



**TOWN OF PORTSMOUTH  
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD  
Regular Meeting  
February 13, 2018**

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

**Members Absent:** none

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

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

**1. Agenda Continuances/Modifications:** none

**2. Approval of minutes for Planning Board meeting of January 9, 2019**

**MOTION:** Mr. Harding made a motion, seconded by Mr. Tibbetts, to approve the minutes of the January 9, 2019 regular meeting with the following corrections: 1. Page 4, paragraph four, line 2, delete the term "inches" and replace it with the term "feet" and line 6, change the term "site" to the term "sight". All in favor. So voted.

**3. Windrock, LLC, AP 48, Lot 19 (Windrock Acres) – Request to reduce Road Bond for Windrock Circle Subdivision**

Atty. Eric Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth appeared representing the applicants with a request to reduce the road bond for Windrock Circle, Windrock Acres by 50%. He noted that Brian Woodhead, Director of Public Works, Town of Portsmouth certified the completion of the drainage, underground utilities and the roadway binder course in accordance with Article XIII Section C. RELEASE OF LOTS FOR SALE OR BUILDING in his memorandum to Mr. Lesinski, dated January 10, 2019. Mr. Lesinski stated that the bond is set at \$480,800.00. Mr. Bissonnette called for public comment to which there was none.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Harding, to approve a 50 percent reduction of the road bond to an amount equal to \$240,400.00 for Windrock, LLC, AP 48, Lot 19 (Windrock Acres) in accordance with the

memorandum of certification from Brian Woodhead, Director of Public Works, Town of Portsmouth, dated January 10, 2019. All in favor. So voted.

**4. Dean DeMello, AP 54, Lot (Sea Spray Estates) – Request for extension to record final subdivision plan**

Dean DeMello, 175 3<sup>rd</sup> Street, Newport, RI, owner of the proposed property, 346 Vanderbilt Lane requested an extension to record the final subdivision plan. Mr. Lesinski stated that the necessary documentation is in place.

**MOTION:** Mr. Harding made a motion, seconded by Ms. Wilson, to grant a 6 (six) month extension to record the final subdivision plan for Dean DeMello, AP 54, Lot (Sea Spray Estates). All in favor. So voted.

**5. Sakonnet Bluffs, LLC, AP 59, Lots 5A – 5P, Vanderbilt Lane – Continuation of request to reduce Road Bond for the Sakonnet Bluffs Subdivision**

Atty. Eric Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth appeared representing the applicants. He asked for a continuation of a request to reduce the road bond for the Sakonnet Bluffs Subdivision to the next regular meeting scheduled for March 13, 2019. He noted that the applicants are working out issues over the private road with their abutters.

**MOTION:** Ms. Wilson made a motion, seconded by Mr. Garceau, to continue the request to reduce the road bond for Sakonnet Bluffs, LLC, AP 59, Lots 5A – 5P, Vanderbilt Lane to the next regular Planning Board meeting scheduled for March 13, 2019. All in favor. So voted.

**6. Ferreira Farms Land Corp. – owner, Kreg, LLC. – applicant, AP 48, Lot 35 (corner of Pleasant View Avenue and Ferreira Street) – Approve Master Plan Decision**

**MOTION:** Mr. Tibbetts made a motion, seconded by Mr. Lopes, to approve the Master Plan Decision for Ferreira Farms Land Corp. – owner, Kreg, LLC. – applicant, AP 48, Lot 35 (corner of Pleasant View Avenue and Ferreira Street) as submitted by Leon Lesinski, Administrative Officer, Portsmouth Planning Board.

**7. Velocity NBC, LLC (The Newport Beach Club), AP 16, Lot 37, AP 17, Lots 8 & 9, AP 22, Lots 2, 3, 4 & 10, AP 23, Lots 18 & 19 – Continuation of application for Minor Modification to reduce the number of residential units (Fifth Modification)**

Mr. Lopes continued his recusal from the hearing of this application and sat in the audience. Atty. Danielle Dufault of Adler Pollock & Sheehan, P.C. appeared representing the applicants with a request for a continuance to the next regular meeting of the Planning Board, scheduled for March 13, 2019. She noted that the revised plans have not been distributed to the abutters as promised at a previous meeting.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Wilson to continue Velocity NBC, LLC (The Newport Beach Club), AP 16, Lot 37, AP 17, Lots 8 & 9, AP 22, Lots 2, 3, 4 & 10, AP 23, Lots 18 & 19 to the next regular meeting of March 13, 2019. All in favor. So voted.

**8. Chris Bicho, Landings Real Estate Group – Advisory Opinion to the Town Council regarding a proposed Zoning Ordinance Amendment to Article XIX for a “payment in lieu” option for Low and Moderate Income Housing requirements**

Gary Crosby, Town Planner, with the cooperation of Chris Bicho (not present), requested a continuation of the agenda item to gather additional information on the “payment in lieu” option.

**MOTION:** Mr. Tibbetts made a motion, seconded by Mr. Lopes, to continue “Chris Bicho, Landings Real Estate Group – Advisory Opinion to the Town Council regarding a proposed Zoning Ordinance Amendment to Article XIX for a “payment in lieu” option for Low and Moderate Income Housing requirements” to the next regular meeting of March 13, 2019. All in favor. So voted.

**9. Advisory Opinion to the Town Council regarding a proposed Zoning Ordinance Amendment to Article II – Definition to bring the ordinance into compliance with State Law regarding the definition of Building Height and to Article III, Section F. – Flood Hazard Areas – paragraph 13 – definition of Building Height therein**

Referring to his memorandum to the Planning Board, dated February 13, 2019, Gary Crosby, Town Planner presented drafts of Zoning Ordinance Amendments to update the Building Height Regulations in special flood hazard areas. The amendments are necessary in order for the Zoning Ordinance to be compliance with the new state definition of building height, which the House and Senate passed and the governor signed in 2018 and which takes effect on March 1, 2019. Specifically the drafted amendments are to Article II – Definitions, Building Height, Article III – Division Into Districts, Section F – Flood Hazard Areas, Paragraph 2 (B) and an addition to Article III – Division Into Districts, Section F – Flood Hazard Areas, Paragraph 13 – Definitions, Building Height. Mr. Crosby stated that the purpose of the third amendment (building height in Flood Hazard Areas) is to maintain the traditional cap on building height in Portsmouth, specifically along the shoreline, and to give the Planning Board the opportunity to make an advisory opinion to that effect to the Town Council. The Planning Board entered into a long discussion on the proposed amendment that defines building height in Flood Hazard Areas. Members commented alternative ways to make the definition. Mr. Crosby gave added information, noting that his drafted definition is similar to that of communities like Charlestown and Narragansett, RI.

Atty. Kevin Gavin, Town Solicitor stated that he conferred with Mr. Crosby as to

the timing of the amendment proposals. They discussed Mr. Crosby's consideration of an emergency moratorium on development in order to come up with a more thoughtful definition but in the end decided that following the lead of other communities was valid to meet the effective date of the state law. Mr. Bissonnette called for public comment.

Atty. Eric Chappell, Chappell and Chappell, 171 Chase Road stated that he doesn't see the state law change effecting Portsmouth because the lower level up to the base flood elevation is not defined as a story according to town regulation.

Peter Roberts, 80 Ormerod Avenue commented on his experience with his house, built by his father, and with flood rise on his property. He feels that there are other construction options, for example thickness of basement walls that could mitigate flooding hazards, rather than regulating building height.

Neil Hingorany, 3102 East Main Road, spoke at length on his professional experience and perspective in engineering and construction. He stated that he advises clients along the shoreline to maximize height by constructing the five feet of freeboard allowable by state law. He spoke on his academic research on sea level rise. He noted that buildings on the shoreline have to survive this rise 50 years beyond construction. Mr. Hingorany and Mr. Crosby gave the Planning Board members sources on sea level statistics.

**MOTION:** Ms. Wilson made a motion, seconded by Mr. Tibbetts, to make a favorable advisory opinion to the Town Council on the proposed "Zoning Ordinance Amendment to Article II – Definition to bring the ordinance into compliance with State Law regarding the definition of Building Height and to Article III, Section F. – Flood Hazard Areas – paragraph 13 – definition of Building Height therein" as presented by Gary Crosby, Town Planner and according to his memorandum to the Planning Board, dated February 13, 2018 with the following revision: to insert the phrase "...to the top of the highest point of the roof or structure." in the building height definitions wherever applicable. The motion is carried 5 votes for and 2 votes against. Messrs. Harding and Lopes against.

#### **10. Discuss scheduling of the Comprehensive Community Plan Public workshop hearings**

Gary Crosby, Town Planner distributed and reviewed the agenda and marketing plan for the Portsmouth Comprehensive Plan Update Public Workshop, scheduled for April 3, 2017, 7:00 p.m. He intends to have the comprehensive plan elements completed by May for a Planning Board hearing. Mr. Bissonnette called for public comment.

Anne Fiore, 290 Frank Coelho Drive requested that the gallery for the public

workshop be on display prior to April 13. Mr. Crosby agreed that the boards could be publicized prior to the workshop.

**11. Discuss Aquidneck Island Planning Commission (AIPC) report of AIPC activities**

Ms. Wilson stated that she did not have a report to present on the AIPC activities.

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

Mr. Lesinski presented Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording, February 13, 2019.

**MOTION:** Ms. Wilson made a motion, seconded by Mr. Garceau, to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, February 13, 2019 and to place it into the record. All in favor. So voted.

At 8:29 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