



**TOWN OF PORTSMOUTH
PLANNING BOARD**

2200 East Main Road
Portsmouth, RI 02871
401-683-3717

**PORTSMOUTH PLANNING BOARD
Regular Meeting
January 13, 2021**

Members Present: Guy Bissonnette, Luke Harding, Edward Lopes, Kathleen Wilson, David Garceau, Ryan Tibbets and Seth Pilotte

Members Absent: none

Others Present: Leon Lesinski, Administrative Officer, Portsmouth Planning and Michael Asciola, Assistant Town Planner

The Meeting was called to order by Mr. Bissonnette at 7:00 p.m.

1. Agenda Continuances/Modifications: none

2. Approval of minutes for Planning Board meeting of November 25, 2020

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson to approve the November 25, 2020 meeting minutes. All in favor. So voted. Mr. Tibbets abstaining due to his absence at the meeting.

3. Applicant: West Main Solar 2, LLC, Owner: Regal, LLC, Location – AP 30, Lot 8 – West Main Road (0.1 miles south of Lehigh Terrace – Pre-Application/Informal Concept review for a 3.1 MW DC Ground Mount Solar PV Development

Scott Milnes, President, Econox Renewables Inc. and Aquidneck Renewables Inc., 100 Bellevue Avenue, Newport, RI presented a concept design for a ground mount solar PV development, the total development area of which is 7.4 acres or 31% of the 24-acre site located on the east side of West Main Road about 0.1 miles south of Lehigh Terrace in R20 zoning. He noted that due to the sensitive area, the design indicates an increase to the setbacks as set forth in the town's solar ordinance.

Andrew Vardakis, P.E., Wood Environmental & Infrastructure Solutions, Inc., 275 Promenade Street, Ste. 100, Providence, RI gave a detailed review of the Pre-application/Informal Concept Plan Submittal for the project as well as several figure pages which include the site plan. The plan indicates 7500 fixed, ground mounted solar panels within the 7.5-acre development area. Mr. Vardakis indicated a 50-foot buffer area beyond the required 25-foot vegetative screening from the area. The plan proposes a large SES system as defined by the town solar ordinance.

In response to Mr. Pilotte, Mr. Asciola stated that the project requires a special use variance from the Zoning Board of Review since the site is in R20 zoning.

In response to Mr. Harding, Mr. Vardakis noted that the plan does not include any structures other than the solar panel racks.

Mr. Bissonnette asked several questions which were answered by Mr. Milne. The electrical inverters are located on the backs of the racking in the field. The existing site materials will be leveled out into the contours of the land. A grass surface beneath the panel racking is a low grow variety and is maintained according to an Operation and Maintenance Plan which is submitted at final approval.

Mr. Milnes indicated the location of a 12-foot gate in the fencing that surrounds the development area. He stated that he is aware of the decommissioning bond and the stamped landscape plan required by the town solar ordinance.

In response to Mr. Lopes, Mr. Milne state that he is not aware of the need for a required glint/glare study for the airport. Mr. Lopes suggested that Mr. Milne double check the project abutter list.

Mr. Bissonnette called for public comment.

Jason Carvalho, 93 Ethel Drive, Portsmouth inquired as to whether or not a wildlife assessment was conducted in association with project. Mr. Vardakis stated that the wildlife assessment had not been completed to date.

Chris Amesbury, 15 Anselmo Drive, Portsmouth expressed concern for the solar development installed by the US Navy on West Main Road at Stringham Road and asked how the proposed project compares to that development. Mr. Milne stated that the proposed project is probably smaller than the Navy development and the plan indicates much more buffering and screening to the racking area. He noted that the racking and the modules are similar to that of the Navy development. Mr. Amesbury expressed concern for the wildlife impact that similar projects have in other communities. Mr. Bissonnette commented that he is unaware of any town requirement in the application process for wildlife studies. Mr. Vardakis agreed to look into the matter with the fish and wildlife division of RIDEM. Mr. Amesbury inquired about the return on investment associated with solar systems similar to the project. Mr. Bissonnette stated that the risk is held by the applicant but that the required decommissioning bond protects the town.

Lark Rogers, 73 West Passage Drive, Portsmouth inquired about the required setbacks and proposed buffers associated with the plan. Mr. Vardakis indicated and explained the 50-foot buffer as well as the vegetive screening associated with the proposed plan as ways to mitigate the views to the project. Mr. Milne

explained that the stamped landscape plan will include appropriate vegetative screening for the proposed project. The screening is maintained by an Operation and Maintenance Plan that is part of the developers' contract with the town.

4. Applicant: West Main Solar 1, LLC, Owner: Zaugg Marion Trustee & Regal, LLC, Location – AP 44, Lot 15 West Main Road (less than 0.1 miles north of Russo Road) – Pre-Application/Informal Concept review for the development of a 3.16 MW, ground-mount, solar photovoltaic facility.

Scott Milnes, President, Econox Renewables Inc. and Aquidneck Renewables Inc., 100 Bellevue Avenue, Newport, RI presented a concept design for a ground-mount, solar photovoltaic facility, the total development area of which is 8.2 acres or 45% of the 18.3-acre site located on the east side of West Main Road just north of Russo Road. The east side of the site is zoned light industrial and the west side is zoned commercial. He noted that increased buffers (beyond required) and the additional landscaping associated with the plan were included to alleviate the concerns of the abutters.

Andrew Vardakis, P.E., Wood Environmental & Infrastructure Solutions, Inc., 275 Promenade Street, Ste. 100, Providence, RI gave a detailed review of the Pre-application/Informal Concept Plan Submittal for the project as well as several figure pages which include the site plan. The plan indicates 7500 fixed, ground mounted solar panels within the 8.2-acre development area which is surrounded by 6-foot chain linked fencing. Mr. Vardakis indicated a 100-foot buffer area beyond the required 50-foot vegetative screening along the east and south sides of the site. The plan proposes a large SES system as defined by the town solar ordinance.

In response to Mr. Garceau, Mr. Vardakis indicated the tree clearing area which extends beyond the development area. Vegetation beyond the clearing area remain and is further filled in along the eastern and southern site boundaries.

Mr. Bissonnette called for public comment.

Lark Rogers, abutter, 73 West Passage Drive, Portsmouth expressed concern for the plan's lack of additional buffering along the northern site boundary. Mr. Vardakis explained that the additional buffer up to 50 feet is not indicated because there are no existing residential structures beyond the north boundary, rather just an open field. Ms. Rogers indicated that she owns the field.

In response to Louis Letendre, abutter, 94 Sweet Farm Road, Portsmouth, Mr. Vardakis stated that the tree clearing line is 50 feet from Mr. Letendre's property line. He explained the process for determining exact locations of species within the vegetative buffer according to a stamped landscape plan. Mr. Milne stated that typically evergreens are indicated in the landscape plan. Also in response to Mr. Letendre, Mr. Milne stated that the transformer is located on the west side of the property at West Main Road and that there is no noise associated with the

inverters.

Robin Younkin, 49 West Passage Drive expressed concern that not enough of a buffer is indicated along the northern boundary. She also expressed concern for the wildlife in the area with the clearing of the site. She questioned how the Planning Board could allow West Main Road to become inundated with solar projects and expressed concern for increased stormwater run-off with the development. Mr. Bissonnette stated that the Planning Board cannot restrict the rights of property owners beyond what is allowable according to town regulation. He noted that according to regulation, a proposed development design cannot indicate an increase in run-off from the specified site beyond what already occurs.

Tom Grieb, 110 Thayer Drive, Portsmouth expressed concern for the misconception regarding the Town's role in the development of the Navy's solar project on West Main Road. He stated that the Town had the ability to negotiate with the Navy on the development of its property near Stringham road. Mr. Bissonnette asked Mr. Grieb to limit comment to the petition being heard by the Planning Board.

In response to Lark Rogers, Mr. Bissonnette and Mr. Asciola explained the hearing approval process for the proposed petition. Mr. Bissonnette also noted that once the new Comprehensive Community Plan is put in place, the Planning Board will commence a review of the Zoning Regulation for compliance with the comp plan. Ms. Rogers expressed concern that the public, particularly the neighbors in the area of the proposed site, has not had the opportunity to make changes to the solar ordinance before petitions were heard as was promised by the Town Council. Mr. Bissonnette responded stating that the Planning Board has to apply the existing solar ordinance until it is changed.

Jessie McHugh, abutter, 48 Sweet Farm Road, Portsmouth, expressed concern for the amount of run-off that currently flows onto his property and under his house from the proposed site. Mr. Vardakis stated that according to stormwater regulations, the post development run-off cannot exceed what currently occurs. Mr. Bissonnette emphasized that while the town regulation limits drainage designs to 25-year storm events, the Planning Board requires designs to meet 100-year storm management. In response to Mr. McHugh, Mr. Milne explained the underground conduit installation from the panel racks.

Lea Anthony, 702 Bristol Ferry Road wrote in a question regarding tax income or other benefits to the town. Mr. Milne stated that, under state regulation, the town receives a tangible yearly tax of \$5.00 per kilowatt ac from this type of solar system.

In response to Mr. Pilotte, Mr. Milne explained that the solar arrays require a tree shade area up to a certain distance in order to function properly. This explains

the proposed clearing area beyond the fencing.

In response to Chris Amesbury, 15 Anselmo Drive, Portsmouth, Mr. Milne stated that there is no specific push to establish solar development in Portsmouth but rather the state is seeking opportunities for renewable energy and there are not many sites that meet the requirements for development. Mr. Amesbury expressed concern that the town reaps no added benefit beyond the required tangible tax and he asked the Planning Board to consider how to keep the town's character in place in the midst of expanding solar development. Mr. Bissonnette responded stating that beyond measures taken by the Aquidneck Land Trust to preserve open space, development in the town falls under the regulations set forth in the Zoning Ordinance. He noted that property owners have a right to develop their land provided their applications meet with town and state regulations. He reiterated the Planning Board's intention to review the town zoning regulations in the near future. He urged members of the public to become involved in that process.

Ms. Younkin expressed concern that trees along the northern boundary might be cut down and she inquired as to whether or not the buffer along the northern boundary could be increased. Mr. Vardakis indicated that any trees between the clearing line and the property boundary will remain in place. Ms. Younkin read a portion of the Comprehensive Plan regarding balancing development against preserving the town's character.

Jessie McHugh inquired as to why the sites in Portsmouth were chosen for solar development. Mr. Milne stated that his client reached out to him about two parcels in Portsmouth. Mr. Bissonnette closed public comment.

5. Applicant: Theodore Pietz, Owner: Duane Horton – AP 29, Lot 113B (corner of East Main Road and Hillside Road) – Construction of building to host electrical equipment – Request for Advisory Opinion to Zoning.

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to continue Agenda item #5: Theodore Pietz, Owner: Duane Horton – AP 29, Lot 113B (corner of East Main Road and Hillside Road) to the next regular meeting, scheduled for February 10, 2021. All in favor. So voted

6. Approve January 13, 2021 Monthly Project Status Report, Administrative Subdivisions and Plat Plan Recording.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, January 13, 2021 and to place it into the record. All in favor. So voted.

At 8:27 p.m., a motion was duly made and seconded to adjourn the meeting. All in favor. So voted.

Respectfully submitted:
Dede Walsh
Recording Secretary for:

Leon Lesinski
Administrative Officer