

LINCOLN PLANNING BOARD

SEPTEMBER 27, 2017

APPROVED MINUTES

The regular meeting of the Planning Board was held September 27, 2017. This meeting was at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7: p.m. The following members were present; Ken Bostic, Michael Reilly, William Murphy, Jeffrey Almond Jeffrey DelGrande, John Hunt, Gerald Olean. Also in attendance were Town Planner Al Ranaldi and Town Engineer Leslie Quish and Town Solicitor Anthony DeSisto. Elizabeth Gagnon kept the minutes. Quorum met.

CONSENT AGENDA

Chairman Bostic reminded members that the consent agenda is normally voted on in total unless a member motions to remove an item. Motion was made by Member Olean, second by Member Reilly to accept the Consent Agenda as presented. Motion was approved by all Members Present.

Major Land Development Review

a. George Washington Highway Solar AP41 Lot 58

Master Plan Discussion /

Hwy Approval

Town Planner Ranaldi: This application is in front of the Planning Board under the 2016 Subdivision Regulations. It represents the development of 9.8 acres of land which is part of combined 15 acre parcel of commercial land on George Washington Highway on the Smithfield town line. It is a proposal for 3.0 MW solar array system and associated site improvements. It requires a special use permit. It is in front of the Board for Master Plan Review. It was certified as complete on August 25, 2017 and the Board has ninety days from the Certificate of Completeness to make a decision. Actually we have three meeting that we could make a decision because of November with the Holiday. So the Board has until November 23, 2017 to make a decision. Currently there is a 7,500 square foot commercial building in the front portion of the property with associated parking. This proposed solar array is proposed for the rear of the property which is vegetated with mature trees. Zoning is ML-05 which requires a special use permit for a Utility Scale Facility. It does not require any Public Utilities for this. There are some small wetland complexes off to the side of the property. We do believe that they would need a DEM Permit or at least they have to look into it. They may or may not need it. When they go for the RIPDES permit it would be reviewed at that stage. It is unclear if they need a DEM but it will be looked at by the State. They are not required to have any dedicated parking spaces, however, the service roadway that runs along the western

edge of the array is 20 feet wide and we feel that if two vehicles happen to be servicing the system there is plenty spaces for them to park and travel by each other. There is no traffic at this site. It is estimated at one or two technicians who come for maintenance of the facility once it is up and going. Access to the site would be through the existing parking area. The existing parking area will be reconfigured to accommodate access and also to accommodate a better turning radius for any type of delivery vehicles. Our regulations require that manufacturing or commercial up against a residential or commercial residential zone that a buffering be provided. We spoke to the Applicant about this and what they have come up with in front of you is a opaque fence, chain link fence. We are looking more toward more vegetation along that fence. Leslie and I looked at it again today and found that even though I would prefer a lot more vegetation the abutting site the elevation is much higher than the existing site. So any type of vegetation you will see right over it because of the elevation. However there is in the front portion of the area there could be some added additional vegetation to just break up the front portion of it. We can go over that with the Applicant as we work with them at the next TRC. But that was a discussion that we had at the TRC meeting and I also put a statement in here that we felt strongly that we should be a good neighbor and require site buffering. I think that hopefully a compromise can come into play with the Applicant. The site is a pretty big site it is over 11,000 panels and they have displayed that they have several options for stormwater runoff. They could do a vegetative drip edge system.

They could do detention basins. They have a lot of options there and they haven't worked through them yet totally. We are confident that an option exists that we would be comfortable with. Other than that we feel that they have addressed everything in the Master Plan Review and recommend that they proceed to a Public Hearing in October.

Nicholas Goodier: My name is Nicholas Goodier Attorney for the Applicant. Al did a fine job introducing the proposal situated at 600 George Washington Highway. The property is currently developed commercial building. It is here for review and approval before this Board. I am prepared to come back for a information hearing and request a special use permit that this project will require. This evening I have Michelle Carpenter from Green Development to discuss operations and the project specifics. And Kevin Moran of DiPrete Engineering the Project Engineer. He will run through the site layout. The project has evolved based on feedback from Town officials and Members of the TRC to what will be presented. Next month there will be other changes based on our meeting that took place recently with the Albion Fire Chief. I would like to have Michelle give a brief presentation. She is very informative as to this project and their operations as well.

Michelle Carpenter: Michelle Carpenter I am with Green Development. The Green Development Company located in North Kingstown, RI. We developed, construct, design and we build

renewable energy projects which consist of solar energy. The most recent project that we concluded was the Turbine Project in Coventry, Rhode Island. (Ms. Carpenter goes on to list other project done by Green Development.) Solar projects are now in Richmond and Coventry. In terms of the project on George Washington Highway it is 3.4 MW. The estimate of first year of production for the system is a little over 4 million kilowatt hours. There are wetlands to the east of the property that we will deal with as part of our design with DEM. In terms of interconnection we have met the Attorney and we have gone through the interconnection process. We have a full impact study and the next step is to sign an interconnection services agreement which is a contract that governs how the power gets interconnected to the grid. One of the other things that we required prior to coming before this Board was a submission to the Federal Aviation Administration to confirm there is no issue with the airport. They came back and they gave us that. In terms of project benefits; through tangible taxes the solar array would yield \$12,500.00 for the town in its first year of operation, and over 25 year, would bring in a total of more than \$300,000 in tax revenue. The project requires minimal drain on the town in terms of the school system and water is not needed. In terms of the land use one of the advantages of the project is that they are temporary use of property. We have a lease with the land owner for 25 years. At the end of the lease we are obligated to restore that property to its pre-development condition. In terms of job creation Rhode Island has one of the fastest growing sectors. Since 2014 there has been 66% growth since the 2017 energy industry report. It is not

going to rotate. There are not any moving parts it is just stationary.

Member Reilly: At the highest point of the panel off the ground is it 5'?

Carpenter: It is under 12'. We actually raised the front edge to keep it above the snow line, 2 to 4' off the ground.

Kevin Moran: I am a registered Professional Civil Engineer with DiPrete Engineering. The report was excellent and it reflected the TRC discussion and we try to incorporate some of that with the plans that you have in your packet. We did some updates on Friday and we tried to incorporate some of those. The project as far as we are concerned meets the ordinance in terms limitations and setbacks. So I think the project otherwise meets it. I am sure a discussion is currently needed to comply with Zoning from a development standpoint. The utility connection we come in from George Washington Highway as an overhead that is how National Grid requires it to come in. And then it separates from National Grid utility to the private underground and continues on to the property as underground. We did make a couple of changes. We did make some adjustments to parking and the truck turn around. We cleaned up the sheet a little bit to make it a little easier to read. We talked a lot about this property line abutting Smithfield. It is a high density residential or commercial use. We had a discussion with the TRC to look at that soon. We proposed is a 6' chain link fence which surrounds this

whole project along this western line. The fence is about 20' off the property line. A double row of trees staggered to fill in around that space a little bit. We will incorporate some vegetation there. Entrance to the site has two driveways. As part of this project the developer the solar party agreed to take that driveway that runs pretty close to the plot line. We are actually adding parking to the site based on the uses that are there. We made sure about the fire trucks turnaround. We had some discussion with Chief Andrews and we make it meets his requirements. There will be a lock box at the gate. And they did ask for a turnaround at the end of the aisle. If they have to go in there with equipment they have the ability to go in there and turnaround and come back. So we will incorporate that as we are going forward. Drainage we will get into sizing and calculations going forward. Another thing from the TRC was to add some warning signage along the fence. It is not required by National Electric. The signage will be about every 75' feet. We will provide specifically what that signage will be as we get further into the project. We will approval from DEM for this. There is no increase in traffic per se.

Carpenter: We will provide to the Board Noise Maps. The gist of the Noise Maps is the Town Ordinance states 70 dba or less at the property line. Member Reilly: What does that mean? That noise level is equal to what? Chairman Bostic: 85 you need ear protection right? Carpenter: 85 yes. Member Reilly: At the Public Hearing people are going to ask. They don't want to hear it is going to be 70 dba. They want to hear it is going sound like this. Carpenter: We

have that information and we can provide that. Member Olean: If you could compare it to a dishwasher or something like that so the people in the audience know. Carpenter: We can get that information for you.

Chairman Bostic: The interconnection contract that you have with National Grid; how long do they give you to get the system up and running? Carpenter: It's depending on the project. Roughly I would say 9 to 12 months from when they can actually hook it up. But it does depend on what their factor looks like and what they have to do as other project in the pipeline.

Member DelGrande: Will the company monitor the noise level? Carpenter: When we come out to do our annual or bi annual inspections we will check the noise.

Member DelGrande: How long do you think your pile drivers are going to be there, how many days? Carpenter: I would say two or three days. It is 11,000 panels. Member Olean: Are we going to get a copy of the Power Point? Carpenter: We can get a copy of that.

Member Olean: That would be appreciated for the next meeting. You answered all the questions but we don't have it in front of us. And the 514 houses that are going to come up that is how everybody measures things. The second point is that you have been in touch with Chief Andrews. Do you have anything from him in regards to

Public Safety? You were talking about the fire trucks turning around. I think there should be some type of letter in here from someone whether the Public Safety Director, the Fire Chief or someone saying that there is no problems here with Public Safety for the next meeting.

The next question is there will be no (inaudible) whatsoever underneath the panels.

Moran: What we are looking at is something different we basically sheet off to a stone bed.

Member Olean: And you said no DOT permits are required. Can we get something in writing so that we can get it on record? You are doing a good job at answering all the questions.

Chairman Bostic: How do you go about calculating for the watershed because even though you are not putting in any foundations you are cutting down a lot of vegetation that absorbs a lot of water and I would imagine even though it looks like one big block the water is going to run off on to the ground.

Moran: That is a good question. Whenever you change from a wooded conditions to something else whether it be basically will be a grass field around and under the panels. We will have to reduce the run off.

Chairman Bostic: Because I am sure it is going to be a concern of anybody that lives around there.

Member Hunt: Do you have something from DEM now? **Moran:** No at this point we do not. We would have it normally we would go this process of a conceptual Master Plan, Zoning and go the DEM and come back with that to you for a Preliminary. The grading, erosion and a lot more detail.

Member Hunt: Is there a maintenance program for that? **Carpenter:** We do our maintenance in house. We remotely monitor them. In addition we do visual inspections one or two times a year and then we will be out there mowing the grass as well as removing snow from the access way.

Member Olean: I make a motion to accept the TRC's recommendation to advance to a Public Hearing, second by Member Reilly.

Motion was approved by all members present.

Chairman Bostic: Next of the agenda is Correspondence/Miscellaneous, Staff Reports.

Town Planner Ranaldi: I did put in the two letters that the Police Chief sent as a result from the Lincoln Mall project. We had put together two letters to be State's Traffic Commission regarding the Sunoco Gas Station as well as the two entrances to Lincoln Mall. So we will follow up with this commission and see if they make any

recommendation and will report back to the Board.

Chairman Bostic: Ok

Town Planner Ranaldi: I knew that was important to the Board as of the last hearing that we had so I wanted to include them.

Chairman Bostic: Mr. Solicitor.

Town Solicitor DeSisto: I actually have a report for you tonight. I want to let you know the State Housing Appeals Board has scheduled a hearing on the Whipple-Cullen affordable housing application. It is October 16th, 2017 at 2:00 pm at a location to be determined. We will notify where the location is. Once I find out I will let you know. They have to give us reasonable time. I just got a notification of this hearing now which is ok. The briefs are in and ready to go. But the location is to be determined.

The second has to do with the so called Dunkin Donuts affordable housing application from 1672 Realty Associates. The briefing schedule has been set. The Dunkin Donuts lawyer had its brief ready to go. He submitted it on August 28th. The Town has until October 12th. I am hopeful that we get a hearing scheduled for December. If not it will probably be in January. That is the availability of the State Housing Appeals Board. Do you have any question?

Member DelGrande: How do we look with Dunkin Donuts? We had a lot of issues with that.

Town Solicitor DeSisto: If you take a look at the procedure at the State Housing Appeals Board the first thing that is supposed to happen is whether the matter can be negotiated. This particular one I have to say not only deny but also the applicants said negotiations forget just proceed with this and go forward. This will be a battle all the way though. Any other questions?

Chairman Bostic: Secretary Report.

Member Reilly: I move to dispense with the reading of the minutes of May 24th and June 28th, second by Member Hunt.

Motion was approved by all members present.

Motion to accept the minutes May 24th and June 28th by Member Almond, second by Member Murphy.

Motion was approved by all members present.

Motion to adjourn by Member Reilly, second by Member Hunt.

Meeting adjourned at 7:50 mp.

Respectfully submitted,

Elizabeth A. Gagnon

Secretary to the Planning Board

Technical Review Committee Report

Dear Honorable Members,

On Tuesday, September 19, 2017 at 3:00 PM, the Technical Review Committee met to review the agenda items for the September 27, 2017 meeting of the Planning Board. In attendance were Al Ranaldi, Gerald Olean, Russell Hervieux, Leslie Quish, Peggy Weigner, and Michael Gamage. Below are the Committee's recommendations.

Major Land Development Review

**a. George Washington Highway Solar AP41 Lot 58 Master Plan
Discussion /**

- WED GW Solar II, LLC. 600 George Washington Hwy.

Approval

This application is under the 2016 Subdivision Regulations and represents the development of 9.83 acres of an existing 15.11 acre parcel of commercial land into a 3.0 MW solar array system and associated site improvements. This project will require a special use permit. Currently, the front portion of the site contains a 7,500 square foot commercial building and associated parking. The rear portion of

the property is vegetated with mature trees. This project is in front of the Board at the Master Plan review stage.

On August 25, 2017, the project received a Certificate of Completeness. As of June 30, 2017, the Planning Board shall, within ninety days (90) days of certification of completeness or within such further time as may be consented to and obtain a written waiver of the deadline from the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the master plan review must be made by November 23, 2017, or within such further time as may be consented and obtain a written waiver of the deadline from the applicant.

The master plan submission included the following:

- Master/Zoning Plan Submission, George Washington Highway Solar, 600 George Washington Highway, Lincoln, Rhode Island, Assessor's Plat 41 Lot 58 September 22, 2017 and prepared by DiPrete Engineering.**
- Narrative Letter from DiPrete Engineering dated June 1, 2017 regarding, George Washington Highway Solar, 600 George Washington Highway, Lincoln, Rhode Island, Project #: 0601-018**
- Letter of Determination of No Hazard to Air Navigation, from the Federal Aviation Administration, Southwest Regional Office, Obstruction Evaluation Group, 10101 Hillwood Parkway, Fort Worth, TX 76177, Issued Date 07/24/2017**
- Letter from Green Development, LLC, dated August 16, 2017,**

regarding Plat 41, Lot 58-0 Solar Array Abutting Smithfield Property Zoning

Site Layout

The property contains a total of 15.11 acres of land. The front portion of the site that abuts George Washington Highway contains an existing 7,500 square foot commercial building and associated parking. The rear portion of the property is vacant and vegetated with mature trees. The property is bound by a car dealership and vacant land to the west, and a trucking company and vacant land to the east.

The proposed application is to construct a 3.0 MW solar array facility and associated site improvements on approximately 9.83 acres of undeveloped land at the rear portion of the property. The entire solar array facility will be fenced by a six foot tall fence. Access to the site will be from a gravel driveway opening off of a reconfigured parking area. The existing parking area will be reconfigured to accommodate this access as well as a turnaround area for large vehicles. The solar panels will be serviced from a gravel roadway traveling within the fenced in facility along the west side of the property. The TRC recommends that the applicant have the Albion Fire District review the proposed parking lot reconfiguration and issue a letter of their acceptance.

The proposed application does not indicate that any type of signage will be installed along the boundaries of the project. Members of the Technical Review Committee expressed concerns of people illegally

entering the site. Out of an abundance of caution, the TRC recommended that signage be installed at reasonable intervals along the boundaries of the project. The proposed signage will be reviewed during the next submission.

Zoning

The property is zoned ML-05 (Manufacturing Limited) and will require a special use permit under section 260-19Z: Renewable Energy – Utility Scale Facility. The project will be reviewed by the Zoning Board if it successful receives Master Plan Approval.

Utilities

The proposed solar farm will not require any public utilities. The proposed development will be connected to the existing overhead electric system that runs along George Washington Highway by a new underground service. Three new poles will be installed within the state's right-of-way. These new poles will be owned and maintained by the National Grid (a public utility).

Wetlands/Stormwater Runoff

The master plan submission indicates that most of the stormwater runoff will be addresses with several detention basins. The Town Engineer had some concerns regarding the proposed location of these detention basins. However, at the Technical Review Committee meeting, the applicant's engineer indicated that they have several options they will be exploring during the Master Plan review stage.

One of the options discussed in an infiltration drip line system that would run in front of each array and collect the stormwater runoff. The TRC is confident that an option exists for this project.

A natural gas pipeline easement and a small wetlands complex run along the east side of the property. This easement and the wetlands complex are outside of the fenced in project area. The TRC believes that the project will not require a wetlands permit. However, the overall project will require a RIPDES and Stormwater Construction Permit from RIDEM prior to Preliminary plan Approval. The RIPDES permit will review the wetlands complex and determine if a wetlands permit is needed. The stormwater management system will need to be designed in accordance with the Rhode Island Stormwater Design and Installation Standards Manual.

Parking

This proposed development will not require any dedicated parking spaces. However, the service roadway that runs along the western edge of the array system is 20 feet wide which will allow for a vehicle to park while another vehicle passes by if needed.

Traffic

After the initial installation phase, this type of development will not generate any traffic to or from the property. The facility will undergo regular maintenance visits from one or two technicians.

Property Access

Access to the solar array facility will be from a gravel driveway off of a reconfigured parking area. The existing parking area will be reconfigured to accommodate this access as well as a turnaround area for large vehicles. The TRC requests a revised parking lot design that clearly displays the proposed reconfiguration be submitted at the next submission. The TRC also recommended that the new parking lot contain vegetative areas.

Site Buffering

According to §260-23: Business and Manufacturing Districts, all Manufacture Limited (ML) and Manufacture General (MG) uses shall be at least 100 feet from Residential or Commercial Recreation Zoning Districts. If this distance is not feasible or unduly burdensome, a suitable buffer may be substituted, subject to review by the Zoning Enforcement Officer.

The abutting property west of the proposed project is a vacant parcel of land and an existing car dealership. The Technical Review Committee asked the applicant to look into the zoning of this abutting property which happens to be located in the Town of Smithfield. The property is zoned as Planned Development. This zoning classification allows for a variety of commercial uses, public and semi-public use, agriculture as well as residential use. In 2015, a 320 apartment complex was proposed for the site. However, this proposal was later withdrawn by the applicant.

The Technical Review Committee discussed the possible need for buffering considering the existing zoning classification. Since

residential use is one of many permitted uses, the TRC felt that the western side of the property should be buffered. This decision was made based on the fact that the property could be developed as a residential complex and that the property is located in another town. The TRC felt strongly that the Town of Lincoln should be a good neighbor and require site buffering. Many buffering options were discussed and a final concept will be reviewed at a later submission.

The Technical Review Committee feel that the applicant has successfully addressed the technical and regulatory requirements of the subdivision regulation for a Master Plan review stage and recommends that the proposed development advance to a Public Hearing in October.

Zoning Applications (*) – October Zoning Applications

Stephen & Linda Nault, 32 Dexter Rock Road, Lincoln, RI – Application for Dimensional Variance seeking side and rear yard relief for the construction of an addition to existing house and a free standing barn.

AP 23, Lot 023 Zoned: RA 40

Members of the Technical Review Committee reviewed the submitted plans and application. The Technical Review Committee recommends Approval of a dimensional variance seeking side yard relief for the construction of an addition to existing house. This

variance represents the pre-existing non-conforming placement of the house. The proposed addition did not create the need for the side yard variance. The Technical Review Committee feels that the dimensional variance for side yard relief will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

The applicant is also requesting side and rear yard dimensional variances for the construction of a new free standing barn. The Technical Review Committee recommends Denial of this request.

The Technical Review Committee feels that with minimum revisions to the size of the proposed free standing barn, the applicant would not need two variances. The proposed barn is 528 square feet. This size barn is required to be placed within the existing setbacks of the property. If the barn is reduced to 500 square feet, it can be placed 6 feet from the property lines. The proposed location of the free standing barn is 15 feet from the rear and side property lines.

The applicant submitted a building plan for the proposed barn. This plan shows that the barn, if reduced to 500 square feet and retains the same roof line, would exceed the 15 feet minimum height requirement for an accessory structure. The Technical Review Committee is more amendable to granting one accessory structure height variance rather than two property line setback variances. The Technical Review Committee feels that an accessory structure height variance will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Correspondence/Miscellaneous (*)

a. Staff Reports

b. 304 New River Road AP 35 Lot 132 Final Plan Approved

c. Douglas Vaughan AP 6 Lot 202 Final Plan Approved

d. Letter from Lincoln Police Chief Sunoco Gas Station Letter Submitted

e. Letter from Lincoln Police Chief Lincoln Mall Letter Submitted

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board