

**PLANNING BOARD MINUTES  
TOWN OF FOSTER  
Benjamin Eddy Building, 6 South Killingly Road  
Wednesday: May 2, 2018**

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**A. Call to Order**

Mr. Carey called the meeting to order at 7:04 p.m.

**B. Roll Call**

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

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

Town Officials Present Gordon Rogers,

Public Present Sandy Hopkins, Brad Smith, Peggy Reed, Donna Fontenault, Kathleen Brackett, Lisa Harkin, Denise Dionne, Kim Sousa, and Gordon Rogers, town council member.

Applicants Present Sam Resnick, Tom Sweeney, Joe Casali, and John DiBari of Quahog Solar, LLC

**C. Approval of Minutes**

1) April 4, 2018

Mike Carpenter moved, Jeff Sheldon seconded, to approve the minutes of April 4, 2018.

Motion passed 7 – 0.

**D. Correspondence**

Jennifer Siciliano distributed mail from Rick Sparks.

**E. Board Members Reports**

1) Land Trust

Mike Carpenter said Land Trust minutes had been posted on the website, and quarterly reports had been submitted to the council. Projects are ongoing.

2) Conservation Commission

Rick Sparks attended the Earth Day collection, kudos to all involved.

**F. Major Land Development**

Master Plan Public Informational Meeting of applicant Quahog Solar, LLC to construct a 6.02 MW DC ground-mounted solar installation encompassing approximately 20.5 acres, with related access drive, 9-foot high security fence, and stormwater management areas; located on Hartford Pike between Poles 3-12 on 45.3 acres, being Plat 18 Lot 30 in an Agricultural/Residential AR district, and requiring a recommendation to the Zoning Board of Review for a special use permit.

Mr. Carey reviewed the Public Hearing procedure.

Sam Resnick, attorney for the Quahog Solar, LLC, introduced the plan and explained the procedure. Joe Casali, engineer, presented the project.

Mr. Casali explained that the project is on a piece of property whose easternmost line bordering Scituate, Hartford Pike, and Tucker Hollow Road and is about 40 acres. Wetlands are delineated. Solar array had approximately 2250 plus or minus 50 panels. Site access road comes from Rte. 101 and the property of 21 acres will be encompassed by a security black vinyl 9-foot high fence. Drainage is to the south 122-feet from an abutter's property line but is not moving toward the abutter but they would reroute to stay 200 feet from the abutter. Underground electric, vegetated buffer to keep the array out of view.

John DiBari, owner explained his business structure (NextPath and Sunlight). He discussed glare (panels absorb light and do not reflect it), on-sight maintenance, mowing, how needed repairs would be detected. A remote monitoring program includes daily checks on power output, also weekly, monthly and quarterly checks to make sure everything is running well. The life span is 25-40 years, panel life should be between 15-20 years. A decibel study is around the 50 decibel line which is like a dishwasher sound in the next room. The decommissioning plan is included in the packet of information.

Mr. Casali mentioned the site walks. Since then there are some modifications to the plans.

Mr. Cervasio questioned storm-downed trees, how they would reach the perimeter road, if stone piles could be formed into stone walls and what shrubbery was planned.

Mr. Renzi discussed deer-resistant screening and noted that the installation in Johnston was a mess and questioned how the footings would go into Foster's very rocky soil. He asked about the telephone poles and wires.

Mr. Casali stated that they were not cutting down existing trees around the perimeter, that there was ample room for travel between the rows, wires would be underground and only two poles would be needed, that they would provide a landscape architect for screening and that they would also post a performance bond in case the town was not satisfied with the screening. There would also be a performance bond for decommissioning if there were issues after 35 years and the installation had to be removed.

Mr. Cervasio asked if they had accounted for inflation when figuring the amount for the bond.

Mr. Carpenter stated that the maintenance plan should include training for first responders.

Mr. Carey asked if anyone wanted to speak for the project. There were none.

Mr. Carey asked if anyone wanted to speak against the project. There were none.

Mr. Carey asked if anyone wanted to make any comments.

Peggy Reed of Hartford Pike asked how property values would be affected. Tom Sweeney, a real estate expert, stated that a study done by Kirkland Appraisals in North Carolina showed that values were not affected.

Donna Fontenault of 50 Tucker Hollow Road asked if the bond goes with the property if it is sold. Mr. DiBari assured her that it was. She asked if they had a budget for the vegetation. He said they had to get a design first. She asked if the maintenance was

coming from New Jersey or would be local. She was assured it would be local. She requested references from existing projects already built.

Brad Smith of Hartford Pike asked what the project did for the tax base. \$5 per kilowatt hour; \$5,000 for one megawatt. Mr. Carey said it was regulated by the State, and also the property tax. Mr. Rogers, town council member, stated \$18,000. The town would get more in a commercial zone than A/R.

Kathleen Brackett of 10-A Hartford Pike was concerned that the project drains right behind her house which is on only 3/4 of an acre. Mr. Carey noted that DEM was going to review the plans. The engineer stated that the plan should help dramatically to eliminate even the existing conditions that channels water through her property.

Lisa Harkin of Hartford Pike was concerned about the increased water flow to the east. Mr. Casali said were not changing the flow of the water as it is and there would be no increase of volume.

Ms. Hardy noted that if there are 25 acres of tree removed, one might expect an increase in run-off. How is that calculation done? Mr. Casali said they could not increase the maximum peak rate that water comes off the site. What they may not be able to control is if there's excess volume so there is a drainage pond to absorb that.

Denise Dionne of 9 Hartford Pike asked the planning board how many proposed solar sites there were going forward. Ms. Siciliano said there is five, three existing. Mr. Carey said there are two on Theodore Foster Road, one on Route 6, and one proposed on Briggs road. Ms. Dionne asked if there would be a cap on them. Mr. Carey said there is discussion with the Town Council about putting a moratorium on solar projects. She stated that the site walk notices came late. Mr. Carey stated that the notice was a courtesy, not a mandate from the Secretary of State. She requested a site walk to see what is in bloom. She also asked if blasting of ledge be allowed. Mr. Casali said that processing the rocks on the site would require a stone crusher. Mr. Carey asked if crushing stone on-site would require a Special Use Permit. Ms. Siciliano said it would. Mr. Dibari said that final construction is a long way off but that they have never had to crush stone before. Ms. Dionne said she is not opposed to solar but she is opposed to clearing 20-plus acres, she is opposed to a small earthquake in proximity to her home that could damage her foundation and well. She wanted to know if they would monitor the wells in the area and the water captured in the basins. Mr. Casali said in his experience blasting is that the law requires a pre-blast survey in a radius of 200 feet; mostly they want a video of everything. Mr. Sparks said that her concerns were valid and that Massachusetts and Connecticut have moved to prevent clear cutting for solar installations. Ms. Dionne asked if they would consider constructing rain gardens.

Kim Sousa of Hartford Pike asked about the 9-foot fence, and asked if they were taking the trees out, the new trees would take a long time to grow. Mr. Casali said the fence would be moved back behind the trees. She asked if when they were sure of that they were going to do if they could email the abutters. Ms. Siciliano said they would be notified by mail. Mr. Carey said everyone had to be notified within a 400 foot radius by ordinance.

Mr. Carey asked if anyone else would like to speak. There were none.  
Mr. Carey closed the public hearing at 8: 48 p.m.

Mr. Carey entered exhibits into the record. The full set of plans with attachments will be Exhibit 1, the staff report was entered as town Exhibit 2, the Kirkland appraisals as Exhibit 3, and questions answered by Mr. Casali as Exhibit 4.

Mr. Carey stated that he wanted to add a condition to the draft motion to require a performance bond for the landscaping of the property as suggested.

Rick Sparks moved, Ron Cervasio seconded, to grant Master Plan approval for the proposed solar installation,

WHEREAS: Representatives of the applicant Quahog Solar LLC and appeared before the Planning Board for property located on Hartford Pike by between Poles 3-12, being Plat 18 Lot 30 on 45.3 acres in a Agricultural/Residential AR zoning district, to construct a 6.02 MW DC ground-mounted solar installation encompassing approximately 20.5 acres and related access drive, 9-foot high security fence, and stormwater management areas; and

WHEREAS: The Planning Board received reports and testimony from Town Departments, abutting property owners, and representatives of the applicant regarding the application; and

WHEREAS: The Planning Board heard the land development proposal as a Pre-Application on December 20, 2017 and conducted a site walk on February 3; and

WHEREAS: The development meets all pertinent setback, lighting, buffer, signage, height, access, and buffer requirements, and no land dedication or payment-in-lieu is required because no lots are being created; and

WHEREAS: The solar installation requires a special use permit from the Zoning Board of Review; further

Having considered the requirements of Rhode Island General Laws of 1956, as amended Section 45-23-30, and based on the Hearing conducted before the Planning Board and on:

- Testimony presented to the Board, and
- Recommendations of the staff, and
- Review and consideration of the Exhibits made part of the record, and
- Personal knowledge of the area in question, now

The approval is subject to the following conditions:

Condition 1. Master Plan approval is based on plans entitled "Propose Solar Array Hartford Pike Foster, Rhode Island AP 18, Lot 30" sheet 2 of 2 dated March 2018 and marked as Town Exhibit 1 at the May 2, 2018 meeting, prepared by Joe Casali Engineering, Inc., stamped and signed by Joseph A. Casali, Registered Professional Engineer.

Condition 2. Any Power Purchase Agreement, Contract, or Permit shall be provided before final plan approval is given.

Condition 3. Fencing, landscaping, emergency access, grading, drainage, and installation component details, and UL listing or equivalent of all relevant installation

components, shall be finalized and provided as part of the next land development review submission.

Condition 4. The installation 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.

Condition 5. A RIDEM Preliminary Determination Application (PD) shall be provided as part of the next land development review submission.

Condition 6. A RIDOT PAP shall be provided as part of the next land development review submission.

Condition 7. Proof of liability insurance shall be provided as part of the next land development review submission.

Condition 8. A surety bond to cover that cost shall be posted prior to issuance of any building permits.

Condition 9. A performance bond to be provided for landscaping from a landscape architecture plan approved by the Planning Board.

The Planning Board further finds that the proposed development, subject to the conditions imposed,:

1. Is consistent with the Comprehensive Community Plan and has satisfactorily addressed the issues where there are inconsistencies in accordance with the Rhode Island General Laws Section 45-23-30;
2. Is in compliance with the standards and provisions of the Foster Zoning Ordinance in accordance with the Rhode Island General Laws Section 45-24;
3. Will cause no significant negative environmental impacts;
4. Will not create individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable; and
5. Has adequate and permanent physical access to a public street for the development.
6. Provides for safe circulation, adequate surface water runoff, suitable building sites, preservation of features that contribute to the attractiveness of the community, and allows for adequate delivery of municipal services.
7. Minimizes flooding and soil erosion.

Discussion: Ron Cervasio, town needs income and this is a plus. Anthony Renzi income vs. rural character.

Helen Hardy polled the board:

Anthony Renzi, no; Helen Hardy, yes; Mike Carpenter, yes; Jeff Sheldon, yes; Rick Sparks, yes; Ron Cervasio, yes; and Joe Carey, yes.

Motion passed 6 – 1.

Mike Carpenter moved, Rick Sparks seconded to recommend the proposal to the Zoning Board.

Discussion: None.

Motion passed 7 – 0.

Mr. Carey called for a five minute recess.

Mr. Carey reconvened the meeting at 9:10 p.m.

#### **G. Commercial Zoning on Route 6**

Discussion: Ms. Hardy suggested ending the meeting. Mr. Rogers said there were business owners that came to the meeting for this topic. Mr. Renzi suggested that perhaps a discussion could be started. Mr. Carey said the Town Council asked them to discuss it, and that should look at the current zoning and make sure they check into the regulations for the GBM, and get maps. Ms. Siciliano has been looking into the parcels on Route 6. Mr. Renzi discussed aesthetics. Ms. Achille suggested listening to the business owners who were in attendance. Brad Smith spoke about wetlands and property issues. Mr. Rogers discussed setbacks. Mr. Carey suggested that people submit ideas to be packed up and distributed for further discussion.

#### **H. Future Agenda Items**

None discussed.

Anthony Renzi moved to adjourn at 9:32 p.m.

Motion carried 7 – 0.

Respectfully submitted,

Helen Hardy,  
Secretary