

**PLANNING BOARD MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 S. Killingly Road
Wednesday, April 17, 2019**

A. Call to Order

Chairman Ron Cervasio called the meeting to order at 7:00 p.m.

B. Roll Call

Board Members Present: Ron Cervasio, Chairman; Joe Carey, Vice Chair; Michael Carpenter; Lisa Johnson; Anthony Renzi arrived at 7:27; Jeff Sheldon; Helen Hardy, secretary.

Staff present: Jennifer Siciliano, Planner; Joanna Achille, Solicitor; Carol Malaga, stenographer; Patti Moreau, Tax Assessor

Town Officials present: Denise DiFranco, Town Council

Members of the Public: Sandy Sheldon, Sanford Resnick, Joe Casali, John DiBari, Monique Taylor, Steve Fillman, Robert Moreau, Lynne Rider, Olivia Gesualdi, Donna Fonteneault, Jon Restivo

C. Approval of Minutes:

1. Ron tabled the March 20, 2019 minutes.
2. Mike moved, Jeff Sheldon seconded, to approve the minutes of April 3, 2019.
Motion carried 5-0-1, Ron abstained.

D. Correspondence

1. Letter from Tax Assessor, Ms. Moreau, regarding tax for solar installations
2. Materials from Monique Taylor, abutter of Hartford Solar Project
3. "Fighting Climate Change" from Ms. Hardy
4. "Fiscal Impacts of Land Uses" from Ms. Hardy

*Mike moved and Jeff seconded the motion to move item E. to after item F.
Motion carried 5-0-1 Ron Cervasio abstained.*

E. Major Land Development - Preliminary Plan Public Hearing for applicant Hartford Solar – moved ahead of item E. (continued from March 20, 2019)

- a. Preliminary Plan Public Hearing for applicant Hartford Solar, LLC (also known as Quahog Solar, LLC) to construct a 6.02 MW DC (4.68 MW AC) ground mounted solar installation encompassing approximately 20.5 acres separated into two array areas, and related access drive and gates, soil erosion and sedimentation control measures, stormwater/drainage best management practices, and electric service extension and structures, located on Hartford Pike between utility poles 3 – 12, across from the intersection with Tucker Hollow Road on 45.34 acres, being Plat 18, lot 30 in an Agricultural/Residential AR district.

Public Comments were closed in the March 20, 2019 meeting.

Mike Carpenter moved to grant a Preliminary Plan approval for the proposed solar installation,

WHEREAS: Representatives of the applicant Hartford Solar LLC (Quahog Solar LLC) and appeared before the Planning Board for property located on Hartford Pike by between Poles 3-12, being Plat 18 Lot 30 on 45.3 acres in a Agricultural/Residential AR zoning district, to construct a 6.02 MW DC (4.68 MW AC) ground-mounted solar installation encompassing approximately 20.5 acres and related 18 foot access drive, 9-foot high black security fence, and stormwater management areas; and

WHEREAS: The Planning Board received reports and testimony from Town Departments, abutting property owners, and representatives of the applicant regarding the application; and

WHEREAS: The Planning Board heard the land development proposal as a Pre-Application on December 20, 2017 and conducted a site walk on February 3; and

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WHEREAS: The Planning Board conducted a Master Plan Public Informational meeting and voted to approve the proposed Master Plan on May 2, 2018; and

WHEREAS: The Master Plan approval was recorded in land evidence records on June 25, 2018 Book 197 Pages 593 to 595; and

WHEREAS: The Zoning Board of Review held a Public Hearing and approved a special use permit for a Major Solar Installation on June 13, 2018; and

WHEREAS: The Special Use permit for a Major Solar Installation approval was recorded in land evidence records on June 13, 2018 Book 198 Pages 1 to 8; and

WHEREAS: The development meets all pertinent setback, lighting, buffer, signage, height, access, and buffer requirements, and no land dedication or payment-in-lieu is required because no lots are being created; and

WHEREAS: The solar installation requires an approved final plan; further

Having considered the requirements of Rhode Island General Laws of 1956, as amended Section 45-23-30, and based on the Hearing conducted before the Planning Board and on:

- Testimony presented to the Board, and
- Recommendations of the staff, and
- Review and consideration of the Exhibits made part of the record, and
- Personal knowledge of the area in question, now

The approval is subject to the following conditions:

- Condition 1. Preliminary Plan approval is based on plans entitled “Propose Major Solar Installation Hartford Pike Foster, Rhode Island AP 18, Lot 30” sheets 1 to 10 dated August 2018, revised on October 25, 2018, and on December 17, 2018 and marked as Town Exhibit 1 at the March 20, 2019 meeting, prepared by Joe Casali Engineering, Inc., stamped and signed by Joseph A. Casali, Registered Professional Engineer.
- Condition 2. Any Power Purchase Agreement, Contract, or Permit shall be provided before final plan approval is given.
- Condition 3. The installation shall be in compliance with the RI State Building Code and the RI State Electrical Code, and shall be subject to periodic inspections by the Foster Building Official.
- Condition 5. A RIDOT PAP shall be provided as part of the final plan review submission.
- Condition 7. Proof of liability insurance shall be provided as part of the final plan review submission.
- Condition 8. A surety bond to cover decommissioning cost with amount approved by the Planning Board and Applicant shall be posted prior to issuance of any building permits.
- Condition 9. A performance bond which shall cover the cost of the landscaping plan as presented to and approved by the Planning Board.
- Condition 10. There shall be no rock crushing, blasting, or processing unless a special use permit is obtained. If the use of a hydraulic hammer or jack hammer is necessary, the Applicant shall first notify the Foster Building Official who shall provide parameter with respect to time(s), duration and days that such activity may occur on the Property.
- Condition 11. A determination from Rhode Island Historic Preservation Society regarding the historic nature of the stone walls on the Property and the Applicant shall treat said

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stone walls in accordance with that decision prior to issuance of any building permits.

Condition 12. That there shall be a knox box located on the Property and the local fire department shall be provided with a master key for emergencies.

Condition 13. A Forestry “intent to saw or cut” permit is obtained before 5 acres or more are cut.

Condition 14. An amendment to the maintenance plan includes scheduled training for emergency personnel.

Condition 15. A Stormwater Facility Maintenance Agreement with Town approved by the Planning Board and Applicant shall be signed and recorded before issuance of any building permits.

The Planning Board further finds that the proposed development, subject to the conditions imposed:

1. Is consistent with the Comprehensive Community Plan and has satisfactorily addressed the issues where there are inconsistencies in accordance with the Rhode Island General Laws Section 45-23-30;
2. Is in compliance with the standards and provisions of the Foster Zoning Ordinance in accordance with the Rhode Island General Laws Section 45-24;
3. Will cause no significant negative environmental impacts;
4. Will not create individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable; and
5. Has adequate and permanent physical access to a public street for the development.
6. Provides for safe circulation, adequate surface water runoff, suitable building sites, preservation of features that contribute to the attractiveness of the community, and allows for adequate delivery of municipal services.
7. Minimizes flooding and soil erosion.

Second: Jeff Sheldon

Exhibits

- A. Master Plan packet including the letter from the applicant and supplemental information including the estimate for landscaping costs, RIDOT physical alteration permit, certificate of liability and National Grid interconnection services. Also a letter from RI Historical Preservation about the stone walls. These were received April 2, 2019 and marked as Exhibits (numbering was not specified for each).

Conditions:

1. Joe Carey moved, Lisa Johnston seconded, to amend that the bond for decommissioning and removal shall be a cash bond of \$80,000; John DiBari, of Quahog Solar, said that although the quote given for decommissioning did not cover everything, that the value of the decommissioned panels and the scrap value of the support structure, \$21,813, would cover the remaining expense.

Joe Carey moved to amend his motion, Lisa Johnston seconded, for a cash bond of \$100,000 to cover the removal of the installation.

Discussion: None.

Motion carried 5-0-1, Ron abstained.

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2. \$173,292 Bond for Landscaping which covers two years but does not start until after the first year, as the plants are guaranteed for the first year by the nursery that provides them, and therefore the planting would be covered for three years.

Lisa Johnston moved, Joe Carey seconded, to amend the cash bond to make it a 3-year performance bond for the plantings.

Discussion: Mike Carpenter

Motion carried 5-0-2, Ron Cervasio and Anthony Renzi abstained (just arrived).

3. Physical Alteration letter from RIDOT, which included a letter from RIHCHP, stated that there were no significant historic objects on the property; however, this only pertains to area of the installation, and not to any larger project not connected to the physical alteration permit.

Discussion: Joe Carey stated that the applicant had agreed that they would rebuild any stone walls that have to be moved on the property, and this should be added as a condition.

Attorney for Quahog Solar, Sanford Resnick stated that there is no state law on this subject. Joanna Achille, solicitor, pointed out that the Zoning Board had made this a condition of approval for the Special Use Permit.

Joe Carey moved, Mike Carpenter, seconded, the motion to add condition 6, that the applicant move and rebuild any stone walls that are on the property, and need to be moved because of the new installation.

Discussion: None

Motion carried 5-0-2. Ron Cervasio and Anthony Renzi abstained (not present for earlier discussion).

4. Lisa Johnston moved, Mike Carpenter seconded, to have the Final Plan approved administratively.

Discussion: Joe Carey felt that due to the complexity of the application, that it should come back to the full board, and Helen Hardy concurred.

Motion carried 4-2-1, Joe Carey and Helen Hardy voted against. Anthony Renzi abstained.

Mike Carpenter asked that night training be added to Condition 14, that all local First Responders receive both day and night response annual training, including an emergency lighting plan.

5. The company has had a name change, from Quahog Solar to Hartford Solar. Jennifer Siciliano noted that this was not changed in the town. Patti Moreau, Foster Tax Assessor, stated that in the town records the deeds are all in the name of Quahog Solar and have not been changed, so new deeds need to be filed. Solicitor Joanna Achille said that if Quahog Solar was going to transfer the vested rights of the Master Plan to Hartford Solar, that the deed has to be revised.

6. Jennifer Siciliano, town planner, said that DEM requires an "Intent to Sawcut" filed before they do any cutting.

Jeff Sheldon moved, Lisa seconded, to add this permission.

Discussion: Joe Carey moved, Lisa Johnston, to amend the motion to add that no cutting occur outside of the area of the installation.

Amendment carried 5-0-2, Ron Cervasio and Anthony Renzi abstained.

Jennifer Siciliano asked that the Quahog Solar PowerPoint presentation to the Planning Board be added as Exhibit C, and the applicant agreed.

Final vote on approval of plan:

Affirmative: Mike Carpenter, Lisa Johnston, Jeff Sheldon;

Negative: Joe Carey, Helen Hardy;

Anthony Renzi abstained; Ron Cervasio then voted yes. Motion passed 4-2-1.

A recess was called at 7:54 p.m. and the meeting was reconvened at 7:57 p.m.

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E. Truck Ordinance Truck Ordinance (moved to after item F.)

The Board discussed the current truck ordinance, under which many residents would be in violation. Members discussed and considered a number of motions which

- would allow trucks in classes 1 – 5 by right
- would raise the weight of the vehicles that need permits to Class 6, 26,000 # or greater, therefore requiring a CDL
- would limit the number of trucks on a property to three
- would impose a fee.

Income accrues to the Town from on vehicles that belong to Foster residents, however a number of vehicles are not registered in Town and therefore not taxed (per Patti Moreau).

Anthony Renzi moved, Lisa Johnston seconded, to allow all trucks, classes 1 – 5 (less than 26,000 lbs.) to be allowed to be allowed on the property of the owner or operator in an A / R zone.

Motion carried 6-0-1, Ron Cervasio abstained.

Anthony Renzi moved, Lisa Johnston seconded, that any vehicle greater than Class 6 (<26,000 lbs.) and requiring a CDL to operate be limited to two vehicles in an A / R zone, on the property of the owner / operator, with an annual fee of \$100 per vehicle. Discussion: Ron Cervasio suggested that this needs more consideration.

Anthony Renzi withdrew his motion, and Lisa Johnston withdrew her second.

Mike moved to adjourn at 8:47. Motion carried unanimously.

Respectfully submitted,

Helen Hardy
Planning Board Secretary