



**TOWN OF PORTSMOUTH  
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD  
Regular Meeting  
March 14, 2018**

**Members Present:** Guy Bissonnette, Edward Lopes, Luke Harding, David Garceau, and Ryan Tibbetts.

**Members Absent:** Michael James and Kathleen Wilson

**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. Harding made a motion, seconded by Mr. Tibbetts, to move forward Agenda item #4, McMillen Yachts, AP 44, lot 18B so as to be heard before Agenda item #3, BMC Realty Partners, LLC, AP 58, lot 49 (126 and 130 Glen Road). All in favor. So voted.

**2. Approval of minutes for Planning Board meeting of February 14, 2018**

**MOTION:** Mr. Harding made a motion, seconded by Mr. Tibbetts, to approve the minutes of the February 14, 2018 regular meeting. All in favor. So voted.

**3. Agenda item 4: McMillen Yachts, AP 44, lot 18B – Advisory Opinion for Special Use Permit Application.**

Atty. J. Russell Jackson, Miller Scott Holbrook & Jackson, Newport, RI appeared representing the petitioner. He stated that the developer would present the proposal and the request for an advisory opinion to the Zoning Board of Review.

John Vitkevitch, 119 Hummock Avenue, Portsmouth, RI, developer presented and read three supporting letters from the property owner, the petitioner and an abutter as follows:

1. Anthony P. Russo to the Portsmouth Planning Board, March 9, 2018: Authorizes Mr. Vitkevitch to speak on Mr. Anthony's behalf at the meeting.
2. Earl McMillen III, President, McMillen Yachts, Inc. to the Portsmouth Planning Board, March 5, 2018: Authorized Mr. Vitkevitch to speak on Mr. McMillen's behalf at the meeting.

3. Kaitlyn Szczupak, President, S&S Transmissions and Auto Repair, Inc. to the Portsmouth Planning Board, March 14, 2018: As an abutter, S&S Transmissions supports the McMillen Yachts petition to the Zoning Board of Review.

Mr. Vitkevitch explained that petitioner's business operations have out grown the current location in the Melville Marina district. The proposed plan is on a 32,000 sq. ft. lot of which a 7,000 sq. ft. drainage area cannot be included in the allowable building footprint calculation. The proposed building is 8,000 sq. ft. Mr. Vitkevitch stated that the petition requires variance from the Zoning Board of Review for building footprint. He noted that the Portsmouth Design Review Board (DRB) made a few changes to the building design and plan as set forth in an Advisory Opinion, dated March 5, 2018. He presented a new plan to the Planning Board, which indicates those changes. Specifically, the DRB requested "...a brick façade from the sill to roughly four feet...on the south side, main entrance elevation. Mr. Vitkevitch noted that the brick façade is also indicated on the west elevation. He noted the plan now indicates 100 ft. of deciduous low growth trees along the western boundary, facing West Main Road.

At the request of Atty. Jackson, Mr. Vitkevitch spoke on the uses currently present in the Russo Road commercial development and the surrounding area. He spoke on McMillan Yacht's compatibility with the existing business as well as the close proximity to their operations in the Melville Marina District. He explained the building and facility layout for the proposed lot. In response to Mr. Bissonnette, Mr. Vitkevitch explained that marine operations are allowable by special use permit in C1 Zoning. He spoke on the previously approved drainage plan for Russo Road, noting that the system exceeds the drainage requirements for the development. He noted that currently the development has less total structural square footage as originally calculated in the drainage plan because of the reduced size of the Subway building.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Harding, to accept Todd Chaplan, P.E., Mt. Hope Engineering, Portsmouth, RI as an expert in the field of civil engineering. All in favor. So voted.

Todd Chaplan, P. E., Mt. Hope Engineering, Portsmouth, RI confirmed that there is surplus building square footage for the development drainage system due to the size of the Subway building. He noted that in 2009, he conduct drainage calculations for the 2, 10, 25 & 100 year storms, which indicate that the rate of run off is less post development and that the drainage system met the requirements for 100 year storm calculations. He said he rain the 25 year storm calculations with the current structural development on Russo Road, which resulted in acceptable drainage levels and indicated no negative impacts on the area.

In response to Mr. Bissonnette, Mr. Vitkevitch confirmed that all the abutters

were notified of the Zoning Board of Review hearing, scheduled for the following evening.

Atty. Jackson requested an advisory opinion to the Zoning Board of Review for dimensional variance for parking, lot coverage and setback for the west side of the lot. Mr. Asciola noted that the petition originally indicated outside boat storage in the lot front side setback which he brought to Atty. Jackson's attention. Atty. Jackson stated that the outside storage has since been removed. The petitioner may request a separate variance at a later date. Mr. Vitkevitch and Mr. Chaplan stated that approvals for the Portsmouth Water & Fire District, the Portsmouth Fire Department and the RIDEM OWTS are pending.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Tibbetts to accept into the record the Portsmouth Design Review Board Advisory Opinion, dated March 5, 2018 for McMillen Yachts, AP 44, lot 18B. All in favor. So voted.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Lopes, to make a favorable recommendation to the Zoning Board of Review for dimensional variance for parking, for the lot west side setback and for lot coverage for McMillen Yachts, AP 44, lot 18B on the following conditions:

1. The recommendation is not for yacht storage in the lot front setback
2. The petition must receive approvals from the Portsmouth Water and Fire District and the Portsmouth Fire Department.
3. The petition must receive the RIDEM OWTS permit for the lot.
4. The recommendation includes and is based on the stipulations and recommendations set forth in the Advisory Opinion from the Portsmouth Design Review Board, dated March 5, 2018.

All in favor. So voted.

**4. Agenda item 3: BCM Realty Partners, LLC, AP 58, lot 49 (126 and 130 Glen Road) – Application for Final Plan approval.**

Atty. Laurent Rousseau, Moore, Virgadamo & Lynch, Ltd., Middletown, RI appeared representing the petitioners with a request for final plan approval. He noted that the plan now indicates a future road stub or connection on the north end of the cul-de-sac as requested by the Planning Board at preliminary plan approval. The stub would allow for a road connection to the abutting property owned by Gordon Rego. The public easement for the road connection is to the property line. It stipulates that the wings of the cul-de-sac will be rendered to the individual lot owners under a defeasible easement when the connection is constructed in the future. Atty. Rousseau presented a draft of the Declaration of Covenants and Restrictions and Maintenance Agreement and Easements, which he also gave to the town solicitor. He is awaiting Atty. Gavin's approval for the drafts. He will be submitting a road bond, which is also subject to Mr. Gavin's approval.

John Braga, Jr., P.E. and R.I. Registered Land Surveyor, 144 Rhode Island

Blvd., Portsmouth gave an update on the plan. He reviewed the future road easement. He noted the approved double-back water loop, required by Portsmouth Water and Fire District. He is also awaiting response from the director of Public Works. Mr. Lopes inquired as to whether Mr. Braga could align the west line of the road easement with the property line for Lot 1-5. Mr. Braga agreed to consider the change but noted that the lot area may be compromised.

In response to Mr. Harding, Atty. Rousseau explained that, as per the Development Agreement, if the Town should have to conduct maintenance on the drainage system within Lot 1, all of the lots owners would share in the cost of the maintenance through lien by the Town.

Atty. Gavin stated that approval of the Development Agreement is in process. Mr. Asciola noted that the building set backs for Lots 1-4 and 1-5 should be outside the cul-de-sac defeasible easement. Mr. Braga noted that the issue would be addressed during the building permit process and that the lots have plenty of area for houses. Mr. Lopes reviewed the construction estimates for the road bond.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Lopes, to make final plan approval for BCM Realty Partners, LLC, AP 58, lot 49 (126 and 130 Glen Road), subject to the following conditions:

1. The town solicitor approves the language in the Road Bond, Declaration of Covenants & Restrictions and Maintenance Agreement & Easement.
2. The petitioner presents to the Planning Board administrative officer the outstanding items for the checklist including the RIDEM OWTS permit and the RI DOT permit.

All in favor. So voted.

**MOTION:** Mr. Lopes made a motion, seconded by Mr. Tibbetts, to set the road bond for BCM Realty Partners, LLC, AP 58, lot 49 (126 and 130 Glen Road) at \$125,000.00. All in favor. So voted.

There were no members of the public present to comment on the petition. Mr. Rousseau noted that he sent copies of the plan to Marilee Otilige, 98 Stub Toe Lane, Portsmouth who is the daughter of Gordon Rego, the owner of the abutting property to the north.

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

There was no report due to the absence of Kathleen Wilson from the meeting.

##### **6. 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 14, 2018.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Lopes accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, March 14, 2017 and to place it into the record. All in favor. So voted.

At 7:53 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