

Memo

To: Planning Board
From: James M. Lamphere, Planner *JL*
Date: August 26, 2020
Re: Development Plan Review – Photovoltaic Solar Energy System – Revity Energy, LLC – 15 Frontier Road – AP 7 Lots 62, 62A & 63

DESCRIPTION

DiPrete Engineering has submitted an application for Development Plan Review on behalf of Revity Energy, LLC relating to a proposed 11.3 Mega Watt DC (9.25 Mega Watt AC) ground-mounted Photovoltaic Solar Energy System. The proposed system is sited on approximately 37 acres out of a total of 64 acres encompassing the three parcels owned by Hopkinton Investments, LLC (AP 7 Lots 62, 62A & 63). The properties are zoned Manufacturing.

In your packet, you will find:

- Landscape Plans (Rev. August 20, 2020) by John C. Carter & Co. (24x36, 4 pages plus cover)
- Landscape Buffer Memorandum (August 24, 2020) from Crossman Engineering
- Planner Memo to Board (August 26, 2020)

PLANNER COMMENTS

On Tuesday, August 18, 2020, town staff and town engineer Doug Allam and Landscape Architect Lynda Rogers of Crossman Engineering met with the applicant's team at the site for the purpose of attempting to draft a reasonable request for the Planning Board to consider as an alternative to not cutting existing vegetation in the setback area. Applicant's representatives included Landscape Architect John Carter and Dave Russo of DiPrete Engineering. Please find in your packet a copy of the revised landscape plan along with a memo from Crossman.

It is my understanding that the applicant is fine with the proposed motion and conditions on pages 2-4 of this memo.

The most recent plan set I have is dated 7-7-2020 with page 8 of plan set last revised on 7-29-2020.

As of this writing, I have not seen a letter of approval of the PSES design from the Fire Marshall.

EXPIRATION OF REVIEW PERIOD

At the August 5, 2020 meeting, the applicant's attorney granted an extension to September 9, 2020. If the Board does not make a decision on September 2, 2020, the Board should ask the applicant for another extension.

PLANNER COMMENTS

Decommissioning

According to Legal Guidance provided by the Town Solicitor, the Planning Board must rely on expert testimony introduced on the record in making a decision on this aspect of the project. In light of this, the Planning Board has two options: 1) Approve the independent decommissioning cost estimate of June 12, 2020 as prepared by Crossman Engineering in the amount of \$278,064.26 (See packet), or 2) set a decommissioning amount that is greater than \$278,064.26 but not exceeding \$343,254.85, a number reflecting a 25% contingency instead of the 10% contingency provided in the initial Crossman estimate.

<u>Crossman Estimate June 12, 2020</u>		<u>Crossman Estimate of June 12 with 25% Contingency</u>	
Base Decommission Estimate	\$434,603.88	Base Decommission Estimate	\$434,603.88
10% Contingency	\$43,460.39	25% Contingency	\$108,650.97
Total	\$478,064.26	Total	\$543,254.85
Estimated Salvage Value	\$200,000.00	Estimated Salvage Value	\$200,000.00
Net Current Value	\$278,064.26	Net Current Value	\$343,254.85
Proposed MW AC	9.25	Proposed MW AC	9.25
Cost per MW AC	\$30,061.00	Cost per MW AC	\$37,108.63

*Per the Crossman Engineering decommissioning estimate, for cost items based upon a per MW value, those total costs will vary if the MW value changes.

Proposed Approval Motion for Discussion

In order to facilitate discussion and hopefully advance this project further toward decision, I offer the following motion for the Planning Board to consider:

MOTION: After having reviewed the site plans for the solar array development proposed by Revity Energy for property on Frontier Road, the Hopkinton Planning Board approves the Overall Site Layout Plan prepared by DiPrete Engineering as revised on July 29, 2020 conditional to compliance with the conditions enumerated herein, finding that:

1. The proposed development is consistent with the Town of Hopkinton Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
2. The granting of approval will not result in conditions inimical to the public health, safety and welfare;
3. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district;
4. There will be no significant environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval; and
5. The proposed development has adequate and permanent access to a public street

1. The applicant shall post financial security in the form of an interest-bearing escrow account in the amount of \$343,254.85^{*1} (as described in more detail in the Crossman decommissioning estimate of June 12), which represents the complete cost of removal in the event the Town or its contractor must remove the PSES.
2. The applicant shall construct, operate and maintain the PSES in accordance with all applicable Federal, State and local requirements.
3. Regarding the well located on site and servicing the abutting restaurant property, if the well remains active on the site, the applicant shall obtain Rhode Island Department of Health (DOH) approval to implement the Overall Site Development Plan approved by the Hopkinton Planning Board or relocate the well to another location acceptable to DOH
4. The applicant will adhere to all setbacks as indicated on the approved plans.
5. To the extent possible, the understory vegetation along Maxson Hill Road will remain in place and be supplemented with additional planting of evergreen trees of a minimum of 6 feet in height at the time of planting, as set forth on the approved landscaping plan.
6. The applicant shall comply with all applicable responsibilities and obligations of the Hopkinton Zoning Ordinance, including but not limited to Chapter 246 entitled, Non-Residential Photovoltaic Solar Energy Systems Ordinance adopted January 22, 2019.
7. The proposed PSES shall be designed and constructed in accordance with all applicable fire codes, as such may be interpreted by the Fire Marshall. The construction of any PSES will not be allowed until the design has been approved by the Fire Marshall.
8. The establishment of the proposed PSES will not prevent the normal and orderly use, development or improvement of the adjacent property, for uses permitted in the district.
9. The applicant and/or current project owner shall avoid any disruption, interference with, or loss of radio, telephone, television or similar signals and shall mitigate any such harm caused by the PSES.
10. All reasonable precautions must be taken to protect neighboring properties from exposure to any radiation produced as a result of the PSES, including but not limited to, high levels of radio frequency electromagnetic radiation.
11. Sound emitted by the PSES will not exceed forty (40) decibels as measured at the property line. The applicant has indicated that mitigation measures may be required to meet this requirement. Within 90 days of the solar farm becoming operational, the applicant and/or current project owner will conduct a Post Construction Environmental Noise Assessment to determine if mitigation is necessary and to verify that sound emitted by the PSES shall not exceed forty (40) decibels as measured at the property line. The Town shall select independent engineers to review the Post Construction Environmental Noise Assessment for completeness and accuracy, at the applicant's and/or current project owner's expense.
12. No blasting will be conducted on the parcel in conjunction with any activity related to the construction of a PSES, including land preparation.
13. The PSES and equipment shall not have a significant adverse impact upon the soils, water resources, air quality or other natural resources of the land or surrounding area.
14. All appurtenant structures and equipment shall be screened from view by vegetation and joined or clustered to avoid adverse visual impacts to any adjacent property that is residentially zoned and/or used for residential purposes. The visual screen shall be maintained in a manner consistent with the original approval and approved landscape plan that reasonably and effectively shields the project until the PSES is decommissioned. The owner of the PSES and any successors shall maintain the screen and understory cover. In the event that the screening is not constructed or maintained consistent with the approved landscaping plan, the Town may contract with a Registered Landscape Architect, currently licensed and authorized to practice in the State of Rhode island, and at the applicant's and/or current project owner's expense, to review said screening and to recommend solutions to rectify the inadequacy and/or failure. Upon notification, the applicant and/or current project owner shall promptly work with the Registered Landscape Architect to ensure screening is consistent with the approved landscaping plan.
15. Any equipment that utilizes fluid shall be outfitted with a containment mechanism sufficient to contain at least 125% of said fluid, and which prevents said fluid contact with the ground.
16. Throughout the life of the project, the owner of the PSES will provide copies of all correspondence with Federal and State agencies pertaining to project permits and regulatory requirements.

¹ *Per the Crossman Engineering decommissioning estimate, for cost items based upon a per MW value, those total costs will vary if the MW value changes.

17. The applicant and/or current project owner shall submit an as-built plan, prepared, stamped and signed by a Registered Professional Land Surveyor, licensed and currently authorized to practice in the State of Rhode Island, showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Town may order its removal and/or its relocation as appropriate.
18. The applicant and/or current project owner shall maintain the PSES in a neat, clean, operable condition at all times, ensuring the structural and technical integrity of the facility. All maintenance shall be performed in a timely manner. Maintenance shall include, but not be limited to, structural repairs and integrity of security measures, fencing, and vegetative buffers.
19. Site access shall be maintained to a level acceptable to the Fire Chief or Fire Marshal and Emergency Medical Services.
20. The applicant and/or current project owner shall be responsible for the cost of maintaining the PSES and any access road, unless adapted as a public way, and shall bear the cost of repairing any damage occurring as a result of operation and construction.
21. The Town's Engineer or designee shall inspect the PSES at the expense of the applicant and/or current owner on a weekly basis during construction, and during the month of April each year after completion of construction. Said inspection will include a review of any and all reports as required by the State of Rhode Island, and the Town of Hopkinton and the Federal government. The applicant and/or current project owner shall reimburse the town for any cost incurred as specified in the Stormwater Facility Maintenance Agreement.
22. At any time during the project construction, the Building/Zoning Official and Town engineering consultant may inspect the PSES to ensure compliance with the provisions of the PSES Ordinance.
23. The final design of the containment mechanism(s) for any equipment that utilizes fluid, designed to contain at least 125% of said fluid, will be included in the application for the building permit by the applicant and/or current project owner. Such plans must be prepared, stamped and signed by a Registered Professional Engineer, licensed and currently authorized to practice in the State of Rhode Island. The applicant and/or current project owner will formally agree to implement those containment mechanism(s) during project construction.
24. Equipment pads that house equipment that utilize fluid are to be sealed using material that is chemically compatible with the fluid utilized in the equipment.
25. The applicant shall provide to the Town Planner specifications and information related to the maintenance schedule of the transformers used on site.