



**TOWN OF PORTSMOUTH
PLANNING BOARD**
2200 East Main Road
Portsmouth, RI 02871
401-683-3717

**PORTSMOUTH PLANNING BOARD
Regular Meeting
March 8, 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 February 8, 2017

MOTION: Ms. Wilson made a motion, seconded by Mr. Garceau to approve the minutes of the regular meeting, February 8, 2017. All in favor. So voted. Messrs. Bissonnette, Harding and Lopes abstaining due to their absence from the meeting.

MOTION: Mr. Harding made a motion, seconded by Mr. Garceau to approve the minutes of the continuation of the regular meeting February 8, 2017, February 15, 2017. All in favor. So voted.

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

MOTION: Mr. Harding made a motion, seconded by Mr. Garceau, to approve the Preliminary and Final Plan decision for minor subdivision (2 lots) for Craig and Arlene Mulligan, AP 22, lot 7 (69 Brownell Lane as prepared by Leon Lesinski, the Planning Board Administrative Officer. 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) – Approve Advisory Opinion to Town Council for modification to Zoning Ordinance

MOTION: Mr. Tibbetts made a motion, seconded by Mr. Harding to approve the Advisory Opinion to the Town Council for modification to the Zoning Ordinance for Ann Hackett (Island Day School, Inc.) AP 36, lot 15 (2477 East Main Road – Owner: Portsmouth Plaza Associates, LLC) as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

5. Prescott Point, LLC, AP 55, lot 1A, 2547 West Main Road – Review proposed Development Agreement, Aesthetic & Architectural Standards and Declaration of

Restrictions & Protective Covenants Governing the Prescott Point Sub-Condominiums

Atty. Laurent Rousseau, Moore, Virgadamo & Lynch, Ltd., Middletown, RI, appeared representing the applicants, with three documents including the "Development Agreement for the Prescott Point Planned Resort Development" (revised 3/7/2017), the "Declaration of Restriction and Protective Covenants governing the Prescott Point Sub-Condominiums" and "Prescott Point Aesthetic and Architectural Standards." He noted that, according to town ordinance, he is obligated to present the development agreement within 60 days of final plan approval and that the tax assessor must review the agreement to ensure that the common areas are taxed. Atty. Rousseau stated that the Design Review Committee has heard the development agreement and the architectural standards. The DRC advisory opinion on the matter is pending. Atty. Rousseau expressed gratitude to Mr. Lesinski, Atty. Gavin and Matt Helfand, Tax Assessor/Collector, Town of Portsmouth for their input in the drafting of the development agreement.

Atty. Rousseau conducted a lengthy review of the development agreement. He noted that the Prescott Point Planned Resort Development uses the present framework of the Prescott Point Master Condominium with specific areas of development designated as land units each of which has a land-only, sub-condominium. He also relayed to the Planning Board that in discussions with Mr. Noel Ashworth, resident, Prescott Point, the petitioners have committed to incorporating a walking trail within Land Unit 10. He noted that because of the existence of the Master Condominium and the construction of Freedom Trail, the main roadway and the permitted wastewater treatment plant, the infrastructure costs for the PRD are much lower than a typical development. Atty. Rousseau listed the six construction phases as outlined on pages 8-9, Section 2.4 Phasing of the development agreement. He noted that the developer could sell land units without structures to builders or individuals. He noted that Phase 4 is the construction of the clubhouse and pool, which are located in Middletown and mandated under the Portsmouth ordinance governing planned resort developments. Referring to Section 3.1 Low to Moderate Income Housing of the development agreement, Atty. Rousseau noted that the 7 LMI units are scheduled for construction in Phases 3 and 5.

Comparing the planned resort development to a traditional subdivision development, Atty. Rousseau explained that upon the declaration of each land unit condominium, construction is subject to the "Declaration of Restriction and Protective Covenants governing the Prescott Point Sub-Condominiums" and the "Prescott Point Aesthetic and Architectural Standards." Each land unit condominium is subject to approval by the Planning Board and the town solicitor. Construction plans are subject to approval by the developer and/or the executive board of the sub-condominium association. Atty. Rousseau noted that the Declaration of Restrictions maintains that the developer, the executive of the sub-condominium association and the Town can enforce the restrictions.

In response to Mr. Lopes, Atty. Rousseau agreed to ensure that the language regarding the LMI requirement reflect that the developer may choose to make a payment in lieu of construction during any point in development, should the Town approve such an

ordinance.

Atty. Rousseau continued reviewing Section 2.2, Item I Landscaping, Lighting and Parking of the development agreement and Section 2.3 Intersections. He noted that the Town is holding \$100,000.00 for the installation of a traffic light at the West Main Road entrance if RIDOT requires one. He also noted that his office has \$160,000.00 in escrow for the maintenance of the wastewater treatment plan as required by RIDEM. He noted that the duration term for the development agreement is thirty years as per regulation.

In response to Mr. Harding questions, Atty. Rousseau explained that the utility tie-ins will go up to individual lots. He agreed to insert language in the Declaration of Restrictions that mandates lot maintenance by individual property owners. He agreed to specify the height and materials in the language regarding fences. He agreed to delete the word "small" in the language regarding trucks. In response to Mr. Tibbetts, Atty. Rousseau agree to look at the language in the Declaration of Restrictions for revisions that facilitate enforcement without compromising a certain level of flexibility to the builder or individual. In response to Mr. Lopes, Atty. Rousseau agreed to insert language in the development agreement that stipulates the construction point when the developer is required to install street lighting. In response to Mr. Tibbetts, he agreed to insert language in the development agreement that stipulates when development phases may begin. He explained that the developer owns land units until he sells them even as the phases progress.

Mike Asciola, Assistant Town Planner inquired about the maximum lot coverage. Atty. Rousseau explained that the ordinance does not have maximum lot coverage but requires that there can be no greater than two units per acre. He agreed to insert language stipulating building envelope and setbacks. Atty. Rousseau stated that he would return to the Planning Board in April with drafts of the development agreement for Planning Board approval.

6. Highlands at Prescott Point, LLC (owner: Roman Catholic Diocese of RI), AP 55, lot 1, 2543 West Main Road – Approve Advisory Preliminary Plan Decision to the Zoning Board of Review for a variance in the Major Subdivision that includes an LMI Unit

MOTION: Ms. Wilson made a motion, seconded by Mr. Harding to approve the Advisory Preliminary Plan Decision to the Zoning Board of Review for a variance in the Major Subdivision that includes an LMI unit for Highlands at Prescott Point, LLC (owner: Roman Catholic Diocese of RI), AP 55, lot 1, 2543 West Main Road as prepared by Leon Lesinski, the Planning Board Administrative Officer. All in favor. So voted.

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

Ms. Wilson reported on the AIPC activities. She noted that the Portsmouth Town Council approved \$36,000.00 in contributions to the AIPC (\$18,000.00 for two years, 2016 and 2017).

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

Mr. Asciola, Assistant Town Planner reminded the Planning Board members of the upcoming special meeting for April 26, 2017 on the Comprehensive Community Plan draft review. The agenda for the meeting includes a review of Element X – Housing.

At 7:49 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