



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD
Regular Meeting
September 14, 2016**

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

Members Absent: Edward Lopes and Michael James

Others Present: Leon Lesinski, Administrative Officer, Portsmouth Planning Board, Atty. Terence Tierney, Acting 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 #8: Russo Road Subdivision, AP 44, lots 18 & 19 –Discuss completion of construction and acceptance of Russo Road

MOTION: Mr. Harding made a motion, seconded by Mr. Tibbitts to continue Russo Road Subdivision, AP 44, lots 18 & 19, to the October 12, 2016 regular meeting. All in favor. So voted.

2. Minutes for Planning Board Meeting of August 10, 2016

MOTION: Mr. Harding made a motion, seconded by Mr. Tibbitts to approve the minutes of the regular meeting, August 10, 2016. All in favor. So voted.

3. Agenda items 3 & 4:

3. Narragansett Electric Company d/b/a National Grid – Request for Advisory Opinion to the Zoning Board of Review for a Special Use Permit for the Aquidneck Island Reliability Project

4. Energy Facility Siting Board (Aquidneck Island Reliability Project) – Request for advisory opinion as to whether the project would be a land use consistent with the Portsmouth Comprehensive Community Plan

Atty. Peter Lacouture, Robinson & Cole, LLP, One Financial Plaza, Providence, RI appeared representing The Narragansett Electric Company d/b/a National Grid (Aquidneck Island Reliability Project) with requests for two advisory opinions, relative to a RI Energy Facility Siting Board (EFSB) application for License to Construct and Alter Major Energy Facilities. The first advisory opinion is for a variance for height and for a special use permit to the Portsmouth Zoning Board of Review pertaining to the utilities right of way and the driveway to the

proposed Jepson substation. The second advisory opinion is for land use consistency with the Portsmouth Comprehensive Community Plan. Atty. Lacouture distributed copies of a PowerPoint presentation, "Aquidneck Island Reliability Project," Portsmouth Planning Board, September 14, 2016.

Reviewing the presentation, Endrit Fiku, P.E., Lead Project Manager, National Grid, Waltham, MA explained the components of the project and the design plans. The Aquidneck Island Reliability Project (AIRP) includes improvements to the existing transmission system in Portsmouth and Middletown including upgrading the 61/62 transmission lines in Portsmouth located within the existing right of way, constructing a new Jepson Substation in Middletown, across the street from the old substation in Portsmouth, and modifying the Dexter Substation on Freeborn Street in Portsmouth. According to the plan, the existing double, wood transmission line poles are replaced with steel single pole structures. The existing Jepson Substation is retired and dismantled and its location continues as part of the right of way for the transmission lines. A portion of the driveway for the new substation is located in Portsmouth.

In response to Mr. Tibbitts, Mr. Fiku explained that the current transmission line poles are 45 to 60 feet tall and the new steel poles are 86 to 106 feet tall as dictated by the national electric safety code. In response to Ms. Wilson, Mr. Fiku noted that the National Grid work crews are trained to conduct the clean up and disposal any contaminants found during the dismantling of the old substation. He explained that the weathered steel poles do not require painting maintenance. He noted that the maintenance of transmissions line involves cleaning or replacing insulators.

In response to Mr. Tibbitts, Atty. Lacouture explained that the dimensional variance requested from the Zoning Board of Review is for the height of the new poles. He also explained the special use permit is for the use of the utility lines on the right of way and for the use of the portion of the substation driveway located in Portsmouth. Mr. Bissonnette called for public comment.

Paul Kess, 3241 East Main Road, Portsmouth asked that in the event of a pole collapse would any of the poles land outside the right of way. Gerald Pepi, P.E., Vanderweil Engineers, 274 Summer Street, Boston, MA, consulting engineer for National Grid confirmed that if a new pole collapsed, it would fall outside the right of way. He noted that given the construction and installation of the new poles, such an event was highly unlikely. He also noted that the existing pole would also fall outside the right of way.

Denise Wilke, 3140 East Main Road, Portsmouth expressed concern for an increase in EMF radiation and noise associated with the line upgrade. Mr. Fiku stated that the study conducted by National Grid for the line upgrade indicates that the EMF levels will drop to the edge of the right of way because the lines have higher voltage and are at a higher elevation. He noted that the humming

noise associated with power lines is due to dusty insulators. He noted that the maintenance crews regularly monitor noise situations.

In response to Ms. Wilson, Mr. Pepi explained that the initial soil tests indicate that the concrete pole foundations would be in the range of 15 to 25 feet due and the poles vary from 10,000 to 20,000 pounds.

Judy Staven, 351 Longmeadow Road, Portsmouth, abutter, expressed concern for lightening strikes. Mr. Fiku noted that each of the circuits have a shielding wire that runs on top of the new poles which provides protection from lightening strikes. He explained that total voltage of 115 kV is the combined voltage of each of the lines on the pole. Ms. Staven expressed concern for the future power needs of the island. Atty. Lacouture stated that if National Grid were to increase the voltage, it would have to apply again to RIEFSB. Ms. Staven also expressed concern for property values near the power lines. Mr. Bissonnette closed the public comment portion of the meeting.

MOTION: Mr. Tibbitts made a motion, seconded by Mr. Harding, to make a favorable advisory opinion to the Zoning Board of Review for a dimensional variance for height and for special use permits pertaining to the use of the utility right of way and the portion of the new Jepson substation driveway located in Portsmouth for Narragansett Electric Company d/b/a National Grid, and further to make a favorable advisory opinion to the Rhode Island Energy Facility Siting Board that the Aquidneck Island Reliability Project, and its components and plans that pertain to Portsmouth, are consistent with the Portsmouth Comprehensive Community Plan. All in favor. So voted.

4. Agenda Item #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, update status of the construction of The Newport Beach Club and approve Decision for Third Modification to Approved Final Plan and Amendment for the First Modification to the Development Agreement for the Newport Beach Club.

Atty. Zachary Darrow, DarrowEverett, LLP, One Turks Head Place, Providence, RI, appeared representing Northern Waterfront Associates, LP. He request a favorable recommendation to the Portsmouth Town Council for a release of the performance bond associated with Mare Terrace extension and an acceptance of the cul-de-sac as a town road. He also requested a release of the maintenance bond requirement. Mr. Lesinski reported that Brian Woodhead, Deputy Director, Portsmouth Public Works Department is in agreement with the release of the maintenance bond and certified completion of Mare Terrace in his memo to Mr. Lesinski, September 9, 2016. Mr. Lesinski also confirmed that he received all appropriate filings including the as-built drawings for the road.

MOTION: Mr. Harding made a motion, seconded by Mr. Garceau, to grant a favorable recommendation to the town council for the release of the performance bond for Mare Terrace extension and for acceptance of Mare Terrace extension as a town road and further to approve waiver of the maintenance bond requirement for Mare Terrace 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).

MOTION: Ms. Wilson made a motion, seconded by Mr. Harding, to approve the Decision – Third Modification to the Approved Final Plan, as prepared by Leon Lesinski, the Planning Board Administrative Officer 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). All in favor. So voted.

5. Agenda Item #6: Northern Waterfront Associates, LP, AP 43, lots 3, 4, & 7, AP 50, Lots 6 & 7 (Burma Road) – Concept review of Marina Village
Atty. Zachary Darrow, DarrowEverett, LLP, One Turks Head Place, Providence, RI, appeared representing Northern Waterfront Associates, LP. He presented a concept plan of for proposed marina village located on the western shore of Narragansett Bay along Burma Road and just north of the site of the public boat launch and parking. He noted that due to market constraints and CRMC requirements, the plan is scaled down from an original proposal that was presented to the Planning Board several years back. The new proposal indicates 233 residential units and a marina with 250 slips and moorings, down from 385 and 1500 respectively. It also indicates 10,000 square feet of retail/restaurant space located in two buildings, two different public restroom access points, a public shoreline greenway and more public parking.

Lyn Small, Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, RI presented the concept plan, noting that the site still has an approved 1495 slip marina due to the State approval tolling. She noted that the approved marina plan is no longer affordable to build nor is there the demand for a marina of that size. She explained that the new plan or program is more feasible given current market demands. It proposes a smaller marina with moorings, a day dock, residential condominiums, including single family, townhouse and apartment units and a public greenway that is linked to the town boat ramp. The proposed development is not gated. Ms. Small described the development component locations, including the municipal sewer through the U.S. Navy system, the parking, utilities and roadway circulation, site access and railroad crossings.

Atty. Darrow and Ms. Small indicated all the remediation and transmission line sites that would require removal and clean up with RIDEM oversight. Ms. Small explained that due to the extensive remediation costs, RIDEM agreed to allow the clean up to be phased in conjunction with the site development as long as there is an approved master remediation action plan in place. In response to Ms.

Wilson, Ms. Small reviewed the proposed railroad crossings, which will have the necessary safety features and infrastructure for future development of the railroad. In response to Mr. Tibbitts, she reviewed the site elevations and explained that with the proposed parking located beneath the residential unit first floors, the coastal living spaces will be well above the flood plane. Ms. Small noted that the 50-foot wide coastal greenway has a 6-foot wide walking path and is 3200 feet long or over a half mile.

Mr. Bissonnette called for public comment. Judy Staven, 351 Longmeadow Road, Portsmouth inquired about the sewer system. Ms. Small noted that the project would hook into the Navy sewer system. Mr. Tibbitts clarified that the Navy sewer system acts a pass through for the Newport sewer system.

Denise Wilke, 3140 East Main Road, Portsmouth expressed her concern for the loss of open space in the site area. Mr. Bissonnette and Mr. Harding explained property owners' rights to develop their land. Mr. Darrow noted that the site is substantially less developed under the new plan and includes more public amenities for shoreline access. Ms. Wilson noted that the developer is required to remediate the contaminated site.

6. Agenda Item #7, Reed Development Corp., AP 57, lot 31 (Lilac Lane extension) – Approve Advisory Decision for the completion of construction and acceptance of Lilac Lane extension

MOTION: Mr. Harding made a motion, seconded by Mr. Garceau to approve the Advisory Decision for the Completion of Construction and Acceptance of Lilac Lane Extension for Reed Development Corp., AP 57, lot 31, as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

7. Agenda Item #9, 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.

MOTION: Mr. Harding made a motion, seconded by Mr. Tibbitts, to push back Agenda Item #9 to later in the meeting. All in favor. So voted.

8. Agenda Item #10, Ryan Kirwin, AP 56, lot 18 (68 Bancroft Drive) – Approval of Preliminary and Final Plan Decision

MOTION: Mr. Harding made a motion, seconded by Mr. Tibbitts, to approve the Preliminary and Final Plan Decision for Ryan Kirwin, AP 56, lot 18 (68 Bancroft Drive), as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

9. Agenda item #11: Raytheon Company, AP 56, lot 1 (187 West Main Road) Administrative Subdivision for parcel B and C

Atty. Elizabeth Noonan, Adler Pollock & Sheehan P.C., One Citizens Plaza, Providence, RI also appeared representing Raytheon Company. She explained that since the previous month's hearing, she has met with Mr. Lesinski and the

town solicitor to discuss an existing site approval from 1965, which designate the two proposed lots as Parcels B & C which front on West Main Road south of the Raytheon main entrance gate. Because of the existing approval, Atty. Noonan requested approval of an administrative subdivision (rather than a minor subdivision), which reconfigures the lot lines for the two lots upon which sit Buildings 3 and 4.

Christopher Duhamel, P.E., P.L.S, Vice President, DiPrete Engineering, 90 Broadway, Newport, RI presented a plan for the lot line reconfiguration which is superimposed over the 1967 plan.

Atty. Stephen R. Ucci, Adler Pollock & Sheehan P.C., One Citizens Plaza, Providence, RI also representing Raytheon Company, explained that there are no other plans for the other lots or buildings within the Raytheon complex.

Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to approve the administrative subdivision for both Parcels B & C for Raytheon Company, AP 56, lot 1 (187 West Main Road). All in favor. So voted.

10. Agenda item #12: Cumberland Farms Inc., AP 45, Lots 43 & 44 – Advisory Opinion to Zoning Board of Review for construction of new Gas Station/Convenience Store Facility

Atty. Elizabeth Noonan, Adler Pollock & Sheehan P.C., One Citizens Plaza, Providence, RI appeared representing Cumberland Farms Inc. with a request for an advisory opinion to the Zoning Board of Review for the construction of a new gas station and convenient store on the existing Cumberland farms location at 1812 East Main Road. The new plan incorporates the abutting lot to the north, which is the current location of a diner and other retail spaces. The site abuts Stub Toe Lane to the south. Under the plan, the existing buildings are to be razed and replaced with new gas station pumps and the convenient store structure. The proposed retail square footage is approximately the same as the existing spaces. The Atty. Noonan noted that the Design Review Board heard the petition and completed its favorable advisory opinion on September 6, 2016. She noted that the site is located in a high intensity traffic area.

Brandon Carr, P.E., DiPrete Engineering, Two Stafford Court, Cranston, RI, referring to the plan, presented the existing conditions. He noted that there are five curb cuts on the site, four on East Main Road and one on Stub Toe Lane. Mr. Carr reviewed the proposed plan and site configuration, which indicates a new retail convenient store building (4250 square foot) situated on the abutting lot to the north. The rear of the building acts as a retaining wall against the western slope, connected to a retaining wall beyond the building, which extends south to Stub Toe Lane. Dumpsters are placed on the northern end of the building. The curb cuts on East Main Road are reduced to two with the northern

one for entrance only. The southern most existing curb cut on East Main Road, which is associated with left hand turns from the controlled intersection, is eliminated on the proposed plan. The curb cut on Stub Toe Lane remains the same. The proposed location of the eight new gas pumps is centered on the southern portion of the site, near where the existing convenient store currently sits. Mr. Carr explained that the proposed septic system is located in the northern end of the site with a green area for the leach fields, which acts as a buffer to the lot abutting to the north. The plan indicates a vegetative buffer along the western boundary, on top of the retaining wall. The wall varies from 12 to 15 feet in height. In response to Mr. Harding, Mr. Carr confirmed a total reduction in the number of restrooms due to the reduction in retail space and change in use. Mr. Carr explained that there is no existing storm water management on the site with run off flowing directly into the road. The plan indicates two systems for underground detention and infiltration to take run off from the building roof, the gas pump canopy and the parking area. The storm water management plan is designed for 100-year storms according to RIDEM requirements. Mr. Carr noted that the amount of proposed impervious surface is roughly about the same as existing. He agreed to adjust any encroachments to RIDOT property including the sign structure. Referring to the lighting plan, he noted the light on the canopy is tucked under so as not to broadcast out or onto the street. Store hours are 5 a.m. to midnight.

Colleen Medeiros, P.E., McMahon Associates, Inc., 55 Dorrance Street, Providence, RI presented the traffic plan for the proposed plan. She noted that the gas tanker truck is owned by Cumberland Farms, which dictates the recommended route and delivery times. She explained that the recommended route is for the truck to access the site from the Stub Toe Lane entrance so it can circulate the lot to the southeast corner for a passenger side off-load. The truck exits the site onto East Main Road going south (right turn). Mr. Harding and Ms. Wilson discussed the difficulties with traffic circulation at the intersection of Stub Toe Lane and East Main Road. Ms. Medeiros gave a summary of the traffic study. She noted the decrease of site traffic flow associated with the reduced uses and curb cuts. The crash rate is average for a signalized intersection. The future traffic growth rate is set at 1/5%. The majority of the traffic to the site is "existing" as pass by traffic. Level of service is adequate for existing traffic both in the a.m. and p.m. peak periods and may lower slightly in the future with the p.m. peak. Ms. Medeiros noted that RIDOT is reviewing the plan in the following week. Mr. Tibbitts suggested that Ms. Medeiros suggest to RIDOT that the proposed southern East Main Road entrance be reconfigured to utilize a portion of RIDOT land so the truck could access the site from East Main Road. Mr. Harding expressed concern for the steep elevation of Stub Toe Lane and agreed with Mr. Tibbitts' suggestion.

Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Tibbitts made a motion, seconded by Mr. Harding, to make a

favorable recommendation to the Zoning Board of Review for Cumberland Farms Inc., AP 45, Lots 43 & 44. All in favor. So voted.

11. Agenda item #13, JMV Realty, LLC – AP 23, Lot 69 (Dawn Marie Drive), Request for Preliminary and Final approval for Minor Subdivision (two lots)
Neil Hingorany, M.S., LSIT, Soil Evaluator, Narragansett Engineering, 3102 East Main Road, Portsmouth, RI appeared representing JMV Realty, LLC with a plan for a minor subdivision that creates one additional lot along Dawn Marie Drive. The two proposed lots are zoned R20, are conforming and meet all zoning requirements. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to grant preliminary and final plan approval for JMV Realty, LLC – AP 23, Lot 69 (Dawn Marie Drive). All in favor. So voted.

12. Agenda item #14 JMV Realty, LLC – AP 23, Lot 100 (230 Soares Drive), Request for Preliminary and Final approval for Minor Subdivision (two lots)
Neil Hingorany, M.S., LSIT, Soil Evaluator, Narragansett Engineering, 3102 East Main Road, Portsmouth, RI appeared representing JMV Realty, LLC with a plan for a minor subdivision that creates one additional lot along Soares Drive. The two proposed lots are zoned R20, are conforming and meet all zoning requirements. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to grant preliminary and final plan approval for JMV Realty, LLC – AP 23, Lot 100 (230 Soares Drive). All in favor. So voted.

13. Agenda item #9, 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

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to deny the request for a preliminary plan application for a minor subdivision for Portsmouth RI Commercial, LLC, AP 29, lots 31, 32 and 32A (North corner of Sprague Street and East Main Road). All in favor. So voted.

14. Agenda item #15, Discuss Aquidneck Island Planning Commission (AIPC) and report of AIPC activities

Ms. Wilson reported on the recent activities of the AIPC. Portsmouth appointed two new members to the AIPC, Keith Humphreys and Sara Cerkin. Lisa Burken, Program Specialist, AIPC is engaged in communications and funding development. The AIPC is now undergoing audits back 3 – 4 years. Allison McNally, Project Manager, AIPC is updating the financial records. On September 22, the AIPC is holding a community energy forum. The AIPC has

updated its by-laws and now has an operation manual. The AIPC will announce a grant during the week.

15. Agenda item # 16, Approve Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording

Mr. Lesinski presented Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording, September 14, 2016.

MOTION: Mr. Harding made a motion, seconded by Mr. Tibbitts to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, September 14, 2016 and to place it into the record. All in favor. So voted.

At 9:13 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 Office