

**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 Pillozzi  
Joseph Anzelone

**Alternate Board Members**  
Bernard Frezza  
Costanzo Caparelli, 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**

**January 29, 2009**

The Zoning Board of Review held its monthly meeting on the 29th day of January, 2009, at 7:00 p.m., at the Johnston Senior Center, 1291 Hartford 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, Bernard Frezza, and Joseph Anzelone. Also present: Joseph Ballirano, Town Solicitor, Susan Leonardi, Bernard J. Nascenzi, and Dianne Edson, Stenographer

Mr. Anzelone made the motion to approve the minutes of the September and November, 2008 meetings. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

Mr. Nascenzi stated that a new procedure was being implemented in the Zoning Office. In the past, the recording secretary would take all paperwork back from the members and retain it in the office. All members are now being asked to keep all their paperwork for one year. Mr. Pillozzi made a motion that all Zoning Board members retain their paperwork for one year. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

#### **A. File 2008-44**

LOCATION OF PROPOSAL:	123 Putnam Pike; AP 39 – Lot 13
LOT DIMENSIONS:	Area: 15,328± sq. ft.
OWNER:	Ron Russo
APPLICANT:	Joseph Acosta
ZONING DISTRICT:	B-2 Zone (General Business)
EXISTING USE OF PROPERTY:	Vacant land
DEVELOPMENT PROPOSAL:	Operation of an auto repair facility

#### **Special Use Permit petitioned under Article III, Section D, Table III-D-1, Subsection 9.7**

Neither the owner nor the applicant appeared for the meeting.

Monica Dansereau, abutter, was duly sworn. Ms. Dansereau stated that work is already being done on the premises. She has taken photos at night to show that the lights are on and work is being performed. Mr. Nascenzi stated that he has visited the site and no work is being done during the day and no complaints have been received in his office. Mr. Jeffrey verified that the site had previously been an auto repair facility.

Mr. Ballirano stated that the legal counsel for this application had contacted him and he neglected to inform the Zoning Office.

Mr. Aurecchia stated that the application would be continued to the following month.

**B. File 2008-58**

LOCATION: 1 Normandy Street  
 OWNER/ APPLICANT: John & Andrea Dimaio  
 LOT: AP 21—Lot 440; 12,200± sq. ft.; R-15 Zone  
 EXISTING USE: Single-family dwelling  
 PROPOSAL: Construct a 252 sq. ft. shed/cabana

**Dimensional Variance** petitioned under Article III, Section G-7-C.

John DiMaio, was duly sworn and presented his application to the Board. Mr. Pilozzi verified what the shed would be used for. No abutters appeared for or against the project.

Mr. DiMaio asked if the setbacks could be changed from what he presented. He wishes to have the shed 6 feet from the property line instead of 8.

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

**C. File 2008-60**

LOCATION: 42 Lakeshore Drive  
 OWNER: Noreen Ricci  
 APPLICANT: RI Home Improvement  
 LOT: AP 61—Lot 65; 9,500± sq. ft.; R-40 Zone  
 EXISTING USE: Residential  
 PROPOSAL: Construct 12’x10’ sunroom, add 13’x10’ deck, and remove 13’ of outside bearing wall.

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	— SIZE	40,000’ sq.	9,500’ sq.	30,500’ sq.
	— FRONTAGE	140’	120’	20’
	— WIDTH			
SETBACK:	— REAR	75’	30’	45’

Anthony Aurgemma, contractor, was duly sworn. Mr. Aurgemma presented the project to the Board. Edna Duffy, abutter, was duly sworn. Ms. Duffy stated that she has no objections to the project. No abutters appeared against the project.

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

**D. File 2008-61**

LOCATION: Columbus Avenue  
 OWNER/ APPLICANT: Anthony Zompa  
 LOT: AP 18—Lot 3; 14,325± sq. ft.; R-15 Zone  
 EXISTING USE: Vacant Land  
 PROPOSAL: Construct a two bedroom duplex

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	— SIZE	15,000'sq.	14,232' sq.	768' sq.
SETBACK:	— REAR	45'	44.53'	.47'
	— FRONT	25'	20'	5'

Anthony Zompa was duly sworn. Mr. Zompa presented his application to the Board. He explained that there is public sewer, water and utilities available. Mr. Frezza asked if the area was zoned to allow multi-family dwellings. Mr. Ballirano stated that it was not and that Mr. Zompa would require a Use Variance also. Mr. Pilozzi verified the dimensional relief being requested.

Rob Grace, abutter, was duly sworn. Mr. Grace stated that it is a very wet lot and he is concerned about the water. Mr. Zompa stated that no water will run to other properties.

Peter Marandola, abutter, was duly sworn. Mr. Marandola was concerned about the number of trees being removed and the water issue. Mr. Zompa stated that most of the trees will be removed and no water will run off onto other properties.

Mr. Nascenzi stated that the Town of Johnston has a “zero-runoff” policy. Mr. Zompa will not obtain his Certificate of Occupancy until he meets all codes.

Mr. Pilozzi made the motion to approve the dimensional variance and the use variance. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

**E. File 2008-62**

LOCATION: Heywood Lane  
 OWNER/ APPLICANT: Michael Ferrante  
 LOT: AP 53—Lot 227; 52,272± sq. ft.; R-40 Zone  
 EXISTING USE: Vacant Land  
 PROPOSAL: Construct a 36' x 26' single family dwelling

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	— FRONTAGE	140'	43.44	96.4'
	— WIDTH			
SETBACK:	— REAR	75'	67'	8'

Frank Lombardi, Esq. presented the application to the Board and gave the history of the property. Mr. Pilozzi verified the relief being requested and the size of the home being built. The application is showing a 3 bedroom and the plans show a four bedroom. Mr. Lombardi stated that it will be a 3 bedroom home. Mr. Pilozzi made the motion to amend the plans. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

Carl Russo, abutter, was duly sworn. Mr. Russo questioned the “missing” iron bars on the survey plan. There was a boundary dispute, but it has been resolved to the satisfaction of both parties. Mr. Russo is requesting that the iron bars be installed at 3 points of the property. Mr. Nascenzi verified that the iron bars were not represented on the plan. The iron bars must be shown on the plan before a building permit will be issued. Mr. Russo stated he has no objection the project; he wants the iron bars installed. Mr. Ferrante agreed. The iron bars will be installed on the property before any building permits are issued.

Mr. Pilozzi made the motion to grant the application with the stipulation that the 3 iron bars are installed before the project goes forward. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

**F. File 2008-64**

LOCATION: 1520 Atwood Avenue  
 OWNER: Town of Johnston – Fire Station  
 APPLICANT: Metro PCS Massachusetts LLC  
 LOT: AP 53—Lot 178; 43,560± sq. ft.; B-2 Zone  
 EXISTING USE: Wireless Telecommunications Tower  
 PROPOSAL: To collocate additional Metro PCS antennas on tower and installation of up to four 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

Jackie Slaga, Esq. presented the application to the Board. Ms. Slaga stated that she is representing two applications. Mr. Aurecchia stated that the Board will hear them consecutively.

Mr. Pilozzi verified the details of the project, back-up generators will be brought in as needed; no diesel fuel would be stored on-site. Ms. Slaga stated that a structural analysis is included in the packet and the tower is sound enough for the project. No abutters appeared for or against the project.

Mr. Pilozzi made the motion to approve the project. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

**G. File 2008-64**

LOCATION: 75 Pocasset Street  
 OWNER: Rich Realty, LLC  
 APPLICANT: Rich Group, LLC and Metro PCS Massachusetts LLC  
 LOT: AP 2 and 3—Lots 134 and 368 (respectively); 142,500 sq. ft.; R-7 Zone  
 EXISTING USE: Vacant Mill Building and Water Tower with existing telecommunication antennas  
 PROPOSAL: Install Metro PCS antennas on Water Tower with up to three equipment structures at base.

**Special Use Permit** petitioned under Article III, Section D, Table III-D-1, Subsection 5.4.

Ms. Slaga presented the application to the Board. Mr. Pilozzi verified the project. No abutters appeared for or against the project.

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

**H. File 2008-68**

LOCATION: 1993 Plainfield Pike  
 OWNER: Pasco Cardillo, Jr. and Alberto Cardillo  
 APPLICANT: GB New England II, LLC  
 LOT: AP 29—Lot 13; 184,790± sq. ft.; B-2 Zone  
 EXISTING USE: Residential/Agricultural  
 PROPOSAL: Demolish all existing buildings and construct new retail store with associated parking

**Special Use Permit** petitioned under Article III, Section D, Table III-D-1, Subsection 14 – Drive Thru

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

Right Side Yard Setback Required: 40 feet; Requested: 31.5 feet; Relief Needed: 8.5 feet

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

Variance for front and side-yard setbacks for above-ground water meter enclosure

**Variance** for parking spaces located in front yard setback – Article III, Section H (5)

**Variance** for signage:

Flashing; Article VIII, Section 5.1

Pylon; Article VIII, Section 5.1.13

Wall; Article VIII, Section 5.1.11

K. Joseph Shekarchi, Esq. presented the application to the Board. He explained that this project was before the Board in April, 2008 and has returned for changes in the plan and signage.

Mr. Pilozzi verified the signage being requested. Gary McCoy, Boyan Signs, was duly sworn. Mr. McCoy explained the signage to the Board.

Eugene Iannelli, abutter, was duly sworn. Mr. Iannelli stated that he lives next door to the subject property. He is concerned about the water interruption to his well. Mr. Shekarchi stated that, on behalf of CVS, if the digging should cause an interruption in his well, CVS will pay to hook up Mr. Iannelli to the public water supply.

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

**I. File 2008-67**

LOCATION: Scituate Avenue  
 OWNER: RI Resource Recovery Corporation  
 APPLICANT: Ballard Mack Sales and Services, Inc.  
 LOT: AP 31—Lot 64; 23,917 sq. ft.; I Zone  
 EXISTING USE: Vacant land  
 PROPOSAL: Construct building and paved parking and signage

**Dimensional Variance** petitioned under Article III, Section H – Off-Street Parking

**Special Use Permit** petitioned under Article III, Section D, Subsection 9.9 - Service and Repair. Office space and retail truck sales as Accessory Uses.

Mr. Aurecchia recused himself; he is a Commissioner at RRIC.

Carolyn Medina, Esq. presented the application to the Board. Leonard Jellesma, General Manager of the Mack Truck facility, was duly sworn. Mr. Jellesma presented history of the company to the Board. The company stocks between 10-20 new trucks and approximately 5-10 used trucks on site. There will be 10 repair bays. No hazardous materials will be stored on site.

Bruce Hagerman, Engineer, was duly sworn. Mr. Hagerman's resume was accepted as Exhibit A. Motion made by Mr. Jeffrey; seconded by Mr. Pillozzi. A voice vote was taken; all in favor. Mr. Hagerman was accepted as an expert witness. Motion was made by Mr. Pillozzi; seconded by Mr. Jeffrey. A voice vote was taken; all in favor. Mr. Hagerman explained the layout of the site to the Board. The proposal is reserving some are for future expansion.

Mr. Pillozzi verified the parking relief requested. Mr. Jeffrey asked about the prospective daily traffic in and out of the property. Mr. Jellesma stated that approximately 20 cars arrive to pick up parts and approximately another 10 trucks arrive, in a day's time. Ms. Medina stated that the applicant is requesting 73 parking spaces; the Ordinance requires 153. Mr. Fascia stated that the application states 77 spaces. Mr. Pillozzi made the motion to amend the application to read 73 spaces, not 77. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor.

William Coyle, real estate expert, was duly sworn. Ms. Medina submitted his C.V. with his report to the Board. Mr. Coyle has testified before the Board on numerous occasions. Mr. Jeffrey made the motion to accept the report and C.V. as Exhibit B. This was seconded by

Mr. Pilozzi. A voice vote was taken; all in favor. Mr. Coyle outlined his experience and education for the Board. Mr. Pilozzi made the motion to accept Mr. Coyle as an expert witness; Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor.

Mr. Coyle stated that he has visited the site and surrounding area. He believes the use is appropriate for the area and will not be detrimental in any way.

No abutters appeared for or against the project.

Mr. Pilozzi made the motion to grant the application. Mr. Jeffrey seconded the application. A voice vote was taken; all in favor.

**J. File 2008-66**

LOCATION: 1770 Atwood Avenue  
OWNER: John F. Malone, Sr. and Caroline E. Malone  
APPLICANT: B. Maceroni and Sons, Inc.  
LOT: AP 53—Lot 75; 4.40± acres; R-7 Zone  
EXISTING USE: Single Family Dwelling  
PROPOSAL: Construct a funeral home and mortuary with associated parking areas.

**Special Use Permit** petitioned under Article III, Section D, Table III-D-1, subsection 9.3 – Mortuary or Funeral Home

Frank Manni, Esq. presented the application and gave a brief history of the property to the Board. The Zone Change had already been approved by the Town Council and the Planning Board; however, it is going through the process again because of a stipulation. The stipulation is regarding public water and sewer. Mr. Pilozzi questioned why the applicant was before this Board before this issue was resolved. Mr. Ballirano stated that the Board can make their approval subject to the final approval by the Town Council.

There will be no embalming done on the premises, viewing only.

Anthony Hamel, owner of B. Maceroni and Sons, was duly sworn. Mr. Hamel stated that his business is currently located in North Providence and has outgrown their facility. This would be a second location. Mr. Fascia questioned the single family dwelling listed on the application. Mr. Manni stated that the home is already there and it will be rented out.

Brian Thalmann, P.E., was duly sworn. Mr. Thalmann stated that the home will be about 100 feet away from the proposed funeral home and verified the location of the septic systems and wells. Mr. Thalmann explained the water run-off/detention pond.

Mr. Frezza questioned the area on the site plan marked, “future addition”. Mr. Hamel states that area is being reserved for future expansion.

Joseph Lombardo, Certified Land Use Planner, was duly sworn. Mr. Manni submitted Mr. Lombardo’s resume to the Board. Mr. Pilozzi made the motion to accept the document as Exhibit A. Mr. Fascia seconded the motion. A voice vote was taken; all in favor. Mr. Pilozzi made the motion to accept Mr. Lombardo as a qualified witness; Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

Mr. Lombardo stated that because Johnston does not currently have a funeral home, this use is appropriate. It is allowed in the zone with a Special use Permit. He detailed the economic benefits that allowing the funeral home would bring to Johnston. He stated that the project does meet the goals and policies of the Comprehensive Plan.

Rick Hall, French Design Builders, was duly sworn. Mr. Hall explained the design and floor plan of the building.

Mr. Anzelone verified how many funerals were projected for this building per week. Mr. Hamel stated that there will be approximately 3 per week. Mr. Thalmann stated that the septic system and the well can handle that load. Mr. Thalmann stated that there is a large condo project slated to be built directly across the street from this project. The developers are bringing in public sewer and water. When that happens, this project will also tie into those services. If the condo project does not get built, this project will look into bringing in the services. Mr. Manni submitted Mr. Thalmann's resume to the Board. Mr. Pilozzi made the motion to accept as Exhibit B for the applicant; Mr. Anzelone seconded the motion. A voice vote was taken; all in favor. The public lines are approximately 500-700 feet away and it is not financially feasible at this point.

Ms. Judith Zimmerman-Reisch, P.E., was duly sworn. Ms. Zimmerman-Reisch testified as to the traffic on Atwood Avenue. Mr. Manni presented her resume to the Board and offered her experience. Mr. Pilozzi made the motion to accept her as an expert witness; seconded by Mr. Fascia. A voice vote was taken; all in favor. Mr. Frezza verified the number of parking spaces on site. There will be no on-street parking. There will not be enough traffic to warrant a traffic signal.

John Petrone, Esq. spoke on behalf of abutter Louis Calenda. Mr. Petrone submitted a radius map to the Board showing the location of the project and his clients' home. Mr. Pilozzi made the motion to accept the map as Exhibit A for the abutters. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor. Mr. Petrone submitted a copy of the application as Exhibit B for the abutters. Mr. Pilozzi made the motion to accept the application as Exhibit B. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor. Mr. Petrone submitted Art. III, Sec A of the Zoning Ordinance to the Board. Mr. Pilozzi made the motion to accept this as Exhibit C for the abutters. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor.

Louis Calenda was duly sworn. Mr. Calenda testified to the type of area he lives in; rural, non-commercial. Several years ago, another person tried to put a funeral home on this property and was told that there must be public sewer and water. This Board refused another company for the same reason. Mr. Calenda stated that this project goes against the Comprehensive Plan. The Plan states that no commercial properties be allowed further than Cherry Hill Road on Atwood Ave. He has lived in the area for 35 years. He obtained traffic and accident information from the State. Their numbers are much higher than what the engineer testified to earlier. Mr. Pilozzi made the motion to have the traffic report accepted as Exhibit D for the abutters. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor. Mr. Calenda also submitted a report from the Johnston Police Department. Mr. Pilozzi made the motion to accept as Exhibit E for the abutters. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor. Mr. Calenda is not in favor of the project; it will be detrimental to his enjoyment of his property. Mr. Calenda submitted a petition he collected with signatures in objection to the project. The petition is not notarized. Mr. Pilozzi made the motion to accept the petition as Exhibit F for the abutters. This was seconded by Mr. Jeffrey. A voice vote was taken; all in favor.

Mr. Petrone offered Chapter 5 of the Comprehensive Plan to the Board. This chapter states that no commercial business may be located between Cherry Hill Road and Greenville Ave on Atwood Avenue. Mr. Pilozzi stated that the Comprehensive Plan is a guide. It was never ratified by the State. Mr. Pilozzi made the motion to accept Chapter 5 as Exhibit G for the abutters. This was seconded by Mr. Jeffrey. A voice vote was taken; all in favor. Mr. Petrone offered Chapter 7 of the Comprehensive Plan to the Board. Mr. Pilozzi made the motion to accept this as Exhibit H for the

abutters. This was seconded by Mr. Jeffrey. A voice vote was taken; all in favor. Mr. Petrone summarized his client's objections to the project.

Michael Berarducci was duly sworn. He stated that he attempted to open the same type of establishment at this site many years ago and was unable to do so because of the water/sewer issue. He wished the applicant luck.

Stephanie Manzi, Town Councilperson, stated that she wants the site to have water and sewer available.

John Malone, owner of the property, was duly sworn. Mr. Malone stated that he ran a greenhouse business on that property for many years. He had a business license.

Donald Sepe, abutter, was duly sworn. He believes the project will be an asset to the neighborhood.

Anna Chatelle, abutter, was duly sworn. She wants the project in the neighborhood.

Mr. Manni summarized his presentation.

Mr. Pilozzi made the motion to grant the application with the stipulation that the Zone Change is approved. This was seconded by Mr. Jeffrey. A voice vote was taken; all in favor.

Mr. Pilozzi made the motion that the Board slate stay the same. All members retain their current positions. This was seconded by Mr. Anzelone. A voice vote was taken; all in favor.

Mr. Jeffrey nominated Mr. Pilozzi as the designee for the Land Trust. This was seconded by Mr. Anzelone. A voice vote was taken; all in favor.

Adjourned at 11:03 p.m.