



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD
Regular Meeting
January 13, 2016
MINUTES**

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

Members Absent: Ryan Tibbetts

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

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

1. Agenda Continuances/Modifications;

A. Mr. Lesinski presented a letter from Atty. Everett P. Correia, Darrow Everett LLP, Providence, RI in which Atty. Correia requests a continuance for Agenda Item #4: Northern Waterfront Associates, LP, AP 16, Lot 37, AP 17, Lots 8 & 9, AP 22, Lots 2, 3, 4 & 10, AP 23, Lots 18 & 29 (The Newport Beach Club.) Mr. Lopes recused himself from the discussion and motion on Agenda Item #4.

MOTION: Ms. Wilson made a motion, seconded by Mr. Garceau, to continue Agenda Item #4: Northern Waterfront Associates, LP, AP 16, Lot 37, AP 17, Lots 8 & 9, AP 22, Lots 2, 3, 4 & 10, AP 23, Lots 18 & 29 (The Newport Beach Club), to the February 10, 2016 regular meeting. All in favor. So voted.

B. Mr. Lesinski presented a letter from Mr. Robert Reed, Reed Development Corp., in which he requested a continuance until February of Agenda Item #11 Reed Development Corp. (Lilac Hill Extension), AP 57, Lot 31, Discuss status of Lilac Lane road construction and holding applicant in default of financial guarantee. He stated they were in the process of putting in monuments and obtaining a set of as-built drawings.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to continue Agenda Item #11 Reed Development Corp. (Lilac Hill Extension), AP 57, Lot 31, to the February 10, 2016 regular meeting. All in favor. So voted

2. Minutes for Planning Board meetings of November 10, 2015;

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to approve the minutes of the November 10, 2015 meeting. All in favor. So voted. Mr. Garceau abstained from the vote because he was not present at the November 10 meeting.

3. John & Kristin Moniz, AP 4, Lot 147 (107 Holliston Avenue) – Approve Administrative Subdivision and Merger (Adjust boundary on lot 135 and merge lots 136 & 137 and Advisory Opinion to Zoning Board of Review for non-conforming lots;

Attorney Eric Chappell, Chappell and Chappell, 171 Chase Road, Portsmouth, RI appeared representing the petitioners. He stated that when the property was surveyed it was realized that a neighbor's fence was 5' over on lot 135. His client is willing to deed over the 5' strip of land to the neighbor. He requested the boundary on lot 135 be adjusted 5' by taking 5' from lots 136 and 137 which are merged by usage. Zoning Board approval is required because with the existing garage the lot would be non-conforming by size and frontage.

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to approve an administrative subdivision and merger (adjust boundary on lot 135 and merge lots 136 & 137) subject to Zoning Board approval and to send a favorable opinion to the Zoning Board from the Planning Board. All in favor. So voted.

5. Terra Cotta Associates LP, AP 53, lots 18, 18E, 18F & 18G (East Main Road, Summer Street, & Palmer Street) – Approve Preliminary and Final Plan Decision for minor subdivision;

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to approve preliminary and final plan decision for a minor subdivision for Terra Cotta Associates LP, AP 53, lots 18, 18E, 18F & 18G (East Main Road, Summer Street, & Palmer Street) as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

6. Marianne McLane, AP 62, lot 6 (272 Glen Farm Road) – Approve Preliminary Plan Decision for minor subdivision (2 lots);

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to approve preliminary plan decision for a minor subdivision (2 lots) for Marianne McLane, AP 62, lot 6 (272 Glen Farm Road) as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted

7. John Braga, AP 64, lot 157 (Bramans Lane & Harvest Drive) - Approve Preliminary and Final Plan Decision for Minor Subdivision (4 lots);

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding with the understanding they have set a precedent, to approve preliminary and final plan decision for a minor subdivision (4 lots) for John Braga, AP 64, lot 157 (Bramans Lane & Harvest Drive) as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

8. Russo Road Subdivision, AP 44, Lots 18 & 19 (West Main Road) – Discuss completion of road construction and extension of completion date to hold the applicant in default of financial guarantee (previous completion date was 9/1/2015);

John Vitkevich, 119 Hummock Ave, developer of record, appeared on behalf of Mr. Russo, the owner. He stated that the road bond was never renewed by the Town. The road construction work has been completed by PJ Keating but there are still some punch list items that need to be finished. Once these items are completed they will turn the road over to the Town. Mr. Vitkevich stated these items will not be able to be completed until the spring. Solicitor Gavin stated that it was up to DPW Director Kehew which punch list items need to be completed.

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes that final inspection needs to be completed by May 8, 2016 so that by the May 11, 2016 regular meeting of the Planning Board all work will be completed. Mr. Lopes also requested that all 8 items on the on the checklist submitted by Mr. Kehew in an email, dated December 2, 2015, be completed. . All in favor. So voted

9. Apollo Brothers, LLC (Sea Fare Residences Condominium), AP 24, lot 11 (3352 East Main Road) – Discuss Landscape Plan violation (replacing a row of Juniper trees with an eight (8) foot high fence along the abutting property on 24 Bourbon Street (AP 24, Lot 17) and proposed modification to the Landscape Plan;

Mr. Neal Hingorany, Developer, Apollo Brothers/Sea Fare Residences appeared and stated there were two issues. The first issue is the quality of landscaping behind Buildings 1 and 2, specifically Unit 2A. They have tried to adequately plant arborvitaes in this area but because it is shaded many plants have died. They have hired a landscaped architect and are actively testing different plantings in that area. Hydrangeas and rhododendrons seem to be working better than arborvitaes. Mr. Hingorany stated the second issue was the installation of an 8' white vinyl privacy fence at Unit 2A. The Sea Fare Residences Condominium Association approved the owner of Unit 2A, Ms. Stella Munro, to install the fence. Mr. Hingorany stated he does not believe the privacy fence conflicts with the approved landscape plans and it conforms to Zoning and building permits.

Mr. Doug Levesque, 24 Bourbon Street (Plat 24, Lot 17) is an abutter to six units. He state the owner received a variance to construct cluster condos and with that came an agreement to install a vegetative border. He stated this border has not been maintained. Mr. Levesque also stated that the installation of fences had not been previously discussed but understands it is allowed by Zoning. Mr. Levesque submitted 6 photo exhibits depicting the current plantings between his property and the Sea Fare Condominiums. He questioned who was responsible to enforce this installation of the vegetative border – Planning or Zoning. Solicitor Gavin Stated this could be a Zoning enforcement issue if in violation the original development agreement in which a Zoning variance was granted.

Ms. Stella Munro, 88 Sea Fare Lane, owner of Unit 2A, stated that she has gone to great expense to maintain a high quality of plantings in her yard. She was approved for a fence and cannot now relocate the fence because of plantings inside her yard.

Robert Goldman, 28 Bourbon Street (Plat 24, Lot 19) appeared as an abutter. He stated his concern that the landscaping border could be an issue when the new units were constructed.

Mr. Bissonnette suggested a continuance for one month to give Solicitor Gavin time to look into the responsibility of enforcement of this issue. He requested a copy of the original Planning Board Decision and a copy of the approved landscape plan. He also stated he would like the parties involved to take this opportunity to see if they could work out an agreement amongst themselves.

MOTION: A motion by Mr. Lopes, seconded by Mr. Harding to continue Apollo Brothers, LLC (Seafarer Condominium), AP 24, lot 11 (3352 East Main Road) – Discuss Landscape Plan violation and proposed modification to the Landscape Plan, to the February 10, 2016 regular meeting. All in favor. So voted.

10. Jam Construction, Inc., AP 52, Lot 4A (Randolph Way Subdivision) – Discuss status of road construction and holding the applicant in default of guarantee (Two year road construction period ends 2/12/2016 and expiry date on the Letter of Credit is 3/18/2016);

Attorney David Martland, of Silva Thomas, Martland & Offenber, Middletown, RI, representing the petitioner, requested a 1 year continuance. He stated all road work had been completed except monuments and the top coat. There are still 2 lots that have not been sold and the owner does not want to put down the final coat until all construction is complete.

Town Solicitor Kevin Gavin pointed out that the letter of credit expires in March. Attorney Martland has requested BankNewport to extend the date.

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to continue to the February 10, 2016 regular meeting to make sure a letter of credit is in place for an additional one year. At that time, they will move forward to continue to the November 9, 2016 regular meeting.

12. Review status of revised Comprehensive Community Plan and critical planning challenges and opportunities in Portsmouth;

Gary Crosby, Town Planner gave an overview of the process he is working on to revise the Comprehensive Community Plan. He submitted “Critical Planning Challenges and Opportunities in Portsmouth” and asked for any comments or input. He explained his process was to submit Goals for each Element, from there he constructs a set of Policy Statements that go with each Goal. Each Policy Statement will have Implementation Procedures. He also explained the timeline and the expected schedule of the process. Mr. Crosby hopes to have a full draft to the Statewide Planning Commission by June. After they review the draft, and make comments, it then goes to Town Council for final approval.

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

Ms. Wilson reported on the recent activities of the AIPC. She stated the AIPC is busy working on recommendations to submit for inclusion on the TIP for the whole island.

Solarize RI held three town meetings and quotas were met to ensure the best pricing. She also stated they are working on fiber optic installation on the island.

14. Review proposals for audio and video upgrades to Planning Board Conference Room;

Mr. Lesinski spoke with the Town Administrator who advised him there was \$30,000 available to upgrade the Town Hall. It was discussed how beneficial technical upgrades would be to the Planning Board Room. Quotes from Flint Audio Video, Full Compass Systems and Pro Acoustics were reviewed. Solicitor Gavin stated any upgrades would need to go out to bid and have Town Council approval.

15. Approve Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording.

Mr. Lesinski presented Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recordings, January 13, 2016. He also handed out a list of Outstanding Road Construction Projects. He stated roads on that list had not been accepted by the Town as they have not been completed and have not had a final inspection.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding to receive the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, January 13, 2016 and to place it into the record. All in favor. So voted.

At 8:46 p.m., a motion was duly made and seconded to adjourn the meeting. All in favor. So voted.

Respectfully submitted:
Katherine Inch
Recording Secretary for:

Leon C. Lesinski
Administrative Officer