



# EAST PROVIDENCE WATERFRONT DISTRICT COMMISSION

## Hearing Panel Meeting Minutes February 20, 2020

*Attendees:* Steven Hardcastle, Chair  
William Fazioli  
Paul Moura  
Peter Willey

*Staff:* Pamela M. Sherrill, AICP, Executive Director  
Chris Martin, Waterfront Planner  
Sara Bradford, Bradford Associates

The chair called the meeting to order at 7:25 PM and established quorum.

### A. Old Business

Unanimous vote to approve the minutes of April 18, 2020, motioned by Mr. Moura and seconded by Mr. Willey. All in favor.

### B. New Business

- a. **VOTE:** Public hearing to send an advisory opinion to the Waterfront Commission for a conditional use for a “public utility not otherwise mentioned” for a proposed 2,807 kilowatt direct current solar array system with distribution to National Grid.

Project: Kearsarge Solar Facility  
Owner: Arpad J. Merva Revocable Living Trust  
Applicant: Kearsarge Solar, LLC  
Location: 0, 7, and 105 Dexter Road  
Assessor’s: Map 204, Block 01, Lots 17, 17.1 and 18  
Zoning: Dexter Road Sub-District

Mr. Fazioli motions to accept testimony and exhibits given by the Applicant to the DRC. Mr. Moura seconds. All in favor. Mr. Moura motions to accept Todd Greene of GZA GeoEnvironmental as an expert witness. Mr. Fazioli seconds. All in favor.

Mr. Greene testifies about site and conditions, the location in the East Providence Waterfront Commission’s Dexter Road sub-district, his knowledge that Article 9 of the East Providence Zoning Ordinance, “Waterfront Special Development Districts” governs applications for this location, and acknowledges that the proposed use of a solar array system is a conditional use as a, “public utility not otherwise mentioned.” Mr. Greene presents his opinion that the solar array system will not impact the value of neighboring properties and the use is consistent with uses approved for the site. The proposed use will not increase traffic, generate noise or odors and not use municipal utilities such as water or sewer and will allow for the continued environmental remediation on the site. Mr. Greene believes that the Applicant met their burden for the granting of conditional use of the solar arrays on the site. Mr. Greene testifies that the applicant relies on the analysis he provided

in the project narrative to meet the burden of proof per Sec 19-479 Deviations and conditional use provisions of the East Providence Zoning Ordinance.

Mr. Green addresses a Hearing Panel comment about the solar array being the highest and best use for the property at this time. A member agrees that the solar array is the best use for the property. The Commission asks about environmental monitoring and what the remediation condition will be at the end of the project. Mr. Greene answered that they will assess the performance of the system annually and work with RIDEM through the site remediation process.

There was no public comment. The hearing was closed on a motion by Mr. Moura, seconded by Mr. Fazioli and voted unanimously.

On a motion by Mr. Fazioli and seconded by Mr. Moura, the hearing panel voted unanimously to send a positive advisory opinion to the Waterfront Commission for a conditional use for a “public utility not otherwise mentioned” for a proposed 2,807 kilowatt direct current solar array system with distribution to National Grid as indicated in Kearsarge Solar LLC’s application, February 6, 2020 narrative, and plan set received January 30, 2020, based on comments from City staff, the Planner’s Memorandum, the Applicant’s testimony and public testimony. The Hearing Panel finds that the project is in conformance with the reviewing criteria set forth in Section 19-479 Deviations and conditional use provisions, of the East Providence Zoning Ordinance and the purposes of Article IX, “Waterfront Special Development Districts” regulations of the East Providence Zoning Ordinance.

Mr. Fazioli – Aye Mr. Moura – Aye Mr. Willey – Aye Chair votes - Aye

On a motion by Mr. Moura, seconded by Mr. Fazioli, the hearing panel voted unanimously to adjourn at 7:34 PM.

Respectfully submitted,

CHRIS MARTIN, WATERFRONT PLANNER