



TOWN OF PORTSMOUTH PLANNING BOARD

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

PORTSMOUTH PLANNING BOARD Regular Meeting October 12, 2016

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

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.

Mr. Lesinski reported that a petition, for the Highland at Prescott Point, East Main Road was withdrawn by the petitioner.

Agenda item #7: 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 November 9, 2016 regular meeting. All in favor. So voted.

Agenda item #8: Hope & High Properties, LLC, AP 30, lots 17 & 17A – Discuss completion of construction and acceptance of Brown Terrace Extension

Mr. Lesinski noted that Brown Terrace Extension is completed but has yet to be inspected by the Director of Public Works. He noted that the two-year completion period expires at the end of the month. Mr. Lesinski recommended a one-month continuance for the agenda item.

Atty. Cort Chappell appearing representing Mr. Ryan Westmoreland, alerted the Planning Board of a water service problem with his client's lot. He noted that at the time of the purchase, the developer, Carl Benevides represented that water service is available for the lot. He explained that Mr. Benevides requested and received permission from the Portsmouth Water and Fire District to provide water service to the lot by means of a 40 ft. extension connected to a hydrant and then sleeved under the development cul-de-sac, thus rendering relief of the requirement that the lot front along a water main. Atty. Chappell stated that to date the 40 ft. extension has not been installed and the lot is considered illegal. He agreed to return to the Planning Board in November with an update on the problem.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding to continue Hope & High Properties, LLC, AP 30, lots 17 & 17A, to the November 9, 2016 regular meeting.

All in favor. So voted.

Comprehensive Community Plan – Gary Crosby, Town Planner reported that the Housing Element, which is scheduled for the Comprehensive Community Plan workshop on October 26, 2016 will not be completed in time. He asked the Planning Board to review “Low and Moderate Income Housing Plan of Portsmouth, RI, 12/1/2004, Revised, 12/1/04” for this workshop.

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

MOTION: Mr. Harding made a motion, seconded by Mr. Garceau to approve the minutes of the regular meeting, September 14, 2016 with the following correction: page 2, paragraph 5, delete “Kess” and replace with “Kesson”. All in favor. So voted.

3. Benzine Development, care of Nick Giacobbi, AP 56, lot 6 (West Main Road) – Advisory Opinion to the Zoning Board of Review for construction of Automobile Fuel Service Station, Car Washing and Retail Sale of Merchandise

Attorney Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth appeared representing Benzine Development. He requested that the Planning Board move the hearing of this petition back in the agenda to allow time for the project engineer to arrive at the meeting. Mr. Harding recused himself from this agenda item and sat in the audience.

MOTION: Ms. Wilson made a motion, seconded by Mr. Tibbitts to moved Agenda item #3, Benzine Development, care of Nick Giacobbi, AP 56, lot 6 (West Main Road) – Advisory Opinion to the Zoning Board of Review for construction of Automobile Fuel Service Station, Car Washing and Retail Sale of Merchandise back to #7 (actual progression) on the meeting agenda. All in favor. So voted.

Mr. Harding returned to the table to continue his position on the Planning Board.

4. JMV Realty, LLC – AP 23, Lot 69 (Dawn Marie Drive), Approve Decision for Preliminary and Final approval for Minor Subdivision (two lots)

MOTION: Mr. Tibbitts made a motion, seconded by Mr. Harding to approve the Decision for Preliminary and Final approval for Minor Subdivision (two lots) for JMV Realty, LLC – AP 23, Lot 69 (Dawn Marie Drive), as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

5. Agenda item #14 JMV Realty, LLC – AP 23, Lot 100 (230 Soares Drive), Approve Decision for Preliminary and Final approval for Minor Subdivision (two lots)

MOTION: Mr. Tibbitts made a motion, seconded by Mr. Harding to approve the Decision for Preliminary and Final approval for Minor Subdivision (two lots) for JMV Realty, LLC – AP 23, Lot 100 (230 Soares Drive), as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

6. Energy Facility Siting Board (Aquidneck Island Reliability Project) – Approve Advisory Opinion as to whether the project would be a land use consistent with

the Portsmouth Comprehensive Community Plan

MOTION: Mr. Tibbitts made a motion, seconded by Mr. Harding to approve the Advisory Decision as to whether the project would be a land use consistent with the Portsmouth Comprehensive Community Plan for the Energy Facility Siting Board (Aquidneck Island Reliability Project), as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

7. Agenda item #3, Benzine Development, care of Nick Giacobbi, AP 56, lot 6 (West Main Road) – Advisory Opinion to the Zoning Board of Review for construction of Automobile Fuel Service Station, Car Washing and Retail Sale of Merchandise

Mr. Harding continued his previous recusal and sat in the audience.

Attorney Cort Chappell Chappell & Chappell, 171 Chase Road, Portsmouth appeared representing Benzine Development and the Giacobbi family, with a request for an Advisory Opinion for Special Use Permit to the Zoning Board of Review for the construction of gas station, car wash and retail convenience store with a drive-up window, to be located at the northeast corner of Union Street and West Main Road. The proposed design is similar to that of Patriot Petroleum, 3302 East Main Road, Portsmouth, also owned by the Giacobbi family. AP 56, lot 6 is zoned commercial. The lot area is 16 acres or 675,180 sq. ft. The total area for proposed structures and parking/driveway is 61,400 sq. ft. yielding 9.09% lot coverage, well within the required lot coverage limit of 25%. The northeast corner of the lot falls within Zones UD and A in the watershed protection district and there is a small depression of wetlands located just east of the proposed development area. Oriented to the southwest corner of the lot, the development area does not touch or include any of the watershed district and is not subject to the ordinances governing such districts. Atty. Chappell noted that the proposed canopy, which covers five gas pumps and is the fire protection system mandated by law for all gas stations, constitutes an impervious surface with associated storm water run-off. The canopy run-off is calculated into the design of the proposed storm water management system. The 5000 sq. ft. gas station/convenience store with a drive-up window is designed to accommodate an independent business or operation like Dunkin Donuts. Atty. Chappell explained that this type of additional venture would use about 500 sq. ft. of the retail building, acting as a satellite operation without full cooking facilities. He noted that a critical issue for the Planning Board is the level of vehicle stacking associated with drive-up window. Atty. Chappell explained that the proposed plan requires no variances. He noted three necessary special use permits, pursuant to the Portsmouth Town Code, for the gas station, the car wash and the drive-up window. The Zoning Board referred the petition to the Planning Board and the Design Review Board (DRB) for an advisory opinion on the site plan and building design because the building is 5000 sq. ft. or more and the gross developable building area/parking/street system exceeds 20,000 sq. ft. The DRB heard the petition and rendered its advisory opinion, dated October 12, 2016. Atty. Chappell noted that the Planning Board advisory opinion is subject to approvals from the Portsmouth fire and police departments and the Portsmouth Water and Fire Districts.

MOTION: Mr. Lopes made a motion, seconded by Mr. Tibbitts, to qualify Lyn Small,

P.E. Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, RI as an expert in the field of civil engineering.

Lyn Small, P.E. Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, RI presented the plan. She indicated the existing watershed protection overlay zones on the plan, noted that the proposed development area is located as far outside the zones as possible and oriented along the southwest corner of the controlled intersection of West Main Road and Union Street. She gave an overview of the locations of the buildings in relation to the two roadways. Because of the 16-acre site, the underground petroleum tanks are located at the north end of the development area where delivery trucks can easily access them without disturbing the normal processes of the site use. Parking is also located in this area. Existing curb cuts on West Main Road are eliminated because they are too close to the lighted intersection. The proposed West Main Road entrance is centrally located to the development area and over 400 ft. from the intersection. The proposed Union Street entrance is located over 200 ft. (as far east as possible) from the lighted intersection and provides access to the drive-up window situated on the rear of the gas station/convenient store building, the loading zone and the car wash building. The loading zone is situated to the rear of the gas station/convenient store building, rendering limited disturbance to the residents along West Main Road and Union Street. The dumpster is located in the northwest corner of the development area and will be screened and landscaped as per the zoning ordinance and the recommendation of the DRB. Atty. Chappell noted that by ordinance the proposed plan incorporates a stamped landscape design for the perimeter of the development area as well as for the 25 ft. further east along Union Street at the recommendation of the DRB. Atty. Chappell noted that the configuration of the drive-up window lane provides adequate vehicular stacking and that the location and orientation of the lane is 200 ft. from Union Street and West Main Road. He explained that the parking lot allows more than sufficient turn around area (80 ft.) for the petroleum delivery trucks while minimizing impervious surface. He explained the parking calculations, noting that the plan has more that required parking with 59 spaces.

Ms. Small noted that the area of disturbance is about 3 acres of the 16-acre parcel. She described the storm water management system, which features depressions, sand filters and a detention structure that discharges into the town system at two points of connections, one on West Main Road and one on Union Street. Utilities include water, electric and gas (if available). The buildings will not have sprinklers. Ms. Small submitted and presented a sight exterior lighting plan, which demonstrates that the lighting does not spill over the property lines. Ms. Small noted that the petition is subject to RIDEM OWTS and RIPDES permits for septic and pollution control as well as a RIDOT physical alteration permit (PAP). The petition is subject to a letter of water availability from the Portsmouth Water and Fire District. Ms. Small explained that the car wash features a recyclable water system that draws minimal water off the town water system.

Ms. Wilson inquired as to how much ledge existed in the parking area and if it would interfere with the sand bed filters for the storm water system. Ms. Small noted that she is conducting additional testing to determine the amount of ledge and the feasibility of

pretreatment for the septic design. She noted that the drainage system currently does not feature ground infiltration but that if the further testing allows for it then she will be able to reduce the size of the system. Ms. Wilson inquired about the space availability for vehicles to make a left turn from the West Main Road curb cut. She suggested a right turn only designation from that access. Ms. Small stated that from her expectations most patrons, who are traveling south, will exit right onto Union Street first and then turn left onto West Main Road at the light. Atty. Chappell commented that in design discussions, it was concluded that forcing southbound traffic to the light on Union might raise concerns with the residents and that it was better to leave both options. In response to Ms. Wilson, Ms. Small stated that she will conduct a traffic study. Atty. Chappell commented that the Zoning Board of Review can request a traffic study. He and the design team decided to forego the traffic study and take the risk that the ZBR might not require one because the proposed use is not associated with an increase in traffic.

Mr. Tibbitts spoke favorably about the use, specifically the car wash. However he expressed concerns for noise associated with the loitering of patrons playing music. Atty. Chappell showed the architectural renderings for the buildings. The sign meets the standards in terms of location and size at 4 ft. by 8 ft. Mr. Bissonnette called for public comment.

Luke Harding, 884 Union Street, abutter and owner of the lot adjacent to 884 Union St. expressed his concern for the direct alignment of the Union Street site curb to his adjacent lot upon which he intends to build a retirement home in the future. He is worried about vehicles flooding light onto his front yard. He asked if the curb cut could be configured at a 45-degree angle to alleviate his concern. He also expressed concern for the site wetlands uphill to the east of the development area and their proximity to the proposed septic system. Ms. Small explained that RIDEM confirmed that the wetlands are small and non-jurisdictional but the septic plan does maintain the appropriate 10-foot distances from the wetlands. As a matter of information, Mr. Harding commented that the water line in the area has broken numerous times. Atty. Chappell stated that the petitioners are not opposed to discussing placement of the Union Street curb cut with Mr. Harding. Mr. Harding suggested the installation of a double 45-degree angle cut with a center island. Ms. Small commented that RIDOT would likely oppose such a configuration and usually requires a 90-degree curb cut. Atty. Chappell suggested that a meeting with the petitioner, Ms. Small and Mr. Harding to alleviate his concerns be a condition of the Planning Board's advisory opinion. Ms. Small made suggestions as to how to view the site in relation to Mr. Harding's property through the use of overlays with aerial photographs in order to come up with a possible shifting of the curb cut.

Christine Pruitt, 25 Mail Coach Road asked for the exact location of the proposed West Main Road curb cut in relation to the properties across the street. Ms. Small indicated that the curb cut is close in alignment with Mail Coach Road. Ms. Pruitt expressed concern for the traffic difficulties along West Main Road in the area between Mail Coach and the Union Street controlled intersection. Ms. Small agreed to create an overlay plan that shows the neighboring properties on West Main Road for the Zoning Board of Review hearing scheduled for October 20, 2016.

Mil Kinsella, 74 Narrangansett Boulevard inquired about the hours of operation for the proposed gas station. Joe Giacobbi, petitioner stated that the current hours of operation for Patriot Petroleum are 6 a.m. to 10 p.m. Ms. Kinsella asked what was the daily water usage for the car wash. Ms. Small explained that through limited research, she found that per car usage is 16 gallons of water about 75 % of which is reclaimed yielding a per car actual usage of 5 to 6 gallons. Ms. Kinsella expressed concern for the noise in the area. Atty. Chappell explained that in a commercial zone, noise levels are limited to 75 decibels up until 10 p.m. except when the commercial site abuts residential zoning. In this case the limits are measured within the residential zone and the limits are the same as within a residential zone. He noted that the petitioner has not applied for a variance for noise under the town's new application process.

Donna Chelf, 31 Mail Coach Road inquired as to the distance of the proposed structures from West Main Road. Atty. Chappell stated that the structures are 174 feet from West Main Road and further back into the lot than the structures at Patriot Petroleum on East Main Road. Ms. Chelf inquired about the dryers for the car wash and whether there would be a noise buffer to protect to the houses on the other side of West Main Road. Atty. Chappell explained that the car wash, including the dryers, is completely enclosed within the car wash building. Nick Giacobbi, petitioner explained that the building has doors at either end, which do not open until the dryers go off.

Constance Harding, 884 Union Street, abutter spoke in favor of the petition and applauded the petitioners. She noted that there are 24 abutters to the site along Union Street and West Main Road. She asked the petitioners to consider additional landscaping and buffering to protect the property values of the abutters. She explained the daily traffic build-up on Union Street that is associated with parents dropping their children off at Portsmouth Middle School around the corner on Jepson Lane. She also noted that she had an employee take a decibel reading at Blue Wave Car Wash in Middletown, RI and the result was 86 decibels. Nick Giacobbi stated that he noticed that the system at Blue Wave operates with the car wash doors open. He said the proposed system is completely automated and that the doors do not open until the dryers are shut off. He also stated that he is going to trade shows to investigate the most efficient system. Ms. Harding inquired about future development plans for the lot. George Tolson, appearing representing the property owners, indicated that the contract is for the entire lot and that he is unaware of any further subdivision. Atty. Chappell explained that any further subdivision or development of the site is limited by the watershed protection overlay and would require an application to the Planning Board with notification to the abutters.

John Vitkevich, 119 Hummock Avenue spoke in favor of the Giacobbi family and Patriot Petroleum. He rendered his support for the proposed development from a business perspective.

MOTION: Ms. Wilson made a motion, seconded by Mr. Garceau, to make a favorable recommendation and advisory opinion to the Zoning Board of Review for Benzine Development, care of Nick Giacobbi, AP 56, lot 6 (West Main Road) subject to the

following conditions:

- The petitioner is allowed a reduction in required parking by 16 spaces due to the use associated with the petition.
- The petitioner presents to the Zoning Board of Review a plan with an overlay that designates abutting properties on both sides of West Main Road and Union Street with dimensions that show distances from the plan curb cuts (ingress and egress) for the purpose of analyzing traffic conditions associated with the plan.
- The plan incorporates the recommendation of the Portsmouth Design Review Board as per its Advisory Opinion of October 12, 2016.
- The petitioner screen and landscape the proposed dumpsters as per the project landscape plan.
- The plan indicates an allowable 12 stacked cars to the proposed drive-through window as per the approval of the Portsmouth Police Chief.
- RIDEM grants an OWTS permit for the plan.
- RIDEM grants a RIPDES permit for the plan.
- RIDOT grants a PAP permit for the plan.
- The Portsmouth Water and Fire District issues a letter of water availability for the plan.
- The petitioner adheres to the lighting plan (Patriot Petroleum, W. Main Rd & Union St., Portsmouth, RI, Red Leonard Associates, Cincinnati, OH, RL-4108-S1, 10/12/2016) submitted to the Portsmouth Planning Board and the Portsmouth Design Review Board.
- The petitioner will endeavor to enforce a no loitering policy at the site car wash/parking area to help limit noise.
- The petitioner will make additional review on how the proposed exit meets the existing roadway along Union Street in order to answer and alleviate the concerns raised by Mr. Harding, abutter, Union Street.
- The petitioner will make additional review of the alignment of the West Main Road site egress with Mail Coach Road to answer and alleviate West Main Road abutter concerns.
- The petitioner confirms that the car wash operation conforms to all noise level requirements according to the town's noise ordinances.

All in favor. So voted.

8. Agenda item #9, Discuss Aquidneck Island Planning Commission (AIPC) and report of AIPC activities

Ms. Wilson reported on the recent activities of the AIPC including the AIPC Board elections in November, 2016, the AIPC Report on Financing to member municipalities, the EPA \$1 million grant to the AIPC, the AIPC Newsletter report on the Solarize Aquidneck Island project, the AIPC Community Energy Forum, the storm water grant to the AIPC and the AIPC Annual Report.

9. 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, October 12, 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, October 12, 2016 and to place it into the record. All in favor. So voted.

At 8:40 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