



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD
Regular Meeting
October 9, 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, Gary Crosby, Town Planner and Michael Asciola, Assistant Town Planner.

The Meeting was called to order by Mr. Bissonnette at 7:00 p.m.

1. Agenda Continuances/Modifications:

Mr. Lesinski reported that the attorney for Agenda item #3, *Velocity NBC, LLC (The Newport Beach Club)* – *Approve decision for Minor Modification (5th modification) for re-allocation of a proposed residential unit to an existing coastal structure to be renovated* requested a continuance to the November 13, 2019 regular meeting. Mr. Lopes recused himself from this agenda item and did not vote on the motion.

MOTION: Mr. Harding made a motion, seconded by Mr. Garceau, to continue Agenda item # 3, *Velocity NBC, LLC (The Newport Beach Club)* to the November 13, 2019 regular meeting. All in favor. So voted.

2. Approval of minutes for Planning Board meeting of August 14, 2019

MOTION: Mr. Tibbitts made a motion, seconded by Mr. Lopes, to continue the approval of minutes for the Planning Board meetings of August 14 2019, September 11, 2019 and September 25, 2019 to the November 13, 2019 regular meeting. All in favor. So voted.

3. Agenda item # 4, Immokolee Commons, LLC, AP 36, Lot 60 (65 Immokolee Drive) – Request for Advisory Opinion to Zoning Board of Review for an eight (8) unit multifamily residential development.

Motion: Mr. Lopes made a motion, seconded by Mr. Harding to continue the Planning Board's acceptance of John Braga, P.E., John Braga & Associates, Inc., 144 Rhode Island Avenue, Portsmouth, RI as an expert in the field of civil engineering and land surveying. All in favor. So voted.

John Braga, P.E., John Braga & Associates, Inc., appeared as the project engineer with a request for an updated advisory opinion to the Zoning Board of Review for a multi-family development of four residential duplexes with eight units located off of Immokolee Road. The fourth duplex structure was added to the plan with an increase from 14 to 16

bedrooms. The plan now indicates two septic systems. One on the eastern side of the site services Buildings 3 and 4 while another, on the western side, services Buildings 1 and 2. Mr. Braga listed the variances requested from the Zoning Board of Review. Distance-between-building variances are needed for Buildings 2 and 3 as well as Buildings 3 and 4. A variance is necessary for the distance from the buildings to the center-line of the roadway. The plan also requires a special use permit for duplex structures. Mr. Braga noted that Paul D. Ford, Chief, Portsmouth Fire Department approved the proposed plan changes in an updated (9/26/2019) version of a letter, dated July 9, 2019

Don Huggins, developer, P.O. Box 930, Hope Valley, RI appeared representing Immokolee Commons, LLC. He and Mr. Braga answered questions from the Planning Board members. In response to Mr. Harding, Mr. Huggins noted that he intends to save as many site trees as possible. He noted that the site configuration does not accommodate a way to design a second means of egress by extending down to the 50 foot easement on the east side. In response to Ms. Wilson, Mr. Braga agreed to enumerate and detail the revisions on the plan description. Mr. Braga agreed to provide the Planning Board with the 100-year storm water drainage report to the Planning Board.

In response to Mr. Tibbetts, Mr. Braga and Mr. Huggins ensured the Planning Board that the proposed roadway turn-around meets with the dimensional requirements set forth by the fire chief and that severe parking restrictions for the turn-around are set forth in the HOA covenants. At Mr. Lopes' suggestion, Mr. Huggins agreed to permanently stripe the turn-around as a fire lane. He also agreed to Ms. Wilson's request that the plan have another sheet for the fire lane description. In response to Ms. Wilson and Mr. Lopes, Mr. Braga agreed that the HOA covenants provide for the maintenance and cleaning of the off-site catch basin and drain line, which are located within the drainage easement on the Kirk property to the southeast. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Tibbetts made a motion, seconded by Mr. Lopes to make a favorable advisory opinion to the Zoning Board of Review for Immokolee Commons, LLC, AP 36, Lot 60 (65 Immokolee Drive) on the following conditions:

1. The plan and development will meet with the requirements set forth by the Portsmouth Fire Department according to the fire chief's letter of July 9, 2019, updated September 26, 2019 which is entered into the record.
2. The turn-around in the roadway is striped as a fire lane and subject to approval by the Portsmouth fire chief.
3. The project engineer will submit the 100-year storm drainage report to the Planning Board.
4. The HOA covenants provide for the maintenance and cleaning of the off-site catch basin and drain line, which are located within the drainage easement on the Kirk property abutting to the southeast.
5. The motion allows for the variance for distance between three of the four buildings.

6. The plan description enumerates and details any and all revisions.

All in favor. So voted.

4. 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

Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth entered into a discussion with the Planning Board members regarding a proposed amendment to the Zoning Ordinance for inclusion of a solar ordinance. The Planning Board received a draft of the proposed amendment that was written in collaboration with Mr. Asciola. Mr. Bissonnette stated that the Planning Board members need more time to read and review the draft. Atty. Chappell stated that the sense of urgency surrounding the passage of the amendment by the Town Council is lifted with recent indications that 2019 funding applications will likely be carried over into 2020.

Atty. Chappell commented on the use tables for solar energy. He explained that an “M” designation means that “...a use is permitted with the approval of the Major Land Development Review by the Planning Board...” Atty Chappell continued giving a review of Article XX Solar Energy Systems. Section C sets forth solar energy system classifications. Section E sets forth dimensional requirements. Under item 1, building mounted systems are limited to the maximum building height regulation for the zoning district per Article IV Section B. Atty. Chappell also spoke on permit procedures, specifically that applications for solar energy systems that are permitted by special use “S” must be reviewed by the Planning Board. He noted that while the draft indicates that review by the Design Review Board is also required, he is uncertain that this is necessary. He noted that plans for solar energy systems are required to be signed by a registered landscape architect. Atty. Chappell addressed the issues surrounding solar energy development such as dual use on a large tract of land that already has an unrelated primary use. He noted that these cases could result in more development and land subdivision. Mr. Asciola agreed with Atty. Chappell’s commentary on the ordinance and explained areas that he had yet to write. The Planning Board discussed appropriate wording for the fence height restrictions under the proposed ordinance.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to continue Agenda item 6, Cort Chappell – Request for Advisory Opinion to Town Council regarding proposed amendment to the Zoning Ordinance for inclusion of a Solar Ordinance to the November 13, 2019 regular meeting. All in favor. So voted.

5. Agenda item #6, Review Comprehensive Community Plan

Mr. Crosby gave an update on the Comprehensive Community Plan. He has developed strategies for Low to Moderate Income (LMI) housing as part of The Housing Element. He has to write a schedule for the strategies. Mr. Crosby noted that RI Statewide Planning commented that the plan is too ambitious and should be streamlined. He stated that he could delete a number of action items. He suggested that the Planning Board should schedule the public hearing. Mr. Bissonnette stated that he would like to

review the second draft after Mr. Crosby makes cuts. He noted that the Citizens Interested in the Comprehensive Community Planning Process Committee (CICCPPC) should also review the second draft. Mr. Crosby said he could address the Statewide Planning comments and complete the content reduction by the regular meeting in November.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to continue Agenda item #6, Review Comprehensive Community Plan to the regular meeting of January 15, 2020 for the scheduling of a Comprehensive Community Plan workshop specific to The Housing Element and LMI housing and further the scheduling of the public hearing on the Comprehensive Community Plan. All in favor. So voted.

6. Agenda item #7, Discuss Aquidneck Island Planning Commission (AIPC) report of AIPC activities

Ms. Wilson reported on the activities of the AIPC including diversification, acquiring corporate sponsors and holding community action meetings.

7. Agenda item #8, Approve October 9, 2019 Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, October 9, 2019 and to place it into the record. All in favor. So voted.

At 8:05 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