

**Chairperson**  
Kenneth Aurecchia

**Vice-Chairperson**  
Richard Fascia

**Secretary**  
Douglas Jeffrey

**Counsel for the Board**  
Joseph Ballirano, Esq.



**Zoning Official**  
Bernard J. Nascenzi, C.B.O.

**Zoning Board Members**  
Anthony Pilozzi  
Joseph Anzelone

**Alternate Board Members**  
Bernard Frezza  
Costanzo Caparrelli, Sr.

**Recording Secretary**  
Susan Leonardi

**JOHNSTON ZONING BOARD OF REVIEW**  
100 Irons Avenue, Johnston, Rhode Island 02919  
**Tel: 401-231-4135; Fax: 401-231-4181**

**MINUTES**

**May 31, 2007**

The Zoning Board of Review held its monthly meeting on the 31<sup>st</sup> day of May, 2007, at 7:01 p.m., in the library at the Ferri Middle School, 10 Memorial Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present:

Chairman Kenneth Aurecchia, Vice Chairman Richard Fascia, Secretary Douglas Jeffrey, Anthony Pilozzi, Joseph Anzelone, Bernard Frezza, Costanzo Caparrelli, Sr.

Also present: Joseph R. Ballirano, Town Solicitor, Susan Leonardi, Recording Secretary and Dianne Edson, Stenographer

**I. Approve of Minutes of the previous meeting (s)**

**II. New Business**

**A. File 2007-24**

Owner: Leslie J. Tente  
Applicant: Foxco Builders  
Location: Forest Drive; AP 65 Lot 27  
Lot Dimensions: Area: 11,013 sq. ft.  
Zoning District: R-40 (Residential – 40,000 square feet) Zone  
Existing Use: Vacant Land  
Development  
Proposal: Construct a 44' x 26' (1144 sq. ft.) single family dwelling

Dimensional Variance petitioned under Article III, Section F,  
Table III-F-1

Minimum Lot Size Required: 40,000 sq. ft.; Proposed Lot Size  
Requested: 11,013 sq. ft.; Relief Requested for 28.9687 sq. ft.

continued

Minimum Lot Frontage Required: 140 ft.; Proposed Lot Frontage: 81.58 ft.; Relief Requested for 58.42 ft.

Minimum Lot Width Required: 140 ft.; Proposed Lot Width: 81.58 ft.; Relief Requested for 58.42 ft.

Minimum Front Yard Setback Required: 40 ft.; Proposed Front Yard Setback Requested: 30 ft.; Relief Requested for 10 ft.

Minimum Rear Yard Setback Required: 75 ft.; Proposed Rear Yard Setback: 44 ft.; Relief Requested for 31 ft.

Minimum Left Side Setback Required: 35 ft.; Proposed Left Side Setback: 25.4 ft.; Relief Requested for 9.6 ft.

Minimum Right Side Setback Required: 35 ft.; Proposed Right Side Setback: 25.4 ft.; Relief Requested for 9.6 ft.

Alfred Russo, attorney for the owner, presented the application to the Board. The proposal is to construct a 44'x 26' foot single family dwelling. It is an undersized, non-conforming lot. There is public water and no sewer in the area. Ms. Tente inherited the lot when her father passed away. Mr. Russo presented a copy of the recorded map to the Board as Exhibit 1 for the owner. Mr. Anzelone made the motion to accept; seconded by Mr. Aurecchia. A voice vote was taken, all in favor. Mr. Russo explained that the project would require several different setback reliefs. A smaller home would not conform to the neighborhood. John Fox and Leslie Tente were duly sworn. Mr. Fox stated that DEM has approved the soil evaluations and the septic system is ready to be submitted for approval. There are no water issues. Ms. Tente is a life-long resident of Johnston. Mr. Aurecchia asked if Ms. Tente would live in the home or sell it. Ms. Tente stated that she was not sure yet. Mr. Pilozzi asked if there were any wetlands in the area. Mr. Fox stated that there were not. Mr. Pilozzi asked if there were any working wells in the area. Mr. Fox stated that to the best of his knowledge, there were not. An audience member spoke out of turn and stated that there were. Mr. Pilozzi stated that he was uncomfortable with the size of the house and with the knowledge that there may be working wells in the area. Mr. Russo stated that his client was agreeable to continuing the hearing to provide information on working wells. Mr. Russo would like to have the hearing tonight with the stipulation that the information on working wells is presented as soon as possible. Ms. Joann Atack, her father is an abutter is duly sworn. Her father has a working well. Mr. Jeffrey attempted to locate the exact location of her father's lot on the radius map. Mr. Anzelone stated that her fathers' lot is several lots away from the subject lot. Ms. Atack is also concerned about the lot being undersized. Mr. Jeffrey stated that the subject lot is not much smaller than the surrounding lots. Mr. Jeffery asked Ms. Atack if the proposed home would be out of conformance with the neighborhood, Ms. Atack stated that it would not. Mr. Pilozzi stated that the lot is a non-conforming lot of record. The applicant can build on the lot as long as the project is in compliance with current zoning. Her father is not an immediate abutter. Ms. Atack is still concerned about the natural flow of water. Mr. Pilozzi stated that DEM would have to approve any wetlands. Ms. Atack asked if another hearing would be held when the DEM approvals are given. Mr. Aurecchia stated that there would not be another hearing. The Building Official will verify all approvals before a permit is issued. Mr. Jeffrey





Subsection 5.1.8 - Menu boards  
Subsection 5.1.11 - Wall signs  
Subsection 5.1.12 - Pylon Signs

Special Use Permit petitioned under Article III, Section P –  
Operation of a Restaurant with Drive-Thru window as an  
Accessory Use. Article III, Section D, Table III-D-1. Section 8.10

Brian LaPlante, attorney for the applicant, presented the application to the Board. The McDonald's Restaurant currently located on Harford Avenue wishes to move to the proposed location on Atwood Avenue. Mr. Rossi will purchase the Hartford Avenue site and upgrade the lot to another permitted use. Mr. LaPlante explained the dimensional relief requested was very minimal. They are asking relief from the Sign Ordinance and a Special Use Permit for the drive-thru. The new McDonald's building will be smaller than the building currently on the site. The current building is not in good shape. The McDonald's restaurant will be an improvement to the site. They are currently working with Town Officials on the review process. The abutter on the left will have a slightly smaller setback, but that abutter's major concern was the activities taking place in the prior use, which will not be a use with McDonald's. There are also going to strict traffic lanes to prevent back-ups and reduce the chance of accidents. There will a right-turn exit only lane and a separate lane for left-turn exits. D.O.T. has approved the curb cuts and traffic pattern. Alan Micale, Engineer, after being duly sworn, stated that Ayoub Engineering worked very closely with the D.O.T. to work the traffic pattern to everyone's satisfaction. The raised curbing will allow handicap access with ramps. There will be a traffic light installed. Mr. Micale discussed wetlands and D.E.M. approvals that have already been received. Mr. Nascenzi stated that Ayoub Engineering is one of the most thorough and professional companies he has worked with. Mr. Nascenzi stated that the dumpsters must be enclosed and there can be no outside freezers. Mr. LaPlante stated that McDonald's is working closely with all utility companies to ensure appropriate supply is available to the building. The grease traps will also be appropriate sizes. The drainage system will also be appropriate and permission has been received to tie into the State's drainage system. Mr. LaPlante showed photos of what the new building will look like along with signage. Mr. Jeffrey asked how many chairs will be in the new building. Mr. Crisafi, the manger of the McDonald's, stated that there will be approximately 70, which is smaller than the current McDonald's. The current trend is for drive-thru business as compared to eating in. Mr. Jeffrey asked what the current drive-thru rate is at peak time in the morning. Mr. Crisafi stated that 30 cars an hour is the current peak time rate. At lunch the rate is almost double. Mr. Frezza asked how the queue would work for the drive-thru. Mr. LaPlante stated that the drive-thru plan is in the plan set, page 13. There will be a tandem drive-thru lane, with 2 ordering stations. There will be a window for paying and a separate window for pickup. A camera system is in use to observe how fast the cars are moving. Peter Crisafi, owner of the McDonald's, is duly sworn. Mr. Pillozzi stated that there was a traffic back-up from his current site to the new proposed site last week. Did he know why? Mr. Crisafi stated that he did not know the reason for it. Mr. Nascenzi stated that the tie-up was due to construction at a different location. Mr. Crisafi stated that his drive-thru line in the current location has never tied up Hartford Avenue. Mr. LaPlante showed more photos of signage and referred the members to the plan set for additional information, page 15. Mr. Anzelone asked whose responsibility it

would be to raze the building. Mr. LaPlante stated that the job will be contracted out and that it has not been determined who will actually do the job. Mr. Pilozzi asked about rodents when the building is demolished. Mr. Nascenzi stated that there is not a rat problem in that area. Mr. Anzelone stated that a legitimate demolition company will do rat control. Alfred Russo, attorney for FM Global, an abutter, stated that FM Global is not against the petition, but they would like to assist in resolving the traffic issue on Atwood Avenue. Mr. Kevin Gammons, in-house counsel for FM Global, stated that FM Global wishes to assist in the traffic situation and has been left out of discussions so far. FM Global is currently expanding and it will result in more employees. FM Global has not been show the Atwood Avenue Expansion Plan and would again, like to be included in the discussions. Mr. Aurecchia told Mr. Gammons to contact Kelly Coates from Carpionato Properties to discuss the expansion. Mr. Nascenzi stated that the expansion plan is not completely set, they are still negotiating. Mr. Anzelone would like to see some of the signage on Atwood Avenue near Route 295 removed. Mr. Pilozzi made the motion to approve the application, it will be in conformance to Article III, Section F for the dimensional relief; Relief from the Sign Ordinance, Sections 2.1.2, 5.1.1, 5.1.6, 5.1.8, 5.1.11, and 5.1.12. The drive-thru is granted by Special Use permit under Article III, Section P and Section D, Table III-D-1, Section 8.10. Mr. Aurecchia seconded the motion. A voice vote was taken, all in favor.

Mr. Fascia made the motion to approve the minutes of last month's meeting. This was seconded by Mr. Aurecchia. A voice vote was taken, all in favor.

Adjourned at 8:37 p.m.