



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD
Regular Meeting
September 11, 2019**

Members Present: Guy Bissonnette, Edward Lopes, David Garceau and Ryan Tibbetts

Members Absent: Luke Harding and Kathleen Wilson

Others Present: Leon Lesinski, Administrative Officer, Portsmouth Planning Board, Atty. Kevin Gavin, Portsmouth Town Solicitor and Gary Crosby, Town Planner.

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

1. Agenda Continuances/Modifications:

Mr. Bissonnette announced that due to the absences of Mr. Harding and Ms. Wilson for personal reasons, as well as the recusals of Mr. Lopes and Mr. Tibbetts on Agenda Items 3 and 4, respectively, the Planning Board would not have a quorum to hear those items or approve the minutes of the August 14, 2019 regular meeting.

2. Approval of minutes for Planning Board meeting of August 14, 2019

MOTION: Mr. Tibbetts made a motion, seconded by Mr. Lopes, to continue the approval of minutes of the August 14 2019 regular meeting to the October 9, 2019 regular meeting. All in favor. So voted.

3. Velocity NBC, LLC (The Newport Beach Club) – Approve decision for Minor Modification (5th modification) for re-allocation of a proposed residential unit to an existing coastal structure to be renovated

MOTION: Mr. Tibbetts made a motion, seconded by Mr. Garceau, to continue Agenda item # 3, Velocity NBC, LLC (The Newport Beach Club) to the October 9, 2019 regular meeting. All in favor. So voted.

4. Hodges Realty Holdings (owner), 1170 East Main Road, LLC (applicant), AP 58, lot 50A and 50B – Request for Advisory Opinion to Zoning Board of Review for Special Use Permit for manufacturing, office and customer service related to marine trades

Mr. Tibbetts recused himself from the hearing of this petition.

Atty. Girard Galvin, Galvin Law, Ltd., 10A Washington Square, Newport, RI appeared representing the applicant, 1170 East Main Road, LLC, with a request for an advisory opinion to the Zoning Board of Review for a special use permit for a manufacturing, office and customer service, related to the marine services, complex for a site located at the former Hodges Badge location on the west side of East Main Road. He noted that the proposed plan has an associated land purchase closing date, which is contingent upon certain town approvals. He inquired as to whether the Zoning Board of Review could approve the special use permit on the condition that Planning Board grant a favorable advisory opinion at a later date, given the lack of a quorum of Planning Board members at the meeting. At the suggestion of Mr. Bissonnette, Atty. Galvin agreed to wait until a point further in the meeting when the Planning Board may vote to schedule a special meeting to accommodate the further hearing of Agenda item # 6.

5. Anthony Russo (owner), Joseph Capelo (applicant), AP 44, lot 18A (West Main Road) – Request for Advisory Opinion to Zoning Board of Review for Special Use Permit to develop an Auto Oil Change service facility

Atty. William Dennis, Dennis Law Inc., 576 Metacom Avenue, Bristol, RI appeared representing the owner and applicant with a request for an advisory opinion to the Zoning Board of Review on a special use permit for an auto oil change facility on the east side of West Main Road. He acknowledged the Planning Board's receipt of the Portsmouth Design Review Board [DRB] Advisory Opinion on the petition, dated September 9, 2019. He stated that the engineer and architect of record would present the plan.

MOTION: Mr. Lopes made a motion, seconded by Mr. Tibbetts, to accept Tom Principe, P.E., Principe Engineering, Inc. as an expert in the field of civil engineering. All in favor. So voted.

Tom Principe, P.E., Principe Engineering, Inc., 27 Sakonnet Ridge Drive, Tiverton, RI explained the existing conditions on the 26,024 sq. ft. lot of record, located in C1 zoning to the north of Sydney's Café with Russo Road just further south. He explained that the proposed plan is designed around the previously approved drainage plan that features a large underground system along the western edge, which takes up 40 to 50 feet of frontage. Mr. Principe described the one-way traffic circulation to the proposed building, which features front office space and three oil change service bays. He noted the 6-space parking area abutting the RIDEM approved on-site wastewater treatment system. He noted that 11 parking spaces are required and the plan features 12 including 6 spaces within the service bays. All other utilities are serviced from Russo Road. Mr. Principe stated that the applicant is seeking a Zoning Board of Review variance for total lot coverage of 72.9% (70% maximum allowable) due to the number of drainage easements, which constrict developable area. He noted that the DRB made recommendations for landscaping but due to the drainage system easement, planting buffer areas are limited. In response to Mr. Lopes, Mr.

Principe confirmed that the proposed plan works around the existing drainage pipe along the north boundary of the site.

MOTION: Mr. Lopes made a motion, seconded by Mr. Garceau, to accept Chris Fagan, Fagan Design Build Studio as an expert in the field of architecture. All in favor. So voted.

Chris Fagan, Fagan Design Build Studio, P.O. Box 774, Newport, RI, architect of record presented the building design for the application. The four-bay, 1800 square foot building features glass walls and service bay openings, an asphalt, architectural shingled, hipped roof with non-operable window dormers. The proposed exterior is clad with shingle siding above a stone base throughout. The three service bays are located in the rear of the building with the fourth office bay in the front. In response to Mr. Lopes, Mr. Fagan verified that the intended street signage conforms to the recommendations set forth in the DRB advisory opinion. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Lopes made a motion, seconded by Mr. Tibbetts, to designate the Portsmouth Design Review Board Advisory Opinion: Joseph Capelo - AP 44, lot 18A, Shell Rapid Lupe, West Main Road, Portsmouth, RI, September 9, 2019, as Exhibit 1 to the petition. All in favor. So voted.

MOTION: Mr. Lopes made a motion, seconded by Mr. Tibbetts, to make a favorable advisory opinion to the Zoning Board of Review for Anthony Russo (owner), Joseph Capelo (applicant), AP 44, lot 18A (West Main Road) on the condition that the plan conforms with the recommendations set forth in the Portsmouth Design Review Board Advisory Opinion: Joseph Capelo - AP 44, lot 18A, Shell Rapid Lupe, West Main Road, Portsmouth, RI, September 9, 2019. All in favor. So voted.

6. Cort Chappell – Request for Advisory Opinion to Town Council regarding proposed amendment to the Zoning Ordinance for inclusion of a Solar Ordinance

Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth entered into a discussion with the Planning Board members regarding a proposed amendment to the Zoning Ordinance for inclusion of a solar ordinance. He explained the resources, including the RI Division of Statewide Planning Model Ordinance for solar energy systems and approved ordinances from other towns in the state that he researched in the writing of the proposed ordinance. He noted that certain entities interested in developing solar energy projects within the town could lose annual grant funding if the Zoning Ordinance is not modified to include solar energy by December 31. Mr. Bissonnette suggested that the Planning Board be given more time to read the material presented and that a special meeting be scheduled to hear Mr. Chappell's request for an advisory opinion to the Town Council. After discussion, the Planning Board made the following motion.

MOTION: Mr. Tibbitts made a motion, seconded by Mr. Lopes, to schedule a special meeting on September 25, 2019 to hear Agenda item 6, Cort Chappell – Request for Advisory Opinion to Town Council regarding proposed amendment to the Zoning Ordinance for inclusion of a Solar Ordinance. All in favor. So voted.

7. Continuation of Agenda Item 4, Hodges Realty Holdings (owner), 1170 East Main Road, LLC (applicant), AP 58, lot 50A and 50B

After a brief discussion between Atty. Galvin, Atty. Gavin and the Planning Board members, the following motion was made and passed.

MOTION: Mr. Lopes made a motion, seconded by Mr. Garceau, to continue Agenda item #4, Hodges Realty Holdings (owner), 1170 East Main Road, LLC (applicant), AP 58, lot 50A and 50B to the special meeting of September 25, 2019. All in favor. So voted.

8. Discuss Aquidneck Island Planning Commission (AIPC) report of AIPC activities

Due to Ms. Wilson's absence from the meeting, there is no AIPC report.

9. Approve September 11, 2019 Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording

MOTION: Mr. Lopes made a motion, seconded by Mr. Garceau, to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, September 11, 2019 and to place it into the record. All in favor. So voted.

10. Agenda Item 7, Review Comprehensive Community Plan

Mr. Crosby gave an update on the status of the Comprehensive Community Plan. He has completed the writing of the plan and the draft which he gave to the Planning Board is also posted on the town website. The Housing Element is under review by the consultant. He noted that the Implementation Element, which assigns more than 400 action items of the plan to town departments, may be better off compiled after the public hearing of the entire plan. He noted that RI Statewide Planning suggested that, given the town's resources, many of the action items and policies may be too hard to accomplish and that some should be "winnowed out" of the plan. He suggested that the Town Council could be instrumental in this task in their review as the final arbiters of the plan.

Mr. Bissonnette commented that the Planning Board should further review The Housing Element with the previously open issues, including Low to Moderate Income Housing (LMI) in a public forum and then proceed with a public hearing on the entire plan. Afterwards the Planning Board will forward the plan to the Town Council. Mr. Crosby stated that he could discuss scheduling the Planning Board hearings at the next regular meeting on October 9, 2019. Mr. Bissonnette

called for public comment.

Frederick Marano, 200 Lepes Road, Portsmouth inquired as to why The Housing Element was not posted on the town website as of the evening's meeting. Mr. Crosby explained that the element is under review by the consultant for compliance with Statewide Planning. When he receives the element back from the consultant, he intends to make changes based on the recommendations, then post the element to the website and send a hard copy to the Planning Board.

MOTION: Mr. Tibbetts made a motion, seconded by Mr. Lopes, to add to the agenda of the October 9, 2019 meeting, the scheduling of a Comprehensive Community Plan workshop specific to The Housing Element and LMI housing and further the scheduling of the public hearing on the Comprehensive Community Plan and The Implementation Element. All in favor. So voted.

At 8:00 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:

Leon Lesinski
Administrative Officer