



**SMITHFIELD PLANNING BOARD
RESOLUTION GRANTING MAJOR LAND DEVELOPMENT
MASTER PLAN APPROVAL OF LOG ROAD SOLAR
ASSESSOR'S PLAT 50, LOT 29 - 512 LOG ROAD
ASSESSOR'S PLAT 50, LOT 67 - 175 TARKILN ROAD**

LOG ROAD SOLAR

AP 50 / Lot 29 – 512 Log Road

AP 50 / Lot 67 – 175 Tarkiln Road

145 Acres (approx.) / R-200 Zone

Applicant: ISM Solar Development, LLC

Owner: William M. Davis, Jr.

Engineer: DiPrete Engineering

WHEREAS, the Smithfield Planning Board met on December 17, 2020 to consider an application for a Major Land Development located at 512 Log Road and 175 Tarkiln Road, on approximately 145 acres, in the R-200 Zone; and

WHEREAS, the record includes: Master Plan Application and Revised Master Plan Submission prepared by DiPrete Engineering, dated October 21, 2020; Certificate of Completion, Master Plan, dated November 6, 2020; Master Plan Public Hearing Notice – Valley Breeze, December 3, 2020; List of Abutters; Planning Department Staff Recommendation dated December 9, 2020; and

WHEREAS, Attorney Tim Kane represented the applicant on this request stating the property previously receiving unanimous approval for a solar array in May of 2019 as well as previously receiving a special use permit by the Zoning Board. Atty. Kane stated that the plan complies with buffers, clearing, and lot coverage requirements and that the applicant is in the process of pursuing state and local approvals. Atty. Kane stated that the applicant is proposing to make positive changes to the plan by moving panels from the north to south portion of the property resulting in a greater buffer for residents in the northern portion. Atty. Kane stated that they are also proposing a change from a lease to ownership arrangement which is important because of the unresolved DEM issues on this acreage and his client can now provide full access to all regulatory agencies as owner of the property. Atty. Kane requesting that the Board incorporate all prior proceedings into the record; and

WHEREAS, Dave Russo, Diprete Engineering, stated that the applicant is proposing an administrative subdivision on the property with the current owner. Mr. Russo stated that there is a change in moving the access roadway to the center of the property to alleviate buffer concerns for residents; and

WHEREAS, Attorney Tim Kane stated that the applicant is seeking zoning for relief from the 50 foot wetland setback requirement and noted that the access road is only for construction and then for maintenance and inspection. Atty. Kane stated that the Town will receive \$1 million in net revenue over 25 years because they don't require Town services; and

WHEREAS, Greg Lucini, owner of ISM Solar Development, stated that the administrative subdivision is to maintain existing approvals under the solar zoning ordinance and they are doing

this because the solar project is being totally isolated from the superfund site to the south. Mr. Lucini stated that the byproduct is an improved project because the road access is in a better spot. Mr. Lucini added that he recently walked the site with RI DEM and is working with them to resolve longstanding issues; and

WHEREAS, Richard Colavecchio stated that there seems to be more arrays than on the previous proposal and Greg Lucini replied that it is still 8 megawatts and the overall system size is still the same. Mr. Colavecchio questioned whether they are submitting a decommissioning proposal and Mr. Lucini replied that is standard practice; and

WHEREAS, the informational meeting was opened at 7:01 p.m. and there being no one present to speak to this application was promptly closed; and

WHEREAS, Mike Pinelli questioned whether the panels are visible to the abutters and Greg Lucini replied that he doesn't think so but that they can revisit that at preliminary and that plant screening will be used if there is a chance that abutters can see the panels in the winter; and

WHEREAS, in order to approve a project, the Planning Board is required to make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions, where applicable. The Board made the aforementioned positive findings, see Attachment A; and

WHEREAS, the applicant provided competent expert evidence, both in the form of the above referenced reports and testimony from a civil engineer, detailing how the project would comply and be in conformance with the Town's zoning ordinance and comprehensive plan and how it addressed each of the seven required positive findings to approve a Major Land Development project as just described above, which evidence the Board credits at this Master Plan stage of review; and

WHEREAS, no competent evidence was presented by an expert during the public comment, or at any other time, that refuted or contradicted the testimony of the applicant's experts; and

WHEREAS, the record evidence here supports the conclusion that applicant has provided the Board with sufficient evidence that the Master Plan submission for the proposed Major Land Development project can adequately mitigate any impacts the project will have and has sufficiently addressed the seven required findings; and

WHEREBY, JENNIFER HAWKINS MADE A MOTION, SECONDED BY MIKE PINELLI, TO APPROVE THE APPLICATION INCORPORATING THE PLANNER'S MEMO DATED DECEMBER 9, 2020 SUBMITTED AS BOARD'S EXHIBIT #1 AND BEING CONDITIONED ON RECEIPT OF ZONING BOARD RELIEF FOR THE 20 FOOT SETBACK AND PLANT SCREENING. THE VOTE ON THE MOTION WAS ALL IN FAVOR AND THE MOTION CARRIED.

JENNIFER HAWKINS MADE A MOTION, SECONDED BY MIKE PINELLI, TO DELEGATE RESPONSIBILITY TO MAKE THE WRITTEN DECISION TO THE TOWN PLANNER. THE VOTE ON THE MOTION WAS ALL IN FAVOR AND THE MOTION CARRIED.

The vote on the motion was as follows:

Voting in Favor: Al Gizzarelli, Richard Colavecchio, Mike Pinelli, Mike Moan,
Curtis Ruotolo, Jennifer Hawkins and John Yoakum

Voting in Opposition: None

Abstaining/Recused: None

Members Absent: John Steere

NOW BE IT THEREFORE RESOLVED by majority vote of seven (7) members for in favor and zero (0) against and zero (0) abstaining, that the Major Land Development Master Plan Approval for Log Road Solar – 512 Log Road and 175 Tarkiln Road, with the stated findings of fact, conditions and recommendations expressed herein is GRANTED.



Albert S. Gizzarelli, Jr., Chairman

This decision will be publicly posted in a visible location in the Town Hall for a period of twenty (20) days commencing the 12th day of January, 2020.

Attachment A
Findings of Fact

To assist the Board in addressing the Required Findings called for in Section II, Article B of the Land Development and Subdivision Regulations, a number of facts addressing the individual findings are provided below.

Finding #1. The proposed development is consistent with the Smithfield Comprehensive Community Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;

Policy ED-8.3 Explore ways to provide clean, abundant and affordable energy sources for the businesses and citizens of Smithfield.

Action ED-8.3c Encourage siting solar projects where forest clearing is not necessary.

Comment: While the project addresses Policy ED-8.3 in that it will produce significant amount energy from a “clean” source, it does so at the expense of a forested area of approximately 46 acres. Figures on the carbon offsets show that solar projects prevent far more CO₂ from entering the atmosphere than would be adsorbed by the trees occupying the solar project area.

The applicant revised the Master Plan which shifted the array away from Log Road which will significantly reduce the visual impact of the project, especially for Log Road abutters. The array has also been moved into the existing excavation area in the southern portion of the site as recommended by the Planning Board and staff.

Finding #2. The proposed development is in compliance with the standards and provisions of the Smithfield Zoning Ordinance;

Comment: The proposed development meets the dimensional requirements of Solar Ordinance Section 5.11 and the dimensional regulations as provided in Table 5.4 of the Zoning Ordinance with the exception of a rear lot line setback for which zoning relief is being sought. A Special Use Permit was granted for a Large Scale Solar Energy Systems (>40,000 sq.ft. of panels).

Finding #3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;

Comment: The plans depict the limits of disturbance of the project which is demarcated by silt fence. Based on the proposed limit of disturbance, it appears that all panels and proposed clearing associated with the project are outside of jurisdiction wetlands, and floodplains. A detailed soil erosion plan will be required at Preliminary Plan stage. The proposed project will require approval from RIDEM under the RIPDES program and will require a Soil Erosion Permit from the Smithfield Soil Erosion Committee. As the Town Engineer commented, the plans do not indicate the extent of grading proposed to construct the project. A detailed grading plan should be submitted as part of the Preliminary Plan submission in compliance with 5.11.3, G (10).

The Town Engineer commented that there appeared to have been filling within jurisdictional wetlands associated the construction of a gravel roadway running from the southern part of the site near the gravel pit area to the north intersecting with a another east to west gravel roadway (See Sheet 4 of 6 between D and F Series wetland flagging). The property owner had indicated that this roadway was constructed as part of the EPA/RIDEM remediation effort at the Superfund site to access monitoring wells in the area. The RIDEM contact for the Super Fund Site indicated that the neither EPA nor RIDEM approved this roadway. While there are monitoring wells shown on the ESS Groundwater Investigation map in the area where the roadway is located, the roadway itself is not shown on the map, as are other gravel access roadways associated with the Superfund site. Along with the Preliminary Plan submission the owner shall

provide a valid RIDEM Freshwater Wetland Permit authorizing the alteration of the wetland or provide clear evidence to the Planning Board that a wetland violation does not exist on the property.

Finding #4. A subdivision, as proposed, 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. (See definition of "Buildable Lot"). Lots with such 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;

N/A

Finding #5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

Comment: The proposed array is accessed via a private driveway with a control gate with access to Log Road.

Finding #6. A subdivision, as proposed, shall provide for safe circulation of pedestrian and vehicular traffic, for adequate control of surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.

Comment: The proposed array is accessed via a private driveway with a control gate with access to Log Road.

Finding #7: The design and location of streets, building lots, utilities, drainage improvements, and other improvements in a subdivision, as proposed, shall minimize flooding and soil erosion.

Comment: Soil erosion measures will be instituted to prevent erosion as indicated in the project narrative. A detailed soil erosion plan and permits for the proposed stormwater controls will be required at Preliminary Plan stage.