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Douglas Jeffrey

Counsel for the Board
Joseph Ballirano, Esq.



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Bernard J. Nascenzi, C.B.O.

Zoning Board Members
Anthony Pilozzi
Joseph Anzelone

Alternate Board Members
Bernard Frezza
Dennis Cardillo

Recording Secretary
Susan Leonardi

JOHNSTON ZONING BOARD OF REVIEW
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Minutes

October 28, 2010

The Zoning Board of Review held its monthly meeting on the 28th day of October, 2010, 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, Douglas Jeffrey, Anthony Pilozzi, Joseph Anzelone, and Dennis Cardillo. 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 September 30th meeting. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

File 2010-39

LOCATION: Shun Pike
OWNER APPLICANT: Shun Properties, LLC
LOT: AP 32 —Lots 11, 12, & 17; 23.2 acres; I Zone
EXISTING USE: C & D Facility
PROPOSAL: Operate a C & D Facility
Special Use Permit per Article III, Section D, Table III D-1, Subsection 14

Elizabeth Noonan, Esq. presented the project to the Board. Ms. Noonan gave the background history of the operation and the projected operations. Hours of operation were discussed and will be posted on the gate. No junk cars will be accepted. Ms. Noonan submitted their Consent Agreement with DEM to the Board. Mr. Pilozzi made the motion to accept as Exhibit A for the Applicant. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor, with Mr. Jeffrey abstaining.

No abutters appeared for or against the project.

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

Mr. Pilozzi made the motion to cancel the December, 2010 meeting. Mr. Anzelone seconded. A voice vote was taken; all in favor.

File 2010-43

LOCATION: 79 Bishop Hill Road
 OWNER/APPLICANT: Michael and Linda Michaud
 LOT: AP 45 —Lot 124; 1.07 acres; R-40 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: Construct a 30' x 26' (780 sq. ft.) garage

Dimensional Variance petitioned under Article III, Section G (7) (c)

Michael and Linda Michaud were duly sworn. Ms. Michaud stated that they are requesting to build a garage to store vehicles. There will not be a business run out of there, no bathroom or plumbing or heat. Mr. Anzelone verified the relief requested.

No abutters appeared for or against the project.

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

File 2010-44

LOCATION: Truman Street
 OWNER/APPLICANT: Linda Mollicone
 LOT: AP 48/1 — Lot 28; 13,000 sq. ft.; R-20 Zone
 EXISTING USE: Vacant Land
 PROPOSAL: Construct a 28' x 48' single family home

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	— SIZE	20,000' sq.	13,000'sq.	7,000' sq.
SETBACK:	— REAR	50'	36.1'	13.11'

Alfred Russo, Jr., Esq. presented the application to the Board. David Marsocci and Linda Mollicone were duly sworn. Mr. Russo stated that the application has been changed from the one that was denied a year ago and they are requesting lesser relief. Mr. Russo explained the history of the lot and conformance to the neighborhood. Mr. Russo submitted photos and field cards of homes in the neighborhood to the Board. Mr. Pilozzi made the motion to accept as Exhibit A for the Applicant. Mr. Jeffrey seconded. A voice vote was taken; all in favor.

Mr. Pilozzi stated that the Applicant was requesting over 30% relief on the lot area. The Board does not usually grant relief of that size. Mr. Russo asked Mr. Nascenzi if the Applicant submitted plans for a Building Permit for a smaller house, would he issue the permit? Mr. Nascenzi stated that he cannot supersede this Board and could not issue any permits due to lot size.

Mr. Jeffrey noted the Town Planner's memo recommending that the Board deny the application based on nonconformance to the Town's Comprehensive Community Plan. Mr. Jeffrey also stated that the

Applicant should have had a real estate expert testify as to the impact to the neighborhood and relief requested.

Ms. Mollicone stated that the house will be sold. She had intended to live there with her children, but when it was denied last year, she moved in a different direction.

Mr. Jeffrey made the motion to mark the Town Planner's memo as Exhibit B. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

Monica Spicer, abutter, was duly sworn. Ms. Spicer stated that she lives next to the subject lot. She is concerned that the proposed home will be too close and take away some of her privacy. She has had water problems in the past and is concerned that the house will acerbate them.

Mr. Jeffrey made the motion to deny the application; Mr. Anzelone seconded the motion. A voice vote was taken; all voted to deny application.

File 2010-36

LOCATION: West Side Drive
 OWNER/APPLICANT: Driscoll Associates
 LOT: AP 46 —Lot 194; .64 acres; R-40 Zone
 EXISTING USE: Vacant land
 PROPOSAL: Construct a 2100sq. ft single family dwelling

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

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
LOT:	—SIZE	40,000'	28,148'	11,852'
	—FRONTAGE	140'	0	140'
	—WIDTH	140'	0	140'

Guido Salvatore, Esq. presented the application to the Board. Robert Barchi, Joseph Driscoll, and Jeffrey Campopiano, P.E. were duly sworn.

Mr. Driscoll stated that he is a licensed Real Estate Broker in Rhode Island and Massachusetts and has been for over 20 years. Mr. Driscoll stated that he has owned the subject property for over ten years. The size of the proposed house, relief requested, and conformance to the neighborhood were discussed.

Mr. Pilozzi asked Mr. Ballirano if the State Enabling Act encourages members of the Zoning Board to visit subject properties. Mr. Pilozzi stated that the members stay off private property unless specifically invited to enter the property.

Mr. Jeffrey stated that the field card indicates that Mr. Driscoll did not own the property for the last ten years. Mr. Salvatore stated that there is a Court Order in the application package which states that the ownership of the lot was resolved by Decree. The lawsuit, Decree, and right-of-way were discussed.

Mr. Campopiano stated that the proposed home will connect to public water and a private septic system. Mr. Pilozzi asked if Mr. Campopiano was aware of the well on the abutting property. Mr. Campopiano stated that the well is abandoned and the property is connected to public water. Mr. Pilozzi stated that he has spoken with the property owners and the well is used. The septic system must be at least 100 feet away from the well. The survey shows only 85 feet. Mr. Campopiano stated that he has room to move the septic system. Mr. Ballirano stated that if the request were made to change the application this evening, it would void the application. Discussion regarding the well, right-of-way and the proposed septic.

Mr. Jeffrey made the motion for a five-minute recess. Mr. Pilozzi seconded the motion. A voice vote was taken; all in favor.

After the recess, Mr. Salvatore requested that the application be withdrawn without prejudice. Mr. Anzelone made the motion to allow the applicant to withdraw the application. Mr. Jeffrey seconded the motion. A voice vote was taken; all in favor.

Mr. Anzelone made a motion to adjourn the meeting. Mr. Pilozzi seconded the motion. A voice vote was taken; all in favor.

Meeting adjourned at 8:30 p.m.