

Cranston Planning Commission
869 Park Avenue
Cranston, RI 02921

“It’s like déjà vu all over again.”
Yogi Berra

Dear Commissioners,

Four years ago this week, the applicant Southern Sky Renewable Energy RI (aka Reivity Energy) appeared before the Commission to obtain Preliminary Approval for the Lippitt Ave solar facility. Now they repeat the effort days after the holidays knowing full well that people are occupied by holiday celebrations. That they would do so in the midst of a pandemic that has forced the closure of the Planning Department offices indicates their continuing disregard for their potential neighbors. But what else can be expected from a company that has a documented history of broken promises, misrepresentations, and a failure to disclose pertinent facts. The following statements are based upon public documents and personal knowledge gained during and after the construction of the Lippitt Ave. site.

Misrepresentation

Ralph Palumbo was one of three partners who created Southern Sky Renewable Energy, LLC in Massachusetts 2010 January 5. [MA Corporate Database, ID 800522661]. He created Southern Sky Renewable Energy Rhode Island, LLC in Rhode Island 2015 July 7. [RI Corporate Database, ID 001338192] SSRERI misrepresented SSRE’s projects as its own on numerous occasions as well as using the abbreviations interchangeably as shown by their Twitter ID.



Lindsay McGovern, SSRERI, sent me an email 2016 July 5 with a list of SSRE projects that is labeled Southern Sky Renewable Energy RI. [Attached] You’ll notice that the same trademark is used for both LLCs. All of the MA Corporate Database entries for the projects list the owner as SSRE, LLC, not SSRERI, LLC. [List attached]

Westerly

“In accordance with the Town of Westerly Request for Proposal, 2016-002 Virtual Net Metering “RFP,” we are submitting four copies of the attached Southern Sky Renewable Energy Rhode Island (“SSRE”) response to the RFP.” Then “SSRE has performed operations and maintenance for utility scale ground-mount projects since 2012.” Two MA projects were listed as references. [SSRERI to the Town of Westerly, 2016 April 20.]

Providence

SSRERI’s response to a Providence Water RFP was emphatic. “Since 2009 SSRERI has developed and funded approximately 80MWs (+/-) with a total installation costs of \$175,000,000 (+/-).” Two MA SSRE projects were listed as references. How can that statement be remotely true since SSRERI did not exist until 2015?

Twitter



“It will cost \$18 million to \$23 million to install 21,000 panels at the Ravenbrook array, said Francis McMahon, managing director of Southern Sky Renewable Energy, LLC of Boston. The developer leased the landfill from Rhodes. McMahon said construction will begin in July, with a goal of going online by the end of the year.

The Ravenbrook project is not the first for Southern Sky. McMahon said the company is also installing 19,800 panels on a capped landfill in Canton. He said that \$23 million array, which will produce 5.75 megawatts of power, will go online this summer.” The Patriot Ledger, 2012 May 24.




See also: “Power Up: Ravenbrook Farms Landfill Solar Facility teams with Cape Cod Healthcare,” [Wicked Local: Hopkinton](#), 2014 September 5.


[<https://hopkinton.wickedlocal.com/article/20140905/NEWS/140908813>]

Rhode Island Infrastructure Summit, 2018 September 17
A presentation By Lindsay McGovern:

Solar Systems Installed in Massachusetts – Landfill Sites

6 former landfills converted to renewable energy
130 acres -- 31.5 Million kWhs annually
5,000 cars off the road -- offset the emissions from 25 million lbs of coal

		
Ravenbrook Landfill 6.0 MW Carver, MA Power Off-Taker: Cape Cod Hospital	Canton Landfill 5.8 MW Canton, MA Power Off-Taker: Town of Canton	Hudson/Stow Landfill 5.8 MW Hudson, MA Power Off-Taker: Hudson/Stow Lighting Plant

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Southern Sky Renewable Energy, LLC v. Southern Sky Renewable Energy Rhode Island, LLC
US District Court, Case 1:19-cv-00300-WES-LDA

SSRERI lawyers filed their response to SSRE’s lawsuit 2019 July 29. The response states “SSRE developed its only two solar projects in Massachusetts, completing these projects in and ultimately selling both in 2016 with no further ownership or management responsibilities for SSRE.”

“Depend upon it, Sir, when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully.” Samuel Johnson

Apparently Federal courts have the same effect.

The lawyer’s statement contradicts and refutes SSRERI’s claims made to me and RI public officials. Ms. McGovern’s email to me lists nine projects in Massachusetts. Can SSRERI explain the discrepancy?

Failure to Disclose

1) Seven Mile Road solar development

The subdivision of the estate of Frank Russo (James T. McCormack, Trustee) came before the Planning Commission as a three-lot plan. Public hearings were held 2016 June 1, August 2, and August 10. Approval was granted without any objections from abutters. Shortly thereafter, the buyer, Mr. Palumbo, informed Mr. McCormack that he had changed his mind and would install solar projects instead of two houses. [McCormack statement at Development Plan Review Committee meeting, 2017 March 15]

The National Grid's RI_Monthly_Interconnection_Status_Report-3, filed 2017 March 10, lists two interconnection applications dated 2016 June 1 and July 12 that match the proposed solar project. This critical information was not provided to the seller, abutters, the Planning Commission, or the Zoning Board of Appeals.

2) Lippitt Ave

“The site has multiple soil types including Charlton-Canton-fine sandy loams, Canton-Charlton-Rock outcrop complex, Lippitt gravelly sandy loam, and Sutton fine sandy loam.”

Project Narrative prepared by Applicant, Staff Master Plan memo, 2016 July 7.

The applicant failed to disclose a critical characteristic of Lippitt Gravelly Sandy Loam. “Excavation is difficult in this soil, and blasting is required in places.” [Solar Map Unit Description from the RI Soil Survey. Emphasis added] Also, they failed to disclose that the grading plan called for elevation changes over twenty feet. As a result, the Commission was denied critical information to consider before approving the project. The neighbors endured four months of quarry operations needed to excavate and process on site 40,000 cubic yards of ledge. Abutters learned of this one week before the first blast.



SSRERI topped and severely trimmed trees on city conservation land without disclosing the need. The work was done on an April Sunday morning.



SSRERI, city officials, and National Grid attempted to approve a plan to install an anchor easement on Knight Farm conservation land as part of the interconnection plan. The proposed easement ignored DEM's conservation easement that expressly forbid such actions. Only the timely intervention of DEM officials and the Attorney General's office prevented the violation of the conservation easement and the destruction of approximately 90 trees along Laten Knight Road that were found to be on conservation land not the right-of-way.

[6-18-01 Ordinance authorizing the Director of Public Works to execute a grant of easement for the Narragansett Electric Company. Sponsored by Council President Farina. Referred to July 12, 2018 Ordinance Committee.]

Broken Promises and Conditions – Lippitt Ave

1)

“the owners will be constructing the solar farm in phases. We have shown that each phase will be less than 5 acres.”

Soil Erosion and Sediment Control Plan, SSRERI Gold Meadow Farms,
2016 August 3, page 13.

DEM found SSRERI to be in violation.

“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.”

DEM Letter of Non-Compliance, Charles A. Horbert, Program Supervisor,
2018 February 22

2)

“...the site operation shall redistribute top soil over the disturbed areas ensuring at minimum a 4” layer is provided over all disturbed areas. Additional material shall be brought on site should the need arise.”

SESC Plan, page 7.

“Top soil will only be disturbed as necessary to provide proper grading for installation of the solar power facility but top soil will not be removed from the site.”

Project Narrative prepared by Applicant, Staff Master Plan memo, 2016 July 7.

Photos of the north and south ends of the site tell the true story.



North End



South End

The dark material in the south end photo is pulverized ledge created on site.

3)

“The applicant shall install a chain-link fence around the perimeter of the solar array as showing on the records set of plans. Said fence shall be constructed with an gap of 2”-5”; at its base so as to allow for the passage of amphibians and small animals.”

Development Plan Review Committee, Condition #4, 2016 September 8

The applicant failed to implement this condition as city officials knew full well because of photographs that I sent to them. They failed to inspect the fence over a two-year period and then amended the condition to whitewash the violation. [DPR Committee meeting, 2020 July 1]



North Boundary. Photo taken from Knight farm conservation land 2019 April 19.

4)

“Mr. Nadeau asked how long it will take to construct. Mr. Palumbo responded, stating usually 8-10 months, being weather dependent.”

Cranston Planning Commission minutes, Preliminary Plan approval, 2017 January 3

Construction began 2017 September. Site preparation was completed six months later, late 2018 March. National Grid authorized connection to the grid 2019 May 7.

[National Grid RI Monthly Status Report to PUC, 2020 October 15.]

SSRERI’s (Reivity Energy) documented record of broken promises, misrepresentations, and a failure to disclose pertinent facts speaks for itself. Commissioners must consider this record when listening to the presentation of SSRERI and weigh just what can be believed and accepted as accurate. I will provide comments on specific conditions recommended by the staff during the meeting with expanded comments in writing if the Commission continues the hearing until February.

The Commission should accept the staff recommendation to continue the hearing. Last minute submissions and changes need to be considered by the Commissioners and the public before proposed conditions are finalized. The abutters and interested public must be given adequate time to respond to the changes and draft conditions. One meeting over Zoom does not come

close to providing that opportunity. If the Commission decides to approve the Preliminary Plan, then any conditions must be iron clad and escape proof not deferred to the DPR Committee. The mistakes of Lippitt Ave must not be repeated.

I ask that all documents referred to in this letter be considered as part of the public record. If individual copies are required, then I will make arrangements with the staff.

Thank you,

Douglas Doe
2021 January 4

From: Lindsay McGovern
 Subject: SSRE MA Projects
 Date: July 5, 2016 at 2:29 PM
 To: Douglas Doe
 Cc: Ralph Palumbo

Hi Doug,

As promised, attached is a list of SSRE's projects in MA. Please let me know if you need anything else.

Best Regards,

Lindsay A. McGovern, CPA
 Business Development

Phone:
 Mobile:
www.southernskyre.com



Recent MA Projects	State	Size (KW)(DC)	Address	Development Completion	Construction Completion
Berkeley	MA	3,600	49 S Main Street, Berkeley, MA 02770	Q2 2014	Q2 2014
Canton Landfill	MA	5,800	20 Pine Street, Canton, MA 02022	Q1 2017	Q3 2012
Ravenbrook Landfill	MA	6,000	246 Plymouth Street, Carver, MA 02330	Q1 2013	Q4 2013
North Carver Landfill	MA	1,800	North Main Street, Carver, MA 02330	Q3 2016	Q4 2016
South Carver Landfill	MA	4,000	South Main Street, Carver, MA 02330	Q4 2016	Q3 2017



SOUTHERN SKY

RENEWABLE ENERGY RI

Recent MA Projects	State	Size (KW)(DC)	Address	Development Completion	Construction Completion
Berkley	MA	3,622	29 S Main Street, Berkley, MA 02710	Q1 2014	Q2 2014
Canton Landfill	MA	5,800	20 Pine Street, Canton, MA 02021	Q1 2012	Q3 2012
Roxenbrook Landfill	MA	6,000	246 Plymouth Street, Canton, MA 02330	Q1 2013	Q1 2013
North Carver Landfill	MA	1,800	North Main Street, Carver, MA 02330	Q3 2016	Q4 2016
Acushnet Landfill	MA	4,000	Acushnet, MA 02723	Q4 2016	Q2 2017
Dighton Landfill	MA	4,000	Dighton, MA 02715	Q4 2016	Q2 2017
County Street Landfill	MA	3,900	Berkley, MA 02770	Q3 2016	Q6 2016
Bumet Street Landfill	MA	2,500	Chicopee, MA 01020	Q3 2016	Q4 2016
Hudson/Stow Landfill	MA	6,000	Old Stow Road, Hudson, MA 01749	Q3 2016	Q4 2016
Total kW (DC)		37,322			

Document Properties

Description Security Fonts Initial View Custom Advanced

Description

File: SSRE Project List.pdf

Title:

Author: Lindsay McGovern

Subject:

Keywords:

Created: 7/5/16, 2:44:22 PM Additional Metadata...

Modified: 7/5/16, 2:44:22 PM

Application: Microsoft® Excel® 2013

Berry, Joshua

From: Douglas Doe <dwdoe@cox.net>
Sent: Tuesday, January 5, 2021 2:14 PM
To: Berry, Joshua
Subject: Re: Natick Ave solar
Attachments: Gold Meadow Farm inspection report 6-1-20.pdf

Joshua,

I forgot to include this in my comments so please send this along as well.

The conditions for the Lippitt Ave project included:

The owner, or Association, agent, manager or entity of this Project submit as part of the project maintenance and property drainage maintenance program an annual report of compliance with the MS-4 report requirements with the City of Cranston by June 30th of each year;

I obtained a copy of the 2020 report, which I have attached. The report was filed out by a M. Singley. The report does not list his/her employer, address, or his/her qualifications to complete the report. Is this what the Commission had in mind? This is another example of why conditions must be iron clad and escape proof.

Thank you,
Doug

On Jan 4, 2021, at 10:31 PM, Douglas Doe <dwdoe@cox.net> wrote:

Joshua,

I've attached preliminary comments for the Natick Ave proposal. I'll try to call you on Tuesday.

Doug

<preliminary plan statement.pdf>

**Stone Trench Operation, Maintenance,
And Management Inspection Checklist**

Project: Gold Meadow Farms
 Location: Lippitt Ave. Cranston, RI
 Site Status: Satisfactory
 Date: 6/1/2020
 Time: 9 AM
 Inspector: M. Singler

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
Monthly inspect for trash and debris and remove if present.	Satisfactory	
Monthly inspect for erosion and evidence of channelized flows. Erosion and channels must be corrected immediately by re-establishing original grade by raking existing stone or applying new stone as necessary.	Satisfactory	
Semi-Annually inspect for excessive sediments and remove sediments if present. If sediment source is observed, eliminate source.	Satisfactory	
Every 5 years, remove and wash pea stone layer or replace with new pea stone.	Satisfactory	

COMMENTS:

Site is overall in good and stable condition.
Regular vegetation control is being done on an
ongoing basis. No major erosion, sediments,
washout or other related conditions are
present. New stone and grass seed has
been implemented where required and is working
as intended.

**Stone Trench Operation, Maintenance,
And Management Inspection Checklist**

Project:

Location:

Site Status:

Date:

Time:

Inspector:

ACTIONS TO BE TAKEN:

No major actions required. Continue with
regular grass cutting as required and inspect
drives for any washout conditions that
may arise. Site is in good condition and
there are no major concerns at this
time.