



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD
Special Meeting
September 25, 2019**

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

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 July 10, 2019

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to approve the minutes of the July 10, 2019 special meeting. All in favor. So voted.

3. Hodges Realty Holdings (owner), 1170 East Main Road, LLC (applicant), AP 58, lot 50A and 50B – Request for Advisory Opinion to Zoning Board of Review for Special Use Permit for manufacturing, office and customer service related to marine trades

Mr. Tibbetts continued his previous recusal for this petition.

Atty. Girard Galvin, Galvin Law, Ltd., 10A Washington Square, Newport, RI appeared representing the applicant, 1170 East Main Road, LLC, with a request for an advisory opinion to the Zoning Board of Review for two special use permits for two tenants at the previous Hodges Badge location at 1170 East Main Road. He noted that he has held meetings with the abutters to ensure that the proposed plan is for the future operation of The Advanced Materials Innovation Center, "...a research and development company working with NUWC on the development of new materials with the textile and composite industries..." and for the existing operation of Maritime Solutions is satisfactory and without opposition. He emphasized that the proposed plan does not include a manufacturing production line use and serves to reign in the boat storage use by Maritime Solutions. Atty. Galvin requested that the following document be entered into the record as Exhibit 1: James A. Houle, Rhode Island Certified General Appraiser, 198 Union Street, Portsmouth RI, *Report Relating to a Petition For a Special Use*

Permit As It Relates to the Property at 1170 East Main Road, Portsmouth, RI 02871 Plat 58, lot 50 A & B, September 11, 2019.

Atty. Galvin continued with an explanation of the site plan including traffic circulation improvements. He noted that the main building has three proposed units, #1 for an office site for Hodges Badge, #2 for The Advanced Materials Innovation Center and #3 the use of which is to be determined. He argued that the innovation center could be categorized as office space by right because the primary activity is innovation development for small businesses in cooperation with organizations like the NUWC and universities. He noted that he is taking a conservative approach and requesting the special use permit because of the lighter model manufacturing associated with research and design.

Atty. Galvin reviewed the plan for unit #4, in a separate out-building, for the existing location of Maritime Solutions. Under this plan, Maritime Solutions' continued operation is limited to said building and a designated boat storage area.

Atty. Galvin noted the points in the James Houle report, Exhibit 1, which demonstrate the proposed plan's consistency with the Portsmouth Comprehensive Community Plan. He noted the favorable endorsement of the proposed plan as outlined in a letter from Richard W. Talipsky, Director of Business Development, Town of Portsmouth, which he requested be entered into the record as Exhibit 2. Atty. Galvin responded to questions from the Planning Board members.

Nick King, Principle, 1170 East Main Road, LLC, 99 Poppasquash Road, Bristol, RI reiterated that no production line manufacturing would take place in The Advanced Materials Innovation Center but rather be limited to 3-D printing of models. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to make a favorable recommendation to the Zoning Board of Review for Hodges Realty Holdings (owner), 1170 East Main Road, LLC (applicant), AP 58, lot 50A and 50B on the condition that boat storage be limited to the designated area on the presented plan and that no boats be stored in the parking areas.

Mr. Asciola noted that the existing use of the Hodges Badge building is manufacturing and is therefore grandfathered in as a continued use.

The motion was carried, 4 votes approving. Mr. Bissonnette opposed the motion.

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

Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth

presented a proposed amendment to the Zoning Ordinance for inclusion of a solar ordinance which he developed with Mr. Asciola. He reviewed the circumstances under which he came to develop the proposed ordinance. He stated that the proposed ordinance allows for the development of primary use solar complexes (farms). He noted that the most critical provisions, first determine how a solar farm is build and second whether it is allowable in a particular zoning district. Atty. Chappell highlighted some of the provision differences between RI Statewide Planning Model Ordinance and the proposed ordinance. He outlined the differences between the various types of solar systems like an accessory (roof) system or a primary (farm) system. He also reviewed the permitting categories (permitted, not permitted, permitted by special use) within each zoning district.

Atty. Chappell outlined the approval process. Approvals by special use permit in a residential zone are heard by the Zoning Board of Review but have to come to the Planning Board for advisory opinions to determine compliance and consistency. Approvals by right within industrial and commercial zones undergo "a solar plan review" by the Planning Board. Atty. Chappell explained how the proposed ordinance addresses the more specific details of approvals like lot coverage, density, panel height, setbacks and buffers. He spoke on the various mechanisms within the proposed ordinance that, for example, effect when the process crosses between the Planning and Zoning boards or when an applicant has a large parcel with an existing primary use but enough land to develop a large solar complex.

Mr. Asciola spoke on specific issues pertinent to planning and zoning in the town. He spoke on the work that he had yet to complete in writing the ordinance. He noted that decommissioning of a solar farm is also specified in the proposed ordinance.

Mr. Bissonnette called for the Planning Board members' questions on the proposed ordinance. A lengthy discussion and question/answer period ensued between the Planning Board members, Atty. Chappell and Mr. Asciola. Mr. Bissonnette called for public comment.

Russ Maymon, 394 N. Quidnessett Road, North Kingstown, RI, Energy Development Partners, Providence, RI spoke favorably on the proposed ordinance. He suggested that the ordinance address solar carports because financial incentives are available for them. He spoke on state standards for size. He suggested that the allowable solar energy not be exclusionary to any property owner by the ordinance. In response to Mr. Lopes, Mr. Maymon spoke on the reductions to the federal income tax credit for solar energy improvements over the next few years. Mr. Asciola stated that he would have the draft of the solar ordinance completed by the October 9 regular Planning Board meeting.

At 8:40 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