or valuable resources and features ...; the need to shape and balance urban and rural development ...; providing for the protection of the nature, historic, cultural, and scenic character of the city or town or areas of the municipality; providing for the preservation and promotion of agricultural production, forest, silviculture ... aquaculture, timber resources, and open space ...; promoting a balance of housing choices ...[etc.].

8. The further City Plan Commission advisory to the City Council discussed and developed at the Commission's November 3, 2015 meeting speaks to many of the above purposes of zoning (many of which are overlapping), particularly the Commission's emphasis on protecting agricultural land (particularly in western Cranston) from more dramatic, permanent development than solar power would, and locating solar installations where they are most appropriate. The Commission's further advisory to the Council included the following:

“As has been noted at all the public meetings/hearings on this matter, the decision to allow solar power as a use by right in A-80 zones was informed by the range of impacts that would be

generated by such a project [virtually none]. A project proposing solar power would be subject to Development Plan Review ... at a public hearing. During their reviews, the Development Plan Review Committee and the City Plan Commission would identify impacts that may be created by a specific project on a specific site and would require mitigative measures to address those impacts. As part of the review ... the Plan Commission informs all appropriate state agencies such as the Department of Environmental Management and seek[s] their comments/input. ... [id. p. 3, Para 8].

* * *

The proposed change authorizes solar power in A-80, S-1, GI, M-1 and M-2 zoning districts. This use designation is not mutually exclusive. If the City is going to help meet the future need/demand for renewable energy, it will require the use of land in all these districts. It is in these zoning districts that there are parcels of land that can accommodate sizable solar farms.

For example, regarding the availability of industrially zoned land for the current proposal, an alternative analysis would indicate the following: The current proposal is for a 10 mg facility on 78 acres of land with 50 acres usable and that has proximity to electric. Based on a review of the City's GIS, there is no comparable vacant industrially zone[d] land both in terms of size and location.

It is important to note that no protection is currently provided for Cranston's agricultural land. Except [for] S-1 land, other zoning districts allow more intense development than solar power. Unless the City is willing to buy land in western Cranston that is being used for farms either outright or through easement or create protections through zoning, the question is not if agricultural land will be lost but under what circumstances ... [id. p. 3, Para 9].

* * *

It is important to note that the zoning amendment proposes a use change to A-80 and S-1 zoning districts. While within these districts there may be agricultural activities, agricultural uses are not protected by zoning. For an A-80 zone, the principal use authorized is single family residence with a minimum lot size of 80,000 s.f. To the extent that zoning is a predictor of future land use, the A-80 land in western Cranston will eventually be developed as house lots. Again, it is not a question of prohibiting the development of said land for solar power but a question as to

how the land will be developed. The Plan Commission would suggest that the conversion of A-80 land to residential development will be more intensive, have a greater impact, and be permanent.” [id. p. 4, Para 10].

9. The City Plan Commission captured the above-referenced further advisory recommendation to the City Council (as reflected in the Minutes of the November 3, 2015 Commission meeting), and transmitted it to the City Council in a Memorandum dated November 3, 2015. (Plaintiff’s Exhibit E). Based in part on this input, the City Council approved the Amendments at its meeting on November 23, 2015. (See Minutes, Plaintiff’s Exhibit F).

10. The Rhode Island Supreme Court has held that the amendment of a zoning ordinance is an exercise of a legislative function by a town council and it enjoys “a presumption of legality which can be overcome only by competent evidence.” Verdecchia v. Johnston Town Council, 589 A.2d 830 (R.I. 1991). Furthermore, the presumption of validity includes the presumption that the zoning enactments were “in accordance with the comprehensive plan.” D’Angelo v. Knights of Columbus Building Association, 151 A.2d 495 (R.I. 1959). The Plaintiff must meet the burden of showing the area or areas in which the enactment or amendment does not conform with the comprehensive plan ...

11. The City of Cranston City Plan Commission’s approval of the underlying solar project in western Cranston that was an impetus for the challenged Amendments here was also challenged on appeal by the same Plaintiff here, United States Investment & Development Corporation, in Providence County Superior Court C.A. No. 2016-5739. There, as here, the Plaintiff contended that allowing a solar power installation on the subject property was inconsistent with the Comprehensive Plan as in effect as of the date of the Amendments.

Although not binding on the Court, it bears noting that, in a Decision in that case dated December 27, 2017, Justice Licht rejected Plaintiff’s appeal and determined that the subject solar

project is indeed consistent with the Cranston Comprehensive Plan, as in effect as of the date of the Amendments, and that no Comprehensive Plan change was necessary.

12. As Judge Licht noted, and as Defendants point out again here, the Cranston Comprehensive Plan already expressed an aspiration to protect agricultural land in Cranston from being lost to more intense – more permanent – development, and that solar installations are consistent with that aspiration, all as described above.

ENTERED as an Order of the Court effective this ____ day of May, 2018.

By Order:

Enter:

/s/ Demonica C. Lynch
Clerk

/s/ Maureen B. Keough
Maureen B. Keough, Associate Justice

Dated: May 8, 2018

Submitted by:

s/ William R. Landry
William R. Landry (#2494)
wrl@blishcavlaw.com
Blish & Cavanagh, LLP
30 Exchange Terrace
Providence, RI 02903
Tel: (401) 831-8900
Fax: (401) 490-7640

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2018, the within document was electronically filed through the Rhode Island Superior Court Case Management System by means of the EFS and is available for viewing and/or downloading by counsel of record, as follows:

Joelle C. Rocha, Esq.
Kelly, Souza, Rocha & Parmenter, PC
128 Dorrance Street, Ste 300
Providence, RI 02903

s/ William R. Landry

STATE OF RHODE ISLAND
PROVIDENCE, Sc.

SUPERIOR COURT

UNITED STATES INVESTMENT &)
DEVELOPMENT CORPORATION,)
Plaintiff)

v.)

C.A. No. PC-2015-5506

ROBERT STROM, in his capacity as)
Finance Director for the City of Cranston;)

and)

MARIO ACETO, PAUL ARCHETTO,)
DONALD BOTTS, JR., MICHAEL J. FARINA,)
MICHAEL FAVICCHIO, JOHN E. LANNI, JR.,)
CHRISTOPHER PAPLAUSKAS, RICHARD D.)
SANTAMARIA, JR., and STEVEN STYCOS, in)
their capacities as Members of Cranston City Council,)
Defendants)

JUDGMENT

This matter came before the Court (M. Keough, J.) on March 12, 2018, on Plaintiff's and Defendants' Cross Motions for Summary Judgment. After consideration of the briefs and argument of the parties and oral argument and in accordance with a Bench Decision rendered by the Court on March 12, 2018, and an Order of the Court of even date herewith granted a Motion for Summary Judgment by Defendants and denying a Motion for Summary Judgment by Plaintiff, it is hereby

ORDERED, ADJUDGED, and DECREED,

as follows:

1. Judgment hereby enters in favor of the Defendants, and against the Plaintiff, declaring and confirming that City of Cranston Ordinance Nos. 7-15-04 and 7-15-05 are not

procedurally defective, and are not inconsistent with the City of Providence Comprehensive Plan, and denying and dismissing the claims set forth in Plaintiffs' Complaint

ENTERED as a Judgment of the Court effective this ____ day of May, 2018.

By Order:

Enter:

/s/ Demonica C. Lynch

, Clerk

/s/ Maureen B. Keough

Maureen B. Keough, Associate Justice

Dated: May 9, 2018

Submitted by:

s/ William R. Landry

William R. Landry (#2494)

wrl@blishcavlaw.com

Blish & Cavanagh, LLP

30 Exchange Terrace

Providence, RI 02903

Tel: (401) 831-8900

Fax: (401) 490-7640

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2018, the within document was electronically filed through the Rhode Island Superior Court Case Management System by means of the EFS and is available for viewing and/or downloading by counsel of record, as follows:

Joelle C. Rocha, Esq.

Kelly, Souza, Rocha & Parmenter, PC

128 Dorrance Street, Ste 300

Providence, RI 02903

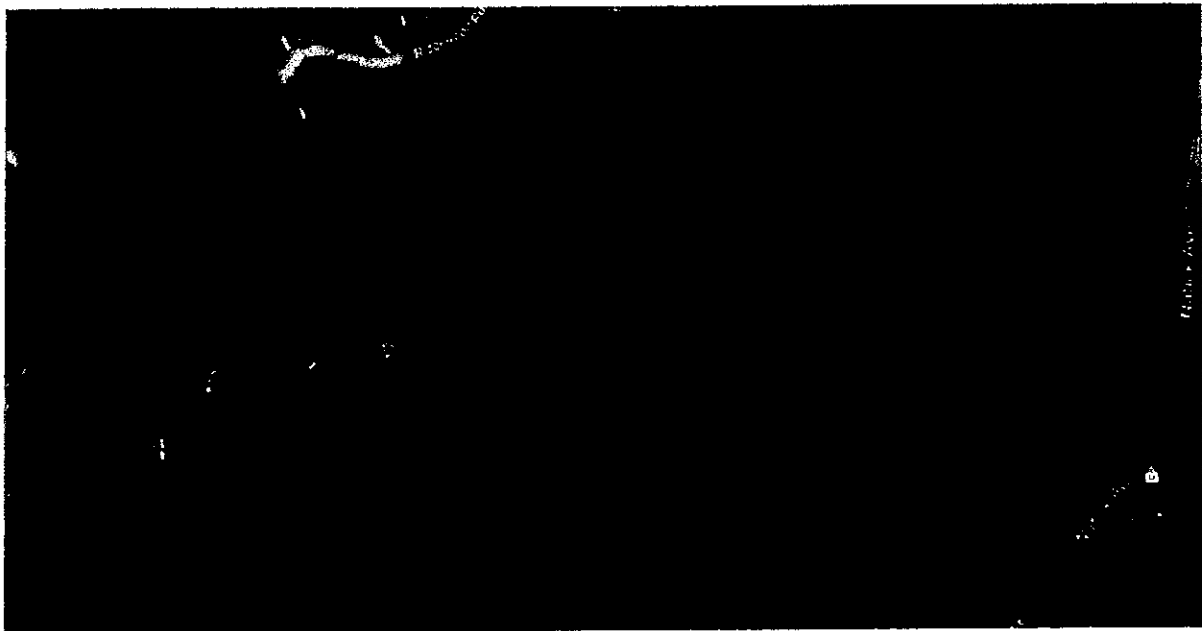
s/ William R. Landry

Exhibit I

Proposed Major Land Development Solar Installation – Natick Avenue Assessor's Plat 2203; Lots 108 & 119: An Analysis and Report

Planning Report by Ashley V. Sweet prepared for Patrick
Dougherty, Esq.

**Proposed Major Land Development
Solar Installation – Natick Avenue
Assessor's Plat 22-3; Lots 108 & 119:
An Analysis and Report**



**Prepared For: Patrick Dougherty, Esq.
Attorney at Law
887 Boston Neck Road, Suite #1
Narragansett, RI 02882**

**Submitted by: Ashley V. Sweet
Professional Planning and Land Use Consultant
207 North Street, Warwick, RI 02886**

January 7, 2019

Introduction

A concerned group of neighbors to the Natick Ave solar project have retained my professional land use planning and zoning consulting services to provide an independent analysis of the proposed project (described below) and its overall consistency with the City of Cranston's comprehensive plan and zoning ordinance. In conducting this analysis the following documents were reviewed:

- Cranston Zoning Ordinance
- Cranston Subdivision Regulations
- Cranston Comprehensive Plan 2010
- May 2017 Comprehensive Plan amendments titled Renewable Energy Production: Supportive Goals and Objectives
- Natick Ave application for development including site plans and supporting documents supplied by the applicant
- A site visit was conducted on 1/5/19. The property line was walked along several abutting properties. A neighborhood tour was provided on the same day to view the surrounding neighborhood properties.

These documents were reviewed for consistency with the proposed project. A full report of the findings of that review is contained within the report below.

Section 17.20.030 Schedule of uses, identifies solar as a permitted use by right under the use termed "solar power". The application is being processed through the Major Land Development process which is regulated by Cranston Subdivision Regulations. This report will discuss the consistency, or lack of, with the City of Cranston Comprehensive Plan, Zoning Ordinance and Subdivision Regulations. An analysis of consistency with state guide plan elements or state law was not directly conducted, as it is assumed that local regulations are consistent with those documents as required, and therefore if the project is found to be consistent with local regulations, consistency with state requirements is assumed.

Project Description

The proposal before the Town is to construct an 8.1 Megawatt solar facility on a parcel located on Natick Avenue in the western portion of Cranston. The site itself consists of two (2) parcels totaling just over 64 acres which are identified as Assessor's Plat 22-3, Lot(s) 108 and 119.

The site is itself is mostly wooded with a large cleared area in the southwest corner of the lot that is currently utilized as a Christmas tree farm and a materials processing area. The southeast corner of the property contains a wetland area.

The solar installation is proposed to occupy approximately half of the site, situated on the eastern portion closest to Natick Avenue. This siting will require the eastern portion of the site to be cleared and leveled, as the western portion of the site already has been. This will create a fully developed site leaving little to no area remaining as natural habitat with natural vegetation, positively contributing to wildlife habitat, carbon reduction, ground and surface water management and visual quality for the

area. Virtually the entire lease area of 30 acres will have the trees removed in order to prepare the area for panel installation. The site contains some steep slope areas, in some cases in excess of 20%. The lease area is at approximately elevation 230 feet in the northwest corner of the property and slopes down across the property to an approximate elevation of 110 feet in the southeast corner. That is an approximate 120 foot elevation drop across approximately 1,400 feet.

Comprehensive Plan Solar Amendments

In April of 2017, the City adopted several amendments to the Comprehensive Plan to promote and support renewable energy, specifically solar. These amendments, in some cases, took a unique approach to promoting solar development. Of particular interest are the following concepts introduced with the 2017 amendments:

- Solar development is a form of “land banking” that preserves the property from development. The term land banking is defined as follows:
 - According to the Center for Community Progress: *“Land banks are governmental entities or nonprofit corporations that are focused on the conversion of vacant, abandoned, and tax delinquent properties into productive use”*
 - According to Wikipedia: *“Land banking is the practice of aggregating parcels of land for future sale or development...in the United States it refers to the establishment of a quasi-governmental county or municipal authorities purposed with managing an inventory of surplus land”.*
 - According to HUD: *“They are public or community owned entities created for a single purpose: to acquire, manage, maintain and repurpose vacant, abandoned, and foreclosed properties...”.*

While these entities define land banking slightly differently, it is not defined (anywhere I can find) in the way the City of Cranston seems to use it in their recent Comprehensive Plan amendments. The City essentially suggests that allowing solar development somehow preserves the land from development. Clearly, from the definitions above land banking is about aggregating underutilized parcels for future development, and this is accomplished by an entity, often state or municipally authorized. The way the City has promoted the use of solar installations in residential districts as a “land banking” tool, is not supported or practiced by any reliable sources.

Additionally, and related, the City seems to infer that a solar installation is not a form of development but instead a land preservation technique. This is a puzzling approach since clearly the installation of solar panels on a property requires alterations to the property that are similar to those required by other forms of development. The Plan amendments use the specific language below in numerous locations throughout the adopted amendments.

- Solar development should be allowed in the A-80, M-1, M-2 and S-1 districts **“without limitations”**. The A-80 district being the only residential district in the entire City where commercial scale ground mounted solar is allowed by right.

In fact the Division of Planning identified, in its review of the proposed amendments, that not recognizing solar installations as a development was contrary to commonly accepted practice and that the amendments would not be supported or accepted by the Division until a different approach was applied to the amendments.

The solar amendments seem to have been drafted in a vacuum, ignoring many other applicable sections of the Plan that identify the importance of the quality of life and environment in western Cranston, as well as the important social fabric created by the City’s housing and residential neighborhoods.

The concepts outlined above will be further discussed in other sections of the report. Below is a summary of the Comprehensive Plan amendments that were approved in April of 2017 (emphasis added):

To LUP-1.3 the following language was added:

“ Preserve existing farmland and developable land that is currently undeveloped, by temporarily removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power”

To EDG-2.4 the following language was added:

“encourage the development of renewable energy facilities”

To NRP-1.9 the following language was added:

“Encourage the development of renewable energy facilities in appropriate locations supporting economic growth while fostering low impact development”

The Land Use Plan Element:

Under Key Strategies, the following language was added:

“Renewable Energy Production and Consumption: Cranston should actively encourage the availability and implementation of energy infrastructure throughout the City. For example, the Zoning Ordinance should permit the development of renewable energy production facilities in appropriate areas, including, without limitation, in the A-80, M-1, M-2, M-2 and S-1 zoning districts, and should promote the development of multiple renewable energy production facilities within the City. Development of such renewable energy production facilities can advance the City’s goals of developing the City’s economic resources while limiting the impact of development on surrounding areas and on municipal services. Such developments also further the City’s low impact and

green development objectives by improving air quality and reducing reliance on traditional energy sources.

The Zoning Ordinance should be modified to identify which types of renewable energy production facilities area to be allowed within the City, the zoning districts in which such facilities are to be located, and the standards by which such facilities are to be developed.

Ground-mounted solar power facilities are a main type of renewable energy production, and it is encouraged that the Zoning Ordinance be amended to allow this type of renewable energy production within the City, including within residential and commercial districts”

At the end of Preserve the agricultural lands along the Historic Farm – Concentrate development, inserting:

*“Temporarily removing the development potential of the land located in Western Cranston [land banking] by allowing the land to be used for **passive alternative energy generation, such as solar power**”*

*Table 2-4 (Smart Growth – Green Development Action Items) at the end of the LU-10 the following language was inserted : “Temporarily removing the development potential of the land located in western Cranston [land banking] by allowing the land to be used for **passive alternative energy generation, such as solar power**”*

The Economic Development Element

Part III Strategies and Actions: the following language was added:

*“Renewable Energy Production and Consumption: Cranston should develop renewable energy infrastructure for the benefit of the private sector to spur economic activity in the City. Cranston aims to show a continued commitment to environmentally friendly policies, which **in turn will cause businesses to generate renewable energy and benefit from savings that will generate construction jobs, pay for better employee benefits and/or be reinvested within the community.** Moreover, the development of renewable energy infrastructure within the City **may result in additional tax revenue, jobs and overall economic activity within the City.**”*

Implementation Program Element was amended to insert the following language:

Table 9-1 at the end of LU-10:

“Temporarily removing the development potential of the land located in western Cranston [land banking] by allowing the land to be used for passive alternative energy generation, such as solar”.

Table 9-1 at the end of LU-17:

"Encourage the development of renewable energy facilities – short term (1 year)"

Table 9-1 adding ED-29:

"Encourage the development of renewable energy facilities – short term (1 year)".

Table 9-1 at the end of NR-3:

"Encourage the development of renewable energy facilities – short term (1 year)".

Consistency with the Comprehensive Plan

All proposed development is required to be found to be consistent with the comprehensive plan (herein after referred to as the Plan) adopted by the community. As summarized above, Cranston recently amended its comprehensive plan in April of 2017 to address renewable energy. Several sections of the plan were amended to address renewable energy, specifically solar development. When considered independently as amendments, and not within their context of the entire Comprehensive Plan, the amendments certainly support and actively encourage all renewable energy development, specifically solar. When compared and contrasted with many other long standing sections of the Plan, it becomes very clear that the newly adopted solar policies and initiatives are inconsistent with various land use policies, housing policies and natural resource policies as a whole throughout the Plan. This has created internal inconsistencies within the Plan.

Among the most concerning language recently adopted is the proposed concept that allowing solar installations *"without limitation, in the A-80, M-1, M-2 and S-1 zoning districts"* is a consistent and appropriate approach to developing energy production facilities throughout the City. There is no language in any other sections of the Comprehensive Plan that would support any type of development *"without limitation"*. Every type of development has limitations when it comes to determining what is appropriate in terms of scale and impacts on the immediate community and community as a whole. The concept of promoting solar development *"without limitation"* in a residential district is inconsistent with several other sections of the Comprehensive Plan. Those inconsistencies are detailed below (emphasis added):

Element 1: Goals and Policies Statement

Element 2: Land Use Plan

"To encourage the use of innovative development regulations and techniques that promote the development of land suitable for development while protecting our natural, cultural, historical, and recreational resources and achieving a balanced pattern of land uses.

LUG-1 Preserve the rural quality and critical resources of Western Cranston through appropriate land use controls.

LUP-1.1 Promote residential land use patterns that concentrate and compact development and maintain significant percentage of open space.

LUP-1.2 Preserve, in significant tracts, 20 percent of the remaining open space in western Cranston, or 500 acres, (exclusive of wetlands), through restrictions associated with clustering of future development or through purchase.

LUP-1.4 Preserve and enhance the quality of existing valuable resources including wetlands, surface water, ground water, wildlife habitats and migration corridors, historic sites, scenic views and unique cultural resources.

LUP-2.6 Implement policies that protect residential neighborhoods from commercial encroachment through regulation, appropriate buffers, development design standards, traffic planning and site plan review.

All of the goals and policies reiterated above clearly portray the City's goal to preserve land in western Cranston. When you read the goals and policies stated it is obvious that the point of the preservation goal is to protect and preserve the environment and the quality of life for residents. Not a single goal or policies talks about giving up these protections in the name of reducing a financial burden associated with residential housing. The installation of a solar facility on the Natick Ave site will not preserve open space, it will not enhance the quality of existing valuable resources, it will not protect the existing residential neighborhood from commercial encroachment. Every one of the goals and policies from this section of the Plan will be willingly violated by an approval of this project. Cranston cannot ignore the fact that solar installations do absolutely nothing to promote, preserve or protect the natural resources of the site upon which they are located, nor do they promote, preserve or protect the neighborhood in which they are sited. They may assist in adding to tax revenue for the City, but at what cost?

LUG-10 Ensure future residential growth in western Cranston conforms to conservation subdivision design

Element 3: Housing Goals (HG) and Policies (HP)

HG-1 Ensure that future residential development in western Cranston is consistent with the capacity of the area's natural resources and infrastructure, and preserves community character.

HP-2.1 Develop a system of density bonuses for the clustering of new residential development in order to conserve open space, preserve natural systems and wildlife habitat, minimize municipal service costs, and maintain the sense of rural character.

These goals and policies reiterate that conservation subdivision is the preferred development mechanism in Cranston. The City has not adopted conservation design, despite it being called out as a mandate in the Plan since 2010. This tool alone will actually preserve and protect currently undeveloped land to a reasonable degree. Large portions of sites can be permanently protected in their

current fully vegetated natural state, while still providing needed housing that is the social backbone of the City. Solar installations do not accomplish either of these goals.

HG-3 Achieve a balance between economic development and housing in the City

HP-3.2 Maintain the stability of established neighborhoods in connection with continued economic development and revitalization: in particular, protect neighborhoods abutting the City's major commercial corridors from adverse impact arising from incompatible uses.

HG-10 Conserve resources in new subdivisions

HP-10.1 Require conservation-type subdivisions on remaining undeveloped land to conserve natural resources, protect public resources, improve property values, and improve accessibility.

The Housing Element of the Plan clearly identifies the importance of protecting existing neighborhoods and creating a balance between housing needs and economic development needs. The Plan specifically calls out the need to require conservation-type subdivisions and to provide adequate protections between residential housing and economic development activities. Allowing the placement of a 30 acre solar installation in the center of a well established residential neighborhood, with inadequate buffering, is inconsistent with these goals and policies. Doing so all in the name of removing the potential for residential housing, because there is a financial cost associated with it, is inappropriate on another level.

Element 5: Natural and Cultural Resources Goals (NRG) and Policies (NRP)

NRG-1 Protect and enhance Cranston's natural environment and resources. Establish a balance between natural resource protection and growth-related needs.

NRP-1.7 Preserve and protect environmentally sensitive natural resource areas, including prime farmlands, steep slopes, floodplains, watersheds, aquifers, shorelines and coastal and inland wetlands.

Allowing solar installations, without limitation, in the A-80 district in Cranston is not striking a balance between natural resource protection and growth-related needs. It is exactly the opposite by favoring one type of development over another, at the detriment of residential neighborhoods and the environment, all in the name of reducing the tax burden associated with residential housing.

Introduction to the Land Use Plan Element

Build an Even Better Cranston

*There are many opportunities for new residential development in western Cranston as well as redevelopment and infill opportunities in eastern Cranston, based on recent land use data. **Guidelines for development will protect community character and channel***

development potential in ways that will maintain the local environment and quality of life.

This section requires that development guidelines will protect community character and direct development in ways that protect and maintain the environment and quality of life. Authorizing the development of solar installations in western Cranston “without limitation” certainly does not work towards the preservation of the environment or quality of life. The Natick Ave project provides little in the way of buffering the neighbors from an industrial use essentially in their back yards. The project as proposed is not consistent with this requirement of the Plan.

Key Strategies

This Plan recommends the following key land use strategies:

Apply “Smart Growth” Policies

Among other strategies, Smart Growth policies:

- *Promote development in already built areas*
- *Emphasize a mix of uses*
- *Reduce development of open space*
- *Support transit improvements and transit-oriented development*
- *Promote land use practices that reduce sprawl and improve the quality of neighborhoods and village centers*

Implementation of these policies in Cranston is recommended as a means to improve the overall quality of life.

Enhance Western Cranston

Creating traditional village centers can accommodate future growth and demand, requiring conservation design for new subdivisions can allow development while minimizing loss of open space, and preserving and enhancing the historic landscape will reinforce western Cranston’s early agrarian history.

The language contained within these sections requires that the City work towards reducing the development of open space and the overall reduction of sprawl, which work towards improving the quality of neighborhoods. The Plan clearly identifies conservation design as a mechanism for minimizing the loss of open space; while preserving the existing landscape will assist reinforce agrarian history. This proposed project actively develops 30 acres of currently open space and will actually decrease the quality of life for the immediate neighborhood. Solar installations in residential neighborhoods should be significantly screened to provide buffering from an industrial use in a residential area. Allowing them in the only agricultural areas left in the City “without limitations” will be in direct contradiction to the stated goal of preserving any cultural or historical value.

Part III. Strategies and Actions

Principle 4: Protect and stabilize existing residential neighborhoods by basing land use decision on neighborhood needs and quality of life.

Protect the natural, historic and visual resources that define the neighborhoods. In addition, support the existing residential development patterns in order to stabilize the residential blocks and neighborhoods.

Principle 6: Tailor new public and private development towards recognizing and preserving the City's heritage.

Regulate new residential development in western Cranston to ensure the City's valuable natural settings and landscapes remain.

Principle 4 is of particular interest. It clearly states that land use decision should be based on neighborhood needs and quality of life. In other words, the decision on a land use should be locally based first and foremost, related to the needs and quality of life of the immediate abutters. The adopted solar amendments have clearly taken a conflicting position in designating the A-80 district as the prime location for solar installation, without limitation, because it is a better fiscal decision for the entire City than it would be to allow the properties to develop as residential housing. That approach is clearly inconsistent with Principle 4, requiring that land use decision making is predicated on what is best for the immediate neighborhood. In the case of the Natick Ave proposal the installation of almost 30 acres of solar panels is not in the best interest of the neighborhood first and foremost.

Equally concerning language is the concept that somehow the installation of solar facilities is in fact, not a form of development, and is equivalent to "land banking". Solar installations are most definitely a form of development that needs to be properly sited and regulated to preserve and protect the neighboring properties, immediate and surrounding habitat, and ground and surface water preservation and management.

Wikipedia defines land development as:

"...altering the landscape in any number of ways such as:

- Changing landforms from a natural or semi-natural state for a purpose such as agriculture or housing*
- Subdividing real estate into lots, typically for the purpose of building homes*
- Real estate development or changing its purpose, for example by converting an unused factory complex into condominiums".*

Surely, if converting undeveloped land to agriculture is a form of development as identified above, then solar panel installation is development. The City currently classifies the uses of "solar power" and "alternative energy generation" under the subheading of "Industrial" within the schedule of uses. It is very clear that solar facilities are very much development, and an industrial form it.

Solar installations require the cutting down, and often the stumping and grubbing, of trees both within the solar panel installation area and the immediate surrounding area to remove any panel shading. Solar installations often require the leveling of any significantly sloping land, so as to even the ground for installation. Solar installations can require the blasting of ledge so that the land can be adequately penetrated by the support systems. Solar installations significantly alter the landscape of a forested property by changing the tree cover considerably, altering topography and surface water patterns, as well as changing wildlife corridors and removing habitat. These alterations on the landscape and neighborhood can be significant if not properly sited and regulated. Approaching this, or any type of land use, as a “non-development” is detrimental to the site, the immediate neighborhood and the community as a whole.

Additionally, these amendments on “land banking” specifically call out the use of “*passive alternative energy generation, such as solar*”. Curiously, the use of the word passive, when associated with solar, is typically used to describe designing your home (or other building) to optimize the sun’s radiant heat naturally. According to TechTarget (www.whatistechtarget.com/definition/passive-solar) passive solar “*is the use of the sun’s energy directly for either heating or cooling purposes. Unlike photovoltaic or other technological solar power applications, passive solar does not involve energy gathering or transformation through mechanical or electronic means. The principles behind passive solar may be applied in construction of a home as with integrated solar or applied as later upgrades. Examples of built in passive solar features include south facing windows, dark floors (often stone) to collect and store heat as a thermal mass for release during cooler times*”.

The San Francisco Gate (www.homeguides.sfgate.com/difference-between-active-passive-solar-collectors-79681.html) identifies the difference between active and passive solar as “*active solar collectors are more complex than passive collectors in both design and mechanism. They consist of flat-plate PV panels that are usually mounted and remain stationary, although some are designed to track the sun throughout the course of the day*”.

The type of solar installation proposed at the Natick Ave site is clearly an active solar installation by definition and any reference to “passive solar” and consistency with the amendments that call it out, are not applicable to this project.

The flip side of this concept that solar is not a form of development, is that it is being used to replace actual forms of development, namely residential. This practice of “selling” solar to the communities as an alternative to residential housing construction is potentially destructive to the fabric of neighborhoods and the community. There is no doubt that residential housing will not produce the tax payments that a solar installation will, but a residential development that houses residents of the City builds a social fabric that cannot be replaced by an inanimate object that pays more in taxes. Housing, neighborhoods, landscapes, scenic views, public spaces and people create community and a sense of place. Solar installations do not. Allowing solar installations “without limitation” in residential areas will begin to erode the sense of place and community that is built by the people who live there.

Housing vs. Solar

The Comprehensive Plan amendments and the applicant's expert testimony strongly suggest that solar installations are a perfect replacement to residential housing for two reasons. The first of which is that residential housing is costly to the community and replacing housing with solar development will decrease the tax burden on the City. Previously, it was touched upon that although residential housing has a cost associated with it; it is also an imperative form of development that creates a social fabric that no other type of development can offer. Housing creates neighborhoods and the Comprehensive Plan takes many opportunities to address how important the residential fabric of the community is to the overall health of the City (emphasis added):

Introduction to the Housing Element – Key Challenges

*Overall growth is comparatively slow, except in western Cranston where undeveloped land is still available for new housing development. However, development of this land is constrained by environmental and other regulatory restrictions, and the public's desire for open space preservation. **This makes it even more crucial to plan how the remaining land in western Cranston is developed, preserved or improved.***

The Plan clearly identifies the land in western Cranston as distinctly different than the rest of the City. The remaining rural and agricultural character is called out as unique and imperative to protect. The Plan recognizes that careful consideration must be taken in how this area of the City is further developed as it contributes significantly to Cranston's unique and desirable characteristics. Unlimited solar development of this area will most certainly threaten those attributes and the quality of life for the residents.

Part I. Summary and Accomplishments of the 1992 Comprehensive Plan: Strategies for New Residential Development

Transitional Areas and Buffers

*The City was to adopt design standards for transitional areas separating residential and commercial activities. **These standards were to provide wide buffer areas along common property lines.***

The above section is again cited verbatim in the "Strategies for New Residential Development" portion of the same section of the Plan. The Plan is calling out the importance, both in the 1992 version and the 2010 version, that **"These standards were to provide wide buffer areas along common property lines"** when referencing commercial activities abutting residential. In the case of this application for Natick Ave Solar, an industrial use would be abutting a residential use and the applicant is offering minimal buffering. Certainly the proposed project does not comport with the clear requirement of the Comprehensive Plan that the community was to provide standards for substantial buffering between commercial and residential activities. In this case, there is an industrially classified use, abutting residential on all sides and very little buffering is being provided.

The Housing Element of the Plan takes significant real estate to discuss and promote the virtues of Conservation Subdivision Design (CSD). This section provides numerous reasons why in the development of western Cranston, CSD is the first and foremost tool to accomplish permanent land preservation and to minimize the impacts upon the land as much as possible.

Part II. Current Conditions

Conservation Subdivisions

*When properly designed and regulated, the **subdivision of land can meet both the goals for preservation of critical resources and high quality development.** Since the adoption of the 1992 Comprehensive Plan, the concept of Conservation Subdivision Design (CSD) has evolved as a new method to improve the subdivision of land development process to meet these goals.*

The CSD process could be utilized in western Cranston. Undeveloped land in western Cranston has very different characteristics from other areas of the city:

- *It is primarily zoned for residential development;*
- *Water and sewer utilities do not completely service the area;*
- *This area contains some of the City's last remaining agricultural lands;*
- *The area has unique topographic features;*
- *A small portion of it is located within the Scituate Reservoir watershed;*
- *The area contains the largest, preserved open space parcels in Cranston;*
- *The city's "farm loop" and bike path run through this area and;*
- *Roads in western Cranston are not designed for large volume traffic flows.*

These conditions call for an approach to development that recognizes the above inherent limitations and opportunities by establishing a different way of developing subdivisions as "Conservation Subdivisions". Conservation subdivisions will:

- *Allow greater flexibility and creativity in design of residential developments;*
- ***Encourage permanent preservation of open space, agricultural land, forest, forestry land, wildlife habitat and other natural resources such as aquifers, watershed, water bodies, wetlands, and historical and archeological resources in a manner consistent with the Comprehensive Plan.***

- **Encourage a more efficient form of development that is less sprawling, consumes less open land, and conforms to existing topography and natural features;**
- **Minimize the total amount of disturbance on a site which preserves the natural topography of a site;**

This section of the Plan makes it very clear that CSD is the preferred method of land development for western Cranston. The sections cited above provide a clear mechanism to permanently preserve land, minimizing impacts upon the land that is developed and keep site disturbances to only what is absolutely necessary. These clear goals for future land development in western Cranston are in direct conflict with unlimited solar development in the same areas of the City.

The Land Use Plan element also identifies CSD as the appropriate regulatory tool in western Cranston.

Part III. Strategies and Actions

Conserve Resources in New Subdivisions

Ensure new residential development in western Cranston conforms to conservation subdivision standards.

The use of conservation subdivision design (CSD) development and standards directs development to:

- *Increase open space and reduces the need to acquire new public park land,*
- ***Reduce the isolation of neighbors,***
- *Decrease municipal costs,*
- ***Reduce the loss of habitat,***
- *Reduce pollution and contaminant runoff, and*
- *In a special case, protect agricultural land and its scenic qualities. Where conventional subdivision design consumes large tracts of land by situating each house on a parcel conforming with zoning, CSD would maximize the amount of preserved open space in a subdivision. CSD would concentrate the homes into those areas of a subdivision that are suitable for development which protects land and water resources, provides common space, and creates a strong sense of neighborhood.*

The language excerpted from this section of the Plan is probably some of the strongest language available to contrast that solar installations, without limitation, in rural western Cranston are not an appropriate form of land conservation. The Plan clearly considered what the best approach to development was in this area and determined that CSD can accomplish many of the goals and policies

set forth in the Plan for this area. Solar development on the Natick Ave site will not accomplish the goals and policies outlined in the Comprehensive Plan related to open space preservation, minimization of land disturbance, reduction in the loss of habitat, protection of agricultural lands and scenic qualities and preservation and enhancement of the social fabric created by neighborhoods.

The second argument being made in favor of solar over housing is the already discussed concept of solar being a "land preservation" tool, while the construction of housing is being considered a "loss" of land. In reality, in almost all circumstances, residential development is less destructive and intensive on the land than a solar installation would be in terms of overall site disturbance. When looking at this property in particular, approximately 30 acres of the site will be leased for the solar installation. For an equal comparison, if the same 30 acres of the site was going to be developed as residential housing, a significant amount of trees, compared with what will be taken down with the solar installation, would remain on the site. There would be significantly less site grading and the neighboring property owners would have significantly more natural buffer remaining on the subject property. Residential construction is certainly a form of development, but the Comprehensive Plan purports that a solar installation, which will disrupt significantly more of the natural features of the site, is considered to not be development of the site, but instead a preservation technique that "land banks" the site and temporarily removes the development potential.

The property is zone A-80 and requires a minimum of approximately two (2) acres per house lot. A reasonable estimate for the construction of homes on the 30 acre lease site would be anywhere from ten (10) to thirteen (13), when factoring in any unsuitable land and allowing for roadway construction. On average about an acre of each house lot could be cleared to provide a house footprint and yard area. That is approximately 10-13 acres for yards and 3-4 acres for road construction. That is a total of 13-17 acres of land for a residential housing subdivision on the same lease area. About one half of the lease area would be altered for residential housing, while all 30 acres will be altered for a solar installation. This concept is supported through Section XII.C of the Cranston Subdivision Regulations requiring that ***"The Commission shall encourage that as many trees as possible be left standing when a subdivision is developed"***. This requirement cannot be met on the same piece of property when a solar installation is proposed. Residential housing provides more traffic, more people and more permanency but a solar installation cannot be considered development neutral when allowed to develop "without limitations" on residential lands.

If a majority of remaining large undeveloped parcels were developed through conservation development, as identified as a priority in the Comprehensive Plan, significant areas of western Cranston could be permanently protected, development impacts on the land would be significantly minimized and much needed housing would be created to continue to contribute to the fabric of the existing community. The implementation of conservation design in western Cranston would further the goals of the Plan, more so than unlimited solar development of the same areas.

Taxation

Directly related to the issue of replacing new homes with solar installations, is the effect that solar installation may have on surrounding property values. A basic straightforward assessment of the

existing property values of the direct abutter's homes produces a tax income of approximately \$156,000. The two new homes built across the street can be estimated at a taxation of \$3,500. The condominium association contributes approximately \$300,000 in annual tax payments. There are approximately ten (10) homes within close enough proximity to be impacted but not considered direct abutters. A conservative estimate of \$3,000 per each house, adds \$30,000 in annual tax payments. That is an approximate total of \$493,000 in annual tax payments. If each property owner that abuts the project were to request a revaluation based on abutting an industrial use, and received a 10% decrease in their valuations, the City would lose approximately \$49,000 in tax revenue from the residential neighborhood surrounding this site.

The City expects to realize a tax payment of approximately \$55,000 per year from the solar installation. When you couple that with a projected tax revenue loss of \$49,000, the City would only gain approximately \$6,000 a year in new tax revenue with the installation of this solar project. This example is not a qualified analysis by an expert in real estate valuations, but it is presented as food for thought. We would encourage the City to explore this issue before moving forward with the project as there needs to be full understanding of what the actual benefits are and if they can outweigh the potential consequences.

Consistency with the Zoning Ordinance

In order to approve a development, the Planning Commission must find that it is consistent with the Zoning Ordinance. This section will discuss several reasons why this particular project is not consistent with the City's zoning ordinance.

Section 17.20.120 of the Cranston Zoning Ordinance identifies a lot coverage maximum for the A-80 district as 10% of the property. This requires that no structures can occupy more than 10% of the entire parcel. Lot coverage percentages are not just about stormwater management. Lot coverage requirements affect the aesthetic quality to and from a site, continued contribution to stormwater management, ground water recharge, wildlife habitat maintenance and community character. Over developing a site with structures affects many aspects of community development. The purpose of a lot coverage maximum is to assist with maintaining as many of the features on the site as possible, in spite of its development. This solar installation far exceeds a 10% lot coverage maximum when you consider the entire area that is developed. Even if you just considered the area that the panels occupy, it is in excess of the 10% coverage maximum that is required by the zoning ordinance. Treating solar panels as if they don't exist on the site they are installed upon, for both the purposes of lot coverage and the consideration as a form of development, should be considered an inconsistent practice according to the provisions and standards of the zoning ordinance.

Section 17.20.030, which is identified as the "Schedule of uses", identifies particular uses and deems them permitted, not permitted or requiring a special use permit. This table contains both a use titled "Alternative energy systems" and a use titled "Solar power". Those definitions, contained within Section 17.04.030, are identified below:

"Alternative energy generation" is defined as "any facility or installation such as a windmill or hydroelectric unit, which is designed and intended to produce energy from natural forces such as wind, water, or geothermal heat, for offsite use". The same section defines "Solar power" as "electrical power generated through the utilization of photovoltaic cells, non-mechanical semiconductor devices that convert sunlight into direct current electricity". These uses are separated in the schedule of uses and regulated very differently. The use of alternative energy generation and solar power is permitted in Section 17.20.030 as follows:

	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G
Alternative energy generation	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	S
Solar power	Y	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N

Alternative energy generation provides a much broader definition, encompassing many types of energy generation, and being quite restricted in its application. The use itself is not allowed in any residential district and only allowed by special use permit in manufacturing zones. By definition the use contains reference to the ability to "produce energy from natural forces such as wind, water or geothermal heat, for offsite use". Solar power on the other hand, specifies the use of sunlight and is significantly more liberal in its allowance, being permitted by right in the A-80 district and all manufacturing districts. The zoning ordinance lacks any explanation as to why solar is not contained within the definition of "Alternative energy generation" and instead identified as a separate use that is liberally permitted. Lumping all alternative energy production uses into one category, and then singling out solar, and allowing it much more permissively than others, seems to be inconsistent with the premise and design of the zoning ordinance. Hydroelectric, geothermal and wind occupy significantly less real estate than a solar installation, and although they each present their own set of circumstances to be regulated and mitigated, there is no clear reason why solar has been presented with such preferential treatment for development in western Cranston. This appears to be inconsistent on its face.

An additional wrinkle in attempting to separate the category of solar from alternative energy generation is the fact that in the solar amendments to the Comprehensive Plan that were adopted in 2017, the language specifically calls solar an "alternative energy generation" method.

*"Temporarily removing the development potential of the land located in western Cranston [land banking] by allowing the land to be used for **passive alternative energy generation, such as solar power**"*

The above language was inserted several times in to the Comprehensive Plan in an attempt to justify solar as a land banking technique. It certainly appears to be inconsistent to call solar an "alternative energy generation" tool in the Comprehensive Plan but then to exclude it from that exact category in the schedule of uses in the zoning ordinance. Instead it was inserted as a separate category for "solar power", ignoring the "alternative energy generation" category in both its applicability and allowances.

Solar has to be considered an “alternative energy generation” tool in the zoning ordinance schedule of uses if it is called out as one in the Comprehensive Plan as demonstrated here in this report.

Conclusion

Solar development has its place in every community. The purpose of this analysis is not to suggest that ground mounted solar has no place in western Cranston, certainly the value and benefit of solar is recognized and the City should desire to take part in renewable energy production. What is at issue in this case is the lack of appropriate regulatory tools to ensure that the requirements of the Comprehensive Plan are met. These requirements detail the importance of true open space protection, wildlife habitat preservation, ground and surface water management, aesthetic quality, environmental protection, neighborhood enhancement and preservation and overall maintenance of the quality of life for the residents. Presently the regulatory tools to accomplish these important goals and policies set forth in the Plan are severely lacking in Cranston’s current regulatory framework regarding solar installations.

The Natick Ave solar project will significantly disrupt the fabric of the western Cranston neighborhood in which it is located due to a lack of any real standards that would afford protection to the valuable resources located in and around the proposed site. Cranston’s approach to unlimited and under regulated solar installations in the only remaining rural areas of the City are detrimental to those neighborhoods as well as to the City as a whole.

Although amendments were made to the Comprehensive Plan in an attempt to promote solar development in western Cranston, those amendments seem to have been inadvertently crafted in a vacuum, and what was adopted is in direct conflict with many of the other goals and policies identified for this region of the City. This report has attempted to outline those internal inconsistencies and bring to light that if the City seeks to support and promote solar development, a much more holistic and comprehensive approach is necessary in order to maintain consistency with the other sections of the Plan that are highlighted here.

The Comprehensive Plan speaks to the importance of open space preservation in western Cranston. The concept that solar installations are somehow a form of land preservation is misguided. The purpose of land preservation is not solely to prevent the financial burden often associated with residential housing. Land preservation serves as habitat and natural resource protection, environmental quality preservation, ground and surface water management, promotion of aesthetic quality, maintenance of quality of life and often can assist in preservation of historic and natural features. Solar installations do not accomplish any of these goals associated with true land preservation. Solar installations merely kick the financial can down the road by delaying the construction of residential homes. Large areas of the site are cleared and leveled during solar construction and it is impossible to preserve any valuable features associated with the land.

The solar amendments suggest that solar installations can be a tool to preserve farmland, which can be true, but with the current lack of regulations or requirements for installations on farms it will be difficult to use it as an agricultural preservation tool. There is nothing within the zoning ordinance or solar

performance standards that require installations on farmland to keep any part of the farm in operation. While that concept is a worthy one, without the proper regulatory tools to accomplish actual farmland preservation, it is entirely possible to actually lose productive agricultural land to solar installations. This is especially concerning given that the solar amendments to the Comprehensive Plan actually call out solar installations to take place in the A-80 district (where virtually all of Cranston's current farmland is located) "without limitations". With absolutely no regulatory guidelines under which to accomplish solar installations on farms, the City would be hard pressed to require a farm to continue farming as opposed to turning the site over to a solar installation if proposed.

The Natick Ave solar project is a perfect example of how a lack of clear and protective measures in the zoning ordinance can result in a solar installation that is designed with the minimum protective measures possible. Some of the neighboring properties have less than 20 feet of existing vegetation between their property line and the first solar panels. The Comprehensive Plan clearly calls for significant vegetated buffers between commercial and residential uses, but because the regulatory framework is void of any real standards, the applicant can supply the minimum amount of buffering, subjecting residential properties to industrial operations right on their borders.

The proposed Natick Ave solar project is a use allowed by right in the A-80 zoning district. The problem arises when the design of the project violates several goals and policies identified in the Comprehensive Plan that were clearly designed to protect residential neighborhoods in western Cranston. The goals and policies outlined in this report are in direct conflict with the solar amendments of 2017 and this project specifically. So while the project may be able to claim consistency with specific solar amendments, it is overwhelmingly inconsistent with a plethora of sections of the Comprehensive Plan. This has caused an internal inconsistency that must be remedied. It cannot reasonably be found that the project is consistent with the comprehensive plan as outlined by the overwhelming number of sections that are in direct contradiction to this proposal.

Solar development has its place and each location needs to be carefully considered. In order to maintain consistency with the goals and policies identified in this report the City will have to recognize that 1) solar is a form of development that requires careful consideration and comprehensive regulatory tools and 2) no development should happen "without limitations" and that doing so is potentially detrimental to the natural and built characteristics that make Cranston unique and desirable.

The project as proposed is not consistent with the City of Cranston's zoning ordinance, subdivision regulations or comprehensive plan as detailed throughout this report. We recognize that the applicant has provided information arguing that the project is consistent with these documents and the Plan Commission must determine which perspective they agree with. We take the position that the project is not able to be approved as presented for the following specific conflicts:

- The project does not provide adequate buffering to the neighbors and must increase the buffer area along abutting property lines to protect the home values and quality of life of the immediate neighbors. We recommend a vegetated buffer of 200-400 feet depending on the density of the existing vegetation. A detailed buffer plan should be submitted by the applicant and the City should consider a peer review by an independent landscape architect

- The applicant is proposing to clear the eastern portion of the site which is currently fully wooded. The western portion of the site already has extensive clearing. In order to be consistent with the provisions of the comprehensive plan, zoning ordinance and subdivision regulations, the placement of the solar installation should be shifted to the western part of the site so as to utilize the already cleared land. This would work towards ensuring that the requirements of minimizing habitat impacts and limiting clearing to only what is necessary would be more achievable. As presently sited, with an already cleared portion of the site, it is impossible to declare that habitat loss is minimized and clearing is limited to what is necessary.
- Lot coverage restrictions in this district are 10%. This project does not abide by that lot coverage restriction. It is impossible to calculate lot coverage because the applicant does not provide the size of the panels so there is no way to estimate how much of the lot is covered by the panels. Solar panels are structures and need to be treated accordingly. No type of development should be exempt from lot coverage requirements. They are required as part of a regulatory framework that protects a myriad of items necessary for the overall health, safety and welfare of the community. Recognizing that solar panels are structures, which are subject to lot coverage limitations, would preserve a significant portion of the property maintaining existing vegetation, existing contours, existing ground and surface water mediation. Protection and preservation of these is essential to conforming with the City's regulatory tools (comprehensive plan, zoning ordinance and subdivision regulations), as is required by state law.

The City's Planning staff have identified that the applicant intends to move 500 panels from the southeast corner of the property. It appears that the new location of these panels is yet to be determined. In my professional opinion, it is entirely inappropriate for the Plan Commission to consider issuing a decision on this project until it is properly before them. State law and local regulations require that the Commission issue findings of fact based on the application as presented. It is not possible to do so with any merit, if the plan before you is not the intended layout and design. We urge the Plan Commission to require the applicant to return with a site plan and associated supporting documents once they have identified the location of the 500 relocated panels. Then, and only then, should the Plan Commission issue a decision on the project.

In my professional opinion, as stated and supported in this report: the proposed Natick Ave solar project located on AP 22-3, Lots 108 and 119 **IS NOT CONSISTENT** with the City of Cranston's Comprehensive Plan or Zoning Ordinance.

Exhibit J

Natick Ave Solar Project Requests from Abutters

Six (6) itemized requests compiled and presented by Drake Patten during the January 8, 2019 Plan Commission meeting.

**Natick Ave Solar Project
Requests from Abutters
January 2019**

1) Buffering plan:

Abutters and neighbors do not find the current buffer zone to be spatially adequate nor sufficiently aware of the true density of existing deciduous trees that are expected to provide a year-round visual buffer. They also do not feel confident that the proposed buffer plantings will prove successful: according to Southern Sky's own landscape architect, "planting at edges of forest land makes it difficult to establish plantings." Abutters are additionally concerned with the vagueness of the planting plan and the slowness with which the size of proposed plantings can actually accomplish the need for a robust visual buffer.

As such,

a) Abutters request a distance-to-project setback (a no-clear zone) of at least four hundred feet on the south, south-east, north and north-west faces of the project area as well as an additional 100' along the west or wetlands face(s) of the project in order to both adequately buffer neighbors and to allow for any needed adjustments to be made to existing forest edge in order to create successful buffer plantings.

b) Abutters request a new plant inventory that address both understory and canopy so as to appear naturalized and not inserted. The planting plan should focus on native species and include a mix of maturities. Tree choice must specifically include mature specimens and be a mixture of coniferous and deciduous species. Abutters wish to work with a landscape architect/arborist team of their choosing and request a local, Rhode Island licensed nursery to provide plant specimens.

2) Protection of property:

Abutters are concerned about the impacts of this project on physical property. As such:

- a) Septic systems of all abutters shall be inspected prior to project work commencing and at the completion of the project. Any damage to septic systems due to blasting, drilling or any other mechanical manipulation shall be repaired by SSRE (or its assigns).

- b) Foundations of all abutters shall be inspected prior to project work commencing and subsequently monitored using an inspection- industry accepted standard crack monitoring plan. Any damage to any monitored foundation shall be repaired at the expense of SSRE (or its assigns).
- c) Wells of all abutters shall be inspected prior to project work commencing and at the completion of the project. Any damage to wells due to blasting, drilling or any other mechanical manipulation shall be repaired by SSRE (or its assigns).
- d) Well water of all abutter wells shall be tested prior to project work commencing, and from there at 6 month intervals for the first three years of the project's operation, thereafter at 1-year intervals for the life of the project and any additional lease-extension. The resolution of any adverse affects to any abutters water supply shall be at the expense of SSRE (or its assigns) to include, but not limited to installation of a new well, provision of city water or any other reparation that can restore safe drinking water to abutters.

In all cases above:

- i) inspection and repair, if necessary shall be done by companies of the abutters' choice.
- ii) these terms shall carry with the abutting properties, not with property owners at time of project and shall be filed with the City of Cranston so as to carry with the property by deed.
- iii) all existing condition and monitoring reports shall be shared with abutting property homeowners and filed with the city Planning Department.

3) Protection of Life:

In the event of any blasting, drilling or ledge removal by mechanical means that could place the TPG gas supply line at any risk at all, all abutters request to be:

- a) informed of the blast schedule ten business days in advance of blast
- b) housed (with pets) at a mutually agreeable off-site location for the duration of the blasting period. Abutters will only return to their homes subsequent to a successful inspection of the gas supply line by TPG.

4) Hours of Operation:

Abutters request limits to the hours of operation during project construction. We request a workday from 9AM-5PM, no weekends or holidays will be allowed.

5) Wildlife and Pollinator Protections:

Abutters understand that wildlife will be greatly affected by loss of native habitat. It is their hope that the increased buffer zone requested will lessen the relocation of animal life and lessen injury resulting from the disruption of pathways and loss of ecosystem protection for deer, fox, coyote, bobcat and smaller mammals.

As such, abutters request that pollinators, both native and invasive (specifically, honeybees) be protected as follows:

- a) seed mix to be used under panels shall be organic-sourced (no GMO seed or otherwise enhanced seed) and consist of local seed varieties that would be found in NE meadows
- b) control of growth must be limited to mechanical methods: no herbicides or other chemical means may be used to control growth under the panels

6) Protection of Real Estate values:

Abutters realize that the impact on property values will be substantive- not only for direct abutters but also for neighbors; directly for some and generally in our neighborhood as a result of the decline in comparative sales. Some industry estimates suggest as much as a 25% loss in value for residential properties abutting industrial uses in an otherwise residential neighborhood. We request the developers work in collaboration with appraisers and our counsel on a reasonable formula for projecting this loss in post-construction real estate value. We additionally request the subsequent creation of a developer- funded escrow account to allow abutters with standing who are not able to sell their property at appraised value during the project's life to be made whole, thereby also protecting the mean property values of our community from excessive decline.

Exhibit K

Letter to Jason Pezzullo, Planning Director, from Robert D. Murray dated 1/23/19.

Applicant's response to the requests from abutters (Exhibit J)

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

TAFT & McSALLY LLP
ATTORNEYS AT LAW

21 GARDEN CITY DRIVE
CRANSTON, RI 02920-5703

Tel. No. (401) 946-3800
Fax No. (401) 943-8859
www.taftmcsally.com

January 23, 2019

Mr. Jason Pezzullo
Planning Director
869 Park Avenue
Cranston, RI 02910

RE: Natick Avenue Solar

Dear Mr. Pezzullo:

At your request, I am writing to offer some comments, context and reaction to the statements or suggestions posed by an area resident Drake Patten at the January 8, 2019 Planning Commission meeting.

By way of introduction, my client Southern Sky Renewable Energy RI, LLC "Southern Sky") has a history of working cooperatively with municipal boards and commissions to balance a community's renewable energy efforts with the interest of neighbors and area residents. That commitment is reiterated to you and the commission members for the Natick Avenue solar project under consideration for master plan approval.

As I stated at the last meeting, Ralph Palumbo and his consultants will continue a community dialogue as this project proceeds to the higher, more detailed levels of engineering and approvals. For now, while we are at the conceptual stage (with a large body of information), I want to try and offer some responses. Clearly, many of Ms. Patten's suggestions are extraordinary in their scope and consequences. To even apply some of these extraordinary concepts to the Natick Avenue solar project would be to treat this major land development dramatically different than other land development projects or housing subdivisions for example.

There is a fundamental concept of property right law that allows Mr. Rossi to use and develop his property in accordance with our zoning laws, subdivision regulations and Cranston's comprehensive plan. When we deal with a use that is clearly permitted in the zoning district and complies with the city's comprehensive plan, then it is incumbent on the Planning Commission to support this master plan application subject to reasonable conditions and suggestions.

Today, I can only characterize most of Ms. Patten's suggestions as unreasonable, unnecessary and clearly promoted to try and stop this legally permitted use.

For your convenience, I have restated Ms. Patten's suggested conditions followed in sequence with the response of Southern Sky.

1) Buffering plan:

Abutters and neighbors do not find the current buffer zone to be spatially adequate nor sufficiently aware of the true density of existing deciduous trees that are expected to provide a year-round visual buffer. They also do not feel confident that the proposed buffer plantings will prove successful: according to Southern Sky's own landscape architect, planting at edges of forest land makes it difficult to establish plantings." Abutters are additionally concerned with the vagueness of the planting plan and the slowness with which the size of proposed plantings can actually accomplish the need for a robust visual buffer.

As such,

a) abutters request a distance-to-project setback (a no-clear zone) of at least four hundred feet on the south, south-east, north and north- west faces of the project area as well as an additional 100' along the west or wetlands face(s) of the project in order to both adequately buffer neighbors and to allow for any needed adjustments to be made to existing forest edge in order to create successful buffer plantings.

b) Abutters request a new plant inventory- that address both understory and canopy so as to appear naturalized and not inserted. The planting plan should focus on native species and include a mix of maturities. Tree choice must specifically include mature specimens and be a mixture of coniferous and deciduous species. Abutters wish to work with a landscape architect/ arborist team of their choosing and request a local, Rhode Island licensed nursery- to provide plant specimens.

Southern Sky Response:

Buffering and screening are important considerations for Planning Commission members. Southern Sky has already devoted considerable time and efforts to have its Professional Rhode Island Landscape Architect John Carter assess existing conditions and make initial recommendations on the buffering and screening. At this early stage with the help of several site visits, he has preliminary thoughts on what can be done and how to accomplish proper screening with adequate buffers. All existing and applicable solar ordinance requirements for setbacks and abutter screening will be complied with and reflected all the way to the final plan. Some decision will need to wait until final placement of panels and how they relate to surrounding properties and visual corridors.

As required at the Master Plan stage, concept plans for setbacks and landscape screening have been provided to the Planning Commission. Once the project's Master Plan has been approved more detailed plans for setbacks and landscaping, as well as other major elements of the project design (civil engineering, panel layouts, and grading) will be finalized.

Master plan approval will lead to extensive discussions with the Development Plan Review Committee, input from the Conservation Commission and future meetings with the Planning Commission.

Throughout those steps, Southern Sky is committed to working with individual property owners that abut the subject property. Respectfully, the critical element in effective screening is not the width of a buffer area. It is the actual and detailed screening that is used to site specific neighbor concerns.

The suggested four hundred foot no clear zone is not a practical suggestion. It would have the effect of eliminating the whole project. As you know, at the suggestion of the staff and Commission members, a small number of panels have been relocated from the southeast corner of the leased premises. A revised site plan showing the relocated panels in the 8.1 mW solar array has been submitted, as requested by the Planning Commission.

The applicant is committed to having its landscape architect and consulting team provide a diversified planting inventory with species that will thrive. The comments of Ms. Patten in terms of mix of plantings, maturities and species will absolutely be considered. However, for proper management and project development the applicant must maintain control of the planting program using an inclusive approach with direct abutters.

2) Protection of property:

Abutters are concerned about the impacts of this project on physical property. As such:

- a) Septic systems of all abutters shall be inspected prior to project work commencing and at the completion of the project. Any damage to septic systems due to blasting, drilling or any other mechanical manipulation shall be repaired by SSRE (or its assigns).
- b) Foundations of all abutters shall be inspected prior to project work commencing and subsequently monitored using an inspection- industry accepted standard crack monitoring plan. Any damage to any monitored foundation shall be repaired at the expense of SSRE (or its assigns).
- c) Wells of all abutters shall be inspected prior to project work commencing and at the completion of the project. Any damage to wells due to blasting, drilling or any other mechanical manipulation shall be repaired by SSRE (or its assigns).
- d) Well water of all abutter wells shall be tested prior to project work commencing, and from there at 6 month intervals for the first three years of the project's operation, thereafter at 1-year intervals for the life of the project and any additional lease- extension The resolution of any adverse affects to any abutters water supply shall be at the expense of SSRE (or its assigns) to include, but not limited to installation of a new well, provision of city water or any other reparation that can restore safe drinking water to abutters.

In all cases above:

- i) inspection and repair, if necessary shall be done by companies of the abutters' choice.
- ii) these terms shall carry with the abutting properties, not with property owners at time of project and shall be filed with the City of Cranston so as to carry with the property by deed.
- iii) all existing condition and monitoring reports shall be shared with abutting property homeowners and filed with the city Planning Department.

Southern Sky Response:

Respectfully, the concerns outlined above are extreme and not based on any identified empirical data or evidence that the construction of the proposed solar facility will bring any of the suggested results to septic systems or wells. None of the known septic systems or wells in the area fall within any remote impact area that might be affected by excavation or construction work on the Rossi property. The closest well or septic system is on Mr. Rossi's own property.

As with all Southern Sky solar installations, industry standards and best practices will be applied throughout the construction and subsequent operations period. The developer and its construction managers utilize appropriate measures and standards that are implemented to protect individuals, promote animal safety and to prevent on-site and off-site property damage. Historically, Southern Sky hires experienced project contractors selected of high-quality reputation, with extensive experience and expertise, a proven safety track record, and all will be properly bonded and insured. All regulatory standards will be strictly complied with during construction and operation. Comprehensive insurance will be carried by Southern Sky and its contractors in the unlikely event of any on-site or off-site property damage.

Following master plan approval, Southern Sky's engineers will undertake in depth site investigations and gather information to prepare much more extensive engineering plans with a significant body of information on the site than is known today. Such an undertaking routinely occurs after a "conceptual" plan approval from the Planning Commission

What is known today is that there will be little or no need to do any blasting based on numerous site visits and relying on the property owner's intimate knowledge his property. As testified, at the January 8th meeting, an experienced blasting company licensed in Rhode Island and following all required licensing and safety protocols will be used if minimal blasting is required.

Even at this early date, the developer has been in touch with representatives of Kinder Morgan, the owner/operator of the Tennessee Gas Pipeline. Kinder Morgan's own "developer handbook" expressly states their requirements when blasting in the pipeline vicinity. If they have procedures and they are followed, the developer believes the Planning Commission should defer to that process and the regulatory scheme required by the State Fire Marshal for blasting in Rhode Island.

The State of Rhode Island requires a minimum \$50,000 blasting license bond with the issuance of a blasting permit in accordance with the terms and conditions set forth in Rhode Island Title 23-28.28 of the General Laws entitled "Health and Safety", subject to any further regulations and restrictions specified within any individual blasting permit. The obligation is specifically conditioned

upon the payment of any loss, damage or injury resulting to persons or property by reason of such blasting and the bond period in question must run for a period of up to twelve (12) months.

Notwithstanding the safety regulations in place, Southern Sky would consider testing of wells of direct abutters (with their permission) prior to any blasting activities. The blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.

3) Protection of Life:

In the event of any blasting, drilling or ledge removal by mechanical means that could place the TPG gas supply line at any risk at all, all abutters request to be:

- i) informed of the blast schedule ten business days in advance of blast
- ii) housed {with pets) at a mutually agreeable off-site location for the duration of the blasting period. Abutters will only return to their homes subsequent to a successful inspection of the gas supply line by TPG.

Southern Sky Response: *The protection of property is only second to the protection of life. As stated above, if blasting is required, the rigid licensing requirements of the State Fire Marshal will be followed. The protocols of notification to abutters and neighbors within the required distance from the project will be timely prior to each event of blasting, if applicable. Appropriate safety measures will be taken to provide for individual and animal safety. The blasting will be performed by licensed industry experts, with full communication, coordination and compliance with Kinder Morgan standards. All information and communications will be provided to the City of Cranston officials and the public as required.*

The suggested ten (10) day advance notice proposal is not operationally practical. That time frame does not reflect any concept of construction practices and applies suggested requirements that are preempted by state law and regulation. With all respect to the author of the letter to the Commission, there is nothing unique about the proximity of the gas line to any other construction site or development in the eastern United States.

Further, the suggestion to house individuals and pets off site is also extreme. Lastly, I would suggest that the Planning Commission does not have the authority to impose an inspection requirement on Kinder Morgan. Their representatives will have reviewed and approved the developer's plans and may in fact have an inspector on site (at their discretion) at the time of any blasting should it occur.

In short, the extensive time requirements proposed are not necessary or realistic and apply a different set of standards to this applicant than any other developer of housing or other projects would be required to follow.

4) Hours of Operation:

Abutters request limits to the hours of operation during project construction. We request a workday from 9AM-5PM, no weekends or holidays will be allowed.

Southern Sky Response: *The goal of Southern Sky is to construct and begin operation of the solar facility quickly and with the least amount of intrusion to area residents. After the initial site work, the solar panels are installed by experienced national contractors with the use of electrical workers provided by the local International Brotherhood of Electrical Workers union. Work in the middle of twenty nine acres well set off from Natick Avenue will be isolated.*

The hours of operation during project construction will be in accordance with City of Cranston ordinances. Any attempt to change the customary business day will only delay the completion of the project. Once completed, there will be no impact in terms of traffic, noise, or visibility.

5) Wildlife and Pollinator Protections:

Abutters understand that wildlife will be greatly affected by loss of native habitat. It is their hope that the increased buffer zone requested will lessen the relocation of animal life and lessen injury resulting from the disruption of pathways and loss of ecosystem protection for deer, fox, coyote, bobcat and smaller mammals.

As such, abutters request that pollinators, both native and invasive (specifically, honeybees) be protected as follows:

- a) seed mix to be used under panels shall be organic-sourced (no GMO seed or otherwise enhanced seed) and consist of local seed varieties that would be found in NE meadows
- b) control of growth must be limited to mechanical methods: no herbicides or other chemical means may be used to control growth under the panels.

Southern Sky Response: *Southern Sky offers an unparalleled commitment to green energy sustainability and dedicated corporate social responsibility. Their projects are environmentally friendly. A special sensitivity to wildlife and the environment is promoted in Southern Sky's mission and is reflected in their completed projects.*

Please note that the solar farm only encompasses approximately twenty nine (29) acres owned by Ronald Rossi. An additional twenty nine (29) plus five (5) acres designated as wetlands will remain unaffected for the wildlife that may traverse this property. That does not include the approximate seventeen (17) acres owned by Mr. Rossi and his wife. The placement of fencing that leaves a gap at the bottom will allow small animals and critters to still access the solar array area.

In the past, Southern Sky has reinforced its commitment to its neighbors and surrounding environment by engaging and working with local biologists, environmental engineers, and forestry experts to implement so-called "habitat enhancement areas" in its project vicinity. For example, in one recent project Southern Sky committed to installing a minimum number of birdhouses around the project at locations optimum for habitat enhancement to provide additional cover, escape, and nesting areas. In addition, in certain areas surrounding one of its projects where trees were removed for shading and setback requirements, Southern Sky committed to planting low lying vegetation to promote habitat for small animals. The plantings typically proposed consist of vegetation known to support sensitive bird species in Rhode Island (e.g. Northern Parula, Eastern Bluebird, and Eastern Meadowlark). Southern Sky would look forward to working with the Planning Department and

Conservation Commission to implement an appropriate arrangement at the Natick Avenue site with the cooperation of the property owner.

It should be noted a low growth grass seed is used in all Southern Sky projects. No chemicals or herbicides are used to manage the solar premises vegetation.

Finally, as a sincere expression to Southern Sky's commitment to the environment and the project surroundings, my client desires and would undertake at its expense a footpath or walking trail for the benefit of the public on the former Moreau farm property now owned by Drake Patten.

There is a Conservation Easement recorded in the Land Evidence Records of the City of Cranston in Book 4521 at Page 236 between the City of Cranston and other funding agencies and the Moreau family, the former owner of the Patten Property.

The easement provides that the City of Cranston may establish a foot path or hiking trail around the south, east, and north perimeter of the former Moreau property. It would be required to be known as the "Moreau Trail at Baker Farm". The exact location would need to be determined but Southern Sky would pay for and build the walking trail. In addition, Southern Sky would install and maintain during the term of its project, small parking areas on both ends of the Moreau Trail. One parking area would be at the southwest corner of the property to be accessed from Natick Avenue. The other parking area would be located near the northeast corner of the property to be accessed by a driveway from Valley View Drive.

Such a partnership between the city and Southern Sky would enhance the passive recreational opportunities for Cranston citizens and be consistent the City's Comprehensive Plan.

6) Protection of Real Estate values:

Abutters realize that the impact on property values will be substantive- not only for direct abutters but also for neighbors; directly for some and generally in our neighborhood as a result of the decline in comparative sales. Some industry estimates suggest as much as a 25% loss in value for residential properties abutting industrial uses in an otherwise residential neighborhood. We request the developers work in collaboration with appraisers and our counsel on a reasonable formula for projecting this loss in post-construction real estate value. We additionally request the subsequent creation of a developer- funded escrow account to allow abutters with standing who are not able to sell their property at appraised value during the project's life to be made whole, thereby also protecting the mean property values of our community from excessive decline.

Southern Sky Response: *This suggested escrow account is an extreme suggestion not based in any reality. There has been no demonstration that such an arrangement is justified. There is no empirical data that shows any causal effect on the value of property and the location of a nearby solar field.*

In fact, many national studies show no effect on the value of real estate when a solar project is sited nearby. The price of real estate fluctuates based on a series of national, regional and local factors. Historically, real estate values in Western Cranston have appreciated over time.

Jason Pezzullo
January 23, 2019
Page 8

No commitment will be made for property value measurements or the establishment of an escrow fund as suggested. Property values surrounding the project will invariably go up and down throughout any economic cycle regardless if the system is ever built; residents and the City cannot use the applicant to hedge against what may be a natural economic certainty.

Summary:

In closing, the community dialogue between Southern Sky, the neighbors and city officials has been extensive and will certainly continue through the permitting process. At the last Planning Commission meeting, it was suggested that some of these raised issues should be included in the Planning Staff's recommendation of approval.

On behalf of Southern Sky, I offer to move forward with their consultants and you and your staff to implement the developer's responses identified above following a Master Plan approval.

Thank you for your time and consideration.

If you have any questions, please feel free to contact me.

Very truly yours,

TAFT & McSALLY LLP



Robert D. Murray

RDM/mk

90

Berry, Joshua

From: Fred Vincent <FVincent@GM2INC.COM>
Sent: Wednesday, January 16, 2019 11:20 AM
To: Berry, Joshua
Cc: Pezzullo, Jason; Smith, Michael E.
Subject: RE: Native Ave solar follow up

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Josh,

The more I reflect on the solar developments the more I *am concerned that we are missing the big picture and just addressing the margins of this unique type of development.*

Given the importance of this issue, we as a Commission need to be forward thinking and I believe that the most balanced path forward would be to incorporate a true ten step Conservation Development application to any solar development proposed in our A-80 Zone.

Reading the manual again that was published in June 2003 by DEM and other stakeholders including RI Builders, could and should be applied as the performance standards for solar developers.

I know this seems like a big leap but that is what residents near these solar developments expect and deserve.

We can certainly discuss this further but a CD approach is well established in many RI communities already. Applying it to solar developments may even open the door for the City Council and Administration to consider our pending proposal for residential subdivisions.

Thanks and hope we can pursue further.

Fred

From: Berry, Joshua [mailto:JBerry@CranstonRI.org]
Sent: Tuesday, January 15, 2019 2:27 PM
To: Fred Vincent <FVincent@GM2INC.COM>
Cc: Pezzullo, Jason <jpezzullo@CranstonRI.org>
Subject: Native Ave solar follow up

Commissioner Vincent,

You made comments during the January 8th hearing on Natick Ave Solar regarding the findings and/or conditions pertaining to natural and environmental impacts. Could you please provide me with some direction as to the sort of findings and/or conditions you would like to see in the next version of the staff memo? Are there particular questions that you would like answered?

Much appreciated,

Joshua Berry
Senior Planner
City of Cranston, City Planning Department
869 Park Ave, Cranston, RI 02910
P: (401) 780-3139

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Berry, Joshua

From: David Gregg <dgregg@rinhs.org>
Sent: Wednesday, January 23, 2019 2:02 PM
To: Berry, Joshua
Subject: Re: information request
Attachments: Cranston proj.JPG

Josh,
Thanks for contacting the Rhode Island Natural History Survey about rare plants, animals, and natural communities along the southern side of Cranston in the vicinity of a project you are reviewing. I understand you already consulted with RIDEM and were referred to me. I looked at the project plans you sent and I located that area on the November 2018 Natural Heritage Areas map. This map depicts buffers drawn around known locations for federal or state endangered, threatened, and special concern species. There is not a known rare species location on the site you specified nor does any rare species buffer overlap your project area. The nearest rare species locations to your project area are due south about 1,600 meters in the vicinity of the Pawtuxet River. There are three in that location, a state endangered plant, a state threatened plant, and plant of special concern. There is another locus of rare species over 2,000 meters west of the project. I am attaching a screen shot showing the approximate project area, nearby conservation lands (in purple), and the nearby Heritage Areas (outlined in green).

The Rhode Island Natural Heritage Program is only one way used to identify locales as having conservation value, there may be others relevant to your project area. This email represents the data that are available to the Rhode Island Natural Heritage Program as of November 2018 on the location of species declared by the state of Rhode Island to be endangered, threatened, or of special concern. These data are compiled over many years from numerous sources of varying quality. Reasonable efforts were made to evaluate the quality and currency of these data but there may be other information about rare species in your project area that has not been submitted to the Program and there is no systematic survey of land in Rhode Island so there may be other rare species in your project area not yet discovered. Consulting the Natural Heritage Program is not a substitute for fieldwork by qualified personnel. We cannot provide an assessment as to the significance of these data for any particular project.

The Rhode Island Natural History Survey is an independent non-profit that provides data management and other support for the Rhode Island Natural Heritage Program through an agreement with URI, RIDEM, and The Nature Conservancy. The Natural History Survey is non-advocacy and is neither a regulatory authority nor an agent of the State of Rhode Island.

Let me know if I can be of any further assistance.
Yours,
David

David W. Gregg, Ph.D., Exec. Dir.
Rhode Island Natural History Survey
URI East Farm, Building 14
P.O. Box 1858, Kingston, RI 02881
401-874-5800
dgregg@rinhs.org / www.rinhs.org

On Wed, Jan 23, 2019 at 1:22 PM Berry, Joshua <JBerry@cranstonri.org> wrote:

Hi Gregg,

Thanks for your help. See attached.

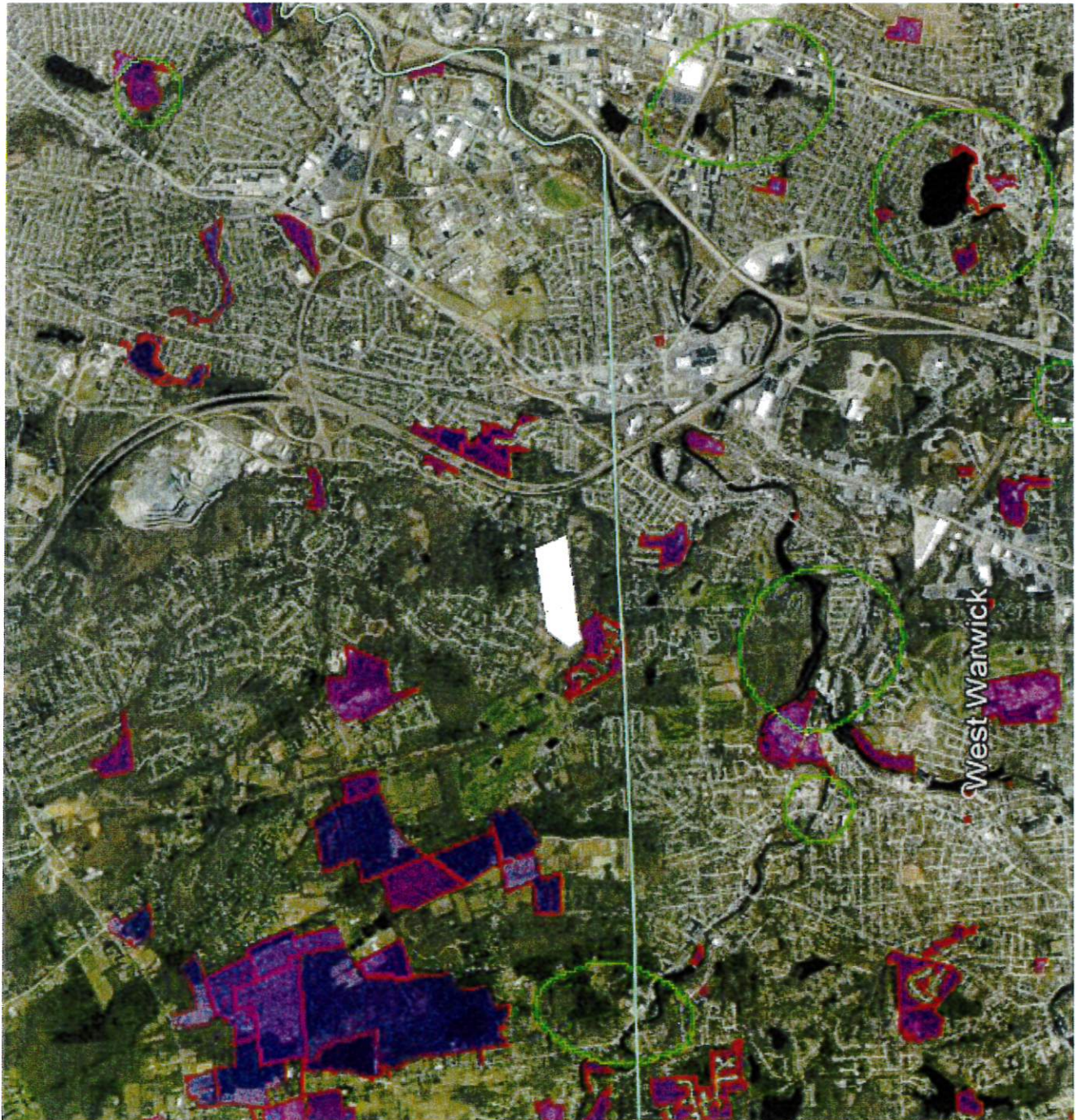
Joshua Berry

Senior Planner

City of Cranston, City Planning Department

869 Park Ave, Cranston, RI 02910

P: (401) 780-3139





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Berry, Joshua

From: Smith, Michael E. <msmith@ric.edu>
Sent: Tuesday, January 29, 2019 2:29 PM
To: Berry, Joshua
Subject: RE: Solar resources

Hey Joshua – I’m resurrecting those this afternoon for the first draft of a statement I’m writing for Tuesday night. I’ll send them over to you when I do. Probably early evening. Ironically and helpfully, there have been a plethora of climate change stories published over the past couple of weeks. The one on the front page of today’s Journal is typical of the dire consequences that have been and will be affecting us locally – unless we do our very best to reduce the carbon footprint. That’s the basic premise underlying my decision on the matter.

Don’t hesitate to use the stats in any of your info, however. I’ll link them back to their source – mostly federal government (EPA).



MICHAEL E. SMITH
OFFICE OF THE PRESIDENT - STRATEGIC INITIATIVES
RHODE ISLAND COLLEGE R-409
PROVIDENCE RI 02908
(401) 456-8004

From: Berry, Joshua <JBerry@CranstonRI.org>
Sent: Tuesday, January 29, 2019 2:06 PM
To: Smith, Michael E. <msmith@ric.edu>
Subject: Solar resources

Good afternoon Chairman Smith,

After the January 8th meeting, I recall you stating that you had some really strong sources about the environmental impacts of solar development. I’m curious if you could share those with me, I’d like to take a look.

Hope all is well.

Thanks,

Joshua Berry
Senior Planner
City of Cranston, City Planning Department
869 Park Ave, Cranston, RI 02910
P: (401) 780-3139

Berry, Joshua

From: Smith, Michael E. <msmith@ric.edu>
Sent: Tuesday, January 29, 2019 8:20 PM
To: Berry, Joshua
Subject: RE: Solar resources
Attachments: The Stats on CO2 Reduction of Solar Farms.docx; Concerns over Natick Solar Proposal.docx; Environmental impact of agriculture.docx; The Environment is Everyone's Business - RI EcoNews.docx

Hi Josh – here are some of my sources, along with my highlights, calculations, and conclusions. Note that these come from multiple sources, as reputable as I could find. Links are provided.



MICHAEL E. SMITH
OFFICE OF THE PRESIDENT - STRATEGIC INITIATIVES
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Hope all is well.

Thanks,

Joshua Berry
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ecoRI news



The Environment is Everyone's
Business

The Environment is **Everyone's** Business

Renewable Energy has Potential to Create Wave of New Jobs

April 20, 2015



A solar-powered indoor farm in Fall River, Mass., grows a dozen varieties of herbs and three types of lettuce for nearby grocery stores and restaurants. (Tim Faulkner/ecoRI News)

Policies that support this sector are needed to curb out-of-region reliance on fossil fuels and strengthen southern New England's economy

By **TIM FAULKNER/ecoRI News staff**

After lagging behind neighboring states for several years, Rhode Island is poised to become a major job creator in the solar- and wind-energy sectors.

With the Public Utilities Commission's recent approval of a key incentive program, the state now has a stable of discounts and tax breaks that make solar panels as affordable as any in the nation.

"We're in a good place, we feel we have the incentives lined up," Marion Gold, director of the Rhode Island's [Office of Energy Resources](#) (OER), said in a recent interview with ecoRI News.

If demand for solar in Rhode Island matches that of Massachusetts, which ranks second in the United States for solar jobs, according to the [Solar Energy Industries Association](#), then significant employment and economic growth is sure to follow, predict state officials.

Even before the recent program approval, solar installers have seen an uptick in Rhode Island business, likely making a year-old estimate of 340 employees and 20 local renewable-energy companies an outdated profile of the sector.

"We're making great traction in Rhode Island," said Scott Milnes, president of [Econox Group Inc.](#), a solar- and wind-energy developer based in Winchester, Mass.

In 2014, Econox designed and installed the photovoltaic solar array atop Newport Vineyards in Middletown, R.I. The project took advantage of several financial incentives, including a federal grant for farmers, to help fund a

green retrofit of the 38-year-old vineyard. The work included major energy-efficiency upgrades, as well as a system that converts grapevine trimmings into fuel for a wood-pellet furnace.

Southern New England's expansion of renewable-energy incentives and initiatives is expected to create a surge of low-tech, high-tech, white-collar and blue-collar jobs.

These enhancements, in turn, boosted several traditional economic sectors important to Rhode Island: tourism, agriculture and construction. Renewable energy also plays a part in boosting emerging sub-industries such as “agritourism” and “ecotourism,” as well as the local food and beverage movement. All of which offer the back-to-nature experiences sought by many tourists and shoppers to southern New England.



Some 13,000 solar panels sit atop a former landfill in East Providence. It's Rhode Island's first landfill solar project and the state's largest solar-energy system. (Tim Faulkner/ecoRI News)

Green catalyst

One potential boost for the renewable-energy sector — and the economy in general — is \$60 billion from the U.S. Department of Energy to help finance wind turbines on farmland. [The Wind Powering America Initiative](#) is projected to create 80,000 jobs during the next 20 years.

Renewable energy is a catalyst in the local economy movement. And a vital local renewable-energy incentive is Rhode Island's distributed generation (DG) tariff program, according to Milnes. The program offers fixed-price purchasing for electricity generated from solar, wind, food digesters and small hydro products. The fixed pricing locks in a stream of steady revenue for the owner of the renewable-energy system, which allows for a rapid payback on the cost of the project and long-term savings on electric costs.

“It's bankable,” Milnes said. “Once people understand the economics, they realize they are a cash cow.”

After a four-year test of the DG program, the General Assembly approved, in 2014, a four-fold expansion of the program's electricity allotment and opened it to smaller, residential-sized solar systems, as well as small hydro-energy projects.

Econox already has \$4 million worth of new solar projects lined up for this enhanced DG program. The company also incorporated in the state, showing its commitment to the Rhode Island market. Other solar companies, such as [SunWatt Solar](#), are opening offices in Rhode Island to take advantage of the anticipated demand.

“That program will be a big boost,” said Peter Hughes, business director for SunWatt Solar of Providence.

SunWatt has expanded from Massachusetts, where it participated in the wildly popular net-metering programs that allow renewable-energy systems to sell electricity back to the power grid.

Massachusetts is expected to roll out a new loan program this year to meet the state’s appetite for solar energy. Hughes expects similar growth in Rhode Island.

“I think you are going to see a lot more solar in the next three to four years,” he said. “It’s an exciting time in this area.”



A pipe running between two dams on Ten Mile River in East Providence could reactivate the dormant Hunt’s Mills hydropower facility, thanks to Rhode Island’s distributed generation program. (Tim Faulkner/ecoRI News)

Job growth

Rhode Island, Massachusetts and Connecticut all mandate annual increases in the amount of renewable electricity that comes out of a wall socket. These renewable portfolio standards create demand for regional projects that add wind, solar and

hydropower energy to the electric grid.

Connecticut has a renewable portfolio goal of 20 percent by 2020. Rhode Island is aiming for a 14.5 percent renewable-energy mandate by 2019 and new legislation looks to increase the amount to nearly 40 percent by 2035.

In fact, southern New England’s expansion of renewable-energy incentives and initiatives is expected to create a surge of low-tech, high-tech, white-collar and blue-collar jobs, according to both government and business officials.

“One of the challenges we have in Rhode Island,” OER’s Gold said, “is will the companies be able to keep up with demand for these programs?”

A more accurate assessment of Rhode Island’s renewable-energy demand, growth and jobs is expected this summer, when an economics report commissioned by the OER and the [Commerce RI](#) is scheduled to be released.

Here are the reasons for why the study is expected to offer an optimistic assessment of the state’s renewable-energy sector:

Room to grow. Currently, 98 percent of the electricity generated in Rhode Island is fueled by natural gas. No more than 1 percent is created by renewable energy, according to the [U.S. Energy Information Administration](#). The OER wants to diversify Rhode Island’s energy portfolio and solar and wind power can help lessen the need for natural gas.

The good news for economic growth advocates is that this push for locally generated energy creates local jobs and supports local businesses.

Extending the state’s renewable-energy mandate, said Rep. Deborah Ruggiero, D-Jamestown, “means it’s jobs here in Rhode Island, it’s tax dollars in our local communities. ... It tells renewable developers that Rhode Island is committed to this important economic sector.”

The cost. A new residential or small commercial solar system costs between \$10,000 and \$40,000. Larger commercial and utility systems can cost millions. Right now incentives pay for about half. These incentives include a federal tax credit of 30 percent and state grants can cover up to 25 percent. Additional breaks are available for schools, farms and group purchasing programs, such as the recent [Solarize Rhode Island](#) program — similar programs exist in both Connecticut and Massachusetts.

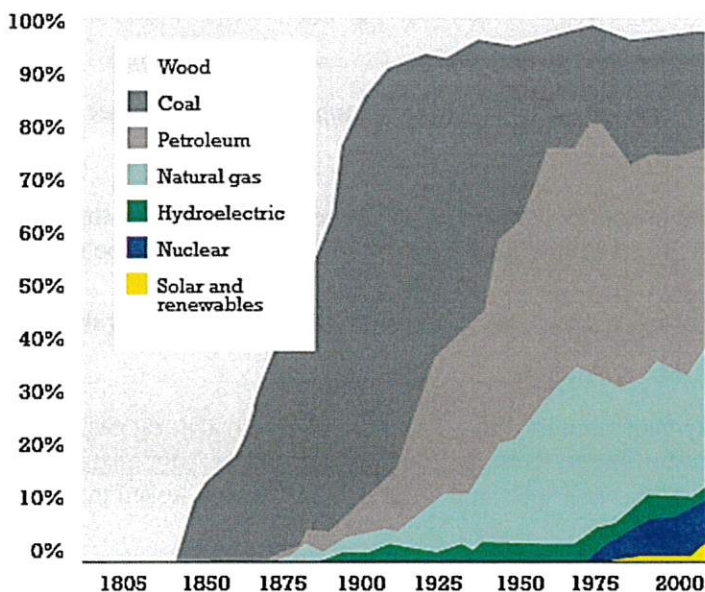
A [report](#) issued last year by the OER and Commerce RI showed that expanding the state’s DG program, combined with the state grant program, would cost ratepayers \$17.25 million per year, or about \$1.43 more a month on the average electric bill. The economic benefit is about \$30.65 million per year, according to the 50-page report.

This cost, of course, is higher for businesses and large energy consumers, and many are already unhappy with the big increases they will pay for Deepwater Wind’s [Block Island Wind Farm](#), especially since the energy from the five turbines will have limited benefits for ratepayers on the mainland.

But companies and municipalities that have embraced renewable energy, along with energy-efficiency upgrades, have seen big savings. Manufactures such as Toray Plastics in North Kingstown, R.I., and Hodges Badge Co. in Portsmouth, R.I., have dramatically cut their energy bills and improved their bottom line with large utility-scale projects.

A solar farm built atop a landfill in East Providence in 2014 is one of the biggest solar arrays in Rhode Island. The 22-acre project saved the city the expense of capping the landfill and brings in more the \$100,000 annually from lease fees and other payments. East Providence is looking to expand the solar field, and is studying a hydropower project for a dormant dam on the Ten Mile River.

Where Our Energy Comes From (as % of total use)



West Warwick and Providence also are planning to invest in renewable energy.

Residential solar is a good investment. Solar panels can be bought with an upfront payment, leased for little or no down payment or funded through a loan. All of these options offer a return on investment by shrinking energy costs.

The payback for a new installation is between 4 and 10 years. Leasing simply reduces the monthly electric bill for the life of the lease, which is typically 20 years. The lessee often has the option to buy the panels at the end of the contract.

< *Source: Mother Jones*

Leasing isn't available in Rhode Island, but the option will be investigated this year by the OER. Many of the players in the leasing market, however, are big national solar installers such as Solar City, so leasing tends to reward shareholders more than local businesses.

Source: Mother Jones >

Subsidies. The federal government gives tax breaks to both renewable energy and fossil fuels. An [investigation](#) by Mother Jones magazine found that the renewable-energy sector gets about \$7.3 billion in annual subsidies compared to \$4.8 billion for oil. Renewables also get another \$6.2 billion in direct subsidies, research and development funds and loan guarantees. Renewable tax breaks, like the investment tax credit, however, expire every few years, causing political strife and uncertainty in the industry. Oil subsidies are permanent.

Oil companies can write-off 70 percent of their drilling expenses and depreciate the remaining 30 percent. The controversial natural-gas extraction technique called hydraulic fracturing, also known as fracking, received massive upfront subsidies in the 1970s.

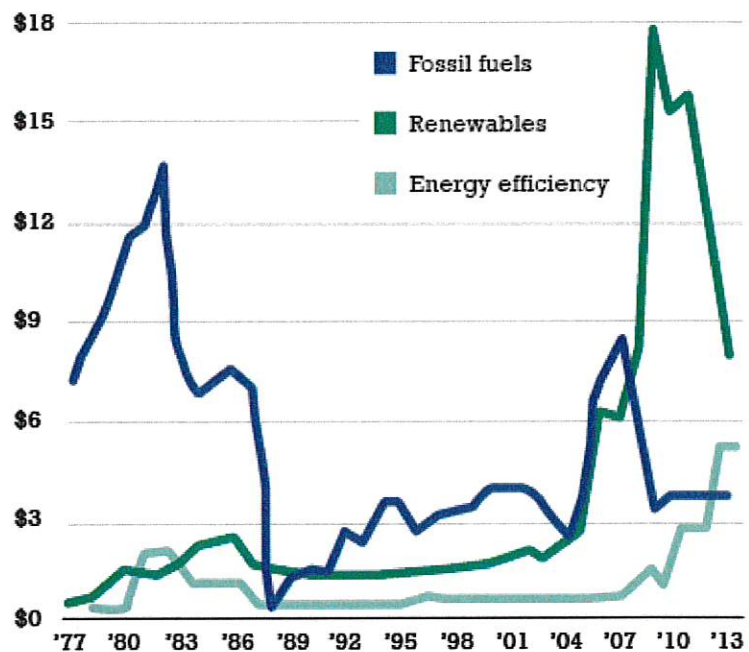
In Rhode Island, ratepayers also subsidize a program that offers funds for new natural-gas connections to homes and businesses.

Electricity customers subsidize Rhode Island's [Renewable Energy Fund](#), which supports small and medium-sized solar and wind projects. The state also promotes federal programs that offer additional breaks for schools and farmers. In fact, each year the state turns down money due to the lack of applications from farmers. Funds from the [American Resource and Reinvestment Act](#) also support local renewable projects, as do proceeds from the [Regional Greenhouse Gas Initiative](#), a seven-state, cap-and-trade program that gets money from fossil-fuel power plants.

Getting cheaper. The cost of renewable electricity subsidies, however, is dropping. Rhode Island's DG program has seen solar price agreements cut in half, to about 15 cents per kilowatt-hour in four years — a price so low that it competes with standard electricity rates.

Solar panels are becoming more efficient and less expensive. In fact, even without subsidies, and ignoring the environmental and health benefits, solar and land-based wind power are as cost effective as fossil fuels, according to a 2014 report by the [International Renewable Energy Agency](#), an organization that supports solar energy and land-based wind power. Incentives and the worldwide adoption of solar energy has helped cut the price of solar panels by 50 percent since 2010, according to the [report](#).

Energy Tax Breaks (in billions of 2013 dollars)



Average Annual Tax Breaks (in 2013 dollars)

Oil and gas, 1918-2009

\$5.2 billion

Renewables 1979-2009

\$2.2 billion

At the same time, employment in the solar sector rose 22 percent in 2014, to 174,000 jobs nationwide. That's six years of 20 percent-plus growth. Installers earn between \$20 and \$24 dollars an hour, which is on par with the national average hourly wage.

Wind. While public resistance to new land-based wind turbines has slowed development in southern New England, [Wind Energy Development LLC](#) (WED) of North Kingstown, R.I., has plans to erect dozens of land-based turbines in the region.

WED owner Mark DePasquale intends to build eight to 10 wind turbines per year for eight years. In Rhode Island, projects are already moving forward in Tiverton and North Smithfield, with an additional 10 turbines approved in Coventry.

According to DePasquale, a German turbine maker is opening an office in Rhode Island to meet WED's building needs and serve as a supplier for the region. As a result, DePasquale expects to create dozens of new jobs.

"In the next few years, it's going to get a lot easier for us to permit, and people are starting to accept (wind energy) more than they did in the past," he said.

Seth Handy, an energy lawyer who is counsel to WED, believes wind energy will make a comeback in the region. The public, he said, is getting more savvy about the economic benefits of renewable energy, and wind energy in particular, which is considered one of the most cost-effective of all energy sources.

Rhode Island also has plenty of wind to harness, not just the in coastal regions, Handy said. "We haven't found a site where we can't do wind economically."

Offshore wind is still in its infancy, as the United States has yet to build its first offshore wind farm. Providence, though, is home to [Deepwater Wind](#), a company with huge ambitions for this sector. Its five-turbine demonstration project off Block Island is on track to be the first wind farm in the nation. The company predicts that at least 200 local jobs will be needed this summer when construction begins. Preliminary work is expected to start soon at the company's 60-acre facility in the Quonset Business Park in North Kingstown, R.I.

"If we don't reduce the cost (for offshore wind power) it's not going to be a cost-effective resource ... We can't ignore that. That's important for a stable environment and a stable economy."

MARION GOLD
R.I. OER

Deepwater Wind also has a massive wind farm in the works for federally owned waters between Massachusetts and Rhode Island. This 150- to 200-turbine project will need 1,000 workers during construction and dozens of permanent jobs over the life of the turbines, according to company officials.

Currently, the company has 10 full-time employees in Rhode Island and relies on dozens of local engineers, surveyors, oceanographers, marine scientists, fisherman, biologists and legal professionals.

OER's Gold, however, is cautious about the immediate prospects for offshore wind. The Block Island project was granted a generous price of 24.4 cents per kilowatt-hour to sell its electricity, almost twice the price for standard electricity and land-based wind energy. The Deepwater Wind price also increases 3.5 cents annually for 20 years, a cost that is funded by Rhode Island ratepayers.

Gold maintains that artificial pricing and subsidies are one of the biggest impediments to a broader expansion of renewable-energy programs.

"If we don't reduce the cost (for offshore wind power) it's not going to be a cost-effective resource for us," she said. "We can't ignore that. That's important for a stable environment and a stable economy."

Opposition. Opponents of wind energy and large solar arrays have prevented several financially viable projects from advancing. As one of the most populous regions in the country, southern New England has limited space for renewable projects, and residents are more often than not abutters to proposed sites. In Rhode Island, wind and solar projects have been turned back by public opposition in at least 20 communities.

Anthony Baro, co-founder of solar developer E2SOL in Providence, is optimistic about the solar sector but he believes Rhode Island's manufacturing and industrial companies, which typically have the real estate and rooftops for larger renewable-energy projects, simply can't afford the upfront costs for renewable-energy systems, even though they save money in the long run.

"Many of our small to medium size businesses are still struggling in the state to stay competitive and profitable, and are very cautious with their discretionary spending," Baro said. "I believe our great potential is limited at this time by our business and financial well being and the ability to secure long-term financing terms."

Is help on the way? While popular programs are underway, new ones are still being planned. Gov. Gina Raimondo's green bank is in the works and it would offer low-interest loans for renewable-energy projects to homeowners, businesses and municipalities. The details are also being worked out for the Property Accessed Clean Energy (PACE) program, that allows renewable-energy loans to be tied to a property instead of a person or a business.

Community-driven bulk purchasing and discount programs, such as the Solarize and [Green Communities](#) initiatives, have had considerable success marketing solar energy in Massachusetts and Connecticut. They are just getting underway in Rhode Island.

In Massachusetts, virtual [net metering](#) is fostering community or shared solar farms. The program offers cost savings and other benefits of renewable energy for residential and commercial ratepayers who don't have the space or income for a renewable-energy system.

The program is expected to get serious consideration in Rhode Island. However, virtual net metering is unpopular with utility companies that claim the program shifts more costs to the utility and other ratepayers.

One megawatt of wind power offsets nearly 2.6 million tons of carbon dioxide annually.

The environment. The health and environmental benefits of local renewable energy, as well as the cost of inaction on climate change, are often overlooked in the economic debate. Wind and solar energy reduce greenhouse-gas emissions by reducing pollution from transportation, refining, extraction and the burning of fossil fuels.

The OER and Commerce RI report predicts 130,000 tons of annual emission cuts through the DG and Renewable Energy Fund programs.

"Would you rather invest in solar panels to generate clean electricity, or pay to build retaining walls for our diminishing coastline?" Eric Beecher, owner of solar developer [Sol Power](#) in Providence, wrote in a 2014 [op-ed](#).

"The clean energy industry in Rhode Island," he wrote, "has only scratched the surface of its full potential. Not only is alternative energy a critical component to fighting climate change, but the development of an industry to generate clean energy serves as a source of job creation and economic growth."

Beecher is living up to his words. In 2013, the year he founded Sol Power, he installed two solar arrays. In 2014, he installed five. This year, as one of the preferred solar developers for Solarize RI he expects to install more than 50 and now has seven coworkers.

"The more (customers) that sign up, the more prices come down," he told ecoRI News.

These benefits, however, are often low priorities for top policymakers and lawmakers who claim programs and incentive for renewable energy harm the economy. Governors across New England are intent on expanding pipelines to bring more natural gas to the region and beyond our borders for export.

Recent [research](#), from Wall Street investment bank Sanford Bernstein, refutes the claim that renewable energy is too expensive by showing that solar and wind energy provide a hedge against fossil-fuel price spikes as well as a hedge against peak-hour energy price increases. The 2014 report concludes that solar and wind help smooth out winter and summer electricity cost increases. Long term, according to the 13-page report, the rapid expansion of solar power will significantly lower fossil-fuel prices and erode profitability.

The renewable sector, on the other hand, continues to create new jobs and businesses, and greater political influence.

"Clean energy is beginning to become mainstream," Gabe Elsner, executive director of the [Energy & Policy Institute](#), told The Washington Post. "Renewable energy is popular and has increased political power now," but, he added, "that power is still eclipsed by the resources of the fossil-fuel industry."

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[Region's Economy Tied Closely to Coastal Health](#)

[Climate Change Represents Real Threat to Southern New England](#)



"First, there is the power of the Wind, constantly exerted over the globe. ... Here is an almost incalculable power at our disposal, yet how trifling the use we make of it! It only serves to turn a few mills, blow a few vessels across the ocean, and a few trivial ends besides. What a poor compliment do we pay to our indefatigable and energetic servant!"

— **Henry David Thoreau**

About **80,000** people are employed in the renewable-energy sector in Massachusetts.

Rhode Island spends more than **\$1 billion** annually on fossil fuels, and most of that money flows out of the state.



"The U.S. economy, because it's so energy wasteful, is much less efficient than either the European or Japanese economies. It takes us twice as much energy to produce a unit of GDP as it does in Europe and Japan. So, we're fundamentally less efficient and therefore less competitive, and the sooner we begin to tighten up, the better it will be for our economy and society."

— **Hazel Henderson, author**

The average Ethiopian citizen uses **52 kilowatt-hours** of energy annually; the average U.S. refrigerator uses 454.

Aging natural-gas utilities infrastructure **leaks** between 8 billion and 10 billion cubic feet of methane into the atmosphere annually.



“Anyone who has studied the universe knows that there is no shortage of sources of energy in the universe, and that there is no shortage of energy sources on Earth. And yet, here we are, crawling on the surface of this dot we call Earth, extracting caloric content that’s buried in the soil, and when you look at that, you can’t help but reflect on how primitive that behavior is.”

— *Neil deGrasse Tyson, astrophysicist*

The **United States** is the world’s largest single source of fossil-fuel subsidies.

“Not only is alternative energy a critical component to fighting climate change, but the development of an industry to generate clean energy serves as a source of job creation and economic growth.”

ERIC BEECHER
Sol Power

Comments (1)

fredtherabbit 4 years ago · 0 Likes

PUT WIND TURBINES ON TOP OF TALL BUILDINGS! there's no need for all the fuss of messing up the ocean with a wind farm. it would cost so much less to build and maintain if it was built on top of downtown, and the energy would be used

right there. use the newer turbines that look like pipes instead of pinwheels. there's not even any danger to birds. it won't disrupt the skyline. do it right & there wouldn't even be any need for ruining rivers with hydropower! this would catch on to other cities & RI would be known as the new wave of wind energy.

ecoRI News // 10 Davol Sq., Suite 100, Providence, RI 02903 // [E-MAIL](#)



[Hardik Makadia](#), BE Startups & Solar Energy, St. Joseph Engineering College, Mangalore (2016)
[Answered Jun 1 2017](#) · Author has 237 answers and 224.2k answer views

1kW solar plant offsets about **0.73tons** of CO2 emissions.

So a **1MW** solar plant will offset = **730tons** of CO2 emissions

8.1 MW solar generation will annually offset 5,913 TONS OF CO2 EMISSIONS

Now a tree can absorb as much as **22kg** of CO2 a year. So going solar will offset planting around **730,000/22=33,183 trees.**

Well, that's a lot of trees being offset with a 1MW solar plant. Which is why all of us have to come together in reducing the carbon emissions we all make and take respective measures to use other renewable sources of electricity.

You have the luxury of walking down freely on the road, but a few years from now you would regret seeing your children play with a breathing mask on their face.

Do your bit to save the world!

=====

A tree can absorb as much as **48 pounds of carbon dioxide per year** and can sequester 1 ton of carbon dioxide by the time it reaches 40 years old.

[Tree Facts - NC State University](#)

<https://projects.ncsu.edu/project/treesofstrength/treefact.htm>

(5,913 TONS X 2000 LB/TON= 11,826,000 LBS OF CO2)

AT 48 LBS OF CO2 ABSORPTION PER YEAR PER TREE, THE ENVIRONMENTAL BENEFITS OF THIS PROPOSED SOLAR FARM WOULD BE EQUIVALENT TO THE WORK OF 246,375 MATURE TREES

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<https://carbonfund.org/how-we-calculate/>

Conversions

- 1 Renewable Energy Certificate = 1 Megawatt Hour (MWh) = 1,000 Kilowatt Hours (KWh)
- 1 Kilowatt Hour = 3,413 British Thermal Units (BTUs)
- 1 Metric Tonne = 2,204.6 Pounds
- 1 Pound = 0.00045 Metric Tonnes
- 1 Short Ton = 2,000 Pounds
- 1 Short Ton = 0.90719 Metric Tonnes
- 1 Therm = 100 Cubic Feet
- 1 CCF = Abbreviation for 100 Cubic Feet
- 1 CCF = 1.024 Therms

Finding Your Family's Carbon Footprint

According to [TimeForChange.org](https://www.timeforchange.org/), the average person in an industrialized country has a carbon footprint of 11 tons of CO₂ per year. However, the estimated target for long-term sustainability is only 2 tons of CO₂ per year!

The U.S. Environmental Protection Agency (EPA) hosts a helpful online [household carbon footprint calculator](#) that can help you figure out your family's footprint. It looks at emissions from transportation, household energy, and waste, and also shows you how making changes will impact your overall profile.

According to the EPA, the average 4-person household produces 83,000 pounds of greenhouse gas emissions per year (20,750 pounds per person). Factors like how much you drive, your car's mileage-per-gallon, your home's average temperature, energy sources, and waste can all reduce or increase your footprint.

When you think about all the things that contribute to the average family's carbon footprint, it can seem overwhelming – and also puts in perspective the impact that could come from each person just making small changes to their daily routine.

BY THIS CALCULATION, A HOUSEHOLD OF 4 WOULD PRODUCE 41.5 TONS OF GREENHOUSE GAS EMISSIONS PER YEAR. 15-25 HOUSES COULD BE BUILT ON THE PROPERTY BY RIGHT. USING THE MEDIAN OF 20 HOUSES, SUCH A DEVELOPMENT WOULD ADD 830 TONS OF CO₂ INTO THE ATMOSPHERE ANNUALLY.

US EPA

United States Environmental Protection Agency

Greenhouse Gases Equivalencies Calculator - Calculations and References

You may need a PDF reader to view some of the files on this page. See [EPA's About PDF page](#) to learn more.

This page describes the calculations used to convert greenhouse gas emission numbers into different types of equivalent units. [Go to the equivalencies calculator page for more information.](#)

A note on global warming potentials (GWPs): Some of the equivalencies in the calculator are reported as CO₂ equivalents (CO₂E). These are calculated using GWPs from the Intergovernmental Panel on Climate Change's Fourth Assessment Report.

Electricity Reductions (kilowatt-hours)

The Greenhouse Gas Equivalencies Calculator uses the AVOIDed Emissions and geneRATION Tool (AVERT) U.S. national weighted average CO₂ marginal emission rate to convert reductions of kilowatt-hours into avoided units of carbon dioxide emissions.

Most users of the Equivalencies Calculator who seek equivalencies for electricity-related emissions want to know equivalencies for emissions **reductions** from energy efficiency (EE) or renewable energy (RE) programs. Calculating the emission impacts of EE and RE on the electricity grid requires estimating the amount of fossil-fired generation and emissions being displaced by EE and

RE. A marginal emissions factor is the best representation to estimate which fossil-fired units EE/RE are displacing across the fossil fleet. EE and RE programs are not generally assumed to affect baseload power plants that run all the time, but rather marginal power plants that are brought online as necessary to meet demand. Therefore, AVERT provides a national marginal emissions factor for the Equivalencies Calculator.

Emission Factor

1,559 lbs CO₂/MWh × (4.536 × 10⁻⁴ metric tons/lb) × 0.001 MWh/kWh = 7.07 × 10⁻⁴ metric tons CO₂/kWh
(AVERT, U.S. national weighted average CO₂ marginal emission rate, year 2017 data)

Notes:

- This calculation does not include any greenhouse gases other than CO₂.
- This calculation includes line losses.
- Regional marginal emission rates are also available on the [AVERT](#) web page.

Sources

- EPA (2018) [AVERT](#), U.S. national weighted average CO₂ marginal emission rate, year 2017 data. U.S. Environmental Protection Agency, Washington, DC.

Therms and Mcf of natural gas

Carbon dioxide emissions per therm are determined by converting million British thermal units (mmbtu) to therms, then multiplying the carbon coefficient times the fraction oxidized times the ratio of the molecular weight of carbon dioxide to carbon (44/12).

0.1 mmbtu equals one therm (EIA 2018). The average carbon coefficient of natural gas is 14.46 kg carbon per mmbtu (EPA 2018). The fraction oxidized to CO₂ is 100 percent (IPCC 2006).

Note: When using this equivalency, please keep in mind that it represents the CO₂ equivalency for natural gas **burned** as a fuel, not natural gas released to the atmosphere. **Direct methane emissions released to the atmosphere (without burning) are about 25 times more powerful than CO₂ in terms of their warming effect on the atmosphere.**

Calculation

Note: Due to rounding, performing the calculations given in the equations below may not return the exact results shown.

$0.1 \text{ mmbtu}/1 \text{ therm} \times 14.46 \text{ kg C}/\text{mmbtu} \times 44 \text{ kg CO}_2/12 \text{ kg C} \times 1 \text{ metric ton}/1,000 \text{ kg} = \mathbf{0.0053 \text{ metric tons CO}_2/\text{therm}}$

Carbon dioxide emissions per therm can be converted to carbon dioxide emissions per thousand cubic feet (Mcf) using the average heat content of natural gas in 2016, 10.39 therms/Mcf (EIA 2018).

$0.0053 \text{ metric tons CO}_2/\text{therm} \times 10.39 \text{ therms}/\text{Mcf} = \mathbf{0.0551 \text{ metric tons CO}_2/\text{Mcf}}$

Sources

- EIA (2018). [Monthly Energy Review September 2018, Table A4: Approximate Heat Content of Natural Gas for End-Use Sector Consumption](#). (PDF) (270 pp, 2.65 MB, [About PDF](#))
- EIA (2017). [Natural Gas Conversions – Frequently Asked Questions](#).
- EPA (2018). [Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016. Annex 2 \(Methodology for estimating CO₂ emissions from fossil fuel combustion\), Table A-41](#). U.S. Environmental Protection Agency, Washington, DC. U.S. EPA #430-R-18-003 (PDF) (101 pp, 3 MB, [About PDF](#))
- IPCC (2006). [2006 IPCC Guidelines for National Greenhouse Gas Inventories. Volume 2 \(Energy\). Intergovernmental Panel on Climate Change, Geneva, Switzerland](#).

Home electricity use

In 2017, 116.8 million homes in the United States consumed 1,374 billion kilowatt-hours (kWh) of electricity (EIA 2018a). On average, each home consumed 11,764 kWh of delivered electricity (EIA 2018a). The national average carbon dioxide output rate for electricity generated in 2017 was 998.4 lbs CO₂ per megawatt-hour (EPA 2018), which translates to about 1,074.7 lbs CO₂ per megawatt-hour for delivered electricity, assuming transmission and distribution losses of 7.1% (EIA 2018b; EPA 2018).¹

Annual home electricity consumption was multiplied by the carbon dioxide emission rate (per unit of electricity delivered) to determine annual carbon dioxide emissions per home.

Calculation

Note: Due to rounding, performing the calculations given in the equations below may not return the exact results shown.

$11,764 \text{ kWh per home} \times 998.4 \text{ lbs CO}_2 \text{ per megawatt-hour generated} \times 1/(1-0.071) \text{ MWh delivered}/\text{MWh generated} \times 1 \text{ MWh}/1,000 \text{ kWh} \times 1 \text{ metric ton}/2,204.6 \text{ lb} = \mathbf{5.734 \text{ metric tons CO}_2/\text{home}}$

Sources

- EIA (2018a). [2018 Annual Energy Outlook, Table A4: Residential Sector Key Indicators and Consumption](#).
- EIA (2018b). [2018 Annual Energy Outlook, Table A8: Electricity Supply, Disposition, Prices, and Emissions](#).
- EPA (2018). [eGRID](#), U.S. annual national emission factor, year 2016 data. U.S. Environmental Protection Agency, Washington, DC.

Home energy use

In 2017, there were 116.8 million homes in the United States (EIA 2018a). On average, each home consumed 11,764 kWh of delivered electricity. Nationwide household consumption of natural gas, liquefied petroleum gas, and fuel oil totaled 4.54, 0.49, and 0.47 quadrillion Btu, respectively, in 2017 (EIA 2018a). Averaged across households in the United States, this amounts to 37,517 cubic feet of natural gas, 46 gallons of liquefied petroleum gas, and 29 gallons of fuel oil per home.

The national average carbon dioxide output rate for generated electricity in 2017 was 998.4 lbs CO₂ per megawatt-hour (EPA 2018), which translates to about 1,074.7 lbs CO₂ per megawatt-hour for delivered electricity (assuming transmission and distribution losses of 7.1%) (EPA 2018; EIA 2018b).¹

The average carbon dioxide coefficient of natural gas is 0.0551 kg CO₂ per cubic foot (EIA 2018c). The fraction oxidized to CO₂ is 100 percent (IPCC 2006).

The average carbon dioxide coefficient of distillate fuel oil is 429.61 kg CO₂ per 42-gallon barrel (EPA 2018). The fraction oxidized to CO₂ is 100 percent (IPCC 2006).

The average carbon dioxide coefficient of liquefied petroleum gases is 235.7 kg CO₂ per 42-gallon barrel (EPA 2018). The fraction oxidized is 100 percent (IPCC 2006).

Total home electricity, natural gas, distillate fuel oil, and liquefied petroleum gas consumption figures were converted from their various units to metric tons of CO₂ and added together to obtain total CO₂ emissions per home.

Calculation

Note: Due to rounding, performing the calculations given in the equations below may not return the exact results shown.

1. Electricity: 11,764 kWh per home × 998 lbs CO₂ per megawatt-hour generated × (1/(1-0.071)) MWh generated/MWh delivered × 1 MWh/1,000 kWh × 1 metric ton/2,204.6 lb = 5.734 metric tons CO₂/home.

2. Natural gas: 37,517 cubic feet per home × 0.0551 kg CO₂/cubic foot × 1/1,000 kg/metric ton = 2.06 metric tons CO₂/home

3. Liquid petroleum gas: 45.8 gallons per home × 1/42 barrels/gallon × 235.7 kg CO₂/barrel × 1/1,000 kg/metric ton = 0.26 metric tons CO₂/home

4. Fuel oil: 29.1 gallons per home × 1/42 barrels/gallon × 429.61 kg CO₂/barrel × 1/1,000 kg/metric ton = 0.30 metric tons CO₂/home

TOTAL CO₂ EMISSIONS FOR ENERGY USE PER HOME: 5.734 metric tons CO₂ for electricity + 2.06 metric tons CO₂ for natural gas + 0.26 metric tons CO₂ for liquid petroleum gas + 0.30 metric tons CO₂ for fuel oil = **8.35 metric tons CO₂ per home per year.**

Sources

- EIA (2018a). [2018 Annual Energy Outlook, Table A4: Residential Sector Key Indicators and Consumption.](#)
- EIA (2018b). [2018 Annual Energy Outlook, Table A8: Electricity Supply, Disposition, Prices, and Emissions.](#)
- EIA (2018c). [Monthly Energy Review September 2018, Table A4: Approximate Heat Content of](#)

[Natural Gas for End-Use Sector Consumption.](#) (PDF) (270 pp, 2.65 MB, [About PDF](#))

- EPA (2018). [eGRID](#), U.S. annual national emission factor, year 2016 data. U.S. Environmental Protection Agency, Washington, DC.
- EPA (2018). [Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016. Annex 2 \(Methodology for estimating CO₂ emissions from fossil fuel combustion\), Table A-43 and Table A-53.](#) U.S. Environmental Protection Agency, Washington, DC. U.S. EPA #430-R-18-003 (PDF) (101 pp, 3 MB, [About PDF](#))
- IPCC (2006). [2006 IPCC Guidelines for National Greenhouse Gas Inventories. Volume 2 \(Energy\). Intergovernmental Panel on Climate Change, Geneva, Switzerland.](#)

Calculation for Converting U.S. Forests to U.S. Cropland

Conversion Factor for Carbon Sequestered by 1 Acre of Forest Preserved from Conversion to CROPLAND

Note: Due to rounding, performing the calculations given in the equations below may not return the exact results shown.

-33.61 metric tons C/acre/year* x (44 units CO₂/12 units C) = **-123.22 metric tons CO₂/acre/year (in the year of conversion)**

*Negative values indicate CO₂ that is NOT emitted.

To estimate CO₂ not emitted when an acre of forest is preserved from conversion to cropland, simply multiply the number of acres of forest not converted by **-123.22 metric tons CO₂e/acre/year.** Note that this

represents CO₂ avoided in the year of conversion. Please also note that this calculation method assumes that all of the forest biomass is oxidized during clearing (i.e., none of the burned biomass remains as charcoal or ash). Also note that this estimate only includes mineral soil carbon stocks, as most forests in the contiguous United States are growing on mineral soils. In the case of mineral soil forests, soil carbon stocks could be replenished or even increased, depending on the starting stocks, how the agricultural lands are managed, and the time frame over which lands are managed.

Sources

- EPA (2018). [Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016.](#) U.S. Environmental Protection Agency, Washington, DC. U.S. EPA #430-R-18-003 (PDF) (655 pp, 15 MB, [About PDF](#))

- IPCC (2006). [2006 IPCC Guidelines for National Greenhouse Gas Inventories. Volume 4 \(Agriculture, Forestry and Other Land Use\). Intergovernmental Panel on Climate Change, Geneva, Switzerland.](#)

Propane cylinders used for home barbecues

Propane is 81.7 percent carbon (EPA 2018). The fraction oxidized is 100 percent (IPCC 2006).

Carbon dioxide emissions per pound of propane were determined by multiplying the weight of propane in a cylinder times the carbon content percentage times the fraction oxidized times the ratio of the molecular weight of carbon dioxide to that of carbon (44/12). Propane cylinders vary with respect to size; for the purpose of this equivalency calculation, a typical cylinder for home use was assumed to contain 18 pounds of propane.

Calculation

Note: Due to rounding, performing the calculations given in the equations below may not return the exact results shown.

18 pounds propane/1 cylinder × 0.817 pounds C/pound propane × 0.4536 kilograms/pound × 44 kg CO₂/12 kg C × 1 metric ton/1,000 kg = **0.024 metric tons CO₂/cylinder**

Sources

- EPA (2018). [Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016. Annex 2 \(Methodology for estimating CO₂ emissions from fossil fuel combustion\), Table A-53.](#) U.S. Environmental Protection Agency, Washington, DC. U.S. EPA #430-R-18-003 (PDF) (101 pp, 3 MB, [About PDF](#)).
- IPCC (2006). [2006 IPCC Guidelines for National Greenhouse Gas Inventories. Volume 2 \(Energy\). Intergovernmental Panel on Climate Change, Geneva, Switzerland.](#)

Trash bags of waste recycled instead of landfilled

According to WARM, the net emission reduction from recycling mixed recyclables (e.g., paper, metals, plastics), compared with a baseline in which the materials are landfilled (i.e., accounting for the avoided emissions from landfilling), is 2.87 metric tons CO₂ equivalent per short ton, as calculated in the “Tons of waste recycled instead of landfilled” section above.

Carbon dioxide emissions reduced per trash bag full of waste were determined by multiplying emissions avoided from recycling instead of landfilling 1 ton of waste by the amount of waste in an average trash bag.

The amount of waste in an average trash bag was calculated by multiplying the average density of mixed recyclables by the average volume of a trash bag.

According to EPA’s standard volume-to-weight conversion factors, the average density of mixed recyclables is 111 lbs per cubic yard (EPA 2016b). The volume of a standard-sized trash bag was assumed to be 25 gallons, based on a typical range of 20 to 30 gallons (EPA 2016c).

Calculation

Note: Due to rounding, performing the calculations given in the equations below may not return the exact results shown.

2.87 metric tons CO₂ equivalent /short ton of waste recycled instead of landfilled × 1 short ton/2,000 lbs × 111 lbs of waste/cubic yard × 1 cubic yard/173.57 dry gallons × 25 gallons/trash bag = **2.29 × 10⁻² metric tons CO₂ equivalent/trash bag of waste recycled instead of landfilled**

Sources

- EPA (2016a). [Waste Reduction Model \(WARM\), Version 14.](#) U.S. Environmental Protection Agency.
- EPA (2016b). [Volume-to-Weight Conversion Factors \(PDF\).](#) Office of Resource Conservation and Recovery. April 2016. U.S. Environmental Protection Agency. (7 pp, 318 KB, [About PDF](#))
- EPA (2016c). [Waste Container Options.](#) Last updated on February 21, 2016. U.S. Environmental Protection Agency.

Number of wind turbines running for a year

In 2017, the average nameplate capacity of wind turbines installed in the U.S. was 2.32 MW (DOE 2018). The average wind capacity factor in the U.S. in 2017 was 34 percent (DOE 2018).

Electricity generation from an average wind turbine was determined by multiplying the average nameplate capacity of a wind turbine in the U.S. (2.32 MW) by the average U.S. wind capacity factor (0.34) and by the number of hours per year. It was assumed that the electricity generated from an installed wind turbine would replace marginal sources of grid electricity.

The U.S. annual wind national marginal emission rate to convert reductions of kilowatt-hours into avoided units of carbon dioxide emissions is 6.74 × 10⁻⁴ (EPA 2018).

Carbon dioxide emissions avoided per year per wind turbine installed were determined by multiplying the average electricity generated per wind turbine in a year by

the annual wind national marginal emission rate (EPA 2018).

Calculation

Note: Due to rounding, performing the calculations given in the equations below may not return the exact results shown.

$2.32 \text{ MW average capacity} \times 0.34 \times 8,760 \text{ hours/year} \times 1,000 \text{ kWh/MWh} \times 6.7449 \times 10^{-4} \text{ metric tons CO}_2/\text{kWh reduced}$
= 4,719 metric tons CO₂/year/wind turbine installed

Sources

- DOE (2018). [2017 Wind Technologies Market Report \(98 pp, 2.47 MB\)](#). U.S. Department of Energy, Energy Efficiency and Renewable Energy Division.
- EPA (2018) [AVERT](#), U.S. annual wind national marginal emission rate, year 2017 data. U.S. Environmental Protection Agency, Washington, DC.

Last updated on December 18, 2018

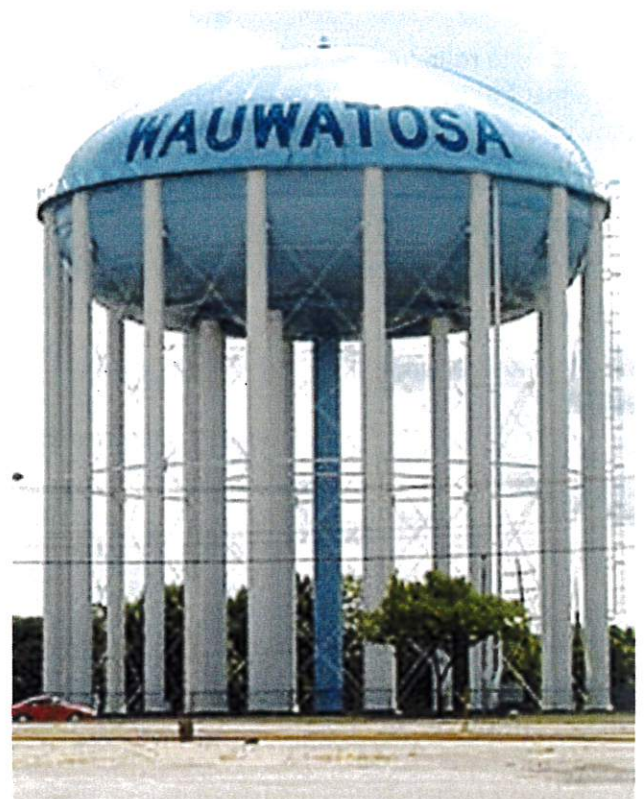
4.4 pounds: The amount [of trash generated daily](#), on average, by every American.

$4.4 \times 365 = 1,606 \text{ lbs/year} \times (\text{FAMILY OF } 4) = 6,424 \text{ lbs/household} = 3.212 \text{ tons}$

Multiply by 20 houses = approx.. **64 tons**

[Water usage per person in US](#): Estimates vary, but each person uses about 80-100 gallons of water per day. (US Geological Survey) $90 \text{ gal} \times 365 = 32,850 \text{ gallons} \times (\text{family of } 4) = 131,400 \times 20 \text{ (houses)} = 2,628,000 \text{ gallons additional clean water use per year.}$

Water tank shown at right can hold 2.5 million gallons – note automobile for size comparison.



Concerns over Natick Solar Proposal

1. Doesn't belong in a residential neighborhood
 - a. Not what I would consider to be a residential neighborhood. It is a rural area that has a house built here and there.
2. Ultimately, I am concerned about what kind of world I am leaving to my children. Climate change is real and it must be addressed. Rhode Island has not been doing its part. **8.1 MW of solar generation capacity will annually offset 5,913 tons of CO2 emissions.**
3. Concern has been expressed about "clear cutting" of trees. Having visited the site, I can attest that a good part of the parcel does not have any trees on it. But some areas are in fact wooded, and yes, a mature tree does have the capacity to absorb as much as 48 pounds of carbon dioxide per year. However, in order to match the environmental benefits of this solar farm, one would have to plant 246,375 mature trees.
4. Under City zoning regulations, this parcel could support between 15 and 20 houses by right. According to the EPA, the average 4-person household produces over 41 tons of greenhouse gases per year. If 20 houses were built, it would contribute 830 additional tons of greenhouse gases to the atmosphere annually.
 - a. By the way, those same 20 houses would generate 64 tons of solid waste per year, and consume about 2.6 million gallons of clean water out of the aquifer that services homes in the area.

I was sent a link to the ecoRI news and read the article on solar farms. There was another article in that same issue entitled "Renewable Energy has Potential to Create Wave of New Jobs. Quoting from the article, "Currently, 98 percent of the electricity generated in Rhode Island is fueled by natural gas. No more than 1 percent is created by renewable energy, according to the [U.S. Energy Information Administration](#).

Opposition. Opponents of wind energy and large solar arrays have prevented several financially viable projects from advancing. As one of the most populous regions in the country, southern New England has limited space for renewable projects, and residents are more often than not abutters to proposed sites. In Rhode Island, wind and solar projects have been turned back by public opposition in at least 20 communities.

Anthony Baro, co-founder of solar developer E2SOL in Providence, is optimistic about the solar sector but he believes Rhode Island's manufacturing and industrial companies, which typically have the real estate and rooftops for larger renewable-energy projects, simply can't afford the upfront costs for renewable-energy systems, even though they save money in the long run.

"Many of our small to medium size businesses are still struggling in the state to stay competitive and profitable, and are very cautious with their discretionary spending," Baro said. "I believe our great potential is limited at this time by our business and financial well being and the ability to secure long-term financing terms."

The environment. The health and environmental benefits of local renewable energy, as well as the cost of inaction on climate change, are often overlooked in the economic debate. Wind and solar energy reduce greenhouse-gas emissions by reducing pollution from transportation, refining, extraction and the burning of fossil fuels.

Eric Beecher, owner of solar developer [Sol Power](#) in Providence, wrote in a 2014 [op-ed](#), "Would you rather invest in solar panels to generate clean electricity, or pay to build retaining walls for our diminishing coastline?"

Environmental impact of agriculture

From Wikipedia, the free encyclopedia

The **environmental impact of agriculture** is the effect that different farming practices have on the ecosystems around them, and how those effects can be traced back to those practices. The environmental impact of agriculture varies based on the wide variety of [agricultural](#) practices employed around the world. Ultimately, the [environmental impact](#) depends on the production practices of the system used by farmers. The connection between emissions into the environment and the farming system is indirect, as it also depends on other climate variables such as [rainfall](#) and temperature.

There are two types of indicators of environmental impact: "means-based", which is based on the farmer's production methods, and "effect-based", which is the impact that farming methods have on the farming system or on emissions to the environment. An example of a means-based indicator would be the quality of groundwater, that is effected by the amount of nitrogen applied to the soil. An indicator reflecting the loss of nitrate to groundwater would be effect-based.^[1] The means-based evaluation looks at farmers' practices of agriculture, and the effect-based evaluation considers the actual effects of the agricultural system. For example, means-based analysis might look at pesticides and fertilization methods that farmers are using, and effect-based analysis would consider how much CO₂ is being emitted or what the Nitrogen content of the soil is.^[1]

The environmental impact of agriculture involves a variety of factors from the [soil](#), to water, the air, animal and soil variety, people, plants, and the food itself. Some of the environmental issues that are related to agriculture are [climate change](#), [deforestation](#), [genetic engineering](#), [irrigation](#) problems, [pollutants](#), [soil degradation](#), and [waste](#)

Negatives

Climate change

Main article: [Climate change and agriculture](#)

[Climate change](#) and agriculture are interrelated processes, both of which take place on a worldwide scale. [Global warming](#) is projected to have significant impacts on conditions affecting agriculture, including [temperature](#), [precipitation](#) and glacial run-off. These conditions determine the [carrying capacity](#) of the [biosphere](#) to produce enough [food](#) for the [human population](#) and domesticated animals. Rising [carbon dioxide](#) levels would also have effects, both detrimental and beneficial, on crop yields. Assessment of the effects of global climate changes on agriculture might help to properly anticipate and adapt farming to maximize [agricultural production](#). Although the net impact of climate change on agricultural production is uncertain it is likely that it will shift the suitable growing zones for individual crops. Adjustment to this geographical shift will involve considerable economic costs and social impacts..

At the same time, agriculture has been shown to produce significant effects on climate change, primarily through the production and release of [greenhouse gases](#) such as [carbon](#)

[dioxide](#), [methane](#), and [nitrous oxide](#). In addition, agriculture that practices tillage, fertilization, and pesticide application also releases [ammonia](#), [nitrate](#), [phosphorus](#), and many other pesticides that affect air, water, and soil quality, as well as [biodiversity](#).^[1] Agriculture also alters the Earth's [land cover](#), which can change its ability to absorb or reflect heat and light, thus contributing to [radiative forcing](#). [Land use](#) change such as [deforestation](#) and [desertification](#), together with use of [fossil fuels](#), are the major [anthropogenic](#) sources of carbon dioxide; agriculture itself is the major contributor to increasing methane and nitrous oxide concentrations in earth's [atmosphere](#).^[2]

Deforestation

Main article: [Deforestation](#)

Deforestation is clearing the Earth's forests on a large scale worldwide and resulting in many land damages. One of the causes of deforestation is to clear land for pasture or crops. According to British environmentalist [Norman Myers](#), 5% of deforestation is due to [cattle ranching](#), 19% due to over-heavy [logging](#), 22% due to the growing sector of [palm oil](#) plantations, and 54% due to [slash-and-burn](#) farming.^[3]

Deforestation causes the loss of habitat for millions of species, and is also a driver of climate change. Trees act as a carbon sink: that is, they absorb carbon dioxide, an unwanted greenhouse gas, out of the atmosphere. Removing trees releases carbon dioxide into the atmosphere and leaves behind fewer trees to absorb the increasing amount of carbon dioxide in the air. In this way, deforestation exacerbates climate change. When trees are removed from forests, the soils tend to dry out because there is no longer shade, and there are not enough trees to assist in the [water cycle](#) by returning water vapor back to the environment. With no trees, landscapes that were once forests can potentially become barren deserts. The removal of trees also causes extreme fluctuations in temperature.^[4]

In 2000 the United Nations [Food and Agriculture Organization](#) (FAO) found that "the role of population dynamics in a local setting may vary from decisive to negligible," and that deforestation can result from "a combination of population pressure and stagnating economic, social and technological conditions."^[5]

Genetic engineering

[Genetically engineered](#) crops are [herbicide](#)-tolerant, and their overuse has created herbicide resistant "[super weeds](#)",^[citation needed] which may ultimately increase the use of herbicides. [Seed contamination](#) is another problem of genetic engineering; it can occur from wind or bee pollination that is blown from genetically-engineered crops to normal crops. About 50% of corn and soybean samples and more than 80% of canola samples were found to be contaminated by [Monsanto's](#) (genetic engineering company) genes.^[citation needed] This accidental contamination can cause [organic farmers](#) to lose a lot of money because they needed to recall their products. There are various cases of this such as in the corn and [alfalfa](#) industry.^[6]

Irrigation

Main article: [Environmental impact of irrigation](#)

[Irrigation](#) can lead to a number of problems:^[7]

Among some of these problems is the depletion of underground [aquifers](#) through [overdrafting](#). Soil can be over-irrigated because of poor [distribution uniformity](#) or [management wastes](#) water, chemicals, and may lead to [water pollution](#). Over-irrigation can cause deep drainage from rising water tables that can lead to problems of irrigation [salinity](#) requiring [watertable control](#) by some form of [subsurface land drainage](#). However, if the soil is under irrigated, it gives poor [soil salinity control](#) which leads to increased [soil salinity](#) with consequent buildup of toxic [salts](#) on soil surface in areas with high [evaporation](#). This requires either [leaching](#) to remove these salts and a method of [drainage](#) to carry the salts away. Irrigation with [saline](#) or [high-sodium](#) water may damage soil structure owing to the formation of [alkaline soil](#).

Pollutants

Main article: [Agricultural pollution](#)

See also: [Environmental impact of pesticides](#), [Environmental effects of fertilizers](#), and [Agricultural wastewater treatment](#)

Synthetic pesticides such as '[Malathion](#)', '[Rogor](#)', '[Kelthane](#)' and '[confidor](#)' are the most widespread method of controlling pests in agriculture. Pesticides can leach through the soil and enter the [groundwater](#), as well as linger in food products and result in death in humans and non-targeted wildlife.^[8] A wide range of [agricultural chemicals](#) are used and some become [pollutants](#) through use, misuse, or ignorance. The erosion of topsoil, which can contain chemicals such as herbicides and pesticides, can be carried away from farms to other places.^[9] Pesticides can be found in streams and ground water. Atrazine is a herbicide used to control weeds that grow among crops.^[10] This herbicide can disrupt endocrine production which can cause reproductive problems in mammals, amphibians and fish that have been exposed.^[10] Pollutants from agriculture have a huge effect on [water quality](#). Agricultural [nonpoint source](#) (NPS) solution impacts lakes, rivers, [wetlands](#), estuaries, and [groundwater](#). Agricultural NPS can be caused by poorly managed animal feeding operations, overgrazing, plowing, fertilizer, and improper, excessive, or badly timed use of [Pesticides](#). Pollutants from farming include sediments, nutrients, pathogens, pesticides, metals, and salts.^[11] Animal agriculture can also cause pollutants to enter the environment. Bacteria and pathogens in manure can make their way into streams and groundwater if grazing, storing manure in lagoons and applying manure to fields is not properly managed.^[10]

Listed below are additional and specific problems that may arise with the release of pollutants from agriculture.

- [Pesticide drift](#)
 - [soil contamination](#)
 - [air pollution spray drift](#)

- [Pesticides](#), especially those based on [organochloride](#)
- [Pesticide residue](#) in foods
- [Pesticide toxicity to bees](#)
 - [List of crop plants pollinated by bees](#)
 - [Pollination management](#)
- [Bioremediation](#)

Soil degradation

[Soil degradation](#) is the decline in soil quality that can be a result of many factors, especially from agriculture. Soils hold the majority of the world's biodiversity, and healthy soils are essential for food production and an adequate water supply.^[12] Common attributes of soil degradation can be salting, waterlogging, compaction, pesticide contamination, decline in soil structure quality, loss of fertility, changes in soil acidity, alkalinity, salinity, and [erosion](#). Soil erosion is the wearing away of topsoil by water, wind, or farming activities.^[9] Topsoil is very fertile, which makes it valuable to farmers growing crops.^[9] Soil degradation also has a huge impact on biological degradation, which affects the microbial community of the soil and can alter nutrient cycling, pest and disease control, and chemical transformation properties of the soil.^[13]

- [soil contamination](#)
- [sedimentation](#)

Waste

[Plasticulture](#) is the use of [plastic mulch](#) in agriculture. Farmers use plastic sheets as mulch to cover 50-70% of the soil and allows them to use drip irrigation systems to have better control over [soil nutrients](#) and [moisture](#). Rain is not required in this system, and farms that use plasticulture are built to encourage the fastest runoff of rain. The use of [pesticides](#) with plasticulture allows pesticides to be transported easier in the [surface runoff](#) towards wetlands or tidal creeks. The runoff from pesticides and chemicals in the plastic can cause serious deformations and death in shellfish as the runoff carries the chemicals towards the oceans.^[14]

In addition to the increased runoff that results from plasticulture, there is also the problem of the increased amount of waste form the plastic mulch itself. The use of plastic mulch for vegetables, strawberries, and other row and orchard crops exceeds 110 million pounds annually in the United States. Most plastic ends up in the landfill, although there are other disposal options such as disking mulches into the soil, on-site burying, on-site storage, reuse, recycling, and incineration. The incineration and recycling options are complicated by the variety of the types of plastics that are used and by the geographic dispersal of the plastics. Plastics also contain stabilizers and dyes as well as heavy metals, which limits the amount of products that can be recycled. Research is continually being conducted on creating biodegradable or [photodegradable](#) mulches. While there has been minor success with this, there is also the problem of how long the plastic

takes to degrade, as many biodegradable products take a long time to break down.^[15]

Sustainable agriculture

Main article: [Sustainable agriculture](#)

[Sustainable agriculture](#) is the idea that agriculture should occur in a way such that we can continue to produce what is necessary without infringing on the ability for future generations to do the same.

The exponential population increase in recent decades has increased the practice of agricultural [land conversion](#) to meet demand for food which in turn has increased the effects on the environment. The global population is still increasing and will eventually stabilise, as some critics doubt that food production, due to lower yields from global warming, can support the global population. Agriculture can have negative effects on biodiversity as well. [Organic farming](#) is a multifaceted [sustainable agriculture](#) set of practices that can have a lower impact on the environment at the small scale. However, in most cases organic farming results in lower yields in terms of production per unit area.^[16] Therefore, widespread adoption of organic agriculture will require additional land to be cleared and water resources extracted to meet the same level of production. A European meta-analysis found that organic farms tended to have higher [soil organic matter](#) content and lower nutrient losses (nitrogen leaching, nitrous oxide emissions and ammonia emissions) per unit of field area but higher ammonia emissions, nitrogen leaching and nitrous oxide emissions per product unit.^[17] It is believed by many that conventional farming systems cause less rich biodiversity than organic systems. [Organic farming](#) has shown to have on average 30% higher species richness than conventional farming. Organic systems on average also have 50% more organisms. This data has some issues because there were several results that showed a negative effect on these things when in an organic farming system.^[18] The opposition to organic agriculture believes that these negatives are an issue with the organic farming system. What began as a small scale, environmentally conscious has now become just as industrialized as conventional agriculture. This industrialization can lead to the issues shown above such as climate change, and deforestation.

Conservation tillage

Conservation tillage is an alternative tillage method for farming which is more sustainable for the soil and surrounding ecosystem.^[19] This is done by allowing the residue of the previous harvest's crops to remain in the soil before tilling for the next crop. Conservation tillage has shown to improve many things such as soil moisture retention, and reduce erosion. Some disadvantages are the fact that more expensive equipment is needed for this process, more pesticides will need to be used, and the positive effects take a long time to be visible.^[19] The barriers of instantiating a conservation tillage policy are that farmers are reluctant to change their methods, and would protest a more expensive, and time consuming method of tillage than the conventional one they are used to.^[20]

Other specific methods include: [permaculture](#); and [biodynamic agriculture](#) which incorporates a spiritual element.

Farm water

From Wikipedia, the free encyclopedia

Farm water, also known as **agricultural water**, is water committed for use in the [production of food](#) and fiber. On average, 80 percent of the [fresh water](#) withdrawn from [rivers](#) and [groundwater](#) is used to produce food and other [agricultural products](#).^[1] Farm water may include water used in the [irrigation](#) of crops or the watering of livestock.

"USDA Economic Research Service - Irrigation & Water Use". www.ers.usda.gov. Archived from the original on 2015-11-15. Retrieved 2015-11-17.

Bottom line is that, as much as farms evoke in many people positive feelings of warmth and nostalgia, they are far from benign uses of land. Overall, in fact, they have a net **NEGATIVE** impact on the environment. A solar farm, by comparison, is one of the land few uses that will result in a net **POSITIVE** impact on the environment. *(MS conclusion)*

AGENDA
February 5th, 2019
Cranston City Hall – Council Chamber
7 p.m.

With the exception of the CIP, & the Planning Director's Report, docketed agenda items require a majority vote by the City Plan Commission

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- Minutes of the January 5th, 2019, City Plan Commission – Site Visit (100 Sockanossett)
- Minutes of the January 8th, 2019, City Plan Commission Regular Meeting

3. CAPITAL BUDGET AND IMPROVEMENT PROGRAM (CIP)

- First draft budget and submissions by department heads

4. SUBDIVISIONS AND LAND DEVELOPMENTS

OLD BUSINESS

- **Natick Avenue Solar** *(Continued from 12/4/18 & 1/8/19)* **Public Informational Meeting**

Master Plan - Major Land Development (30 Acre / 8MW Solar Farm on 64 acre site)
AP 22, Lots 108 and 119
Natick Avenue

- **Whiting Street Minor Subdivision** **Public Hearing**

Preliminary Plan – Minor Subdivision with street extension

- Applicant seeks to improve and connect the final segment of Whiting Street
- Five (5) additional single-family house lots are proposed

AP 12-4, Lots 1065-1070 & 1105, 1106
Whiting Street

NEW BUSINESS

- **Pontiac Avenue Solar** **Public Informational Meeting**

Master Plan – Major Land Development

- 7 +/- acre, 3.1 MW Solar Farm Installation on a 45 +/- acre capped former landfill

AP 13, Lot 1
1690 Pontiac Avenue

5. PERFORMANCE GUARANTEE

- **The Oaks at Orchard Valley**
 - Existing Letter of Credit set to expire

6. ZONING BOARD OF REVIEW RECOMMENDATIONS

- EUGENE L. AND BARBARA FOLGO (OWN/APP) have filed an application to install a freestanding sign at 815 Oaklawn Avenue, A.P. 18, Lot 1575, area 6,833 s.f. zoned C2. Applicant seeks relief per Sections 17.92.010 Variance, Section 17.72.010(3) Signs. Application filed 1/9/19.
- MJV ENTERPRISES, LLC (OWN/APP) has filed an application to construct a new two family dwelling on vacant land at 0 Cleveland Ave. A.P. 8, lots 752 & 753, Area 6,652 s.f. zoned B2. Applicant seeks relief per Sections 17.92.010 Variance, Section 17.2.120 Schedule of Intensity Regulations. Application filed 1/11/19. John S. DiBona, Esq.

7. CITY PLAN COMMISSION POLICY – PUBLIC MEETINGS

8. CITY PLAN COMMISSION 2019 REGULAR MEETING SCHEDULE / WORKSHOP SCHEDULE

9. ELECTION OF CITY PLAN COMMISSION OFFICERS

10. PLANNING DIRECTOR'S REPORT

11. ADJOURNMENT / NEXT REGULAR MEETING March 5th, 2019 – City Council Chamber, 7 pm

**Individuals requesting interpreter services for the hearing impaired must contact the office of City Planning at 461-1000 ext. 3136 seventy-two [72] hours prior to the meeting.*

Comments to Staff Recommendation of 1/31/2019 to Cranston City Planning Commission re: Master Plan submission by Southern Sky Renewal Energy for the Natick Ave. Solar Development

My assumption in reviewing the Planning Staff recommendation and in consideration of the extensive community testimony both oral and written, is that while the City's Zoning ordinance allows solar arrays as a right in A-80 Zones, the developer is not entitled to 8.1 mega watts as a right; rather it is the Commission's obligation to insure that this site is suitable for the proposed development considering all of the public health, safety and welfare needs upon which our Zoning Ordinance is based.

My comments below are directed to pages 7-8 and para #1 Buffering Plan of the Staff Recommendation.

Page 7 Analysis of Abutter's requests

At the Jan. 8 Planning Commission meeting, the presentation by Ms. Drake Patten appeared to me to be a well- articulated summary of the major concerns the Commission had heard from so many neighbors and abutting property owners to the Natick Solar Development proposal. I therefore suggested that this letter be added as a condition of approval to the 8 staff recommendations presented, in order to assure a dialogue occur between the developer and the neighborhood property owners that would hopefully result in some constructive changes to the Master Plan. Changes which I hoped which would at least mitigate if not eliminate some of the repeated objections to the solar master plan as submitted. I assumed that this dialogue might bring parties face to face to listen and discuss directly the problematic issues presented to the Commission in the previous two public hearings. That did not happen; not even close. Instead Southern Sky's owner directed his attorney to craft his response to the six areas of concern in the Patten letter. That response was not sent to Ms. Patten nor was it even copied to her. Instead it was sent to the Planning Office. This is not community involvement or inclusion by the developer. This is covering your legal bases in writing. As a Commissioner, I am very disappointed in Southern Sky and can only assume that their pledge to work with the neighbors was only an empty promise.

For that reason, I have serious doubts that promises to work collaboratively with abutting property owners on buffering plantings and screens will be done professionally. Perhaps a 400ft buffer request surrounding the entire site is not attainable; but could not selected areas that abut property owners be modified beyond the 50ft clear zone to address inadequate existing vegetation?

Southern Sky says such landscape design and analysis may only be done in the Preliminary Plan phase when more site information and specifics are known. I personally do not agree with that position. And because of this lack of site information I believe that this Commission needs to engage its own professional landscape architect to conduct a peer review on any and all buffer plans proposed should this Master Plan be approved as submitted. The Commission's LA would work with an advisory committee composed of the developer's representative, a Planning Department representative, a Commissioner appointed by the Chair of the Commission; and two representatives of the neighborhood one of which should be an abutting property owner. The Advisory Committee would follow the intent of the Planning Staff Recommendation that reads: The applicant shall use and

inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species."

Other than the removal of 500 solar panels from the sensitive wetlands area, the Commission has not seen any measurable change to the master plan submission. Offering to under write public access trails on adjoining farm property is not the mitigation that this Commission needs to see on this master plan.

Thank you.

MINUTES

February 5, 2019

Chairman Smith called the City Plan Commission Meeting to order at 7:10 p.m. in the City Council Chamber.

The following Commission members were in attendance:

Michael Smith, Chairman
Fred Vincent
Ken Mason, P.E.
Robert Strom
Kathleen Lanphear
Steven Spirito
Ann Marie Maccarone
Robert DiStefano
Joseph Morales

Also present were:

Jason M. Pezzullo, AICP, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Douglas McLean, AICP, Principal Planner
Joshua Berry, AICP, Senior Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Minutes of the January 5th, 2019, City Plan Commission – Site Visit (100 Sockanossett)

Upon motion made by Mr. DiStefano and seconded by Mr. Spirito, the Commission unanimously voted (9/0) to approve the minutes of the January 5, 2019, site visit.

Minutes of the January 8th, 2019, City Plan Commission Regular Meeting

Upon motion made by Ms. Lanphear and seconded by Mr. Vincent, the Commission unanimously voted (9/0) to approve the minutes of the January 8, 2019, monthly meeting with corrections.

CAPITAL BUDGET AND IMPROVEMENT PROGRAM (CIP)

First draft budget and submissions by department heads

Mr. Pezzullo stated that he would send out the first draft requests tomorrow with the full draft to follow. A full presentation by the department directors will take place in March.

SUBDIVISIONS AND LAND DEVELOPMENTS

OLD BUSINESS

Natick Avenue Solar (Continued from 12/4/18 & 1/8/19)

Master Plan - Major Land Development (30 Acre / 8MW Solar Farm on 64 acre site)

AP 22, Lots 108 and 119

Natick Avenue

Joshua Berry, Senior Planner, presented changes to the Master Plan application since the January 8th meeting. He stated that the revised site plan shows the relocation of the 500 solar panels in question and the minor change to the lease area. Much of his presentation was spent addressing the six requests of the Drake Patton letter entitled "Requests from Abutters", and the Ashley Sweet planning analysis both presented to the City Plan Commission the night of the January 8th meeting. The applicant also provided a response to these documents which were incorporated into the final staff report for the commission. Mr. Berry detailed the response to the request letter as well as other comments and concerns raised at the January meeting. A summary of this presentation was provided to the City Plan Commission in the 2/4/19 Final staff report and is provided in these minutes in its entirety:

"Buffering Plan

The request for a 400' project setback from the south, south-east, north and north-west faces of the project area would eliminate over 80% of the project area. The proposed panel area is approximately 1,200 feet (east/west) by roughly 1,000' (north/south). The 400' buffers along the north and south property alone would restrict the site to 1,200 feet (east/west) by roughly 200' (north/south), a reduction of 960,000 ft² or 22 acres (80.6%) of the proposed 27.3 acres. The applicant's response reflects that they cannot feasibly work with this request, but emphasize that buffer width is not the most critical element to effective screening. SSRE's response states that they are willing and committed to working out the details of an effective screen during the Preliminary Plan phase, as is recommended as a condition of approval. The abutter request also includes a proposed 100 no-clear zone from the wetland edge. The panels are almost all 100' setback from the wetland's edge, although the applicant holds that they may need to remove trees that cast shade on the solar arrays.

The abutters request a new plant inventory that will provide both understory and canopy as to be well integrated into the existing vegetation. SSRE has confirmed that this request can be considered. Staff cautions that the cost of mature specimens may be a concern when considering this request, particularly as the request does not include any quantifiable measure that would satisfy the intent. The applicants holds that the stipulation that the abutters choose the landscape architect and nursery are not viable expectations as they could create issues over the project management, although their suggestions should be taken into account as part of the "inclusive approach."

As a result of this request and the applicant's response, Staff recommends the following condition:

- *The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.*

1. Protection of Property

The abutters request inspections of septic systems, foundations, wells and well water prior to work commencing, accompanied by the obligation of SSRE to pay for any damages caused by project work. The State Fire Marshall's regulatory scheme for any potential blasting will be followed and adhered. It is not reasonable to single out an applicant for enhanced inspections and testing beyond what is required under law. To alter the requirements would potentially set a

precedent for all developments in any zone. Nevertheless, Southern Sky stated that they will consider testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties. The requested intervals for well water testing and the request for the abutter's authority in choosing the inspection company are not tenable.

As a result of this request and the applicant's response, Staff recommends the following condition:

- The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.

2. Protection of Life

The abutters request ten (10) day notification prior to any blasting and to house individuals and their pets for the duration of the blasting period at a mutually agreeable location. Again, the State Fire Marshall's regulatory scheme for blasting will be followed and adhered. The request far exceeds the legal and regulatory framework for blasting and would potentially set a precedent for blasting protections within the City and could be very complicated in the event that the City have to enforce this proposed condition. Modification of the State Fire Marshall's regulatory scheme could create potential hazards. Therefore, staff believes this is not a viable request.

Staff does not recommend any additional condition based on this request by abutters.

3. Hours of Operation

The abutters request that construction hours be limited to 9AM-5PM, no weekends or holidays. The strict adherence to this request would lengthen the time of construction, and presents the City with problematic enforcement issues. To alter the requirements would potentially set a precedent for all developments in any zone.

Staff does not recommend any additional condition based on this request by abutters.

4. Wildlife and Pollinator Protections

The abutters request both native and invasive pollinators (honeybees) be protected. SSRE holds that a low growth grass seed is used in all their projects and that no chemicals or herbicides are used to manage the vegetation.

Additionally, SSRE offers to pay for and construct a public walking trail on the former Moreau property (now Hurricane Hill Farm) currently owned by Drake Patten, along with a parking area on each end of the trail. Staff appreciates the gesture for the proposed public amenity, but cautions a strict condition of a path that involves property that does not belong to the applicant and an easement that has not been researched by staff. Staff would like the opportunity to look into the matter further should the Master Plan be approved.

As a result of this request and the applicant's response, Staff recommends the following condition:

- Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.
- Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.
- During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE's letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (Exhibit K).

5. Protection of Real Estate Values

The abutters request the creation of a “developer-funded escrow account to allow abutters with standing who are not able to sell their property at appraised value to be made whole.” Due to the numerous factors that contribute to the assessment of property values, staff is not aware of any mechanism that could single out the impact of the solar development. This condition is not something imposed on any other forms of development, nor does the City have the capacity to be able to monitor and enforce this proposed request.

Staff does not recommend any additional conditions based on this request by abutters.”

Mr. Berry also pointed out that correspondence had been sent to staff and Commissioners after the public comments portion of the Public Informational Meeting was closed at the January meeting.

Mr. Vincent asked the staff's position on maintaining the overall 8.1 megawatts in regard to the need for additional buffering. He stated that “having an appropriate buffer is important to this project and the buffer widths may need to vary”.

Ms. Lanphear questioned the vesting of this project at its current 8.1 megawatts with the adjustment of the setbacks. Mr. Marsella responded, stating that could potentially affect the buffer but it doesn't mean the buffer zones cannot be adjusted further at the Preliminary Plan stage. She particularly questioned staff memo's language referring to the buffer to be “as wide as necessary” and asked “as determined by whom?” Mr. Berry stated that the Conservation Commission, Development Plan Review Committee and City Plan Commission at the Preliminary Plan stage would address the final buffer width and determine whether or not there is sufficient screening proposed.

Mr. Vincent then presented a prepared statement to members of the Commission:

“At the January 8 planning commission meeting, the presentation by Mrs. Drake Patten appeared to me to be a well-articulated summary of the main concerns the commission had heard from so many neighbors and abutting property owners to the Natick solar development proposal. I, therefore, suggested that this letter be added as a condition of approval to the eight staff recommendations presented, in order to assure a dialog occur between the developer and the neighborhood property owners that would hopefully result in some constructive changes to the master plan, changes which I hope would at least mitigate, if not eliminate, some of the repeated objections to a solar master plan as submitted. I assume that this dialogue might bring parties face to face to listen and discuss directly the problematic issues presented to the commission in the previous two public hearings. That did not happen. Not even close. Instead, Southern Sky owner directed his attorney to draft a response to the six areas of concern in the Patten letter. That response was not sent to Miss Patten, nor was it even copied to her. Instead, it was sent to the planning office. This is not community involvement or inclusion by the developer. This is covering your legal bases in writing. As a commissioner, I am very disappointed in Southern Sky and can only assume that their pledge to work with the neighbors was only an empty promise. Obviously, there was a misunderstanding of the staff of my intention in our last meeting. But I think that there was enough discussion that evening when Southern Sky agreed to work with the community on these issues. For that reason I have serious doubts that the promises to work collaboratively with abutting property owners on buffering plantings and screens will be done professionally. Perhaps a 400-foot buffer request surrounding the entire site is not attainable or even realistic. But could not selected areas that abut property owners be modified beyond the 50-foot clear zone to address inadequate existing vegetation. Southern Sky says such landscape design and analysis may only be done in the preliminary plan phase when more site information and specifics are known. I personally do not agree with that position. And because of this lack of site information, I believe that this commission needs to engage its own landscape architect to conduct a peer review on any and all buffer plans proposed should this master plan be approved as submitted. The commission's landscape architect would work with an advisory committee

composed of the developer's representative, a planning department representative, a commissioner appointed by the chair of the commission, and two representatives of the neighborhood, one of which should be an abutting property owner. Obviously, we should include a member of the conservation commission on that advisory committee. The advisory committee would follow the intent of the planning staff recommendation that reads: "The applicant shall use an inclusive approach with direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutters request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous, and deciduous species." Other than the removal of 500 solar panels from the sensitive wetlands area, the commission has not, in my opinion, seen any measurable change to the master plan submission. Offering to underwrite public access trails on adjoining farm property is not the mitigation that this commission needs to see on this master plan. Thank you."

He stated that there has been no 'movement' on the concerns expressed by the residents. Mr. DiStefano commended Mr. Vincent for his comments and also expressed concerns with water runoff. He stated that he, too, was disappointed that there had been no discussion between the staff, the abutters and the developer. However, both Mr. Smith and Mr. Spirito stated that they were not under the impression that this dialogue was intended to occur since the last Plan Commission meeting, and the record did not clearly reflect this sentiment. Mr. Vincent then suggested the landscape architects plans presented at the next stage should be peer reviewed by the Plan Commission. Ms. Lanphear stated that she agrees with Mr. Vincent's comments and further stated that the Plan Commission has the "authority to review, on a site by site basis" particulars of a project in accordance with State law.

Upon motion made by Mr. DiStefano and seconded by Ms. Lanphear the Commission unanimously (9/0) voted to add Mr. Vincent's suggestion that a professional landscape architect PLA be hired by the City, at the applicant's expense, to conduct a peer review on any and all buffer plans proposed. The Commission's landscape architect will work with an Advisory Committee composed of the developer's representative, a Planning Department representative, a Commissioner appointed by the Chair of the Plan Commission; and two representatives of the neighborhood-one of which should be an abutting property owner. The Advisory Committee would follow the intent of the Planning Staff Recommendation that reads: 'The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.'

Regarding the start of work time during construction, Mr. Mason stated that the City ordinance states that work start time is 7 a.m., however, there is no "end time" mentioned.

Mr. Marsella suggested the Plan Commission review the landscape plan after all other committees (the special committee to be created and the Conservation Commission and the DPR Committee) have reviewed the plan.

Chairman Smith stated that the proposed changes made "have been good", however, one matter that was not discussed during all of the deliberation has been climate change. He stated that a mature tree can mitigate 48 lbs. of carbon dioxide but a solar installation would prevent 5,913 tons of carbon dioxide. He further stated that, in visiting the site, he does not find that 20 homes could not be built. He stated that a family of four produces 830 tons of greenhouse gases into the atmosphere and would use 2.6 million gallons of water per year. He stated that "we are preparing for the future". He urged "think globally, act locally; there are overarching reasons for doing this".

Attorney Doherty stated that the public comment portion of the meeting had been closed prior to the relocation of 500 panels. He stated that 120+ pages of communications have been "added to the record". He made mention of the Hope Farm solar project court case and stated that the project is in violation of "protection of property". He stated that he and his clients have not had an opportunity to "meaningfully

participate” in the discussion of the project. He suggested “beefing up” the conditions. He stated that he has not been able to refute Attorney Murray’s response to the concerns, and he asked the Commission to deny the project.

Attorney Murray stated that he reviewed the transcript and was under the impression that Ms. Patton’s letter of concerns would be addressed by staff at the Preliminary Plan stage. He stated that it is possible that the project could come back at Preliminary Plan stage with less or greater megawatts as currently proposed and that would depend on the detailed engineering plans. He stated that he has no objection to Mr. Vincent’s comments. Mr. Murray stated that the “zoning code declares, as a matter of right, ground mounted solar in a residential zone (A-80).” He stated that he would not consent to an extension of time and asked that the project be approved with the conditions as stated.

Upon motion made by Mr. Strom and seconded by Mr. Mason, the Commission voted (5/4 – Mr. DiStefano, Mr. Vincent, Ms. Lanphear and Ms. Maccarone voted nay) to adopt the Findings of Fact denoted below and *approve* this Master Plan, subject to the following conditions:

Required Findings of Fact

Findings

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100’ radius have been notified via first class mail and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 11/22/18.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. See discussion in Section IV of this report. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11. The Land Use, Economic Development and Natural Resources Elements were all amended to include encouragement of renewable energy facilities.
3. Aesthetically, there are many qualities of the project which preserve the rural character of Western Cranston. Firstly, the solar arrays are proposed more than 400’ from Natick Avenue behind existing residential lots and a vegetated wetland area, additionally screened by existing stone walls and slope. Therefore, it is anticipated that there will be very limited line of sight opportunities to the project from Natick Avenue unless looking directly down the site entrance or gas easement. No signage is proposed with the project, maintaining the existing character of the roadway. The applicant proposes a Buffer Planting Plan to screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the DPR and Preliminary Plan approval processes to ensure the preservation of the rural character of Western Cranston. The project is consistent with the City’s long-term land banking strategy which is intended to preserve the rural character of western Cranston.
4. Ed Pimentel, AICP, of Pimentel Consulting, Inc., provided a report dated 12/3/18 at the December Plan Commission meeting on the Master Plan project application finding that the proposal is consistent with the City of Cranston’s Comprehensive Plan and the State Energy Plan.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality’s zoning ordinance.”

5. The proposed solar and existing agricultural uses are permitted uses by-right in the A-80 zone.
6. The site is comprised of two lots, merged for zoning purposes, which meet the requirements of A-80 zoning.

7. The project narrative by project engineer Dave Russo, PE, of DiPrete Engineering states “. . . clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility” and also that “Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site.” These statements demonstrate direct compliance with Cranston’s solar performance ordinance.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.” (emphasis added)*

8. This finding pertains specifically to the final plan. There is proposed clearing and a yet undetermined amount of grading and/or potential blasting. However, the project will be subject to all local, state and federal standards regarding environmental impacts. Further details will be provided if the project moves to the DPR and Preliminary Plan stages of Development.
9. Project engineer Dave Russo, PE of DiPrete Engineering discussed the ability of the solar arrays to run with the existing slopes to the greatest extent possible, as well as the intent of the applicant to manipulate the site as little as possible in order to effectively engineer the site. Mr. Russo’s project narrative dated 11/9/18 details and verifies the intent to comply with all environmental regulations through RIDEM and the City.
10. Meadow grass is proposed between and under the solar panels.
11. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site. There nearest known rare species locations are roughly 1,600 meters away. This information has been confirmed by David W. Gregg, Ph.D. Executive Director of the Rhode Island Natural History Survey.
12. Solar energy production has an important role in the reduction of greenhouse gas emissions contributing to climate change. There are a multitude of environmental benefits (as well as numerous other benefits) to clean renewable electricity as found by the Environmental Protection Agency in their 2018 report, “*Quantifying the Multiple Benefits of Energy Efficiency and Renewable Energy: a Guide for State and Local Governments.*”

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

13. The project proposes lease areas, not the actual subdivision of lots. No change to the existing lot boundaries are proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

14. The property in question has adequate permanent physical access from Natick Ave, improved public roadways located within the City of Cranston.
15. The proposed use will not have a negative impact on vehicular traffic, generating only a monthly inspection once operational.

Conditions of Approval

1. The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for buffer widths, both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.
2. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan process. Required changes to the Buffering Planting Plan (including buffer widths) may result in alterations to the current proposed layout of the solar installations. The widths of the buffers will be required to be as wide as necessary to effectively screen the solar panels and equipment. Required widths may vary depending on topography or other site conditions.
3. Under the provisions of the City of Cranston's Subdivision Regulations Section III (C)(9), a professional landscape architect will be hired by the City to conduct an independent review on any and all buffer plans proposed. The Commission's landscape architect will work with an Advisory Committee composed of the developer's representative, a Planning Department representative, a Commissioner appointed by the Chair of the Plan Commission; and two representatives of the neighborhood - one of which should be an abutting property owner. The Advisory Committee shall follow the intent of Condition of Approval #1.
4. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
5. The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.
6. The Preliminary Plan site plan shall provide the dimension of the curb opening on Natick Avenue.
7. The development shall follow existing grades as much as possible, where changes are required, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such shall be mechanical as much as possible.
8. Storm water management shall follow existing topography and utilize R.I.D.E.M. Best Maintenance Practices (BMP's) to ensure conformance to City code. Said plan shall attempt to enhance any conditions (existing and proposed) at, to or near adjacent wetlands and Natick Avenue.
9. As discussed at the DPR pre-application meeting, any transmission lines and/or utility pole relocations within the Natick Avenue Right-of-Way are carefully coordinated with the appropriate utilities.
10. The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.
11. Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.
12. Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.
13. During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE's letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (February Staff Memo Exhibit K).

Whiting Street Minor Subdivision

Preliminary Plan – Minor Subdivision with street extension

Applicant seeks to improve and connect the final segment of Whiting Street

Five (5) additional single-family house lots are proposed

AP 12-4, Lots 1065-1070 & 1105, 1106

Mr. Berry presented the Preliminary Plan application to the City Plan Commission. He stated that the property owner, Whiting Development, LLC, is proposing to combine/subdivide eight existing nonconforming lots into 5 conforming lots in A-6 zoning and construct roughly 126 linear feet of roadway to connect Whiting Street between Randall Street to the north and Bellevue Drive to the south. The total area of the 8 existing lots is 32,000 ft² or 0.73 acres. The subject properties are currently wooded and undeveloped. The A-6 zoning allows for single-family residential homes on lots that have a minimum of 60' of frontage and 6,000 ft² of land area. All of the proposed lots will meet or exceed the A-6 zoning requirements. All of the proposed new lots will be serviced by public water and sewer. The proposed project is allowed by-right per City Zoning Ordinance and is consistent with the Comprehensive Plan Future Land Use Map allocation of [Single Family Residential 7.26 to 3.64 units / acre] with a proposed density of 6.85 units / acre. He presented slides of the site pointing out the steep contours that exist in the area. He stated that homes on the west side of the street typically have retaining walls and retaining walls are proposed by the applicant. There is a concern for storm water runoff. He presented a 1964 'street connection plan' which showed that it was always the intent for the street to extend. Waivers are sought for the provision of sidewalks.

Attorney John Mancini reiterated Mr. Berry's findings and further stated that no variances are required for this proposal.

Mr. Timothy Behan, P.E., Commonwealth Engineering, stated that the proposed road width will be maintained. A Storm Water Management Plan has been submitted as part of the Preliminary Plan application package. The proposal is for the installation of drywells that will catch rooftop water runoff. Sediment controls have been doubled for this project. He also stated that Fire Department requirements have been met.

Mr. Vincent asked if the site would be completely cleared and when perimeter sediment controls would be installed. Mr. Behan responded, stating that the Storm Water Plan takes into consideration all trees being removed. Regarding storm water controls, he stated that once they start construction, the controls will have to be in place. He stated that a Soil Erosion Plan will be submitted as part of the building permit phase. He stated that the four homes proposed will be "walkouts" that work with the topography. He stated that the property across the street would have a retaining wall.

Mr. Strom expressed concern with cut-thru traffic and water runoff from the condominiums (Garden Vista Condominiums) to Cornell Street. Mr. Behan responded, stating that a net increase in stormwater runoff will not increase from these properties per state law. He mentioned that public water and sewer connections have been approved.

Ms. Ann Blackmar, 155 Whiting Street, stated that she has a "considerable" amount of water that flows onto Cornell Street. She also stated that residents in the area "had problems with natural gas" when the Garden Vista Condominiums were built. She also expressed concern with cut-thru traffic.

Mr. Dave Capuano, 163 Whiting Street, provided a thumb drive (exhibit A from objector 1) with a video presentation of the water runoff in the area. He asked the matter be "tabled due to significant flooding from the condos above". He stated that rocks from his property have been washed away. He also stated that the City is aware of his problem and that he experienced no flooding during the 2010 flood events. He questioned the engineer's decision that it was appropriate for the condos (Garden Vista) to be built. He also expressed concern with cut-through traffic.

Attorney Mancini stated that the lots already exist and the applicant “can build now” as pre-existing lots of record. He stated that storm water controls are in compliance and that the concerns raised are not germane to this project. He further stated that Whiting Street was always intended to connect.

Councilman/President, Michael Farina, Redberry Circle, stated that the complaints from the residents are true and he feels that the potential stormwater runoff could impact the area.

Mr. Nicholas Coyette, Cornell Street, stated that he “gets water in his basement” and he is also concerned with “encroachment”.

Mr. Strom stated that the ledge elevation is depicted on the sewer plan. He stated that blasting would be up to the contractor, however, it seems that ledge can be mechanically removed. Attorney Mancini stated that there is no need to blast as the proposed walkout basements “will not be that deep”.

Mr. Mason, P.E., Public Works Director, stated that there is “no drainage on Whiting or Cornell Streets and that there are no immediate plans to put in any new piping.” He stated that the Garden Vista Condominiums have two detention ponds and he questions whether they are functioning properly. He stated that public works biggest concern is during construction when the site is not stabilized.

Attorney Marsella stated that the City administration is attempting to resolve this matter with the condominium association, however, they has been no response from the association or the developer to date.

Ms. Lanphear stated that she would like more information from Engineering, therefore, upon motion made by Mr. DiStefano and seconded by Ms. Maccarone, the Commission unanimously voted (9/0) to continue this matter to the March 5, 2019, Plan Commission Meeting.

Pontiac Avenue Solar

Master Plan – Major Land Development

7 +/- acre, 3.1 MW Solar Farm Installation on a 45 +/- acre capped former landfill

1690 Pontiac Avenue, AP 13, Lot 1

Mr. Berry explained that the applicant proposes to install and operate an approximate 3.1 megawatt (DC) ballast ground-mounted solar installation on top of an impermeable landfill cap. The panels will be 2-3 feet off the top of the cap. The arrays are proposed only in the center of the landfill, where the slopes reduce near the top of the mound. No earthwork is proposed and there will be no clearing of natural vegetation. As the landfill site is already fenced, no new fencing is proposed. Because the landfill cap may not be breached, normal topsoil and hydrology impacts are not applicable to this project and buffer planting on the landfill is not feasible.

Mr. Dave Russo, P.E., DiPrete Engineering, representing ISM Solar Development, LLC, stated that the existing fencing will remain with a gated, locked entrance with signage. He stated that the hydrology will not be changed. Drainage was completed with the cap. There will be 7.4 acres of panels that will sit on top of the cap (ballast system). There will be no disturbance of wetlands. He stated that no ‘earthwork’ is required.

Mr. Greg Lucini, ISM Solar, stated that “this is responsible solar development”. He stated that his company looks for “closed turf” for ballast solar arrays.” He informed everyone that his is a national company owned by Berkshire Hathaway. He stated that he is waiting for the closure report. He stated that the installation will not affect the cap and the closure plan will be submitted at Preliminary Plan stage. He mentioned that interconnection is existing and that this is a “community solar project”.

Mr. Douglas Doe, Lippitt Avenue, spoke in favor of the application.

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Plan Commission unanimously voted (9/0) to adopt the Findings of Fact denoted below and approve this Master Plan subject to the following conditions.

Findings of Fact

This Master Plan application has been reviewed for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

Findings:

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 1/23/19.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. See discussion in Section IV of this report. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11. The Land Use, Economic Development and Natural Resources Elements were all amended to include encouragement of renewable energy facilities.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

3. The proposed solar and existing landfill uses are permitted uses by-right in the M-2 zone.
4. The project site is compliant with the requirements of M-2 zoning. No variances are request as part of this proposal.
5. The project does not involve tree clearing or disturbance of topsoil. The narrative by project engineer Dave Russo, PE, of DiPrete Engineering states that a sound study will be provided prior to issuance of a building permit. These project attributes demonstrate direct compliance with Cranston's solar performance ordinance.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.” (emphasis added)

6. This finding pertains specifically to the final plan. However, no clearing or earthmoving is proposed and the project will be subject to all local, state and federal standards regarding environmental impacts. A RIDEM Wetlands Preliminary Determination permit will not be required. Further details will be provided as necessary if the project moves to the DPR and Preliminary Plan stages of Development.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

7. The project does not involve subdivision of lots. No change to the existing lot boundaries are proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

8. The property in question has adequate permanent physical access from Pontiac Ave, improved public roadways located within the City of Cranston.

- The proposed use will not have a negative impact on vehicular traffic, generating only a monthly inspection once operational.

Conditions of approval

- The applicant will obtain and submit all applicable permits and/or reports from RIDEM to the Planning Department prior to submittal of a Preliminary Application with the Planning Department.
- The applicant shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
- Any changes to the plans shall be subject to review and comment from the Conservation Commission, and must be approved by the Development Plan Review Committee and Plan Commission during the Preliminary Plan phase.

PERFORMANCE GUARANTEE

The Oaks at Orchard Valley

Existing Letter of Credit set to expire

Upon motion made by Mr. Strom and seconded by Mr. Spirito, the Commission unanimously voted (9/0) to continue this matter to the March 5, 2019, Plan Commission Meeting.

ZONING BOARD OF REVIEW RECOMMENDATIONS

EUGENE L. AND BARBARA FOLGO (OWN/APP) have filed an application to install a freestanding sign at 815 Oaklawn Avenue, A.P. 18, Lot 1575, area 6,833 s.f. zoned C2. Applicant seeks relief per Sections 17.92.010 Variance, Section 17.72.010(3) Signs. Application filed 1/9/19.

Variance Request:

- To allow a 15'4" tall, 116.66 ft² (100" x 84" two-sided) freestanding sign in a C-2 zone exceeding the 12' height maximum by 3'4" and 25 ft² area maximum by 91.67 ft². The sign would replace a taller (18.5' high) and larger (dimensions unknown) freestanding sign in the same location, roughly 3' from the right of way when a 5' setback is required. [17.72.010 Signs]

PROPOSAL SUMMARY

	Freestanding Sign Area (ft²)	Freestanding Sign Height (ft)
Previously Existing	(unknown)	18'6"
Proposed	116.66 (58.33 / side)	15'4"
C-2 Maximum	25	12
Deviation from Max	+91.66	+3'4"

FINDINGS OF FACT:

1. The subject site is located at 815 Oaklawn Avenue on a commercial C-2 (neighborhood business) lot with an approximate area of 6,833 ft². The proposed sign is for a business which has been operating at this site since 1972. According to the applicants, the previously existing freestanding sign was knocked down by wind on March 2, 2018. The applicants cite that the loss of the sign is having a negative effect on their business, particularly as the building was designed with residential architectural characteristics.
2. Per City Code, C-2 zoning allows freestanding signs at a maximum area of 25 ft² and maximum height of 12'. The proposed sign is 116.66 ft² (58.33 ft² per side) and 15'4" tall, which would replace the previously existing larger (exact dimensions unknown) 18' tall sign.
3. The sign is proposed in the exact location of the previously existing sign, roughly 3' from the right-of-way of Oaklawn Avenue. Due to existing conditions of the site, there are no alternative locations which would not conflict with the existing building, parking spaces or vehicle travel lanes.
4. The proposed sign is in kind with others in the surrounding area. The sign for 800 Oaklawn Ave, the address for the the commercial strip mall across the street known as Garden Hills Place, was granted a variance in 1979 to install two signs, in excess of the zoning requirements (dimensions unstated) with the restriction that they be no more than 18' high. The sign for Oaklawn Carwash, the business directly north of Strand Optical, appears to be taller than the proposed sign (roughly 20'), and has multiple signs on the property (there is no record of a variance for signage at this location). Considering these adjacent signs and the fact that the previously existing sign for Stand Optical was taller and larger than the proposed, the proposed sign will not detriment the public welfare or be out of character with the area.
5. The use of the site is consistent with C-2 zoning as well as the City of Cranston Comprehensive Plan Future Land Use designation which calls for Highway Commercial/Services. The C-2 zone is less intense than the prescribed C-3, C-4 and C-5 zonings recommended for Highway Commercial/Services which allow for greater freestanding sign height (15') and area (35 ft²). The proposal would still require a variance from said standards, but the proposal does not impair the intent or purpose of zoning or the Comprehensive Plan.

ANALYSIS:

Oaklawn Avenue is host to a combination of residential and commercial uses. The Strand Optical site does not abut residential, but is located within a commercial area that has been serving the nearby residential communities for decades. The applicants report that the previous sign for Strand Optical was blown down by heavy winds on March 2, 2018, which is an important fact in understanding the context for the request. The request is NOT for a big new sign, but to replace a long-standing nonconforming sign that has been lost to weather events with a shorter and smaller free standing sign in the same location. Due to the unexpected loss of the previous sign, and understanding the business's need to convey to its patrons that they are still operating out of this location, the request for the freestanding sign is justified, but the question remains - are the details (dimensions) of the request appropriate?

The City of Cranston Zoning Code Chapter 17.72.010 – Signs Sec. (M) reads:

Nonconforming Existing Signs, Permits and Terms. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this section when any proposed change, repair or maintenance would constitute an expense greater than twenty-five (25) percent of the original value or replacement value of the sign, whichever is less.

Appropriateness of the request can be measured by considering the character of the surrounding area, the existing conditions of the site and circumstances generating this application. The proposed location is the same as the previous location, roughly 3' from the right-or-way, which does not comply with the required 5' setback. Given that this is not a new project site, the sign location must work within the

confines of existing conditions. There are no locations on site which would not be in conflict with the existing building, parking spaces or vehicle lanes. Seeing that no concerns were raised over the location of the previous sign, that there are conflicts with relocating the sign on site, staff finds that the proposal to erect the sign in the same location is reasonable. The area and height of the proposed sign are both less than the previously existing sign, and are consistent with other signage in the immediately surrounding area. A 25ft² area maximum for freestanding signs in a commercial zone may be something that the City wants to revisit, especially as both faces of the sign count towards the area. To comply with the area requirement, the sign would have to be reduced to roughly 3.5" x 3.5". The sign for 800 Oaklawn Ave, the address for the the commercial strip mall across the street known as Garden Hills Place, was granted a variance in 1979 to install two signs, in excess of the zoning requirements (dimensions unstated) with the restriction that they be no more than 18' high. The sign for Oaklawn Carwash, the business directly north of Strand Optical, appears to be taller (roughly 20') than the proposed sign, and has multiple signs on the property (there is no record of a variance for signage at this location). Taking into consideration the existing surrounding signage and the previously existing sign lots to weather conditions, approval of the request would not have negative impacts on the area, would not detriment the general welfare, and would not undermine the zoning code or Comprehensive Plan.

Although it is not directly within the scope of the zoning request, staff would like to comment that the brick foundation that served as the base to the previously existing sign is much preferred to the yellow bollards shown on the rendering. The yellow bollards are not consistent with the architecture of the existing building, and are not commonly found surrounding freestanding signs in this area or elsewhere and are therefore not commonly considered as required elements of freestanding signs. If at all possible, staff would request that the existing brick foundation remain, that the bollards not be proposed at all, or that something of similar aesthetic character be selected in place of yellow bollards.

RECOMMENDATION:

Finding that the sign will not alter the character of the area, detriment the general welfare, or undermine the intent of the zoning ordinance and Comprehensive Plan, upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Plan Commission unanimously voted (9/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

MJV ENTERPRISES, LLC (OWN/APP) has filed an application to construct a new two family dwelling on vacant land at 0 Cleveland Ave. A.P. 8, lots 752 & 753, Area 6,652 s.f. zoned B2. Applicant seeks relief per Sections 17.92.010 Variance, Section 17.2.120 Schedule of Intensity Regulations. Application filed 1/11/19. John S. DiBona, Esq.

Variance Request:

1. To allow a two-family dwelling to be constructed on 2 substandard lots of record in a B-2 zone (combined lot size of 6,654 ft² whereas 8,000 ft² is required). [17.20.120 Schedule of Intensity Regulations]

FINDINGS OF FACT:

1. Currently, the owner has 2 contiguous substandard lots at this location that are merged into 1 lot for zoning purposes, per City Code Section 17.88.010 *Substandard Lots of Record*. The total area of the combined lots measures 6,654 ft².
2. The combined lots are currently undeveloped.
3. The applicant is proposing to construct a two-family dwelling totaling 1,976 ft². The property is zoned B-2 in which 2-family dwellings are an allowed use.
4. The zoning code requires that two-family dwellings in a B-2 zone have a minimum lot size of 8,000 ft². The size of the applicant's combined lot size (6,654 ft²) is approximately 83.2% of the

- required minimum lot size (8,000 ft²).
5. The applicant's proposal meets all other dimensional requirements of zoning.
 6. The surrounding neighborhood is zoned B-1 and B-2 and is primarily developed as a mix of single- and two-family dwellings. Based on a narrative provided by the applicant, the percentage of land uses within 400' is as follows:
 - Single-family: 27%
 - Two-family: 26%
 - Municipal: 27%
 - Vacant: 12%
 - All other land uses: 8%
 7. Based on a narrative provided by the applicant, the average lot size for all of the two-family dwellings within 400' feet of the subject property is 5,253 ft². This indicates that the surrounding neighborhood is developed more densely than what is being proposed in the immediate application.
 8. If approved, the resulting density of the project would be approximately 13.09 residential units per acre. The Comprehensive Plan's Future Land Use Map designates the subject parcels as *"Residential Less Than 10.39 units/acre"*. However, the Land Use Element provides policy direction that supports the development of undersized lots in B-2 zones in eastern Cranston, as detailed in findings of fact # 9-11.
 9. Page 45 of the Comprehensive Plan Land Use Element states: *"The lot sizes of many parcels in the A-6, B-1 and B-2 zoning districts are, on average, under the minimum lot size of 6,000 square feet for single family and 7,500 square feet for two-family homes. To reduce the number of variances that are required to improve buildings and permit new development, the City should amend the zoning ordinance to allow expansions to preexisting nonconforming lots in an expedited manner."* This statement provides policy direction that the City is not opposed to development two-family dwellings on preexisting nonconforming lots.
 10. Page 31 of the Comprehensive Plan Land Use Element states: *"Most properties in the A6, B1 and B2 zoning districts have less than the 6,000 square foot minimize lot size. In fact, about half (over 48 % and 55% of the A6 and B1 zones, respectively), are less than 5,000 square feet in area. This inconsistency between the lot sizes and zoning occurs typically in the older parts of the City, which limits development potential, and requires variances for changes to existing properties. However, the City grants variances routinely when properties are 5,000 square feet, limiting the purpose and effectiveness of the existing minimum size requirements. The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock."* This statement provides policy direction that the City is not opposed to development at a higher density than prescribed by zoning in order to reflect the historic pattern of the surrounding housing stock.
 11. Page 22 of the Comprehensive Plan Land Use Element states: *"Provide Opportunities in Eastern Cranston: Underutilized properties and infill development sites could be improved to address current and future land use, transportation, and economic needs in the eastern part of the City."* There are many similar statements as this in the Comprehensive Plan that provide policy direction that the City is not opposed to infill development in eastern Cranston. The immediate application is located in eastern Cranston.
 12. Based on findings of fact # 9-11, staff finds that the proposal to develop a two-family dwelling on substandard lots of record totaling 6,654 ft² in eastern Cranston is consistent with the Comprehensive Plan.
 13. The subject property is considered a corner lot at the intersection of Cleveland Avenue and Puritan Avenue and is subject to the front yard setbacks from both these streets. The proposed building setback from both these street by 25 feet and is compliant with zoning.

ANALYSIS:

The applicant has proposed to construct a two-family dwelling on 2 substandard lots of record with a combined area of 6,654 ft² in a B-2 zone. The lots in the surrounding neighborhood were established prior to the effective date of the Zoning Map, the majority of which are below the minimum lot size requirement in a B-1 or B-2 zone. The applicant has provided a narrative analysis that states that 26 percent of the properties within a 400' radius of the subject property are classified as two-family. The narrative also states

that the average lot size for all of the two-family dwellings in the area is 5,253 ft², which is denser than what is being proposed in the immediate application. The application appears to be consistent with the surrounding neighborhood in terms of the land uses and historic pattern of development in the area. Although the proposal is denser than what is allowed by its classification in the Comprehensive Plan - Future Land Use Map (Residential Less Than 10.39 units/acre), findings of fact # 9-11 illustrate additional policy direction within Comprehensive Plan that is consistent with the proposed application.

RECOMMENDATION:

Due to the consistency in parcel size and land use with the surrounding neighborhood, as well as consistency with the Comprehensive Plan, upon motion made by Mr. Spirito and seconded by Mr. DiStefano, the Plan Commission unanimously voted (9/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

CITY PLAN COMMISSION POLICY – PUBLIC MEETINGS

A first draft of the Plan Commission Meeting policy was presented by Mr. Pezzullo. Chairman Smith suggested the addition of a curfew time. There was discussion of a change to the meeting start time to 6:30 p.m. Upon motion made by Mr. Vincent and seconded by Mr. Spirito, the Commission unanimously voted (9/0) to begin future Plan Commission Meetings at 6:30 p.m. starting in April.

CITY PLAN COMMISSION 2019 REGULAR MEETING SCHEDULE / WORKSHOP SCHEDULE

In addition to the regular monthly meetings that usually take place on the first Tuesday of the month, Mr. Pezzullo added four quarterly workshops (on the third Wednesdays of the month – time and location TBD) as follows: March 20, 2019, (Winter); May 15, 2019 (Spring); August 21, 2019 (Summer) and November 20, 2019 (Fall).

ELECTION OF CITY PLAN COMMISSION OFFICERS

Upon nomination made by Mr. Vincent and seconded by Mr. DiStefano, the Plan Commission unanimously voted (8/0) to elect Mr. Smith as President.

Upon nomination made by Mr. Smith and seconded by Ms. Lanphear, the Plan Commission unanimously voted (8/0) to elect Mr. Vincent as Vice President.

PLANNING DIRECTOR'S REPORT

Mr. Pezzullo stated that the Department needs to begin working on the new solar farm ordinance. He also thanked the Commission for bearing with an unusual string of heavy agendas and contentious proposals.

ADJOURNMENT

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Commission unanimously voted to adjourn at 11:15 p.m.

NEXT REGULAR MEETING March 5th, 2019 – City Council Chamber, 7 pm

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CITY OF CRANSTON
PLAN COMMISSION

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

DATE: February 5, 2019
TIME: 7:00 P.M.
PLACE: Cranston City Hall
Council Chambers
Cranston, RI

BEFORE:

- Michael Smith, Chairman
- Ken Mason, P.E.
- Kathleen Lanphear
- Steven Spirito
- Ann Marie Maccarone
- Frederick Vincent
- Robert Strom
- Joseph Morales
- Robert DiStefano, Jr.

PRESENT:

FOR THE APPLICANT ROBERT MURRAY, ESQUIRE
FOR THE PLANNING BOARD STEPHEN MARSELLA,
ESQUIRE

1 CHAIRMAN SMITH: Under old business.
2 Natick Avenue Solar. This is a continuation from
3 both December 4 and January 8. Again, this is
4 master plan major land development, solar farm,
5 64-acre site, Natick Avenue. Mr. Berry.

6 MR. BERRY: Good evening, Commission,
7 members of the public. My name is Joshua Berry,
8 senior planner. Many of you are already familiar
9 with this project as it's been continued through
10 two public hearings, the December 4 and January 8
11 plan commission hearings.

12 There's some new information since the
13 January meeting. I'll go over these in succession.
14 The Revised site plan, bolstered environmental
15 impact findings, Comprehensive Plan consistency
16 exhibits, requests by abutters and the applicant's
17 response. There's some analysis. There's interest
18 of others, and some revised conditions.

19 The purpose of this presentation is not to
20 go through the entire master plan, but more to take
21 up where we left off in January. So a revised site
22 plan has been submitted. As you may remember,
23 there were some panels that were relocated. The
24 relocated panels were not shown on that site plan.
25 So the applicant has supplied a site plan to show a

1 little bit closer what happened. It looks
2 substantially the same as the previous site plan,
3 but there are some subtle differences, and we're
4 going to itemize those for you.

5 Firstly, the southern point of the lease
6 line between Parcel A and Parcel B moved about 25
7 feet westward. It's important to note the northern
8 point of that lease line between Parcel A and
9 Parcel B are unchanged. I'm using the words
10 "Parcel" in quotes because they are actually not
11 subdividing the lot. They won't be by the
12 definition of a parcel, but that's what they call
13 them on the site plan, and that's how we need to
14 refer to them throughout the presentation.

15 The solar panels were revised to be --
16 more closely abut the lease line, and I'll zoom in
17 and show you how we did that. The second major
18 change to the lease line between Parcel B and
19 Parcel C, they moved away from the wetland edge
20 transferring 2.7 acres from Parcel B, which is the
21 leased parcel for the solar to Parcel C, which is
22 not part of the project, which is the wetland area
23 that abuts Natick Avenue.

24 So these changes have caused the following
25 in changes to the -- both sides. Parcel A changed

1 from 29.3 to 29 acres. That's only .3 acres of
2 additional area given to the project area from
3 Parcel A to Parcel B. So Parcel B changed from
4 29.7 to -- decreased to 27.3 acres because it gave
5 some area to Parcel C. Parcel C changed from 5
6 acres to 7.7 acres.

7 So I'm going to take a closer look at what
8 that means. This was the January site plan, and
9 this is the revised site plan. So I'm going to
10 toggle back and forth a few times. If we take a
11 look at that black line, so this line is going to
12 move at this point westward a little bit, and
13 you're going to see this black line that rolls
14 right along the wetland area from the entry point,
15 and that is not on the January plan. But it is on
16 the revised site plan.

17 MR. VINCENT: Excuse me, Jason. Can you
18 give us north to north, please.

19 MR. BERRY: The north arrow is right --
20 the north arrow is right here. I want to say
21 Westward Avenue left. I'm just going to toggle
22 this a few times so that you can see the impact of
23 the lease line changes. I'm going to zoom in a
24 little bit closer. It's real difficult to see the
25 panels on the gray. See right here at this point,

1 this is where the lease line changes just slightly.
2 The panels below this yellow line move closer to
3 the lease line area, and above that yellow line
4 they do not move closer to the lease line area.
5 This is the part of the site plan where Parcel B --
6 and it's Parcel C, this is the January site plan,
7 right on the January site plan, the lease line goes
8 around the wetland area, and that is changed to cut
9 across, contributing total 2.7 acres from Parcel B
10 to Parcel C.

11 Bolstered environmental impact findings.
12 Commissioner Vincent requested that staff go back
13 and revisit some of the environmental impacts.
14 Regarding the November 2018 natural heritage map,
15 it shows that there are no known rare species
16 located on the site. The nearest known rare
17 species are roughly 1,600 meters away, and this is
18 confirmed by the Executive Director of Rhode Island
19 Natural History Survey. And also solar energy
20 production has an important role in the reduction
21 of greenhouse gas emissions contributing to climate
22 change. There are a multitude of environmental
23 benefits as well as other benefits: Clean
24 renewable energy, electricity, in particular, as
25 found by the Environmental Protection Agency in a

1 2018 report, "Quantifying the Multiple Benefits of
2 Energy Efficiency and Renewable Energy: A Guide
3 for State and Local Governments." We feel that
4 there is a net benefit to the environment from this
5 project.

6 The Comprehensive Plan consistency
7 exhibits, I'm not going to go over this in great
8 deal. These are all in the staff report. There's
9 a timeline of events from 2015. There was the Plan
10 Commission responses to Councilman Stycos's
11 questions to adopt the ordinances, which put solar
12 as an allowed use in the A80 zones. There are two
13 court cases in Superior Court of Rhode Island.
14 Cite those as exhibits. There may be some
15 different details in those reports it's been
16 pointed out based on the facts, but we do feel that
17 it does show that there were findings that there's
18 consistency with the Cranston Comprehensive Plan as
19 part of the findings in those cases.

20 Exhibit E, planning staff statement on
21 consistency with Comprehensive Plan. That was read
22 in the record for the Hope Farms solar array.
23 Exhibit F, affidavit of Peter Lapolla, that was
24 provided for the appeal, and then the two Superior
25 Court decisions are provided as exhibits to our

1 staff report.

2 So the applicant's response to the request
3 by abutters. I did not hear, obviously, the
4 correction that Mr. Vincent made to the minutes.
5 And had I heard that conversation that way, there
6 would have been some changes, perhaps, to the
7 direction that we gave to the applicant. It was
8 our understanding that the commission approved a
9 motion for a master plan approval condition to be
10 added, that the applicant address the Natick Ave.
11 solar project request from abutters. It was not
12 that there needed to be engagement with them in the
13 month prior to this meeting. So the applicant has
14 provided a response. We view that it would be
15 appropriate to address the response, and perhaps
16 others are not understanding exactly what you meant
17 by with your intent, without the information that
18 we were working under.

19 I'm going to address these items. The
20 first one was the buffers. The request for
21 400-foot buffers along the north and south would
22 reduce the project area by 80.6 percent. However,
23 staff wants to emphasis that we do not have
24 sufficient information to confirm that the buffers
25 will be effective when the master plan phase

1 begins, just a master plan phase are a conceptual
2 buffer plan, and recommends two conditions in
3 regards to the buffers. One, the applicant shall
4 use an inclusive approach with the direct abutters
5 to develop an effective buffering plan. The
6 applicant will demonstrate that they have
7 considered the abutters' requests -- and the
8 request for buffer widths and request for buffer widths
9 request for buffer widths have been recently
10 added. That's why they are underlined and
11 italicized -- request for buffer widths, both the
12 understory and canopy so as to appear naturalized,
13 focused on native species and include a mix of
14 maturities, coniferous, and deciduous species.

14 The second condition the staff recommends,
15 that applicant shall submit buffer plans according
16 to the Conservation Commission review and comments
17 as part of the preliminary plan process. Required
18 changes to the buffer planting plan, including
19 buffer widths, may result in alterations to the
20 current proposed layout of the solar installations.
21 The widths of the buffers will be required to be as
22 wide as necessary to effectively screen the solar
23 panels and equipment. Required widths may vary
24 depending on topography or other site conditions.
25 This is the buffer planting plan that has been

1 unchanged. Doesn't even have the changes since the
2 most recent change; but in case we wanted to use it
3 for our discussion purposes, I just included it
4 here. The request of abutters for protection of
5 property. Request to inspect personal property is
6 beyond what would be required by the state fire
7 marshall regulatory framework for blasting.

8 However, the applicant has offered to test the
9 wells of the direct abutters which has resulted in
10 the following condition: The applicant will
11 demonstrate that they have considered testing the
12 wells of direct abutters with their permission
13 prior to any blasting activities and the blasting
14 company, if utilized, will follow the customary
15 procedures for pre-blasting inspections of
16 surrounding properties.

17 The Wildlife and pollinator protections.
18 The first part of the request called for increased
19 buffers. That's going to be handled going into the
20 preliminary plan phase as an ongoing discussion,
21 should the requested conditions be approved. The
22 pollinator species requests have been included as
23 conditions, and those are that seed mix to be used
24 under panels shall be organically sourced (non-GMO
25 or otherwise enhanced seeds) and consist of local

1 seed varieties that would be found in New England
2 meadows. Also, Condition 11, control of growth
3 under the panels must be limited to mechanical
4 methods. No herbicides or other chemical means may
5 be used to control growth under the panels.

6 There were some requests that (inaudible)
7 the recommend conditions. Those were the
8 protection of life, hours of operations, and
9 protection of real estate values. The general
10 rationale that they are problematic in terms of
11 setting precedent, problematic in terms of
12 enforcement, and/or overstepping established
13 regulatory framework, like the state fire
14 marshall's framework, for example.

15 There has been interest of others.
16 Significant public interest, as we all know, over
17 the December and January meetings. Then the plan
18 commission closed the public comment during the
19 January meeting, but we would like to note that
20 there have been numerous correspondence that have
21 been sent to staff and to select commissioners that
22 have been conditionally in opposition.

23 Regarding our recommendation, It's been
24 the same as it was, that it's consistent with the
25 findings of fact, which is part of our state law.

1 It's consistent with the Comprehensive Plan, as
2 well as consistent with the City of Cranston
3 subdivision land development regulations. And I
4 have the conditions listed should the commission
5 want me to speak to any one in particular. I've
6 already gone over the ones that resulted from the
7 request to abutters. The other ones have been
8 unchanged since the previous meeting. Pretty
9 standard.

10 Number 4 is real important, though,
11 because it's requiring that they have to work with
12 Tennessee Gas pipeline to ensure that the project
13 will be consistent with the terms and conditions of
14 the easement.

15 The twelve conditions, it's not something
16 that directly resulted from the request by
17 abutters. It was an offer made by the applicant.
18 We do not feel that this directly relates to the
19 application. This is something that the board may
20 consider, but should not weigh in on whether or not
21 the project is ultimately denied or approved. This
22 wording is very loose. It's that the applicant
23 will work with the planning department to explore
24 the feasibility of the proposed walking trails
25 offered by SSRE's letter to Jason Pezzullo.

1 So, again, this is not something that is
2 directly related on the project site. It's just
3 something that we wanted to have caution to, any
4 condition that is upon condition of the staff
5 recommendation.

6 CHAIRMAN SMITH: Okay. Thank you,
7 Mr. Berry. Questions from members of the
8 commission or comments?

9 MR. VINCENT: Mr. Chairman, can Jason just
10 go back to the second condition about the buffer
11 with the conservation commission. And my question
12 is is the buffer, right now as it's presented, if
13 it's determined that the buffers are inadequate and
14 the buffer widths have to be substantially
15 increased, what is the position of the staff on
16 maintaining 8.1 megawatts or not maintaining 8.1
17 megawatts?

18 MR. BERRY: The master plan approval would
19 be for 8.1 megawatts. It is not necessarily for
20 the lease line, which is my understanding. So if
21 the applicant needed to re-negotiate the lease line
22 to make sure that they comply with the condition as
23 that may or may not be. After that, the condition
24 would stand that whatever we required as an
25 appropriate depth would be such, and I would think

1 that there is adequate room to the west. I don't
2 know the constraints that the property owner,
3 Mr. Rossi, would have about that, but I think
4 having an appropriate buffer is really important to
5 this project.

6 MR. SPIRITO: Question. How do we
7 determine if the buffer zone is adequate?

8 MR. BERRY: Part of the conclusive
9 process, that would be with the abutters. So, I
10 mean, I want the abutters to tell me when they look
11 at the plan that John Carter and the applicant have
12 provided that they're happy with it. And if
13 they're not, then there's going to be a process in
14 which it would, hopefully, be productive and
15 progress was some sort of plan that is going to
16 adequately buffer the project. Again, we want to
17 emphasize that it's not about the width of the
18 buffer, it's about screening. So if topography on
19 the southern side, we had a modification of the
20 plan that moved panels over a hill, and then when
21 you were standing on the site visit, you said you
22 could see over it, so I wouldn't recommend that we
23 have a thick buffer that isn't going to provide any
24 additional screening along the southern property
25 line if we so determine through this conclusive

1 process that would be the preliminary plan phase
2 that's not required at that portion. So the buffer
3 would -- may vary along the northern property line
4 and may be required that there's more than
5 significant buffer. Fifty feet is not -- it's not
6 that long, but it could be effective and I think at
7 the stage where we do not have all the details of
8 the buffer planting plan, as this is master plan
9 phase, it's very difficult for staff to say that 50
10 feet is going to suffice or say it's not going to
11 suffice.

12 MS. LANPHEAR: I also have a question, and
13 I think it's along the same lines as Commissioner
14 Vincent. I don't know if it's better directed at
15 legal counsel, probably not staff, but is the
16 language in this condition adequate to not vest the
17 applicant with the right to 8.1 megawatts should
18 the buffer requirement encroach on the existing
19 layout of the existing site plan or make it
20 impossible to place the number of solar arrays in
21 that master plan possible? Are we vesting them?
22 Should we approve it with this condition?

23 MR. MARSELLA: Approval of the master plan
24 will vest their rights in the project. This
25 condition, in my opinion, would potentially have

1 some limiting factors if, at the next stage -- in
2 other words, at the next stage, at the preliminary
3 plan stage, it was determined that different or
4 greater buffer is required on a certain part of the
5 topography, and that the lease line could not be
6 moved to make up for that buffer zone on that
7 specific -- in that specific region. So it would
8 be vesting, obviously approval will be vesting the
9 applicant. However, that doesn't necessarily mean
10 that the buffer zones couldn't be adjusted at
11 the -- during the next -- during the preliminary
12 plan stage.

13 MS. LANPHEAR: Thank you. Is there any
14 language that you feel would be stronger to ensure
15 that it is clear that those buffers are still
16 flexible and would be as necessary?

17 MR. MARSELLA: I think we -- it's
18 difficult, frankly, to do it on the fly, but --

19 MS. LANPHEAR: I apologize.

20 MR. MARSELLA: That's okay. I believe
21 that we can strengthen that. What I'll do is as
22 the commission also continues to deliberate, let me
23 give it a minute of thought regarding, but we
24 certainly can basically make it more specific than
25 different buffering widths, but let me come up with

1 that. While everyone's deliberating, I'll try to
2 get something that is more specific than this
3 because I think differing buffering lists doesn't
4 necessarily do the job to protect the abutters;
5 but, obviously, we, at this stage, we can't
6 determine where on the topography the buffering --

7 MS. LANPHEAR: Thank you. May I ask one
8 more question? Thank you. And this is directed to
9 Mr. Berry. We have on there the width of the
10 buffers will be required to be as wide as
11 necessary. And I guess my question is as wide as
12 necessary as determined by whom?

13 MR. BERRY: That's a great question. So,
14 recommended condition, one is that the applicant
15 shall use an inclusive approach with the direct
16 abutters to develop an effective buffering plan.
17 The applicant will demonstrate that they have
18 considered the abutter's request for both the
19 understory and canopy and we have, using the
20 conservation commission, the development plan
21 review process and the preliminary plan review
22 process through you all, through the plan
23 commission. So if you go through the process with
24 the abutters, and that comes to a head, and there's
25 some sort of disagreement, if it's not, then it's

1 not. And if there is, then the first step would
2 be -- that would be an application to development
3 plan review committee, and we would discuss the
4 buffers at that point and whether or not there was
5 an effective screen that satisfies the condition.

6 MS. LANPHEAR: So ultimately it would come
7 back before the commission.

8 MR. BERRY: The first -- ultimately, it
9 would, but first it would have to go through
10 development plan review. They would have to get
11 comments from the conservation commission as part
12 of that process.

13 MS. LANPHEAR: Thank you.

14 MR. BERRY: There was actually one other
15 point I'd like to make during the presentation.
16 There was a factual error in the staff report that
17 talked about the comment about whether or not this
18 was going to center over the neighborhood and the
19 staff incorrectly stated in my report that there
20 was no residences of abutters that face the
21 project. Abutters would include everyone who is
22 listed as an abutter within a hundred feet. So
23 that is inaccurate because of the properties across
24 the street within a hundred feet, Miss Patten's
25 property, and a few residences to the north. So I

1 just wanted to correct that for the record. The
2 intent of that was to mean the -- direct abutters
3 meaning the properties that share the property line
4 do not face it. That's still true, the statement
5 itself, without being corrected, was inaccurate.
6 So I'm correcting it for the record.

7 CHAIRMAN SMITH: Other questions? Yes,
8 Commissioner Vincent.

9 MR. VINCENT: Mr. Chairman, I've never
10 done this in the past. But I really felt that I
11 needed to write down what I feel as a commission
12 what I'm concerned about in recommending maybe a
13 path forward. But -- so I did do that. I'm going
14 to give a copy for the record to be recorded or
15 attached to the minutes of today's meeting. I have
16 copies for the commission.

17 And it really touches on what we were just
18 discussing, how do we as a commission know what is
19 effective buffers, what is necessary, and who's
20 going to make that determination as lay people. So
21 I say, to start, that my assumption, again, these
22 are my -- only my thoughts. But my assumption in
23 reviewing the planning staff recommendation and in
24 consideration of the extensive community testimony,
25 both oral and written, is that while the city

1 zoning ordinance allows solar arrays as a right in
2 A80 zones, the developer is not entitled to 8.1
3 megawatts as a right. Rather, it is the
4 commission's obligation to ensure that this site is
5 suitable for the proposed development, considering
6 all of the public health, safety, and welfare needs
7 upon which our zoning ordinance is based.

8 So my comments, as I would like to read
9 into the record, pretty much to Pages 7 and 8 and
10 Paragraph 1 on the buffering plan and staff
11 recommendation.

12 At the January 8 planning commission
13 meeting, the presentation by Mrs. Drake Patten
14 appeared to me to be a well articulated summary of
15 the main concerns the commission had heard from so
16 many neighbors and abutting property owners to the
17 Natick solar development proposal. I, therefore,
18 suggested that this letter be added as a condition
19 of approval to the eight staff recommendations
20 presented, in order to assure a dialog occur
21 between the developer and the neighborhood property
22 owners. That would hopefully result in some
23 constructive changes to the master plan, changes
24 which I hope would at least mitigate, if not
25 eliminate, some of the repeated objections to a

1 solar master plan as submitted. I assume that this
2 dialogue might bring parties face to face to listen
3 and discuss directly the problematic issues
4 presented to the commission in the previous two
5 public hearings. That did not happen. Not even
6 close. Instead, Southern Sky owner directed his
7 attorney to draft a response to the six areas of
8 concern in the Patten letter. That response was
9 not sent to Miss Patten, nor was it even copied to
10 her. Instead, it was sent to the planning office.
11 This is not community involvement or inclusion by
12 the developer. This is covering your legal bases
13 in writing.

14 As a commissioner, I am very disappointed
15 in Southern Sky and can only assume that their
16 pledge to work with the neighbors was only an empty
17 promise. Obviously, there was a misunderstanding
18 of the staff of my intention in our last meeting.
19 But I think that there was enough discussion that
20 evening when Southern Sky agreed to work with the
21 community on these issues. For that reason I have
22 serious doubts that the promises to work
23 collaboratively with abutting property owners on
24 buffering plantings and screens will be done
25 professionally. Perhaps a 400-foot buffer request

1 surrounding the entire site is not attainable or
2 even realistic. But could not selected areas that
3 abut property owners be modified beyond the 50-foot
4 clear zone to address inadequate existing
5 vegetation. Southern Sky says such landscape
6 design and analysis may only be done in the
7 preliminary plan phase when more site information
8 and specifics are known. I personally do not agree
9 with that position. And because of this lack of
10 site information, I believe that this commission
11 needs to engage its own landscape architect to
12 conduct a peer review on any and all buffer plans
13 proposed should this master plan be approved as
14 submitted. The commission's landscape architect
15 would work with an advisory committee composed of
16 the developer's representative, a planning
17 department representative, a commissioner appointed
18 by the chair of the commission, and two
19 representatives of the neighborhood, one of which
20 should be an abutting property owner. Obviously,
21 we should include a member of the conservation
22 commission on that advisory committee. The
23 advisory committee would follow the intent of the
24 planning staff recommendation that reads: "The
25 applicant shall use an inclusive approach with

1 direct abutters to develop an effective buffering
2 plan. The applicant will demonstrate that they
3 have considered the abutters request for both the
4 understory and canopy so as to appear naturalized,
5 focus on native species and include a mix of
6 maturities, coniferous, and deciduous species."

7 Other than the removal of 500 solar panels
8 from the sensitive wetlands area, the commission
9 has not, in my opinion, seen any measurable change
10 to the master plan submission. Offering to
11 underwrite public access trails on adjoining farm
12 property is not the mitigation that this commission
13 needs to see on this master plan. Thank you.

14 (AUDIENCE APPLAUSE)

15 CHAIRMAN SMITH: Please, I respect your
16 enthusiasm, but this is a public meeting. Yes,
17 Commissioner DiStefano.

18 MR. DI STEFANO: Mr. Chairman, I'd just
19 like to take a minute to commend my fellow
20 commissioner, Mr. Vincent, for this letter. I
21 thought it was very well thought out, very well
22 documented, and I'd like to echo those sentiments
23 as well because I made a motion at the January
24 meeting to continue this, and thought I clearly
25 stated that the continuance was needed to follow up

1 on what was added to the amendment, and that was to
2 give Miss Patten, the abutting residents, and the
3 developer the opportunity to have a face-to-face,
4 and I understand that that was misunderstood. But
5 as Commissioner Vincent said, I thought it was well
6 talked about. I thought Solar (sic) Sky and, you
7 know, their attorneys, were very up front about
8 working with the public. Miss Patten took a lot of
9 time and energy to put together that well thought
10 -- it's a little disheartening that we sit here a
11 month later after a continuance only to find out
12 not only did that meeting not occur or a share of
13 thoughts between residents and the attorneys and
14 the landowner, but also that only the planning
15 office received this information. So I just want
16 to, again, echo Mr. Vincent's letter here. Like he
17 has said, I also have concerns that I don't feel,
18 like, have been addressed yet. You know, I know we
19 talk about width and the potential that the widths
20 may shrink or enlarge depending -- during the
21 seasons. However, the wetlands are still a concern
22 to me. As we know that, Natick Avenue already is a
23 water runoff. So, you know, the concern of more
24 water runoff are two of my big concerns. So I just
25 want to, again, express that I'm a little

1 disappointed that we are here a month later with no
2 discussion between parties involved.

3 CHAIRMAN SMITH: Thank you, Commissioner.

4 MR. SPIRITO: I wasn't under the
5 impression that the developer was to speak with the
6 abutters before master plan approval. I was under
7 the impression that that was going to take place
8 during the preliminary plan phase to make sure
9 their concerns were addressed. So I may have
10 misunderstood, but I didn't -- I've seen all of the
11 correspondence I have gotten so far has come from
12 the staff. I haven't gotten anything direct from
13 anyone. So anything I've gotten from the abutters
14 has come from the staff and from the developer. So
15 I didn't -- I really wasn't under the impression
16 that your recommendation was for them to speak in
17 the last month.

18 MR. VINCENT: Well, I guess that's history
19 now in going forward. My concern is what I'm
20 hearing tonight that, do we have a proper system in
21 place to evaluate this master plan going forward.
22 Based on the past discussions, there hasn't seemed
23 to be any movement by the developer in response to
24 objections, reasonable objections, concerns
25 expressed; and, again, I don't believe that this

1 simply is a matter of right, and this commission
2 has to approve it as a right. We have to make sure
3 that it's suitable, that the site is suitable for a
4 development and consider all of the ramifications.
5 We've heard social. We've heard environmental. I
6 just think that the process going forward needs to
7 be much more transparent. I don't see that
8 happening based on what we've done so far and
9 that's why I'm recommending that we give peer
10 review by a professional landscape architect. Our
11 planners are not landscape architects. Nobody on
12 this commission is a landscape architect. At least
13 we're getting a partial neutral expert with a
14 committee that curbs everyone's concerns. Then the
15 commission could have, I think, more confidence in
16 a recommendation. And if that recommendation is
17 going to be preliminary plan phase, that's not my
18 preference. I'd rather have seen that happen soon,
19 but that, I think, that horse may be -- that barn
20 door may be -- is loose.

21 CHAIRMAN SMITH: Like Commissioner
22 Spirito, I was not under the impression that it was
23 a face-to-face issue. However, having said that,
24 I'm totally supportive of your recommendation that
25 we add this as a condition of approval. I think it

1 will go a long way to getting dialog going, getting
2 people together, and getting information that is,
3 as you said, by a neutral party, and I think that's
4 very valuable. It's an important project, and it
5 would set a precedent for other projects, not just
6 solar farms, but, you know, other major projects as
7 well when these issues come up.

8 MR. VINCENT: Thank you, Mr. Chairman.
9 We've done that on Top Golf. We hired a traffic
10 consultant to do a peer review, and I think, you
11 know, this project warrants similar studies.

12 MS. LANPHEAR: I just want to thank
13 Commissioner Vincent for his suggestion. I agree
14 with what he said. I think that, as with any
15 permitted use, the planning commission has the
16 obligation and authority to evaluate a major
17 development proposal on a site specific basis. I
18 think -- let's put aside or accept for purpose of
19 argument that it is allowed by right and assume
20 that it is; and even so, the planning commission
21 has that authority to evaluate on a site specific
22 basis consistent with state law. And the
23 development review act purpose is to promote
24 protection of existing natural and built
25 environments, the mitigation of all significant

1 negative impact of any proposed development on the
2 existing environment and that is exactly what I
3 believe Commissioner Vincent's proposal is trying
4 to address. The commission may consider those
5 buffers are needed and the extent and quality of
6 those buffers and the density of lot coverage,
7 whether it's with a housing development or solar
8 panels.

9 So I would support that and say although
10 the use may be allowed by right, the commission
11 retains the power to evaluate each proposal based
12 on the unique characteristics of each site and this
13 is the case of whether it's a proposal for housing
14 or proposal for solar development. So I would
15 support Commissioner Vincent's suggestion in this
16 matter.

17 CHAIRMAN SMITH: Okay. Was that something
18 you would like to add at this point to make in the
19 form of a motion?

20 MR. DI STEFANO: Mr. Chairman, I'd like to
21 make a motion to add Mr. Vincent's letter to
22 the solar farm --

23 CHAIRMAN SMITH: Motion made by
24 Commissioner DiStefano, and seconded by
25 Commissioner Lanphear. Again, to be specific, let

1 me read the part that I think is the key, and it's
2 in the last paragraph of the bottom. The
3 commission will engage its own professional
4 landscape architect to conduct a peer review on any
5 and all buffer plans proposed should this master
6 plan be approved as submitted. The commission's
7 landscape architect would work what the advisory
8 committee to perform -- composed of the developer's
9 representative, a planning department
10 representative, a commissioner appointed by the
11 chair of the commission, and two representatives of
12 the neighborhood, one of which should be an
13 abutting property owner, and you also added in a
14 member of the Conservation Commission should be
15 also be included.

16 MR. VINCENT: That's correct.

17 CHAIRMAN SMITH: The advisory committee
18 would follow the intent of the planning staff
19 recommendation that reads, "The applicant shall
20 use an inclusive approach with the direct abutters
21 to develop an effective buffering plan. The
22 applicant will demonstrate that they have
23 considered the abutter's request for both the
24 understory and canopy so as to appear naturalized,
25 focus on native species, and include a mix of

1 maturities, coniferous, and deciduous species."
2 That's the condition that would be added.

3 MR. MARSELLA: If you could amend your
4 motion to not including the entire memo, but just
5 the portion of the memo that the Chair read, so it
6 can be listed as a condition, rather than --

7 MR. DI STEFANO: I would make a motion to
8 add as amended.

9 CHAIRMAN SMITH: Motion made by
10 Commissioner DiStefano. Seconded by Commissioner
11 Lanphear.

12 MR. MARSELLA: And this is just a vote to
13 add this condition.

14 CHAIRMAN SMITH: Yes. Yes. All in favor
15 of adding this additional condition, please say
16 aye.

17 (VOICE VOTE: PASSED)

18 CHAIRMAN SMITH: The ayes have it. That
19 has been added. Other comments?

20 MR. VINCENT: Mr. Chairman, on the hours
21 of work, what -- do we know what the zoning code
22 says? Is it addressed at all?

23 MR. MASON: The start time, according to
24 city ordinance, is 7 A.M. I don't believe there's
25 a finish time, though. But seven o'clock A.M. is

1 the early start time we have.

2 MR. VINCENT: So this recommendation that
3 planning staff said, they were kind of silent,
4 would apply the city ordinance that would apply the
5 7 A.M. start?

6 MR. MASON: Correct.

7 CHAIRMAN SMITH: Okay. Anything else?

8 MR. STROM: I have a question. Jason,
9 this is directed to you. We've used, in the past,
10 professional landscape -- we used in the past a
11 professional landscaper for, based on the condition
12 that Mr. Vincent proposed and has been approved,
13 and what I'm alluding to is who pays for this? Is
14 it paid out of the planning commission? How is
15 this paid?

16 MR. PEZZULLO: So first question, we've
17 never enlisted the aid of a landscape architect for
18 review of any of our projects, not that I'm aware
19 of. I'm looking at the subdivision regulations
20 right now, and under professional fees, that would
21 be paid for by the developer, chosen -- chosen by
22 the commission, and there's a whole process here
23 for that. It's not typical, but it's allowed for
24 in the regulations.

25 MR. STROM: Thank you.

1 CHAIRMAN SMITH: Okay. Any other
2 thoughts?

3 MR. MARSELLA: Just to get back to
4 Commission Lanphear's question or request, I think
5 with this additional condition, frankly it's a
6 little bit easier to amend the other condition
7 regarding buffering, and it's my suggestion that
8 the buffering plan be reviewed -- that the
9 commission review the plan after being reviewed by
10 the site plan review committee, the conservation
11 committee, along with the landscape architectural
12 committee, as determined -- as determined by
13 Condition Number, I think we're on 12. So the --
14 ultimately, it would -- this commission would have
15 the advice to determine what is adequate buffering
16 by a review of the site plan review committee,
17 conservation commission, if it deemed it needed to
18 go back to them, plus this additional landscape
19 architectural committee. That's an additional
20 requirement. Again, that would add the sufficiency
21 of what is determined. And then it would be,
22 obviously, up to you whether that buffering, given
23 this advice and the plans and your own experiences,
24 that would be enough to determine what is
25 sufficient buffering. So, again, that would be

1 amending the condition --

2 MR. SPIRITO: I have a question. So this
3 committee has to go, like, arbitration? We're the
4 arbitrators?

5 MR. MARSELLA: No. In other words, just
6 like any other expert that is hired, they only give
7 advice, for instance, on Top Golf, the traffic
8 experts were hired. They only gave advice to the
9 commission. And ultimately it's up to you to
10 decide to take their advice or not take their
11 advice. Same way with the advice of the
12 conservation commission or any other -- or frankly
13 the planning staff. Ultimately, the decision is up
14 to this commission to decide if -- what plan the
15 developers come in with, and is it adequate under
16 the six --

17 MR. SPIRITO: So we -- if they say it's --
18 they think that the design says they think it's
19 going to be a 200-foot buffer in this area, it's
20 going to take 200 feet, so we'll have to --

21 MR. MARSELLA: No, not necessarily. You
22 can take their advice. In other words, it's just a
23 professional perspective, just as with traffic or
24 any other professional that's giving you their
25 perspective because we don't have any landscape

1 architects on the committee and maybe it can speak
2 to sight lines, what's true buffering, what is, you
3 know, fencing, shrubs, sight lines, all those
4 professional criteria that this commission, you
5 know, again, not having anyone on the board as a
6 professional architect, landscape architect, this
7 commission will be able to obviously draw back and
8 either accept their advice or not accept their
9 advice. You can say that doesn't feel right to me.
10 I think they need more of a buffer. Again, just
11 given the fact that you've been out to the property
12 and you've walked the property and you'd be able to
13 take your own experience, plus the testimony of the
14 applicant, plus the additional professional advice
15 that were a condition -- well, that's part of the
16 motion.

17 MR. DOUGHERTY: Mr. Chairman, we have a
18 point of order and objection that we'd just like to
19 state succinctly and to the point, I understand
20 this is an unusual proceeding leading up to that.
21 May I just have a point of order and just a short
22 statement of my objection.

23 MR. MARSELLA: If I may, as I spoke to
24 Mr. Dougherty and Mr. Murray, I prefer we go
25 through our deliberations first, and then I said it

1 would be best if the attorneys want to make any
2 legal arguments on the record that they wished for
3 the purpose of appeal --

4 MR. DOUGHERTY: Prior to the vote.

5 MR. MARSELLA: Prior to the vote.

6 MR. DOUGHERTY: Thank you.

7 CHAIRMAN SMITH: Other questions,
8 comments? I've -- this is probably as a
9 commission, it's a volunteer commission, and as lay
10 people has spent more time on this issue than any
11 other one. And -- as it should be because it's a
12 very important one, and we have had a great deal of
13 sincere, well intended and in many cases spot on
14 concerns that have arisen that if the public were
15 not active in the -- in boding those concerns to
16 us, we may not be aware of them. So that's an
17 important part of the whole process here. As you
18 see, even to this point, that the changes made, and
19 these are changes that come about because of the
20 good concerns that have been raised. But there's
21 one thing in the argument that I haven't heard very
22 much of, comes up every now and then, so I did a
23 little bit of research myself, and I kind of try to
24 take the 10,000-foot view.

25 You know, we're dealing with a lot of very

1 small details here, but to me, again, this is to
2 me, the ultimate reason that we're doing this, that
3 we're looking for alternative sources of energy is
4 to combat climate change. I went on the U.S.
5 Environmental Protection Agency website to get a
6 few figures, and I learned a lot. And I learned a
7 lot throughout this whole process, but I learned a
8 lot there. I know that there have been questions,
9 for example, of cutting down mature trees, in order
10 to put up these solar panels. So I learned that a
11 mature tree has the ability to extract 48 pounds of
12 carbon dioxide per year. However, an 8.1 megawatt
13 solar generation would offset 5,913 tons of carbon
14 dioxide per year, and if you just do your
15 arithmetic, that's equivalent to 246,375 trees.
16 And I don't think we could fit that many trees on
17 that tract of land.

18 We've also talked about putting a use by
19 right, putting in houses in that area. And at
20 first, so many concerns were brought about with the
21 slope of the land and so forth, you know, it's
22 probably not buildable. I think it was useful. In
23 the end, it was at the suggestion of a member of
24 the public that the committee did take a walking
25 tour of the area. And having walked it, being

1 physically there, I do not, and again I'm not an
2 engineer or architect, but I don't find that it
3 would be unbuildable. It's been estimated that
4 somewhere between 15 and 25 houses could be allowed
5 there. So what I did was I took the median of 20
6 houses and 20 houses, family of 4, would add 830
7 tons of greenhouse gases into the atmosphere.
8 It's -- I mean, there are other environmental
9 concerns that really feed into that. Everything
10 connects. Family of 4, on average, generates over
11 3 tons of trash per year, times 20 houses, that's
12 64 tons that has to be dealt with. Twenty houses
13 would consume about 2.6 million gallons of clean
14 water per year, and that water would have to be
15 extracted from the same source that serves the
16 wells in the area.

17 You know, Rhode Island produces only a
18 tiny fraction of the energy that it uses, and the
19 vast majority of that comes from plants fired by
20 natural gas, which has a lot of greenhouse gas
21 issues itself. And the state remains very far from
22 this CO2 reduction goal.

23 Now, I think we all know that the future
24 will not be like the present. I have two of my own
25 kids, and I work at a college. So I talk to young

1 people all the time, and they are sincerely
2 concerned about global warming and what effect it
3 may have. There's an article in the Journal a
4 couple of days ago that said sea level rise,
5 hundred year storm, it would obliterate large
6 sections of Warren, Barrington, and even part of
7 Edgewood. I mean, none of us are immune from that.
8 We all know that we're going to get another
9 hurricane up the bay one of these days, one of
10 these years.

11 So my concern is for the future, really,
12 not 20 years from now or even 50 years from now,
13 but my concern is that we're preparing for our own
14 grandchildren and their grandchildren. We're just
15 the stewards of the land right now. Some day we
16 won't be on it. We won't own it. Somebody else is
17 going to be on it, and I just think that we need to
18 make it as -- leave it as good as we can.

19 So I guess I can sort of wrap it up by an
20 old bumper sticker slogan that I'm sure you're all
21 familiar with. It's "Think Globally. Act
22 Locally." And so I just don't want people to lose
23 sight that there are overarching reasons for doing
24 this. Okay. Staff recommendation, or we already
25 did that?

1 MR. BERRY: I've already provided the
2 staff recommendation. It's for approval. Would
3 you like me to repeat it? There are conditions.
4 There's been amended conditions. We will include
5 those as well. Still need clarification of the
6 12th, condition for the path, whether or not you
7 want to include that or not.

8 CHAIRMAN SMITH: The 12th --

9 MR. BERRY: It's the offer by the
10 applicant about a walking path. There's an
11 easement on the property across the street. Again,
12 it's not on the property. It would have no bearing
13 on the master plan application proposal, and we put
14 it in with some very loose language to explore the
15 feasibility of it. But the commission may or may
16 not find it -- with a plan approval, conditional
17 approval.

18 CHAIRMAN SMITH: I personally think it
19 would. It's a positive anyway, but we need to have
20 a vote to add that, if everybody's interested in
21 moving that we add that piece.

22 MR. MASON: It's already added.

23 CHAIRMAN SMITH: It's in the
24 recommendation?

25 MR. MASON: Unless we want to remove it --

1 CHAIRMAN SMITH: Okay. All right. I'll
2 entertain a motion.

3 MR. MARSELLA: So, Mr. Dougherty -- motion
4 on this particular matter? Mr. Dougherty wanted
5 to --

6 CHAIRMAN SMITH: Yes, Mr. Dougherty.

7 MR. DOUGHERTY: Thank you, Mr. Chairman.
8 I appreciate the opportunity to appear and address
9 the council or the commission, rather.

10 As you know, I represent a number of
11 abutters and interested persons in the
12 neighborhood, and I'm well aware, and you're well
13 aware of the level of involvement, emotion, and
14 scrutiny this project has come under. The points
15 of order that I did want to raise is that you
16 closed the public hearing, and I would say, I don't
17 mean to say anything about it, it's a motion to
18 approve, but the public hearing is closed. The
19 public comment portion was closed on this. It was
20 done before the final plan was put forth with the
21 relocation of 500 solar panels. Since the close of
22 the public hearing, 120 plus pages of data,
23 information, and evidence has been placed into the
24 record here, to which my clients are not able to
25 provide a response because the hearing was closed

1 and the comments were closed.

2 In that packet of information, 120 plus
3 item -- pages of items that is contained in the
4 list on Page 5 of the updated staff report, there's
5 a very misleading conclusion of the case, and that
6 is the United States Investment Development
7 Corporation versus the Platting Board of the City
8 of Cranston, et al. As you know, it's the appeal
9 of the Hope Farm project. And if anyone took the
10 time to read the recitation of the facts of Judge
11 Licht in that written decision, you will find that,
12 contrary to the assertions that the -- the question
13 of whether or not the project is in conformity --
14 is consistent with the Comprehensive Plan, Judge
15 Licht made a specific statement that is contained
16 in that written decision that there was absolutely
17 no evidence presented to the planning commission
18 and no evidence presented to the Superior Court
19 that the project was inconsistent with the
20 Comprehensive Plan. You have 19 pages of a report
21 that is evidence of an expert opinion that the
22 project -- the project is inconsistent with the
23 Comprehensive Plan.

24 So this is an issue of first impression.
25 I didn't see anything in here that felt that this

1 project or any project in particular as to whether
2 or not the project, itself, is inconsistent with
3 the Comprehensive Plan. And I heard Commissioner
4 Vincent and Lanphear, and I'm sorry, sir, I need
5 glasses at my age -- and Mr. DiStefano as well that
6 made mention of the fact that you evaluate the plan
7 and the project for its consistency with the
8 Comprehensive Plan.

9 I have never seen such zealous advocacy in
10 my decades of experience in evaluating a plan of
11 the planning department trying overwhelmingly to
12 refute arguments after closing the public hearing.
13 I don't think this is properly before you for a
14 decision. It's still unsettled. The public was
15 unable to comment about the relocation of 500
16 panels, the moving of the property lines and the
17 lease area, and a number of other material
18 elements. If you -- well, I mean, obviously, I'm
19 stating these objections for the purposes of
20 grounds of appeal. I'm hoping that we don't have
21 to appeal this. I'm hoping that you go ahead and
22 deny this project because they haven't satisfied
23 the burden. They've made changes after the fact,
24 and you have that. It's in the record before you
25 from an expert that is enough to substantiate a

1 decision denying this plan. It's not the right
2 place, and it's such violation of so many other
3 tenets of the Comp. Plan and the zoning ordinance
4 and planning and subdivision regulations, the
5 protection of the neighborhoods of the Western
6 Cranston areas.

7 You have in the record before you the
8 letter from the state -- Division of Statewide
9 Planning calling into question some of the
10 propriety of the findings of Mr. Lapolla. But more
11 importantly, my clients and I are left without the
12 opportunity to refute these things with evidence
13 and meaningful opportunity. It's in keeping with
14 our procedural due process rights.

15 This decision, this project, is a forever
16 change. It's not going to be a land banking type
17 of opportunity. Anyone who thinks that they're not
18 going to re-install more panels when these panels
19 live out their life is living in a fantasy world.
20 And it's a forever change in a landscape of the
21 natural topography the glaciers put there eons ago.
22 It's a complete disruption of the neighborhood, and
23 it's also not in keeping with our Constitution's
24 right for citizens to participate meaningful in the
25 process. This over -- after the over insertion of

1 documentary evidence and argument and
2 misrepresentation to the Superior Court judge is
3 wrong on its face.

4 You can deny this project. You can send
5 it back to the drawing board and give something
6 that's better. It won't preclude what you have
7 here, their opportunity to do something with it.
8 But what it will ensure is that the citizens of the
9 city of Cranston are given a meaningful
10 opportunity.

11 And I understand -- I was at the city
12 council meeting on the moratorium. I understand
13 the position that the city, this commission and the
14 council were put in as a result of a very poorly
15 drafted ordinance. But despite the poorly drafted
16 ordinance, despite all that, this project,
17 evaluated on its merits in keeping with the values
18 that are set forth in the planning and subdivision
19 regulations and the criteria governing the review
20 of major land development speak more towards
21 bouncing this out and denying this proposal and
22 sending it back to the drawing board that's putting
23 out something more in keeping with the goals of
24 Cranston. We can take the 10,000-foot view and we
25 can look at global warming, but we can look at the

1 disruption that that's -- that the approval of this
2 project is going to place on Cranston citizens. I
3 agree things should be done, but this project isn't
4 going to solve it for us.

5 So I urge you to deny this. They've made
6 too many changes. There's been too many moving
7 targets going through there. And the conditions,
8 again, they're very weak. Explore the feasibility
9 of a walking trail. Take into -- show that they
10 have considered -- well, I can show that I've
11 considered anything, and then out and out deny, all
12 right, I've considered it here. I can show you.
13 Here's some e-mails. I've had some back and forth.
14 What is considered? Considered means it came into
15 discussion, that you've had a thought about it.
16 Doesn't mean that you're going to incorporate the
17 concerns into a buffering plan. So if you are
18 going to do it, beef up these conditions.

19 And, again, you know, I have a feeling
20 we're going to be back here on this same project
21 after we go upstairs, but I'd like to see the
22 process is in keeping with a fair and open
23 opportunity for both sides to have input rather
24 than Mr. Murray sending this letter to the planning
25 department and then us not having an opportunity to

1 refute that.

2 If you really want to make it fair, ask
3 the developer for permission to go past the
4 deadline and give us the opportunity to go in and
5 address these things, the 120-something pages of
6 materials that were placed in the record, the
7 affidavit of the former director of planning, all
8 these other things. It's stacking the deck against
9 my clients improperly after the opportunities we
10 had for them to address things that, you know, were
11 in the record and now it's all changing.

12 So I'm asking you, deny this thing.
13 Procedurally, it's been defective on its merits.
14 It's not a good project. There's more against it
15 in the Comp. Plan and the goals that were
16 referenced from the three commissioners I mentioned
17 earlier. I hope I'm not singling you guys out by
18 affiliating myself and stopping your arguments. I
19 applaud you for your courage. I applaud you for
20 really looking at this thing with an eye for its
21 trying to achieve something that works versus just
22 trying to give Southern Sky what they want. I
23 mean, look at how many projects they've got in the
24 city. It's as if they are writing the ordinances
25 themselves for themselves and to allow all of this

1 to come in after the fact is objectionable.

2 Thank you very much for the opportunity to
3 give comments.

4 MR. MARSELLA: I also gave Mr. Murray the
5 opportunity, too.

6 CHAIRMAN SMITH: Thank you.

7 MR. MURRAY: At the outset of my remarks,
8 I want to, on behalf of Mr. Palumbo and Mr. Rossi,
9 and the representatives of Southern Sky Renewable
10 Energy, RI, LLC, we want to first thank the
11 planning commission for your attention and interest
12 in this project.

13 We've had numerous meetings, site visits.
14 We held neighborhood meetings. We also want to
15 thank Jason Pezzullo and his staff, particularly
16 Josh Berry, for their coordination and expertise in
17 the processing and review of this application.
18 Mr. Palumbo would like to thank the public for
19 their interest and participation and questions
20 along the way. We want to thank the neighbors who
21 we have reached out to and invited us to their
22 properties, and we appreciate the opportunity to
23 meet them in the field with our consultants to
24 discuss specific buffering plans for their abutting
25 properties.

1 I want to just say a couple of things that
2 I wasn't planning on saying, but I think they need
3 to be said respectfully. First, the discussion at
4 the December meeting about Drake Patten's letter to
5 you, all -- I've reviewed the transcript of the
6 meeting, the discussions that were held that
7 evening at Cranston East, clearly indicated that
8 the consideration of those points in Miss Patten's
9 letter would be done leading up to the preliminary
10 plan stage. It was not between the January meeting
11 and tonight.

12 At Page 118 of the transcript it says, and
13 this is, I believe, Mr. Vincent, said, "For your
14 discussion, I think we should address under
15 mitigation the points presented by Drake Patten in
16 her January memorandum that was submitted. I don't
17 see any reason why discussion between the developer
18 on this mitigation action could not take place as a
19 condition for approval. This way this commission
20 would know when they come before us in the
21 preliminary phase that you've done everything in
22 your power to address the legitimate concerns by
23 the residents and the abutting property owners."

24 Two page later -- two pages later,
25 Mr. Vincent says, just to clarify, I'm not saying

1 that these have to be, each and every one of these,
2 are carved in stone. I'm saying that there needs
3 to be a discussion and a presentation to this
4 commission as part of the preliminary planning
5 submission to demonstrate that they've taken into
6 consideration these points. That was what the
7 discussion was in January.

8 I got up and said, "Mr. Chairman," at Page
9 123, "I just saw them in writing for the first time
10 a couple of seconds ago. I listened to Miss
11 Patten. I can say this, we understand the intent
12 of them. We understand the seriousness of them.
13 Mr. Palumbo will be willing to work with the
14 planning department and the staff and the technical
15 review committee to try and achieve those as best
16 as possible." That was the discussion in the
17 December -- I'm sorry, in January. After the
18 meeting, within the last two weeks, the staff
19 contacted me and said we think that it would be
20 helpful for you to respond to Miss Patten's letter.
21 Okay. And that's what we did. And based on the
22 discussion at the January meeting, I have
23 envisioned, frankly, and I told Jason and Josh,
24 that I thought this was going to happen after a
25 master plan approval leading to a preliminary

1 phase. But they requested it. I tried to honor
2 it, and I submitted the letter to the staff as
3 requested.

4 So I just want to clarify that somehow we
5 were, you know, that we were being disingenuous in
6 our promises, the discussion was clear at the
7 January meeting that the dialog was going to happen
8 after a master plan approval leading towards a
9 preliminary plan. So I don't want anybody here
10 tonight to think that somehow we dishonored the
11 representations that we made or our willingness to
12 work in an inclusive approach as suggested by Josh.

13 That being said, this application has been
14 well vetted by this commission. As proposed in the
15 plans that are before you, this is for an 8.1
16 megawatt project. You're granting master plan --
17 you'll be granting master plan approval. You will
18 acquire the vesting rights allowed by law for this
19 major land development project. It is very
20 possible that this project could come back at
21 preliminary at 8.1 megawatts. It could come back
22 at 7.9. It could come back at 8.2. The reason it
23 could fluctuate is because we have not yet done the
24 detailed engineering design, site work, site design
25 for this project yet. So that will -- decision

1 ultimately what the size of the project will be --
2 will be made at that time. So nobody's giving us
3 approval for an 8.1 megawatt project. What you're
4 giving approval for is this major land development
5 as represented here. And assuming that the plan
6 that we were to come back at preliminary is
7 consistent with this general plan that you're --
8 this conceptual plan you're approving tonight,
9 that's what is being vested.

10 We're not -- we don't know yet what the
11 final number will be. Based on Mr. Palumbo's
12 experience, we believe that project in this area,
13 land mass that has been identified as Parcel B
14 would be able to generate solar array field that
15 would create 8.1 megawatts of power.

16 I think everybody would agree that it's
17 time for this commission to make a decision. But I
18 want to say while we always encourage public
19 discourse in our government, we don't make land use
20 decisions based on a popular vote. We have a
21 representative form of government, and boards and
22 commissions like this are statutorily created to
23 assist our government leaders. This commission is
24 created by our city charter, and our local
25 ordinances, and you review these applications in

1 accordance with state law and your own subdivision
2 regulations.

3 Respectfully, again, this application is
4 in order for master plan approval. And as the
5 conditions outlined tonight in the memorandum that
6 Mr. Vincent -- I'm sorry, Mr. Berry shared with me,
7 along with the recommendation of Mr. Vincent that
8 was added, we have no objection to, based on -- I
9 didn't hear -- I haven't seen Mr. Vincent's
10 wording, but I'm -- based on what I heard, I don't
11 think we have an objection. We would work towards
12 those goals at the next level. But I wanted to,
13 you know, I just want to reiterate, this is a
14 conceptual plan. But it's also with a lot more
15 information than we typically see at the master
16 plan stage.

17 But nonetheless, it meets the requirements
18 of Rhode Island General Law 45-23-60, and the staff
19 has noted the proper findings can be made as part
20 of master plan approval. And those findings are
21 above consistency with the Comprehensive Plan, in
22 compliance with our zoning ordinance, et cetera.

23 Well considered opinions can diverge on
24 whether solar power is good or bad, whether it
25 should be encouraged or stopped. But, today, on

1 February 5th of this year, with respect to this
2 application, the Comp. Plan encourages solar
3 development. The Comp. Plan approved by this
4 commission and the city council specifically calls
5 for alternative energy resources. And as recent as
6 2017, this commission and the city council updated
7 the Comprehensive Plan to reinforce that thought.
8 The city administration has encouraged renewable
9 energy sources, and the zoning code declares, as a
10 matter of right, ground-mounted solar arrays are
11 permitted in the A80 zone of Mr. Rossi's property.
12 There has been a recent discussion in the city
13 about moratoriums, and a review of city ordinance
14 and regulations, and that's a worthy topic for
15 discussion in the weeks ahead. And I'm sure that
16 process will unfold, but tonight the discussion
17 that's in order is the approval of this project.

18 We will be back after a master plan
19 approval at the preliminary stage. But before
20 then, we will have a Rhode Island Department of
21 Environmental Management wetlands permit in hand.
22 We will have approval of the development plan
23 review committee, and a review by the conservation
24 commission and whatever structure that was
25 discussed tonight, you know, we will participate

1 in.

2 The application is in order for approval,
3 and with respect to Mr. Dougherty's comments, A,
4 we're not going to grant -- we're not going to
5 consent to an extension of time. This has been
6 vetted through numerous meetings. It's time to
7 vote. The addition of material submitted by the
8 staff, you know, I saw for the first time with the
9 recommendation today -- or yesterday I saw the
10 recommendation. You know, that is not an unusual
11 step. They're your staff. The planning director
12 and the principal planner and the senior planner
13 joint, they serve to provide this commission with
14 the necessary information to make an informed
15 decision. They should not be criticized by giving
16 you the body of information they have on this
17 project or any other project.

18 So that being said, again, on behalf of
19 Mr. Palumbo, Mr. Rossi, thank you for your time. I
20 respectfully ask that a motion be made to approve
21 this with the conditions as cited. We look forward
22 to then having the kind of additional public
23 discourse to come back here with a preliminary
24 plan. I can't promise anybody here tonight,
25 including the commission, that we will agree with

1 everything that an abutting property owner may say,
2 but the burden is on us to demonstrate for them
3 that we can do the best possible job of screening
4 and a buffer, and we're committed to doing that
5 sincerely. And we thank you for your time.

6 CHAIRMAN SMITH: Thank you, Mr. Murray.
7 And if there are no other comments from the
8 commission, it is time for a vote. I will
9 entertain a motion.

10 MR. STROM: I make a motion to support
11 staff recommendation with the amendment that was
12 made tonight.

13 CHAIRMAN SMITH: Motion by Commissioner
14 Strom. Second?

15 MR. MASON: Second.

16 CHAIRMAN SMITH: Seconded by Commissioner
17 Mason.

18 (VOICE VOTE: PASSED)

19 CHAIRMAN SMITH: Let's take a hand count.
20 How many are voting aye? So it's Mason, Smith,
21 Spirito, and Strom, and Morales. Okay. How many
22 vote nay? Okay. DiStefano, MacCarone, Vincent,
23 and Lanphear. Vote is 5 to 4. And the motion
24 passes.

25 *****

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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 25th day of February, 2019.

Ronald M Ronzio, Notary Public

RONALD M. RONZIO, NOTARY PUBLIC/CERTIFIED COURT REPORTER

MY COMMISSION EXPIRES: July 24, 2021

IN RE: Cranston Planning - Natick Avenue Solar

DATE: February 5, 2019

Allan W. Fung
Mayor

Jason M. Pezzullo
Planning Director



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Michael Smith
Chairman

Ken Mason, P.E.
Steven Spirito
Robert Strom
Frederick Vincent
Kathleen Lanphear
Ann Marie Maccarone
Joseph Morales
Robert DiStefano

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

February 11, 2019

Mr. Ronald Rossi, Owner
1936 Natick Avenue
Cranston, RI 02920

Southern Sky Renewable Energy RI-
Natick Ave-Cranston, LLC, Applicant
117 Metro Center Blvd, Suite 2007
Warwick, RI 02886

DECISION

Natick Avenue Solar – Master Plan
Major Land Development
Natick Avenue
AP 22, Lots 108 and 119

Dear Mr. Rossi:

On February 5, 2019, the City Plan Commission reviewed your Master Plan application entitled 'Natick Avenue Solar' for conformance with required standards set forth in RIGL Section 45-23-30 and 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations. This review and vote followed three nights of informational meetings before the Plan Commission and a site visit.

Upon motion made by Mr. Strom and seconded by Mr. Mason, the Commission voted (5/4 – Mr. DiStefano, Mr. Vincent, Ms. Lanphear and Ms. Maccarone voted nay) to adopt the Findings of Fact denoted below and *approve* this Master Plan, subject to the following conditions.

Findings

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. A display advertisement was published in the Cranston Herald on 11/22/18.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, "The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies."

2. See discussion in Section IV of this report. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11. The Land Use, Economic Development and Natural Resources Elements were all amended to include encouragement of renewable energy facilities.



3. Aesthetically, there are many qualities of the project which preserve the rural character of Western Cranston. Firstly, the solar arrays are proposed more than 400' from Natick Avenue behind existing residential lots and a vegetated wetland area, additionally screened by existing stone walls and slope. Therefore, it is anticipated that there will be very limited line of sight opportunities to the project from Natick Avenue unless looking directly down the site entrance or gas easement. No signage is proposed with the project, maintaining the existing character of the roadway. The applicant proposes a Buffer Planting Plan to screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the DPR and Preliminary Plan approval processes to ensure the preservation of the rural character of Western Cranston. The project is consistent with the City's long-term land banking strategy which is intended to preserve the rural character of western Cranston.
4. Ed Pimentel, AICP, of Pimentel Consulting, Inc., provided a report dated 12/3/18 at the December Plan Commission meeting on the Master Plan project application finding that the proposal is consistent with the City of Cranston's Comprehensive Plan and the State Energy Plan.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

5. The proposed solar and existing agricultural uses are permitted uses by-right in the A-80 zone.
6. The site is comprised of two lots which meet the requirements of A-80 zoning.
7. The project narrative by project engineer Dave Russo, PE, of DiPrete Engineering states “. . . clearing of natural vegetation will be limited to what is necessary for the construction and operation of the solar power facility” and also that “Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility and will not be removed from the site.” These statements demonstrate direct compliance with Cranston's solar performance ordinance.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.” (emphasis added)*

8. This finding pertains specifically to the final plan. There is proposed clearing and a yet undetermined amount of grading and/or potential blasting. However, the project will be subject to all local, state and federal standards regarding environmental impacts. Further details will be provided if the project moves to the DPR and Preliminary Plan stages of Development.
9. Project engineer Dave Russo, PE of DiPrete Engineering discussed the ability of the solar arrays to run with the existing slopes to the greatest extent possible, as well as the intent of the applicant to manipulate the site as little as possible in order to effectively engineer the site. Mr. Russo's project narrative dated 11/9/18 details and verifies the intent to comply with all environmental regulations through RIDEM and the City.
10. Meadow grass is proposed between and under the solar panels.
11. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site. There nearest known rare species locations are roughly 1,600 meters away. This information has been confirmed by David W. Gregg, Ph.D. Executive Director of the Rhode Island Natural History Survey.
12. Solar energy production has an important role in the reduction of greenhouse gas emissions contributing to climate change. There are a multitude of environmental benefits (as well as numerous other benefits) to clean renewable electricity as found by the Environmental Protection Agency in their 2018 report, “*Quantifying the Multiple Benefits of Energy Efficiency and Renewable Energy: a Guide for State and Local Governments.*”

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

13. The project proposes lease areas, not the actual subdivision of lots. No change to the existing lot boundaries are proposed.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

14. The property in question has adequate permanent physical access from Natick Avenue improved public roadways located within the City of Cranston.
15. The proposed use will not have a negative impact on vehicular traffic, generating only a monthly inspection once operational.

Conditions of Approval

1. The applicant shall use an inclusive approach with the direct abutters to develop an effective buffering plan. The applicant will demonstrate that they have considered the abutter's request for buffer widths, both the understory and canopy so as to appear naturalized, focus on native species and include a mix of maturities, coniferous and deciduous species.
2. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan process. Required changes to the Buffering Planting Plan (including buffer widths) may result in alterations to the current proposed layout of the solar installations. The widths of the buffers will be required to be as wide as necessary to effectively screen the solar panels and equipment. Required widths may vary depending on topography or other site conditions.
3. Under the provisions of the City of Cranston's Subdivision Regulations Section III (C)(9), a professional landscape architect will be hired by the City to conduct an independent peer review on any and all buffer plans proposed. As part of its independent review, the Commission's landscape architect seek input and information from an Advisory Committee composed of the developer's representative, a Planning Department representative, a Commissioner appointed by the Chair of the Plan Commission; and two representatives of the neighborhood - one of which should be an abutting property owner. The Advisory Committee shall follow the intent of Condition of Approval #1.
4. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
5. The applicant will work with the Tennessee Gas Pipeline to (TGP) to ensure that the project will be consistent with the terms and conditions of the easement.
6. The Preliminary Plan site plan shall provide the dimension of the curb opening on Natick Avenue.
7. The development shall follow existing grades as much as possible, where changes are required, they shall be kept as minimal as possible. In the event of ledge or rock, removal of such shall be mechanical as much as possible.
8. Storm water management shall follow existing topography and utilize R.I.D.E.M. Best Maintenance Practices (BMP's) to ensure conformance to City code. Said plan shall attempt to enhance any conditions (existing and proposed) at, to or near adjacent wetlands and Natick Avenue.



9. As discussed at the DPR pre-application meeting, any transmission lines and/or utility pole relocations within the Natick Avenue Right-of-Way are carefully coordinated with the appropriate utilities.
10. The applicant will demonstrate that they have considered testing of wells of direct abutters (with their permission) prior to any blasting activities and the blasting company (if utilized) will follow the customary procedures for pre-blasting inspections of surrounding properties.
11. Seed mix to be used under panels shall be organically sourced (non GMO or otherwise enhanced seeds) and consist of local seed varieties that would be found in NE meadows.
12. Control of growth under the panels must be limited to mechanical methods. No herbicides or other chemical means may be used to control growth under the panels.
13. During the Development Plan Review phase, the applicant will work with the Planning Department to explore the feasibility of the proposed walking trail as offered in SSRE's letter to Jason Pezzullo, dated January 23, 2019, signed by Robert D. Murray of Taft & McSally, LLP (February Staff Memo Exhibit K).

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

Joshua Berry, MURP, AICP
Senior Planner/Administrative Officer

cc: Robert D. Murray, Esq.