

PLANNING BOARD MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road
Wednesday: October 17, 2018

A. Call to Order

Mr. Carey called the meeting to order at 7:00 p.m.

B. Roll Call

Board Members Present: Joe Carey, Chair; Richard Sparks, Vice Chair; Ron Cervasio; Anthony Renzi, Jeff Sheldon; and Helen Hardy, Secretary. Mike Carpenter arrived at 7:07 p.m.

Staff Present: Jennifer Siciliano, Planner; Joanna Achille, Solicitor

Town Officials Present: Gordon Rogers, Chris Stone, and Denise DiFranco, Town Council members

Members of the Public: Sandy Sheldon and Gail Lawson

C. Minutes

1) September 19, 2018

Rick Sparks moved, Jeff Sheldon seconded, to approve the minutes of September 19, 2018 as corrected. Motion passed 6 – 0.

2) October 3, 2018

Rick Sparks moved, Anthony Renzi seconded, to approve the minutes of October 3, 2018.

Motion passed 6 – 0.

D. Correspondence

None.

E. Reports

Mr. Cervasio moved, Jeff Sheldon seconded, to add the reports from the Land Trust and the Conservation Commission. Motion passed 6 – 0.

1) Land Trust

None.

2) Conservation Commission

Mr. Sparks reported that he attended the Monday night meeting. Veronica Hinds resigned saying she was over extended. Ed Shernau came to the meeting. He had just finished hiking the Pacific Coast trail. He would like to rejoin the Commission. They have developed a new mission statement. They are interested in being more actively engaged. Mr. Sparks read the statement of purpose from the Town Charter. They are looking to the other boards and the council for guidance.

F. Old Business

1) Service Awards for Volunteer Town Boards

Mr. Carpenter thought the letter to the Council was accurate in asking that the Town Council officially recognize the people who serve on the boards and commissions.

Mr. Cervasio moved, Mr. Sparks seconded, to send the letter as written to the Town Council.

Motion passed 7 – 0.

Discussion: Ms. Siciliano stated that she did not put a request in the letter that it be read out loud. Mr. Carey said he would be at the meeting and would request it.

Ms. Siciliano read the letter. Ms. Hardy noted that the

Preservation Society has had a dinner for the volunteers every year.

Mr. Renzi moved, Rick Sparks seconded, to accept the letter as read.

Motion passed 7 – 0.

G. Comprehensive Plan Update

No update.

H. Zoning

- 1) Advisory opinion - Section 38-292. Solar installations.

The Council requested that the planning board suggest some amendments to the Solar Ordinance. Ms. Siciliano stated that she had some ideas on what could be changed which, once approved by the Planning Board, can go to the Town Council. These include prohibiting installations in certain districts, increasing vegetated buffers from 20 feet to 100, and including the requirement for a bond for decommissioning the installation. Many people have mentioned landscaping and possible issues that occur with wells or street flooding; in the town of Richmond there have been some issues. The board could create a maximum coverage. Right now we have a 3 percent building coverage and that is only a building coverage, not the solar array coverage so right now there is no maximum; perhaps 30 percent. The board could also require the Town Council to give approval. Ms. Siciliano stated that her recommendation is not a need to stop them in a certain districts because that is always looked at anyway and up to the Town Council. Right now the Town Council has voted to have the solar applicants come before them, but it's not binding by Zoning.

Ms. Hardy asked Ms. Achille to look at the Charter and see whether that is in the purview of the Planning Board or the Zoning Board and Town Council. Ms. Hardy further stated that she thought there were things in the Charter which say that the Planning Board recommends Zoning ordinances and the council approves them, but she does not believe the council can rewrite them.

Mr. Cervasio asked how building coverage would relate to solar farm coverage. He felt that was up to DEM. He further stated that it is not a one size fits all situation and should leave that to DEM.

Mr. Renzi stated that each individual site should have a standard to go by, but thirty percent on five acres means they can put in an acre and a half solar farm; that seems a lot where 30 percent on 200 acres doesn't seem like much. So should be determined on an individual site. Ms. Siciliano said she had been sent two ideas: one suggestion was an acreage limit; another is not cutting down trees, but Ms. Siciliano felt that in anticipation of that ruling, they would cut down the trees before they come before the board.

Ms. Hardy stated that in the present ordinance if "the major solar installation has an output of greater than 250 Kw or exceeds 40 percent of the buildable lot, then it will require major land development approval" so that is already built in.

Mr. Renzi stated that solar farms were intended to be put on "brownfields", or contaminated land, or on open farm fields where animals could still graze. They were never designed to be on clear-cut acreage solely for the profit of someone buying inexpensive land somewhere. If the town wants to maintain rural character that issue should be addressed. He noted it was intended for farmers to make some money and asked how many farmers are there in Foster? Ms. Hardy noted that one of the installations has sheep grazing under it and that this option has often been recommended.

Mr. Carey asked the solicitor if a solar installation is categorized as a farm. Ms. Achille stated it is not.

Mr. Sheldon noted that people don't like losing the trees, but he is all for the farmer making a buck, he is in favor of wind turbines because it uses less acreage. He thinks that should be readdressed.

Mr. Cervasio stated that the planner wrote the council a letter that the planning board did not get. The board is operating under the premise that cutting down trees is bad. Ms. Siciliano did a carbon report to the council that says cutting down trees and replacing them with solar farms is a plus for carbon footprint, so the tree thing is a visual issue but not a negative one for the space. He further stated that any ordinance that is passed, businesses will get around it. Ms. Siciliano stated that she did write the letter but did not mention stormwater runoff, and it is a concern. Mr. Carey noted that it was read at the meeting for the first moratorium.

Ms. Siciliano asked if they want to prohibit them in certain districts. Mr. Sparks stated he would like to prohibit major solar installations in A/R zones, but the state legislation may pass that they be allowed in any zoning areas in cities in towns.

Planning Board Minutes
October 17, 2018

People live in Foster because of the forests. He felt it was a redistribution of wealth that gives no value to the residents. It's an industrial use in a residential area and not protecting natural resources or the quality of life.

Mr. Carpenter pointed out that the installations require a huge outlay of money and a large footprint. ISO controls the grid. There is a tremendous imbalance in returns. He stated that it should be a case by case basis to ensure that abutters and the town are protected. He wanted to remind everyone that he is listening to the same concerns now as when the ordinance was first drafted. He noted that solar farms have to be put where there is 3-phase power and that is only on Rtes. 101, 102, and 6. That puts them in direct competition with the plan to improve commercial development. We receive no tax revenue, they don't provide employment, and there is a huge visual impact.

Mr. Cervasio said there needs to be more zones to protect the community, so solar farms will only be allowed in one zone.

Mr. Renzi stated that with all the solar farms, he still doesn't see his electric bill going down. A lot of the pushback on solar farms is what they look like, it's a "not in my backyard" issue. If they are willing to include buffers, berms, and things of that nature, then they can go ahead. He also noted that he has seen that the grass underneath the panels is brown.

Mr. Carey asked Ms. Achille if the bonds are adjusted for inflation. Ms. Achille replied that they are not and that it is hard to predict.

Mr. Cervasio noted that a vegetation buffer is no good in the winter, but a berm is more effective visually. He also stated that the bond should be in an interest-bearing account. Mr. Carpenter agreed that berm is a good word when you're referring to the terrain but a more appropriate word for solar would be "terrain masking". That is something the army uses because it so effective in all seasons.

Mr. Cervasio moved, Jeff Sheldon seconded, to send the solar ordinance back to the town council with Mr. Carpenter's explanations of how everything is covered. Discussion: Mr. Sheldon expressed concern about a landowner's ability to make money on his property. Mr. Renzi pointed out that the landowner sold the property. Mr. Carpenter suggested amending our recommendations to the town council to include the increased setbacks and additional requirements for bonding, including landscaping.

Mr. Carey stated that the board has learned from experience, and noted that some of the conditions were not met on Route 6. After approval, the zoning official is responsible. Ms. Hardy noted that they can definitely make recommendations to the council; a lot of what was required for towers could easily be required for solar. Ms. Hardy asked if they remembered about the one on Rt. 101; they had a deal with another town that provided something for the town and asked if Foster could do that.

Mr. Sparks asked if they had gotten through the list. Ms. Hardy stated they had, noting the subjects: prohibit in certain districts, increase the required vegetative buffer, add additional requirements for landscaping, and create maximum coverage in certain districts.

Ms. Achille clarified the intent of the board asking: Are you going to send it back to the council and say maybe we can do this stuff or is this what you want to do? Ms. Siciliano said that the council wanted it on November 9th. Ms. DiFranco stated that she had sent a letter stating that "at the September 27th town council meeting a decision was made that the planning board review the current solar farms ordinances and modify or make additions. We would like the board to consider concerns that have been brought forth by various citizens during the planning board and town council meetings about solar farms. We would like the results to be available for the November 8th council meeting." Ms. DiFranco stated, as a member of the public, that in the beginning we were all naïve as to what to expect. We now know all those things and that was what they were looking at is for you to review. Do we need to add to it?

Mr. Cervasio amended his motion, Mr. Sheldon seconded, to add the condition of terrain masking as deemed appropriate by the planning board to the zoning.

Amendment passed 7 – 0.

Planning Board Minutes
October 17, 2018

Mr. Renzi moved to amend the motion, Mr. Cervasio seconded, to add landscape bonding to the ordinance.

Mr. Sparks asked if that allowed them to control the masking. Mr. Sheldon asked if it was a recurring bond.

Mr. Carey suggested that the planner put this all together for the next meeting, put it all in the letter and vote on it November 7th.

Mr. Renzi withdrew his amendment, Mr. Cervasio withdrew his second. Mr. Cervasio withdrew his amendment and Mr. Sheldon withdrew his second. Mr. Cervasio withdrew his main motion, Mr. Sheldon withdrew his second.

Ms. Siciliano stated she will put together the recommendations in a packet for the planning board to review.

2) Advisory opinion - proposed Medical Marijuana Ordinance

Ms. Siciliano stated that the council had asked her to look at this ordinance. She discussed it with the police chief and building inspector. She stated that one of the concerns was one that Jon Restivo brought up noting that compassion centers can be cultivators as well. If you are going to allow compassion centers, then you should allow cultivators. Also, a major concern is that if you make a special use permit for any of them, then people are going to know where it is located because of the public hearing, and it may be a safety issue. An option would be to not make it a special use permit but only allow it in certain places and prohibit it in other places. There are business regulations and non-residential cooperative and residential cooperative are required to be licensed as well and the state police must be informed. Mr. Cervasio asked to see it on paper so they can review it.

3) Revision of Subdivision Regulations to Comply with State Laws

Ms. Hardy noted that the state has a full planning bureau and other towns have large planning bureaus, to make these changes, but as they apply to small towns it is very difficult. Mr. Sparks asked what the “annual review” was. Ms. Achille said she thought it meant a one-year anniversary. Mr. Carpenter recommended asking the town council for additional revenue for the planning department to be able to address the additional workload being required.

I. Future Agenda Items

- Stop light at Cucumber Hill and Route 6.
- Speed limit on Route 6
- Licensing fees

J. Adjournment Mr. Cervasio moved to adjourn. Motion passed 7 – 0.

Respectfully submitted,

Helen Hardy, Secretary