

**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**

**March 27, 2008**

The Zoning Board of Review held its monthly meeting on the 27th day of March, 2008, at 7:00 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, Anthony Pilozzi, Bernard Frezza, Joseph Anzelone, Secretary Douglas Jeffrey, Costanzo Caparrelli, Sr.

Also present: Joseph Ballirano, Town Solicitor, Bernard Nascenzi, Zoning Official, Susan Leonardi, Recording Secretary, and Dianne Edson, Stenographer

Mr. Jeffrey made the motion to accept the minutes of the January, 2008 meeting. Mr. Pilozzi seconded the motion. A voice vote was taken, all in favor.

#### **File 2005-57 - CONTINUED FROM February 28, 2008**

Owner: John Ruggieri  
Applicant: Valentino Cairo  
Location: 43 Golden View Drive, AP 45 - Lot 232  
Lot Dimensions: Frontage 100'±; Depth: 200'±; Area: 20,000± square feet  
Zone: R-40 (Residential – 40,000 sq. ft.) Zone  
Attorney: Alfred Russo, Jr., Esq.  
Present use: Vacant Land  
Proposed: Single Family Dwelling, 1,410 ± square feet on a 20,000 square foot lot

Dimensional Variance petitioned under Art. III, Sect. F, Table III-F-1.

Required Left Side Setback: 35 feet. Proposed Left Side Setback: 28 feet. Relief requested for 7 feet left side.

Required Right Side Setback: 35 feet. Proposed Right Side Setback, 27 feet right yard, Relief requested for 8 feet.

Alfred Russo, Jr., Esq. presented the application to the Board. Mr. Russo stated that he has several documents that he wishes to introduce as Exhibits to the Board. Mr. Russo submitted an Assessor's Map of the area, with the subject lot marked. Mr. Anzelone made the motion

to accept this document as Exhibit A for the applicant. This was seconded by Mr. Pillozzi. A voice vote was taken, all in favor. Mr. Russo stated that the property is located in an R-40 Zone which requires 40,000 sq. ft. The subject lot is undersized, it contains 20,000 sq. ft.

Mr. Russo submitted a second map of the area showing which lots currently have homes built on them. The map indicates that many of the lots in the area are undersized. Mr. Pillozzi made the motion to accept the map as Exhibit B for the applicant. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

Mr. Russo stated that in previous hearings on this matter, the water and drainage problem in the area had been discussed. There had been a study conducted by the Town and it was determined that a drainage system would be installed in the area. The applicant agreed to continue the matter for six months and the drainage study was not complete and there was a lack of funding for the drainage project. Mr. Russo stated that he and Anthony Cofone, Esq. visited the area and there is a small build-up of water in front of one home that had a berm installed in front of it. This is down the street from the subject lot. Mr. Russo stated that his client is open to discussion regarding drainage options. Mr. Russo stated that there is a drainage study prepared by Jeffrey Campopiano, P.E. The former Town Engineer, Laura Aibel prepared a letter addressed to the Board stating that if the home were built, and the proper drainage system installed, there would be no adverse affect on the area. Mr. Russo stated that he would like these documents submitted as Exhibits C & D for the applicant. Mr. Pillozzi made the motion to accept the drainage study as Exhibit C and the letter from Laura Aibel as Exhibit D for the applicant. This was seconded by Mr. Anzelone. A voice vote was taken, all in favor.

Mr. Russo submitted plans for the proposed home to the Board. Mr. Pillozzi made the motion to accept the plans as Exhibit E for the applicant. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

Mr. Russo stated that his client feels that the home will be in conformance with the neighborhood.

Anthony Cofone, Esq. stated that he is representing the owner. He has an expert witness he would like to present to the Board.

Anthony Caprio, Real Estate Appraiser and Broker, was duly sworn. Mr. Caprio stated that he has 22 years experience as an appraiser and 19 years experience as a broker. He has testified before Boards and in the Courts several times. Mr. Pillozzi verified that Mr. Caprio's licenses were in force and up to date. Mr. Pillozzi made the motion to accept Mr. Caprio as an expert witness. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

Mr. Cofone submitted Mr. Caprio's resume to the Board. Mr. Pillozzi made the motion to accept the resume as Exhibit F for the applicant. This was seconded by Mr. Jeffrey. A voice vote was taken, all in favor.

Mr. Jeffrey stated that he has a professional relationship with Mr. Caprio. This will in no way affect his decision or prejudice him in any way.

Mr. Caprio stated that he has visited the property in question in mid-January and visited the surrounding neighborhood. He stated that the neighborhood is a solid, single family neighborhood comprised of many different style homes, of all ages. All are moderately sized and moderately priced. Mr. Caprio stated that he has reviewed the plans for the proposed

home and it will be in conformance with the neighborhood. Mr. Pilozzi asked if the home would be modular or stick built. Mr. Russo stated that the home will be stick built. The home will be in conformance with the Comprehensive Plan of the Town of Johnston.

Mr. Cofone submitted a copy of a Multiple Listing Service (MLS) listing of a home on Golden View Drive. It is a sale that took place in 2005. The listing was submitted to the Board as Exhibit G. Mr. Pilozzi made the motion to accept the document as Exhibit G for the applicant. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

Mr. Caprio stated that the listing shows that the home is 1,374 sq. ft. raised ranch. The lot is 13,100 sq. ft. Mr. Cofone stated that attached to the MLS for this property, is a copy of a Building Permit stating that this property came to the Zoning Board was approved in 2004. Mr. Pilozzi made the motion to accept the Building Permit as Exhibit H for the applicant. Mr. Anzelone seconded the motion. A voice vote was taken, all in favor.

Mr. Cofone asked Mr. Caprio if the construction of that home would have contributed to the water problem in the area. Mr. Caprio stated that in his opinion, it did not. The day Mr. Caprio visited the area, it was raining. He stated that there were no large accumulations of water anywhere he could see. The site is level ground and he does not see where water would run onto other properties or into the street. The way the site is designed, the only way water could enter the street is through the driveway. One solution is to have a crushed stone driveway.

Mr. Cofone stated that the testimony is based on the drainage report that was previously submitted. Mr. Pilozzi stated that the letter from the prior Town Engineer was sent in several days after her employment with the Town ended. Mr. Cofone stated that the property elevation speaks directly to water run-off. The site is level, therefore would not contribute to any water issues.

Mr. Pilozzi stated that he is not comfortable with another dwelling in this area. He believes that it will exacerbate the water issue. Mr. Caprio stated that he owns two commercial properties in Cranston. In Cranston, a drain must be installed in the driveway for commercial properties. Mr. Pilozzi stated that drains do not always help. Taxpayers call the Town for help with flooding, even if the drain is on private property.

Mr. Cofone stated that he has several more MLS listings to submit to the Board, each regarding a property on Golden View Drive. Mr. Caprio will testify that they are all on undersized lots and have homes on them. All would have to come to the Zoning Board if they were to be built today for dimensional variances. Mr. Pilozzi stated that he has no issue with the dimensional variances being requested; they are minor. It is the water issue.

Mr. Cofone submitted 9 MLS listings to the Board. A motion to accept these listings as Exhibits I – P was made by Mr. Frezza. This was seconded by Mr. Pilozzi. A voice vote was taken, all in favor.

Mr. Caprio stated that the proposed home will be in conformance with the neighborhood and will not adversely affect public health, safety or welfare. Mr. Caprio stated that he cannot testify to any traffic issues. The home will probably have two cars and he doesn't think that two additional cars will adversely affect the traffic conditions in the area.

Mr. Cofone asked Mr. Caprio if the hardship was on the part of the applicant or due to the natural characteristics of the land. Mr. Caprio stated that it is a substandard lot of record and

approximately 70% of the properties in the area are legal non-conforming. The hardship is not a direct result of any action of the applicant. Mr. Cofone stated that if the variance is not granted, it will be more than a mere inconvenience. The applicant is requesting the least amount of relief necessary and the land has no beneficial use if the variance is not granted. Without the variance, there is no beneficial use to the land.

Mr. Nascenzi stated that Johnston has the same law regarding drains in commercial driveways. Mr. Nascenzi stated that the land must be pitched away from the building at least 6 inches within the first 10 feet. The home that was approved by Zoning in 2004 should have been built on a slab; but I was not the Building Official at that time. The drainage system being proposed does not work in that area. That area would require an underground storage system, not a dry well system. Mr. Frezza asked where all the water is coming from. Mr. Nascenzi stated that the homes built recently should have been built on slabs, without foundations. The area has a high water table and the water is groundwater run-off. Dry wells were installed, but they do not work in the area, there is too much water. Mr. Anzelone asked why a foundation with a basement would be recommended instead of a slab. Mr. Nascenzi stated that this was based on the Engineer's letter stating that the groundwater would support a full foundation.

Mr. Cofone stated that the applicant is willing to research and discuss different drainage options to help alleviate the water issue. Without a variance being granted, the applicant has no viable use to this land.

Stephanie Manzi, Town Councilperson, was duly sworn. Ms. Manzi stated that she receives many phone calls regarding water issues in this area. This application was denied previously by this Board. The water problem has only gotten worse during the last few years. This street is on the DPW's pump list every time it rains. Every time a home is built in this area, the water issue worsens. Mr. Jeffrey asked how frequent the complaints come in. Ms. Manzi stated that the complaints come in every time there is consistent rain. The DPW has come to the area two or three times in the last month. Ms. Manzi stated that as soon as the Town can raise the funds without raising taxes, the area will get infrastructure repairs.

No other abutters appeared for or against the project.

Mr. Jeffrey stated that the Board has heard some expert testimony this evening which has a lot of validity to it. The Board has a responsibility to the residents of the area as to maintaining the public health, safety and welfare. In good conscience, he would have difficulty approving the project although the home would be in conformity to the area. He is well aware of the water issue and is not certain that the proposal would not adversely affect the area. After hearing from Mr. Nascenzi and Ms. Manzi, unless the water issue is addressed and repairs are made, I cannot in good conscience approve this application. Mr. Jeffrey made the motion to deny the application based on the public health, safety and welfare of the area.

Mr. Anzelone asked Mr. Nascenzi if building the home on a slab would alleviate the water issue. Mr. Nascenzi stated that it would not; it would help, but not alleviate the issue. Mr. Anzelone asked if the underground storage system would alleviate the issue. Mr. Nascenzi stated that it would help a great deal and possibly alleviate the issue. Only an engineer could testify to that.

Mr. Pillozzi seconded the motion to deny the application, agreeing with Mr. Jeffrey's statements.

A voice vote was taken. All in agreement to deny the application.

**B. File 2008-03 - CONTINUED FROM February 28, 2008**

Owner/ Applicant: Arlene Gianfrocco and Alicia Achille-Shackelton  
 Location: 14 Kern Acre Drive, AP 20 - Lot 220  
 Lot Dimensions: Frontage: 100 ft; Depth: 100 ft; Area: 10,645± square feet  
 Zone: R-15 (Residential – 15,000 sq. ft.) Zone  
 Surveyor: Ocean State Planners  
 Present use: Single Family Dwelling  
 Development

Proposal: To construct a second story addition containing a master suite with full bath, a separate half-bath and office to an existing single family dwelling.

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

Minimum Lot Size Required: 15,000 sq. ft.; Minimum Lot Size Requested: 10,645 sq. ft.; Relief Requested for 4,355 sq. ft.

Minimum Lot Frontage Required: 100 ft.; Minimum Lot Frontage Requested: 97.53 ft.; Relief requested for 2.47 ft.

Minimum Lot Width Required: 100 ft.; Minimum Lot Width Requested: 97.53 ft.; Relief Requested for 2.47 ft.

Minimum Front Yard Setback Required: 25 ft.; Minimum Front Yard Setback Requested: 20 ft.; Relief Requested for 5 ft.

Minimum Right Side Yard Setback Required: 20 ft.; Proposed Right Side Yard Setback Requested: 10 ft.; Relief Requested for 10 ft.

Alicia Achille-Shackelton was duly sworn. Ms. Achille-Shackelton stated that her brother and his two children live on the first floor of the home. The second floor addition will be for her, alone. They will share the kitchen area. Mr. Pilozzi verified that the single-story home is preexisting. Ms. Achille-Shackelton stated that it was.

Mr. Pilozzi verified the relief being requested.

No abutters appeared for or against the project.

Mr. Aurecchia stated that the Board received a written objection from an abutter, Mr. James Vanner. Mr. Vanner requested that the Board deny the application, but did not say why. Mr. Pilozzi made the motion to accept the letter as Exhibit A for the abutters. Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

Mr. Pilozzi made the motion to grant the application. This was seconded by Mr. Frezza. A voice vote was taken, all in favor.

C. **File 2008-04 - CONTINUED FROM February 28, 2008**

Owner/Applicant: Robert Ferranti  
Location: 33 King Street, AP 14 - Lot 142  
Lot Dimensions: Frontage: 85 ft; Depth: 100 ft; Area: 8,500± square feet  
Zone: R-15 (Residential – 15,000 sq. ft.) Zone  
Present use: Two Family Dwelling  
Development

Proposal: To remove interior stairway and construct outside stairway and entrance to second floor apartment.

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

Minimum Lot Size Required: 15,000 sq. ft.; Minimum Lot Size Requested: 8,500 sq. ft.; Relief Requested for 6,500 sq. ft.

Minimum Lot Frontage Required: 100 ft.; Minimum Lot Frontage Requested: 85 ft.; Relief requested for 15 ft.

Minimum Lot Width Required: 100 ft.; Minimum Lot Width Requested: 85 ft.; Relief Requested for 15 ft.

Minimum Front Yard Setback Required: 25 ft.; Minimum Front Yard Setback Requested: 12 ft.; Relief Requested for 13 ft.

Minimum Left Side Yard Setback Required: 20 ft.; Proposed Left Side Yard Setback Requested: 9 ft.; Relief Requested for 11 ft.

Robert Ferranti was duly sworn. Mr. Ferranti stated that he owns a two-family dwelling on King Street. He is requesting permission to remove the inside stairway to the second floor and build it on the outside of the structure in order to make the inside rooms larger. Mr. Pilozzi verified that Mr. Ferranti was not going to sell the property.

Mr. Nascenzi stated that it is a legal two-family. Mr. Nascenzi stated that Mr. Ferranti has done everything correctly.

No abutters appeared for or against the application.

Mr. Frezza made the motion to approve the application. This was seconded by Mr. Jeffrey. A voice vote was taken, all in favor.

**D. File 2008-05 - CONTINUED FROM February 28, 2008**

Owner/Applicant: Christopher and Laura Weedon  
 Location: 12 Peppermint Lane, AP 43/2 - Lot 367  
 Lot Dimensions: Frontage: 147 ft; Depth: 198 ft; Area: 28,586± square feet  
 Zone: R-40 (Residential – 40,000 sq. ft.) Zone  
 Present use: Single Family Dwelling  
 Development

Proposal: To construct an addition containing a new living room, new master bathroom, new entry stairs and secondary stairs.

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

Minimum Lot Size Required: 40,000 sq. ft.; Minimum Lot Size Requested: 28,586 sq. ft.; Relief Requested for 11,414 sq. ft.

Minimum Rear Yard Setback Required: 75 ft.; Minimum Rear Yard Setback Requested: 67 ft.; Relief Requested for 8 ft.

Christopher and Laura Weedon were duly sworn. Mr. Weedon stated that the addition is for more living space for his family. The addition will include a living room, laundry room, and extension of an existing bedroom.

No abutters appeared for or against the project.

Mr. Pillozzi made the motion to grant the application. This was seconded by Mr. Frezza. A voice vote was taken, all in favor.

**File 2006-46**

Owner/Applicant: Ziad Khalil  
 Location: Central Avenue, AP 44 - Lot 30  
 Lot Dimensions: Frontage 92±; Depth: 245'±; Area: 20,150± square feet  
 Zone: R-40 (Residential – 40,000 sq. ft.) Zone  
 Attorney: Alfred A. Russo, Jr., Esq.  
 Surveyor: Nabil Rashid, P.L.S.  
 Present use: Vacant Land  
 Proposed: Construct a 42' x 26' (1,092 sq. ft.) Single Family Dwelling

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

Required Lot Frontage: 140 feet. Proposed Lot Frontage: 92 feet.  
 Relief requested for 48 feet.

Required Lot Width: 140 feet. Proposed Lot Width: 92 feet.  
 Relief requested for 48 feet.

Required Left Side Setback: 35 feet. Proposed Left Side Setback: 30 feet. Relief requested for 5 feet left side.

Required Right Side Setback: 35 feet. Proposed Right Side Setback: 20 feet. Relief requested for 15 feet left side.

Approval granted in December, 2006. Approval expired in January, 2007. Applicant started the building permit process, but did not complete the process and obtain the permit before expiration of approval.

Ziad and Tim Khalil were duly sworn. Mr. Z. Khalil stated that they are before the Board for an extension to the prior approval. There was a delay in getting DEM approval, resulting in the request for the extension.

No abutters appeared for or against the petition.

Motion to approve the extension was made by Mr. Pillozzi. Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

## **I. New Business**

### **A. File 2008-06**

Owner:	195 Associates, LLC
Applicant:	Webster Bank National Association
Location:	1392 Atwood Avenue, AP 44-2 - Lot 359
Lot Dimensions:	Frontage 430±; Depth: 795'±; Area: 605,113± square feet
Zone:	B-2 (General Business) Zone
Attorney:	John C, Revens, Jr., Esq.
Surveyor:	John P. Caito Corporation
Architect:	Frances Puglisi, Gensler
Present use:	Retail and Restaurant
Proposed:	To construct a (71' x 68') 3,840 sq. ft. bank with three drive-thru windows and assorted signage.

Special Use Permit petitioned under Article III, Section D, Table III-D-1, Subsection 6.9 – Bank with drive-thru service

Dimensional Variance petitioned under Article III, Section J, Subsection 5.1.11 and 5.1.12 - Signs

John Revens, Esq. presented the application to the Board. Mr. Revens explained that the proposal is to construct a 3,840 sq, ft, Webster Bank with drive-thru in the Stonehill Marketplace shopping center. The applicant is requesting a Special Use permit for the drive-thru and relief from the signage requirements. Mr. Revens stated that he has a full set of prior approvals from the Town and would like to submit copies of those to the Board. Mr. Pillozzi made the motion to accept the prior approvals as Exhibit A for the applicant. Mr. Frezza seconded the motion. A voice vote was taken, all in favor. Mr. Revens stated that the approvals are from the Planning Board and the Town Council. Mr. Revens submitted a summary sheet of the approvals to the Board. Mr. Pillozzi made the motion to accept the summary sheet as Exhibit B for the applicant. Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

John Caito, Engineer, was duly sworn. Mr. Caito stated that he is a licensed Professional Engineer in the State of Rhode Island and he has testified before this Board many times. Mr. Pilozzi made the motion to accept Mr. Caito as a qualified witness. Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

Mr. Caito stated that the site is 13.9 acres as a result of an administrative subdivision, a copy of which is in the packet you were just handed. Mr. Pilozzi asked why this was not in the original packet of information given to the Board. Mr. Revens stated that the package included the relief being requested; it did not include the prior approvals because he did not have them at the time of submission. The property owner was kind enough to provide them today. Mr. Pilozzi stated that the Board cannot possibly review this package this evening. In the future, all documents must be submitted to the Board prior to the meeting. Mr. Revens stated that this property has had half a dozen approvals from different Town Boards and they wanted the Zoning Board to be aware of that information.

Mr. Caito stated that the lease parcel is approximately 35,000 sq. ft. and the proposed building size is 3,840 sq. ft. of footprint area with 3 drive-thru lanes. There will be one lane for the ATM and two teller lanes. These lanes will be on the right side of the building. Mr. Pilozzi asked where the ingress and egress would be. Mr. Caito indicated the areas on the plan. There will be ingress off of Atwood Avenue; the egress will be at the signal light for the shopping center.

Mr. Pilozzi asked what the progress was for the new opening with D.O.T. and other parties. Mr. Revens stated that part of the package of approvals previously submitted, is the agreement that the Town Council and F.M. Global have already signed for the road improvements. These improvements will not cost the Town anything.

Mr. Caito explained that the parking requirement is 22 spaces. The project will have 35 spaces plus 2 van-accessible handicap spaces. He has will-serve letters from the various utility companies. Mr. Anzelone asked if the site used to be a gas station. Mr. Caito stated that it was and all underground tanks have been removed.

The lighting plan calls for all lights to be directed away from adjoining properties. The pole height will be 16 feet. The landscaping plan was developed in accordance to the Landscaping Requirements and licensed landscape architects were used to develop that plan.

Kelly Coates, 195 Associates, was duly sworn. Mr. Pilozzi asked Mr. Coates about a certain pear tree growing near the off-ramp from Route 6. Mr. Pilozzi is concerned that it will be taken down when the road is widened. Mr. Coates stated that the road will be widened by two lane widths, if the tree falls in that area, then it will be taken down. Mr. Coates stated that there will be more landscaping done after the road is widened. Mr. Aurecchia asked if Stonehill Marketplace was building the bank or if the bank was building the building itself. Mr. Coates stated that the bank would build the building itself. Mr. Anzelone verified that the dumpsters will be enclosed. Mr. Revens confirmed this.

Derek Hug, Traffic Engineer, was duly sworn. He is with the firm of Fuss and O'Neill and a licensed Professional Engineer with the State of Rhode Island. Mr. Pilozzi made the motion to accept Mr. Hug as a qualified witness. Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

Mr. Hug stated that he prepared the traffic and parking plan for the site. He states that the plan provides adequate and safe parking and circulation around the building. Mr. Pilozzi

verified the width of the traffic lanes exiting the drive-thru lanes. Mr. Hug stated that they are 24 feet wide.

Robert Kuszpa, of Lauretano Sign Group was duly sworn. Mr. Revens stated that he will present the sign details and Mr. Kuszpa will answer any questions.

Mr. Revens stated that there will be one pylon sign at the new right turn entrance, about 42 square feet in size. Because the ordinance allows 1 pylon sign per property and this parcel is leased, the applicant is requesting a variance for this second pylon sign to be constructed. This sign will also help direct motorists because this entrance is 300 feet away from the bank itself. Mr. Pillozzi is concerned about sign pollution on Atwood Avenue. He does not think that the second pylon sign is necessary. Mr. Pillozzi stated that it is too much signage having two pylon signs for Webster Bank. Mr. Revens stated that only 1 pylon sign would be dedicated to Webster Bank. The other sign is pre-existing for Stonehill Marketplace. Mr. Pillozzi had misunderstood and thought that Webster Bank wanted 2 additional pylon signs. The sign will be fifteen feet from the ground. The sign will be below the level of the highway.

Mr. Revens stated that there will be wall signage on three sides of the building. Mr. Kuszpa explained the three different signs. Mr. Pillozzi asked if the large "W"s shown on the plan would be illuminated. Mr. Kuszpa stated that those are on the glass windows and doors and showed an example of what they would be made of.

Mr. Caito brought up a rendering of the signage on the building. The different wall signs were discussed. Mr. Jeffrey stated that the Board is overly cautious when it comes to signs. Atwood Avenue has too many signs currently and the Board does not want to add more unnecessary ones. Mr. Coates stated that Stonehill Marketplace understands the concerns of the Board and will be coming before the Board in the next few months to reduce some of the signage. Mr. Anzelone stated that the only sign he is questioning is the sign in the drive-thru area. Mr. Revens stated that the letters are only 17 inches tall. The dimensions given for the entire sign include the background. The signs will not be illuminated when the bank is closed.

Mr. Aurecchia asked if the entire building would be brick.

Frances Puglisi, Genser Architects, was duly sworn. She stated that her firm is the architects for Webster Bank. This is a new design for the bank and the one in Johnston will be the first. This will be the new standard for them. The building is primarily glass and brick. Mr. Aurecchia asked why the Webster Bank in Barrington is all stone. Ms. Puglisi stated that the building in question was done before this prototype was ready. It was also a pre-existing building, not a new building. Other Webster Banks in the area were discussed. Most were pre-existing buildings that did not have the exterior drastically altered.

Mr. Revens stated that there are some directional signs on the property. The ordinance allows for 2 square feet and the proposal is for 2.7 square feet. The signs are 3 feet in height. There will be 8 of these signs in total. Mr. Hug stated that the height is for sight distance. It's the approximate height when you are sitting in your car.

Peter M. Scotti, Real Estate Appraiser, was duly sworn. Mr. Scotti handed real estate reports to the Board. He is familiar with the proposed plans.

Mr. Pilozzi stated that Mr. Scotti has been before the Board many times. Mr. Pilozzi made the motion to accept Mr. Scotti as an expert witness. This was seconded by Mr. Jeffrey. A voice vote was taken, all in favor.

Mr. Scotti stated that the proposed use is in conformance with the surrounding area. The bank will be located in a shopping center. He believes that the petitioner has met the criteria for the Special Use Permit. Granting the variances will not alter the general characteristics of the area or impair the intent of the Zoning Ordinance.

No abutters appeared for or against the petition.

Mr. Pilozzi made the motion to grant the application. Mr. Anzelone seconded the motion. A voice vote was taken. All in favor.

**B. File 2008-07**

Owner:	Rhode Island Resource Recovery Corporation
Applicant:	Metro PCS, Massachusetts, LLC
Location:	65 Shun Pike, AP 43 - Lot 18
Lot Dimensions:	Area: 4.36± acres
Zone:	R-40 (Residential – 40,000 sq. ft.) Zone
Attorney:	John C, Revens, Jr., Esq.
Architect:	Advanced Engineering Group, P.C.
Present use:	Wireless communications tower.
Proposed:	To collocate additional Metro PCS antennas on tower and installation of up to five cabinets on the ground for battery back-up and equipment.

Special Use Permit petitioned under Article III, Section D, Table III-D-1, Subsection 5.4 – Collocation of cellular antennas on communications tower.

Mr. Aurecchia recused himself because he is the last standing member of Rhode Island Resource Recovery. He will turn the chair over to Mr. Pilozzi.

Jackie Slaga, Esq. presented the application to the Board. She stated that she represents Metro PCS. Metro PCS is a new wireless carrier in the New England marketplace they are requesting a Special Use Permit to install antennas on an existing telecommunications tower. The antennas will be located at 100 feet; the tower is 180 feet high. Equipment cabinets will be installed on the ground within the existing compound.

Ms. Slaga stated that she included photo simulations of what the tower would look like with the additional antennas. The traffic impact will be minimal; one or two visits monthly to check the equipment. It is an unmanned facility and will not generate any noise, odor or glare.

Mr. Pilozzi asked when the last structural analysis of the tower was done. Ms. Slaga stated that every time a new ray is installed on a tower, a structural analysis must be done. An analysis was done on December 7, 2007.

Mr. Pilozzi asked if Metro PCS had a weak signal in this area. Ms. Slaga stated that they have no signal. They are a new wireless carrier in New England and are beginning to build their network.

No abutters appeared for or against the application.

Motion to approve the application was made by Mr. Frezza. This was seconded by Mr. Jeffrey. A voice vote was taken, all in favor.

Ms. Leonardi reminded the Board that election of officers is supposed to take place this month.

Mr. Pilozzi made the motion for a slate of current officers remaining the same for the next year. Mr. Aurecchia as Chair, Mr. Fascia as Vice-Chair and Mr. Jeffrey as Secretary.

Mr. Frezza seconded the motion. A voice vote was taken, all in favor.

Adjourned at 9:11 p.m.