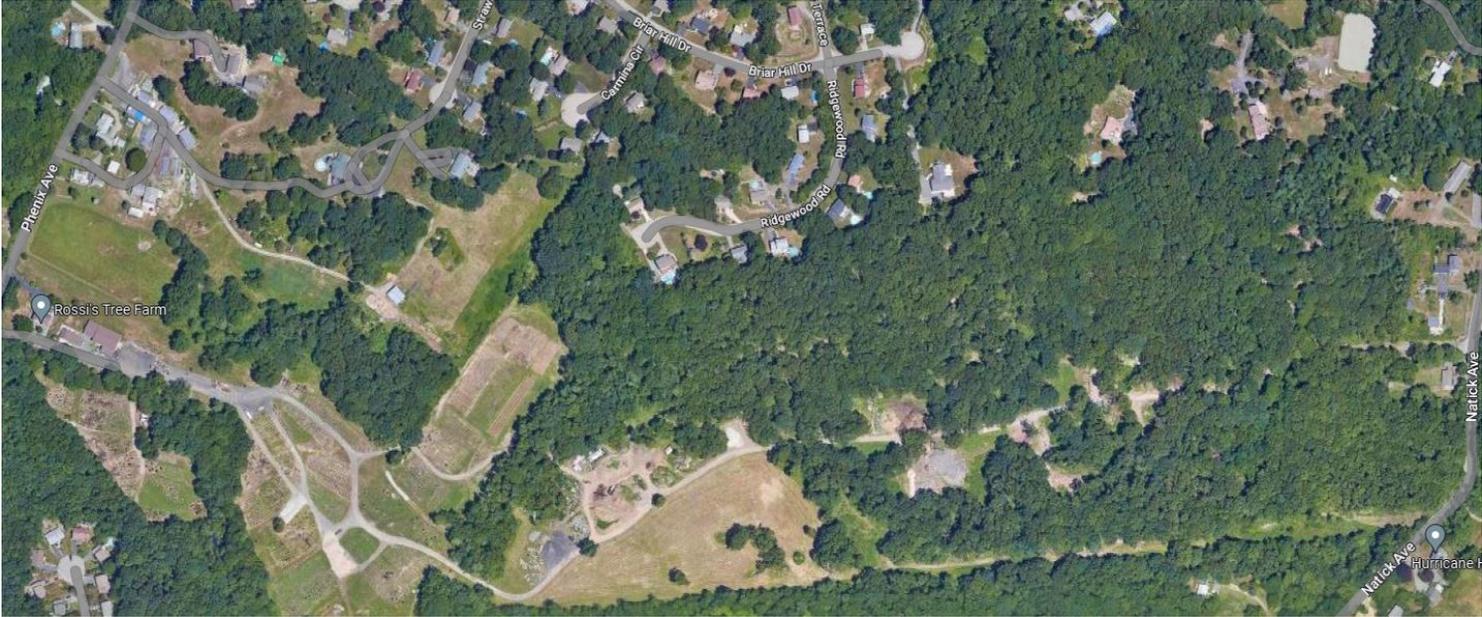


**NATICK AVENUE SOLAR – CITY PLAN COMMISSION
COMPREHENSIVE PLAN, ZONING, AND MASTER PLAN**



CITY OF CRANSTON, RI

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Prepared for:

Patrick J. Dougherty, Esquire
Dougherty & Associates Law, Inc.
887 Boston Neck Road, Suite #1
Narragansett, RI 02882

Prepared by:

Paige R. Bronk, AICP
24 Weatherly Avenue
Newport, RI 02840
pbronk03@gmail.com

INTRODUCTION:

This report addresses an analysis regarding the Comprehensive Plan (2010), Comprehensive Plan Amendment (2017), Zoning, and Master Plan for the proposed Natick Avenue Solar Project development in the City of Cranston. The subject properties include Assessor's Plat 22-3, Lots 108 and 119. This project has been remanded back to the City of Cranston and being addressed as a new (de novo) hearing by the City Plan Commission.

As a part of this analysis, I have reviewed the submitted plans, Comprehensive Plan (2010), Comprehensive Plan Amendment (2017), and Subdivision Regulations. Additionally, I completed a site and neighborhood visit.

PROJECT DESCRIPTION:

The property owner proposes to develop a solar facility on land in a rural, residentially-zone property to the west of Natick Avenue. The solar facility will be a commercial scale 8.1 Megawatt operation. The two lots (Plat 22-3, Lot 108 and 119) total about 64 acres or 2,789,000 square feet in size. The solar development project is slated to occupy roughly half of the land situated closest to Natick Avenue.

The proposed solar array development structures are slated to be located on the eastern 2/3rds of the parcel. Due to the nature of this physical development, the majority of the forested area within the property impact area will be removed. Elevated solar panels are proposed for installation. Significant land disturbance will be involved including grading, infrastructure, roadways, trenching, berms, and stormwater collection systems. This is definitely a physical land development project and not a conservation program. There is concern that the land disturbance, steep slopes, and removal of vegetation with exacerbate stormwater flow issues with erosion, sedimentation, and increased water runoff quantities.

The photograph below illustrates the structural components of a commercial solar operation in Richmond, RI. It is being show for comparison to demonstrate the structural nature of this development type. The image depicts a limited segment of solar panels on the property and also placement on level ground. The structures consist of various material components that are installed on racks that are mounted on ground foundations. There is a difference between residential scale and commercial grade solar operations.



EXISTING CONDITIONS:

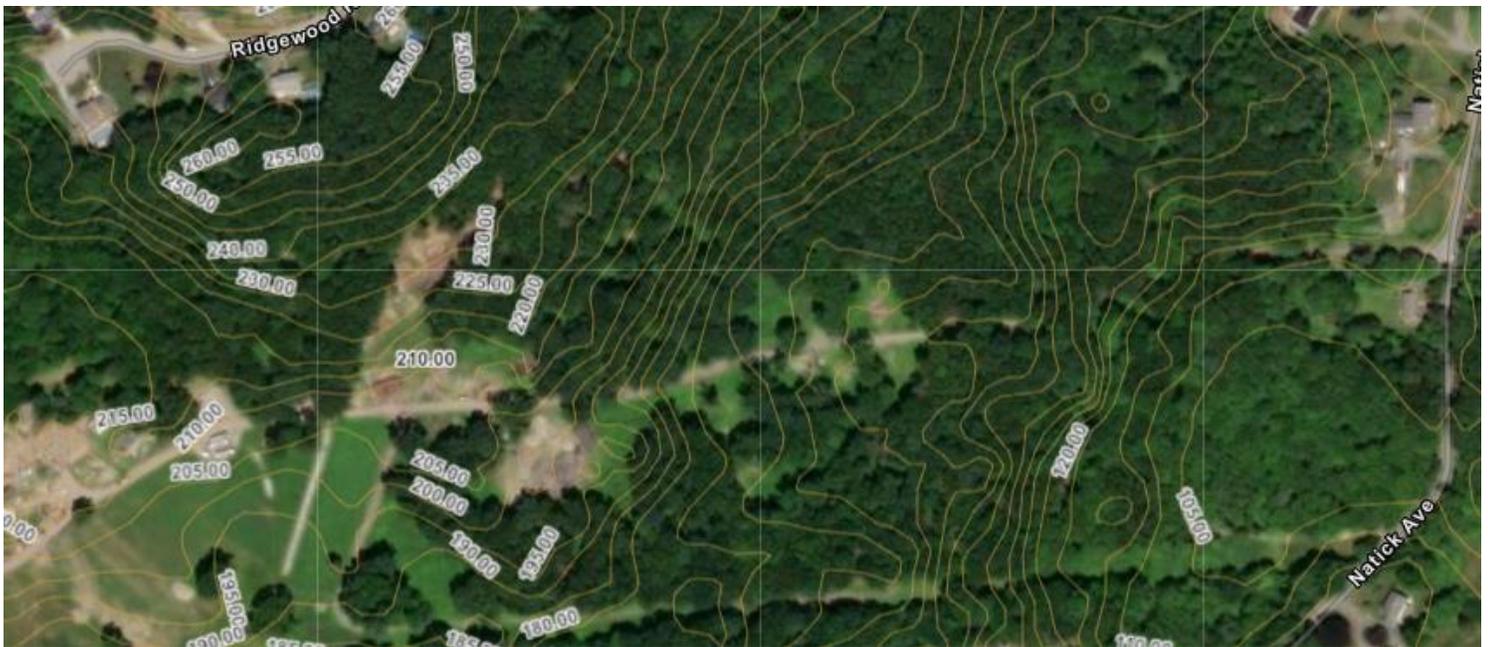
The subject property is located to the west of Natick Avenue and to the east of Phenix Avenue. The property is surrounded by residential structures and neighborhoods. It is zoned A-80 (single family residential - 80,000 square foot lots). The 64 acre land property also holds an active tree farm on the upslope southwestern corner. Most of the property slated for this solar farm is undeveloped and is forested. There are numerous rock outcroppings and boulders likely deposited during the past glacial era.

The most notable property characteristic is the steep slope or change in elevation. This poses development constraints for this property. The highest elevation, towards the northern edge of the parcel, is approximately 250' above mean sea level. The lowest elevation on the site, towards the southeastern corner, is less than 100' above mean sea level. This translates to a grade change of about 150' traversing the longest property cross-section. Many portions of the property are classified as "moderate to steep slopes" and labeled accordingly in the applicant's site plan submittal. Such slopes are prominent on the plan set and are highlighted in yellow color.

As a result of this significant grade change, there is a notable 3.7 acre wetland at the lower elevation of the property. This wetland naturally formed long ago as a result of water flow and erosion from the site's higher elevations. The applicant's engineering documentation states, "The site has wetland areas on its western side and eastern side." The reports further says, "All stormwater from the site eventually discharges to an existing wetland

system which finally discharges to Meshanticut Brook.” The report states, “Four design points have been identified within the proposed development area...” It further describes each design point as water receiving areas. The engineering further highlighted that the property has a high water table ranging from 0” to 78” (about 6’). It was stated that depth to ledge ranged from 36” to not present at all to some ledge visible at the surface.

The contour map below (data source - Rhode Island GIS) illustrates the significant slope for the subject property. The upper left corner is Ridgewood Road. The project’s northern and highest elevation is approximately 250 feet. The lower right corner (near Natick Avenue) is the wetland area holding an elevation of only 105 feet. This translates to a 145 foot grade differential over a short 1,200 foot (less than ¼ mile) horizontal foot distance. Each contour line represents a five foot grade change. Areas where lines are compressed together tightly illustrate steeper slopes and grades. The center of the project area holds steep slopes illustrated where the lines are the closest together.



PHOTOGRAPHS BELOW ILLUSTRATE THE EXISTING PROPERTY



View of subject land from the southern property line looking northwest (above).



View of the property at the lower portion of the land (above) and from the upper end of the land (below).





View of the property near the northern top of the slope near Ridgewood Road (above).

COMPREHENSIVE LAND USE PLAN (2010):

The City of Cranston last updated its Comprehensive Plan in 2010. The State of Rhode Island (Statewide Planning) has advised that the current plan requires updating in accordance with Rhode Island law. There is a 2017 Amendment specific to “Solar”, however the complete 2010 Plan addresses multiple elements that were not modified. The passage of the 2017 Amendment does not supersede the legal precedence held by the full 2010 Comprehensive Plan document. In actuality, the 2010 Plan holds more weight than the 2017 Amendment especially due to the issues raised by RI Statewide Planning specific to the Solar Amendment.

The 2010 Comprehensive Plan is intended to be viewed holistically to guide development, legislation, and regulations within the City of Cranston. It contains “Goals and Policies”, “Land Use Plan Element”, “Housing Element”, “Economic Development Element”, “Natural Resources Element”, “Historic Preservation Element”, “Services and Facilities Element”, “Open Space and Recreation Element”, “Circulation Element” and also the “Implementation” section. Relevant Goals and Policies from the 2010 Comprehensive Plan are listed below:

LAND USE ELEMENT:

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 per cent 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-1.3: Preserve existing farmland and recreational open space areas through land use regulation and taxation policies.

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-3: Locate new commercial development in western Cranston in highly accessible, strategic locations.

LUG-5: Ensure that redevelopment of major sites for economic development incorporates the protection of environment and neighborhood character.

LUG-9: Protect and stabilize existing residential neighborhoods.

LUG-10: Ensure future residential growth in western Cranston conforms to conservation subdivision design.

LUG-11: Enhance services and facilities in western Cranston that support future growth.

LUG-13: Preserve scenic landscapes and view sheds.

HOUSING ELEMENT:

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.

HG-2: Permit a variety of residential development types to achieve multiple community objectives.

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 impacts 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.

ECONOMIC DEVELOPMENT ELEMENT:

EDG-3: Add to the City's taxable property base by constructing industrial and commercial structures which are properly designed and sited in keeping with environmental, planning and design considerations.

EDG-7: Improve/build neighborhood commercial areas at various sites through formulating and implementing revitalization projects.

EDP-7.1: Promote the development or redevelopment of neighborhood commercial centers to service local market areas to reduce cross-town traffic. New neighborhood village center developments should be focused at Phenix Avenue and Natick Avenue, and Scituate Avenue and Pippin Orchard Road. Redevelopment of neighborhood centers should continue to occur at Pawtucket Village, Knightsville, and Rolfe Square.

EDG-11: Target sites for industrial and commercial projects.

EDP-11.1: A number of sites (i.e. former Trolley Barn site, Route 2 corridor), may support additional retailers seeking to enter the market

EDP-11.2: Encourage hotel and lodging accommodations in locations where there is easy access to T.F. Green Airport.

EDP-11.3: Promote leisure and/or entertainment-related businesses to compliment the Part Theater redevelopment in Rolfe Square.

EDP-11.4: Collaborate with the State in redeveloping the Pastore Center to ensure there is a private commercial component.

NATURAL AND CULTURAL 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-1.7: 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.

NRG-3: Protect and enhance the quality of Cranston’s ground and surface water resources and supplies in order to meet, or where appropriate exceed, state and federal water quality standards.

NRP-3.2: Require construction practices that minimize runoff, soil erosion, and sedimentation.

OPEN SPACE AND RECREATION ELEMENT:

OSG-3: Undertake administrative and management actions that support recreation and open space programs through partnerships.

OSP-3.3: Adopt and encourage use of zoning regulations that support conservation of open space in residential development.

Mapping from the 2010 Comprehensive Land Use Plan includes the “Future Land Use Map” (Map 2.1) (originally created in 1992 and carried forward into the 2010 Plan). This map is one of the most important maps in the Plan which carries significant weight as the Plan is implemented through Zoning and other land regulations. This

“Future Land Use Map” classifies this neighborhood and subject property as “Residential” and specifically calls out a density of “less than one unit per acre.” Furthermore, this is the least density or intensity of any land use category on the map with the exception of “Open Space” and “Water” classifications. All of the other land use categories are more intensive. Essentially, this portion of Cranston is slated for low density residential development and land protection.

My analysis finds this solar proposal is not consistent with the 2010 Comprehensive Plan. The Land Use Element never contemplates using residential, large-lot properties for commercial uses. This is especially true for Western Cranston which is a geographic area explicitly referenced for protection and selective neighborhood development. The Economic Development Element certainly references expanding Cranston’s tax base including specific property locations and business parks as a part of implementation. There is focus on large-scale redevelopment, small business assistance programs, transit-oriented development, and site-specific commerce, but not in the subject neighborhood. There is no reference to using Western Cranston for targeted commercial growth other than neighborhood centered commerce. The Natural and Cultural Resources Element explicitly mentions an action plan for creating an open space preservation strategy for Western Cranston. It also explicitly promotes the concentration of residential development in compact areas as a way to protect land. The Natural and Cultural Element did not promote commercial development in the same area. Lastly, the Open Space and Recreation Element states that zoning should support conservation of open space in residential zoning districts such as in the subject property.

AMENDED COMPREHENSIVE PLAN (2017)

In 2017, the City of Cranston completed a local Comprehensive Plan amendment for alternative energy including solar. This amendment was submitted to the state, but was not accepted by the State of Rhode Island (Division of Statewide Planning). The full memorandum (dated September 12, 2017), was provided by Statewide Planning, Parag Agrawal, to the Planning Director, Peter LaPolla.

Key excerpts from this memorandum are provided below in bold. In short, the state expressed it cannot approve the proposed amendment since the full, previously approved, Cranston Comprehensive Plan has expired. The state’s correspondence instead provides guidance to Cranston on how best to integrate the language in the future when a full Comprehensive Plan rewrite is completed. Although there was some further communication from the City of Cranston’s planning staff questioning the meaning of Statewide Planning’s correspondence, the meaning is quite clear. Cranston’s Comprehensive Plan has expired and proposed amendments to expired plans cannot be approved. Additionally, the two comments below pertaining to the content are clearly expressed by the state. My opinion follows these two comments.

As you are undoubtedly aware the State approval of the *Cranston Comprehensive Community Plan 2010* has expired. State Planning Council Rule 1.4.5.D Amendments to Comprehensive Plans that do not have Current State Approval states that "... granting State approval of an amendment to a comprehensive plan that does not have State approval, would run contrary to the goals and intent of the Act" and therefore would have to be denied. However, the Rule also states that the amendment may be reviewed under the same process that is used for review of draft material. Using this process, my office is able to provide comments and technical assistance intended to ensure that the material covered in the amendment would not be an impediment to State approval when the full plan is updated and submitted for review. Our comments concerning the above referenced amendment follow.

While the amendment overall is not inconsistent with the goals and policies of the State, we recommend that certain statements included in the amended language be modified or deleted so as avoid the perception that the City would support the development of renewable/alternative energy production facilities in areas that may not be the most appropriate. Specifically, we recommend:

Comment 1: The amendment contains the following statement: "...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." We recommend that the City delete or clarify the phrase "without limitation" so as to make clear that the siting of any form of development, including renewable/alternative energy production facilities, needs to be context sensitive and appropriately regulated to protect both the public and environment.

Comment 2: Delete or clarify statements that could be interpreted to mean that the City does not consider renewable/alternative energy production facilities to be a form of development. The amended language includes statements that appear to say that such facilities should not be considered "development". For example:

- Use the development of "passive alternative energy generation, such as solar power" as a means of "removing the development potential of the land..."
- "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."
- "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."

My analysis regarding “Comment 1” is that I agree with the Division of Statewide Planning’s statement. The term “without limitation” is not commonly found in planning or land development documents. Additionally, the term is vague and offers no clarity as to context or meaning. For example, it is unclear as to whether the legislative intent was to supersede all other zoning and land development requirements or to be applied merely to certain standards. If the term “without limitation” was intended to offer an outright approval, then this proposed project would not be expected to submit any plans for City Plan Commission review and approval.

My analysis regarding “Comment 2” is I agree with the Division of Statewide Planning’s commentary. The reference to “removing the development potential” for energy development is conflicting. Development does not prevent development. Temporary development is a form of development. Solar development is not land protection especially as proposed including land disturbance and infrastructure. Once this land is disturbed, it will not be returned to its previous undeveloped, natural state. Lastly, this parcel in western Cranston has been undeveloped for centuries as a result of the natural on-site constraints while surrounding lands have been built upon. Any future development of this residentially zoned land will be less than on flat elevation and house construction will be less intensive than this current proposal. This Comprehensive Plan amendment language does not protect, but catalyzes intense development in a manner that exceeds what would occur under normal circumstances.

The following is the amendment language (shaded in gray) approved by the City of Cranston and submitted to the State of Rhode Island (Division of Statewide Planning) for review.

The (Element 1) Goals and Policies Statement is amended by adding the following:

- a. At the end of LUP-1.3, inserting, “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.”
- b. Adding, EDG-2.4: Encourage the development of renewable energy facilities.
- c. Adding, NRP-1.9: Encourage the development of renewable energy facilities in appropriate locations supporting economic growth while fostering low impact development.

The Land Use Plan Element is amended by adding the following:

Under Key Strategies, add:

“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.”

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.”

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 LU-10, 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 2-5 (Summary of the Actions and Responsibilities for this Plan), at the end of LU-10, 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.”

The Economic Development Element is amended by adding the following in Part III Strategies and Actions:

“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 Implementation Program Element is amended by inserting the following:

Table 9-1 (Summary of the Proposed Actions, Time Frames, and Responsibilities for This Plan), at the end of LU-10, 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 9-1 (Summary of the Proposed Actions, Time Frames, and Responsibilities for This Plan), at the end of LU-17, inserting, “Encourage the development of renewable energy facilities- Short Term (1 Year)”

Table 9-1 (Summary of the Proposed Actions, Time Frames, and Responsibilities for This Plan), adding ED-29, “Encourage the development of renewable energy facilities- Short Term (1 Year)”

Table 9-1 (Summary of the Proposed Actions, Time Frames, and Responsibilities for This Plan), at the end of NR-3, inserting, “Encourage the development of renewable energy facilities- Short Term (1 Year)”

My analysis of the proposed Comprehensive Plan (2017) is similar to the review made by the Division of Statewide Planning. Renewable energy production is not a land preservation strategy, but instead a form of development including the construction and installation of structures. Land disturbance as a part of the installation and construction will forever alter the property. There is no “temporary” nature of this use that will benefit future land preservation. The land use does not “temporarily remove development potential” since it is development in itself. The “Land Banking” term is used in a manner not typically found in the community planning practice or state and/or federal government sources. “Land Banking” is a term referencing securing property for future development activities. There is a related “Conservation Banking” term that focuses on land protection, but that never allows the subject land to be developed at any time.

ZONING:

Despite not gaining State of Rhode Island (Division of Statewide Planning) Comprehensive Plan approval for the proposed amendment, the City of Cranston proceeded with a zoning ordinance amendment process. The City of Cranston’s Zoning Ordinance was amended to allow “Solar Power” as a land use to be developed in certain residential districts (by right) including the subject “A-80” district. Recently, the City of Cranston reversed this decision through a zoning amendment to remove this “Solar Power” commercial use from residential zoning districts including “A-80.” However, it is understood that this project is advancing for Master Plan review under a legal vesting provision and will use the former zoning legislation that allowed such use.

The Zoning Ordinance identifies the “A-80 Zoning District” as an area, “Intended primarily for the use of: Single-family dwellings on lots of minimum areas of eighty thousand (80,000) square feet.”

The Zoning Ordinance explicitly stipulates the following “General Purposes” for such zoning in Section 17.04.010 as follows, “The regulations, zones and districts herein set forth are made in accordance with a comprehensive plan prepared, adopted and as may be amended in accordance with RIGL Section 45-.22.2 and shall be designed to address the following purposes. This chapter is adopted pursuant to RIGL Section 45-24.27 et seq. The general assembly and the city recognize these purposes, each with equal priority and numbered for reference purposes only.

- A. Promoting the public health, safety, morals and general welfare.
- B. Providing for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs.
- C. Providing for orderly growth and development which recognizes:
 - 1. The goals and patterns of land use contained in the comprehensive plan of the city adopted pursuant to RIGL Section 45-22.2;
 - 2. The natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface or groundwater pollution;
 - 3. The values and dynamic nature of coastal and freshwater ponds, the shoreline and freshwater and coastal wetlands;
 - 4. The values of unique or valuable natural resources and features;
 - 5. The availability and capacity of existing and planned public and/or private services and facilities;
 - 6. The need to shape and balance urban and rural development; and
 - 7. The use of innovative development regulations and techniques.
- D. Providing for the control, protection and/or abatement of air, water, groundwater and noise pollution and soil erosion and sedimentation.
- E. Providing for the protection of the natural, historic, cultural and scenic character of the city or town or areas therein.
- F. Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, limber resources and open space.
- G. Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space and other public requirements.
- H. Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing.
- I. Providing opportunities for the establishment of low and moderate income housing.
- J. Promoting safety from fire, flood and other natural or manmade disasters.
- K. Promoting a high level of quality in design in the development of private and public facilities.
- L. Promoting implementation of the comprehensive plan of the city adopted pursuant to RIGL Section 45-22.2.

- M. Providing for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.
- N. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.
- O. Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits and, where adopted, procedures for modifications.”

My analysis is that this large solar project does not align with the Zoning Ordinance’s “General Purposes.” There is no reference to “Solar” as a land use category other than the most recent zoning amendments. The project is inconsistent with the adjacent residential land uses and:

- Does not promote the public health, safety, morals and general welfare,
- does not provide for orderly growth and development,
- does not serve to recognize the natural characteristics of the land including its suitability for use based on soil characteristics, topography and susceptibility to surface and groundwater pollution,
- does not respect freshwater wetlands,
- does not adequately provide for the control, protection and/or abatement of water, groundwater and noise pollution and soil and sedimentation.
- does not protect natural, historic, cultural and scenic character,
- does not promote a high level of quality in design in the development of private and public facilities.

Additionally, the Cranston Zoning Ordinance defines the term “Development” as, ““Development” means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.” Zoning also defines the term “Structure” as, “Structure” means a combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below, the surface of land or water.”

My perspective is this solar power proposal clearly meets the definitions of both “Development” and “Structure.” If land development approvals are gained for this proposal, then permits would be required for its construction including building, electrical, and mechanical at a minimum. This proposal is not a passive land activity or conservation activity, but is an active land development project. As such, the development is required by the City of Cranston’s zoning ordinance to comply with the respective A-80 residential zoning district regulations.

Section 17.20.120 of the Cranston Zoning Ordinance states the following are the dimensional requirements for the A-80 zoning district that will pertain to this development and structure.

Minimum Lot Coverage: 80,000 square feet
Minimum Lot Width: 200 feet
Minimum Yard (Front): 40 feet
Minimum Yard (Rear): 100 feet
Minimum Yard (Side): 20 feet
Maximum Lot Coverage: 10%
Maximum Building Height: 35 feet

Maximum lot coverage maximum the district is 10% for the entire parcel. The development appears to exceed this 10% threshold; however, no accurate lot coverage calculations have been provided on the plans. Lot coverage calculations typically involve all man-made structures including foundations and related infrastructure.

Minimum Yard (Side) is 20 feet for the parcel. The plan set (page 6) is ambiguous regarding this distance and how this relates to proposed buffers. The plan legend references 100' (south), but the plan image references "area of selective clearing along southern lot lines." Additionally, there is reference to 94' side yard (north), but the plan image references 20' or 50'. Clarity is required to determine how much of the project impact will occur within the side yard setbacks and buffers.

MASTER PLAN REVIEW:

The City of Cranston's Subdivision and Land Development Regulations stipulates the following "Purpose" and related objectives:

Purpose:

The purpose of these regulations is to establish procedural and substantive provisions for the subdivision and development of land that will, consistent with the provisions of the Cranston Comprehensive Plan and the Cranston Zoning Ordinance, accomplish the following:

1. Protect the public health, safety, and welfare of the community;
2. Provide for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
3. Promote high quality, and appropriate design and construction of subdivisions and land development projects;
4. Protect existing natural and built environments and mitigate the significant negative impacts of proposed development on those environments;
5. Promote subdivision and land development designs that are well-integrated into surrounding neighborhoods, and concentrate development in areas that can best support intensive use because of natural characteristics and existing infrastructure;
6. Consideration and implementation of design and construction standards that reflect the intent of the Comprehensive Plan and that are appropriate to the various neighborhoods and

districts of the City;

7. Require measures for mitigating the impact of new development on the community that are based on clear documentation of needs and are fairly applied and administered;
8. Direct the development of land consistent with state of the art practices that promote and foster growth in a manner that protects the City's distinctive character while at the same time accommodating economic growth;
9. Guide land development with an emphasis on siting subdivision improvements so as to allow for the maximum preservation of existing natural features;
10. Insure that proposed designs institute best management practices that acknowledge existing site constraints and the natural setting.

The following is the Master Plan requirements for submittal:

Master Plan:

a. Requirements for submittal: The applicant shall provide the following information on the master plan.

- (1) Conceptual Master Plan: proposed layout of lots and streets.
- (2) Drainage: identify direction of flow and location of proposed detention facilities.
- (3) Wetlands: identify location of existing and proposed wetlands and surface water.
- (4) Archaeological Significance: identify location of existing archaeological sites in areas.
- (5) Utilities: identify proposed location of water, sewer, gas, electric and telephone lines.
- (6) Easements: identify location and type of existing easements.
- (7) Public Land: identify location of any land proposed to be dedicated to the City, or any other public agency.
- (8) Zoning: identify zoning of land to be subdivided and all abutting properties.
- (9) For Planned Districts: applicant shall provide sufficient information to satisfy Section 30-34(d)(1) or 30-35(c)(2) of the Code of the City of Cranston, (Zoning).
- (10) Other: applicant may provide additional information unique to the land or proposal in question where it may aid in clarifying the intent of the application.
- (11) Number of Copies: The applicant shall submit nine (9) copies of the master plan mapping at minimum plus additional copies as deemed necessary to conform with Section V(E)2(a).

b. Existing Conditions: Supporting maps and narrative shall be submitted which provide information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries; and floodplains.

c. Accompanying Information For Major Plats:

- Proof of application for all necessary state and federal permits, in addition to either a wetlands determination or verification of wetlands edge, if necessary, by the Rhode Island Department of Environmental Management on a set of plans of the proposed subdivision.
- An analysis of impacts caused by additional traffic, noise, and burdens on school, water and sewer systems where deemed necessary as a result of the pre-application conference.
- Roadway profiles, drainage design and calculations as required by the Department of Public Works in "Specifications for Highways Covering Residential and Industrial Plat Developments, 1987, as revised"
- Proof of application to the Rhode Island Historic Preservation and Heritage Commission for potential archaeological sites as shown on Map 5A-1, and undertaking a "sensitivity assessment survey" as recommended by RIHPHC.

d. Narrative Text For Major Plats: Explanation of site suitability for proposed development, including analysis of soil qualities, existing and proposed easements and covenants, a full drainage and erosion report per City Engineer's specifications, proposed construction phasing, and a general overview of the preliminary plat contents. Description and justification of any land proposed for donation to the City in lieu of the Capital Facilities Development Impact Fee.

e. Professional Registration and Proof of Same From State Board of Registration For Major Plats: Each engineer and land surveyor shall submit documentation from the State Board of Registration stating that the individual is authorized to practice in his respective field. Any documents submitted (such as plans, profiles, calculations, ground tests, surveys, design plans, etc.) shall be stamped and signed by the preparing individual based on his area of expertise.

f. Administrative Fee: Every Master Plan shall be filed together with the appropriate fee as specified in Section III(C).

g. List of property owners within a one hundred (100) foot radius of the perimeter of the combined adjacent property of the landowner applicant.

The following is the Erosion and Sediment Control Requirements:

I. Erosion and Sediment Control

1. All major land developments and major subdivisions shall submit a soil erosion and sediment control plan as required herein. Minor land developments, minor subdivisions, and administrative subdivisions shall not be required to submit such plans if the land disturbing activity involved in construction of subdivision improvements meets all of the following criteria:

- a. Construction activity will not take place within 100 feet of any wetland or coastal feature;
- b. Slopes at the site of land disturbance do not exceed ten percent (10%);
- c. The total area of such activity does not exceed ten thousand (10,000) square feet;
- d. Proposed grading does not exceed two (2) feet of cut or fill at any point.
- e. The grading does not involve a quantity of fill greater than sixty (60) cubic yards; except where the fill is excavated from another portion of the subdivision parcel and the quantity of fill does not exceed one hundred eighty five (185) cubic yards.
- f. Has all disturbed surface areas promptly and effectively protected to prevent soil erosion and sedimentation.

My analysis finds this property holds significant constraints to development and the proposal should carefully be reviewed for compliance with the above-referenced “Land Development Regulations.” The Regulations “Purpose” section contains 10 objectives all pertaining to protecting the public, neighborhoods, acknowledging existing site constraints and natural conditions, using design and construction standards that respect the intent of the Comprehensive Plan, promote designs that integrate into the neighborhood, mitigating impacts to the community, and protecting the City’s distinctive character while promoting economic growth. The proposal does not comply with these objectives.

Furthermore, the submitted application may not contain all of the required information. There was no provided reference to findings of “Archaeological Significance”, any “Public Land” proposed to be dedicated, and further information related to total neighborhood impacts such as visual glare.

Lastly, the submittal should carefully be reviewed with respect to the “Erosion and Sediment Control Plans.” Engineering details are provided as required for such development, but the severity of the impact to the property and neighborhood has not adequately been stated. There appears to be proposed activity within 100 feet of the freshwater wetland. Slopes at the site of land disturbance do indeed exceed ten (10%) slope. The total land disturbance activity exceeds 10,000 square feet. Proposed grading exceeds two (2) feet of cut or fill at any point. Grading involves a quantity of fill that likely exceeds the volume threshold stated in the regulations.

ANALYSIS FINDINGS:

The following are my professional findings regarding the Natick Avenue Solar Development Project.

- The solar development project is slated to occupy roughly half of the land situated closest to Natick Avenue.
- Significant land disturbance will be involved including grading, infrastructure, roadways, trenching, berms, and stormwater collection systems.
- The site has site constraints especially pertaining to steep slopes and elevation changes of approximately 150' vertical rise over a 1,200' horizontal distance.
- There are stormwater management considerations and potential wetland impacts as a result of the slope, soils, high water table, rock outcroppings and ledge.
- The 2010 Comprehensive Plan's Future Land Use Map identifies this property as "Residential" with a density of "less than one unit per acre."
- The proposal is "not consistent with the 2010 Comprehensive Plan."
- The Amended 2017 Comprehensive Plan was not approved by the RI Division of Statewide Planning.
- The term "without limitation" as applied to land development is vague and offers no clarity as to context or meaning.
- The reference to "removing the development potential" for energy development is conflicting. Development does not prevent development.
- Renewable energy production is not a land preservation strategy, but instead a form of development including the construction and installation of structures.
- The property is zoned as an "A-80 Zoning District" meaning, "Intended primarily for the use of: Single-family dwellings on lots of minimum areas of eighty thousand (80,000) square feet."
- This large solar project does not align with the Zoning Ordinance's "General Purposes."
- The Cranston Zoning Ordinance defines the term "Development" as, "'Development' means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities."
- Zoning also defines the term "Structure" as, "Structure" means a combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below, the surface of land or water."
- Maximum lot coverage maximum the district is 10% for the entire parcel. The development appears to exceed this 10% threshold.
- The site plan is vague and inconsistent regarding complying with side yard setback requirements especially in referencing buffering.

- The proposal does not comply with the “Land Development Purpose” objectives.
- The submittal lacks addressing “Archaeological Significance”, “Public Land” and “Neighborhood Impacts” such as visual glare.
- The severity of the “Erosion and Sediment Control” issues are not adequately stated specific to wetland impacts, slopes, size of land area disturbance, proposed grading with cut and fill, and quantity of fill materials.

Paige R. Bronk, AICP

Paige R. Bronk 01/26/2023