

**Conway Planning Board**  
**Thursday, May 20, 2021, 6-7:30 p.m.**  
**MINUTES**

**Location: Meeting conducted remotely, per Governor Baker's directives**

**Present:** Beth Girshman (chair), Jenn Mullins (vice-chair), Susan Fentin, Mary McClintock, Bill Moebius, Joe Strzegowski (associate member); Lara De Lucca (administrative assistant)

**Other Attendees:**

Francis D. Parisi, esq. 225 Dyer St, Providence RI 02903  
Mark Silverman, ZBA chair

Meeting called to order 6:01 pm by Chair Beth Girshman

**1. Review and approve minutes of previous meeting, May 6, 2021**

Motion to approve minutes as submitted by Mary: Seconded by Jenn

Vote:

Girshman - Aye

McClintock - Aye

Moebius - Aye

Mullins - Aye

Motion is passed.

**2. Pre-town meeting and Town meeting presentations - updates**

Beth made one change to the handout Susan drafted, asked Louise to make copies. Will hand out at pre-town meeting and at town meeting.

Pre-town meeting is May 24, 7:00 – 8:30. Mary will be facilitating, and Beth and Susan plan to attend. This doesn't constitute an official PB meeting that needs to be posted, since the discussion will be of a variety of issues before the town, not just before PB.

The Board of Health is questioning whether pre-town meeting should be outside, but so far it is planned for the gym. A live broadcast or Zoom wasn't possible, so it will be recorded and shared later. People can email Mary ahead of time if they don't want to come to the in-person meeting but do want to add something to the discussion.

### **3. NexAmp – outstanding issues and letter**

Beth emailed and mailed a letter on 5/16 to NexAmp listing the outstanding issues with the project. No response so far from NexAmp.

Joe is negotiating with Tighe & Bond about how many more site inspections they will do.

They suggest the following outstanding issues:

1. Outlet of retention pond
2. Water is moving faster than is recommended down the ravine, this is the “erosion” mentioned by abutters. Needs installation of a velocity dissipation device. This may delay installation of trees, planting around fence.
3. Close out inspection before taking out erosion controls and silt fence.
4. Inspection after hydroseeding and trash removal. They will be checking out the hydroseeding so they are offering to do a trash inspection at the same time.

Once Tighe & Bond provides the quote, next step would be a discussion of whether or not there will be cost-sharing with NexAmp.

ConCom wants to come to next site inspection. The Landscape Plan and timeline are due next week from NexAmp and will be discussed at the June 3 meeting.

Susan moves that the whole text of both the letter Beth sent to NexAmp and the email of outstanding issues from Tighe & Bond be incorporated into the minutes. Bill seconded.

Vote:

Fentin - Aye

Girshman - Aye

McClintock - Aye

Moebius - Aye

Mullins - Aye

Motion is passed. Full text of the letter and email follow.

#### **Text of Letter sent by Beth to NexAmp:**

**VIA Email and regular mail**

**May 16, 2021**

Re: NexAmp Main Poland Road site issues

Abutters and residents of the neighborhood where the NexAmp Solar installation is located continue to raise concerns about the progress on issues related to the Solar project. They have brought the following to the attention of the Planning Board:

1. Landscape and Fencing

We appreciate the efforts that NexAmp is making to determine the appropriate screening for the site, but we need to remind you that in response to solar panel visibility complaints, on December 21, 2020 the Planning Board wrote to you requesting a Landscape Plan, as required by the Town's Solar Bylaws. As you are well-aware, the Bylaws require that the project proponent provide a Landscape Plan that shows the "the type and location of vegetation proposed to screen the installation including appurtenant structures from public ways and adjacent properties." *Article 91(f)*. As of today, more than five months later, we still have not received a Landscape Plan. Of course, the Landscape Plan may be subject to revision, but we must have some idea of what you are planning to do. **This Landscape Plan must be submitted to the Planning Board no later than May 27, 2021.** We will also require information as to when you expect the planting to begin and what type of maintenance you are planning to ensure that the vegetation survives. We understand that a combination of slats installed along the fence as well as vegetation will be part of any screening plans.

2. Location of Silt Fence and Gravel Spill abutting the access driveway

One of the abutters has stated that a silt fence installed along the Newman's driveway is actually located over his property line. In addition, he has indicated that gravel from the driveway used to access the site has spilled from the owner's driveway to the abutter's land. He has also noted a problem with a silt fence directing water and soil directly onto his property. As part of stormwater management we are expecting attention to be paid to this as soon as possible. We would also like a determination of whether the fence in question as well as the gravel spill are located within the NexAmp/Newman property lines. Please provide a current map, indicating property lines in relation to both the location of the Silt Fence and gravel spill. **This information must be submitted to the Planning Board no later than May 27, 2021.**

3. Erosion in the Ravine (Northeast corner)

We have received reports that there has been erosion or excessive runoff flows in the ravine located near the NexAmp project. As you know, wetlands protection and stormwater management are part of your obligations under the agreement that you have with the Town of Conway. We have asked Tighe and Bond to examine the area in question, and the Conway Conservation Commission will also be making a site visit. If there is any evidence of erosion, or of impact on wetland resources, you will be required to repair and mitigate the damage and to take adequate steps to ensure that no further erosion occurs.

We expect that, should Tighe and Bond's inspection reveal that erosion has taken place, any additional expenses that the Town incurs from that inspection will be NexAmp's responsibility.

Sincerely,

Beth Girshman

Chair, Conway Planning Board

Text of "Outstanding Issues" email sent by Tim Houle of Tighe & Bond to Jaymie Stanton of NexAmp (cc'd to Joe):

Hi Jaymie,

I think the next inspection would be when the basin outlet repairs are made. In all, I think I will likely end up doing 3 inspections, possibly 4.

1. Basin outlet repairs completed
2. Velocity dissipation device(s) installed
3. Close-out inspection prior to removal of silt fence and other temporary stormwater and erosion controls
4. Inspection on the additional hydroseeding and trash removal if the Town Planning Board feels it is necessary to review this at a separate time from other inspections.

Do you have an update on the outstanding site work above as well as an estimate of when you were hoping to remove the temporary stormwater and erosion controls?

Thank you,

Tim

**4. Town election – open Planning Boards seat – contingency plans**

Nobody is running for the open seat. Everyone should think about possible candidates and a contingency plan if no one shows up as a write-in. Will the Selectboard appoint someone? Pre-town meeting is a good opportunity to notice who is there and talk it up to likely people.

**5. Update on Vertex Tower cell tower special permit – ConCom review**

Vertex Tower Assets just filed NOI with ConCom today. Meeting with ConCom scheduled for June 8 with the site visit that afternoon. This took longer than expected (for a number of reasons) and construction probably won't start until after the winter. If they don't get the building permit by October they can't start construction until April or May.

Francis Parisi representing Vertex attended. They will be requesting a year's "extension for good cause," which is allowed by state law. They are asking for the "maximum permissible date allowed by applicable law" for their special permit granted by PB, because they have been delayed for a number of "circumstances beyond their control," including the pandemic. The special permit was issued in August 2020. The bylaw says they have one year to commence construction from the granting of the special permit, and 2 years to be operational. It has been a year since the decision. There is some question about the deadline, because of the tolling that the governor declared during the pandemic, due to expire on June 15. Need for clarity on this.

He has also requested an extension of the zoning variance issued by ZBA in March 2020.

Vertex Tower Assets needs a decision on the extension from PB prior to June 15. Francis will return at the July meeting to request the extension. In the meantime we need to get a better understanding of what the real expiration dates are.

Beth has not checked with council, has so far used information from KP Law website. Beth will follow up with an email to Russ (interim town administrator), and cc Mark S.

#### **6. River corridor overlay zoning – update from work group, Jenn**

Jenn met with Kimberly, but Andy (from Open Space Committee) wasn't present. Kimberly is preparing a handout for town meeting that she will ask Jenn to share with the PB for feedback. They are planning another meeting with Andy, to get Andy's feedback on handout. The long term plan for the work group will be hashed out with Andy.

Kimberly emailed Mary asking about the Community Preservation Committee. She wanted to send the CPC information and meet the group. Mary told her there is no planned meeting for CPC right now because there are no proposals.

Joe is working with Friends of the South River on a handout on flood mitigation for town meeting, showing areas of concern and a map.

#### **7. Updating floodplain bylaws – as required by state**

none

#### **8. Summer meeting schedule**

PB regular meeting time will change to 7:00 p.m. starting with the June 17 meeting.

Summer meetings will be July 22 and August 19. Beth will reserve the large Town Hall space, since we are anticipating a return to in-person meetings in July. Beth will follow up with the interim town administrator about the question of in-person versus virtual meetings, and whether or not the town plans to set up the technology for hybrid meetings. For now, PB will return to using the conference call phone so that calling in to the meeting will be possible, but a quorum will need to be present in the room for voting.

**9. Mail/email**

none

**10. Old business**

none

**11. New business (not anticipated 48 hours in advance)**

none

**Upcoming Meetings (first and third Thursdays):**

- June 3, 6pm
- Pre-town meeting, Monday, May 24, 7:00 p.m.
- Town meeting, Saturday, June 5, 1 p.m.
- June 17, \*\*\*NOTE – new start time of 7 p.m.\*\*\*

**Motion to close the meeting:**

Mary moves, Second: Susan

Vote:

Fentin - Aye

Girshman - Aye

McClintock - Aye

Moebius -Aye

Mullins - Aye

Motion is passed and meeting is closed at 7:16 pm.