



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD
Regular Meeting
May 12, 2021**

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

Members Absent: none

Others Present: Leon Lesinski, Administrative Officer, Portsmouth Planning, Gary Crosby, Town Planner, Michael Asciola, Assistant Town Planner and Atty. Kevin Gavin, Town Solicitor

The Zoom Meeting was called to order in the Town Council Chambers by Mr. Bissonnette at 7:00 p.m.

1. Agenda Continuances/Modifications: none

2. Approval of minutes for Planning Board meeting of April 14, 2021

MOTION: Mr. Harding made a motion, seconded by Mr. Tibbets to approve the April 14, 2021 meeting minutes with the following corrections. All in favor. So voted.

3. Applicant: Mark Horan, Owner: Elaine Raduano, Trustee – AP 67, Lot 138 (273 Indian Avenue) – Preliminary and Final Plan application for a two-lot minor subdivision

Atty. Peter Regan, Sayer, Regan & Thayer, 130 Bellevue Avenue, Newport, RI appeared representing Mark Horan with a request for preliminary and final approval for a minor subdivision for a 3.9-acre parcel on the east side of Indian Avenue. The plan indicates that Lot 138 is divided into two parcels, A and B (1.96 and 1.94 acres, respectively). Atty. Thayer indicated that the existing residential structure is to be demolished along with the pool house. He noted that the two parcels were merged in 1997 for the creation of a single residential lot and that the proposed plan returns the land to its original configuration. He noted that the two new lots, as designed, exceed all zoning requirements and that they will have individual OWTS systems and public water.

Mark Horan, Horan Building Company, 174 Bellevue Avenue, Newport, RI, applicant, explained that the building footprint for each lot will be well outside the CRMC 200-foot setback line as indicated on the plan. The structures will be shingle style with attached garages. In response to Mr. Pilotte, he stated that the

plan does not require any zoning variances.

Atty. Regan agreed with Mr. Lope's recommendation that approval be based on the condition that the subdivision plan cannot be filed until the existing structures, the house and the pool house, are demolished. Mr. Horan indicated that he has yet to determine if the pool will be retained.

Atty. Regan agreed with Mr. Asciola's recommendation that approval be based on the condition that the accessory structure, the pool, cannot be used without a new primary residential building on site. Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to grant preliminary and final approval for Applicant: Mark Horan, Owner: Elaine Raduano, Trustee – AP 67, Lot 138 (273 Indian Avenue) based on the following conditions: 1. The subdivision plan cannot be filed until the existing structures, the house and the pool house, are demolished, and 2. the accessory structure, the pool, cannot be used without a new primary residential building on the same lot (Parcel B). All in favor. So voted

4. Applicant: Applicant and Owner: Silvia Holdings LLC (formerly IMS realty Holdings, LLC) – AP 47, Lot 2A (0 Schoolhouse Lane) – Request for Advisory Opinion to the Town Council to rezone Lot 2A from residential (R20) to Light Industrial (LI) with the ultimate goal of merging AP 47, Lot 2A with AP 53, Lot 18J

Mr. Tibbetts recused himself from the hearing of Agenda Item #4.

J.J. Silvia, Silvia Holdings LLC, General Manager, IMS Holdings, LLC, appeared representing the owner with a request for an advisory opinion to the Town Council to rezone Lot 2A, located on the south side of Schoolhouse Lane, from residential (R20) to Light Industrial (LI).

Neil Hingorany, PLS, MS, Narragansett Engineering Inc., 3102 East Main Road, Portsmouth, RI, presented the proposed plan. He explained that most of the IMS Holdings campus on Schoolhouse Lane, comprised of the two lots to the east of Lot 2A, is zoned LI. He noted that the intent of the zone change is to join Lot 2A to the rest of the campus at a future date. He noted that the plan indicates a tree screening along the western boundary of Lot 2A as a buffer to the abutting residential lot.

Mr. Silvia explained that IMS purchased Lot 2A from the State of Rhode Island in 1999. He stated that under state ownership, which dates back to 1925, the lot was used for material storage and never had a residential use. The current R20 designation has been ignored and the lot has been abutted by LI lots since the town established zoning. While he had no firm plan for IMS Holdings' use of the lot, the zone change is paramount to the company's plans to expand its

operations.

Mr. Bissonnette commented that he is concerned about the tree buffer to the abutting neighbors. Mr. Asciola noted that any operations expansion on the part of IMS Holdings would trigger an amendment to its special use permit and required an approval request from the Zoning Board of Review. Mr. Bissonnette expressed that he is satisfied with knowing that the company would have to present another plan at some future date in order to expand onto Lot 2A. Mr. Pilote inquired about a narrow portion of the site indicated on the overview map of the plan. Mr. Hingorany explained that the portion is a vestigial element of the town's GIS map as part of the condemnation process with the state. He undertook a class 1 metes and bounds survey of the site which confirmed that the strip doesn't actually exist. Mr. Asciola noted that this portion, as it appears on the GIS map needs to be corrected administratively by the town. 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 advisory opinion to the Town Council for a lot rezoning for Silvia Holdings LLC (formerly IMS realty Holdings, LLC) – AP 47, Lot 2A (0 Schoolhouse Lane). All in favor. So voted. Mr. Tibbetts abstaining.

5. Applicant and Owners: John Carlone and Margaret Carlone (Life Estate) – AP 31, Lot 4 (22 + 24 Dexter Street) – Request for Advisory Opinion to the Town Council to rezone AP 31, Lot 4 from Commercial to Residential (R20)
David Manoni, P.E. Groundbreaking Designs, LLC, 90 Highland Avenue, South Kingstown, RI, appeared representing the applicants and owners with a request for an advisory opinion to the Town Council for a zone change from commercial to residential (R20) for a 2.8-acre parcel at 22 and 24 Dexter Street (south side) near East Main Road. He noted that the intent of zone change is to make Lot 4 conforming with the surrounding residential neighborhood and its current use with two residential dwellings onsite. He noted that the owner, John Carlone intends to move to the property and subdivide it to create residential lots for his family members.

Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Lopes made a motion, seconded by Mr. Garceau, to make a favorable advisory opinion to the Town Council for a lot rezoning for John Carlone and Margaret Carlone (Life Estate) – AP 31, Lot 4 (22 + 24 Dexter Street). All in favor. So voted.

6. Request for Advisory Opinion to the Town Council regarding proposed amendments to the Solar Ordinance

In light of the fact that no members of the Town Council were present to make the request for an advisory opinion regarding the proposed amendments to the Solar Ordinance, the Planning Board members entered into a lengthy discussion

on how to proceed with the request. Mr. Crosby gave a timeline of the proposed amendments. David Howard, member of the public, commented that he received an email from Daniella Abbott, Portsmouth Town Council, in which she asked him to attend the Planning Board meeting. He suggested that the matter be continued. Atty. Gavin stated that a continuation would not be in conflict with any Town Council timeline because timelines are “directory” according to the ordinance. He concurred with the continuation. Mr. Bissonnette asked Mr. Crosby to resend his written documentation on the amendments to the Planning Board members. **MOTION:** Ms. Wilson made a motion, seconded by Mr. Harding, to continue Agenda Item # 6: *Request for Advisory Opinion to the Town Council regarding proposed amendments to the Solar Ordinance* to the next regular Planning Board meeting, scheduled for June 9, 2021. The motion was carried, five votes approving. Mr. Bissonnette opposing. Mr. Lopes abstaining.

7. Approve May 12, 2021 Monthly Project Status Report, 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, May 12, 2021 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:

Leon Lesinski
Administrative Officer