May 7, 2018

Good evening Chair Beauregard and Members of the Town Council,

Thank you for your service to our community. Serving in roles such as Town Council Chair or Member requires many hours of your time, and to the extent that you are working in our community’s best interest, I am grateful for your service.

I am here this evening to express my serious concerns over the proposed overlay ordinance. My concerns are substantive as relate to the both content, intent and potential consequences of the overlay district and the process by which we have arrived at this moment in our community’s life.

First, I shall express concern and dissatisfaction with the process that has been utilized to this point. I, myself, and others I know in town, only heard about this overlay district proposal a matter of weeks ago. Yet, I understand from speaking directly with TC leadership that others on the TC and other town officials have been discussing this proposal with the developers for months. Anything as large-scale commercial, with the potential to so seriously alter our community should have been brought to light sooner than it has. The community has barely had a moment to digest this complex legalese and already it seems you are ready to vote this evening. This is inappropriate. And I am asking you to slow down and listen earnestly to the concerns of the community. There are ethical principles in planning that state that the community should be armed with information and should be part of the planning process from the beginning of such proposed projects.

If the process included time for residents to constructively discuss our wishes and values devoid of a sense of urgency around making a decision, that would be more appropriate. We already have the feeling that the TC wants to vote on their predetermined opinions without actively taking our opinions, knowledge, and concerns into account.

Our 2017 solar ordinance allows...

From the point of view of respect for the community, this has been a dishonoring process.

The American Institute of Certified Planners (ACIP) issued a statement on ethical principles in planning. This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers.

AICP Ethics in Planning states that “the planning process exists to serve the public interest.”

Question: Whose interest does this proposed overlay district serve?

“Planning issues commonly involve a conflict of values, and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.”
Planning participants should:

FIRST: Recognize the rights of citizens to participate in planning decisions;

SECOND: Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have the a meaningful role in the development of plans and programs;

AND: Ensure that reports, records, and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision.

AND: Pay special attention to the interrelatedness of decisions and the long range consequences of present actions

Two Mondays ago was the first hearing on this ordinance. Community members barely had time to learn about the fact of this ordinance, let alone digest its content, and there was already a process set in place to approve the ordinance. I am of the understanding that since the first hearing two weeks ago, an individual resident or residents gave input into a revised draft, however, I am not aware of that revised draft being posted or readily made available to residents prior to this meeting, tonight. Many of us work full time and are caring for family members. We should be able to follow the unfolding of this process without having to take time out of work to keep tabs on what is going on. A high degree of transparency is called for when a community is being targeted by a development entity who wishes to fundamentally change the nature of our community. We deserve the respect of knowing what is in the ordinance, what it means on a practical level, and the time that would allow us to research this situation. This utility-scale solar overlay district is not consistent with the nature and desires of this community. A utility-scale array on top of Whortleberry Hill would require an additional substation. Where would that go?

I listened to the TC hearing on YouTube and I heard the defensiveness of at least a couple of TC members when a resident raised issues about transparency and ethics concerning this situation. Ethics and transparency should be front and center as it relates to this issue. It’s not a time for ethics to be a taboo topic. A question I continue to ask is: Why does our community need this overlay district? If the developer wants to make land arrangements with private land owners, they can do that and pursue special use permits as needed. It certainly appears that the purpose of the overlay district is a means for the developer to circumvent our community’s agreed-upon processes and to have more power and control over our land and our zoning ordinances for their own financial gain. Let’s call it what it is.

North Smithfield is not the only community being targeted for such development and with such ordinances. Other communities such as Exeter, Coventry, Richmond, North Kingstown, and others, are facing similar dilemmas. There are similar fights for transparency, use of Environmental Science, community engagement, and fairness.

On the use of the term “solar farm”, I would like to name this for what it is. It’s a commercial-scale solar array. It’s not a farm.

About the issue of privately owned land, it has been stated that “land owners can do what they want with their own land. They can clear cut it if they want to.” The land in question is zoned residential, so, no, these residents cannot do “whatever they want” with this land. There is DEM, there are wetlands regs. There are regs related to watersheds. We live in a community. As our 2006 Comp Plan states, we are interconnected and interdependent in this
community. There are laws and there is also a social compact. I may have the right to spray Round Up all over my property if I want to, but it doesn’t mean I am going to do it, as I know there is evidence that Round Up is harmful to human development. Just because I can do something doesn’t mean it’s the right thing to do.

What’s more, the proposed ordinance would ostensibly remove the Zoning Board and Planning Board from future oversight of projects that would take place within the proposed overlay district.

Question: With the good of the community in mind, what function would the proposed overlay district foster? My read on this overlay district is the developer would like to decrease the levels of oversight that our government has set up to govern ourselves so that developers are held accountable for their plans and actions. I do not want my government hobbled in order to make things easier for the developers. What’s more, our Town Council, with all due respect, does not possess the diverse professional training to be the exclusive gatekeepers and arbiters for the developer’s proposed plans. This is why we have numerous boards to oversee such proposals. Why would we want to lose our own ability to regulate and govern ourselves? This truly makes no common sense.

Question: Did anyone on the Town Council seek expert advice from any independent professionals from the Environmental Science realms? Certainly we know that the developer has provided some amounts of information about their proposed overlay district and its impact to the environment. Much of what we hear is crafted in such a way as to allay our concerns. However, as stewards of our community and its natural resources, including town character, safe groundwater, drainage and flooding concerns, has the Town Council received any opinions on the effects of clear-cutting 200 acres of forested land and installing ground mounted photovoltaic panels? I don’t believe so. I have sought the expert opinion of a scientist who advises the state on development, and the information I received raises grave concerns about the destruction this proposed plan could bring. Clear-cutting and soil compaction to prepare for the ground-mounted solar array components would be damaging to the ground’s filtration ability. Furthermore, twenty years of utility is a veritable blink of the eye. This is an assault to the land for a mere 20 years of predicted return.

Question: Has anyone on the Town Council visited other sites that have been clear-cut for similar installations in RI, and what the ramifications of such clear-cutting have been

Question: What would happen if these 200 acres were deforested, the soil compacted and we have torrential rainfall? Will this rainfall flow downhill pulling contaminants with it from the adjacent junkyard down to Cedar Swamp? Into our drinking water sources?

There is the repeated “threat” of “either large scale commercial solar array or building homes on this land”. My comment about that is, with the ledge, wetlands, the number of years this land has already been owned, and a decades old junkyard, my common sense tells me that the number of buildable lots would be far fewer than are being cited among those who are proponents of this overlay district. And in terms of impermeable surfaces, how much impermeable surface will there be with this commercial-scale solar array? Will there be concrete cooling baths? Compacted soils? Grass planted under the solar array is not nearly of the same environmental quality as forested land.

In sum, North Smithfield is not the only community in RI facing this current environmental and cultural crisis. Other communities like ours have mobilized and are sharing resources and information. The residents must be meaningfully and satisfactorily engaged in this decision.
making process. Our elected and appointed officials must use standards of transparency and collaboration with the community that exceed the bare minimum if there is to be a sense of trust between the community and its decision makers. Please remember that you serve our entire community, not the financial interests of a small number of individuals from inside and outside of the community who stand to gain as our land and natural and cultural resources become degraded now and for future generations. Please don’t do these things as my representative. Thank you for your time and attention to the residents’ input. We are counting on you to do the right thing.

Sincerely,

Cynthia Roberts, PhD