



# Town of Portsmouth

## PLANNING BOARD

2200 East Main Road / Portsmouth, Rhode Island 02871

www.portsmouthri.com

(401) 683-3717

### **REGULAR MEETING MAY 11, 2016**

**Members Present:** Guy Bissonnette, Chair, Luke Harding, Vice Chair, David Garceau, Michael James, Edward Lopes, Ryan Tibbetts and Kathleen Wilson (7:07 p.m.).

**Members Absent:** None.

**Others Present:** Leon Lesinski, Administrative Officer, Planning Board, Atty. Kevin Gavin, Town Solicitor, and Recording Secretary Barbara Ripa

The Meeting was called to order by Mr. Bissonnette at 7:04 p.m.

#### **1. Agenda Continuances/Modifications:**

**5. Northern Waterfront Associates, 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 and acceptance of Mare Terrace extension and update status of the construction of The Newport Beach Club.**

Mr. Lesinski reported that the as-built for Mare Terrace were delivered to the Department of Public Works but have not been certified yet.

A motion was made by Mr. Tibbetts and seconded by Mr. Harding to continue this item to the regular meeting of June 8, 2016 at 7:00 p.m. The motion carried with all in favor. Edward Lopes continued his recusal.

**6. Reed Development Corp., AP 57, Lot 31 (Lilac Lane Extension) – Discuss completion of construction and acceptance of Lilac Lane extension.**

Mr. Lesinski reported that the as-built are complete and have been given to Mr. Lesinski, but there is no report from the Department of Public Works yet.

A motion was made by Mr. Lopes and seconded by Mr. Harding to continue this item to the regular meeting of June 8, 2016 at 7:00 p.m. The motion carried with all in favor.

**7. Russo Road Subdivision, AP 44, Lots 18 & 19 – Discuss completion of construction and acceptance of Russo Road.**

Mr. Lesinski said that paving is done on Russo Road but the as-built are not completed. In addition, one footing of a building may be in an easement.

A motion was made by Mr. Harding and seconded by Mr. Tibbetts to continue this item to the regular meeting of June 8, 2016 at 7:00 p.m. The motion carried with all in favor.

**2. Minutes for Planning Board Meeting of April 13, 2016:**

(Ms. Wilson entered the meeting.)

A motion was made by Mr. Harding and seconded by Mr. Tibbetts to accept the minutes as presented. Mr. Lopes recused himself from voting as he was absent from the meeting. The motion carried 6-0 with Mr. Lopes recused himself because he was absent from the meeting.

**3. Church Community Housing Corporation Request that the Planning Board certify that the Proposed Activities are not in Conflict with the Portsmouth Comprehensive Community Plan.**

A motion was made by Mr. Harding and seconded by Mr. Tibbetts, to certify that the proposed CDBG activities are not in conflict with the general policy set forth in the Portsmouth Comprehensive Community Plan and to authorize Mr. Lesinski to sign on behalf of the Planning Board. The motion carried with all in favor.

**4. Discuss Revision to Review Schedule for Comprehensive Community Plan Elements and Review Policy for Economic Development Element.**

Gary Crosby, Town Planner, is seeking approval of a change in schedule to review the Comprehensive Community Plan elements. It is just pushing the schedule back one month. The next workshop will be on May 25 and will be the Services and Facilities again – he is not ready with the Economic Development element yet. The schedule was not in the packets, but Mr. Crosby promised to provide the Board with the updated schedule.

A motion was made by Mr. Lopes and seconded by Mr. James to approve the new schedule as discussed. The motion carried with all in favor.

**8. Middle Creek Farm, LLC, AP 68, Lot 71 and AP 128, Lot 73 (Middletown), 116 Cornelius Drive. Discuss Water Lines, Open Space Lots and Other Matters Regarding the Final Plan Approval for a Major Subdivision.**

Attorney Neil Galvin, Corcoran, Peckham, Hayes & Galvin, P.C., 31 America's Cup Avenue, Newport, was present to represent Middle Creek Farm, LLC. Mr. Galvin stated that he has met with Mr. Lesinski regarding the open space lot in the subdivision being merged in an Administrative Subdivision and they agree. They are back before the Board regarding the water issue. Mr. Galvin stated that he believes the applicant is caught between the City of Newport water service and the Portsmouth Water and Fire District – there are 11 lots with 7 in Portsmouth and 4 in Middletown. The plans show an alternate means of providing water by individual wells and providing fire protection by sprinklers in the houses.

Attorney David Fox, 850 Aquidneck Avenue, Middletown, was present to represent the Portsmouth Water and Fire District (PWFD). He introduced William McGlinn and Phil Driscoll from the Portsmouth Water and Fire District. Mr. McGlinn has been with the PWFD for 28 years and Mr. Driscoll has been on the Board since 1987. Mr. Fox stated that the PWFD requested that the Planning Board require the applicant to put in a water main.

Mr. McGlinn testified to the history of Portsmouth's water system and water mains.

Michael Behan, the developer, testified that the lots average over 4 acres.

It was noted that the Planning Board has been consistent in requiring all applicants to add water mains.

Exhibit 1 was submitted by PWFD showing a colored geographical picture that indicated with yellow dots wells that are "bad" within ¼ mile of the proposed subdivision.

Mr. Driscoll testified regarding Insurance Services Office (ISO).

Clay Commons, Bayside Avenue, Portsmouth spoke regarding nitrate contamination of private wells.

Mr. Galvin gave a copy of the draft contract he tried to work on with Newport City Manager Joe Nicholson. Mr. Galvin countered that it was not a Portsmouth requirement to tie in to the water main and seldom does a subdivision cross town lines.

Mr. Harding recused himself from further discussion.

Mr. Lopes recused himself from reopening the previous approval on April 13, 2016 because he was not present at the meeting.

A motion was made by Mr. Tibbetts and seconded by Ms. Wilson to reopen the final plan approval. The motion carried with Mr. Tibbetts, Ms. Wilson, Mr. Garceau and Mr. James in favor of the motion.

A motion was made by Mr. James and seconded by Ms. Wilson to require the provision of a water main. The motion carried 4-0 with Mr. James, Ms. Wilson, Mr. Tibbetts and Mr. Bissonnette voting in favor. Mr. Garceau abstained from voting. Mr. Harding and Mr. Lopes recused themselves from voting. Mr. Harding continued his previous recusal and Mr. Lopes recused himself from the vote because he did not attend the previous meeting.

**9. Ryan Kirwin, AP 56, Lot 18 (68 Bancroft Drive) – Approve Master Plan decision.**

A motion was made by Mr. Tibbetts and seconded by Mr. Harding to approve the master plan of Ryan Kirwin, AP 56, Lot 18. The motion passed 6-0 with Mr. Lopes abstained.

**10. Discuss Aquidneck Island Planning Commission (AIPC) Report of AIPC Activities.**

Ms. Wilson reported on AIPC activities. Finance controversy is over accountants that have quit. They have a new one and it is a matter of getting finances up to snuff. They have hired a tech savvy assistant and a clerk. They are looking at the TIP.

**11. Discuss the Land Development and Subdivision Regulations Memo Prepared by the Administrative Officer Regarding the Town's Ability to Oversee the Completion and Acceptance of Public Improvements Such as Public Roads.**

A motion was made by Mr. Harding and seconded by Mr. Lopes to authorize Mr. Lesinski to sign and send the letter to the Town Administrator.

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

Mr. Lopes said that the name of the builder in #32 was Benevides.

A motion was made by Mr. Lopes and seconded by Mr. Harding to receive and place on file the status report. The motion carried with all in favor.

A motion was made by Mr. Harding and seconded by Mr. Lopes to adjourn. The motion carried with all in favor. The meeting was adjourned at 8:56 p.m.

Respectfully submitted:  
Barbara A. Ripa  
Recording Secretary for:

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Leon Lesinski  
Administrative Officer