



**TOWN OF PORTSMOUTH
PLANNING BOARD**

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

**PORTSMOUTH PLANNING BOARD
Regular Meeting
January 12, 2022**

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

Members Absent: none

Others Present: Leon Lesinski, Administrative Officer, Portsmouth Planning Board and Michael Asciola, Assistant Town Planner, in person. Atty. Kevin Gavin, Town Solicitor and Gary Crosby, Town Planner in the Zoom meeting. The Zoom Meeting was called to order in the Town Council Chambers by Mr. Harding at 7:00 p.m.

1. Agenda Continuances/Modifications: none

2. Approval of minutes for Planning Board meeting of December 8, 2021

MOTION: Mr. Tibbetts made a motion, seconded by Mr. Garceau to approve the December 8, 2021 meeting minutes with the following corrections: The header, beginning on Page 2, change the date to December 8, 2021; Page 2, in the motion at the bottom of the page, insert the phrase "...seconded by Ryan Tibbetts,..." after the phrase "Mr. Lopes made a motion..."; Page 7, in the first motion on the page, change the proper noun "Mr. Harding" to the proper noun "Mr. Lopes". All in favor. So voted.

3. Applicants and Owners: Sean and Kirsten Casey, AP4, Lot 284, (106 King Philip Street) – Approve Decision Administrative merger and reconfiguration of Lot 284

MOTION: Mr. Lopes made a motion, seconded by Mr. Tibbetts, to approve the written decision, as submitted by the administrative officer to the Planning Board, for *Applicants and Owners: Sean and Kirsten Casey, AP4, Lot 284, (106 King Philip Street)*. All in favor. So voted.

4. Applicant: West Shore Solar, LLC, Owner: Carnegie Trails, LLC – AP 26, Lot 13 (226 West Shore Road) – Preliminary Plan application for the development of a large scale solar project (continued from November 10, 2021 meeting)

Mr. Lopes continued his previous recusal from this agenda item.

MOTION: Mr. Tibbetts made a motion, seconded by Ms. Wilson, to approve the written decision, as submitted by the administrative officer to the Planning Board, for *West Shore Solar, LLC, Owner: Carnegie Trails, LLC – AP 26, Lot 13 (226 West Shore Road)* with the following correction: Page 1, under “Present Zoning: delete the term “Industrial”. All in favor. So voted.

5. Agenda Item 10, Applicant West Main Solar 1, LLC, Owner: Zaugg Marion Trustee & Regal, LLC, Location – AP 44, Lot 15, (West Main Road) – Final plan application for the development of a 3.16 MW, ground-mount, solar photovoltaic facility (continued from December 8, 2021)

Mr. Harding announced that the Planning Board is to vote on the previously failed motion to grant final plan approval for the major land development of a proposed 3.16 MW Solar Photovoltaic project located at West Main Road, AP 44, Lot 15, pursuant to a motion to reconsider a vote denying final plan approval made at December 8, 2021 meeting. Said motion to reconsider was duly made, seconded and approved by the Planning Board which was made during the hearing of the application on December 8, 2021, as a subsequent motion during the same hearing was duly made, seconded and approved by the Planning Board on December 8, 2021. He noted this proposed action is the recommendation of the Town Solicitor, Kevin P. Gavin.

David Croston, 118 Sweet Farm Road attempted to call a point of order to the proceedings. Atty. Gavin stated that Mr. Croston cannot call a point of order and that only a member of the Planning Board could do so. He stated that the motion to reconsider was seconded and approved and that the only action before the Planning Board is to re-vote on the motion to grant final approval to the application. Several members of the public spoke out unrecognized by the chair. Atty. Gavin stated that the public comment portion of the hearing was closed at the December meeting and he requested that the Planning Board follow his advice to proceed with the vote on final approval without further discussion. In response to Mr. Lopes, Atty. Gavin stated that the motion to grant final approval is already before the Planning Board as it was made at the December meeting. Gary Crosby, Town Planner stated that he is in full support of Atty. Gavin’s advice to the Planning Board.

MOTION (as made at the December 8, 2021 meeting): Mr. Lopes made a motion, seconded by Mr. Tibbetts, to make final plan approval for *Applicant West Main Solar 1, LLC, Owner: Zaugg Marion Trustee & Regal, LLC, Location – AP 44, Lot 15, West Main Road* and to allow the Planning Board administrative officer sign the final plan decision for the applicant who is facing a time constraint.

The vote was called with each member stating their position and dissenting members giving their reasons for their vote as follows: Mr. Lopes – approve, Mr. Garceau – approve, Mr. Tibbetts – approve, Ms. Wilson – approve, Mr. Pillotte –

deny and Mr. Harding deny. Mr. Pillotte stated that his previous rationale for denying the motion remains and that he voted against the motion because the loss of forest does not meet the intent of the solar ordinance with regard to minimizing adverse impacts to the area. Mr. Harding stated that he voted against the motion for the same reasons stated by Mr. Pillotte. The motion is carried, four votes approving, two votes denying.

6. Election of officers for Chairman and Vice-Chairman

Mr. Harding nominated Mr. Lopes to the position of Chairman to the Portsmouth Planning Board. Mr. Lopes accepted the nomination but requested to hear from the other members on his nomination. Mr. Tibbetts spoke favorably of Mr. Lopes and the previous chairman, Mr. Bissonnette. The other members of the Planning Board voiced their agreement with Mr. Lope's nomination.

MOTION: Mr. Tibbetts made a motion, seconded by Ms. Wilson, to approve Mr. Lopes as Chairman to the Portsmouth Planning Board and to approve continuing Mr. Harding's position as Vice Chairman to the Portsmouth Planning Board. All in favor. So voted.

7. Approve January 12, 2022 Monthly Project Status Report, Administrative Subdivisions and Plat Plan Recording.

MOTION: Mr. Lopes made a motion, seconded by Ms. Wilson, to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, January 12, 2022 and to place it into the record. All in favor. So voted.

At 7:29 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