



TOWN OF PORTSMOUTH PLANNING BOARD

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

PORTSMOUTH PLANNING BOARD Regular Meeting February 10, 2016

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

Members Absent: Michael James

Others Present: Leon Lesinski, Administrative Officer, Planning Board
The Meeting was called to order by Mr. Bissonnette at 7:00 p.m.

1. Agenda Continuances/Modifications: As follows.

Agenda item #5: JAM Construction, Inc., AP 52, Lot 4A (Randolph Way Subdivision) – Discuss status of road construction and holding the applicant and surety in default of guarantee (Two year road construction period ends 2/12/2016 and expire date on the Letter of Credit is 3/18/2016)

Mr. Lesinski reported that Atty. David Martland, Silva Law Group, requested a continuance to the March 9, 2016 meeting, via his email, dated 2/4/2016.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to continue JAM Construction, Inc., AP 52, Lot 4A (Randolph Way Subdivision) to the March 9, 2016 regular meeting. All in favor. So voted.

Agenda item #6: Reed Development Corp. (Lilac Hill Extension), AP 57, Lot 31, Discuss status of Lilac Lane road construction and holding applicant and surety in default of guarantee.

Mr. Lesinski reported that Bob Reed, Reed Development Corp. requested a continuance to a future meeting, via his email, dated 2/9/16 in which he explained that weather conditions were not favorable for the completion of roadwork.

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to continue Reed Development Corp. (Lilac Hill Extension) to the April 13, 2016 regular meeting. All in favor. So voted.

2. Minutes for Planning Board Meeting of January 13, 2016

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes to approve the minute of the regular meeting of January 13, 2016 with the following correction: under item #9, all references to “Seafarer Condominium” shall be correctly

spelled as “Seafare Condominium” All in favor. So voted. Mr. Tibbitts abstained from the vote due to his absence from the meeting.

3. Northern Waterfront Associate, LP, AP 16, lot 37, AP 17, lots 8 & 9, AP 22, lots 2, 3, 4 & 10, AP 23, lots 18 & 19 (The Newport Beach Club) – Discuss the completion of construction of Mare Terrace and update status of the construction of The Newport Beach Club

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

Atty. Everett Correia, III, Esq., Darrow Everett LLP, 1 Turks Head Place, Providence, RI appeared, representing Northern Waterfront Associates, LP with a request to continue the matter of the completion of Mare Terrace to the March regular meeting. He noted that Lyn Small, P.E., Northeast Engineers & Consultants, the project engineer is awaiting approval of the as-built drawings from David Kehew, Director, Portsmouth Department of Public works. He is also expecting Mr. Kehew’s review of the required draft easement.

MOTION: Ms. Wilson made a motion, seconded by Mr. Harding to continue the discussion of the completion of Mare Terrace under Northern Waterfront Associate, LP, AP 16, lot 37, AP 17, lots 8 & 9, AP 22, lots 2, 3, 4 & 10, AP 23, lots 18 & 19 (The Newport Beach Club) to the March 9, 2016 regular meeting on the condition that the petitioner present a construction schedule at that time. All in favor. So voted.

Atty. Correia gave an update status on the construction of the Newport Beach Club as follows. Eighteen homes are completed and three are under construction. Most of the amenities are completed including the tennis courts, the equestrian center, the swim club, the public shoreline access and the coastal greenway.

4. Apollo Brothers, LLC (Seafare 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 (AP24, Lot 17) and proposed modification to the Landscape Plan

Neil Hingorany, Narragansett Engineering, Inc. and Apollo Brothers, LLC appeared to present a resolution to the landscape plan violation involving the installation of the 8 foot high fence along the northern abutting property line at 88 Seafare Lane by the owner, Stella Monro. He noted that he had hope that the town solicitor was present to approve the resolution. Atty. Gavin was not present due to his attendance at the town council meeting. Mr. Hingorany proposed two courses of resolution. First, he would plant hardier varieties on the buffer berm along the property lines throughout the development. Second, he would establish a restriction on individual unit owners that limited the type of fence choice to picket with spaces between slats, which could only be installed within the building setback and behind the landscape buffer. He noted that to make

Mrs. Monro's fence more palatable, he would plant ivy on the front, facing Mr. Levesque's property. Mr. Bissonnette commented that he wants to see and review a detailed plan from a landscape engineer that would include Mr. Hingorany's proposals.

Doug Levesque, 24 Bourbon Street, abutter inquired as to whether or not the fence abutting his property was allowable because it further impedes sunlight in an area that is already challenged for vegetative growth. He noted that he might be amenable to the ivy plantings but that it could result in an inconsistent view given Mr. Hingorany's proposals.

Rob Boland, 28 Bourbon Street expressed concern regarding the dying plants in the buffer. Mr. Bissonnette reiterated his desire for the developer to have an approved landscape plan.

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to continue Apollo Brothers, LLC (Seafare Condominium), AP 24, lot 11 (3352 East Main Road) to the March 9, 2016 regular meeting on the condition that the developer present a detailed, stamped landscape plan from a landscape architect.

Stella Monro, 88 Seafare Lane expressed her disapproval of any planting of ivy directly on her fence and requested that the Board require that the ivy be planted on another structure parallel to her fence. Mr. Bissonnette urged her to require that her suggestion be incorporated into the formal landscape plan. He also explained that the town solicitor has only been asked to explain who holds the enforcement authority for her fence installation and for oversight of the landscape plan. Mr. Harding noted to Mrs. Monro that the landscape buffer was required and approved by the Planning Board in order to satisfy the abutters.

In response to Mr. Lopes, Mr. Hingorany explained that the limited common area extends to the wall and that access and maintenance of the landscaping is stipulated in the condominium master agreement.

The motion was carried. All in favor. So voted.

5. Agenda item # 7, Review Status of Revised Comprehensive Community Plan and critical planning challenges and opportunities in Portsmouth

Mr. Lopes inquired about how the Planning Board would obtain public input during the drafting of the comprehensive community plan. He suggested that the Board require Gary Crosby, Town Planner to layout a completion schedule, which includes public workshops or stakeholder meetings. He reminded the Board members that the town has a June deadline for the final draft.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding to continue Review Status of Revised Comprehensive Community Plan to the March 9, 2016 regular meeting and to ask the town planner to provide a completion schedule for

the final draft.

6. Agenda item # 8, Discuss Aquidneck Island Planning Commission (AIPC) and report of AIPC activities

Ms. Wilson reported on the recent activities of the AIPC with updates on membership, staff and projects. Recent developments of the AIPC activities include posting an office assistant position, hiring a public relations firm to write grants and develop a promotional plan for fund raising activities, conducting interviews with key Aquidneck Island organizational representatives to address planning concerns, and developing an island wide bicycle report.

7. Agenda item # 9, Discuss the subdivision regulations regarding the Town's ability to oversee the completion and acceptance of public improvements such as public roads.

Mr. Lesinski expressed his concern that not one road completion job had been presented to the Planning Board in the four years that he has served as the administrative officer. He noted that he instated the monthly project status reports with a focus on road completion. He noted that Atty. Gavin was successful with collecting on two road bonds, which resulted in two road completion within the DPW road project last summer. However the roads have not been presented for town council acceptance, pending inspection and submittal of as-built drawings. Mr. Lesinski emphasized that he found no instance of town council acceptance of any road in accordance with town ordinance. Mr. Bissonnette stated that Mr. Lesinski is advising the Planning Board to institute better application procedures in order to ensure full compliance by the developer. Mr. Lesinski highlighted where the breakdowns in the application and construction processes occur. He noted that the developers are not required to submit a construction schedule that adheres to the two-year requirement in the regulation. He noted that required procedures between the Planning Board and the Department of Public Works, such as reporting construction progress, rarely take place. He noted that the inspection fees paid by the developers go into the general fund, resulting in low DPW incentive to complete inspections and submit required road work completion certifications. Mr. Bissonnette commented that under these conditions, developers often move onto their next projects and never get around to completing roadwork.

Mr. Lesinski recommended that implementation and enforcement of Exhibit F in his packet, Checklist for Release of Lots, would force developers to install the roadway binder course along lot frontage prior to conducting the sale of and the issuance of building permits for individual lots. Mr. Lopes stated that this has not been enforced in the past because the checklist is not entered into the land evidence records and thus is not picked up in a title search. He suggested that the checklist be directly attached to the plan mylar.

MOTION: Mr. Lopes made a motion, seconded by Mr. Tibbitts, to ask the town solicitor to review Exhibit F, Checklist For Release of Lots and to provide some

guidance on the ability to enforce the checklist requirements through land evidence at the time of the lot sale. All in favor. So voted.

8. Agenda item #10, Approve Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording

Mr. Lesinski presented Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording, February 10, 2016.

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, February 10, 2016 and to place it into the record. All in favor. So voted.

At 7:53 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