



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

February 2024

VPC, LLC (d/b/a Verogy)
124 LaSalle Road, 2nd floor
West Hartford, CT 06107

RE: Assessor's Plat 275 Assessor's Lots 38 & 52
Knight Street

The following is the decision on your application for Preliminary Plan Approval of a Major Land Development, heard by the Warwick Planning Board at the regularly scheduled meeting held on February 14, 2024

The Applicant is proposing to construct a 998.5 kilowatt Direct Current solar development on Knight Street. The proposed solar development will occupy approximately 3.9+/- acres of the 16.3 acre parcel. The entirety of the project is zoned Light Industrial (LI) with a portion of the site (Lot 38), located within the Pontiac Village Historic Overlay District (H).

After completion of the Public Hearing for which notice was served and a record was kept, the Warwick Planning Board taking into consideration its knowledge and expertise, and after considering all of the representations and presentations made at the Public Hearing, found this proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposal is generally consistent with the *City of Warwick, Comprehensive Plan 2033*, as follows:
 - a. That the proposal is generally consistent with the City of Warwick, *Comprehensive Plan 2033*, (Comprehensive Plan), Part V, Sustainable Systems which calls for regulations to support renewable energy installations; and to choose sustainable materials, methods and practices, when possible.
 - b. That Part V, Sustainable Systems, states that “*access to affordable, clean energy is critical to the City and its residents. Energy use, cost and conservation are integrally tied to many of the traditional elements of the Comprehensive Plan, including housing, transportation, economic development, community services, and natural resources...Energy conservation and efficiency are cost effective and reduce air pollution and negative impacts on other natural resources. Techniques for promoting energy demand reduction and efficiency include....the use of renewable and alternative energy sources.*”
 - c. That Goal 1, of Part V, Sustainable Systems states that the City shall implement practices to conserve energy and use renewable energy.

- d. That Chapter 11 Sustainability and Resilience includes a Recommended Policy (D) “*Replace fossil fuels with renewable energy sources*” and a corresponding Action, “*Provide regulations for renewable energy installations on private property (11.16).*”
2. That the proposal is in compliance with the standards and provisions of the City’s Zoning Ordinance in consideration of the following:
 - a. The property is zoned Light Industrial with a Historic Overlay (Lot 38).
 - b. The project received Zoning Board of Review (Petition No. **10898**, June 21, 2023) approval for a Special Use Permit (SUP) to allow the proposed use “*contaminated site solar energy system, ground mounted.*”
 - c. The Zoning Board of Review issued a dimensional variance to have a fence higher than allowed (7’) with a gate height of ten-feet (10’).
 - d. The *Rhode Island Historical Preservation and Heritage Commission* (RIHPHC) determined that “*the project will have no adverse effect on historic properties*” (Pontiac Mills Complex – National Register of Historic Places). The Warwick Historic District Commission reviewed the proposal in accordance with Section 311 Overlay District Regulations – Historic and approved the project with the following conditions:
 - i. The Entrance Gate shall be a wood gate with same solid appearance.
 - ii. The Entrance Gate shall be 10 feet (10’) in height.
 - iii. The landscape berm on the western property edge shall continue to the end of the chain link fence, beyond the electrical equipment.
 - iv. Landscape vegetation shall be six-feet (6’) at installation.
 - v. A landscape bond, in the amount of \$25,000 shall be added to the decommissioning bond for the long-term maintenance of the landscaping.
 - vi. The Applicant shall return to the Historic District Commission for signage approvals.
 3. That there will be no significant negative environmental impact from the proposed development provided the Applicant conforms to:
 - o All conditions of approval, including satisfying all landfill closure conditions imposed by the Rhode Island Department of Environmental Management’s *Office of Land Revitalization and Sustainable Materials Management Division* (RIDEM LRSMM) contained in the Remedial Decision Letter (RDL) dated August 3, 2023 for RIDEM File number **SR-33-0472**.
 - o All conditions of approval contained in the RIDEM *Office of Water Resources Freshwater Wetlands Program* Insignificant Alteration Permit dated October 20, 2023 for Application **No. 21-0184**; RIPDES No. **RIR102216**.
 - o Conclusions contained in the Environmental & Community Noise Assessment complete by WSP USA Environmental & Infrastructure, Inc (Chelmsford, MA) which state that “*the sound level from the proposed facility will be in compliance with the City of Warwick noise standards at all residential property lines and the sound levels from the facility are not expected to increase offsite background noise levels by 3 dBA or more as required by Ordinance.*”
 4. That the development, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable in consideration of the following:

- a. The development, as proposed, is contained on Assessor's Plat 275, Lots 38 & 52 and the Applicant has sufficiently demonstrated that the lot can appropriately support development while remaining in conformance with pertinent regulations and building standards.
5. That the proposed development possesses adequate and permanent access to Knight Street, which is a public street.

Based on the foregoing findings of fact, on a motion by XXX, seconded by XXX, the Warwick Planning Board voted XX in favor to adopt the Planning Department's findings and conditions and to grant Preliminary Plan approval with Final Approval to be Administrative.

Conditions of Approval:

1. That all Plans shall comply with "Rules and Regulations for Professional Land Surveying in the State of Rhode Island", effective date November 25, 2015.
2. That the Applicant shall submit a Preliminary Land Development Plan that complies with Appendix C of the City's Development Review Regulations Governing Subdivisions, Land Development Projects, and Development Plan Review, last amendment dated March 14, 2001.
3. A Soil Erosion and Sediment Control permit must be obtained from the City of Warwick prior to the commencement of any construction activities, including vegetation clearing and earthwork.
4. Soil erosion and sediment control measures must be properly maintained throughout construction.
5. The Design Engineer must inspect the installation of the Stormwater Management System (SMS) and submit a certification that the construction substantially conforms to the approved plans. In addition, the Design Engineer must prepare an as-built plan of the SMS; highlighting any significant deviations from the approved plan. Changes from the design plan will require prior authorization from the Approving Authority.
6. The Property Owner must be provided with the as-built plan and the Operation and Maintenance Plan for the Stormwater Management System. The Property Owner shall be responsible for the operation and maintenance of all proposed stormwater mitigation measures.
7. That before issuance of any permits, the Fire Department shall review all plans for compliance with all life safety codes and issues as outlined in NFPA – FIRE CODE, 2012 Edition and NFPA 70 – National Electrical Code, 2011 Edition; ARTICLE 690 –Solar Photovoltaic Systems; and ARTICLE 490 – Equipment, Over 600 Volts, Nominal.
8. A Clear Area of ten feet (10') around ground-mounted photovoltaic installations shall be provided.
9. A noncombustible base acceptable to the Authority Having Jurisdiction (AHJ) shall be installed and maintained under and around the installation.
10. There shall be no architectural, landscaping or natural barriers to prevent easy access of fire apparatus. Accessibility for emergency service vehicles is required along with clearly-marked procedures for shutting down the solar energy system.

11. That, a sign shall be posted on the facility and shall display the name of the owner and or operator of the facility and provide a twenty-four (24) hour emergency contact number. Signage shall be subject to approval by the Warwick Historic District Commission.
12. That prior to Final approval, the Applicant shall satisfy the Building Official regarding the security of the perimeter fencing as it is proposed to be ballasted due to the environmental land use restriction.
13. That at the abandonment of the use of this solar park, all equipment shall be removed from the site, no more than six months after the date of discontinued operations. The owner/operator shall notify the building official of the proposed date of discontinued operation and plans for removal. At a minimum, decommissioning shall consist of: removal of all solar park related structures, equipment, security barriers, and transmission lines from the site; disposal of all solid and hazardous waste in accordance with applicable disposal regulations; and stabilization and revegetation of the site as necessary to prevent erosion and restore the natural habitat.
14. That as part of the Final recording, the Applicant shall post a bond or establish an escrow account, in an amount to be determined by the Administrative Officer, to provide a guarantee that the facility will be promptly removed after it reaches the end of its useful life. This amount shall include \$25,000 required by the Historic District Commission as surety for landscape maintenance.
15. The Applicant shall submit an independent, post-development noise study to ensure no increase in noise occurs from the facility above 3dB.
16. All buffer plantings and landscaping shall be maintained for the life of the project by the owner, applicant, and/or operator of the facility.
17. Full compliance with Section 509 of the Warwick Zoning Ordinance, "*Administrative procedures for solar energy systems on contaminated sites*" is required for the life of the project.

Sincerely,

Phil Slocum, Chair
Warwick Planning Board