



**TOWN OF PORTSMOUTH  
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD  
Regular Meeting  
August 10, 2016**

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

**Members Absent:** none

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

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

**1. Agenda Continuances/Modifications:** As follows.

**Agenda item #3: 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**

Mr. Lesinski reported that Atty. Everett P. Correia, DarrowEverett, LLP, Providence, RI, sent an email, dated August 9, 2016, in which he requested a continuance for the discussion on the completion and acceptance of Mare Terrace extension. Mr. Lopes continued his recusal for this agenda item. Atty. Zachary Darrow, DarrowEverett, LLP, Providence, RI appeared representing the petitioner in Atty. Correia's stead. He commented that he was present for a hearing on the final plan modification request that is part of the published agenda for Northern Waterfront Associates, LP.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Tibbitts to continue 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), discussion on the completion of construction and acceptance of Mare Terrace extension, to the September 14, 2016 regular meeting. All in favor. So voted.

**Agenda item #8: Portsmouth RI Commercial, LLC, AP 29, lots 31, 32 and 32A (North corner of Sprague Street and East Main Road) – Preliminary Plan application for Minor Subdivision**

Atty. David P. Martland, Silva, Thomas, Martland and Offenbergl, LTD, 1100 Aquidneck Avenue, Middletown, RI appeared representing the petitioner. He requested a continuance to the September regular meeting because the engineering for the petition was not available.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Harding, to continue Portsmouth RI Commercial, LLC, AP 29, lots 31, 32 and 32A (North corner of Sprague Street and East Main Road) to the September 14, 201 regular meeting. All in favor. So voted.

## **2. Minutes for Planning Board Meeting of June 8, 2016**

**MOTION:** Mr. Harding made a motion, seconded by Mr. Tibbitts to approve the minutes of the regular meeting, June 8, 2016. Mr. Lopes recused himself from voting on Agenda item #3: 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) under item 1. Agenda Continuances/Modifications. All in favor. So voted.

## **3. 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) - Application for additional modification to final plan.**

Mr. Lopes continued his recusal for this agenda item. Atty. Zachary Darrow, DarrowEverett, LLP, One Turks Head Place, Providence, RI, representing Northern Waterfront Associates, LP, requested approval for a modification to the final plan which pulls 8 units from the multi-family unit feature with the agreement that the approval would be contingent upon the Planning Board's acceptance at a later date, of the new location for these units within the development area. He noted that the density and the number of bedrooms, according to the development agreement, remains the same.

**MOTION:** Mr. Harding made a motion, seconded by Ms. Wilson, to accept Geralyn Small, Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, RI as an expert in the field of civil engineering. All in favor. So voted.

Ms. Small stated that the amendment request is limited to the two multi-family buildings located at the end of the cul-de-sac, near the pier. The buildings were previously approved in 2011 and slightly modified in 2013. She noted that according to the plan and remaining the same under the request, the units are 9,000 square feet with two to three bedrooms each. She explained that under the request, each building has eight units instead of twelve. She noted that she will come back to the Planning Board at a later date with an approval request for the new location of the removed units. To better comply with the flood plain requirements, the request allows the coastal feature to be pushed inward to accommodate the construction of a dune between the buildings and the pier, as well as replace the underground parking with surface level parking accessed from the back of the buildings. She handed out a new plan for the request, labeled Exhibit 1, which meets the fire department paving requirements for a truck turn-around area behind the buildings and east of the proposed cabana structures. She also distributed copies of a letter, dated August 9, 2016 and labeled Exhibit 2, from Andrew L. White, Fire Marshal, Portsmouth Fire Department in which Mr. White endorses this modification. Ms. Small also noted that, Mr. White states that the multi-family buildings and the cabanas "...are scheduled to contain full coverage sprinkler systems." She explained the new layout of the buildings, noting that each would have 16 parking spaces, 2 per unit. The buildings are designed to comply with the 100-year flood plain requirements. She noted a slight adjustment to the road elevation, which disperses the grade change more uniformly from the pool entrance to the cul-de-sac made possible by the alteration of the building layout. Ms. Small explained that the area between the two buildings and the pool facility is being modified to be impervious surface in order to limit the sediment run off associated with the phased construction. Ms. Small noted that

the modification request plan has no impact on the septic plan, the roadway geometry and utilities. She will present the completed architectural plans to the Design Review Board and the Planning Board.

Mr. Darrow submitted for the record an "Amendment to the First Modification to the Development Agreement for the Newport Beach Club", Exhibit 3, which addresses the modification request.

In response to Ms. Wilson, Ms. Small explained that the parking was placed behind the two buildings instead of in front in order to be more upland thus in better compliance with the flood plain requirements. In response to Mr. Bissonnette, Ms. Small explained that she would submit the new plan and changes to CRMC. In response to Mr. Harding, she explained that the two buildings would have one less floor of living space in order to move the garage up and out of the flood plain. Mr. Bissonnette called for public comment to which there was none.

**MOTION:** Mr. Harding made a motion, seconded by Ms. Wilson, to approve the application for additional modification to the final plan for 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) as presented in plan labeled, Exhibit 1. All in favor. So voted.

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

Atty. David P. Martland, Silva, Thomas, Martland and Offenber, LTD, 1100 Aquidneck Avenue, Middletown, RI appeared representing the petitioner with a request for a recommendation for acceptance of Lilac Lane extension, given the certification of the Department of Public Works, memo dated May 9, 2016. Noting that the petitioner provided as-built plans for the road, Mr. Lesinski recommended that the Planning Board make a favorable recommendation for the acceptance of Lilac Lane extension to the Town Council as well as waive of the maintenance agreement requirement.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Harding to recommend to the Town Council approval and acceptance of Lilac Lane extension as a town road, as completed under Reed Development Corp., AP 57, lot 31 (Lilac Lane extension). All in favor. So voted.

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

John Vitkevich appeared as the project developer, representing the petitioner. He gave an update on the progress of the DPW requirements for Russo Road. He referred to a letter from Michael E. Russell, P.E., Land Development Engineering & Consulting, LLC to David Kehew, Director, Portsmouth DPW in which Mr. Russell certifies the storm-water management system as compliant with the approved plan. Mr. Vitkevich requested a continuance pending DPW sign off on all the requirements.

**MOTION:** Ms. Wilson, made a motion, seconded by Mr. Lopes to continue Russo Road

Subdivision, AP 44, lots 18 & 19 to the October 12, 2016 regular meeting. All in favor. So voted.

**6. Joan M. DeMello Trust (Seaspray Estates), AP 54, lot 17 (346 Vanderbilt Lane) – Approve Final Plan Decision, approve street name and establish amount of financial guarantee for the road bond**

Atty. Peter B. Regan, Sayer, Regan & Thayer, LLP, 130 Bellevue Avenue, Newport, RI appeared representing the petitioner. He explained that the Planning Board granted final plan approval conditional upon Zoning Board approval of a water line extension easement which was granted by the ZBR in May, 2016. He requested a recommendation to the Town Council for acceptance of the road to be named Seaspray Drive, pending approval by the Portsmouth Fire Department and approval of the final plan decision.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Lopes, to accept the road name, “Seaspray Drive” pending approval by the Portsmouth Fire Department, to set the road bond at \$475,210.00, and to approve the final plan decision as prepared by Leon Lesinski, the Planning Board Administrative Officer for Joan M. DeMello Trust (Seaspray Estates), AP 54, lot 17 (346 Vanderbilt Lane.) The motion was amended and seconded to stipulate that all actions within the motion are conditional upon the petitioner’s attorney submitting of a copy of the signed CRMC assent to Mr. Lesinski. All in favor. So voted.

**7. Pamela Quinn, AP 51, lot 26 (697 Middle Road) – Concept Plan review of minor subdivision**

Neil Hingorany, M.S., LSIT, Soil Evaluator, Narragansett Engineering, 3102 East Main Road, Portsmouth, RI appeared representing the petitioner, Pamela Quinn with a concept plan for a minor subdivision at 697 Middle Road, the Quinn’s residential property. The plan indicates 5 lots between Middle Road and Highhawk Road. Lot 1 remains as the Quinn’s residential lot with a historic residence, constructed in 1750. Lot 5 has an existing garage. The lots meet dimensional requirements for area and frontage in R20 zoning. The plan does not require zoning variances. Mr. Hingorany noted that soil test results meet or exceed RIDEM requirements. He noted irregular layout of the lots is due to the configuration of the original property and the orientation of the residential structure. He explained that the curb cuts for lots 1, 2 and 5, which front on Middle Road, have not been worked out. Lot 1 has an existing driveway. Mr. Hingorany indicated that a shared driveway is a possibility. Mr. Lopes noted that Middle Road is designated traffic sensitive. Lots 3 and 4 have frontage on Highhawk Road.

Pamela Quinn, owner and petitioner, 697 Middle Road, Portsmouth, noted that she and her husband installed the existing driveway in the 1990’s. She explained that the original “boomerang” driveway has two gates on Middle Road and may be more suitable for the proposed plan.

Mr. Lopes clarified that the town owns Middle Road extending north from Schoolhouse Lane. Extending south to Union Street, it is owned by the state. Mr. Hingorany

commented that the potential access points, including the existing driveway, are all north of the intersection of Middle Road and Schoolhouse Lane. Mr. Bissonnette called for public comment to which there was none.

**8. Agenda Item #9: Rhode Island Nurseries, Inc. AP 59, lot 5 (Vanderbilt Lane) Major Subdivision – Establish amount of financial guarantee for the public improvements (road bond)**

Atty. Eric Chappell, 171 Chase Road, Portsmouth appeared representing the petitioner, Rhode Island Nurseries, Inc. He requested approval for a residential Subdivision Bond Estimate, dated August 8, 2016 and prepared by Millstone Engineering, P.C., Warwick, RI, which he labeled Exhibit 1.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Garceau, to set a road bond estimate of \$1,259,260.00 for Rhode Island Nurseries, Inc. AP 59, lot 5 (Vanderbilt Lane). All in favor. So voted.

**9. Agenda item #10: Ryan Kirwin, AP 56, lot 18 (68 Bancroft Drive) – Preliminary and Final Plan application for Major Subdivision**

Atty. Eric Chappell, 171 Chase Road, Portsmouth appeared representing the petitioner and owner, Ryan Kirwin. He requested preliminary and final plan approvals from the Planning Board.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Harding, to accept Matthew J. Viana, P.E., Millstone Engineering, P.C., 250 Centerville Road, Warwick RI as an expert in the field of civil engineering. All in favor. So voted.

Matthew Viana, P.E., Millstone Engineering, P.C., 250 Centerville Road, Warwick RI presented the final drainage and roadway designs for the proposed subdivision. He explained that the 3-lot subdivision is located on 4.8 acres at the end of Bancroft Drive. The plan indicates a new cul-de-sac that meets fire and safety requirements. The lots are service by public water. Mr. Viana stated Portsmouth Water and Fire District has verbally approved the water service design. The District is hearing the proposed design, including the extension, service for the two new lots and a fire hydrant in the following week. RIDEM has approved the septic systems for the two new lots, 1 and 2. The existing home, located on lot 18, has a new septic system. The storm water design is under review for a RIPDES permit from RIDEM. The site is within a watershed protection overlay district. Mr. Viana noted that the design complies with the requirements of the district, which are in line with RIDEM rules and regulations. He noted that the development is low-impact with minimized roadway and impervious surfaces. The new residential structures feature roof top drainage chamber systems located on each lot. Mr. Viana explained and described the structures associated with the proposed storm water drainage system, which is designed for a 100-year storm event. He noted that the system is larger than required and provides three times the amount of water quality treatment because of the impact of an existing drainage issue off Bancroft Drive to the cul-de-sac and across the site.

Atty. Chappell submitted for the record the Bancroft Drive Extension, Project Narrative

and Drainage Analysis as Exhibit 1. Mr. Lesinski verified that the abutter notification green cards were returned to him by the post office. Atty. Chappell stated that he sent a copy of the plans to George Nichols. He verified that he sent abutter notification to the Newport Water Department, who has not responded or made presence at the meeting. Atty. Chappell stated that the Planning Board's approval would be conditional upon the RIDEM RIPDES permit, the establishment of a homeowners' association, and a storm water easement and maintenance agreement. Mr. Bissonnette called for public comment to which there was none.

Atty. Chappell noted that the Zoning Board of Review granted necessary variances for frontage. He requested that the Planning Board set the road bond based on an estimate from East Coast Construction, dated March 21, 2016, which he submitted for the record as Exhibit 2. He requested that the approved amount be the total of \$120,190.00 less the estimate for the water line, \$23,492.00, which the water department sets separately. Ms. Wilson noted that, at the bottom of the first page, the drainage RCP pipe linear footage and diameter were inconsistent and considerable less than what is indicated on the drainage plan. To make up for the inconsistency, Mr. Lopes suggested that the Planning Board approve the full figure in the estimate. Atty. Chappell agreed with Mr. Lopes' suggestion.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Tibbitts, to make preliminary and final approval for Ryan Kirwin, AP 56, lot 18 (68 Bancroft Drive), subject to the following conditions:

- Submission of the RIDEM storm water RIPDES permit
- Submission of the written approval from the Portsmouth Water and Fire District
- Approval of the Homeowners Association documents by the town solicitor
- Setting of the road bond at \$120,190.00

All in favor. So voted.

**10. Agenda item #11: Raytheon Company, AP 56, lot 1 (187 West Main Road)  
Concept Plan review for Minor Subdivision**

Atty. Stephen R. Ucci, Adler, Pollock & Sheehan P.C., One Citizens Plaza, Providence, RI appeared representing the petitioner, Raytheon Company with a concept plan for a minor subdivision. He explained that the intent of the request was to allow Raytheon to divest itself of two buildings located in the southeast corner of the site for which it has recently acquired a buyer. He noted that the Department of Defense requires this divestiture and that if the sale does not go through, then Raytheon will raze the buildings, which would result in a loss of revenue to the town.

Atty. Elizabeth Noonan, Adler, Pollock & Sheehan P.C., One Citizens Plaza, Providence, RI also appeared representing Raytheon. She explained that the proposed three-lot subdivision creates two new lots with frontage on West Main Road, each featuring one of the two buildings to be divested.

Christopher Duhamel, P.E., P.L.S, Vice President, DiPrete Engineering, 90 Broadway, Newport, RI presented the concept plan for the minor subdivision on the 180 acre site, which is bordered by West Main Road to the east and Burma Road to the west in Heavy

Industrial Zoning. He noted that a perimeter survey is currently underway. The Lawton Brook wetland riverbank encroaches slightly onto proposed Lot C to the southwest but not within areas of development. The proposed lots are 10 acres (Lot B) and 7.25 acres (Lot C.) They utilize each of the two buildings and separate parking. Ratheon Company will retain the remaining 153 acres. The two new lots are accessed from an existing gated entrance along East Main Road, which is proposed to be at the lot division line. This entrance is for fire and safety access. Regular traffic accesses the lots from the Raytheon main entrance at a controlled intersection further north on West Main Road. Mr. Duhamel explained that the only site alteration would be an on-site waste-water treatment system for each lot. He noted that preliminary testing supports systems suitable for the use proposed by the prospective buyer. He noted that existing parking is more than sufficient and outside of the wetland area. Mr. Duhamel explained that lot coverage by regulation under HI zoning is limited to 25% but up to 70% in a Planned Industrial District (building and parking.) Lot B has 64% lot coverage (buildings and parking) and Lot C has 36%. He requested that the proposal be considered under the Planned Industrial District regulations, Portsmouth Zoning Ordinance, Article VIII. In response to Mr. Lopes, Mr. Duhamel pointed out the existing pump station north of Lot B feeds domestic and fire water service to the two buildings. He has to locate the distribution lines and produce an easement for their use. In response to Mr. Bissonnette, Mr. Duhamel explained and indicated the culvert closed drainage system that captures the run-off from the parking areas on-site. The system will require an easement for off-site service. In response to Ms. Wilson, Mr. Duhamel stated that since the site use is greatly reduced under the proposed development, the plan does not require a physical alteration permit from RIDOT. He plans to submit a letter outlining the use reduction to RIDOT.

Atty. Noonan asked that the Planning Board hear from Atty. Eric Chappell and Mark Goodheart, Site Operations Manager, Raytheon Company to address the prospective use.

Atty. Eric Chappell, 171 Chase Road, Portsmouth spoke on behalf of the potential purchaser of proposed Lots B & C. He noted that purchase is under contract. He explained that the proposed use is a car and marine storage facility and possibly a museum. Addressing lot coverage, Atty. Noonan requested consideration for development under Article VII, Planned Industrial District because the building and amenities exist and there is no need for further site alteration given the proposed use. Atty. Chappell argued that the lots already exist under older subdivisions, which were created before the existence of the Planning Board. Atty. Noonan requested that the survey requirement of the entire 180-acre site be waived and the survey work be limited to the proposed subdivision of the two lots. Mr. Bissonnette agreed with her request but stipulated that abutting land be included, particularly the wetlands to the end point of the existing storm water drainage pipe located to the southwest of proposed Lot C. Mr. Bissonnette suggested that Atty. Noonan look into merging the two lots. Atty. Noonan agreed. She requested the combination of the preliminary and final approvals. Atty. Ucci noted that the existing fire and safety gate at the proposed lots is for right turn only.

Mark Goodheart, Site Operations Manager, Raytheon Company, 1847 West Main

Road, Portsmouth, RI explained that gating and fencing could be moved further west into the Raytheon site depending on U.S. Navy security requirements.

**11. Agenda item #12: Richard Cromwell, AP 53, lot 11 – Advisory Opinion to Zoning Board of Review for construction of new Marina Facility**

Richard Cromwell, petitioner, Maritime Solutions, 1250 East Main Road requested an advisory opinion to the Zoning Board of Review for approval of a construction plan over 5000 square feet. He explained that he is repairing and reconstructing his business facilities that were damaged in a fire in January 2018. He is continuing the business use, maritime repair and storage, which he has operated on the site for 15 years. He stated that he received an advisory opinion from the Design Review Board, dated June 29, 2016. He noted that the plan indicates upgrading of the existing building with a new addition as well as installation of a new septic system. Mr. Cromwell is incorporating the DRB recommendations to upgrade and enhance the building exterior. He noted that RIDEM and RIDOT approvals are pending.

Richard Cardarelli, A.I.A. Architect, 75 Sockanosset Crossroad, Cranston, RI. He noted that the building colors are depicted in the elevation drawings. He commented that the DRB recommended that mullions be added to the windows and that an overhang be installed over the entrance. He noted that he intends to use the existing foundation subject to the findings of Northeast Engineers & Consultants, Inc. The building will be load-bearing masonry with a truss roof system featuring asphalt shingles.

In response to Ms. Wilson, Mr. Cromwell stated that the plan will maximize the driveway width allowable by RIDOT, which he was informed was 30 feet.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Garceau, to make a favorable recommendation to the Zoning Board of Review for Richard Cromwell, AP 53, lot 11 conditional upon the recommendations of the Portsmouth Design Review Board in its Advisory Opinion of June 29, 2016. All in favor. So voted.

**12. Agenda item # 13, Discuss Aquidneck Island Planning Commission (AIPC) and report of AIPC activities**

Ms. Wilson reported that the AIPC received a major grant, which will be formally announced shortly in the future. The AIPC continues to work on the list of transportation issues and outcomes from the traffic study.

**13. Agenda item # 14, Approve Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording**

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

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

At 8:59 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:

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Leon Lesinski  
Administrative Officer