

**TOWN OF PORTSMOUTH  
PLANNING BOARD**

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

**ADVISORY OPINION**

Applicant & Owner: MBandCC, LLC:  
Location of Development: 3076 East Main Road  
Assessor's Plat: AP29, Lot 116

Relief/approval requested: Request for Advisory Opinion to Zoning Board regarding the construction of a commercial building for Ocean State Air Solutions, Inc.

The Planning Board received comments concerning the request at a legally noticed public informational meeting held on March 8, 2023.

Planning Board members present at the March 8, 2023 hearing : Edward Lopes, Kathleen Wilson, Luke Harding, Ryan Tibbets, David Garceau and Nora Kane-Daly  
Mr. Harding recused himself from this item.

Craig Clark, Principal, MBandCC, LLC, 701 Park Avenue, Portsmouth, RI appeared with a request for an advisory opinion to the Zoning Board of Review for a special use permit regarding the construction of a commercial building at 3076 East Main Road for Ocean State Air Solutions, Inc. which currently operates at 1844 East Main Road. Atty. Gavin explained that the special use permit is necessary for commercial buildings over 5000 square feet. Mr. Clark verified that the proposed building is 5700 square feet.

**MOTION:** Ryan Tibbetts made a motion, seconded by Mr. Garceau to qualify John Braga, P.E., Certified Land Surveyor, P.O. Box 544, Portsmouth, RI as an expert in the field of civil engineering and land surveying. All in favor. So voted.

Mr. Braga reviewed the existing conditions for the 1.93 acre site for the proposed commercial building which is located at 3076 East Main Road with Portsmouth High School to the west, Narragansett Engineering to the north and the Wentworth Terrace to the southwest. He noted that RIDEM has granted ISDS approval for 30 employees and that the Portsmouth Fire Department has commented on the plan, requesting a gated 20-foot emergency access off Wentworth Terrace. He noted that the plan uses the existing 26-foot curb cut on East Main Road and that no permit from RIDOT is required. The plan does not indicate gas service and accesses water from Wentworth Terrace. Mr. Braga reviewed the proposed drainage system, consisting of three separate basins, which more than meets requirements.

In response to Mr. Lopes, Mr. Braga confirmed that, while he had not yet read the staff report issued by Ms. Hitchen with specific comments from Brian Woodhead, Director of Public works, he has made changes to the plan to meet Mr. Woodhead's requirements. In response to Ms. Wilson, Mr. Braga state that a RIDOT approval is not necessary

because the drainage plan ties into the Town easement which feeds to the system on East Main Road.

Mrs. Kane-Daly expressed concern that Design Review Board (DRB) Advisory Opinion comments that the building and the site has no exterior lighting. Mr. Clark stated that the proposed building features sensor lighting.

Melissa Hutchinson, AIA, MH Architect, LLC, 203 Hooper Street, Tiverton, RI noted that at the TRC meeting, she explained that the proposed lighting is on the corners of the building and operates by motion detectors and a timer. She noted that this is sufficient to illuminate the parking lot during business hours and allows for intermittent use when the business is closed. She noted that the lightening is designed so as not to shine in the adjacent neighborhood. Ms. Hutchinson verified that the fire access is gated and for Fire Department use only. She commented that the proposed site rain gardens are designed to be attractive with indigenous plantings. She noted that the front building, which is most visible, is designed with an appealing color scheme and materials like the Casey Oil building on West Main Road. She noted that the proposed rear structure is a Morton building.

Mr. Lopes reviewed the comments from the DRB.

**MOTION:** Mr. Tibbetts made a motion, seconded by Ms. Wilson, to accept into the record the *Portsmouth Design Review Board Advisory Opinion, March 6, 2023 for Applicant & Owner MBandCC, LLC – AP29, Lot 116 (3076 East Main Road)* as Exhibit I. All in favor. So voted

**MOTION:** Mr. Tibbetts made a motion, seconded by Mrs. Kane-Daly, to accept into the record the *Staff Report; MBandCC, LLC (Owner and Applicant), March 8, 2023*, as Exhibit II. All in favor. So voted.

In response to Mr. Tibbetts, Mr. Braga clarified the changes to the plan to address Mr. Woodhead's comments listed in the staff report. Ms. Wilson suggested that Mr. Braga have the plan reviewed by RIDOT for a possible Physical Alteration Permit (PAP).

In response to Mr. Tibbetts, Mr. Clark verified that proper notice to the abutters is executed. Mr. Lopes called for public comment to which there was none.

**MOTION:** Mr. Tibbetts made a motion, seconded by Mr. Garceau to make a favorable recommendation to the Zoning Board of Review for a special use permit for *Applicant & Owner MBandCC, LLC – AP29, Lot 116 (3076 East Main Road)* on the following conditions and findings:


1. 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 as stated on page 6 of Exhibit I
2. The application is compliant with the five standard provisions (findings of fact) of R.I.G.L. Section 45-23-60 as listed on page 6 of Exhibit II.
3. The applicant will address and incorporate into the plan the listed concerns with the plan and the proposed drainage from the Director of the Portsmouth Department of Public Works, on page 4 and 5 of Exhibit II, including the

- submission of required drainage calculations and a drainage Operation and Maintenance plan
4. The proposed plan is consistent with the recommendations of the Portsmouth Design Review Board as listed on page 6 of Exhibit I
  5. The application engineer will present the proposed plan to the RIDOT for review for possible PAP.

All in favor. So voted.

Portsmouth Planning Board

By:



Leon C. Lesinski  
Administrative Officer