

LINCOLN PLANNING BOARD

APPROVED MINUTES

OCTOBER 25, 2017

The regular meeting of the Planning Board was held October 25, 2017. This meeting was at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Kenneth Bostic, Michael Reilly, 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 by Member Olean, second by Member Reilly to accept the Consent Agenda as presented. Motion approved by all members present.

Major Land Development Review

a. George Washington Highway AP41 Lot 58 Public Informational Hearing - 7:00 PM WED GW Solar ii, LLC 600 George

Washington Hwy Master Plan Discussion Approval

Town Planner Ranaldi: This application is under the 2016 Subdivision Regulations. It represents the development of 9.83 acres of existing commercial property. The total acreage of the lot is 15.11. The project will require by a special use permit currently the front portion of the property contains a commercial building and associated parking and the rear is vegetated with mature trees. The applicant is in front of the Planning Board for a Public Informational Hearing. The Board has ninety (90) from the certificate of completeness or November 23, 2017 to make a decision. Our next Planning Board meeting is after the 23rd so the Board the Board has to make a decision or reschedule another meeting or ask the applicant for an extension. One of those would have to be made tonight. With that I would like to just turn it over to the applicant for a presentation.

Chairman Bostic: We are going to read the abutters list. And if you are an abutter just let us know that you are here. If you don't hear your name of the list and you feel that you are an abutter please let us know. Abutters list read by the Planning Board Secretary. (Attached)
No abutters were present.

Nicholas Goodier: My name is Nicholas Goodier I am here tonight on behalf the applicant. Previously we have had this project before you're for a brief presentation. I am here tonight for Public

Informational purposes.

Chairman Bostic: Excuse me. Could you please state your name and who you are for the record.

Goodier: Nicholas Goodier an Attorney here on behalf of the applicant from the firm Kelly and Mancini with an office on Broad Street in Providence. Chairman Bostic: Thank you.

Goodier: So this evening we are here for Master Plan Review and a recommendation in connection with a Special Use Permit application that is currently pending the Zoning Board. We have some representatives from Green Development here including accounting and a representative from the project engineering firm DiPrete Engineering. We have the presentation based on your request last month have been handed out with your packages. In terms of the scope of the proposal it is described as an approximately 15 acre site and development of a solar array and approximately 110 acres that is 3.5 MW. In addition to the special use permit it will require a RIPDES from DEM again that is later stage approvals. In addition to adding some information to the plan based on feedback of the TRC which includes signage. We have also conducted a meeting with the Albion Fire Chief who issued a correspondence that he had no concerns about public safety. We will also talk about the sound which was another question that the Board had related to something that's everyday people would equate the sound generated from this

development. Unless the Board has any questions from a legal aspect of it I would like to turn it over to Carlene for the site presentation.

Chairman Bostic: Before you go I have one question. So we have this letter from Albion Fire Department; you stated that the Fire Department doesn't have any problems with the project however what it says is they don't feel that this project presents an issue as long as you meet all the requirements set forth by the NFPA and so on and so forth by solar projects. Are you prepared to meet all the requirements? Goodier: Yes. At stage it is a preliminary concept plan. As the plan develops and more particularly when a building permit application is submitted. Chairman Bostic: No that is not what I asked. You stated that the Fire Department didn't have a problem with it and it doesn't exactly say that. I'm asking you if you are prepared to meet all the requirements for this project that the Fire Department is asking. Goodier: Absolutely. Chairman Bostic: Ok thank you.

Member Olean: The building permit has nothing to do with meeting the standards. Just so that you understand that. Do you understand that fact? The last statement that you make was that the building permit would not be issued. The building permit is the first thing that is issued then you go and do the building. So if you do something wrong the building permit says I have met all the standards. We are talking about standards of construction. You are very evasive. We

are looking for definitive answers. The answer that you gave is not a definitive answer. You said we are going to meet all the standards we are going to get a building permit. That is nothing. Goodier: Would you like me to respond to that? Chairman Bostic: Sure. Goodier: The building official is charged with reports to the NFPA as part of his probe applicable to any project with issuing a building permit. We intend to (inaudible) with any requirement that will be enforced at that stage.

Member Olean: That is not the point. You are telling me that once you got a permit you met all the requirements. Do you know the way the process works? You get a building permit and then you build the building. Your answer is I have a building permit therefore I meet all the requirements. The only requirements you are meeting with the permit is land and blueprints and things like that. But that doesn't affect code issues. Are you going to give an electrical permit for everything that you are going to do on this job when you get the electrical permit. Is it going to be reviewed by anybody? Goodier: I don't think that applicant has any intent to deviate from the plans that are submitted to secure the project. Member Olean: The plans are not submitted for the construction of it when you get an electrical permit. Are you getting any electrical permit for this job? Goodier: I believe that would be a component

Member Olean: Are you giving him a full set of electrical plans before you get the permit that is going to be reviewed before you get

the permit? That is not the way the system works. The system works you go in there and you get a permit unless you are going to have the electrical inspector review your electrical plan. I just think that you are jumping ahead of the game and you are not giving the right answers. You feel that you are going to give them a complete electrical schematic of this job before you get an electrical permit?

Goodier: We will comply with the NFPA and the items in the letter with our plans and afterwards. Member Olean: That is what we want to hear.

Al Bucklin: My name is Al Bucklin I am CEO of Green Development. Just to clarify we will comply with the plans during the permits and with any requirements that we have to because the investors that own the project will require us contractually to comply with all the standards including NFPA. Member Reilly: So you could add that note to the plan that it is going to abide by NFPA Section 11.12 correct? Bucklin: Correct.

Carlene Debenedetti: We are due to have our ultimate presentation that we went through with the board last time we were here and we are happy to go through it again if you would like. That would be up to you. Chairman Bostic: Sure. Can everyone in the public see the projector screen all right? Debenedetti: Yes. Debenedetti: This is the Company overview. We develop and operate projects in wind and solar. Our first in Rhode Island was a project under DG and RG. The first multi municipal collaborative project. Our Company was founded

in 2009. We have a strong team. We have a lot of renewable development construction and finance experience. So far as project overview the location is at 600 George Washington Highway. The wind capacity is 3.4 MW DC and 2.5 MW AC. Estimated first year KW hours is a little over four million. The interconnection status is the impact was approved and we will execute in the next week or so. Approval has been received from FAA. Financial benefits is solar facility presents a revenue positive with minimum demand for public services. There will no impact on the school budget and services required will be minimal on the town budget. The first year tax revenue through the pilot is about \$12,500 and that amounts to about \$212,500 for the 25 years. At the end of the project the developer is obligated to return the land to its previous condition. And this will allow for a new use to redevelop the property after the project. Minimal impact there will be no traffic; there is construction traffic from the construction period. Thereafter the project is visited in accordance with demand during the year.

Member Reilly: Can you explain a little bit about what is going to happen to the land. The way the land is today when you say after 2r years you are going to put it back to what it was. It is really not going to be what is. Debenadetti: What I mean by that to the way it was is all equipment is removed, the areas are stabilized and it is reestablished. Member Reilly: Ok. Debenadetti: A little bit about job creation. In Rhode Island it is about 66% and it has created about 1500 jobs in the last twelve months. The energy produced by the

solar facility will be equivalent to the electricity used to generate 461 homes per year. Member DelGrande: What is the life expectancy? Debenadetti: It is a 25 year. Debenadetti: Describes the equipment they are proposing. The project is in compliance with our standards of the ordinance. The expected height will be less than 12 feet. The setbacks are met. There is a security fence with No Trespassing signs every 75 feet. All electric connections will be as specified by National Grid. Buffering here we have 40' setback. The fencing as mentioned before if 6' high and we will be using vinyl slats and chain link fence on the western side. Member Reilly: So if I am traveling on 295 going north am I going to be able to see these panels from the highway? Debenadetti: Our engineer here actually has photographs from 295 to take a look at. That will give you an idea. I might add that this property slopes down from North to South. Member Olean: I have a question on page 6. All on site electrical connections are underground unless specified by National Grid. That is only the connections that are going to National Grid correct? Debenadetti: That is correct.

Member Olean: That doesn't make sense. You understand that right. When I read this sentence it says all on site electrical connections meaning you are making a lot of connections on there.; where it should read all on site connections to be with National Grid. In other words all the panels and everything that are tied together are not underground. It is a misleading statement that is all I am trying to say. You can correct that later on. Debenadetti: The project will

conform to NFPA signage requirements as requested by the fire district. We will provide a turnaround in the northwest corner of the access road and provide a lock box. And we will attach a restricted access sign at the entrance gate. We added a hammerhead turnaround at the northwest corner that was requested by Chief Andrews. We are in compliance with the Town Ordinance 70' or less. I think that we are 61' from the property line. 67 are the property line I'm sorry. There is a natural gas pipeline and an easement from the eastern section going up to the northern section of the property. I will entertain any questions that you have. The engineer can answer any engineering questions that you might have. Chairman Bostic: I have a question about the actual panels. I have seen on other projects the supports on the panels are motorized where they turn with the sun. How do they decide whether the project because obviously if the panels turn with the sun you would get more yield from the panels. So is that a feasibility thing or how do they decide whether they want to put the panels that rotate with the sun or they don't? Debenadetti: So this is a fixed panel project. But I will our CEO answer that. Bucklin: It has to do with the higher cost of the rotating equipment and higher maintenance for us because of moving parts. It is most effective in desert areas where there is a high radiance level. Then you get more bang for your buck out of the systems. So in the North you don't see any because they don't pay off. The yield doesn't justify the cost. Chairman Bostic: Ok

Member Olean: I have been looking through here and I thought a

statement was made that the ground was going to be covered with stone underneath the panels. Debenadetti: If I remember correctly Kevin Moran who was here mentioned that there would be infiltration trenches that would have stone throughout the array. Member Olean:

The last time it was all stone. As it exists right now is there a different layout underneath it? Town Planner Ranaldi: They way that we left it with the applicant was that they have enough room to do a variety of stormwater catchment infiltration basins or infiltration strips. We are confident that whatever solution they come up with they have enough room for so we left it kind of open until they make their decision at the preliminary plan stage. Member Olean: Is there

a maintenance program in there for the grass? It doesn't have to be grass any type of growth. Under the preventive maintenance not of the equipment itself but the preventive maintenance in the ground.

Debenadetti: Yes use a low growth seed and we would come periodically to mow. Member Olean: Ok, as long as that is included.

The next one was is that the Town decibel level is 70 and you are at 67 correct? Debenadetti: Yes that is correct. Member Olean: Under

your preventive maintenance is use of a tester but it is only twice a year. You are so close to the limit you could be out of character for four months and no one picks up on it. Debenadetti: We could test it

more often if you would like. Member Olean: Whatever you think needs to be done here. This says you will be doing it every six months. If you are there every month then you could do it every month. You want to be aware that you are right on the border.

Chairman Bostic: Do you have room to move them in? The inverters

are like a shed right? Bucklin: The inverter is a box. Member Reilly: You are so close that there should be maintenance more than twice a year. Member Olean: I just have one other question. Do you foresee a problem with equipment you have spec'd on delivery? Bucklin: They are interchangeable. Chairman Bostic: Does National Grid gives you the same 24 month to get the system up and running as a residential or is longer or shorter? Bucklin: Do you mean in terms of getting? Chairman Bostic: Interconnection agreement. For residential they have a 24 month expiration date. Bucklin: I think that is the same for commercial. Member Reilly: I saw something on line this week a clear solar panel. Is there such a thing a clear solar panel? Bucklin: I wouldn't say completely clear; but much less efficient. Member Reilly: I make a motion to open the public hearing, second by Member Hunt. Motion approved by all members present.

Chairman Bostic: Is there anyone from the public that would like to make a comment on this project please step up to the microphone.

James Fredrickson: Mr. Reilly asked earlier about visibility from 295 and we saw pictures. Aren't those pictures of what is existing now?

Chairman Bostic: Not when the leave fall? Frederickson: Not so much that but what is the buffer between the highway 295 and the field, the first panel. And the other question would be my concern is visibility from the highway and does it require State approval since it abuts the highway? Town Solicitor DeSisto: I will answer question

two; no. No state approval is required because it is a state highway.

Audie Osgood: My name is Audie Osgood. I am a licensed Professional Engineering Rhode Island with DiPrete Engineering here in Rhode Island. The existing tree buffer between 295 and the property line is between 60 and 80 feet. There is another 20' of what is not identified earlier as mature trees but still an undergrowth vegetation and then there is a 40' National Gas easement and some vegetation in there but obviously is maintained to keep the mature vegetation down. There is 60 to 80 feet of mature vegetation that is off our property. **Member Reilly:** Can you show it to the person who came up? **Osgood:** Shows buffer on pictures. **Member Reilly:** If we could take this and superimpose the project on to this I know you have it in the smaller specifications that would go a long way. **Osgood:** I will take a look at that.

John Houghton: Because the highway is up higher the solar Field is a little lower if the fence on that side, the highway side, is instead of 6' is 12' would that make a difference? **Member Reilly:** The trees are a lot higher than any fence. **Chairman Bostic:** I think a 12' fence would be more intrusive than having natural greenery and trees. **Houghton:** Because in the winter you will be able to see through if you had a fence with some of the stuff they leave between the fences to block it maybe you should take into consideration. **Chairman Bostic:** Ok. **Member Olean:** I make a motion to close the public hearing, second by Member DelGrande. Motion approved by all

members present.

Town Planner Ranaldi: You could make a decision tonight. You could ask the applicant for an extension or you could hold off on a decision and make an extra Planning Board meeting before the 23rd of November and come back and make a decision on the 23rd.

Chairman Bostic: The only thing I would like the developer would consider a better look at our buffer zone maybe after rhea trees have fallen to because we have a lot of evergreens in that area that you won't even see the project even in the wintertime. If we do run into trouble where it is really bare looking maybe they will consider a solution to that. **Member Reilly:** If we went with a higher fence along 295 if it can be seen I would like to see you guys look at that.

Debenadetti: We can do that yes. **Chairman Bostic:** So would this system operate basically like a residential system except it is a lot bigger? Is that accurate? When the sun goes down it goes into night mode and it is just there silent. Because if there is no energy going through the inverter then it has no reason to run. **Bucklin:** There is no storage so there is nothing. **Chairman Bostic:** There are no batteries involved with the system ok. **Member Olean:** There was a couple of questions one to look at the surroundings do have to put that in the motion.

Solicitor DeSisto: I think it is appropriate for what the Chairman said to have the conditions in final preliminary plan. **Member Olean:** And the condition is the how we want the site buffering, what kind of

wording? 295 site buffering. Chairman Bostic: Right. Solicitor Desisto: To incorporate into the preliminary plan application that view at Rt 295 takes into account the trees.

Member Olean: I make a motion to accept the TRC recommendation of Master Plan Approval with the site buffer at 295 as condition, second by Member Reilly. Motion approved by all members present.

Major Subdivision Review

a. Dennell Drive Subdivision

AP 42 Lot 10

Bond Review/Approval -Dennell Properties

15

Dennell Drive

Town Planner Ranaldi: This Application is under the 2005 Subdivision Regulations. It is classified as a major subdivision due to the extension of the existing Dennell Drive. It is a private force main system for two of the houses and two of the other houses are on gravity system. The applicant has diligently worked to install and complete the proposed subdivisions public improvement according to the submitted plans. The improvements have been reviewed and approved by the Town. Right now there is a bond on the roadway and we recommend that a cash bond of \$63,780.00 be reviewed and approved by the Board that will allow the applicant to go to final plan and they would keep those funds on hand until if needed by the Town to put the final coat of asphalt on. If the applicant finishes the houses and puts the asphalt down we would return the money to them. We

recommend approval of this cash bond and for the Boards point of view the final plan was already delegated to me at the Preliminary Plan Stage.

Brian LaPlante: Brian LaPlante on behalf of ZS Real Estate Development LLC that is the new owner of the project. My clients are here with me regarding Elena Zostovich . They came into the project to join Harry Zervas who had been working on the project for years. They came into the project in December of 2015. Over the last couple of years they have spent over a million dollars of their savings in that project. Hundreds of thousands in cost overruns in the roadway itself in the infrastructure for the project. As Mr. Ranaldi they have provided good faith. They have tried to bring good faith to the project. As you know the project has laid for a long time. There are issues with completing it and frankly my clients the Zostovich's rescued it. They also satisfied neighbor demand. Recently as part of the original approval you may recall, it was come time ago, but there were a couple of neighbors who were being affected because the cul-de-sac ended at their property and because the road would be extended they needed some remediation in front of their homes. They actually demanded more work than was originally promised and they had some issues and we appreciate the assistance of the Town professionals and basically my clients came in and spent more money and made them happy. And they signed off and approved everything . So that has been satisfied. The fact is though this has been a financially and emotionally painful project as all projects are.

But my clients this isn't their primary business. They live in Town. The Zostovich's live in Town. Harry Zervas as you know lives in Town. They are long time residents. They have kids in the school and they are learning a lot about this whole project stuff. So why am I here tonight? Why did they have a lawyer come here tonight; because of the \$63,780.00 that is being requested. Right now the Town is holding \$45,000.00 in the prior phase of the bond. So \$45,000.00 is being held. The Town Engineer's recommendation is \$63,780.00. In other work put more money in to satisfy that higher number. As you might imagine the \$63,780.00 exceeds the cost of the market of the costs that my clients would extend if they just did the work. Because the Town, rightfully so, has to figure out what it would cost if they had to do it. Prevailing wage would cost a lot more. In addition the Town Engineer added contingency dollars, drainage clean up, and that's where the \$63,000 is. I am respectfully requesting and my clients are basically pleading with you tonight to allow the rollover of the \$45,000 into the final piece of the project so that they can record. I am going to explain why this is reasonable. First long time Town residents, kids in school. They are not going anywhere. This is not a fly by night developer. I know you have been stung before. I have been part of some litigation involved in that. I get it. Number two critically the three components parts of Ms. Quish's analysis approximately \$45,000.00 the cost of milling the roadway that existed before the extension and finishing it. And the cost of finishing within the project that's worth five grand what is the additional? The additional is drainage and a contingency, a 20% contingency, because she

rightfully wants to protect the Town. What I am telling you in this case is I think you have enough information to lead to be comfortable in protective of the Town at \$45,000. They have over a million dollars in that house, that first house. They are not running from this project. They need to chase this project with more money and that is really why I am here to try to help with that process. They are also obviously three other lots. They have one that is being sold imminently and then there will be two more. So it is not as a fifteen lot subdivision that might be completed twenty years from now. It is relatively finite and again I respectfully request and my clients do is just to roll the existing dollars that they have already put into the new bond.

Chairman Bostic: When you say finite, how long, I know it is based on the real estate and everything else how long before you think this project is going to wrap up?

LaPlante: We know that we have an agreement to sell the first lot and Mr. (Inaudible) is going to build that house. So that is 2018. We have someone interested in one of the other lots and this isn't a buy and hold type situation. The lots are too expensive to buy and hold, to speculate on. It is not a \$40,000.00 lot it is a \$400,000.00 lot. So whoever buys is going to be moving. We expect it to be a couple of years. It is definitely not going to be six months. It is not going to be 10 years. This isn't a fifteen lot subdivision with \$40,000.00 lots.

Chairman Bostic: Just so that we are clear. We have \$45,000.00 now.

We want to up it to \$63,000. You want us to allow you to roll the \$45,000 and just keep the \$45,000 and not increase the other \$20,000.00 dollars. LaPlante: My clients will clean the drainage. They own a house there. They will take care of that. Member Reilly: Contingency is just part of the way that you do business. Anyone that's developed with from the beginning there was a contingency in there because things happen. That is part of the way you do business. If this was really easy it would have been done by now. It hasn't been that easy.

Town Solicitor DeSisto: It is two issues to correct. The first issue is there was a remediation on cash \$45,000.00. Request number one is can that be rolled over into this final one, which it can't. So at issue is the \$18,000.00 to get it up to \$63,000.00. Leslie figured that out. This is how Leslie figured it out. This is why she did what she did. Under Section 24 of your Reg's, Sub-section B 2. What she is required to do is figure the bond on what it would cost the Town if they were required to do that. That means that unlike a private developer she has to figure things out with the prevailing wage that is what she did. Because if something happens here even though you are at the final stage and we worry about that because the Town has been burned in the past. She is figuring what it is going to cost the Town. That is what she did. Secondly, this sub-section requires that a guarantee of the estimated costs in order to anticipate increases in economic constructions conditions. What Mr. Reilly says is correct. That is in your reg's. The maximum is 25% was indicative. So I only say that so

that you know that what Leslie did here. So at issue is the extra \$18,000.00. What Leslie did was follow Section 24, B 2 in figuring out the bond. Can they do it for less, yes they can. But that is not what the bond is all about. The bond is what happens is the Town has to do it. We have increased costs because we have some regulations that we have to follow. That is what she did here. Chairman Bostic: Before you come back I would like to talk to Leslie. Member Olean: I have great faith in Leslie. I have great faith in the TRC. They came up with the numbers. We are talking \$18,000.00. And he is selling the lot for \$400,00.00. Leslie did her job. She did her job she came up with the right number. Tony backs up everything that is said. There is no questions to talk about. She even gave a 5%. We are talking \$18,000.00. This guy spend a million here, what is \$18,000.00. I back what the TRC said and they can comment on it all they want. We have regulations. She followed the regulations. So now we are paying people to come before us for \$18,000.00. And you want to throw our people under the bus? Chairman Bostic: I have a question about the grades. Are we going to maintain that this winter? Town Engineer Leslie: They are half ready. Chairman Bostic: Ok that's all.

Town Planner Ranaldi: I want to share with the Board and with the people who here who are involved in this project a little story, two streets over Paddock Drive that was extended. I don't know if some of the Board members remember that very similar to this, high end homes. The houses were built and the developer left. Mr. Solicitor went and tried his very hardest to get the insurance company to pay

up. They did not pay up. So everyone in this room who pay taxes had to pay for this new road. The Town rightfully so there were taxpayers that lived on that road and they wanted the road to be finally paved. So the Town had to pay our contractors to go out and there and pave it. So ultimately the person who is arguing about having paid more money they have already paid to somebody else, another developer's mistake. And we are trying to prevent or at least have a very good sum. This could happen five years down the line. These houses don't sell very quickly. I'm sure we would be happy if they would sell quickly. But you are probably looking at a good five to eight years of selling the lot, developing the lot and building the house. And five years down the line the 20% is going to be eaten up by inflation. So we are being relatively conservative with 20%.

Attorney LaPlante: The only thing that I want to clarify is that I respect what they do. They are doing their job and it get. I have worked collaboratively with them. Their Ordinance doesn't say, the subdivision regs don't say she has to build in a contingency but the Ordinance says the Board may set the guarantee in a reasonable amount in excess. All I am telling you is that you have the authority to do what I am suggesting. And with all due respect Mr. Olean spending millions of dollars doesn't mean that it is endless. It doesn't mean that they have a money tree it means that they have probably have spent maybe they had to do what was necessary to get here. **Member Olean:** This is the cost of doing business. Is he going to make a profit? **LaPlante:** I don't know. **Member Olean:** This is a

business deal this isn't they are in Town. We have other people in Town. Go back twenty years he has the examples right there.

LaPlante: Yes there are a lot of examples of developers from Cranston and Providence and all over. You have Holyoke people who live in a house on Alyssa Lane that have a small business they operate. They are not the standard developers. That is all I am saying. Thank you. Town Solicitor DeSisto: I have to agree with that.

The Board may set a guarantee. That is correct. Chairman Bostic: Well the thing is you haven't given us any ammunition to reduce. You didn't come in here and say I have three estimates, Cardi, Lynch and this other Company and this roadwork could be done for \$30,000.00 she is wrong. So what are we supposed to do just take your work for it?

LaPlante: All I am saying is that you have... Chairman Bostic: Am I off track on that? LaPlante: You are right. And I thought of doing that. But I think that her analysis is probably accurate.

Chairman Bostic: Good. That is what we are saying. LaPlante: But what I am saying is you don't need to get more \$5,000.00 for drainage and you don't need to get a contingency of another \$10,000.00 from someone who is local and here. You don't need that. That is all I am saying.

Town Planner Ranaldi: Some of you may know streets that you live on may have already been repaved. The Town has been repaving the majority of our streets for the last six years. We have the most up to date Municipal prices for this type of work. I bet you Leslie can without even looking at her notes the price per square foot of paving. So whatever the price it is as current as possible.

Chairman Bostic: Anybody else?

Member DelGrande: I make a motion to accept the TRC's report, second by Member Olean. Motion approved by all members present.

**Recommendation to Town Council – Zoning Ordinance Amendments
Review and Discuss/**

**a. Ordinance 2017-3: Zoning Amendment 260-7, 260-9L, 260-15D,
260-19 Approval**

Town Planner Ranaldi: I can very briefly bring everyone up to date. This is about five (5) proposed changes to the Zoning Ordinance. One of them was already enacted by the General Assembly that is the in-law accessory family dwelling unit. The language that was put into proposed to the Town Council is the General Assembly Law. There is also a loop hole I found out with our residential solar installation Ordinance. We do not have a cap so someone who owned excess on residential property could have done solar there. This change will cap it off at 125% of that households annual energy use. So if we are having a sunny summer it would send it back to the grid. But it prevents applicants from putting in a solar field in their back yard. And the last one is expanding the uses that can be done a village commercial mixed use zone. Right now a retail and sales use for a truck, car and boat sales is not allowed. There are two existing Used Car Dealerships in this Zone down in the Southern end of Town near the Cumberland Farms. Those would be grandfathered in. The

amendment will allow “Retail and Sales Uses – Auto, truck or boat sales” in the Village Commercial Mixed Use one under a Special Use Permit. Member Reilly: What about the one in Manville?

Town Planner Ranaldi: This would apply it. That would be grandfathered in too. This change would apply throughout the Town. I just want to preface that I did this very, very quickly and there is more detail that will be presented and I will be working with the Town Solicitor. In general for the purposes of the Planning Board your responsibility is these proposed changes consistent with the Comprehensive Plan. The TRC reviewed them against the standards put out in the code and we find that they are consistent with the Comprehensive Plan and put forth recommendation to the Town Council.

Chairman Bostic: National Grid will not approval a system over 100% of your usage. So nobody could come in here and say I want to put a megawatt system. It is an average over three years. You have to actually as part of your application process you have to submit it to National Grid and you have to go over three years of usage for a max to get the average. Town Planner Ranaldi: And that is going through the grid. What if you buy your own? Chairman Bostic: No matter what power system you are buying from you are still going through National Grid lines so it is like a third party. I know that you can't just go in there and say I want to make a 2000 KW a month when you are producing a 1000. You can only apply for 1000. They will reject it.

Chairman Bostic: Could you elaborate on the accessory housing thing? **Town Planner Ranaldi:** The accessory family dwelling unit is according to the General Assembly is permitted in all residential zones, as long as there is no front door. And of course it is 62 and over and handicapped people. We also looking to extend it to family members of younger age and we will be working on that. Right now we don't have an age cut off for our accessory family dwelling units. The State actually did do a really good thing in making a requirement that the decision has to be recorded against the deed and if someone comes in and buy a house and decides not to do it they have to bring the house back to a single family dwelling unit. It is a good piece of law except it doesn't extend to people how are younger than 62 and they want to have a small apartment with a family member. **Chairman Bostic:** If I want to have an accessory apartment my mother in law or whatever I have to go to zoning and get a variance. Now when my mother in law passes away or moves out can I rent that apartment?

Town Solicitor: Right now under the current Ordinance if you have an accessory family dwelling. You did it for your mother in law and your mother in law passes away you can move another family member into it but you can't rent it out to a non family member and we have an affidavit system where you have to attest to that fact.

Chairman Bostic: Every year? **Town Planner Ranaldi:** It is every year. We may do it every two or three years. **Chairman Bostic:** You can't absolutely rent the apartment out.

Town Solicitor: It would be a Zoning violation. **Town Planner Ranaldi:** The Tax Assessor looks at

everything. Town Solicitor: What we need to do tonight is to adopt a motion that these proposals conform to the Town Comprehensive Plan which they do. That is the motion.

Member DelGrande: I make a motion to accept the TRC's report, second by Member Reilly.

Motion approved by all members present.

Solicitors Report: None

Member Olean: I make a motion to dispense with the minutes of the September 27th meeting, second Member DelGrande. Motion approved by all members present. Member Olean: I make a motion to accept the minutes as presented, second by Member Reilly. Motion approved by all members present. Member Olean: I make a motion to adjourn, second by Member Reilly. Motion approved by all members present.

Meeting adjourned at 8:20pm

Respectfully submitted,

Elizabeth A. Gagnon

Secretary to the Planning Board

Technical Review Committee Report

Dear Honorable Members,

On Tuesday, October 17, 2017 at 3:00 PM, the Technical Review Committee met to review the agenda items for the October 25, 2017 meeting of the Planning Board. In attendance were Al Ranaldi, Russell Hervieux, Leslie Quish, and Peggy Weigner. Below are the Committee's recommendations.

Major Land Development Review

a. George Washington Hwy Solar AP41 Lot 58 Public Informational Hearing – 7:00 PM

- WED GW Solar II, LLC. 600 George Washington Hwy. Master Plan Discussion /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 – Public Informational Hearing..

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. A vote must be taken or the review time extended at this meeting. The November Planning Board meeting is scheduled for November 29, 2017.

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 dated October 20, 2017.**
- 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 Solar Array Abutting Smithfield Property Zoning**
- Letter from Green Development, LLC, dated October 25, 2017, titled**

GREEN development, LLC - WED GW Solar, LLC, Lincoln Planning Board

- **Operation and Maintenance Program from Wind Energy Development, LLC, Operation and Maintenance to be performed by Green Development LLC d/b/a Wind Energy Development, LLC**

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.

At the September meeting, the Planning Board recommended that the applicant have the Albion Fire District review the proposed parking lot reconfiguration and issue a letter of their acceptance. The

applicant met with the fire district and the site plan was revised. A hammerhead turnaround was added at the end of the gravel service road and the proposed gate to the facility was moved in order to accommodate the turnaround within the parking lot of the commercial building.

Members of the Technical Review Committee and the Planning Board expressed concerns of people illegally entering the site. Out of an abundance of caution, the TRC and the Planning Board recommended that signage be installed at reasonable intervals along the boundaries of the project. The applicant indicated on their revised plans that “Safety/Warning signage” will be attached to the proposed 6’ chain link fence at 75’ intervals.

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 during their November meeting if it successfully receives Master Plan Approval.

Members of the Technical Review Committee visited the site and reviewed the submitted plans and zoning application seeking a Special Use Permit for the installation of a utility scale solar array. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. The Technical Review Committee feels that granting a special use permit 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.

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 addressed with several detention basins. At the Technical Review Committee meeting, the applicant's engineer indicated that they have several options they will be exploring during the Preliminary 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. Based on a site plan review by the Albion Fire District, a hammerhead turnaround is proposed at the end of the service roadway.

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 on an annual basis.

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. A revised parking lot design that clearly displays the proposed reconfiguration was submitted and reviewed by the TRC. This reconfigured parking lot satisfies the concerns of

the TRC. The TRC recommends 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. However, based on further review of the submitted site plans, the TRC discovered that land slopes downward from the west to the east. Therefore, any type of moderate height buffering would not be effective. One option other than a vegetative buffer is an opaque fence. The TRC recommends that the applicant install vinyl slats in the chain link fence that runs along the west side of the property. The applicant agreed and added the appropriate note to the plans.

The Technical Review Committee feels that the applicant has successfully addressed the technical and regulatory requirements of the subdivision regulation for a Master Plan review stage. Barring any unforeseen concerns brought out at the Public Informational meeting, the Technical Review Committee recommends Master Plan Approval.

Major Subdivision Review

- a. **Dennell Drive Subdivision AP 42 Lot 10 Bond Review/Approval
- Dennell Properties 15 Dennell Drive**

This application was reviewed and constructed under the 2005 Subdivision Regulations and represents the subdivision of one lot into four residential lots. The proposed project was classified as a major subdivision due to the proposed extension of the existing Dennell Drive right-of-way. A private force main system was proposed for house lot number 2 and 3. Each house will have an individual grinder pump with a force main collection system located

outside of the future town Right of Way. The force main collection system would collect and convey flow into the extended public gravity sewer line via a new manhole.

The applicant has diligently worked to install and complete the proposed subdivision's public improvements according to the submitted construction plans. These improvements have been reviewed and approved by the Town. Therefore, the applicant is ready to record the final plan. In order to record the final plan, the subdivision regulations require that a guarantee bond be posted. The Town Engineer has calculated this amount to be \$63,780, see enclosed bond letter. This amount includes asphalt surface course (1.5 inches), granite bounds (if needed), milling and overlaying the full width of the existing portion of Dennell Drive from the limit of the subdivision and running the installation of street trees in the rights-of-way (if needed), and loam and seed within the Rights-of-way (if needed). The TRC has reviewed the submitted bond information and recommends approval of this request.

**Recommendation to Town Council - Zoning Ordinance
Amendments Review and Discuss/
Approval**

**a. Ordinance 2017-3: Zoning Amendment 260-7, 260-9L, 260-15D,
260-19**

According to Section 20-342 of the Town of Lincoln's Code of Ordinances, the Planning Board must study and offer recommendations to the Town Council for all zone changes. The Planning Board's recommendation must be made in accordance with Section 20-343 of the Code of Ordinances which states; "Among its findings and recommendations to the town council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the Planning Board shall:

- 1. Include a statement on the general consistency of the proposal with the comprehensive plan of the town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and**
- 2. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, presented in article 1 of this chapter.**

The proposed zoning ordinance amendment represents three amendments to the zoning ordinance. Zoning amendment Section 260-15D adds site specific requirements to land use "Retail and Sales Uses – Auto, truck, or boat sales". The amendment establishes a maximum number of vehicles that can be sold on any property based on available buildable area. The amendment requires the property to have landscaped areas as well as safe ingress and egress. The amendment will allow "Retail and Sales Uses – Auto, truck, or boat sales" in the Village Commercial Mixed Use zone under a Special Use permit. Currently, "Retail and Sales Uses – Auto, truck, or boat

sales” is not allowed in that zone.

Zoning amendment Section 260-19 will limit the size of a solar installation for a residential property to produce no more than 125% of the annual energy necessary to support the primary residential use of the property. The amendment will prevent homeowners from constructing larger than needed solar installation that produce excess amounts of energy that can be sold to public utilities.

Zoning amendment Section 260-9L - Accessory Family Dwelling Unit will expand the definition of this type of dwelling unit and also allow this use by-right in all residential zones. This amendment changes our existing definition to comply with the recently enacted Rhode Island General Law Section 45-24-37.

The Technical Review Committee objectively reviewed the proposed zoning amendments against the Land Use and Housing elements of the 2009 Comprehensive Plan. The Technical Review Committee recommends Approval of these amendments. The TRC finds that the amendments are consistent with the general and specific goals and policies of the Comprehensive Plan. In general, the proposed zoning amendments will further define the town zoning ordinance. Attached is a full recommendation to the Planning Board from the Technical Review Committee according to the requirements of Section 20-342 of the Town of Lincoln’s Code of Ordinances. If the Planning Board agrees with the TRC’s findings, this letter will be revised and submitted to the Town Council from the Planning Board.

Zoning Applications (*) – November Zoning Applications

WED GW Solar LLC, 3760 Quaker Lane, North Kingstown, RI /Pol seno Properties Management LLC, 29 Swan Road, Smithfield, RI – Application for Special Use Permit for a 3.0 MW Solar Photovoltaic system on property located at 600 George Washington Highway, Lincoln, RI.

AP 41, Lot 58 Zoned: ML .05

Members of the Technical Review Committee visited the site and reviewed the submitted plans and zoning application seeking a Special Use Permit for the installation of a utility scale solar array. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. The Technical Review Committee feels that granting a special use permit 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.

Thomas McNulty, 573 Mendon Road, Cumberland, RI – Application for Dimensional Variance seeking rear setback relief for the construction of a new house located at Leslie Way, Lincoln, RI.

AP 44, Lot 240 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application for a dimensional variance seeking rear setback relief for the construction of a new

house located at Leslie Way, Lincoln, RI. The Technical Review Committee recommends Denial of this application. The applicant is the developer who proposed and ultimately received Planning Board approval for the original subdivision and the vacant lot in question. The existing lot has a significant building envelope in the rear portion of this lot that can easily accommodate the proposed house with no need for any type of variance.

The Technical Review Committee feels that the proposed application does not successfully meet the standards of approval for a Dimensional Variance. The TRC feels that the proposed Dimensional Variance is due to the prior actions of the applicant and it is not the least relief necessary considering that a significant building envelope exists in the rear portion of this lot.

Harrington Realty, LLC, 7 Fifteenth Avenue, Warwick, RI – Application for a Dimensional Variance seeking front relief for the construction of a new home located at 83 Cobble Hill Road, Lincoln, RI.

AP 17, Lot 63 Zoned: RS 12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application for a dimensional variance seeking front setback relief for the construction of a new house located at 83 Cobble Hill Road, Lincoln, RI. The Technical Review Committee recommends Approval of this application. The lot in question is an existing lot of record that fronts on Cobble Hill Road and Stump Hill Road (not developed). The existing house will be

razed. The buildable envelope is long and narrow and restricts the type, size, and placement of a house that can be built on the property.

The application shows a reasonability sized house that represents the least relief necessary. The Technical Review Committee feels that granting a dimensional 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

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board