

Town Council Meeting
May 24, 2018

The May 24, 2018, Town Council Meeting was called to order by Denise L. Difranco, President of the Foster Town Council, at the Benjamin Eddy Building, 6 South Killingly Road, Foster, Rhode Island, at 7:00 p.m.

The following members were present:
Denise L. DiFranco, President
Chris Stone, Vice President
Gordon Rogers
Michael Dillon
Cheryl Hawes

Also present:
Solicitor, Mark Tourgee
Kelli Russ
Chief Breit

- I.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.
- II.

ANNOUNCEMENTS

Denise Difranco thanked Chris Fallon for taking down the lights from the Christmas Tree and the wreaths on the Town House.
Also noted that the Memorial Day Parade will be Monday, May 28th @ 10 a.m.
- ID.

PUBLIC COMMENT

Adam Dacko
- IV.

MINUIES

Gordon Rogers moved, Chris Stone seconded, to accept the Meeting Minutes for May 10, 2018, as presented.
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 – 0.
- V.

WARRANTS

Gordon Rogers moved, Chris Stone seconded, to approve Payroll Warrant #45 for \$34,277.84.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 – 0.

Gordon Rogers moved, Chris Stone seconded, to approve Payroll Warrant #46 for \$34,794.21.
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 – 0.

Gordon Rogers moved, Chris Stone seconded, to approve General Warrant #22 for \$73,544.74.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, aye: Motion carried 5 – 0.

Chris Stone moved, Cheryl Hawes seconded, to approve General Warrant #22A for \$791.67.
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye. Motion carried 4 – 0 – 1 with once recusal by Gordon Rogers.
- VI.

MONTHLY REPORTS

Gordon Rogers moved, Chris Stone seconded, to accept the Monthly Reports from the Building & Zoning, Dept. of Public Works, Human Services, Planning Department, Police Dept., RIRRC, and Tax Assessor as presented. Finance was not in the packet.
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, aye: Motion carried 5 – 0.
- VII.

OLD BUSINESS

A. Wright's Auto

Gordon Rogers moved, Cheryl Hawes seconded, to revoke the Secondhand License for Wright's Auto.
Discussion: Gordon Rogers, Attny Mark Tourgee, Denise Difranco, Michael Dillon, Kelli Russ, Mark Horner.
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 – 0.

B. Police Site Survey Bid

Gordon Rogers moved, Michael Dillon seconded, to accept the Police and Site Survey Bid from Design Professionals, Inc., of South Windsor, CT with a reduction of \$900.00 for the same work stipulated.
Discussion: Chief Breit, Denise L. Difranco, Gordon Rogers, Cheryl Hawes, Kelli Russ.
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 – 0.

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- C. Financial Statements and Policies
- Financial statements and standard policies and procedures for non-town entities receiving appropriations. As a subrecipient of Town funds, the entity must have established internal control policies and procedures in place to minimize the risk of material misstatements and fraud as required by Federal and State law for municipalities.
Discussion: Kelli Russ, Denise L. Difranco, Gordon Rogers

VIII. NEW BUSINESS

- a. Resignation letter Recreation
- Gordon Rogers moved, Chris Stone seconded, to accept the resignation of Timothy Dannenfels from the Recreation Committee..
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 –0.
- b. Finance Director/ Treasurer Position
- Kelli Russ's last day will be May 31-2018 she will continue to ~~he~~ out with approvals until we get an replacement. Interviews will be May 29¹ @ 6:00 p.m.
Discussion: Susan Dillon, Cheryl Hawes, Kelli Russ, Denise L. Difranco, Gordon Rogers.
- c. Class Fl Liquor License
- Gordon Rogers moved, Chris Stone seconded, to accept the Class Fl Liquor License, for The Abandoned Dogs of RI Rescue to be held on July 28, 2018, at 40 East Killingly Road, July 28th from 3pm -7pm
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 –0
Discussion: Chris Stone, Susan Dillon, Denise Difranco, Erikaa Danielson
- Chris Stone moved, Michael Dillon seconded, to amend the motion to return the application fee of \$35.00 back to the organization because a License is not required by the Town as it is a donation only event.
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 –0.
- d. Proposed Marijuana Ordinance
- Gordon Rogers read the Proposed Marijuana Ordinance (see Exhibit A).
- e. Moratorium on Solar Farms
- Gordon Rogers read the Moratorium on Solar Farms from the Planning Department (see Exhibit B).
Discussion: Ron Cervasio, Lynne Rider, Jeff Sheldon, Gordon Rogers, Atty. Mark Tourgee, Cheryl Hawes, and Joe Carey.
Gordon Rogers moved, Chris Stone seconded to have all Solar Farms go to the Town Council first when the Planner feel there is enough information for the council to review.
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 –0.
- f. Preservation/ Perpetual Care
- Correspondence received from Aaron Guckian of the RI Foundation regarding Perpetual Care funds and the legalities required according to RI General Laws.
Discussion: Atty Mark Tourgee, Denise L. Difranco, Gordon Rogers, Edward Robinson, Lynne Rider, Kelli Russ, and Ron Cervasio.
- g. Volunteers for mowing Cemeteries
- Discussion: Denise Difranco, Gordon Rogers, Atty Mark Tougee, Kelli Russ, Mr. Robinson, Audrey Carey, Chief Breit, Donna Hanks

IX FUTURE AGENDA ITEMS

- Henry Phillips Recreation Field
- Telemedicine
- 2007 Archived Property
- Financial Statement and Standard Policy and Procedures

X EXECUTIVE SESSION

Gordon Rogers moved, Chris Stone seconded, to go into Executive Closed Session pursuant to RIGL 42-42-4 for the reasons stated in RIGL 42-46-S(a) (2) Litigation, RIGL 42-46-S(a) (1) Personnel, RIGL 42-46-5(a)(9) Negotiations.
Denise L. Difranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 –0.

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- RECONVENE IN
OPENSESSION**

Denise L. DiFranco said one vote was taken. Gordon Rogers moved, Chris Stone seconded, to pay the Tax Assessor for comp time earned when the Tax Collector was on leave.

Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 –0.
- XL ADJOURNMENT**

Motion to adjourn was passed unanimously. Meeting adjourned at 8:30 p.m.

A digital sound file is made a part of the record for a complete account of the council meeting.

Submitted by,

Susan M. Dillon
Town Clerk



Town of Foster

Est. 1781

PLANNING DEPARTMENT

May 15, 2018

To the Honorable Town Council,

The Town Council may choose to discuss and contemplate a moratorium regarding the allowance of major solar installations by special use permit in the Town of Foster. In Foster, all major solar installations are permitted in all zoning districts by special use permit. The time spent during the moratorium can be used to either review and modify the Foster Zoning Code (particularly Article VI. Supplementary Regulations. Sec. 38-292. Solar Installations) or request the Rhode Island General Assembly to pass a substantial law to conserve forestland.

Trees, especially forestland, sequester carbon from the air. An overstocked forest can have anywhere from 100 to 200 trees per acre and a healthy thinned forest will have from 40 to 60 trees.ⁱ According to the US Department of Energy, a 30-year-old eastern white pine can hold about 52.7 pounds of carbon per year.ⁱⁱ This shows that an acre of an eastern white pine forest (from 40 to 200 per acre) could sequester anywhere from 2,108 pounds to 10,540 pounds of carbon from the air per year.

Planning Department, Foster Town Hall, 181 Howard Hill Road, Foster, RI 02825
(Tel) 401-702-5012 (Fax) 401-702-5010

One Gigawatt (1,000,000 Kilowatts) of energy produces 744 metric tons (1,488,000 pounds) of carbon emissions per year from non-renewable energy sources.ⁱⁱⁱ A total of 2.8 acres of solar panels produces one Gigawatt of energy per year without carbon emissions.^{iv} So one acre of solar panels saves 531,429 pounds of carbon emissions versus forestland, at the maximum, sequestering 10,540 pounds of carbon per year. The amount saved in carbon emissions from solar panels is more than the amount sequestered in forestland. This does not mean that forestland should not be maintained or turned into solar panel installations. Forestland should be maintained and allowed to sequester carbon from the air and solar panels development should continue on un-forested land.

The 2018 House Bill No. 8141 "Rhode Island Forest Conservation Act" has been proposed with the purpose of prohibiting "... any state economic and other incentives to develop or convert forest land for renewable energy uses." The definition of forested land within the bill is defined as "any portion of any tract or contiguous tracts of land bearing a dense growth of trees two hundred fifty (250) acres or larger as determined and mapped by the department of environmental management." It is not clear if these lands have been mapped and determined by Rhode Island Department of Environmental Management (*R/DEM*) or what property and parcels would be protected by this law.

Examining parcels sizes in Foster (one of the most rural municipalities in Rhode Island) shows there are only two parcels out of the 2,275 total parcels in Foster that have 250 or more acres. They are plat 9 lot 35 (0 Plainfield Pike), 621.47 acres, and plat 12 lot 66 (0 Central Pike), 482 acres both owned by the

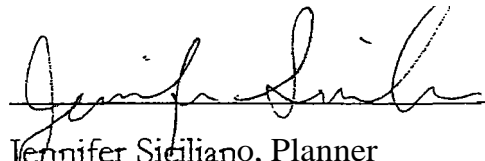
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Gty of Providence. If RI DEM determines contiguous tracks using parcel boundaries and ownership of forestland to be protected, then it would only protect these two properties.

The **b** H8141 was referred to the House Municipal Government Committee and then transferred to the House Environment and Natural Resources Committee. A hearing was held on :May 4, 2018 and on May 10, 2018 it was recommended to be held for further study.

I have included as attachments, the Foster Zoning Ordinance Article VI. Supplementary Regulations. Sec. 38-292. Solar Installations, and proposed House Bill No. 8141.

Respectfully submitted,


Jennifer Siciliano, Planner

Attachments:

- Foster Zoning Ordinance Article VI. Supplementary Regulations. Sec. 38-292. Solar Installations
- Proposed House Bill No. 8141

i San Bernardino Mountain Area Safety Taskforce

http://www.sbcounty.gov/calmast/sbc/html/healthy_forest.asp

ii <https://www3.epa.gov/climatechange/Downloads/method-calculating-carbon-sequestration-trees-urban-and-suburban-settings.pdf>

iii <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>

iv <https://www.nrel.gov/docs/fy13osti/56290.pdf>

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(2) *Submission requirements.*

- a. The applicant shall comply with the submission requirements of chapter 32 and the requirements of section 38-394.
- b. The applicant shall submit a master plan covering the entire town.. The plan shall indicate all existing, proposed, or planned sites of such carrier, including alternative sites from which the needed coverage could also be provided. The plan will also indicate the zoning district, current use, and neighboring uses for all such sites.
- c. Towers shall be built so as to facilitate collocation and co-use of antennas. The applicant shall indicate how the site will be designed to collocate future carriers, and how many of such carriers can be technically accommodated. Consideration shall be given to the collocation of multiple antennas on one tower and technologies which allow co-use of a single antenna to maximize the number of carriers on a given structure.
- d. The application shall contain a statement that if the site will physically support co-location and the locator is willing to sign a commercially reasonable lease, it shall be allowed to collocate.
- e. Tower bases and their accessory structures shall be enclosed by a maintenance-free fence no less than six feet in height or more than eight feet in height from finished grade. Access shall be through a locked gate.
- f. Towers shall not be artificially lighted except as required for public safety reasons by the FAA, or by the town. All exterior lighting shall be full cutoff lighting.
- g. No signs shall be allowed on any towers except as required for public safety reasons and must be located within eight feet of the ground.
- h. The tower owner shall have the tower inspected for structural integrity in accordance with the state building code on an annual basis by a state-registered professional engineer. This inspection report is to be forwarded to the building official.
- i. This section shall not apply to any tower or antenna installation which is owned and operated by a federally licensed amateur radio operator, which tower or antenna does not exceed 70 feet in height. The term "federally licensed" means having a valid and active federal amateur radio license in compliance with all applicable federal laws, regulations and ordinances and having provided evidence of such compliance with the town clerk.

(Ord. of 11-19-1998; Ord. of 1-24-2002)

Sec. 38-292. Solar installations.(a) *Definitions.*

Major solar installation means a solar installation designed primarily to sell electricity to a utility supplier, or a solar installation with an output exceeding 25kW or exceeding 20 percent of the net buildable area (i.e. the total area of the applicable lot, minus setbacks, vegetated buffers, and wetlands).

Minor solar installation means a solar installation designed to primarily service the property on which the solar installation is located with an output of 25kW or less.

Solar installation means a power system used to supply power by converting sunlight into electricity by means of photovoltaics, the harnessing of solar energy to generate thermal energy, or the use of concentrated sunlight to drive a traditional steam turbine.

(b) *Minor solar installation.* A minor solar installation is permitted in all zones, provided such solar installation:

- (1) Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height;
- (2) Shall require a building permit after submission and approval of layout and design. Any memorandum of lease, easement, or utility agreements must also be submitted for review, and shall be recorded in land evidence in the Town of Foster upon approval; and
- (3) Shall be in compliance with RI State Building Code and the RI State Electrical Code.

(c) *Major solar installation.* A major solar installation requires, in all zones, minor land development approval from the planning board and a special use permit from the zoning board of review, pursuant to G.L. 1956, § 45-23-61. If the major solar installation has an output of greater than 250kw or if it exceeds 40 percent of the net buildable area of the lot on which it is located, then such major solar installation shall require major land development approval from the planning board and a special use permit from the zoning board of review in all zones, pursuant to G.L. 1956, § 45-23-61. A major solar installation shall require a building permit prior to construction and adhere to the following: . . .

- (1) *Design standards.* Solar installation applications shall include the proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components to be used, an operation and maintenance plan, a decommission plan, utility approval, proof of liability insurance, and the contact information for the project contractors. Additional documents may be required by the planning board or by the zoning board of review. The planning board may waive requirements of the land development review process upon written request of the applicant at pre-application.
- (2) *Land evidence.* Any memorandum of lease, easement, or utility/distribution agreements shall be submitted with the installation application and shall be recorded in land evidence in the Town of Foster after planning board and zoning board of review approvals.

- (3) *Setbacks and height.* The installation must meet all height and minimum front, side, and rear yard requirements in the applicable zone, and must additionally maintain a 20-foot vegetated buffer from all adjacent properties and roadways.
 - (4) All installations shall be in compliance with the RI State Building Code and the RI State Electrical Code, and shall be subject to periodic inspections by the Foster Building Official. All relevant installation components must have an UL listing or equivalent.
 - (5) All electrical connection and distribution lines within the installation shall be underground or located entirely within a structure. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility.
 - (6) *Security.* A fence shall surround the perimeter of the installation of no less than nine feet in height.
 - (7) *Emergency access.* Reasonable accessibility for emergency service vehicles shall be required..
 - (8) *Signage.* No signs are allowed on the security perimeter fencing except for a sign displaying the installation name, address and emergency contact information, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four square feet in area.
 - (9) *Lighting.* Externally lit signs are allowed, provided they are oriented such that the light is directed away from any adjacent properties and traffic arteries.
 - (10) *Abandonment or Decommissioning.* It is the responsibility of the parcel owner to remove all obsolete or unused systems within six months of cessation of operations. Reusable components are to be recycled whenever feasible. A surety bond to cover the cost of removal shall be required., and shall be posted prior to the issuance of any building permits.
- (d) *Incentives.* Pursuant to G.L. 1956, § 44-3-21, a property meeting the following criteria shall be exempt from tangible taxation, and such exemption shall be applied for, verified by, and filed with the town's tax assessor:
- (1) The additional cost or value of any solar installation which is being utilized as a primary or auxiliary power system for the sole purpose of supplying the energy needs of the property on which it is located.

(Ord. of 7-23-2015, art. VI, § 23)

Secs. 38-298-320. Reserved.

LC005550

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

RELATING TO AGRICULTURE AND FORESTRY -RHODE ISLAND FOREST
CONSERVATION ACT

Introduced By: Representatives O'Grady, Fogarty, Mattiello, Chippendale, and Carson

Date Introduced: April 27, 2018

Ref=dTo: House Municipal Government

It is enacted by the General Assembly as follows:

SECTION L Tfr: 2 of the Ch:ieral Laws eotitled ".AGRJCULTURE AND FORESTRY"
is hereby amended by adding thereto the following chapter.

CHAPTER. 8.1

RHODE ISLAND FOREST CONSERVATION ACT

2-8.1-1. Short title.

6 Tb.is chapter shall be Jmown and may be cited as the "Rhode Island Forest Conservation
7 Act"

2-8.1-2. Purpose.

9 The purpose of this act is to prohibit any state economic and other incentives to develop
10 or convert forest land for renewable energy uses.

2-8.1-3. Definitions.

12 As used in this chapter:

(1) ".Forested land" means any portion of any tract or contiguous tracts of land bearing a
dense growth of trees two hundred fifty (250) acres or larger as determined and mapped by the
department of environmental management

(2) "Renewable energy facility" means a facility that suppresses, but not limited to, electrical and thermal energy, from a renewable energy source as defined in & 39-26-5.

2-8.1-4. Protection of i>rested lands.

(a) State funds shall not be used for renewable energy facilities on forested lands.

2 (b) There shall be no state economic or other incentives used to encourage the
3 development or conversion of forested lands for renewable energy facilities.

4 (c) The statewide planning program shall encourage municipalities to utilize their land
5 use authority to avoid and minimize the subsequent loss of forest lands.

6 SECTION 2 This act shall take effect upon passage.

LC005550

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO AGRICULTURE AND FORESTRY - RHODE ISLAND FOREST
CONSERVATION ACT

- 1
- Thi; act wouki establish the Rhode Island Forest Ccmservation Act which prohibits aey
- 2
- state economic; and other incentives t.o develop or convert forest land for renewable energy uses.
- 3
- Thi; act would take effect upon passage.

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