

Agenda Item: 5
Meeting Date: March 8, 2023

STAFF REPORT

TO: PLANNING BOARD
FROM: Lea Hitchen, Town Planner
RE: Advisory Opinion to the Zoning Board of Review regarding the New Construction of a Commercial Building for Ocean State Air Solutions, Inc.

Applicant/Owner: MBandCC, LLC (Owner and Applicant).

Requested Action: Development plan review for this application shall be advisory to the Zoning Board of Review.

Location: 3076 East Main Road; being Assessor's Map 29 Lot 117. The subject lot is on the west side of East Main Road just north of Wentworth Terrace and east of Portsmouth High School.



Figure 1 Subject property, being 3076 East Main Road, highlighted in yellow.

Parcel Size and Frontage: The lot is approximately 1.93 acres (84,259 s.f.) with 142.23' of frontage on East Main Road.

Existing Land Use: The parcel is vacant. Along the north side of the property there is a 15' wide Town of Portsmouth drainage easement along with an encroaching shed from the northern abutter.

Surrounding Land Use: The subject parcels to the north and south on East Main Road are mostly commercial uses with scattered residential uses mixed in. Properties to the west are mainly residential along with the abutting High School with an educational use.

Existing Zoning: The property is in the Commercial (C) zoning district; a district established to provide areas for commercial establishments and serve community and Town-wide shopping and service needs.

Surrounding Zoning: Up and down the East Main Road spine is zoned Commercial while the R-20, residential district abuts immediately to the west.



Figure 2 Illustration of the zoning districts in the surrounding area. Black star is the subject property.

Comprehensive Plan Consistency: The area is shown to provide for commercial establishments that serve the community and Town.

Proposal: The Applicant, Craig Clark and Marybeth Clark, owners of Ocean State Air Solutions, Inc. currently run their family-owned business out of 1844 East Main Road where they have about 25 employees. They have outgrown their existing space and purchased the subject property last June with the anticipation of constructing a larger building to accommodate their thriving business.

The Applicant has proposed a 2,320 s.f. office/showroom along with a 4,224 s.f. production/storage area with a 580 s.f. connector, to join the main buildings. (Any new retail business, office, or consumer service development of over 5,000 gross square feet in size requires a Special Use Permit from the Zoning Board of Review.)

The new structure will meet all-dimensional setbacks and 36 parking spaces will be provided when 28 spaces are required. The RIDEM has approved the Advantex AX-20 septic system along with 1,500 gallon septic tank and leaching field which will be located to the northwest of the storage building. A RIPDES permit for stormwater management is still under consideration at the state level.

The overall design of the building will resemble that of Casey's Oil, located on West Main Road. The intended appearance is a modern look with lots of natural sunlight to penetrate inside. The siding will consist of Hardie Board and batten, architectural asphalt shingles, and solar panels. The Applicant is cognizant that the commercial property abuts residential neighbors to the west and southwest and is ready to enhance any buffering if needed.

With regard to the access off of Wentworth Terrace, this is specifically for emergency vehicles only and will never be used by employees of Ocean State Air.

Applicable Regulations: Chapter 405 of the Town Code; Zoning Ordinance, Article V, Use Regulations, Section E(14); Article VII, Section G, for a new retail/office/consumer service business of over 5,000 gross square

feet of floor area a Special Use Permit is required from the Zoning Board Review.

Additionally, Chapter 236 of the Town Code; Land Development and Subdivision Regulations, Article IX, Development Plan Review and Article X, Design and Improvement Standards.

The hyperlink below will take you to the ordinance referencing Article IX, Development Plan Review:

<https://ecode360.com/32068419>

The hyperlink below will take you to regulations pertaining to Article X, Design and Improvement Standards:

<https://ecode360.com/32068428>

Issues and Analysis: The Applicant has been working with the Fire Department on a variety of issues regarding fire code for the new structure and accessibility issues around the building. These conversations have been positive and will continue into the future. The Town's Technical Review Committee reviewed the proposal on Wednesday, March 1, 2023. The Department of Public Works's Director, Brian Woodhead, had the following comments:

1. Sheet A1.0: The Town has a 20-foot drainage easement on AP 29 lot 116/117. This easement has one manhole and 479 of piping running West to the East with the pipe connecting to the RI DOT Drain Manhole on East Main Road (Route 138). A1.0 has this easement at 15 feet.
2. Sheet A1.0: The possible OWTS does not show the distant from the OWTS to the Town's drainage line there needs to be a minimum separation of 25 feet.
3. Sheet A1.0: Tree location next to the Turnout parking will need to be relocated to keep the tree's drip line (canopy) when mature is far enough away from the Town's easement to prevent root intrusion in the drainage piping.
4. Sheet A1.0: Fire Truck Emergency Access Road. The plans show this being of gravel with no width entering on Wentworth Terrance. The end of Wentworth Terrance has 2 catch basin that have a clear space between basins of 23 feet. If this is a requirement from the Fire Department this will need to be paved with the location placed between the 2 catch basin. The

location is needed for snow removal operations as to not block the basin. If requires the gates need to be on AP 29/117 property and not in the Town's ROW.

5. Sheet A3.0 & A3.1: On both sheet they have filter fabric over 4" perforated perimeter French Drain. There is no detail showing where the discharge will be. The gutters show no detail as to where they will discharge or tied into.

Regarding drainage on this property:

1. It appears that all the Storm Water treatment areas overflows are directed to Rain Garden #2 along with some of the downspouts to this pond. The bottom of Rain Garden #2 is at elevation 110 and the Rim on the overflow is at 110.8 with invert out at 108.0 to a New Drain Manhole tied into the Town's existing storm drain line with no details for the Drain Manhole or the Piping.
2. There are no calculations of the flow from Rain Garden #2 to the proposed Drain Manhole. This will need to address to make sure the existing storm drain line and the State Drain Manhole will support the increase storm water flow from this project.
3. Will need an Operation and Maintenance Plan.
4. Detail of piping under driveway to make sure it will support the Fire Department emergency vehicles/ladder truck.

Based on several comments made at the TRC meeting the Applicant and his engineer will be making modifications and providing a revised plan where the Board will see improved circulation for emergency apparatus and a change in material to the parking lot to accommodate large heavy vehicles.

Discussion/Recommendations: The purpose of the Planning Board's review is for Board members to confirm good site design and validate a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the community.

Staff has no objection to advancing the project with a positive advisory opinion to the Zoning Board of Review as it has been favorably received by the Technical Review Committee and the project team has been very responsive to staff concerns. Although the Design Review Board will be reviewing the proposal on Monday, March 6th, there will still be time for the Applicant to address any of the DRB's concerns by March 16th when the ZBR reviews it for the Special Use Permit.

Upon the Planning Board advising any opinion, it would be prudent to actively recommend a condition be imposed that the Applicant will abide by and the Town will enforce Article X, Design and Improvement Standards, under the Land Development and Subdivision Regulations, as it pertains to commercial development.

Additionally, according to R.I.G.L Section 45-23-60, the Planning Board, shall make positive findings with the following standard provisions as part of the proposed project's record prior to approval:

- (1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (4) The project, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable; and
- (5) The proposed land development has adequate and permanent physical access to a public street.