

Chairman Ronald Flynn
Vice Chair Richard Kalunian
Jason Osenkowski
Carl Mattson
Richard Polselli
Glenn Anderson
Sandy Lukowicz
James Kenney
Kevin Reyes



Planning Commission
Minutes of September 23, 2020 Meeting
1670 Flat River Road
Coventry, RI 02816
Meeting Convened Telephonically and
Broadcasted via Live Stream

Meeting Called to order at pm 6:31 by Chairman Ronald Flynn

Pledge of Allegiance

Members Present: Chairman Ronald Flynn, Vice Chair Richard Kalunian, Mr. Carl Mattson, Mr. Glenn Anderson, Mr. Kevin Reyes, Mr. James Kenney, Ms. Sandy Lukowicz, Mr. Richard Polselli and Mr. Jason Osenkowski

Also Present: Director of Planning and Development Russell Crossman and Attorney David D'Agostino

A motion was made by Member Mattson to move Agenda Items 10.1, 10.2A and 10.2B before #9, the Public Hearing for the Solar. The motion was seconded by Member Lukowicz.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Aye</i>
<i>Chairman Flynn</i>	<i>Aye</i>

All voted aye. Motion passes

APPROVAL OF MINUTES

August 26, 2020 Meeting

A motion was made by Member Mattson to approve the August 26, 2020 meeting minutes. The motion was seconded by Member Kenney.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Aye</i>
<i>Chairman Flynn</i>	<i>Aye</i>

All voted aye. Motion passes

ONE YEAR EXTENSION REQUEST

“Riverview Nursing Home” Riverview Nursing Home, Inc. and Ryan Finance, LTD Applicant is requesting a One Year Extension request of Approved Development Plan Review and Special Use Permit Recommendation for a Parking Lot Expansion. AP 104, Lots 81, 82 and 83; Zone R-20 546 Main Street

Attorney Wyatt Brochu came forward representing the Applicant requesting a 1 year extension. It is a Nursing Facility. Due to Covid Pandemic the past few months the project has been delayed. They still intend to expand the parking that was in the Plan.

A motion was made by Member Kenney to extend for One Year the request of Approved Development Plan Review and Special Use Permit Recommendation for a Parking Lot Expansion for Riverview Nursing Home. The motion was seconded by Member Lukowicz.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Aye</i>
<i>Chairman Flynn</i>	<i>Aye</i>

All voted aye. Motion passes

BOND SETTING

“Green Farm Estates” Owner: North Road Land Company, LLC Applicant: Same Bond Setting in the amount of \$840,000 for an Approved Final Plan of a 17-Lot Residential Single Family Major Subdivision w/Street Creation. AP 24, Lots 26 & 31; Zone R20 Old North Road

Chairman Flynn continued this to the next meeting on October 28, 2020.

RECOMMENDATION TO TOWN COUNCIL

**Recommendation to Town Council - Final Bond Release “Falls at Scott Hollow”
Recommendation for Final Bond Release with interest in the amount of \$93,834.89 for a 19-Lot Major Residential Cluster Compound Subdivision AP 322, Lot 84; Zone RR-3 754
Victory Highway**

Mr. Crossman advised that the Applicant is not present. He has a letter from the Town Engineer; he has completed his Sitewalk and has drafted a letter to him allowing release of the final \$93,000, the last Bond. The project has been done for quite a while. He would like to get a Recommendation to Town Council so they can appear before the Town Council next Monday.

Attorney D’Agostino commented that the Applicant should be here, however, based on what has been represented he feels comfortable with the Board taking action.

Members discussed that the Applicant should be present at the Town Council Meeting and if he is not there, it will be tabled.

A motion was made by Member Kenney for a Recommendation to Town Council - Final Bond Release “Falls at Scott Hollow”. The motion was seconded by Member Polselli.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Aye</i>
<i>Chairman Flynn</i>	<i>Aye</i>

All voted aye. Motion passes

RECOMMENDATION TO ZONING BOARD OF REVIEW

Recommendation to Zoning Board of Review – Special Use Permit: “Town Hall Annex” Owner: Town of Coventry Applicant: Columbus Energies, Inc. Proposed liquid propane dispensing station in the rear northeast parking lot. AP 59, Lot 13; Zone I-1 Industrial 1675 Flat River Road

Attorney Michael Levinson, 1543 Fall River Avenue, Seekonk, MA came forward representing the Applicant. One of his clients is also present for questions. They are seeking a Special Permit to have a propane tank on the property. It is currently being used to store buses, the Tenant being Ocean State Transit. The buses operate on propane, not basic motor fuel. When fueling them up there is constant back and forth which adds a lot of cost to the taxpayers. If the propane tank was on site, it would result in less trips and a cheaper cost to the taxpayers.

Member Lukowicz asked about the hours of operation. Mr. Jay Macedonia, Attorney Levinson’s client, responded. The hours of operation will be 8-5, realistically 8-4. Ocean State will have their own certified fillers there all day to tend to the buses. The buses can fill up as they come in between routes. The tank will be filled once a week. There will be a 6 foot fence all around it. There will be 2 gates to get in and out of. They will have their own set of keys.

Vice Chair Kalunian questioned what time in the morning the busses would be filled. Mr. Macedonia, Ocean State, said their trucks would not be there until 9:00, but the first busses would be there early, at 5:30-6:00 am. He wasn’t sure what their schedule would be on filling. Vice Chair Kalunian clarified that what will be operated there is a filling and expensing station for all of the buses for the Town of Coventry, not just a propane tank. He commented that he is not overly enthused about having a propane filling station abutting a residential 2-family dwelling next door and he doesn’t feel it is compatible. He also confirmed that Attorney Levinson, having his office in Seekonk, Mass. is also licensed to do business in RI.

Member Kenney asked about the Fire Marshall. Mr. Macedonia stated they have not heard from them. He mentioned that these are basically cookie cutter with a 3400 gallon tank on site. Attorney Levinson added that they intend to meet all the Coventry Fire Dept. and RI State Fire Marshall’s regulations. Member Kenney further commented that he would have liked to see something that came back from the Fire Marshall.

Members had further discussion. Member Reyes commented that this is just like what the DOT’s do around the State. Mr. Crossman reminded that the Town of Coventry has one right across the street, gasoline and diesel. Attorney Levinson added these are very common in other Communities throughout RI. Mr. Macedonia listed the Towns that also have these, with the closest one to Coventry being Exeter. Chairman Flynn confirmed with Mr. Levinson that the busses will probably be filled once per week. He commented that he doesn’t have an issue with it if it is zoned and in the proper use.

A motion was made by Member Reyes for Recommendation to the Zoning Board of Review for a Special Use Permit for the Town of Coventry and Town Hall for the propone tank. The motion was seconded by Member Lukowicz.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Nay</i>
<i>Chairman Flynn</i>	<i>Aye</i>

Further Discussion:

Member Kenney requested the motion be amended to include the Planning Director's Report.

The motion was amended by Member Reyes to include the Director's Report. The motion for amendment was seconded by Member Lukowicz.

Votes: Aye – 8 Nay – 1 Motion passes

Recommendation to Zoning Board of Review – Special Use Permit:

“Cookson” Owner: James T. Cookson Applicant: Same

Proposed addition to a non-conforming residential structure thereby increasing the nonconformity. Current garage is 26 x 22. Proposed garage addition is 31'3” x 22’ for a total new size of 57'3” x 22’. AP 80, Lot 67; Zone R-20 164 Harris Avenue

Mr. Cookson, Owner/Applicant came forward and explained that the current non-conforming structure is detached and recessed back from the home. He is requesting permission to construct an addition to that existing structure. The addition will be attached to the current structure in the front and will bring the entire structure forward aligning the structure with the home and making it one continuous line. He is requesting relief from the setback requirements of 20 feet. The existing structure is located 10 feet from the property line and the proposed addition will also be located the same 10 feet.

A motion was made by Member Kenney for Favorable Recommendation for 164 Harris Avenue, AP 80, Lot 67 Zoned R-20 Residential to expand on an existing non-conforming structure with a Dimensional Variance from the side yard setbacks

- The expansion would involve the construction of a 31'3” x 22’ addition to an existing garage. The property is a permanent physical address.*
- It has additional off-street parking.*
- Utilities are pre-existing.*

- *The abutting properties and surrounding neighborhood is primarily single-family residential. The proposal is consistent with the Coventry Comprehensive Plan.*
- *The granting of the Special Use Permit and Dimensional Variance will not affect the health, safety and welfare of the neighborhood.*
- *The Planning Director's Report is included.*

The motion was seconded by Member Reyes.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Aye</i>
<i>Chairman Flynn</i>	<i>Aye</i>

All voted aye. Motion passes

Recommendation to Zoning Board of Review – Special Use Permit:

“Wings Lakehouse Tavern” Owner: Haramos Realty LLC Applicant: Juliet E. Austin/Austin Enterprises LLC Per Article 6 – Zoning District Use and Dimensional Regulations, Table 6-1.D.7.02 Tavern, Cafe, Club, Bar or Lounge (alcoholic beverage), requires a Special Use Permit AP 65, Lot 11; Zone VRC 2260 Flat River Road

Ms. Julia Austin, Applicant and her Attorney Ryan McNelis were present. Attorney McNelis represented that the application is for a Special Use Permit. The location has had a restaurant before. They would like to operate a similar restaurant for lunch and dinner from 11:00 am to 1:00 am. They will focus mostly on take-out with some dine-in.

Ms. Austin confirmed that they do have plans on having live music, only solo entertainment, mainly acoustic and karaoke. The music will be done by 11:00 pm.

A motion was made by Member Anderson for a Favorable Recommendation for a Special Use Permit for Haramos Realty LLC, Austin Enterprises LLC, 2260 Flat River Road, AP 65, Lot 11; Zone VRC.

- *The facility will provide safe ingress and egress of vehicles.*
- *The property has sufficient off-street parking for all the uses within the strip mall.*
- *The appropriate utilities are available adjacent to the proposed site.*
- *The proposed use is compatible with other uses in the VRC Zoning District.*
- *The proposed facility will comply with Article 7 standards providing that the project receives approval from the Fire Marshall and meets all the requirements and standards set forth in the State Building Code.*
- *The proposal is consistent with the Coventry Comprehensive Plan.*

- *This project should have no detrimental impacts on the public health, safety, welfare or morals upon the issuance of a Special Use Permit.*
- *The Director’s Report to be incorporated.*

The motion was seconded by Member Mattson.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Aye</i>
<i>Chairman Flynn</i>	<i>Aye</i>

All voted aye. Motion passes

NEW BUSINESS FOR DISCUSSION AND/OR ACTION

Pre-Application/Scheduling of Sitewalk: “Fairview Avenue Subdivision” Owners: Joseph LaCroix, 61 Wood Cove Drive, Coventry, RI Applicant: Same as above Proposed 2-Lot Minor Subdivision of a vacant lot. AP 80, Lot 15; Zone R-20 0 Fairview Avenue

Attorney Thomas Cronin gave an overview. It is currently vacant land. The proposal is a 2-lot Minor Subdivision without street creation to create 2 residential lots. There is currently 1.23 acres of land. Both lots will have access to a public street, have public water and have a private septic OWTS. Both lots conform to zoning with no variances sought. There is a substantial Utility Easement on the Southern end of the Project, which will be left in place and no construction will take place on it. He confirmed for Member Osenkowski that there is frontage on both Fairview Avenue and Ray Street and he further clarified for Member Osenkowski as to whether the property line along Fairview Ave. is a right-of-way. It is an irregular property line and the Narragansett Electric Easement goes from the street back to this property.

A Sitewalk was scheduled by Member Lukowicz for October 10, 2020 at 9:00 am with a rain date of October 17, 2020 at 9:00 am.

Parking will be at Ray Street.

Preliminary Plan: “The Printer Plat” Owners: Ronald and Lisa Flynn Applicant: Same as above Proposed 2-Lot Minor Subdivision with one existing single family residence. AP 60, Lot 64; Zone RR20 21 Colvintown Road

Recommendation to Zoning Board of Review – Special Use Permit: Owners: Ronald and Lisa Flynn Applicant: Same as above Applicant is seeking relief of frontage requirements for the newly created lot of the Proposed 2-Lot Minor Subdivision with one existing single family residence. AP 60, Lot 64; Zone RR20 21 Colvintown Road

At this time Chairman Flynn recused himself.
Vice Chair Kalunian acted as Chairman on his behalf.

Mr. Crossman clarified that the Agenda listed 2 items on this, 10.2 a, the Preliminary Plan and 10.2 b, Recommendation to Zoning Board of Review- Special Use Permit. Only 10.2a, Preliminary Plan, will be heard. 10.2b, Recommendation to Zoning Board of Review – Special Use Permit will not be heard. That was an error and they are not looking for a Special Use Permit. They are looking for a Dimensional Variance and the Planning Commission does not make recommendations on a Dimensional Variance. If the Subdivision is approved, it will have to be approved with the stipulation that they appear before the Zoning Board to obtain any Dimensional Variances they need. Mr. Crossman also clarified that the Applicant was originally looking to have an Administrative Variance granted, which was 90 feet, 25% of the 120 feet needed in the R20 Zone. During the notification process to abutters, he received 2 letters from abutters expressing their problems with this application, wanting to see this application go before the Board, therefore, it could not be done Administratively. Since the Applicant will now be going before the Zoning Board, he is asking for an additional 4 feet, making the request for 86 feet of frontage.

Attorney Thomas Cronin, 1070 Main Street, Coventry came forward representing the Applicants. The existing use is a 1 1/3 acre lot, single family residential use in a residential neighborhood. They are suggesting a minor subdivision without street creation. The proposal is to create 2 separate residential lots. No Wetlands are identified on the site. Parcel 1 would consist of the existing home on the Southern portion of the existing lot, 31,971 square feet and would conform to zoning in its entirety. Parcel 2 would be the new lot on the Northern end of the property, 26,850 square feet, conforming to zoning in all ways, except for the frontage. The frontage requires 120 feet of frontage along Colvintown Road. They are proposing 86 and seeking 34 feet of relief, due to interfering with the driveway of the existing residence. They are requesting Preliminary Plan approval, conditional on the Zoning Board granting a Variance for relief of the 34 feet of frontage. They have Fire and Water Approvals. They need to get OWTS and Sediment Control Approvals, which would be items for Final Approval. They are requesting the Final Approval to be done Administratively.

Mark Boyer came forward and further explained the change from the 90 feet originally proposed to the current 86 feet. The plans showed that a small portion of the driveway would be encompassed by the new lot. The thought process was to avoid the need for an Easement over that portion of the driveway.

A motion was made by Member Kenney recommending a Favorable motion for Ronald and Lisa Flynn, 21 Colvintown Road, AP 60, Lot 64, Zone RR20, Lot size 1.33 acres.

- *The applicant is proposing to subdivide the existing lot into 2 parcels.*

- *Minor Subdivision will require a Dimensional Variance from Zoning, which will result in the creation of a 31,371 sq ft lot and a 26,878 sq ft lot.*
- *Neither parcel would be subdivided again.*
- *The adequacy of the street on the proposed lots frontage criteria has been met.*
- *Adequacy of access from the lots onto the street, the proposed lots meet the criteria.*
- *There are no scenic issues.*
- *Upon issuance of the requested Dimensional Variance from Zoning, Parcel 2 will conform to Zoning.*
- *The 2 lot Minor Subdivision is generally consistent with the Town of Coventry's Comprehensive Plan.*
- *The proposed residential development is in keeping with the adjacent uses.*
- *There will be direct frontage on Colvintown Road.*
- *It's consistence with the Comprehensive Plan – it supports the Rural Development of the R20 Zone.*
- *The proposed Subdivision shall be required to receive Permits from RIDEM, an approved OWTS and the Town Engineer for Soil Erosion and Sedimentation Control Permit. Strict adherence to the guidance set forth in these Permits should insure that there will be no negative impacts to the environment.*
- *Upon receipt of a Dimensional Variance from the Zoning Board of Review, the Development will comply with the Zoning Ordinance.*
- *The amount of traffic generated from the single family house lot should be negligible.*
- *The Applicant should consider a driveway design that would allow the homeowner to turn around on the subject parcel and not back out on Colvintown Road.*
- *The Applicant shall receive an OWTS Permit from RIDEM prior to issuance of the Building Permit.*
- *The Applicant shall receive a Soil Erosion and Sedimentation Control Plan from the Town of Coventry Engineer prior to issuance of the Building Permit.*
- *The Applicant shall be required to install underground drywells for rooftop runoff.*
- *The Applicant to receive an approval for a Dimensional Variance for frontage of Parcel 2 from the Zoning Board.*
- *The Planning Director's Report is also included.*

The motion also includes approval for the Applicant to proceed Administratively to Final Plan. The motion was seconded by Member Reyes.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Chairman Kalunian</i>	<i>Aye</i>

All voted aye. Motion passes

Chairman Flynn returned to the meeting.

OLD BUSINESS FOR DISCUSSION AND/OR ACTION

PUBLIC INFORMATIONAL MEETING-Continuation from July 22nd & August 26th

Master Plan: “Colvintown Road Solar”

Owners: Colvintown Realty, LLC and Rockwood Realty LLC

Applicant: **Revity EPC, LLC**

*Proposed 5.3 megawatt (MW) DC Solar Energy Project AP 85, Lots 1 & 5.3 and AP 92, Lot 1;
Zone RR2 0 Colvintown Road*

Attorney Robert Murray, 21 Garden City Drive, Cranston came forward representing the Applicant stating that they have completed their presentation at this time. Every previously utilized Witness is available to answer any questions. Also available and present: Mr. Ralph Palumbo, Principal of Revity Energy, Vice President Lindsay McGovern, Engineer Dave Russo from Diprete Engineering, John Caparta, the Landscape Architect, a representative from Hoffman Engineering, Mr. Eli Salisbury, Andy Dufore from Maine Drilling and Blasting, Nicole Mulanaphy from Sage Environmental, Scott Rabideau from Natural Resource Services, the Wetland Biologist, Ed Pimentel, the Land Use expert.

Chairman Flynn mentioned there has been a lot of redundancy, the Board has not asked any of their questions yet, but any more questions from the Public will still be heard.

Mr. Crossman commented that there have been 2 nights of testimony and numerous questions from the Public and at this point people in the audience would like to hear questions from the Board.

Attorney D’Agostino addressed questions that had come up from some of the Public questioning the process and the lack of questions from the Commission. He explained that the reason for that was that the Board would hold their questions until the end after the Public Comment was closed, but the Public Comment is not closed yet. He added that the Board does have the prerogative to Open and Close Public Hearing as it sees fit if it feels that additional questions are necessary.

Chairman Flynn suggested keeping the Public Hearing open until the Board finishes their questions.

Vice Chair Kalunian commented that the process being followed is the same as is followed for every other major development, including residential subdivisions, condominiums, PUDs, etc. and he suggested following the process that is usually followed, clarify and address any further questions the Public may have, and then the Board can ask their questions. He further reminded that a Solar Ordinance was passed a few years ago by the Town Council, where there were 2 nights of Council Meetings and a Public Hearing, of which participation by the Public was

almost nil – to allow Solar Farms by Special Use Permit in every residential zone in the Town of Coventry. The Approval process for Master Plan lies with the PC.

Chairman Flynn clarified the process they should follow with Vice Chair Kalunian: continue with the Public Hearing, then close Public Hearing and then the Board will go on and ask their questions.

Member Osenkowski agreed with that.

Chairman Flynn agreed with staying with consistency.

PUBLIC

Ms. Rachel Montanaro, 24 Watercress Court Coventry, asked about the decommissioning process within 20-25 years.

Attorney Murray explained that they will be required to submit documentation on this. They prepare a detailed breakdown of an appropriate decommissioning amount. The Town has the Town Engineer review it and make a recommendation to the Town Planner. He confirmed that prior to the Project getting underway there would be in place funds available in the event over the next 25 years the project was either abandoned, de-commissioned or at the end of its term was going to be restored to a natural state and the panels be removed.

Ms. Montanaro asked if Reivity ever previously decommissioned a Solar Farm in the past.

Attorney Murray was not aware of any. Mr. Montanaro asked then how Reivity can properly assess what the decommission cost would be and if that cost is higher than the bond is, who is responsible for paying the extra money to remove the panels – the taxpayers or Reivity? Attorney Murray confirmed it would not be the taxpayer. He explained the process further and that they anticipate ample funds to be available for that purpose.

Ms. Montanaro commented that the surrounding property values will decrease and she asked how the Town benefits from this Project in the end.

Attorney Murray summarized this for her. The Town would earn money from taxes and payments, positive cash to the Town, as well as supporting the goal of renewable energy and less dependency on fossil fuel, and when the project is built and properly buffered and landscaped, they do not believe it will have any negative impact on the value of her property and the other abutting properties

Ms. Montanaro went on to state that if this were to be developed into a housing development, an assessment was made estimating that each house would have 2 children. She feels that is an overestimate and could potentially be considered biased in order to inflate the values of the taxpayer's dollar.

Attorney Murray couldn't promise every house having an average of 2 children, but they believe houses on that property would be attractive to young families that would add burden to the school system and the Town's public services.

Mr. Bradford Mayer, 360 Hope Furnace Road, Hope, RI came forward and further commented about property values and that the 2 studies that Reivity presented weren't in the Northeast, US and only had a handful of cases. He informed everyone that next Tuesday at URI, there is a

study being presented that shows how housing prices respond to nearby Solar construction that includes over 400,000 property cases. He can pass along the link to Mr. Crossman.

Ms. Pat Harbour, 526 Camp Westwood Road, Coventry came forward and asked if this is approved will there be a visual simulation of the proposed landscape.

Attorney Murray responded that they don't have any computer graphics but they have done transects and they plan to meet with the neighbors, case by case, to address what screening and buffering would be most beneficial to them.

She would like to revisit the interconnection plan and how it is going to be layed out. She questioned if it will all be above ground.

Attorney Murray replied that they are required to have 3 phase electrical service. There is a good portion of Colvintown Road that is served with 3 phase. There is a portion that will have to be extended coming out of the site and they have not yet done the detailed interconnection work with National Grid.

Ms. Harbour is very concerned with what this is going to look like once it gets done. She asked if there is any way the Town Council would revisit this down the road.

Mr. Crossman replied to her that the Solar Ordinance appears in Article 21 in the Zoning Ordinance. The Zoning Ordinance is established by the Town Council. The Town Council is in charge of changes and they can do it at any time. He brought up there is a new Council coming in in the Fall and if they have a different position on Solar and would like to change the Ordinance, that is their purview. He advised her she would have to petition her Council Person and drum up support from the Council for an Amendment to the Zoning Ordinance. The only role the Planning Board would share in this situation is they would ask the PC for an advisory opinion.

Attorney D'Agostino cautioned that although the Zoning Ordinance may be amended at any time by the Town Council, this particular Project is already vested and has the right to continue under the Ordinance as it exists today.

Patty Delbrocco, 104 Colvintown Road, came forward. She talked about proper screening and who will be checking it. She is more concerned on the 20 foot buffer that is planned to screen the entire Project. She asked what recourse they would have if it is not how they say it is going to be.

Attorney Murray replied that there will be much more detailed landscaping information at the Preliminary Plan stage down the road. The Board can review it then. He reminded everyone that this is a company that is in Warwick, RI, not out of State, and will be invested in this Project and Community and they will make sure the landscaping is mature and grows in accordance to the submission and plans.

Ms. Pat Hickey, 10 Rivers Edge Drive, Coventry, commented that she read the Comp Plan and the Solar Ordinance and pointed out that someone could apply for a Special Use Permit and could not use more than 15% of the lot. She commented that on this particular Application, it looks like Rockwood Realty, who is an abutter, the gravel pit, decided to lease to Revity 50+ acres to make a total of 101 acres, looking like they added this to beef up the number of panels and the amount of the residential lot. She would like this looked at. She commented that it doesn't seem consistent with the Comp Plan or the Solar Ordinance. It looks like a loophole to her.

Chairman Flynn commented that they are aware of the 102 acres.

Attorney D'Agostino commented that it is absolutely legal for the Applicant to utilize leased land as part of the footprint for their proposed Solar Project.

Pat Hickey further commented that if they shifted the panels a little bit more moving them into the gravel pit it would solve the problem.

Louis Mathews, 1 Watercress Court, Coventry came forward and thanked the Planning Board for their due diligence and continuing this meeting as it is a touchy subject with the residents. He commented that he feels the Town Council had the right idea in mind when they drafted this Ordinance with allowing Major Solar Installations to occupy 15% of the property, but they never thought they would intend to put the Solar in one corner and utilize the loophole of adding that amount of land in the corner. He thinks the issue is with setbacks. He also questioned why the Solar Installation can't be moved further to the North on cleared land that is already existing, following the Ordinance which states that any cleared land shall be used prior to clearing vegetated land. He commented there is plenty of land further to the North of the proposed site that could be utilized on the leased land.

A motion was made by Member Mattson to close the Public Hearing. The motion was seconded by Member Kenney.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Aye</i>
<i>Chairman Flynn</i>	<i>Aye</i>

All voted aye. Motion passes

At this time, Chairman Flynn entertained questions from the Board.

Member Kenney asked if Revity would continue to maintain the 20 foot buffer year after year to insure the proper screening. Attorney Murray replied in the affirmative. Member Kenney also asked to have addressed why it is being put in that particular location and why it can't be shifted. Attorney Murray replied that the primary property that was acquired from the Lacombe family was always intended to be the parcel utilized as the primary location for the panels. The Rockwood Realty property, which Mr. Vinagro is a participant in this Project, was added to it to assemble the 101 acres and to be used as necessary.

Chairman Flynn asked about the buffer them doing a site distance analysis from the neighbors. Attorney Murray confirmed that they would be doing this and he explained how they do this. Chairman Flynn noted that the elevation of the neighbors on Watercress is much higher and he had a concern on doing a site distance analysis for the main reason of that if a buffer was put at

the height needed to block the solar panels, would it be in the way of the sun coming in on the panels. Attorney Murray replied that it is the Southern exposure that is important and they don't anticipate a shade cast behind the houses on Watercress.

Mr. Ralph Palumbo further addressed the question of why it can't be moved more Northern. He noted there is an Easement on lot 2, AP84, allowing the owner to travel in from Colvintown Road across to his property, which prevents them from moving in that direction, and then there are Wetlands and a Landfill. The Easement was pointed out on the map.

Mr. Crossman further explained without the Easement that person's property is landlocked with no physical access.

Chairman Flynn further commented that although that answers his question, his interpretation is that the leased property is for this Solar Array and also for an Easement to that property.

Member Reyes commented that he considers this a business, collecting energy and selling it to National Grid, it is being put in a Residential area, and Article XXI Special Regulations clearly states Solar panels installed shall be located to take advantage of existing cleared land; clearing a forest or woodland should be avoided. He commented we are breaking our own rules for Coventry.

Attorney Murray replied that there are various business categories and this type of use is identified under the category of transportation, communication, utilities. He doesn't consider this a business. He referenced that the Town Council made a determination that in this Zone, **Major Solar Installations would be allowed by Special Use Permit.** He further commented that they believe the Project complies with Article 21 regarding Special Regulations for Solar Powered Generators.

Member Reyes further commented that they are knocking down a forest when they have open land right next door. He feels 3 rules are being broken.

Member Mattson questioned if they didn't have that lease for the additional approximately 100 acres, would it be feasible to have this Solar Farm go in at a reduced rate of the 15% of the original Lacombe property.

Attorney Murray replied that if they only utilized the Lacombe piece, it would result in a smaller array, but that is not what they are proposing; they are proposing a 5.3MW, therefore needing to joint venture with Rockwood Realty.

Member Osenkowski commented on the buffer and limit of disturbance that was talked about and in his opinion he didn't think the Board or an abutter would have any recourse if they did not come to a resolution.

Attorney D'Agostino commented that Member Osenkowski is correct. There is no recourse unless certain conditions of approval were attached to the decision. He added that you do have to rely somewhat on the representations of the Applicant during the process.

Member Osenkowski suggested if they do decide to move forward that they see a detailed landscape plan at that abutter level.

Chairman Flynn agreed.

Vice Chair Kalunian discussed that there are 2 mechanisms for compliance, 1) it would be at the Preliminary Plan Approval where they would see more detail on landscape plans and Stipulations could then be attached to any approval; 2) when it gets time to make a recommendation to the Zoning Board for a Special Use Permit, the Zoning Board also has the ability to attach Stipulations to the Special Use Permit that would be enforceable by the Town Zoning Official.

Mr. Crossman confirmed both of these were correct.

Vice Chair Kalunian asked if there was going to be a Bond posted to make sure this Project is completed in accordance with all the plans.

Attorney D'Agostino confirmed that they do have to provide a Performance Bond.

Vice Chair Kalunian further addressed the item brought up by several abutters as to what the Planning Board's recourse is and what they are going to do. He listed the Zoning Official that could go so far as to take this property owner to court if there is a Zoning Violation and secondly, there is the potential for the Planning Board to stipulate a financial mechanism to make sure the buffer is maintained.

Attorney Murray commented that the concept is something they can work with.

Attorney D'Agostino further clarified that he checked the Solar Ordinance and the only financial requirement is the Decommissioning Bond, only to close out the Project, and not to provide financial security during the development of the Project. He agreed with all the other comments made about conditions that could be attached.

Member Anderson questioned if an ERT going in was resolved as not needed. He also asked about the 3 phase electrical service and needing additional poles, how much higher would they be, how intrusive they will be and where will they run?

Attorney Murray replied there will be replacement poles and they will be higher. His opinion is they won't be noticed.

Member Anderson asked if it could be run underground.

Attorney Murray replied that underground service is not being contemplated, but that is ultimately decided by National Grid.

Chairman Flynn was concerned with the type and size of the poles ruining the rural integrity of Colvintown Road and also needing an Easement from the property owner for some of the connections.

Attorney Murray proceeded to answer some of these questions but commented that it is getting a little ahead of it. He summed up that there will be some poles replaced, sometimes guide wires are required, National Grid typically prepares the Easements and they work with them to approach property owners.

Chairman Flynn and Attorney Murray further discussed guide wires and Easements being a case by case basis. Chairman Flynn also asked if the construction was going down to the Scituate station. Mr. Palumbo replied confirming that. He further commented on there being other options if an Easement by the property owner is not an option and he elaborated on them.

Chairman Flynn questioned if there would need to be an Inter-Town Agreement when going into Situate. Mr. Palumbo replied there is no requirement for 2 abutting Towns to have an Inter-Town Agreement.

Vice Chair Kalunian expressed his concern about putting in the larger newer poles and the width of the roads and commented that the Town is not going to be widening the road or putting

sidewalks in. He asked at what point they get to know for sure what direction this is going and what the magnitude of new pole installations is going to be.

Attorney Murray commented back to him and referred to the Interconnection Map. Mr. Palumbo stated they will know with certainty in the first quarter of next year which route they are going in.

Chairman Flynn was concerned that there are 2 options and not knowing which way the connection is going to go and what road disruptions there would be. Mr. Palumbo thought that was fair. He is at National Grid's mercy, but by the time they get to Preliminary Plan they will have what they need to be definitive with the Town at that point.

Vice Chair Kalunian further commented on the pole situation and felt that is going to warrant an additional level of review by the Town Engineer.

Attorney Murray commented that the burden would be on them once they get to the Preliminary Plan stage to have some proof to satisfy the Town exactly what National Grid has approved.

Vice Chair Kalunian added that at the Preliminary Plan Approval they may want to ask for additional concessions at least along the roadway so there are no adverse impacts.

Member Osenkowski stated that he appreciates and values all the experts that have spoken on behalf of the Project and recognizes that much of what has been discussed is expert opinion, which is not always consistent with facts over time. He has differences of opinions on a few points. He also appreciates the articulate comments from the Public. He brought up that there are concerns with impacts of large Solar Developments on abutting property values. He wanted to know if there have been any local Southern New England data that demonstrate their economic impact of a Development such as this on single family homes.

Attorney Murray commented that he has not seen any reports generated either in New England or the Northeast Region.

Member Osenkowski was disappointed that the URI presentation comments would not be available before making a motion tonight. He further commented that he does believe the Development will have impacts to the existing wildlife. He also believes that housing developments are more detrimental due to a higher intensity of use. He talked about fencing and fencing of this magnitude, and it is his opinion that this will serve as a barrier impeding flow and the use of the land by wildlife species diverting species around and into neighboring areas, possibly increasing road mortality. He asked if the fence has to be placed encompassing the facility and if so, is there any way to remedy these concerns.

Attorney Murray replied that they do provide fencing around the facility for security purposes and they work with DEM to establish a proper height at the bottom to be sensitive to the wildlife. Mr. Palumbo clarified that the fence is a requirement of the National Electric Code, which is driven by safety.

Attorney Murray further made reference to also having to rely on the Ordinance requirements under security requiring a fence.

Chairman Flynn recognized needing renewable energy, but where this Project sits in a Residential area, most of the negative effect to the abutters is on the Southern side, which is exactly where they have to point the panels. He mentioned the glare being a factor. He commented on the negative impact it will have on the residents and on the streets.

Member Mattson asked about how much % of green energy will be introduced into the State with this 5.3 MW, noting the State wanting to move towards that Sector.

Mr. Palumbo commented that right now the Governor's goal is 1000 MW. It is estimated that RI has already obtained approximately 300-350 units between Solar and Wind.

Member Anderson further commented on the elevation there which will extend the issue worse. He also commented that the experts have been fantastic. He thanked Mr. Palumbo, Attorney Murray and the residents for being so informative. He referenced the Director's Report being well written. He was very impressed with Mr. Pimentel's analysis. He talked about the Ordinance being improved on and commented it is a growing entity that will forever be improved on.

Chairman Flynn commented on hearing a lot of testimony from the Public and excellent expert testimony from the Applicant. He commented this is their 5th Solar Array and they have learned a lot through this process. He has no further questions.

Member Osenkowski asked if there was ever a resolution where a Member from the Public brought up which setback takes precedence on his property, Vinagro's or the Solar Development. Chairman Flynn was not sure if that was distinguished. Member Kenney offered his thoughts on this. Attorney D'Agostino clarified that a Major Solar Installation in a Residential Zone shall maintained a vegetative buffer of not less than 40 feet. Attorney Murray added that the Ordinance goes on further to talk about when they are abutting a Residential District there is also an additional 20 feet.

The follow motion was made by Member Osenkowski:

First I would to just state that I think the Applicant has done an excellent job in conveying their Proposal and portrayed a sense of confidence and sincerity in their intent to create a sound Project while still realizing an economic gain from the Project. I thought the Applicant did a really good job presenting and responding to a lot of the comments. The Comp Plan is a guidance document, largely more of a blunt tool to aid and directing development of the Town. In my opinion, this Project, in concert with the intent of the Comprehensive Plan, is inconsistent with the keeping of the intent within the District. That intent is to maintain the Rural characteristic of the Town within a Residential Zone. This Project represents an Industrial/Commercial Development. That is something that I have consistently stated on these Solar Projects. I do not believe it is suited for citing within a Residential Zone. In my opinion, I believe the consequences of this Development vastly outweigh any benefits gained to the Town or local Community. The benefits noted by the Applicant in my opinion appear to be nominal financial contributions over the long term and the addition of green energy for the State which in my opinion are lessened in an area which is vegetated and currently contributing to carbon sequestration. In general I believe this sort of industrialized use in a neighborhood is not consistent with the surrounding Rural Residential area. In addition, the Project and such development may have deleterious effects on abutting property values. That said, I would like to make a motion to not approve the Major Land Development for the subject 5.3 MW Solar Array located on AP 85, Lot 1 and portion of AP 92, Lot 1 based on the following findings of fact:

- *With regard to consistency with the Comprehensive Plan, the Project is not consistent with the Town's Comp Plan in that this is an Industrial/Commercial Development which does not conform to the Rural Residential characteristic of the District.*
- *With regard to significant negative impacts, at this stage the Applicant does not appear to present significant detrimental environmental impacts.*
- *With regard to Zoning, the Project meets requirements of Article 21 of the Zoning Ordinance and all Dimensional Zoning Requirements,*
- *Finally, with regard to traffic impacts, he does not believe there are any major traffic impacts expected.*

The motion was seconded by Member Reyes.

At this time Chairman Flynn polled the Members and reminded them that if they vote “yes” they are denying this Project because the motion was made to deny the Project.

Discussion:

Mr. Mattson stated he agreed to what Mr. Osenkowski talked about. He felt these green developments seem to be situated in places that don't necessarily take into the factor of the neighborhoods in which they are going to be. They will be a stationary neighbor for 25 years and most of the people are not in favor. Because of the neighbors he does not feel comfortable approving something like this. He believes in solar energy but does not feel this is the place for it.

Mr. Anderson, citing the Director's Report, pointed out that the Comp Plan does not directly address solar energy. Who knows how things will be in a couple or more years from now.

Mr. Kalunian stated for the record that he did not interpret the Director's Report to sway them in any direction. He felt it brought out some talking points.

Glenn Anderson, going back to the Director's report and we all know this, the Comp Plan does not directly address solar energy.

Chairman Flynn stated they have a motion to deny and a 2nd. He called for individual votes:

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Nay</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Nay</i>
<i>Chairman Flynn</i>	<i>Aye</i>

Votes were 7-Aye 2-Nay The Project fails. The Motion did not pass.

In closing, Attorney Murray commented that he respects the Board's decision. They are disappointed. He stated this is not the last word on this Project. He thanked the Board. Although they respectfully disagree with their decision, he sincerely thanked both the Commission and Mr. Crossman for their cooperation and assistance.

Chairman Flynn thanked everybody that commented on this. He commented that they do take every Project seriously. They did do their due diligence and made sure everybody had the opportunity to comment and speak.

PUBLIC INFORMATIONAL MEETING

Master Plan: "Residences at Boyd Brook Comprehensive Permit Application"

Owner: Green Light Farm, LLC

Applicant: Green Light Farm, LLC

Proposed 96 unit residential development with a minimum of 25% low/moderate income housing. AP 330, Lots 30 and 81; Zone RR3 Rural Residential Town Farm Road

Chairman Flynn suggested pushing it out to the next meeting on October 28th.

Mr. Pagliarini commented that he expects this to be a lengthy presentation and to do what they need to do. He added, as long as this is not any mutual extension of total timeframes and they are still within the window, then continuing it to October is fine with them.

Attorney D'Agostino confirmed that they are within the timeframes and it will not be a problem hearing this on October 28th.

A motion was made by Member Mattson to continue to October 28, 2020. The motion was seconded by Member Lukowicz.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>
<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Aye</i>
<i>Chairman Flynn</i>	<i>Aye</i>

All voted aye. Motion passes

A motion was made by Member Mattson to adjourn. The motion was seconded by Member Reyes.

Votes were as follows:

<i>Carl Mattson</i>	<i>Aye</i>
<i>Jason Osenkowski</i>	<i>Aye</i>

<i>Glenn Anderson</i>	<i>Aye</i>
<i>Richard Polselli</i>	<i>Aye</i>
<i>Kevin Reyes</i>	<i>Aye</i>
<i>James Kenney</i>	<i>Aye</i>
<i>Sandy Lukowicz</i>	<i>Aye</i>
<i>Vice Chair Kalunian</i>	<i>Aye</i>
<i>Chairman Flynn</i>	<i>Aye</i>

All voted aye. Motion passes

The meeting was adjourned at 9:42 pm.

The minutes were respectfully prepared and submitted by Lori Mercier.