

MINUTES

June 4, 2019

Chairman Smith called the City Plan Commission Meeting to order at 6:35 p.m. in the City Council Chamber.

The following Commission members were in attendance:

Michael Smith, Chairman	Kathleen Lanphear
Fred Vincent	Ann Marie Maccarone
Ken Mason, P.E.	Robert DiStefano
Robert Strom	Joseph Morales
	Steven Spirito

Also present were: Jason M. Pezzullo, AICP, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Douglas McLean, AICP, Principal Planner
Joshua Berry, AICP, Senior Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Commission unanimously voted to approve the minutes of the May 7, 2019, Plan Commission Meeting.

ORDINANCE RECOMMENDATIONS

Ordinance 02-19-06 – MPD Amendment – 950 Phenix Avenue (CubeSmart) – 50' pylon signage, Clarification / addition of *Commercial Condominium* to the schedule of uses (Continued from the May 7 Agenda)

Upon motion made by Mr. Mason and seconded by Mr. DiStefano, the Commission unanimously voted to continue this matter to the July 9, 2019, Plan Commission Meeting, at the applicant's request.

SUBDIVISIONS AND LAND DEVELOPMENTS

Seven Mile Solar 2 -

Preliminary – Major Land Development w/o street extension
Two – 1 MW solar farm installations (2MW total)
Zoned A-80
AP 32, Lot 21

Mr. McLean gave a history of this project as detailed in his staff report, stating that the Master Plan application was approved by the Plan Commission at its September 11, 2018 meeting. The applicants

have received Zoning Board of Review (ZBR) approval for a variance related to substandard frontage on September 12, 2018. The plan received Preliminary Development Plan Review (DPR) approval on April 17, 2019. The Conservation Commission reviewed the plan at its May 21, 2019 and May 28, 2019 meetings to provide an advisory opinion on the most recent Buffer Planting Plan for the Plan Commission's consideration. The applicants propose to subdivide the existing 11.11 acre site currently used as a farm, into two nonconforming A-80 zoned lots, substandard only in lot frontage. The purpose of the subdivision is so that the 2 proposed lot owners, who are cooperating solar developers, may size their respective projects to be under one (1) megawatt of production in order to qualify for a Rhode Island Renewable Energy Growth Program for commercial scale solar projects.

The applicants propose to split the existing lot with ~260' of frontage on Seven Mile Road at the midway point (130') to create two lots that are each 70' below the minimum 200' lot width. There will be one shared access point, and portions of the perimeter of the lots are designated for agricultural use.

Attorney Robert Murray, on behalf of Southern Sky Renewable Energy RI NEWCO, LLC and Solar Sky Ventures, LLC, stated that the project also went before the Conservation Commission after receiving Master Plan approval last fall. They have received an Insignificant Alteration Permit from RIDEM and the required zoning relief from the ZBR. Plants and landscaping were added to the plan in accordance with the Conservation Commission's recommendation. He referred to the "red area" in the northeast corner to the plan that will be conveyed to the Conley/Slattery property via Administrative Subdivision once the project received Preliminary Plan approval. He noted that the property has not been cleared of trees for the solar farm as it was previously used for hay farming, which will continue on limited basis on portions of the site. He also noted that the power generated will be sold to National Grid and that the project will not receive "final sign off" prior to the Plan Department final site inspection of all required improvements.

Mr. Dave Russo, P.E., DiPrete Engineering, stated that the perimeter fence will be six feet high and six to eight inches off of the ground to allow for small wildlife, as required by RIDEM. The fence line will be approximately 250 ft. from Seven Mile Road. He mentioned that the access roadway will be gravel and was moved slightly to protect an existing large tree. There will be no change in hydrology. An Operation and Maintenance Plan has been submitted.

Mr. John Carter, R.L.A., stated that the site is a farm field and is flat. The chestnut tree will be preserved. A double staggered row of evergreens is proposed north and south of the access road. Additional plantings around the perimeter will be enhanced. Selective clearing on the south side will be done to prevent shade from the existing trees. A seed mix referred to as "no mow" lawn seed will be used between the panels.

No public comment was offered on this matter, therefore, the Commission moved to a vote. Upon motion made by Ms. Lanphear and seconded by Mr. Vincent, the Commission unanimously voted (9/0) to amend proposed Condition of Approval #3 as follows: The applicant shall pursue the feasibility of locating the interconnect system underground, with the understanding that there may be limitations forced upon them by National Grid in the final design process relating to safety and serviceability. A revised Site Layout Plan with changes to the interconnect design and communication received by and from National Grid relating to this issue must be submitted to the Planning Department prior to the Final Building Department Approval.

Upon motion made by Mr. Strom and seconded by Mr. Vincent, the Commission voted (8/1 – Mr. DiStefano voted nay) to adopt the Findings of Fact denoted below and *approve* this Major Land Development, with waiver for minimum lot frontage, subject to the following Conditions of Approval.

Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

Findings:

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted.

Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly advertised and posted.

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

2. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11 which amended the Land Use Plan 1.3 to read, “Preserve existing farmland and developable land that is currently undeveloped, by temporally removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.” Additionally, the Economic Development Element and Natural Resources Element were also amended to include encouragement of renewable energy facilities.
3. The two proposed lots propose a single shared access point, therefore the perception from the public right of way will be that of one development.
4. The applicants propose to maintain agricultural uses on the site and have submitted a Buffer Planting Plan which will screen the solar panels from abutting parcels and the public right-of-way with the intent of preserving the rural character of Western Cranston.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

5. The proposed solar and agricultural uses are permitted uses in A-80 zoning and the application for was initiated prior to the adoption of a City of Cranston moratorium on solar development.
6. The subdivision proposes two lots with 130' of width/frontage where 200' are required per A-80 zoning. The applicant received Zoning Board of Review (ZBR) approval for a variance related to substandard frontage on September 12, 2018 and therefore is compliant with the provisions of the zoning ordinance.
7. Of the thirteen (13) other lots that have frontage on the eastern side of Seven Mile Road between the Town of Scituate to the north/northwest and Scituate Avenue to the south/southeast, only four (4) appear to meet the 200' lot width/frontage requirement. (This fact includes four (4) adjacent cemetery parcels of which only one meets the lot width/frontage while the other three (3) combine to less than 140' of frontage.) Therefore, the proposed subdivision will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
8. The cemetery lot carved out of the southwestern corner on the subject site has roughly 90' of frontage.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.”

9. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan. The site has already been cleared of trees for farming purposes and DEM approval has been given relative to wetlands permitting.
10. There is a buffering plan and a proposed agricultural areas to additionally screen the solar from the right of way. The Buffer Planting Plan proposes to maintain existing vegetation along the property boundary as screening.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

11. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

12. The property in question has adequate permanent physical access from Seven Mile Road, improved public roadways located within the City of Cranston.
13. The proposed subdivision or solar & corn farming uses are not anticipated to have a negative impact on vehicular traffic.

Conditions of Approval

1. The applicants shall comply with all conditions set forth within the Preliminary Development Plan Review Approval letter dated April 18, 2019.
2. The applicants shall comply with the intent of the Conservation Commission letter dated May 29, 2019 to the greatest extent possible.
3. The applicant shall pursue the feasibility of locating the interconnect system underground, with the understanding that there may be limitations forced upon them by National Grid in the final design process relating to safety and serviceability. A revised Site Layout Plan with changes to the interconnect design and communication received by and from National Grid relating to this issue must be submitted to the Planning Department prior to the Final Building Department Approval.
4. The bottom of the perimeter fence must be elevated above the ground surface by at least 6-8 inches, consistent with the RI Department of Environmental Management permit for this project.

555 Wilbur Avenue Minor Subdivision – Cash bond release request

Upon motion made by Mr. DiStefano and seconded by Mr. Mason the Commission unanimously voted (9/0) to release in its entirety the \$7,620 cash bond initially provided by 47 Natick Ave., LLC, in accordance with the Engineering Division’s recommendation.

WORKSHOP - Solar Farm Policy Discussion – Staff Presentation

(1st draft Solar Farm Ordinance anticipated introduction at the July Plan Commission regular meeting)

Senior Planner, Joshua Berry, prepared and presented a slide presentation, the goal of which is to “find common ground”. The overall presentation dealt with the larger issues of context of the problem, scale of the solutions needs, and overarching goals for Cranston’s fair share of renewable energy production with our available land area.

Chairman Smith stated that he would like to see research on solar requirements coming from the State based on land area versus population. Mr. Vincent agreed, stating that “let the land area decide”. He asked if the city could require that all new municipal buildings include rooftop solar. He also stated that he likes the staff analysis as a way to understand “load carrying capacity” with regard to future solar development. He stated that it was helpful to see how much solar could be built after adding in various layers such as various layers like a 20 acre minimum, wetlands, conservation land, distance from residential structures, etc. He stated that he feels that identifying criteria that makes certain sites more acceptable to solar development shows that we listened to the public’s concerns.

Ms. Lanphear stated that “we don’t have a goal for the City”. She stated that the number given is an “aspiration” from the State Energy Office. She stated that “we are placing too much emphasis on the City’s energy goal versus the Comprehensive Plan goal”.

Mr. Spirito asked, “are we happy with what we have right now?” He also stated that we are unlikely to see ground-mounted solar development in industrial zones due to the low return on investment. He stated that, based on his experience, it is very difficult to find viable solar sites in Rhode Island. He believes the recent flurry of activity in Cranston regarding solar has made the public nervous but added that “when the public comments on projects, whether it is solar, residential or any other use, generally the talking points are focused on fear of change”. He stated that it is the Plan Commission’s responsibility to address the impacts carbon footprint has from different land uses.

Mr. DiStefano stated that “when we talk about pros and cons of different land uses, is it within the Plan Commission’s purview to look at return on investment”? He stated that solar and residential use have different impacts, financial and otherwise, and that should be considered. Mr. Berry responded, stating that he is willing to further research this issue. He stated that the State’s approach to provision of solar has “opened a Pandora’s box”.

Ms. Maccarone stated that based on public comment, residents feel that we have had a lot of expansion and “provided negative comment on the term land banking”. She stated that the ordinance should be drafted with the intent of meeting the resident’s concerns with community character.

Mr. Pezzullo stated that the original policy and zoning for solar farms was created in late 2015. He stated that there are probably only 2-3 more viable sites in Western Cranston for solar development in the A-80 zone. As far as minimum standards, he asked the Commission to consider whether a twenty-acre minimum lot size is too large, or too small. He noted that excluding the Pontiac landfill site, not a single developer has shown any interest in building a solar farm on an industrially zoned parcel in the past four years.

Mr. Vincent responded, stating that “he doesn’t think the remaining sites are worth the tradeoff” of upsetting more abutting residents. Mr. Mason suggested “putting the onus on the developer by instituting Special Use Permit” regulatory strategy. Mr. DiStefano advocated that solar be eliminated in the A-80, residential zone and allowed only in industrial sites. He feels that Cranston is on the threshold of taking away the natural beauty of the Western Cranston landscape. He stated that “these are high value homes who bought with the expectation of privacy and not to be next to solar development.

Mr. Spirito noted that in the 1900’s, only 25% of land in RI was forested as the rest was largely used for farms. One hundred years later, with the loss of local farms, 75% of RI is now forested. If the solar farm land use is indeed temporary, the forest will return in the long run.

Mr. Vincent then stated that we have “lots of development standards for residential development, but we did not similar standards for this first iteration of the solar ordinance. As a result, “some of these first projects were not good”. He stated that any consideration of keeping solar in the A-80 zones needs to include “robust” development standards and be allowed through a Special Use Permit only.

Mr. Strom stated that pending upgrades to school buildings and potential new schools, we should look into making sure any new projects include solar on rooftops. He stated that it would provide a good rate of return if included in projects from the outset. In responding to an earlier point, from a tax standpoint, he stated that it is much more costly to the City to have residential built as compared to solar. Mr. Pezzullo stated that rooftop installations, by themselves, yield only a small amount of renewable energy.

Mr. Vincent stated that he likes the staff analysis because it showed that there are a limited number of potentially viable sites, but wonders if other sites could be assembled into common ownership through land purchases. He suggested that a solar overlay could be an option, and he likes the idea of reversing the solar development paradigm, whereas instead of developers bringing potential sites to the City, essentially the City regulations would identify the best sites for solar and we would be bringing those sites

to the potential developers. He also stated that he feels we need to include a peer review from a landscape architect in the new regulations.

Ms. Lanphear stated that she would like to see the following in the new ordinance such as: special permit only in A-80, include a lot coverage percentage that is the same as baseline residential zoning, define "temporary use" and whether or not solar should include an opportunity for renewal at the end of the project lifespan, re-define the term "land banking" as solar is a form of development and should be acknowledged as such. She also would like regulation addressing potential impacts from the solar footing on the soil as well as consideration for native plantings as part of vegetative requirements. She recommended the Hudson Valley Solar Guidance document as good source of information.

Mr. Smith asked if anyone is aware of a municipality that has used revenues from solar farms (taxes or fees) to be used for purchasing development rights for open space preservation in their community. Mr. Pezzullo responded, stating that "we should be doing this." He mentioned the need for a Cranston Municipal Land Trust.

Mr. Mason stated that "we can't arbitrarily pick which of the 9-10 viable sites the staff analysis identified will be subject to a solar overlay" He stated that, "we can't pick winners and losers" and we must apply standards universally.

Mr. Spirito stated that he does not like the size limitation of 20 acre minimum. He believes we should be open to opportunities on smaller sites if they are a good fit for solar. (Josh responded that we can certainly look into different categorizations for smaller sites, such as solar being allowed if accessory to farm uses).

Mr. Pezzullo summed up the discussion, stating that solar should be allowed in the A-80 zone by Special Use Permit only. He stated that various performance standards will need to be specific and restrictive. Policies needed are: lot coverage, setbacks, minimum lot sizes, overlay zones, types of footings, buffers and vegetation under the arrays.

PLANNING DIRECTOR'S REPORT – City Plan Commission / City Council joint meeting

Mr. Pezzullo mentioned the bank proposed on Atwood Avenue. He stated that the proposal will require a Comprehensive Plan amendment and a zone change. He will set up a joint "workshop" with the City Council. He also mentioned that the City has begun the process of filling the Associate Planner position in their department.

ADJOURNMENT

Upon motion made by Mr. DiStefano and seconded by Ms. Lanphear, the Commission unanimously voted to adjourn at 9:50 p.m.

NEXT REGULAR MEETING July 9th, 2019, 6:30, City Hall Council Chamber