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CITY PLAN COMMISSION

Cranston City Hall
869 Park Avenue, Cranston, RI 02910

April 13, 2021

Mr. Ronald Rossi
1936 Phenix Avenue
Cranston, RI 02921



DECISION

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

Dear Mr. Rossi:

On April 6, 2021, the City Plan Commission completed its review of the Preliminary Plan submittal entitled, "Natick Avenue Solar" which had been continued from the January 5, February 2, March 2, and March 8 2021 Plan Commission meetings. Upon motion made by Mr. Strom and seconded by Mr. Vincent, the Plan Commission voted (8/1 – Mr. DiStefano voted nay) to adopt the Findings of Fact denoted below and **Approve** this Preliminary Plan subject to the conditions following the Findings of Fact.

Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with the 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:

1. An orderly, thorough and expeditious technical review of this Preliminary 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 and advertised.
2. The applicant has complied with all of the *viable* conditions of the Master Plan Approval. Condition #11 was deemed to be problematic in terms of feasibility, so a new condition has been adopted to address the issue which will supersede this Condition. Condition #10 is also problematic, could not yet have been complied with, and therefore was not to carried over into the Preliminary Plan approval. Other Master Plan conditions which could not have yet been met at this time have been carried over into the Preliminary Plan conditions.

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."

3. The application is vested to the Comprehensive Plan in effect at the time the Master Plan application was certified complete. Revisions to the Comprehensive Plan since that time do not apply to the review of this Preliminary Plan Application.
4. Consistency with the Comprehensive Plan was discussed extensively during the Master Plan review process. Ultimately, albeit with a 5-4 vote, the Plan Commission approved Master Plan



approval incorporating findings of consistency with the Comprehensive Plan into its decision as stated in the Master Plan Approval Letter dated 2/11/19.

5. The applicant has worked with the City-hired Landscape Architect, the Advisory Committee, Planning staff and the Conservation Commission to develop an effective screen to mitigate impacts to the visual character of Western Cranston. Furthermore, special consideration has been given to the site preparation, installation, inspection, enhancements, and maintenance of the landscaping to ensure the landscaping/buffer is an effective screen for the life of the solar project.

With all required Conditions of Approval, the Commission finds that the proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

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 application is vested to the City Code in effect at the time the Master Plan application was certified complete. Revisions to the City Code since that time do not apply to the review of this Preliminary Plan Application.
7. The proposed solar and existing agricultural uses were permitted uses by-right in the A-80 zone at the time the Master Plan was certified complete.
8. The site is comprised of two lots, merged for zoning purposes, which meet the requirements of A-80 zoning.
9. The project is consistent with items (A) Site Preparation and (B) Lighting found in City Code Section 17.24.020 Solar Power Performance Standard (this section has since been revised, but the application is vested to comply with this now outdated section). Items C-G of this section do not apply to the Preliminary Plan phase of the application.

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.”

10. This project has received an Insignificant Alteration Permit from RIDEM and will continue to be subject to all local, state and federal standards regarding environmental impacts.
11. Grading of the project has been limited to the greatest extent possible.
12. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site. The 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.
13. 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.”

14. 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.”

15. The property in question has adequate permanent physical access from Natick Ave, improved public roadway located within the City of Cranston.
16. 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 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.
2. The applicant shall use reasonable efforts to remove ledge or rock by mechanical means. Only ledge that is to be reused as part of the project on-site may be processed on-site, any ledge not being utilized as stated above shall not be processed before being removed from the site. Processing of ledge/rock crushing shall be limited to the hours between (9AM) and (5PM) Monday-Friday and shall be prohibited on weekends. Nothing herein shall prohibit the use of blasting to remove necessary ledge.
3. The entire perimeter fencing shall provide for at least a 6-inch gap between the ground and the bottom of the fencing to provide adequate wildlife passage for smaller species consistent with the RIDEM approval. The fencing and the fencing gap shall remain for the life of the solar facility. Barbed wire or similar is strictly prohibited.
4. Planting Area E shall be trimmed to a height no less than 18’.
5. Planting Area D shall be extended to the area indicated as Planting Area F on the Landscape Plans, between the proposed fence and the access road. The mixture of plants will be consistent with Area D but no white pines will be included. This change shall be reflected in the Final Plan submission and shall be subject to the City-hired Landscape Architect’s approval at the time of submission to verify the terms of this condition.
6. The Landscape Plan shall be recorded with and made part of the approved and recorded Final Plan.
7. The applicant’s civil engineer shall certify in writing that the site has been cleared and graded in substantial conformance with the Final Plan. Said certification shall be submitted to the Planning Director.
8. After the clearing and grading has been certified to be in compliance with the Final Plan but prior to commencement of any construction of the solar panels and equipment, a City-hired Landscape Architect, paid for by the applicant, shall inspect the site with the applicant’s Landscape Architect and other necessary professionals to verify the constructability of the Landscape Plan with consideration to the site conditions and to help coordinate the placement of the plantings & overall implementation of the Landscape Plan.



9. At the expense of the applicant, a City's chosen landscape architect shall conduct annual inspections of the site for the next three years to monitor consistency of the installation with the approved plans and sustainability of the buffer. Once the landscaping has been installed, the applicant shall submit an 'as-built' plan to the Planning Department accurately depicting the final planting locations and materials. The as-built plan shall be accompanied by documentation itemizing any/all deviations from the final approved landscaping plan. An inspection shall be conducted by a City-hired Landscape Architect after installation of the plantings upon receipt of the as-built plan, who will submit a report on the findings of the inspection to the Planning Department within fifteen (15) days of the inspection. The City-hired Landscape Architect shall conduct two more annual inspections for a total of three (3) inspections. After each inspection, any trees or shrubs found to be dead or with unsatisfactory growth shall be replaced, and in seeded areas, thin cover or bare ground greater than 10 square feet shall be reseeded.
10. During the inspection process described in these conditions, should the City-hired Landscape Architect find that additional plantings are necessary to provide an effective and sustainable buffer, while taking into account that the plantings will need time to grow and mature, the City-hired Landscape Architect shall have the authority to require the installation of additional plantings to be paid for by the applicant/owner, not to exceed a total of 10% of the plantings quantified in the approved Final Plan. This authority shall be applicable during the pre-installation inspection and shall expire after the confirmation of compliance with the third annual inspection. If changes/plantings are required, the applicant shall submit a revised as-built plan reflecting the changes.
11. The landscaping shall be installed, the first annual inspection shall be completed and any additional plantings required by the City-hired Landscape Architect must be installed, and an as-built must be submitted to the Planning Department and Building & Inspections Department prior to the issuance of a Certificate of Completeness.
12. For each inspection (4 in total - the pre-installation inspection per condition #8 and 3 annual inspections per condition #9), the City-hired Landscape Architect shall submit a report to the Planning Department and Building & Inspections Department summarizing his/her inspection and findings/observations. These reports shall be public documents.

The City-hired Landscape Architect shall present the contents of the annual inspection reports to the Plan Commission as an Informational Meeting items (not Public Hearings) at the applicant's/owner's expense. Upon recognition that the as-built plan is consistent with the Final Plan, and any required changes as applicable, as determined by the City-hired Landscape Architect during the Information Meeting, the Planning Department will record the as-built plan with Land Evidence as a Minor Change to the Final Plan.
13. An interest-bearing escrow account in the amount of thirty-five thousand dollars \$35,000 shall be established for maintenance of the landscaping for the life of the project (initial lease period and all extensions). The account will only be utilized if the applicant/owner is not maintaining the landscape buffer pursuant to conditions set forth by this approval and is not satisfactorily responsive to the City's correspondence requiring the site be brought into compliance as determined by the City's Planning Director in coordination with the City Arborist. The owner shall grant the City and/or City-hired personnel access to the property to conduct such work as applicable. If funds are withdrawn by the City in accordance with this condition, the account shall be replenished by the applicant/owner within 60 days of written notice by the City. All efforts will be made by the City, including imposing liens, if necessary, to replenish the account. Upon the completion of decommissioning of the solar project the remaining balance in the escrow account will be returned to the applicant/owner.
14. For the life of the project, the applicant/owner shall maintain required plantings and buffers, as reflected in the Final Plan and Minor Changes. The applicant shall submit a Vegetative

Maintenance Plan as part of the Final Plan application submittal to be reviewed by a City-hired Landscape Architect at the applicant's expense.

15. The applicant shall install and maintain a minimum of 4"-6" of suitable seed bed material where placed on existing subsoil, and install and maintain a minimum of 6" of suitable seed bed material on areas without existing subsoil. The character of the material as 'plantable soil' shall be as indicated in the planting detail. The area within the fence shall be seeded with 'low sowing mix' and disturbed areas outside the fenced area (except as otherwise specified by the DEM approval) will be seeded with a more pollinator and wildlife beneficial mix designated as 'solar surround mix' as noted in the Landscape Plans. These requirements shall be clearly reflected in the Final Landscape Plan. This condition supersedes Master Plan Condition of Approval #11.
16. The applicant shall be responsible to reinstall all street lights disturbed by the interconnection.
17. Control of growth under the panels shall be limited to mechanical methods (mowing). No herbicides or other chemical means may be used to control growth under the panels.
18. The applicant shall comply with the State Fire Marshall's regulations, as amended, for any blasting to occur associated with the project.
19. The project shall be in compliance with expired Code Section 17.24.020 – *Solar Power Performance Standard* which was in effect upon vesting of this project application.
 - A. Site Preparation. Clearing of natural vegetation shall be limited to what is necessary for the construction and operation of the solar power facility. Top soil will not be removed from the site. Top soil will not be disturbed except as required for installation of the facility.
 - B. Lighting. Lighting of solar power facilities shall be limited to requirements for safety and operation and shall not shine light onto abutting properties.
 - C. Noise. Applicants for a building permit to construct a solar power facility must submit a noise study as part of their application. The noise study assesses the potential impacts at any off-site noise receptors (e.g. residences) due to sound emitted by the solar power facility's electrical equipment including, but not limited to, inverters and transformers. The noise study is required to demonstrate that the facility, as designed, does not exceed a forty (40) decibel noise level (approximately the noise level experienced in a quiet office or library). The city's review engineer will assess the noise study to determine acceptable distance from the solar facility to any off-site receptor.
 - D. Decommissioning and Abandonment. A solar power facility which has reached the end of its useful life or has been abandoned consistent with abandonment section shall be removed. The owner or operator shall physically remove the facility no more than one hundred fifty (150) days after the date of the discontinued operations.
 - E. Removal shall consist of:
 1. Physical removal of all installations, electrical equipment, all appurtenant structures including but not limited to, equipment shelters, storage facilities, transformers, substations, security barriers, fences, overhead and underground electric lines.
 2. Disposal of all solid and hazardous waste in accordance with the law.
 3. Stabilization or revegetation of the site as necessary to minimize erosion.
 - F. Abandonment. A solar facility shall be considered abandoned when it fails to operate for more than one year. If the owner or operator fails to remove the installation within one hundred fifty (150) days of abandonment, or the proposed date of decommissioning, the city may enter the property and physically remove the installation.



- G. Financial Surety. Before receiving a building permit, owners or operators of a solar power facility shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the city must remove the facility and remediate the landscape. In no event will the amount exceed one hundred twenty-five (125) percent of the cost of removal and compliance as determined by a qualified engineer hired by the city and paid for by the owner operator. The qualified engineer shall include an estimate of all costs associated with removal and remediation and a mechanism for figuring increased removal costs due to inflation.

- 20. A copy of the conditions of approval and the Final Approved Plans shall be made part of any building permit application filed with the City.

- 21. The Final Plan application shall be brought before the Plan Commission as an Informational Meeting item prior to recording.

If you have any questions or require further assistance, please do not hesitate to contact me.

Sincerely,

Joshua Berry, MURP, AICP
Senior Planner/Administrative Officer

cc: Robert D. Murray, Esq.