

Planning Board Minutes

May 19, 2012

7:00

Present: Nate Ginsburg, Chair; Ben Lupovitz, Vice Chair; Matt Yoder; Chris Pels; Matt Renninger;
Greg DeGroot
Absent: Marc Gertsacov
Staff: Lisa Bourbonnais, Planning Director; Aaron Lindo, Planning Technician; Andy Teitz,
Solicitor

1. Call to Order

Mr. Ginsburg called the meeting to order at 7:02 and introduced those present.

2. Roll Call

3. **South Road Solar, LLC – Master Plan Review of a major land development.** (Owners are members of the Lawson, Ellison and Carosella families). Applicants propose to install a ground-mounted 5.44 megawatt DC solar energy project at Assessor's Map 4, Plat 18, Lot 20. Property is 32.96 acres in size and is zoned F-1, Farm. Assuming the project obtains Master Plan approval, it will require a Special Use Permit from the Zoning Board of Review before it can return to the Planning Board.

Attorney Jennifer Cervenka represented the application. Project engineer David Russo and principle John Typadis were also present.

The proposed development is for a 5.44 MW DC ground mounted solar array. It is approximately 33 acres in size in the F1 district. It is located south of South Road by about 1200 feet and is bounded on the west by Route 4, east by Briggs-Boesch Farm, and north by the town of North Kingstown.

The project is considered a major land development as a major solar energy system. The pre-application involved evaluating different access points. In that regard, the project has deeded access from south road and has a reserved floating easement that comes off of Delano Drive. The property is landlocked save for the access points. After evaluating the access points, there were concerns from the neighbors. The project received approval from RIDOT to use its parcel for an easement over its property which runs off of South Road. There has been a draft easement made but it will not be finalized until a later stage. The plan is to construct a 2'- wide driveway that would run through the DOT property and connect with the proposed site.

The project is designed to have enhanced buffering and screening for protection of the southern abutters. There is natural buffering that will protect the northern abutters. The project will be consistent with the solar ordinance and will have an operations manual. The project is also consistent with the Comp Plan. Once constructed, the project will be a fairly passive use. It will not require sewage, water, or other utilities and will

not create any real noise or odors. The applicant has reviewed the staff report and the suggested conditions are agreeable should the board grant approval. There is a vegetation management plan for the grass underneath the panels.

Mr. Typadis was sworn in and gave his credentials having a variety of experience with these kinds of solar operations. He has development experience in both Massachusetts and Rhode Island.

There has been an ongoing dialogue with the southern abutters and he is happy to receive feedback to try and address their concerns. The applicant is looking forward to being collaborative.

Mr. Russo, from DiPrete Engineering, was sworn in, briefly described his background, and was qualified as an expert by the Board.

Mr. Russo shared his screen and gave a presentation of the project, describing the location, zoning, wetlands, and topography. The site was used as a farm in the past as well as a gravel operation that became overgrown. The project would need a special use permit from the zoning board to proceed to preliminary plan. The proposed access is off of South Road. The applicant originally wanted to come off of Delano Drive in North Kingstown but abutters had concerns. An access easement was obtained by DOT and a wetland crossing will be obtained by RIDEM. There is a lot more engineering work that needs to be done for the wetland crossing. DEM is also involved in the drainage aspect on the site.

The array is located within the proper setbacks and meets the solar ordinance. It will be surrounded by a 7 foot high fence. DEM requires that the fence be lifted about 8 inches to allow small critters to pass through. An operations manual will be drafted for maintenance and for the stormwater components. The site drains to the east. In regards to traffic, there will be typical construction traffic and inspection vehicles. The main concern is visual buffering. The solar field has significant buffering to the north. The biggest concern is to the abutters south of the site.

The buffering ranges from 100 to 120 feet from the abutting properties to the south. The best buffering practices come about when landscape architects get involved. A landscape architect can create cross section views for elevations and can come up with best practices. Mr. Russo commented that he has seen berms put in place for visual mitigation.

In terms of process, after master plan approval, the project has to come before the Zoning Board for the special permit. Engineering will begin after with special use permit and other necessary permits, then will come back to the Board for preliminary plan approval. Regarding end of life of the project, a decommissioning plan will be drafted with a cost estimate. The money will be held by the Town in case the Town has to decommission the project.

Mr. Ginsburg asked for a description of the property when it had a gravel operation. Mr. Russo showed a slide of historical photography depicting the gravel operation. The groundwater reservoir is demarcated on maps but the proposal does not call for any type of significant cuts that would disturb groundwater. Test holes will be made and are required by DEM. The detention pond to the east is very similar to any type of typical detention pond. It is not designed at this stage and may include specific elements. There may be grass swales and possible two or 3 ponds which would be part of the solar field and maintained as part of the vegetation.

Mr. Ginsburg asked about the process with DEM. Mr. Russo replied that a full hydro analysis is required as well as analysis post construction depicting a wooded state and a grassed covered state. DEM standards must be met for water quality and the applicant will meet with DEM to see what type of crossing is preferred. A flood plane analysis will be performed in that area and a sediment and soil erosion plan will be created. The soil erosion plan will be reviewed and approved by DEM. The process can take 6 to 12 months.

There is a noise concern raised by the abutters and Mr. Ginsburg asked the applicant to describe the noise levels and what is making the noise. Mr. Typadis explained that there is an equipment pas that would make noise in the northeast corner of the project. The inverters emit a low level hum during the day when converting sunlight to energy. The decibel range is between 35 and 45 range. As distance is increased, the decibel range trails off. The low level hum is the equivalent to a fan, dishwasher or quiet library.

There is a gradual slope to the area with higher elevation in the northwest and sloping to the southeast. It is possible that the solar array will be visible from Route 4. The project will use string inverters, which produces significantly less noise than a master inverter.

Ms. Bourbonnais asked about the expected useful life of the solar farm. Mr. Typadis replied that it will last between 30 and 35 years. Regarding the vegetation management, Ms. Bourbonnais commented that there have been concerns from officials about brush fires and asked the applicant if there was any way to give a time span on the change in vegetation. Mr. Typadis explained that the goal is to maintain the trees and promote healthy vegetation with buffering and a landscape plan so it is an effective screen as the property ages. Ms. Cervenka added that details can be specified in the landscape plan. Appropriate species of trees will be specified as well as maintenance. In regards to the brush fires, the concerns have not entirely been addressed. There is not any evidence that there will be a higher risk of fire but there will be a more robust discussions at preliminary plan. Most sites have a kill switch and more details will come out in the engineering.

Regarding the long driveway access, there will be an emergency access somewhere closer than South Road. There is a general reservation for a floating easement permitted off of Delano Drive.

Public Comment

Anthony Socia, of 576 South Road, was sworn in. He shared his screen and gave a presentation. The presentation is available by request in the Planning Department. The main concerns consisted of the environmental impacts to the sensitive area of the Hunt River watershed, the noise impact from the solar panels and inverters as well as impacts of noise from cutting down trees, property values decreasing, and precedent zoning.

Susan Socia, of 560 South Road, was sworn in. Ms. Socia had concerns about the possibility of a fire as a result of the solar array and impacts to well water. She also expressed concern that there was not enough notice given and that the notice contained the wrong web ID.

Barry Houston, representing Ethyl Houston of 540 South Road, was sworn in. Mr. Houston was concerned about the 50-foot buffer that the state gave his mother's property after Rt. 4 was constructed being changed to an easement with a road on it. There was also a concern about the setback from the property. He commented that there might have been a septic truck that was dumped on the land and was concerned about the possible environmental impacts.

Doug Ruggieri, of 610 South Road, was sworn in. Many of Mr. Ruggieri's concerns were addressed by Mr. Socia's presentation. He also was disturbed to hear that the applicant met with the southern abutters but not the northern abutters.

Richard Guisti, of 357 Delano Drive in North Kingstown, was sworn in. Mr. Guisti commented that the abutters on Delano Drive met with the developer and made requests to better understand the setbacks. He felt that the setbacks were not far enough to alleviate the visual and noise concerns. He also had environmental concerns.

Sara Wilkinson, of 347 Delano Drive, was sworn in.
Ms. Wilkinson agreed with both the north and south abutters and their comments.

Replies to Public Comment

Will the properties flood more?

There is a flood plane in the area. In terms of the flooding of the area, the applicant is not allowed to increase runoff to the river system. A flood plane analysis will be required per DEM. An additional topography survey will show more detail. The property slopes from east to west.

Will the surface flow of the water change?

Stumps will be removed but there will be an effort to try and maintain the existing drainage patterns as that is a best practice.

Will the facility cause the marsh to dry up?

There isn't a reason known as to why that would ever occur. DEM will have to review and approve an analysis and the drainage system cannot be too big. The permitting process is extensive with the state. The applicant will have to demonstrate that there will be minimal impacts to the wetland. DEM will look at the site as a whole.

Is it typical to use 67% of the land in the development?

In the F1 zone, there are various lot coverage ratios. These ratios are calculated differently for a solar project. The total impervious land should not exceed 60% in a F1 zone. The majority of the site will still be grassed.

Will there be noise running the full length of the driveway?

No, there will not be, considering distance and vegetation. It is going to be difficult for the noise to carry unfettered. The exact locations of the invertors are yet to be determined. They are not typically insulated but the applicant can look into that for noise mitigation. The applicant is aware that there is noise coming off of Route 4. Regarding noise as a whole, a noise study can be explored and the applicant has already reached out to a sound engineer to assist with that.

Regarding property values, the applicant did not have any comment.

What are the effects to well water?

There are no guidelines or setbacks for solar installations. There is typically a 100 foot setback for a septic system but this project is not utilizing any septic.

Is there a precedent being set for no frontage?

The property is a land locked parcel because of the construction of route 4. This does not mean that the land owner loses all rights to do something with that property. Legally, out of necessity, there is a need to have access to a land locked parcel. The northern access is more limited. Solar is a good use for properties without frontage.

Regarding the certified mailing requirement for notices sent to abutters, the applicant sent certified mail and regular mail. The issue with the flaws in the notice will be looked into. There are more opportunities for abutters to express their concerns in the upcoming meetings.

Regarding the 50-foot buffer being changed to an easement, Ms. Cervenka could not speak to the setback question, not to the communications to DOT. There is a draft easement for construction. Mr. Typadis commented that he worked on the negotiations with RIDOT over a 14-16 month period of slow back and forth communication. There was a plan for access that was reviewed internally.

Mr. Lupovitz thanked the abutters for expressing their concerns. Solar development in East Greenwich is relatively new and the issues raised are important to address. Having real examples about where these issues have been problematic would be useful to know.

Mr. Ginsburg commented that the Board is generally supportive of solar and green initiatives. The installation is bigger than imagined, but in general, it is a good thing.

A motion was made by Mr. Yoder to accept the draft motion as written. Mr. DeGroot seconded the motion which was unanimously approved.

Ms. Cervenka commented that the applicant would be happy to work with the northern abutters to address their concerns.

A motion was made by Mr. Ginsburg to add an item to the agenda, discussing hybrid versus in-person meetings. The motion was seconded by Mr. Yoder, unanimously approved, and a discussion ensued.

A motion to adjourn the meeting was made by Mr. Lupovitz and seconded by Mr. Ginsburg. With no opposition, the meeting was adjourned at 9:27 PM.