



**Town of Portsmouth**  
ZONING BOARD OF REVIEW  
2200 East Main Road / Portsmouth, Rhode Island 02871  
www.portsmouthri.com

(401) 683-3611

**SPECIAL MEETING**  
**JANUARY 14, 2016**

**MEMBERS PRESENT:** Mr. James Edwards, Chair, Mr. James Nott, Vice-Chair, Mr. John Borden, Mr. James Hall, and Ms. Kathleen Pavlakis, Second Alternate.

**MEMBERS ABSENT:** Mr. James Sherrod, Secretary.

**OTHERS PRESENT:** Town Solicitor Kevin Gavin was present as legal counsel for the Board, Building Official George Medeiros, and Barbara Ripa as recording secretary.

Mr. Edwards opened the meeting at 7:00 p.m.

**I. MINUTES:**

There were no minutes to approve.

**II. CHAIRMAN'S REPORT:**

There was no Chairman's Report.

**III. CONTINUED BUSINESS:**

1. (R) A petition by Greenvale Farm, LLC, 242 & 325 Greenvale Lane, Portsmouth, RI for a special use permit to allow agriculture-special events uses on tax assessor's map 65, lot 4, Art V, Sec C & Art VII, Sec A.1.

Mr. Edwards summarized the last meeting that was held on this petition on December 17, 2015. Mr. Edwards asked if any other abutters wanted to speak. There were none.

Petitioner's attorney, David Martland, presented the Board with Exhibit J, an updated order by Judge Nugent in the case of Exeter vs Zarrella Trust that rules that Exeter cannot prohibit weddings under the new Right to Farm Act.

Mr. Martland provided the Board of Review with his reasons why he believes his client has met the burden of proof for a special use permit to hold special events. He has submitted a list of possible conditions to be placed on the petition.

Nancy Howard, 16 Dianne Avenue asked to speak. Ms. Howard said that several speakers and the petitioner gave misleading and inaccurate statements.

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- Ms. Howard provided the Board with Exhibit 19, an agreement with Farmlands LLC and Greenvale LLC limiting the development of lot 4 to 10 houses.
- Ms. Howard provided the Board with Exhibit 20, a copy of her statement.

A motion was made by Mr. Nott and seconded by Mr. Borden to close the hearing to all additional testimony so the Board could render a decision on the petition of Greenvale Farm, LLC. The motion carried with all in favor.

A motion was made by Mr. Nott to place general conditions – these conditions will pertain to all events allowed unless a specific condition is placed for a specific event, if the petition is granted the special use permit. In that case the event specific condition will supersede any of the general conditions:

1. No event will be allowed within 650' of Wapping Road.
2. No portable lighting will be allowed within 650' of Wapping Road.
3. A police detail will be required for any event with 100 or more attendees.
4. No event shall go beyond 10:00 PM on any night of the week.
5. The number of events allowed per calendar year shall not exceed 60 events.
6. Only one event at a time per day with no overlap allowed.

The motion was seconded by Mr. Borden for discussion.

Mr. Borden suggested:

7. All servers of alcohol must be TIPS certified.
8. A Greenvale staff member must be on site during all events to deal with complaints or emergencies.
9. For large private events of greater than 100, the use of trolleys and busses is encouraged to minimize traffic on Wapping Road.

Mr. Nott amended his motion to include Mr. Borden's 7 – 9.

Mr. Hall was instrumental in changing #6 to its final version.

Ms. Pavlakis suggested:

10. All event vehicles must be parked on Greenvale property, not on neighboring streets.

The motion to place the 10 general conditions on the petition passed as amended with all in favor.

A motion was made by Mr. Nott to place conditions on types of events and event specific conditions, if the petition is granted the special use permit. These were as follows:

1) **WEDDINGS**

- a. The maximum number of attendees shall be limited to 200 not including the caterer and music provider.
- b. Weddings shall not go past 10:00 PM with the exception of the caterer and music provider who must leave the venue no later than 11:00 PM.

2) **CORPORATE EVENTS**

- a. The maximum number of attendees shall be limited to 200.

3) **PRIVATE EVENTS**

- a. Private events shall be defined as anniversary parties, birthday parties, and rehearsal dinners.
- b. The maximum number of attendees shall be limited to 100.

4) **CONCERTS**

- a. The maximum number of attendees for all concerts shall be limited to 150.
- b. Concerts will be allowed in the Tasting Room and adjacent terrace only.

5) **WINE DINNERS**

- a. The maximum number of attendees shall be limited to 50.
- b. Wine dinners will be allowed in the Tasting Room and adjacent terrace only.

6) **FESTIVALS**

- a. The following three festivals will be allowed under this special use permit: Restoration Celebration, Harvest Festival, Warm Up for Winter Festival
- b. The maximum number of attendees for all festivals shall be limited to 300.
- c. All festivals shall conclude by 5:00 PM.

The motion was seconded by Mr. Borden for discussion. The motion to place conditions on types of events and event specific conditions carried with all in favor.

Voting on approval of the special use permit with the conditions in place began.

Mr. Hall: Approve:

The applicant has been before the Board before for this type of permit and they were denied. Now this has changed with the Town Council's adoption of the ordinance. The applicant made a good case of introducing testimony and experts, all of whom have testified before the Board before and at no time did anyone give an expert witness to contradict their testimony. I can't deny for something that may happen in the future. The Board has put in conditions. I vote to approve; they have met the burden of proof.

Mr. Nott: Approve:

I denied the original petition. I went to Lancaster, PA and came across a winery with a large event center in horse and buggy country. They had no incidents there and were in a more rural location than Portsmouth. If this petition were denied, what could this farm do? By right, this farm could bring in pigs and manure and plant crops. We have placed conditions on the petitioner and the petitioner has met the special use permit criteria. I approve.

Mr. Borden: Approve:

I will reference the Zoning Ordinance and reference what has been presented. The Board must make an educated opinion as to whether the petition meets the special use criteria. If they meet the criteria, they are approved. If not, they are denied. Is the petition compatible with the Comprehensive Community Plan? The Land Use Element states "manage development... and that Portsmouth's quality of life and coastal and rural resources are protected." By approval of this special use permit it will help. The Agriculture Element of the Comprehensive Plan says we are to maintain and promote agriculture. The Historical Element of the Comprehensive Plan – to promote and preserve historical sites and buildings and to preserve and protect farms. Safeguards will mitigate neighbors' concerns. There have been no accidents, no DWIs, no noise violations, and there is plenty of parking. Green Valley Country Club is similar. I vote to approve.

Mr. Pavlakis: Approve:

Nancy Parker-Wilson's testimony was compelling. None of the complaints was founded and I vote to approve.

Mr. Edwards: Approve:

I vote to approve for the reasons previously given. I want to congratulate all of those in favor and against for being involved. I believe the owner is a responsible and respected member of the community. The historical significance of the property is great. Traffic can be controlled. I agree that noise can be controlled with the nearest house 750' from the site, tiki torches are used for weddings, property values are higher closer to the vineyard, and it supports many employees. Farmland is disappearing. We need to keep it sustainable. Greenvale is a huge asset to the Town, and a vineyard is subject to weather conditions. I approve.

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A motion to adjourn was made by Mr. Nott and seconded by Mr. Borden. The motion carried with all in favor. The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Barbara A. Ripa, Recording Secretary