



Town of Portsmouth
Zoning Board of Review
2200 East Main Road/Portsmouth, Rhode Island 02871
www.portsmouthri.gov

ZBR MINUTES JANUARY 19, 2023

MEMBERS PRESENT: Chairman James A. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Sue Horwitz, Kevin Donovan, and Langdon Harris.

MEMBERS ABSENT: None

OTHERS PRESENT: Aaron Lindo, Assistant Town Planner; Kevin Gavin, Town Solicitor; Teresa Monterey, Recording Secretary

I. ROLL CALL

Mr. Nott called for a roll call and the Board members introduced themselves.

II. MINUTES

No minutes were prepared for approval.

III. BOARD ELECTION OF OFFICERS

Mr. Nott called on the Board to nominate officers of the Board. The Board voted to keep the officers the same. Mr. Nott was voted as Chairman, Mr. Borden was voted as Vice Chairman, and Mr. Furriel was voted as Secretary.

IV. CHAIRMAN'S REPORT

1. The Narragansett Electric Company (applicant) for Aquidneck Island Gas Reliability Project at 111 Old Mill Lane; being Tax Assessor's Map 68 Lot 74 (Zoned Residential, R-40). At the direction of the Rhode Island Energy Facilities Siting Board, the applicant is seeking an advisory opinion for a Special Use Permit for the mobilization of liquid natural gas equipment to support the natural gas supply to Aquidneck Island. The applicant has requested a new date be set for the hearing to acquire additional information regarding noise. The Board is asked to set a date in February for when the item is to be heard.

There was no information from the applicant regarding when the item could be heard. The Chair commented that the item would be addressed at the next meeting.

V. OLD BUSINESS

1. 3302 East Main Road, LLC (owner) & Tesla c/o Dewberry (applicant) Engineers for property located at 3302 East Main Rd; being Tax Assessor's Map 24 Lot 1 (Zoned Commercial, C). The applicant seeks a modification to a previously

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approved dimensional variance for side yard setback (Art. IV, Sec. B) to install electric vehicle charging stations.

This matter was heard before the Portsmouth Zoning Board of Review on December 15, 2022 and January 19, 2023, on petitioner's application for modification of previously approved dimensional variance to the minimum setback provisions (Article IV, Section B) of the Portsmouth Zoning Ordinance, to install Tesla electronic vehicle charging stations at the existing gasoline station and convenience store facility.

Members participating in the decision were Chairman James A. Nott, Vice Chairman John G. Borden, Secretary Benjamin Furriel, Sue Horwitz, and Langdon Harris.

The Board heard the testimony of Matt Burke and considered the plans and materials submitted with the petition and during the course of the hearing. No objectors were heard.

Mr. Burke explained that originally petitioner sought and obtained four side-yard setback variances (in conjunction with a modification of the previously granted special use permit for the facility) for installation of Tesla electric charging stations to be located inside the setback areas. The project contractor recommended that the charging posts and the utility transformer and support equipment be moved more towards the east in order to be further away from the septic system and avoid an existing shed. Mr. Burke testified that these structures will be moved closer to the property line but will be further away from the affected abutters.

As shown on the plans, the proposal requires seven (7) side yard setback variances to the north/northwest side of the property. Setback variances of 2', 5', 7-10', 10-6', and 11-11' are needed for the charging posts. In addition, a 6-11' variance is needed for the support equipment (supercharger) and an 11-7' variance is needed for the utility transformer. Mr. Burke answered questions from the Board regarding the landscape screening shown on the plans.

Based on the testimony and evidence submitted, the Board further found that petitioner's requests for the side yard setback variances were reasonable and not excessive under the circumstances. The Board determined that the proposal would have no negative impact on any abutters or the neighborhood. The Board determined that petitioner had requested the minimum relief necessary and that the hardship that necessitated the requests for relief was not the result of prior action of petitioner but was due to the unique characteristics of the land and structures in question. The Board determined that granting the requested relief would not alter the general character of the surrounding area or impair the purpose or intent of the ordinance or the Comprehensive Community Plan, and that denial of the relief requested would result in more than a mere inconvenience to petitioner.

Accordingly, the Board voted unanimously to grant petitioner's request for seven (7) side yard setback variances, as specified above, to install and operate the Tesla electric charging stations and support equipment in accordance with the plans as submitted.

VOTE: 5 - 0 in favor of approval of the application.

VI. NEW BUSINESS

1. Shull Architecture (applicant) for Judith Smith (owner) for property located at 216 Common Fence Blvd; being Tax Assessor's Map 3 Lot 80 (Zoned Residential, R-10). The Applicant seeks a Dimensional Variance (Article IV, B) and a Special Use Permit (Article VII, A1(c)) for an addition on a substandard lot of record.

Brian Shull, applicant, presented the application, the Board opined that more information was needed to make a decision. The applicant requested a continuance of the application until next month's meeting. Mr. Borden made a motion to continue the application with Mr. Furriel seconding the motion. Motion to continue passed unanimously.

A motion to adjourn was made by Mr. Borden to adjourn and was seconded by Mr. Nott. Meeting adjourned at 7:45PM

Minutes respectfully submitted by Aaron Lindo, Assistant Town Planner. Please contact the Planning Department for further information.