

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: INVENERGY THERMAL DEVELOPMENT LLC's
APPLICATION TO CONSTRUCT THE
CLEAR RIVER ENERGY CENTER IN
BURRILLVILLE, RHODE ISLAND

SB-2015-06

**CLEAR RIVER ENERGY LLC'S (INVENERGY'S) 2nd SET OF DATA
REQUESTS TO THE TOWN OF BURRILLVILLE**

- INVENERGY REQUEST 2-1:** Section 30-34(e)(4) of the Burrillville Zoning Ordinance states: “When a use is permitted by special use permit, the zoning board *may grant dimensional relief in conjunction with said special use permit* if the special use could not exist without the dimensional variance.” (Emphasis added.) R.I. Gen. Laws § 45-24-42(c) also states that a zoning ordinance “may provide that an applicant may apply for, and be issued, a dimensional variance *in conjunction* with a special-use permit.” (Emphasis added.)
- (a) Has the Town of Burrillville (“Town”) granted relief in accordance with either or both of the above provisions? If the answer is yes, please identify on how many occasions the Town has granted relief since 2012?
 - (b) Referencing the following statement in the status report of the Building Inspector, filed with the Energy Facility Siting Board (“Board”) on June 12, 2017: “Any one of these three variances required would also prove fatal to the special use permit as granting zoning use relief in conjunction with a special use permit is not allowed.” Do you admit that this statement is in contravention of Section 30-34(e)(4) of the Burrillville Zoning Ordinance and R.I. Gen. Laws § 45-24-42(c) stated above?
 - (c) If your response to question 2-1(b) is anything other than an unqualified affirmative, thereby constituting a denial, state specifically the factual basis for such denial.
- INVENERGY REQUEST 2-2:** On November 2, 2016, Invenergy provided (via federal express) the Building Inspector with the Preliminary Stormwater Management Plan and Preliminary Soil

Erosion and Sediment Control Plan, which were also filed with the Board on September 27, 2016.

- (a) Did the Building Inspector receive the Preliminary Stormwater Management Plan and Preliminary Soil Erosion and Sediment Control Plan?
- (b) Did the Building Inspector review the Preliminary Stormwater Management Plan and Preliminary Soil Erosion and Sediment Control Plan?

INVENERGY REQUEST 2-3:

On October 14, 2016, Invenergy provided (via federal express) the Building Inspector with a conceptual plan set that included proposed details for CREC and a set of plans, similar to what is anticipated in a post-licensing building permit application, for comparison with reference to another similar Invenergy Thermal Development LLC project in Lackawanna County, PA.

- (a) Did the Building Inspector receive the conceptual plan set?
- (b) Did the Building Inspector review the conceptual plan set?

INVENERGY REQUEST 2-4:

On June 9, 2017, Invenergy provided the Building Inspector (via e-mail and federal express) with the following:

- (1) Stormwater Management and SESC drawing package (Appendix A of the Freshwater Wetlands Alteration Permit Application), that was filed with RIDEM (note: these documents supersede the preliminary plans provided in November of 2016);
- (2) A chart identifying what drawings have been revised and/or updated;
- (3) The Facility's Stormwater Management Plan (Appendix J of the Freshwater Wetlands Alteration Permit Application), which includes the Soil Erosion and Sediment Control Plan;
- (4) A courtesy copy of the revised Water Supply Plan, filed with the Board on January 11, 2017;
- (5) Revised and updated Site Arrangement and General Arrangement, prepared by HDR, Inc. dated February 16, 2017, revised April 17, 2017 (drawings 238926-

0GA-C1000 – revised and 238926-0GA-C1001B – superseded by 238926-0GA-C1001C); and

(6) A list of buildings and structures, detailing our interpretation of whether a proposed building and/or structure is considered a “principal” or “accessory” structure under the Burrillville Zoning Ordinance, and our interpretation of whether the building and/or structure identified requires a height variance.

(a) Did the Building Inspector receive documents 1 through 6 above?

(b) Did the Building Inspector review documents 1 through 6 above?

Presented by
CLEAR RIVER ENERGY LLC
By its Attorneys,

/s/Alan M. Shoer

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Dated: June 21, 2017

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2017, I delivered a true copy of the foregoing Data Requests via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer

SB-2015-06 Invenergy CREC Service List as of 06/19/2017

Name/Address	E-mail	Phone/FAX
<p>File an original and 10 copies with EFSB: Todd Bianco, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888</p> <p>Margaret Curran, Chairperson Janet Coit, Board Member Assoc. Dir., Div. of Planning Parag Agrawal Patti Lucarelli Esq., Board Counsel Susan Forcier Esq., Counsel Rayna Maguire, Asst. to the Director DEM Catherine Pitassi, Asst. to. Assoc. Dir. Plann. Margaret Hogan, Sr. Legal Counsel</p>	<p>Todd.Bianco@puc.ri.gov; Kathleen.Mignanelli@puc.ri.gov; Patricia.lucarelli@puc.ri.gov; Margaret.Curran@puc.ri.gov; janet.coit@dem.ri.gov; Catherine.Pitassi@doa.ri.gov; Margaret.hogan@puc.ri.gov; susan.forcier@dem.ri.gov; rayna.maguire@dem.ri.gov; Parag.Agrawal@doa.ri.gov;</p>	<p>401-780-2106</p>
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