

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
Stanley Nadrowski

Recording Secretary
Susan Leonardi

JOHNSTON ZONING BOARD OF REVIEW
100 Irons Avenue, Johnston, Rhode Island 02919
Tel: 401-231-4117; Fax: 401-231-4181

MINUTES

November 19, 2009

The Zoning Board of Review held its monthly meeting on the 19th day of November, 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: Vice-Chairman Richard Fascia, Anthony Pilozzi, Douglas Jeffrey, Bernard Frezza, and Joseph Anzelone. Also present: Joseph Ballirano, Town Solicitor, Bernard Nascenzi, Building/Zoning Official, Susan Leonardi, Recording Secretary, and Dianne Edson, Stenographer

Mr. Pilozzi made the motion to approve the minutes of the October, 2009 meeting. Mr. Jeffrey seconded the motion. A voice vote was taken, all in favor.

Mr. Pilozzi made the motion to accept the Calendar of Meetings for 2010. Mr. Frezza seconded the motion. A voice vote was taken; all in favor.

Mr. Pilozzi made the motion to suspend the December meeting due to the Christmas holiday. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

Mr. Pilozzi made the motion to approve the Special Meeting Minutes for the National Grid meetings on May 19, May 27 and September 1, 2009. This was seconded by Mr. Jeffrey. A voice vote was taken; all in favor.

A. File 2008-27 – Extension of Prior Approval

LOCATION: 75 Pocasset Street
OWNER: Rich Realty, LLC
APPLICANT: Winn Development
LOT: AP 2 — Lot 134 & AP 3 – Lot 3686
EXISTING USE: Vacant Building
PROPOSAL: Convert vacant mill into a 91 unit apartment building

Dimensional Variance petitioned under Article III, Section G 14(b), Section H, Section K 1(b) and Section K 9(b)

| | DIMENSION | MINIMUM REQUIRED | PROPOSED | RELIEF REQUESTED |
|----------|------------|---------------------|----------------|---------------------|
| SETBACK: | — LOT SIZE | 87,120' | 25,564' | 61,556 |

| | | | |
|--------------|-----|-----|-----|
| — FRONT YARD | 60' | 0' | 60' |
| — HEIGHT | 35' | 70' | 35' |
| — RIGHT | 50' | 35' | 15' |

Joe Casali, P.E., was duly sworn and presented the application to the Board. Mr. Casali stated that the State of RI passed an Ordinance extending all CRMC, DEM, Zoning and Planning permits until June, 2011. The request for extension was filed before this Ordinance was passed.

Mr. Pilozzi made the motion to approve extension. Mr. Frezza seconded the motion. A voice vote was taken; all in favor.

B. File 2009-47

LOCATION: Naples Avenue
 OWNER/APPLICANT: Fred and Barbara Sharpe
 LOT: AP 5 — Lots 92 & 96; 19,200 sq. ft.; R-20 Zone
 EXISTING USE: Vacant Lot
 PROPOSAL: Construct a 50' x 35' single family dwelling

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

| | DIMENSION | MINIMUM REQUIRED | PROPOSED | RELIEF REQUESTED |
|----------|------------|---------------------|----------|---------------------|
| SETBACK: | — LOT SIZE | 20,000' | 19,200' | 800' |
| | — FRONTAGE | 120' | 80' | 40' |
| | — WIDTH | 120' | 80' | 40' |
| | — LEFT | 30' | 26' | 4' |
| | — RIGHT | 25' | 20' | 5' |

Kenneth Perrone, Esq. presented the application to the Board. Mr. Perrone discussed the relief being requested. Mr. Pilozzi questioned shortening the home to fit the setbacks. Mr. Sharpe was duly sworn. Mr. Sharpe stated that he does not wish to shorten the house. It is all on one floor to accommodate his disability.

No abutters appeared for or against the application.

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

C. File 2009-48

LOCATION: Plainfield Pike
 OWNER/APPLICANT: Plainfield Development, LLC
 LOT: AP 29 — Lots 53 and 90; 105,850 sq. ft.; B-2 Zone
 EXISTING USE: Automotive repair facility under construction
 PROPOSAL: Install one (1) wall sign 20' - 4' x 4' - 11"

Dimensional Variance petitioned under Article III, Section J, 5.1.11 – Wall Signs

Sanford Resnick, Esq. presented the application to the Board. Mr. Resnick explained the signage to the Board. The proposed sign would be the only sign on the building. The only other signage would be the pylon sign near the street; which meets Zoning codes.

William Wilbur, owner, was duly sworn. Mr. Wilbur explained how the sign was developed.

No abutters appeared for or against the project.

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

D. File 2009-49

LOCATION: 187 George Waterman Road
 OWNER: Circle Realty, Inc.
 APPLICANT: Edward Jones Colliers Corporate Solutions
 LOT: AP 35 — Lot 196; 28,800 sq. ft.; R-15 Zone
 EXISTING USE: Commercial Building
 PROPOSAL: Financial Services Office

Special Use Permit petitioned under Article III, Section D, Table III-D-1, Subsec 9.2

Michael Abood, applicant, was duly sworn. Mr. Abood presented the application to the Board and explained the daily operation, number of employees, operating hours, etc...

No abutters appeared for or against the application.

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

E. File 2009-46

LOCATION: 316 Greenville Avenue
 OWNER: National Tower, LLC
 APPLICANT: Cox TMI Wireless, LLC
 LOT: AP 47 — Lot 51; 130,680 sq. ft.; R-20 Zone
 EXISTING USE: Wireless Communication Tower
 PROPOSAL: Install three (3) antennas and concrete pad for equipment

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

Michael Dolan, Esq. presented the application to the Board. Mr. Dolan stated that he believes that some of the paperwork may have been improperly prepared. The paperwork should state that the applicant is requesting a Use Variance, not a Special Use Permit. Mr. Ballirano stated that the Board can allow the applicant to amend that information. The applicant amended the application based on Mr. Ballirano's statement.

Mr. Dolan stated that the application to build the tower was denied by the Zoning Board. The Federal Court overturned the decision. Mr. Nascenzi stated that his office has stopped the project due to

variances in the plan and what it is being built. Mr. Dolan stated that he was unaware of the issues with construction of the tower.

Mr. Dolan asked to be allowed to withdraw the application until the issues are resolved. The applicant was allowed to do this. A voice vote was taken; all in favor.

Paul Baffoni, abutter, was duly sworn. Mr. Baffoni stated that the company building the tower has not kept to the plans. They are closer to his property than they are supposed to be. The tower will lower his property values.

F. File 2009-45

LOCATION: Old Pocasset Road
OWNER: A T & T Tower
APPLICANT: Cox TMI Wireless, LLC
LOT: AP 44 — Lot 351 918,002 sq. ft.; R-40 Zone
EXISTING USE: Wireless Communication Tower
PROPOSAL: Install three (3) antennas and concrete pad for equipment

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

Michael Dolan, Esq. presented the application to the Board. Mr. Dolan explained the project and where the equipment cabinets would be located. No additional buildings would be constructed.

No abutters appeared for or against the project.

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

G. File 2009-43

LOCATION: 1520 Atwood Avenue
OWNER: Town of Johnston
APPLICANT: Cox TMI Wireless, LLC
LOT: AP 53 — Lot 178; 71,000 sq. ft.; B-2 Zone
EXISTING USE: Fire Station with Wireless Communication Tower
PROPOSAL: Install three (3) antennas and concrete pad for equipment

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

Michael Dolan, Esq. presented the application to the Board. Mr. Dolan explained the project. There will be no new structures on the property.

No abutters appeared for or against the project.

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

H. File 2009-44

LOCATION: 6 Buck Hill Road
OWNER: GTP Acquisition Partners II, LLC
APPLICANT: Cox TMI Wireless, LLC
LOT: AP 30 — Lot 60; 2,613 sq. ft.; I Zone
EXISTING USE: Wireless Communication Tower
PROPOSAL: Install three (3) antennas and concrete pad for equipment

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

Michael Dolan, Esq. presented the application to the Board. Mr. Dolan explained the location of the antennas and the equipment cabinets. No additional structures will be built on the property.

No abutters appeared for or 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.

I. Discussion of Recommending the Amendment of Ordinance 2004-14, regarding fees and referral to Planning Board for Advisory Opinion

Joseph Ballirano, Esq. explained to the Board that the Appeal Fee for the Town of Johnston is approximately 6 times higher than that of surrounding towns at \$2000.00. He is proposing a new fee of \$250.00.

Susan Leonardi, Recording Secretary, was duly sworn. Mrs. Leonardi stated that a survey of surrounding Towns was done at the request of the Director of Public Works. Johnston is higher on all fees as compared to surrounding communities.

Discussion regarding all fees.

Mr. Fascia made the motion to send a Resolution endorsing the lowering of fees, specifically, the Appeal Fee. Mr. Pilozzi seconded the motion. A voice vote was taken; all in favor.

Bernard J. Nascenzi, C.B.O., Building/Zoning Official, was duly sworn. Mr. Nascenzi reported on a meeting that he and the Town Planner, Merrick a. Cook, Jr. attended. The purpose of the meeting was to make the Town aware of a new system for cell phone antennas. The new system is installed on top of utility poles and is inconspicuous. These D.A.S. units are already being used in this part of the country, with satisfactory results.

Mr. Fascia suggested an informal moratorium on the passage of the erection of any new towers. This is pending the installation of the new system for cell usage. Mr. Fascia requested an update from Mr. Nascenzi in about 90 days. Mr. Anzelone seconded the motion.

Mr. Nascenzi also updated the Board in regard to the situation from last month's meeting on the tower on Falmouth Street. He stated that the site has been restored to its original condition. The company was charged \$4,000.00 in fines.

Meeting adjourned at 9:03 p.m.