



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD
Regular Meeting
January 10, 2018**

Members Present: Guy Bissonnette, Michael James, David Garceau, Ryan Tibbetts and Kathleen Wilson.

Members Absent: Edward Lopes and Luke Harding

Others Present: Leon Lesinski, Administrative Officer, Portsmouth Planning Board, Atty. Kevin Gavin, Portsmouth Town Solicitor and Michael Asciola, Assistant Town Planner.

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

1. Agenda Continuances/Modifications:

MOTION: Mr. Tibbetts made a motion, seconded by Ms. Wilson, to push back Agenda Item # 3, BCM Realty Partners, LLC, AP 58, lot 49 (126 and 130 Glen Road) to be heard directly after Agenda Item # 6, Joan M. DeMello Trust, AP 54, Lot 17 (346 Vanderbilt Lane). All in favor. So voted.

2. Approval of minutes for Planning Board meeting of November 8, 2017

MOTION: Mr. Tibbetts made a motion, seconded by Mr. Garceau to approve the minutes of the regular meeting of November 8, 2017. All in favor. So voted. Mr. James abstaining due to his absence at the meeting.

**3. Agenda item 4: Paul Dube, AP 37, lot 18 (27 Westwood Drive) –
Application for final Plan approval for minor subdivision (two lots)**

Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth appeared representing the petitioner with a request for final approval for a minor subdivision for two lots, located on Souza Way, a private road. He noted that the Zoning Board of Review (Decision, August 17, 2017) granted a variance for a minor subdivision which creates a lot that does not front on a public road, thus allowing construction on said lot. Atty. Chappell reviewed the history of the site and surrounding property noting the restrictions imposed upon the site pursuant to previous a Planning Board decision. He presented a plan which indicates the subdivision of Lot 18 into two lots, 18-A with frontage on Westwood Drive, a public road and 18-B with frontage on Souza Way.

MOTION: Mr. Tibbetts made a motion, seconded by Ms. Wilson, to grant final approval for a minor administrative subdivision for Paul Dube, AP 37, lot 18 (27

Westwood Drive), subject to the following conditions:

1. The petitioner submits RIDEM ISDS (septic) approval for the two lots.
2. The approval is based on the plan and other technical evidence presented to the Planning Board by the petitioner.
3. The administrative officer of the Planning Board may sign off on the plan, without the petitioner having to come back to the Planning Board, provided that the plan is in accordance with conditions 1 and 2.

All in favor. So voted.

4. Agenda Item 5: Rhode Island Nurseries, Inc. (Sakonnet Bluffs, LLC), AP 59, lot 5 – Application for minor modification (3rd Modification) to adjust lot lines between lot 5N and 5P and to adjust drainage swale between lot 5K and 5L. Also review Subdivision Plans, Road Bond, Warranty Deed, Bylaws for Sakonnet Bluffs Homeowners Association, Inc., Easements and Declaration of Restrictions

Atty. Eric Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth appeared representing the petitioner with a request for approval of a third minor modification to the final plan approval for a subdivision on Vanderbilt Lane. The modification adjusts the lot lines between lots 5N and 5P and the drainage swale between lots 5K and 5L. Atty. Chappell explained that the lot line adjustment request is to accommodate a purchaser for lot 5P who desires additional land necessary to apply for a CRMC coastal management plan, which provides further relief to a property owner with a minimum of one acre below the coastal feature. Atty. Chappell explained that the request to move the drainage swale to a location that straddles lots 5K and 5L is to accommodate another purchaser who wants to acquire lots 5M and 5L and subsequently merge the lots at a later date.

John Braga, Jr. P.E. and RI Registered Land Surveyor, 144 Rhode Island Avenue, Portsmouth presented further clarification as the project engineer. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Tibbetts made a motion, seconded by Mr. James, to grant approval of a third minor modification to the final plan for Rhode Island Nurseries, Inc. (Sakonnet Bluffs, LLC), AP 59, lot 5, which adjusts the lot line between lots 5N and 5P and adjusts the location of the drainage swale, previously between lots 5M and 5L, to a new location between lots 5K and 5L pursuant to the plan submitted by the petitioner's attorney. All in favor. So voted.

Atty. Gavin stated that he reviewed the pertinent documents for the project, as submitted by Atty. Chappell including the Subdivision Plans, the Road Bond, the Warranty Deed, the Bylaws for Sakonnet Bluffs Homeowners Association, Inc., the Easements and the Declaration of Restrictions, and found no issues with them.

5. Agenda Item 6: Joan M. DeMello Trust, AP 54, Lot 17 (346 Vanderbilt Lane) – Application to approve minor modification to Final Plan to

reconfigure lot and roadway alignment

Atty. Adam Thayer, Sayer Regan & Thayer, 130 Bellevue Avenue, Newport appeared representing the petitioner with a request for approval of a minor modification to a final plan approval for a lot reconfiguration and roadway re-alignment. He requested that the Planning Board qualify Lynn Small, P.E., Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, RI as an expert witness.

MOTION: Mr. Tibbetts made a motion, seconded by Ms. Wilson, to qualify Lynn Small, P.E., 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 presented a plan for a minor modification, as outlined in her memo to the Planning Board dated October 25, 2017, to a previously approved subdivision, located off Vanderbilt Lane. The modification provision is for a lot reconfiguration and a roadway re-alignment. She noted that she reviewed the request with the Planning Board at the November regular meeting. Referring to the plan, she noted that the road (approximately 850 feet) has been straightened and the lot lines adjusted resulting in a better plan whereby all the lots have the required developable land area. She also noted another change in which two drainage features are indicated as underground sand filter structures. Ms. Small noted that she is pursuing modifications to the state permits, including RIDEM subdivision suitability for the septic systems, CRMC assent, RIDEM water quality permit and RIPDES. Ms. Small noted that the final plan proposal will indicate a paper road stub and an easement for future connection to Sunrise Drive. She noted that the connection would have to be made over private residential property. In response to Mr. James, she noted that if the road connected to Sunrise Drive, the cul-de-sac would become a defeasible easement and impact the lines for lots 6 and 7. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Tibbetts made a motion, seconded by Ms. Wilson, to approve the minor modification to the final plan for Joan M. DeMello Trust, AP 54, Lot 17 (346 Vanderbilt Lane) to reconfigure the road alignment and lot layout on the condition that the final plan indicates an easement for a road stub for a future connection to Sunrise Drive and on the further condition that the project engineer obtains approved modifications for all the state permits. All in favor. So voted.

6. Agenda Item 3: BCM Realty Partners, LLC, AP 58, lot 49 (126 and 130 Glen Road) – Application for Preliminary Plan approval for Major Subdivision (continued from 11/8/2017)

Atty. Laurent Rousseau, Moore, Virgadamo & Lynch, Ltd., Middletown, RI appeared representing the petitioners in a continuation of a previous hearing (11/8/2017) for preliminary plan approval for a 6-lot subdivision on Glen Road. He asked the project engineer to review the open issues.

John Braga, Jr., P.E. and R.I. Registered Land Surveyor, 144 Rhode Island Blvd., Portsmouth gave an update on the issues. He noted that he eliminated the grass center of the cul-de-sac at the request of Brian Woodhead, Deputy Director of Public Works. Also at the request of Mr. Woodhead, Mr. Braga reduced the size of the drainage swales in the roadway for maintenance reasons. He reported that Mr. Woodhead is aware of indicated sub-drain under the road, which is necessary because the site test results do not meet the 36 inch required depth to ground water table under the road. Mr. Braga noted that future tests results may meet the requirement in which case he would go back to RIDEM to request an elimination of the sub-drains. He noted that the plan has septic approval from RIDEM for all six lots. He noted that the Portsmouth Water and Fire District rendered a written approval for the project water main on November 16, 2017. The Portsmouth Fire Department made written approval on November 2, 2017. Mr. Braga noted that the drainage systems for the individual lots and for the project are designed for a 100-year storm event. Mr. Braga and Mr. Lesinski stated that neither of them received written approval from Mr. Woodhead. Atty. Rousseau stated that the plan can indicate a paper road stub to connect to the northern abutting property for future development if the Planning Board so requires. He asked the Planning Board to make this matter a condition of preliminary approval. Mr. Bissonnette called for public comment.

Marilee Otilige, 98 Stub Toe Lane, Portsmouth commented that she is Gordon Rego's daughter and an heir to the property to the north of the proposed project. She stated that she wants the paper road connection from the project site because when she and her siblings inherit her father's property, their intent is to put it up for sale.

MOTION: Mr. Tibbetts made a motion, seconded by Ms. Wilson to grant preliminary plan approval for BCM Realty Partners, LLC, AP 58, lot 49, (126 and 130 Glen Road), on the condition that the plan indicates an easement for a paper road extending north of the cul-de-sac between lots 1.4 and 1.5. All in favor. So voted.

7. Approve proposed amendment to Land Development and Subdivision Regulations

Michael Asciola, Assistant Town Planner presented a proposed amendment to the Land Development and Subdivision Regulations. He indicated the changes discussed at the November regular meeting. Ms. Wilson noted that for required actions the term "shall" should be used in place of the term "must." Mr. Bissonnette agreed.

MOTION: Ms. Wilson made a motion, seconded by Mr. James, to approve the proposed amendment to the Land Development and Subdivision Regulations with the following corrections: 1. Strike the term "fourteen" in the last line of the first paragraph on page 3; 2. Ignore the correction at the bottom of page 13 and

retain the term "shall". All in favor. So voted.

8. Discuss Aquidneck Island Planning Commission (AIPC) and report of AIPC activities

Ms. Wilson addressed the December 14, 2017 Sakonnet Times article on a recent Town Council meeting, during which derogatory statements were made against the AIPC.

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

Mr. Lesinski presented Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording, January 10, 2018.

MOTION: Mr. James made a motion, seconded by Mr. Garceau to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, January 10, 2017 and to place it into the record. All in favor. So voted.

At 8:06 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