



**TOWN OF PORTSMOUTH  
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD  
Regular Meeting  
August 14, 2019**

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

**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 Planning Board meeting of June 12, 2019**

**MOTION:** Mr. Harding made a motion, seconded by Mr. Tibbetts, to approve the minutes of the June 12, 2019 regular meeting. All in favor. So voted.

**3. John & Susan Borden, AP 31, Lot 32B (Canonchet Drive) – Approve name for the private road (Borden Farm Road)**

Mr. Lesinski reported that the Fire Marshall requested that subdivision road be assigned a new name, Borden Farm Road. Mr. Bissonnette called for public comment to which there was none.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Lopes, to accept the name, Borden Farm Road, for the subdivision road for John & Susan Borden, AP 31, Lot 32B (Canonchet Drive). All in favor. So voted.

**4. Velocity NBC, LLC (The Newport Beach Club) – Minor Modification (5<sup>th</sup> modification) for re-allocation of a proposed residential unit to an existing coastal structure to be renovated**

Mr. Lopes continued his recusal for this petition and sat in the audience.

Atty. James Hall, of Alder, Pollack & Sheehan, P.C., 49 Bellevue Avenue, Newport, RI appeared representing the applicants with a request for approval of

a minor modification in the Newport Beach Club development which proposes the renovation of an existing, brick building into a single, 4 bedroom residential structure. The building is located in the northwest section of the site, overlooking Narragansett Bay, with the subdivision pond to the south. Atty. Hall clarified that the request is not for an additional unit and that the number of development units and bedrooms remains at 152 and 618, respectively. He noted that the request has no additional impact on the development infrastructure and mechanicals. He explained that the building was originally intended for office space and storage for a marina, which is no longer part of the development plan. Atty. Hall gave an update on the development, stating that 24 units were sold during the prior year and that the site has a tax assessment value of \$37 million, which represents about 40% of the post development assessment value.

In response to Mr. Harding, Atty. Hall explained that plan indicates six “floating” residential units that have not been designated. The modification request, if approved, would take one of those units. He noted that Velocity will place the unit for sale and that the purchaser would propose a renovation plan that would have to receive CRMC and FEMA approvals.

Mr. Bissonnette called for public comment.

Cort Chappell, 80 Evans Way, Portsmouth expressed his concern that the hearing should have public notice. He asked that the approval be conditional on the renovation being limited to the existing structure.

Atty. Hall stated that a preliminary determination from CRMC states that the construction and renovation is limited to the building footprint.

Lyn Small, P.E., Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, RI explained that the concrete wall structure associated with the entrance to the building is included in the historic footprint.

**MOTION:** Mr. Tibbetts made a motion, seconded by Mr. Harding, to approve the minor modification (5<sup>th</sup> modification) for re-allocation of a proposed, single residential unit to an existing coastal structure to be renovated for Velocity NBC, LLC (The Newport Beach Club) on the following conditions:

1. The renovation is limited to the coastal structure footprint including the foundation structure associated with the existing entry
2. The modification does not exceed the permitted number of units and bedrooms associated with the existing development approval.

All in favor. So voted.

##### **5. Cort Chappell – Request for Advisory Opinion to Town Council regarding proposed amendment to the Zoning Ordinance for inclusion of a Solar Ordinance**

In response to a Rhode Island Superior Court ruling on an appeal of a Portsmouth Zoning Board approval of a solar complex on Jepson Lane, Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth requested a review of an amendment to the Portsmouth Zoning Ordinance to include a Solar Ordinance. He explained that the proposed solar ordinance designates the allowable nature of solar systems within each zoning district either permitted by right [P], permitted by special use [S] or not permitted [N]. He noted that the ordinance also defines the different types of solar systems and designates zoning rules (size of panels, position of panels, lot coverage, set backs for accessory use systems, etc.) associated with each use. Noting the existing debate within other towns as to whether solar approvals are a zoning or a planning matter, Atty. Chappell explained that the proposed ordinance indicates a “hybrid” process whereby special use permit applications are reviewed by the Zoning Board but referred to the Planning Board for a site plan review. He noted that further discussion is needed to determine Planning Board site plan review of proposals in industrial zones where all solar systems would be permitted by right.

A lengthy discussion ensued among Planning Board members, Atty. Gavin, Mr. Asciola and Atty. Chappell at the end of which the Planning Board made the following motion.

**MOTION:** Mr. Harding made a motion, seconded by Mr. Lopes, to continue agenda item 5, *Cort Chappell – Request for Advisory Opinion to Town Council regarding proposed amendment to the Zoning Ordinance for inclusion of a Solar Ordinance* to the next regular meeting on September 11, 2019. All in favor. So voted.

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

Ms. Wilson gave a report on the current AIPC activities including the following: the AIPC retreat in September, The Hoogandorn project, Middletown, RI, the St. Mary’s Pond project, Portsmouth, RI, a grant application to RIDEM for clean water projects, appropriations to study the West Side Comprehensive plan, and an advisory board of AIPC members and business groups.

#### **7. Approve August 14, 2019 Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording**

**MOTION:** Mr. Tibbitts made a motion, seconded by Mr. Garceau, to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, August 14, 2019 and to place it into the record. All in favor. So voted.

At 7:51 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