# Town of North Smithfield Planning Board
# Final Plan Application Major Land Development Plan - Decision of Approval

RECEIVED FOR RECORD
NORTH SMITHFIELD R.I.

Jun 05,2020 at 10:27A

BOOK 852 PAGE 171
DOC #: 00042420

**1. Applicant**
**Owner/Developer:** GD IM 1-9, LLC

**2. Property**
**Location:** Plat 12, Lot 136B, 137; Plat 13, lots 12, 51; Plat 16, Lots 6, 97; Plat 17, lot 175
**Type of Application:** Major Land Development, Final Plan Application.

**3. The Record:**
This decision represents a culmination of evidence presented to the Planning Board and public over the course of several meetings with the Board voting on June 4, 2020 by a count of 4 to 1 to approve this application with the conditions listed in section 6. A second motion to instruct the Administrative Officer to prepare and record the decision passed unanimously 5 to 0.

**4. Statement of Review, Hearing & Authority:**
This application was heard under the provisions of the *North Smithfield, Rhode Island Land Development & Subdivision Regulations adopted* pursuant to Title 43, Chapter of the Genera Laws of the State of Rhode Island & Providence Plantations, entitled *The Land Development and Subdivision Review Enabling Act of 1992 as amended.*

**5: Findings of Fact:**

Pursuant to R.I.G.L. § 45-23-60, The following findings of fact shall serve as the decision:

1. The proposed development is consistent with the comprehensive community plan as follows:
   **Land Use Chapter Goal 4 – Prevent incompatible non-residential uses in residential neighborhoods.** The application comes by way of an amendment to the Town's existing solar overlay zoning district which was approved by the Town Council with a positive recommendation by the Planning Board.
   **Land Use Chapter Goal 5 – Encourage the development and retention of light industry, office and related commercial development which will provide skilled job opportunities and expand the tax base.** The solar array represents non-residential growth which will supplement the tax base via a tax treaty approved by the Town Council along with providing temporary jobs.
   **Economic Development Goal 3 – Encourage other forms of economic development which will provide job opportunities, tax base support and increased revenues for local**

**businesses.** The solar array will offset costs associated with Town services in relation to residential development by providing revenue to the Town over a potential 20 year period.

2. The proposed development is consistent with the standards and provisions of the municipality's zoning ordinance, particularly, Section 5.7.11 Solar Photovoltaic Overlay District. The application was fashioned as a result of a collaborative effort between the Town Council and Planning Board to amend said section 5.7.11. Additionally, the application is not found to be inimical to Zoning Section 6.19 Water Supply Protection Overlay District provided site work is executed in a manner consistent with that require of all RIDEM approvals. Correspondence offered from the City of Woonsocket, Water Department, in response to review of the application, underscores the importance of protecting drinking water resources as a result of the project.
3. No significant, negative environmental impacts are anticipated from the development, **provided minimal blasting and diligent soil erosion sediment control measures are employed,** as evidenced by RIDEM wetland application number 19-0030; RIPDES File # RIR 101865; dry hydrant RIDEM wetland application number 19-0125. Environmental habitat impacts will be softened through the development of a pollinator meadow is evidenced by the applicant's environmental consultant; Natural Resource Services, Inc., dated August 1, 2018 and EA Engineering, Science, and Technology, Inc., dated August 2018. The applicant has also agreed to scale back the project by eliminating solar panels to create a substantial, 400' wide wildlife corridor connecting two wetland areas on the property along with maintaining setbacks from archeological features on the property. Extensive discussion occurred around blasting impacts to both surface and groundwater. Frequent water sampling must occur with respect to five test wells onsite, along with sampling of surface waters (see conditions).
4. The land development will not result in the creation of individual lots with physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot); and
5. The proposed land development has adequate and permanent physical access to Iron Mine Hill Road.

**6. Conditions of Final Plan Approval:**

The applicant shall comply with the following conditions:

1. The developer and solar array operator shall pay the fee for the Town's independent engineer, hired by the Town, to monitor all phases of construction for compliance with local and state laws as well as provisions of this approval with monthly peer review updates provided to the Town Planner, Planning Board, Town's peer review engineer, and City of Woonsocket Water Department.
2. Install a minimum of 5 monitoring wells within two blast zones. Water test design, frequency, and data presentation (including potential contaminant levels) has been formulated and was discussed extensively. See condition 17.
3. Peer review to oversee all work in historical salvage areas with said areas to be tested for soil contamination prior to earthwork. All contaminated soils, if present, shall be remediated in accordance with RIDEM waste management regulations. (completed)

4. Vegetative maintenance plan to use mowers (cut) as opposed to pesticides or herbicides. Applicant testified NRS, Inc. will oversee pollinator development to maturity, which could take several years.
5. Multiple archeological sites within the vicinity of GDIM 3 will be protected with snow fencing during construction and located inside the fenced area post completion of the project. The Town and NS Heritage Association will have access upon request.
6. If solar project power is increased above 38.4 megawatts AC, or the substation power is increased, Planning Board review shall be required.
7. Applicant must submit a Bond to protect Iron Mine Hill Rd – bond amount has been established at $150,000. Bond may be submitted during construction phase.
8. Applicant shall comply with ambient sound testing as required per zoning section 5.7.11g and 5.7.5.e.2 Locate, on a plan, all areas from where sound readings were taken. Confirm with National Grid that the substation will comply with Town noise ordinance. (ongoing)
9. Provide Health Product Declarations/Environmental Product Declarations on all panels installed on site. If any are to be replaced, they are to provide new product data. All panels to be silicon in nature and not contain toxins.
10. Submit landscaping plan as discussed for Plat 12, lot 291 and submit with Final Plan Application. Applicant to maintain said buffer per zoning section 5.7.5.g.1 (submitted)
11. All lighting at substation shall be dark sky compliant with no offside lighting impacts. Applicant to ensure National Grid is aware of this condition. (confirmed).
12. Solar array operator shall allow Conservation Commission to visit the site annually to observe pollinator meadow growth along with access to peer review reports.
13. Operator shall notify Planner and or Building Inspector prior to cleaning panels; use only water to clean panels.
14. Blasting plan depicting blasting areas, as approved by the State Fire Marshal, shall be submitted to the Town prior to blasting. No toxins shall be used in the blasting process and soil testing in all former salvage areas, as well as those areas identifying in the applicant's archeological reports, shall be tested prior to blasting. Water testing has been formulated in detail and is referenced herein with said documents being on file with the Planning Office and having already been shared with the Town's peer review engineer and City of Woonsocket Water Department: RPS group Environmental Monitoring and Action Program dated May 28, 2020 (addressed to Marc Viggiani, superintendent of Woonsocket City Water Division); RPS group Draft, Soil and Surface Water Site Investigation Report, dated June 4, 2020 (addressed to Kevin Morin of Green Development, LLC); Email dated June 4, 2020, 2:44 p.m., from Kevin Morin to Marc Viggiani.
15. Upon request by a property owner who owns a well within 1,000 feet of a blast site, the applicant shall test well capacity and water quality before blasting operation begins.
16. Peer review shall be provided a construction schedule with key milestones as to make for efficient use of peer review time.
17. Applicant must satisfy the City of Woonsocket Water Department and ALL of the Water Department's correspondence as part of the Final application. (completed). The documentation listed in condition 15 is critical to this condition. During the meeting, it was requested by Woonsocket, and agreed thereto by the Applicant, to conduct water sampling with twenty four (24) hours of all .25 (1/4") rain events during the blasting phase of the

project. Within forty eight (48) hours if during holiday(s) and or weekends. Should one half (1/2) of the RIDOH and City maximum contaminant levels (MCL) be achieve with respect to contaminant increases, the Applicant shall contact the Town and City within said timeframe above. The City shall have the right to access and test for water quality upon request of the operator or landowner. The Applicant shall initiate the sharing of all necessary personnel contacts in order to execute this condition.

18. Applicant shall submit liability insurance as required by zoning section 5.7.5.q. (submitted)
19. Town and Applicant agree to enforce construction traffic plan at all times during the project. Applicant shall install "no left turn" sign at driveway for those exiting site.

**7. Certification:**

This is to certify that the above statement of Decision reflects the action of the North Smithfield Planning Board at their regularly scheduled meeting of Thursday, June 4, 2020. This is a true and accurate recording of such action and is intended to be part of the official record of the North Smithfield Planning Board.

Certified:

Date: JUNE 5, 2020

Thomas Kravitz
Administrative Officer

RECORDED IN NORTHSMITHFIELD RI Jun 05,2020
AT 10:27A ATTEST LILLIAN SILVA SCOTT
Town Clerk