



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD
Continuation of the Regular Meeting of February 8, 2017
February 15, 2017**

Members Present: Guy Bissonnette, Ryan Tibbetts, 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 and Michael Asciola, Assistant 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 Regular Planning Board meeting of January 11, 2017

MOTION: Mr. Lopes made a motion, seconded by Ms. Wilson to approve the minutes of the regular meeting, January 11, 2017 with the following corrections: Page 9, item 3 of the motion, bottom of page, change year of referenced dates from 2016 to 2017. All in favor. So voted.

3. Craig and Arlene Mulligan, AP 22, lot 7 (69 Brownell Lane) – Request for Preliminary and Final approval for minor subdivision (2 lots)

Todd Chaplin, P.E., Mt. Hope Engineering, Portsmouth, RI appeared representing the applicants with a request for preliminary and final approval for a minor, 2-lot subdivision, located on Brownell Lane. He explained that one of the lots has an existing dwelling and that both lots conform to the dimensional requirements for R 20 zoning. RIDEM has approved the septic designs for both lots. The plan does not require zoning relief. Public water serves both lots. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to grant preliminary and final approval for Craig and Arlene Mulligan, AP 22, lot 7 (69 Brownell Lane). All in favor. So voted.

4. Ann Hackett (Island Day School, Inc.) AP 36, lot 15 (2477 East Main Road – Owner: Portsmouth Plaza Associates, LLC) – Advisory Opinion to Town

Council for modification to Zoning Ordinance

Atty. Cort Chappell, 171 Chase Road, Portsmouth appeared representing the applicant with a request for an advisory opinion to the Town Council for modification to the Zoning Ordinance. His client, Ann Hackett, owner, Island Day School, Inc. has an interest to purchase a building on East Main Road. Atty. Chappell explained that if the building is in a commercial zone, then daycare centers are allowable by special use permit. Unfortunately the building in question is located in the town center base district, which according to the zoning use tables, has a “no” for daycare centers. He is seeking an advisory opinion to the Town Council for a modification to Article V – Use Regulations, Section B, item 9 that changes the use table, under TC, to make daycare centers allowable by special use permit. Atty. Chappell further explained schools and churches are not allowed in the Town Center district possibly because restaurants and liquor stores are allowed. He stated that according to state alcohol rules, an establishment with a liquor license cannot be within 200 feet of a church or school, however in Portsmouth, daycare centers are not considered schools so the state statute does not apply. As long as the applicant does not license her daycare facility to qualify as a kindergarten through the RI Board of Education, her operation precludes violation under the state statute and businesses with liquor licenses are protected. Atty. Chappell argued that the daycare center is a fitting use for the area and that the Town Council put his applicant’s request out for advertisement.

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes to make a favorable recommendation to the Portsmouth Town Council for a modification to the Zoning Ordinance, Article V – Use Regulations, Section B, item 9 that changes the use table, under TC (Town Center base district), to make daycare centers, specifically not qualifying as schools, allowable by special use permit (change “N” to “S”) and to further direct the Planning Board Administrative Officer to send the written advisory opinion to the Town Council. All in favor. So voted.

5. Prescott Point, LLC, AP 55, lot 1A, 2547 West Main Road – Approve Final Plan Decision for Planned Resort Development

Mr. Lesinski presented the revised draft, dated February 6, 2017, of the final plan decision to the Planning Board. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Tibbetts made a motion, seconded by Mr. Lopes, to approve the Final Plan Decision (February 6, 2017) for a Planned Resort Development for Prescott Point, LLC, AP 55, lot 1A, 2547 West Main Road as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

6. Highlands at Prescott Point, LLC (owner: Roman Catholic Diocese of RI), AP 55, lot 1, 2543 West Main Road – Request for Preliminary Plan Approval for Major Subdivision

Atty. Laurent Rousseau, Moore, Virgadamo & Lynch, Ltd., Middletown, RI

appeared representing the applicants with a request for preliminary plan approval for a major subdivision for a 10.17 acres parcel which is located along the west side of West Main Road, north of the Middletown line, east of Prescott Point and south of Redwood Farms. The applicants have an agreement with the Roman Catholic Diocese of RI to purchase the parcel. The parcel is vacant with woods and grass. It is in an R 30 zone. In January 2017, the Planning Board granted master plan approval for an 11-lot subdivision. Mr. Rousseau presented an alternate plan, which includes an additional lot to be designated single family, low to moderate income housing. He noted that the lot addition requires variance for frontage for lots 7, 8 and 9. The alternate plan, as the original plan, requires variance for road width to 24 feet. He noted that both plans indicate that the storm water and waste water systems are connected to the Prescott Point systems. Atty. Rousseau explained the status of the agreements with the Prescott Point Master Condominium and the Beech Hill at Prescott Point Associations for the storm water and waste water system connections. He noted that one or two more unit owners must approve the Beech Hill agreement. He noted that the plan indicates buffer areas along the westerly and southerly boundaries of the site.

Atty. Rousseau reported that he could not find an easement that provided a right to connect to Pioneer Lane over the abutting Redwood Farm lots to the north and northeast of the site. Mr. Harding commented that Mrs. Donohue, abutter stated at the master hearing that she would not object to an emergency only connection through her property since she had previously received approval from the town to allow her to connect to Pioneer Lane. Atty. Rousseau explained that an easement for an emergency connection between lots 9 & 10 to Brook Farm Lane is part of the agreement in negotiation with Beech Hill. The applicant will provide a gate or chain barrier at the beginning of the emergency access at Brook Farm Lane. In summary, Atty. Rousseau requested preliminary plan approval for either the 12-lot LMI plan or the 11-lot plan presented at master plan approval. He further requested that under the 12-lot plan, the applicant reserves the right to select the LMI designated lot and further that if the town passes an ordinance for developer payment-in-lieu-of LMI construction, that the applicant reserve the right to exercise that option.

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to accept Lyn Small, P.E. Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, RI as an expert in the field of civil engineering and a registered P.E. in the State of Rhode Island. All in favor. So voted.

Lyn Small, P.E. Northeast Engineers & Consultants, Inc. reviewed that engineering features of the proposed plan. She noted that the site has a significant slope that drains onto Prescott Point and Beech Hill property. Indicating design features on the plan, she noted that storm water system provides water quality treatment and control for peak run-off customary for any subdivision. She noted these features allow for handling run-off overland or sub-

surface. She explained that the current plan indicates sub-surface drainage with the connection to the Beech Hill system. Referring to the plan, she pointed out the existing catch basins on Beech Hill property at the southwest corner of the proposed site. Ms. Small explained that the overflow weir in the southwest corner controls peak run-off for a 100-year storm. She emphasized that the storm water drainage system is a conventional design that can stand alone without the connection to the Beech Hill system. Ms. Small explained how the wastewater treatment system connects to the Prescott Point drip irrigation system and wastewater treatment plant. She explained that the Prescott Point system has more than enough capacity for the proposed development and that the proposed subdivision will help pay for the maintenance of the Prescott Point system. She stated that RIDEM has to permit a modification to the Prescott Point wastewater treatment approval to allow for the proposed subdivision connection. Ms. Small noted that the plan requires a PAP from RIDOT for the West Main Road curb cut. The roadway will be public. She noted that the development is serviced by Newport water and natural gas. She noted that the wastewater design allows for a 2400 square footprint for the houses.

Atty. Rousseau explained that under the proposed agreement with Prescott Point and Beech Hill, the Highlands at Prescott Point homeowners association pays for the amount of flow into the Prescott Point wastewater system, which is measured through a meter system. He noted that the payment methods are under negotiation but that Highlands will have the authority to assess homeowners and place liens on properties for non-payment.

Mr. Bissonnette called for public comment.

Raymond Morrissette, 46 Brook Farm Road, Assistant Secretary for the Executive Board, Beech Hill at Prescott Point noted that all parties are in agreement with the 30-foot vegetative buffer easement along the southerly boundary, which is not indicated on the plan. Atty. Rousseau stated that he drafted the easement after the memorandum of understanding, which includes the easement for the buffer along the westerly boundary. He noted that both buffers and easements will be indicated on the final plan and constitute a matter of record. Mr. Morrissette stated that the southerly boundary is now included in the memorandum of understanding. He stated that the Beech Hill Condominium Association takes no exception to the plan or the testimony of Atty. Rousseau or Ms. Small. He noted that Beech Hill is within two votes of unit owner approval of the preliminary memorandum of understanding. In response to Mr. Lopes, Mr. Morrissette confirmed that the 30-foot southerly boundary buffer easement is just north of the Brook Farm Road right of way and does not include the drainage swail to the north, which indicated on the plan.

Robert Steele, 45 Freedom Trail Drive inquired about whether or not run-off from Brook Farm Lane would be directed to an existing catch basin. Mr. Morrissette stated that there are two pairs of proposed catch basins associated with the

proposed plan, which are intended to serve drainage from Brook Farm Road. The catch basins are connected to the existing drainage system.

Dennis Chandler, 120 Stony Brook Lane, President, Beech Hill at Prescott Point Executive Board noted that Beech Hill residents pay for water in and water out for sewage service. He noted that the developer has discussed installing a mag meter system to measure water as it goes into the system and charging back for this flow to the Highlands homeowners association.

Atty. Rousseau again request approval for either the 12-unit, LMI plan, which requires variance for frontage for lots 7, 8 and 9, or the 11-unit plan originally proposed at the master plan hearing. He noted that both plans require variance for road width of 24 feet.

Atty. Gavin stated that the Planning Board should make the approval conditional upon the Zoning Board of Review granting approval for the variance for frontage with the LMI plan

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to make preliminary plan approval for Highlands at Prescott Point, LLC (owner: Roman Catholic Diocese of RI), AP 55, lot 1, 2543 West Main Road for Alternate Plan 2 (LMI Plan), Drawing C-4 of the plan set dated 1/24/17 based on the following conditions:

1. The applicant has the authority to designate any one of the 12 proposed lots as LMI or at a later date could satisfy the LMI requirement with a payment-in-lie-of construction if the town passes an ordinance allowing such an option.
2. The Planning Board grants the 24-foot roadway variance.
3. The Zoning Board of Review grants variance for frontage for lots 7, 8 and 9 as requested.
4. The final plan indicates the 30-foot, vegetative buffer easement along the southerly boundary of the parcel and the north side of Brook Farm Lane.
5. The proposed emergency access from Brook Farm Lane to a strip between lots 9 and 10 be gated or locked to prevent public access.

The motion further authorizes the Administrative Officer of the Planning Board to write a favorable recommendation for variances mentioned above to the Zoning Board of Review for Alternate Plan 2 (LMI Plan).

All in favor. So voted.

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

Ms. Wilson reported on the AIPC activities including the audit approval, the AIPC Development and Advisory Committee, the Island Waters grant, AIPC strategic planning, a Cliff Walk encroachment, Island high-speed internet access and a

bicycle friendly road study.

8. 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 8, 2017.

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, February 8, 2017 and to place it into the record. All in favor. So voted.

At 8:09 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