



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

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

Members Present: Guy Bissonnette, Luke Harding, Edward Lopes, David Garceau, Ryan Tibbetts, Michael James 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 October 10, 2018

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to approve the minutes of the October 10, 2018 regular meeting with the following corrections: Pages 1 and 2, under items # 3 and 4, insert the term "of" after the name "Bouchard" in the first lines of each item.

All in favor. So voted.

3. Harkins Development Co., AP 63, Lot 15 (Portsmouth Heights) – Request for extension of time to complete construction of Elm Street and the extension of the road bond

Christopher Harkins, Developer, Harkins Development Corp., 1907 East Main Road, Portsmouth requested an extension for the completion of Elm Street, Portsmouth Heights and the associated road bond.

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to grant a one-year extension for the completion of Elm Street and for the associated road bond for Harkins Development Co., AP 63, Lot 15, Portsmouth Heights.

All in favor. So voted.

4. Ryan Kirwin, AP 56, Lot 18 (68 Bancroft Drive) – Request for extension of time to complete construction of the Bancroft Drive extension and extend the road bond

Ryan Kirwin, owner, 68 Bancroft Drive, Portsmouth requested an extension for the completion of Bancroft Drive extension and the associated road bond.

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to grant a two-year extension for the completion of Bancroft Drive extension and for the associated road

bond for Ryan Kirwin, AP 56, Lot 18 (68 Bancroft Drive).
All in favor. So voted.

5. Sakonnet Bluffs, LLC, AP 59, Lots 5A – 5P, Vanderbilt Lane – Continuation of request to reduce Road Bond for the Sakonnet Bluffs Subdivision

Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth appeared representing the applicants. He requested a continuation of a request to reduce the road bond for the Sakonnet Bluffs Subdivision

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to grant a two-month continuation to the regular Planning Board meeting scheduled for January 9, 2018, for the request to reduce the road bond for Sakonnet Bluffs, LLC, AP 59, Lots 5A – 5P, Vanderbilt Lane.

All in favor. So voted.

6. John Borden, AP 31, Lots 32 and 32A (2951 East Main Road) – Application for Preliminary and Final approval for Minor Subdivision (1 lot)

Atty. Neil Galvin, Galvin Law, Ltd., 10A Washington Square, Newport, RI appeared representing the applicant with a request for Preliminary and Final plan approval for a minor subdivision of one lot, located at 2951 East Main Road. He reviewed the approvals associated with the application thus far, including a positive Planning Board advisory opinion to the Town Council, a Planning Board minor subdivision approval, an associated Zoning Board of Review variance approval and a Town Council approval for a zone change from commercial to residential. He explained that Mr. Borden, the applicant made a commitment to the Zoning Board of Review and the Town Council that he will submit a subsequent application to the Planning Board for a 4-lot subdivision of the rear of the property (Parcel C) to minimize density in the area. He intends to submit the application in January, 2019. Atty. Galvin explained that the evening's approval request is for a 3-lot subdivision of the entire property and that Parcel C, the rear parcel will be subdivided in the subsequent request. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Harding made a motion, seconded by Mr. Tibbetts, to make preliminary and final plan approval for John Borden, AP 31, Lots 32 and 32A (2951 East Main Road). All in favor. So voted.

Atty. Galvin requested the merging of master, preliminary and final plan approvals for the Parcel C subdivision application in January. Mr. Bissonnette stated that Atty. Galvin can make that request but the Planning Board may or may not merge the approvals based on the review of the plan.

7. Kevin and Megan Reed, AP 54, Lot 14C (20 Vanderbilt Lane) – Approve Final Plan Decision for Minor Subdivision (2 lots)

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to approve the Final Plan Decision for Minor Subdivision for Kevin and Megan Reed, AP 54, Lot 14C (20

Vanderbilt Lane) as submitted by Leon Lesinski, Administrative Officer. All in favor. so voted.

8. Velocity NBC, LLC (The Newport Beach Club) – Application for Minor Modification to reduce the number of residential units (Fifth Modification)

Mr. Lopes continued his recusal on this agenda item and sat in the audience.

Atty. Cort Chappell, abutter, 80 Evans Way, Portsmouth argued that the previous approval guaranteed that no building would occur on the other side of the pond opposite his property and that the proposed modification with an associated 7 to 8 buildable lots along the east side of the pond is in conflict with that condition. He argued that the proposal constitutes a major rather than a minor modification as presented. He contended that the abutters are entitled to the full notification process.

Atty. Nicole M. Verdi, Adler Pollock & Sheehan P.C., One Citizens Plaza, Providence, RI 12903 appeared representing Velocity NBC, LLC. She argued that the proposal constitutes a minor modification. Upon comments from Mr. Bissonnette and Mr. Harding, Atty. Verdi agreed to continue the hearing to the January meeting prior to which she will execute abutter notification. Atty. Chappell requested complete plans that indicate existing conditions and prior approvals.

MOTION: Ms. Wilson made a motion, seconded by Mr. Harding, to continue Velocity NBC, LLC (The Newport Beach Club) to the next regular meeting scheduled for January 9, 2018 on the following conditions: 1. The applicants make full notification to all abutters, 2. The applicants' engineer modifies the proposed plans to indicate all revisions to previous approvals and 3. The applicants forward complete plans, which indicate existing conditions and prior approvals to Atty. Cort Chappell, abutter and the Planning Board.

All in favor. So voted.

9. Ferreira Farms Land Corp. – owner, Kreg, LLC – applicant, AP 48, Lot 35 (corner of Pleasant View Avenue and Ferreira Street) – Application for Informational Meeting/Master Plan approval for Major Subdivision (19 lots)

Mr. Lopes returned to the Planning Board table for the remainder of the meeting.

Atty. Jay Lynch, Moore Virgadamo & Lynch, Ltd., 97 John Clarke Road, Middletown, RI appeared representing Kreg, LLC, applicant.

Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth appeared on behalf of his partner, Atty. Eric Chappell who represents the developers of Windrock Acres, the abutting subdivision to the north. In response to Mr. Harding, he indicated the paper road stub on the Windrock Acres plan that would allow for a future road connection to the proposed Ferreira Farms site.

Atty. Lynch explained that the proposed plan indicates 19 lots with 2 points of ingress

and egress. He requested that the Planning Board accept Christopher Duhamel, P.E. as an expert witness.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to accept Christopher Duhamel, P.E., DePrete Engineering, Two Stafford Court, Cranston, RI as an expert in the field of civil engineering. All in favor. So voted.

Mr. Duhamel presented the plan for the 12.6-acre parcel, zoned R20, located just east of East Main Road along the southerly boundary of the Windrock Subdivision. The site is accessed from the corner of Pleasant View Avenue and Ferreira Street. Storm water drainage flows downhill, west to east. RIDEM confirmed that there are no wetlands on or adjacent to the property. Tests have indicated 18-inch water tables but further testing is ongoing. The proposed plan has a 1900-foot, circular roadway with a 50-foot easement for a future road to the north for connection to the Windrock Subdivision. The drainage plan is designed to 100-year storm standards and flow is directed to the southeast corner to an outlet to a town catch basin. The plan indicates no increase in runoff or negative effect to the surrounding residential lots. The plan indicates public water service from Ferreira St. The proposed residential lots are served by OWTS, which is located by easement on the western most lot. Each lot will have pumping services to the OWTS site. The road is designed to town standards with no sidewalks. Traffic is directed to McCorrie Lane (controlled intersection with East Main Road) with 2-way stops at Pleasant View Ave. and Ferreira St. The proposed plan will be submitted to the Portsmouth Public Works Department and the Portsmouth Fire Department for approvals.

Atty. Lynch confirmed that the maintenance of the OWTS system and lot are governed by the covenants of a Homeowners Association agreement.

Mr. Bissonnette called for public comment.

Ann Sullivan, 200 Windstone Drive, Portsmouth, expressed concern for the existing drainage issues that she experiences in her yard. Mr. Duhamel confirmed that the storm water maintenance plan is designed for 100-year storms.

Cynthia Smith, abutter, 10 Windstone Drive, Portsmouth, expressed concern for the poorly performing town drain pipe near her property. Mr. Duhamel stated that the pipe requires further analysis and that it may have to be rebuilt. He further highlighted potential drainage features and explained how runoff is managed through development.

Peter Samways, abutter 86 Windstone Drive, Portsmouth expressed concern for the amount of storm water flowing from the abutting corner of the Windrock Subdivision to his property. He noted that the existing storm drain does not extend far enough north to catch this flow. He questioned the existence of wetlands because they are indicated on the Windrock Subdivision plans. Mr. Duhamel noted that he submitted the plan to RIDEM, which returned confirmation that there are no wetlands associated with the

proposed site.

Kevin Ake, abutter, 126 McCorrie Lane contended that a “sheet” drain rather than a storm drain runs to McCorrie Lane. He stated that a rumored underground spring exists in the northeast corner of the site.

Ted Ferreira, 72 Kerr Road explained that he installed a 30-inch, rather than an 8 inch, pipe on the property.

Mr. Bissonnette closed the public comment portion of the hearing. Atty. Lynch concluded the informational presentation on the proposed subdivision, stating that he intends to request Master Plan approval at the next regular Planning Board meeting of January 9, 2019.

10. Discuss Aquidneck Island Planning Commission (AIPC) report of AIPC activities

Ms. Wilson gave a review of AIPC activities including contracts for St. Mary’s Pond and Carriage Lane and Bike Newport’s involvement in the west side bike path proposal.

11. Approve Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording

Mr. Lesinski presented Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording, November 14, 2018.

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

At 8:11 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