



**TOWN OF PORTSMOUTH  
PLANNING BOARD**

2200 East Main Road  
Portsmouth, RI 02871  
401-683-3717

**PORTSMOUTH PLANNING BOARD  
Regular Meeting  
January 9, 2018**

**Members Present:** Guy Bissonnette, Luke Harding, Edward Lopes, David Garceau, Michael James, Ryan Tibbetts and Kathleen Wilson

**Members Absent:** none

**Others Present:** Leon Lesinski, Administrative Officer, Portsmouth Planning Board, Atty. Kevin Gavin, Portsmouth Town Solicitor and Michael Asciola, Assistant Town Planner.

The Meeting was called to order by Mr. Bissonnette at 7:00 p.m.

**1. Agenda Continuances/Modifications:**

**Agenda item #8: Velocity NBC, LLC (The Newport Beach Club):**

Mr. Lopes continued his previous recusal of this agenda item.

Atty. Joshua Parks, Adler Pollock & Sheehan P.C., 1 Citizens Plaza, Providence, RI appeared representing the applicants with a request for a continuation of an application for a minor modification to reduce the number of residential units (fifth modification).

**MOTION:** Mr. Harding made a motion, seconded by Ms. Wilson, to continue Velocity NBC, LLC (The Newport Beach Club) to the next regular meeting scheduled for February 13, 2019. All in favor. So voted.

**Agenda item #12: Review procedures for handling zoning infractions for substandard lots of record and lots created without Planning Board approval after the August 28, 1959 Land Development Regulations were implemented.**  
Mr. Bissonnette and Mr. Lesinski stated that this item is withdrawn from the agenda.

**2. Approval of minutes for Planning Board meeting of November 14, 2018**

**MOTION:** Mr. Harding made a motion, seconded by Mr. Garceau, to approve the minutes of the November 14, 2018 regular meeting. All in favor. So voted.

**3. BMC Realty Partners, LLC, AP 58, Lot 49 – Request to reduce Road Bond for Cutler Court Subdivision**

The Planning Board members and Atty. Gavin discussed the written endorsement of a road bond reduction by Brian Woodhead, Director, Portsmouth Public Works Department, dated December 21 2018.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Lopes, to reduce the road bond for the Cutler Court Subdivision, BMC Realty Partners, LLC, AP 58, Lot 49 by

50%. All in favor. So voted.

**4. Sakonnet Bluffs, LLC, AP 59, Lots 5A – 5P, Vanderbilt Lane – Continuation of request to reduce Road Bond for the Sakonnet Bluffs Subdivision**

Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth appeared representing the applicants. He asked for a continuation of a request to reduce the road bond for the Sakonnet Bluffs Subdivision to the next regular meeting scheduled for February 13, 2019. He noted that the applicants are working out issues over the private road with their abutters.

Mark Goulart, abutter, 26 Stanton Road, Portsmouth, requested clarification of the intended use of the private road.

Atty. Chappell stated his understanding of the Planning Board decision that the private road is to be gated and not to be used during construction. He agreed to research further clarification.

**MOTION:** Mr. Tibbetts made a motion, seconded by Ms. Wilson, to continue the request to reduce the road bond for Sakonnet Bluffs, LLC, AP 59, Lots 5A – 5P, Vanderbilt Lane to the next regular Planning Board meeting scheduled for February 13, 2019. All in favor. So voted.

**5. Ferreira Farms Land Corp. – owner, Kreg, LLC. – applicant, AP 48, Lot 35 (corner of Pleasant View Avenue and Ferreira Street) – Application for Master Plan approval for Major Subdivision (19 lots)**

Atty. Jay Lynch, Moore Virgadamo & Lynch, Ltd., 97 John Clarke Road, Middletown, RI appeared representing Kreg, LLC, applicant with a request for Master Plan approval for a 19 lot major subdivision, located east of East Main Road at the corner of Pleasant View Avenue and Ferreira Street and abutting the Windrock Acres subdivision to the north. He noted that the plan indicates a road “tie-in” to Windrock Acres. Mr. Lynch presented written notice from RIDEM, dated September 5, 2018, that there are no wetlands on the proposed site. He asked that this notification be entered into the record. Mr. Harding stated that, based on comments from an abutter at the November, 2018 informational hearing, he reviewed the Windrock Acres application in which wetlands are indicated in the southeast corner of that site near the property line with the proposed subdivision. He questioned the RIDEM notice, stating further that he came to understand that CRMC determines wetland location. Atty. Lynch stated that the project engineer is prepared to address these questions in his testimony.

Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth who appeared representing Windrock Acres, explained his follow-up inquires with Bill Smith, P.E., the engineer of record for Windrock Acres. He noted that the Windrock plan shows wetlands up to the boundary, leaving the existence of wetlands beyond that in question. According to Bill Smith, P.E., the engineer of record for Windrock Acres, CRMC and RIDEM have divided areas of wetland jurisdiction in Portsmouth. Atty. Chappell stated

that, in consultation, Mr. Smith expressed confusion with the RIDEM notification because he believes CRMC has jurisdiction over the area. Mr. Smith also noted to Mr. Chappell that during the course of the proposed subdivision's application to CRMC, the confusion should be cleared up. Atty. Chappell expressed his clients' concern that any changes to the topography on the southern side of the stonewall (the northeast corner of the proposed site) could have a negative impact on the wetland area in Windrock Acres. He stated that he had a submission of his consultation with Mr. Smith for the Planning Board.

Christopher Duhamel, P.E., DiPrete Engineering, 90 Broadway, Newport, RI stated that he conducted a wetland delineation of the area in the northeast corner of the proposed site, which consisted of a dug swale at the easterly boundary that drains southerly to a catch basin and then to a 30 inch culvert that drains to the drainage system in the public right of way on McCorrie Lane. He further noted that the site is an agricultural field that is tilled regularly and has no evidence of wetland vegetation. He noted that the soils are not hydric in nature. He found that the only stream like area is the dug swale (or farmer's ditch), which did not qualify as wetlands according to RIDEM because it does not drain to a receiving wetland but rather to a drainage system. Mr. Duhamel stated that David Reis, Environmental Scientist, Permitting Staff, CRMC accepted the RIDEM determination in the September 5, 2018 notification. He explained that further permitting would probably include a RIPDES permit and a CRMC assent.

Mr. Duhamel continued his testimony with a review of the proposed subdivision located on a 12-acre site, which is zoned R20. The plan indicates 1900 feet of roadway off of frontage on Pleasant View Avenue and Ferreira Street and a road connection on the northern boundary to Windrock Acres. The proposed 19 residential lots conform to R20 regulations. Mr. Duhamel requested a modification for road width from 28 feet to 26 feet (a 24 foot road surface with 2 one foot shoulders) to reduce impervious surface and maintenance. The plan indicates a community wastewater treatment system. The subdivision has public water. Mr. Duhamel described the proposed drainage system, which is designed to mitigate the extensive drainage issues in the area.

Atty. Lynch stated that maintenance of the drainage system will be established as part of the homeowners association restrictions. He requested that a memorandum, dated November 14, 2018, from Brian Woodhead, Portsmouth Public Works Director to Mr. Lesinski, which includes a list of issues to be addressed by the proposed plan, be entered into the record. Mr. Duhamel confirmed that he will meet the four listed requirements through the proposed plan including the road connection with Windrock Acres.

In response to Mr. Tibbetts and Mr. Bissonnette, Mr. Duhamel stated that individual lot wetland setbacks for the northern lots, that feature the wetlands berm, are to be determined and indicated on future iterations of the proposed plan. In response to Ms. Wilson, Mr. Duhamel confirmed that the pipe/culvert in the southeast corner of the site, which drains to the public system on McCorrie Lane, is 30 inches in diameter. He

agreed to investigate the condition of the pipe and to indicate the pipe easement number on the plan. In further response to Ms. Wilson, Mr. Duhamel agreed to note the indicated channel/pipe at Pleasant View Avenue in the proposed plan narrative. Mr. Bissonnette called for public comment.

Kevin Ake, abutter, 126 McCorrie Lane, Portsmouth expressed concern for the RIDEM wetlands determination on the proposed site. He stated that each year, a large amount of cattails, proof of wetland vegetation, is cleared from the site. Mr. Duhamel noted that existence of some wetland vegetation is coupled with other criteria, like site hydrology and soil evaluation to determine a wetland designation. He confirmed for Mr. Ake that the proposal includes improvements to the intersection of Pleasant View Avenue and Ferreira Street.

Atty. Chappell expressed concern that the proposed subdivision maintains the existing berm on the northerly boundary line so as not to create future drainage issues for Windrock Acres. Atty. Lynch agreed, stating that Windrock Acres can be listed as a beneficiary of the homeowners association and lot deed restrictions in order to codify the proper maintenance of the berm.

Michelle Ake, abutter, 126 McCorrie Lane, Portsmouth stated that the proposed site is mowed, rather than tilled, each year. She expressed concern for the considerable drainage problems. Mr. Duhamel explained that the soil erosion control plan during construction should help with the problems Mrs. Ake experiences on her lot. Mrs. Ake expressed concern for additional traffic on McCorrie Lane that is associated with the proposed development. Mr. Bissonnette closed the public comment portion of the hearing.

Atty. Lynch gave summary comments and requested Master Plan approval with acceptance of the reduced road width to 26 inches. Ms. Wilson questioned the feasibility of the reduced road width. Mr. Duhamel noted that the fire department has yet to comment on the road width but that he will seek input in the preliminary approval process. Mr. Harding commented that Windrock Acres received approval for the reduced road width. Ms. Wilson expressed concern for site distances along the winding road.

**MOTION:** Ms. Wilson made a motion, seconded by Mr. Lopes, to make master plan approval for Ferreira Farms Land Corp, AP 48, Lot 35 (corner of Pleasant View Avenue and Ferreira Street) on the following conditions:

1. The proposed plan is updated to indicate the catch basin, the pipe and additional drainage in the southeast corner of the proposed site.
2. The proposed plan is updated to indicate the discharge to the pipe in the southeast corner of the proposed site
3. The master plan narrative for the proposed subdivision references the said catch basin, pipe, the additional drainage and discharge in the southeast corner of the proposed site.

4. The conditions listed in the memorandum, dated November 14, 2018, from Brian Woodhead, Portsmouth Public Works Director to Leon Lesinski, Administrative Officer, Portsmouth Planning Board be met by the proposed plan.

All in favor. So voted.

Ms. Wilson made a motion that was not seconded to delay approval of the reduced road width to the preliminary hearing in order to review further plan details.

**MOTION:** Mr. James made a motion, seconded by Mr. Tibbetts, to approve a reduced road width from 28 feet to 26 feet (a 24 foot road surface with 1 foot berms on either side) for Ferreira Farms Land Corp., AP 48, Lot 35 (corner of Pleasant View Avenue and Ferreira Street). The motion was carried with six votes for and one vote against. Ms. Wilson opposing.

**6. John Borden, AP 31, Lots 32 and 32A (2951 East Main Road) – Approve Preliminary and Final Decision for Minor Subdivision**

**MOTION:** Mr. Tibbetts made a motion, seconded by Mr. Lopes, to approve the Preliminary and Final Plan Decision for Minor Subdivision for John Borden, AP 31, Lots 32 and 32A (2951 East Main Road) as submitted by Leon Lesinski, Administrative Officer, Portsmouth Planning Board.

**7. John Borden, AP 31, Lot 32B (Canonchet Drive) – Concept review for four (4) lot subdivision**

Atty. Neil Galvin, Galvin Law, Ltd., 10A Washington Square, Newport, RI appeared representing the applicant with a concept review of a four lot subdivision near West Main Road and Canonchet Drive. He noted that the applicant presents the concept plan as a part of a commitment that he made to the town and to his neighbors to secure the lot with an approved subdivision to determine its future development in a preferable lay out and density. Atty. Galvin noted that the application is undergoing RIDEM septic approval and that the only relief request to the Zoning Board of Review is for construction on a private road. He noted that all other dimensional requirements are met by the plan. The Portsmouth Fire Marshall has reviewed the road lay out.

John Borden, 41 Mill Lane, Portsmouth, applicant confirmed his discussion with William Ethier, Portsmouth Fire Marshal, explaining that the road must be a minimum of 20 feet wide and have a gravel and shell surface. Mr. Ethier required a turning radius in the northeast end of the road, which is wide enough to access lots 1 and 2 and likewise in the southwest turn for lots 3 and 4. Mr. Borden noted that he would pursue written confirmation from Mr. Ethier once he presents the final road configuration according to the stated requirements. He noted that Mr. Ethier determines the road base.

Mr. Galvin noted that the plan will indicate a vegetative screen for the neighboring lots. He stated that he intends to request combined preliminary and final plan approvals. Mr. Bissonnette called for public comment to which there was none.

Mr. Borden stated that he had a preliminary discussion on the plan with Jessica Lynch, Portsmouth Water and Fire District in which she indicated that Mr. Ethier would require a fire hydrant. Mr. Borden confirmed this requirement with Mr. Ethier in a later discussion.

**8. Agenda item #9: Global Partners, LP – Applicant (Alwar Equities, Inc. – Owner), AP 51, Lot 34D – Request for Advisory Opinion for a Special Use Permit to allow for the redevelopment of an existing automobile fueling station**

Atty. Sean Bouchard of Silva, Thomas, Martland and Offenberg, Ltd, 1100 Aquidneck Avenue, Middletown, RI appeared with a request for an advisory opinion to the Zoning Board of Review for a special use permit for the redevelopment of the Mobil Gas Station, located at 1568 West Main Road. He requested that the Portsmouth Design Review Board Advisory Opinion, dated September 10, 2018 be entered into the record.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Harding, to qualify Paul A. Sylvia, P.E., Vice President/Engineer, Ayoub Engineering, Inc., 414 Benefit Street, Pawtucket, RI as an expert in the field of civil engineering. All in favor. So voted.

Mr. Sylvia gave a review of the proposed plan. The new gas station includes gas service pumps and a café that offers pre-prepared foods. Mr. Sylvia noted that the existing gas tanks are removed and replaced with two 20,000 gallon, state of the art fiberglass storage tanks with double wall construction and leak monitoring systems. The gas dispensers are located on the eastern half of the site on a new dispenser pad and covered by a new canopy with a fire suppression system. Mr. Sylvia noted that the septic system design is near completion for submission to RIDEM for approval. The drainage system has grit and oil separators for pre-treatment of run off from the ground impervious surface. The roof run off is pre-treated and infiltrated on site. The drainage system reduces run off from the site by two thirds of the existing run-off and is designed for 100-year storm events. In response to Mr. Lopes, Mr. Sylvia confirmed that the plan proposes an additional 4000 to 5000 square feet of impervious service, the run-off from which is considered in the drainage calculations. The proposed plan does not indicate propane storage. Noting that the plan indicates use of the two existing curb cuts, Mr. Sylvia explained that initial discussions with RIDOT were favorable toward the installation of a left hand turn lane for traffic coming south on West Main Road, which will be indicated in the project PAP application. In response to Mr. Bissonnette, Mr. Sylvia confirmed that the existing internal road connection with the Dunkin Donut site will remain intact. He also noted that all utilities are sufficient and that the plan proposes 23 parking spaces based on the new use.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Harding, to qualify, Maureen Chlebek, P.E., PTOE, Associate and General Manager, McMahon, Transportation Engineers & Planners, 14 Breakneck Hill Road, Lincoln, RI as an expert in field of traffic

engineering. All in favor. So voted.

Atty. Bouchard requested that the traffic impact study by Ms. Chlebek and McMahon be entered into the record.

Ms. Chlebek gave a brief overview of the traffic study, which involves three steps, a study of the existing traffic conditions, a five-year projection of traffic in the area and study of traffic operations associated with the proposed site. The calculated crash rate for the controlled intersection to the north of the site is .79 crashes per one million entering vehicles, which is measured as insignificant. The crash rate for the site curb cuts is .53. The peak traffic times are 7:00 to 7:30 a.m. and 4:00 to 5:00 p.m. The traffic projections study to the year 2022 yielded 24 new trips in the morning and 28 new trips in the afternoon from the proposed site. The site levels of service, from “no build” to “build” conditions, remain the same at an overall Level C (acceptable) and during the p.m. peak, at Level E (at capacity). The overall traffic level along West Main Road at the site is Level A with the curb cuts yielding Levels C to E. Ms. Chlebeck stated that typical motorist behavior is to use the signalized intersection to the north at the Dunkin Donuts site particularly to make left hand turns going south. In response to Atty. Bouchard, she stated that the study indicates no overall change in traffic service in the surrounding area with the proposed plan and new use. Site circulation is favorable according to the study. In response to Mr. Lopes, Ms. Chlebek noted that up to three cars could queue in a proposed southbound, left hand turn lane on West Main Road and no space was taken from the northbound left hand turn lane. Mr. Bissonnette called for public comment to which there was none.

**MOTION:** Mr. Harding made a motion, seconded by Mr. James, to make a favorable recommendation for a special use permit to the Zoning Board of Review for Global Partners, LP – Applicant (Alwar Equities, Inc. – Owner), AP 51, Lot 34D on the conditions and recommendations set forth in the Portsmouth Design Review Board Advisory Opinion of September 10, 2018, the traffic impact study completed by McMahon Transportation Engineers & Planners and the drainage study completed by Ayoub Engineering. All in favor. So voted.

**9. Agenda item #10: Dean DeMello, AP 54, Lot 17 (Sea Spray Estates) – Request to approve street name “Sea Spray Drive” for Sea Spray Estates Subdivision**

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Tibbetts, to accept the road name, Sea Spray Drive for Dean DeMello, AP 54, Lot 17 (Sea Spray Estates), as approved by William Ethier, Portsmouth Fire Marshal in an email, dated December 13, 2018. All in favor. So voted.

**10. Agenda item #11: Discuss Aquidneck Island Planning Commission (AIPC) report of AIPC activities**

Ms. Wilson gave a report on the recent AIPC activities and issues including the following:

1. The effects (reduced tax revenue, shrinking full time rental stock, dark streetscapes) of short term, vacation rentals in Newport, RI
2. The CCRI hosted Smart Island event on Housing, scheduled for March 15, 2019, 8 a.m.
3. The West Side Master Plan revision
4. The effects of the dissolution of 150 homeowner's associations in Middletown, RI
5. The presentation to the AIPC by the Green Municipal Aggregation.

**11. Agenda item #13: Approve Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording**

Mr. Lesinski presented Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording, January 9, 2018.

**MOTION:** Ms. Wilson made a motion, seconded by Mr. Garceau, to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, January 9, 2019 and to place it into the record. All in favor. So voted.

At 8:58 p.m., a motion was duly made and seconded to adjourn the meeting. All in favor. So voted.

Respectfully submitted:  
Dede Walsh  
Recording Secretary for:

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Leon Lesinski  
Administrative Officer