

**PORTSMOUTH TOWN COUNCIL MEETING
SEPTEMBER 10, 2018
MINUTES**

7:00 PM – Town Council Chambers, Portsmouth Town Hall, 2200 East Main Road

MEMBERS PRESENT: Keith E. Hamilton, David M. Gleason, Linda L. Ujifusa and J. Mark Ryan

MEMBERS ABSENT: Paul F. Kesson, Elizabeth A. Pedro

Time: 7:00 PM

EMERGENCY EVACUATION PLAN

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was followed by a Moment of Silence for our men and women serving around the world in harm’s way.

SITTING AS THE PORTSMOUTH TOWN COUNCIL

PRESIDENT’S EXECUTIVE SUMMARY – No comments

CONSENT AGENDA

1. Bills – Motion to receive and place on file made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 4-0. Ms. Pedro, Mr. Kesson, and Mr. Aguiar not present for vote.

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

Directions to view licensing applications on Viewpoint: 1) Go to Town Clerk at the <https://www.portsmouthri.com/154/Town-Clerk>, 2) Click Licenses and Permits on the left-hand side, 3) Click the Search button, 4) Click Records and then type in the record number which is listed on the agenda, 5) Click on the highlighted record to view the application

1. Peddler License – Specific Event: Firefly Yoga & Wellness Festival at Glen Park on 9/15/18
a. Sandra Giraldo d/b/a Enjoyful Foods, 20 Post Road, Warwick, RI
b. Sherri Snyder d/b/a Art Inspired by Stillness, 25A Mt Hygeia Road, Foster
c. Barbara Lamonico d/b/a Honey & Vine Apothecary, 274 Teaberry Drive, Tiverton –
Motion to approve Peddler Licenses 1a., 1b., and 1c., made by Mr. Gleason, seconded by Dr. Ryan. Motion passed 4-0. Ms. Pedro, Mr. Kesson, and Mr. Aguiar not present for vote.

2. Peddler License – Annual:

a. Sprout & Lentil LLC, 28 Hall Avenue, Newport
b. Angela B. Mandia d/b/a Nirvana, 119A Henry Danis Court, Portsmouth –
Motion to approve Peddler Licenses 2a. and 2b., made by Mr. Gleason, seconded by Dr. Ryan. Motion passed 4-0. Ms. Pedro, Mr. Kesson, and Mr. Aguiar not present for vote.

ADJOURN - Motion to adjourn as the Board of License Commissioners made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 4-0. Ms. Pedro, Mr. Kesson, and Mr. Aguiar not present for vote.

MINUTES

TCM 8/27/18 & Exec. – Motion to approve made by Dr. Ryan, seconded by Mr. Gleason. Motion passed 4-0. Ms. Pedro, Mr. Kesson, and Mr. Aguiar not present for vote.

Time: 7:03 PM Kevin M. Aguiar arrives.

TAX VOUCHERS

Request approval for Tax Vouchers #20180910-01 to #20180910-07. – Motion to approve made by Mr. Gleason, seconded by Ms. Ujifusa. Motion passed 5-0.

TOWN ADMINISTRATOR’S REPORT

1. Burma Road closure – The Navy has closed Burma (north of Greene Lane to Stringham) for paving work. They anticipate the road to be closed for about a month. Access to Weaver Cove will still be permitted, but no through-traffic. This will likely produce more traffic on portions of West Main Road.
2. Primary Voting – The 2018 Statewide Primary Elections will be held this Wednesday, September 12. Schools are closed Wednesday, and polls will open at 7AM and close at 8PM. Emergency voting will continue through 4PM tomorrow.
3. John King Memorial Service – Sadly, our EMA Director passed away last week. The Funeral and Memorial Service will be held 4:00 PM on Sunday, September 16th, at the Portsmouth United Methodist Church.
4. Police construction update – Roof shingles are 99%. The flat roof work is expected to start early this week. The building is expected to be weather tight by the close of this week. Interior mechanical, electrical, and plumbing work dependent on dry conditions is expected to commence next Monday.

OLD BUSINESS

1. PUBLIC HEARING (cont. fr. 7/23/18): Proposed amendment to the “Zoning Map, Portsmouth, Rhode Island”, Article III Section B.1 of the Zoning Ordinance. The proposed amendment, subject to the approval of a dimensional variance from the Zoning Board of Review for minimum lot frontage, as well as subdivision approval from the Planning Board, rezones approximately 2.4 acres of parcels currently known as 2951 East Main Rd (31-32) and 2967 East Main Rd (31-32A), from the C-1 Commercial District to the R-20 Residential District. The remaining 3.9 acres of lots 2951 East Main Rd (31-32) and 2967 East Main Rd (31-32A), adjacent to East Main Rd will remain as currently designated in the C-1 Commercial District.

Attorney Neil Galvin, 10 Washington Square, Newport, stated that he is representing the owner of Borden Farm in this matter and that Mr. Borden is looking to change approximately 2.4 acres of the parcels from commercial to residential (C-1 to R-20).

John Borden, 41 Mill Lane, Portsmouth, spoke with the RI Ethics Commission regarding his petition put forth to the Zoning Board as he is a member of the board. He recused himself and was told it was ok for him to go forward. He apologized for the contention during the Zoning Board meeting. There are 2 reasons why he is looking to do this: 1) The financial repairs/maintenance, care of property and 2) his 105-year-old mother's nursing home fees are exorbitant and for those reasons he needs to sell those parcels. He is looking to possibly get approval to put 3 or 4 single family homes there rather than having a developer come in and go crazy.

Mr. Gleason asked if there was a plan to demolish the 3-family home that is currently on the property? Mr. Borden said that there were not any plans. Mr. Gleason asked if the proposed side yard setbacks are mandatory. Mr. Borden said that yes, his plan is to maintain all setbacks.

Dr. Ryan asked if all 4 lots would be exiting from 1 driveway. Mr. Borden said yes, and Dr. Ryan said so basically a new road would be going in.

Mr. Borden's plan is to sell it and put the money into Borden Farm.

Mr. Aguiar said that if 3 or 4 lots are looking to be developed, whoever is developing it would have to submit plans to the Planning Board and the Zoning Board before anything could be built on the land.

Ms. Ujjifusa wondered about the driveway. If the whole commercial parcel stays commercial, could they still use the back driveway? Mr. Borden says he wouldn't do it, but that would be a solicitor question/opinion.

John O'Brien, 51 Canonchet Drive, wrote a letter to Mr. Hamilton regarding the Zoning Board Meeting, stating that many neighbors did not testify because they were intimidated by Mr. Hall. He stated that he believed there was impropriety between the petitioner's attorney and Mr. Hall. He believed that the Zoning meeting was tainted. He requests the Town Council table the action and direct the Planning Board to meet with the neighbors. Also, he wishes that the Town Council remove Mr. Hall from the Zoning Board.

Town Solicitor Gavin said that tonight the Council is only there to either vote to approve or disapprove the question of changing the Zoning from Commercial to Residential, that is all. The Town Council has no authority to direct the Zoning Board. Aggrieved parties could challenge the Zoning Board's ruling. The Town Council can appoint members of the Zoning Board Committee or remove them with cause; however, that is not on the agenda tonight.

Ms. Ujjifusa understands the neighbors' concerns, but since there are no plans in front of them regarding the development of the property, the Council can only vote to change or not change the Zoning from Commercial to Residential.

Attorney Galvin stated for the record, that he did not leave the room or speak with Mr. Hall at any time.

David Goetzinger, 2908 East Main Road, would like the Council to give special consideration to Mr. Borden's purpose because despite the town starting in the 1600's, we have no 1600 or 1700 homes to show for it and only a few 1800 homes. Much to his credit John Borden is trying to save this home. "I'd be worried about it staying commercial, if I were an abutter".

Susan Ryder-Lewis, 28 Canonchet Drive, is against the property being changed from Commercial to Residential. She said that she was repeatedly told by the Planning Board and Zoning Board members that she did not know what she was talking about. She wants the plan to not be accepted and sent back to the Planning Board. She also wants arborvitaes to be planted along the drive and her backyard as a buffer.

Mr. Hamilton said that it will be for the Planning Board to decide when the time comes. We can't make concessions, the Planning Board can when an actual plan is presented to them to be developed.

Nancy Weida, 206 Canonchet Drive, is in support of the plan. She is Mr. Borden's sister. He is trying to keep the farmhouse in working order.

Jason Weida, is also in support of the plan. He was not present but wanted to put his thoughts on the record.

Jean Galeb, 188 Canonchet Drive, supports the plan. The farm is a "gift to our beautiful neighborhood". "We don't need any more commercial development".

Richard Weida, 206 Canonchet Drive, urges the Council to approve. He would like to see the foot print of commercial area shrunk. He feels it would be better neighborhood for everyone.

Karen Shea, 33 Canonchet Drive, said with respect, the people speaking don't live right around there, they would not be dealing with the traffic right there.

Mr. Hamilton asked three times if there were any more questions, hearing none a motion by Dr. Ryan, seconded by Ms. Ujifusa, to close the Public Hearing was made. Motion passed 5-0.

Mr. Hamilton feels the abutting neighbors' concerns can be taken care of at later Planning Board meetings. Voices will be heard at those meetings. This is not under the Town Council purview.

Mr. Gleason agrees with Mr. Hamilton. Commercial end results will be more negative than residential. This is in the best interest of all rather than keeping it commercial.

Ms. Ujifusa supports the plan. This moves towards resolving the residential/commercial issue on the property.

Mr. Aguiar echo's the comments. Rarely do you get an opportunity to reverse Commercial property back to Residential. In the long run this will benefit the residents.

Dr. Ryan stated that it was a very narrow question put forth to the Council. Do we believe that changing Commercial to Residential is within the town plan? Yes it is.

Motion to approve the proposed amendment to rezone parcels currently known as 2951 East Main Rd (31-32) and 2967 East Main Rd (31-32A), from the C-1 Commercial District to the R-20 Residential District made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 5-0.

2. Request approval of promotion of Brian Woodhead to Director of Public Works. – Motion to support the appointment of Mr. Woodhead to Director of Public Works made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 5-0.

NEW BUSINESS

1. Discussion/Action – Permission to build Adirondack chairs to be placed at the Brown House for a Senior Project. – Motion to approve made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 5-0.

2. Discussion/Action – Request the Town Council ask the Navy to restore the fence surrounding Tank Farm 4 to its original 70 year old location and sample resolution for approval. – Motion to send a resolution in support of leaving the Navy Fence surrounding Tank Farm 4 where it was originally and to send it to local and federal legislators made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 5-0.

3. Request approval of Glen Farm Special Events Fields Application for RI Womens Soccer League Newport Spinnakers, for home games, September 16, October 14 & 28 from 9:45am-12:00 pm. – Motion to approve made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 5-0.

4. Discussion/Action – Request to approve adding R&A Auto-body to the Police Department's authorized tow list. – Motion to approve made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 5-0.

5. Discussion/Action – Update from Aquidneck Land Trust re: Spruce Acres and Little Creek Preserve. – Motion to move discussion to September 24, 2018 as Ms. Pedro originally moved the correspondence forward and is not present made by Mr. Gleason, seconded by Dr. Ryan. Motion passed 5-0.

6. Discussion/Action – AIPC Year End Report and update. – Motion to move the discussion to October 9, 2018 as Mr. Kesson originally moved the correspondence forward and is not present made by Dr. Ryan, seconded by Mr. Gleason. Motion passed 5-0.

CORRESPONDENCE

1. Public notice of proposed rulemaking: Rhode Island Coastal Resources Management Program - Aquidneck Island SAMP - Coastal Development Regulations. Direct Final Amendment. / CRMC
2. Public notice of proposed rulemaking: Energy Amendments. Direct Final Repeal. / CRMC
3. Public notice of proposed rulemaking: Rhode Island Coastal Resources Management Program - Guidelines for the Development of Municipal Harbor Management Plans. Direct Final Repeal. / CRMC
4. Public notice of proposed rulemaking: Rhode Island Coastal Resources Management Program - Coastal and Estuarine Land Conservation Program. Direct Final Repeal. / CRMC

5. Portsmouth Water and Fire District's Quarterly Financial Report for the period ending July 31, 2018. / N. J. Larsen, Senior Accountant

Motion to receive all correspondence and place on file made by Dr. Ryan, seconded by Mr. Aguiar. Motion passed 4-0-1. Mr. Gleason recused himself.

FUTURE MEETINGS

- Sept 13 5:30 PM - Town Council Meeting – Public Hearing (Thursday)
Sept 15 12:00 PM - Town Council Meeting - Prudence Island (Saturday)
Sept 24 7:00 PM - Town Council Meeting
Oct 9 7:00 PM - Town Council Meeting (Tuesday)

ADJOURN – Motion to adjourn made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 5-0.

Time: 9:05 PM

Jennifer M. West, Town Clerk