

Chairperson
Bernard Frezza

Vice-Chairperson
Anthony Pilozzi

Secretary
Joseph Anzelone

Counsel for the Board
Joseph Ballirano, Esq.



Building Official
Bernard J. Nascenzi, C.B.O.

Zoning Board Members
Richard Fascia
Thomas Lopardo

Alternate Board Members
Dennis Cardillo
Albert Colannino

Recording Secretary
Holli Stott

JOHNSTON ZONING BOARD OF REVIEW
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MINUTES **January 28, 2016**

The Zoning Board of Review held its monthly meeting on the 28th day of January, 2016 at 6:30 p.m., at the Johnston Senior Center, 1291 Hartford Avenue Johnston, RI 02919.

Present: Chairperson Frezza, Vice-Chairperson Pilozzi, Secretary Anzelone, Member Fascia, Member Lopardo Alternate Member Cardillo, Alternate Member Colannino, Building Official Ben Nascenzi, Legal Counsel Joseph R. Ballirano, Esquire, Lou Fabrizio Recording Secretary.

Mr. Pilozzi made a motion to suspend the minutes for the December Meeting. The minutes will be voted on for the February meeting. Mr. Anzelone seconded. A voice vote was taken; all in favor

Mr. Pilozzi stated that at this time it's mandated that we elect our officers for the year 2016. I'd like a motion that -- one of our alternates isn't here tonight but I would like to make a motion that alternate Dennis Cardillo also we'll suspend the rules so that Dennis Cardillo, our alternate can also vote for this evening. Mr. Anzelone made a motion that he votes. Mr. Lopardo seconded. A VOICE VOTE WAS TAKEN All in favor. Mr. Pilozzi states that Dennis will be voting for the officers. Mr. Pilozzi: acknowledges and accepts letter from Chairman Frezza. Mr. Pilozzi states that he has no problem whatsoever with the makeup of the board staying exactly as it is as Mr. Frezcas letter indicated. *A roll call vote of 6 to 0 was recorded in favor of keeping the board exactly the way it is.* Mr. Pilozzi states a motion is needed to keep the existing slate including keeping the Chair Bernie Frezza, vice chair Anthony Pilozzi, and Joseph Anzelone as secretary. Mr. Fascia: Make a motion to nominate the existing slate .Mr. Pilozzi: Second. Mr. Lopardo: Second. Mr. Pilozzi: Seconded by Mr. Lopardo. All in favor. WHEREUPON A VOICE VOTE WAS TAKEN;

File 2015-49:

LOCATION: 22 Belfield Drive
OWNER/ APPLICANT: Sharon Taraksian-Essex
LOT: AP 54 — Lot 18; 190,357 sq. ft.; R-40 Zone
EXISTING USE: Single Family Dwelling with detached garage
PROPOSAL: Single Family Dwelling with detached garage addition

Dimensional Variance petitioned under Article III § 340-9 Table of Dimensional Regulations

Mr. Ballirano continues his recusal on this matter. Ms. Taraksian-Essex was sworn in. Mr. Pilozzi asked if there was any changes to the application since last reviewed. Ms. Taraksian-Essex confirms that there has been no changes made since the application was submitted. Mr. Pilozzi states that he does not believe that garage would deter from the neighborhood at whatsoever. Chairman Frezza opens up public discussion. Attorney Paul DiMaio, neighbor of the applicant. Mr. DiMaio stated that he is aware of the project and in favor of this

application and she is a great neighbor. Mr. Pilozzi closes the public discussion. Mr. Pilozzi made a motion to approve, findings of fact that she is in compliance with the code and it's in conformance with the neighborhood. Mr. Lopardo seconds the motion. WHEREUPON A VOICE VOTE WAS TAKEN;

File 2015-49- APPROVED

File 2016-1:

LOCATION: 2229 Plainfield Pike
 OWNER/ APPLICANT: M&R Associates
 LOT: AP 32 — Lot 31; 321,073 sq. ft.; I and B-2 Zone
 EXISTING USE: Office and Industrial
 PROPOSAL: Industrial flammable material storage and accessory office use.

Dimensional Variance petitioned under Article III § 340-8 Table of Use Regulations section 12.2 and 13.2 Article XII 340-75 Special Use Permits.

On behalf of Superior Energy, Attorney John Bolton of Law firm Hinckley Allen addressed the board. Mr. Bolton stated that the site measures approximately seven and a half acres and the proposal is to provide two 30 Gallon storage tanks with propane. This is a commercial facility used for their tanker trucks. You would not be seeing people coming in and out to fill up their gas tanks or anything like that. There will be limited amount of trucks coming in associated with the company and they will reuse the existing metal building that's on property now for administrative office. Mr. Bolton states that tonight they request two Special Use Permits as it is an accessory building. The property is zoned industrial and the flammable material storage is allowed in this district by Special Use Permit as is the accessory building, the office building which is accessory to the storage facility allowed as a special use permit. The two Special Use Permits would be for storage of propane and one for the office. Chris Brennan, the local branch manager for Superior Plus, was sworn in. Mr. Brennan states that he is a local guy who grew up in North Providence, and that his father owned Brennan Oil which was a retail fuel and diesel distributor. Mr. Pilozzi made a motion that Mr. Brennan is accepted as a qualified expert in this field. Mr. Anzelone seconds the motion. Mr. Brennan states that the proposal is to build a propane storage facility towards the back of the property. There would be two 30 Gallon propane storage and units and associated pumps for on loading and offloading bulk quantities of propane. This will not be retail. There will be an 8 foot fence surrounding with a security gate. There will an exposure proof lightning ringing. There will be about 30 employees moving in to the office space. The whole operation would be moved from Providence to Johnston. The tanks are about 9 feet by 65 feet long. Mr. Fascia questioned the plan to construct a berm to contain any unignited leakage should it happen. Mr. Brennan stated that no, due to the content being propane and not oil or something that will eventually rate into the atmosphere in these conditions. There is no soil impacts like you would with an oil spill, unless it ignites. Mr. Fascia questioned the explosion impact, specifically the distance. Mr. Brennan stated that this would be roughly a half mile in any direction. Mr. Brennan acknowledged that safety is the issue and that their team plans to have a life safety plan approved in conjunction with the fire department. Mr. Fascia asked if there would be electronic security, as well as, a human being on site with concern of terrorism. Mr. Lopardo asked if the tanks are double lined or single lined. Mr. Brennan stated they would be single lined. Jody Ameden was sworn in as the mechanical engineer by trade and 27 years in the industry. Added that she currently is working in the permitting, safety, training and design of the propane facilities and certification, CEPT. Mr. Pilozzi made a motion that Jody Ameden is a qualified witness. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN. Mr. Bolton introduces the fire safety analysis in to record. Mr. Pilozzi motions to accept as Exhibit A. Mr. Cardillo seconds the motion. Ms. Ameden states that the purpose of this analysis is to look at the design, safety features, the site, local response, skill level, equipment level, and response times. This would be an overall site assessment that is put together with emergency responders that's starts with the fire department. In this design, it is made to be in a closed position at all times except during transfer. So, there would be no product in any of the piping. The distance between the fill valves and tank is 10 feet, which is code. The tanks are crash protected all the way around. The drivers are licensed and go through the CETP program, which is a certified employee training program and it is nationally

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recognized for propane and it is written at Murray College in Connecticut. Three years, then would have to be recertified. Mr. Nascenzi asked if there has been any issues with static electricity, or lightning protection. Ms. Ameden states that NPA 28-2001 states that they do not have to be protected or grounded. If you had a meter, it may damage the meter. If it is not properly bonded, it will create a path and then become a target. This will have to be addressed to the Industrial Performance Standard Committee. Mr. Anzelone questioned the residential, how many, and how close. Jason Clough, Civil Engineer, was sworn in. From the tanks to the nearest residential is about 650 feet. There is about three or four homes located 650 feet away. There is a minimal amount of trees along the property line. Ms. Ameden explained that she met with the Fire Department and that they were shown the design, training levels, equipment, and response times. The Fire Marshal has signed off on this project, pending a few minor details. The third party analysis was completed by Kenneth Taylor. Mr. Pilozzi made a motion to accept the third party analysis as exhibit B and a letter from Fire Marshal Matarese as exhibit C. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN. Ms. Ameden addressed the nearby farmlands and how there is no environmental hazard. Propane dissipates unlike oil. Ms. Ameden addressed the structure is forged steel, ASME pressure vessel, 5/8th inch thick. The maximum working pressure of this tank is 250 PSI but on a colder day could go as low as 40 or 50 PSI. Due to this, the tanks are only filled 85% for expansion. At 85%, you still have roughly 6,000 gallons of space in there. Mr. Lombardo stepped forward for testimony. Mr. Pilozzi made a motion to accept him as a qualified witness. Mr. Anzelone seconded. WHEREUPON A VOICE VOTE WAS TAKEN. Mr. Lombardo explained that he submitted a written report on this project. Mr. Pilozzi made a motion to accept this as exhibit D. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN. Mr. Lombardo states that this project is in line with the Comprehensive Plan. According to the land use, and future land use map, this area is designated for industrial and independent industrial for research and development. Propane has become very important and reliable low cost energy supply. There will be double security due to the site itself is fenced and then there will be cameras, and it's a high level of design. Ms. Ameden explained that below ground level tanks are more common with homes, where they prefer not to see them. They also can be harder to maintain. Ms. Ameden also explained that they are about 13 feet. Mr. Lombardo stated that asking for a special use permit would be compatible with the neighboring uses and not adversely affect the surrounding neighborhoods. Also, added that in his opinion, this proposal will not result in any public health safety issues. Mr. Fascia asked if there is any house of worship within 250 feet of the property use. Mr. Nascenzi stated that the use is the whole parcel, not just the tanks. Mr. Lombardo stated that he believes there is two ways of looking at. If this was just a propane storage center and distribution center, then I would classify the whole property as the use. Whereas, this is a multiuse site, so I would go by where the specific use is located, the tanks. Mr. Ballirano asked if Mr. Lombardo conducted a study on other facilities that are running. Also, if he is aware if other facilities are as close as 650 feet in other locations. Mr. Lombardo reviewed only this project and was not sure if other facilities were that close. He relies on engineers and experts to gather that specific information. Mr. Ballirano stated that in order to give your testimony, you should have asked other facilities if they have run into any problems. Mr. Ballirano recommended that the board does not decide tonight. The two issues that needs to be addressed is that we need someone from the Fire Department to explain explosion any other emergency situations. Also, that Mr. Lombardo should research some existing facilities that have been in business for a while. If there have been any issues regarding explosions, smoke pollution, so on. Mr. Bolton formally requests a continuance. Ms. Ameden states that the actual setback code is 50 feet according to N.F.P.A. Mr. Ballirano stated that the town has the right to put a greater restriction in place. Mr. Pilozzi made a motion to have the applicant come back on March 31st with additional testimony from their land use expert and we will vote on our decision that evening. Also, the town will supply some testimony from the Fire Marshal. Mr. Anzelone seconded. WHEREUPON A VOICE VOTE WAS TAKEN.

File 2016-1- CONTINUED

Mr. Frezza motioned for a five minute recess. Mr. Pilozzi seconded. (Recess taken from 8:03-8:12 P.M))

File 2016-02:

LOCATION: 18 Lakeview Avenue
OWNER/APPLICANT: Mohamed and Rhonda Sasa
LOT: AP 46 — Lot 56; 22,071 sq. ft.; R-40 Zone
EXISTING USE: Single Family Dwelling
PROPOSAL: 40' x 62' addition

Dimensional Variance petitioned under Article III § 340-9 Table of Dimensional Regulations

Mohamed and Rhonda Sasa was duly sworn in. Mr. Sasa states that he is seeking a dimensional variance of the R40 zone which requires 40,000 square feet to be able to build. This is a waterfront property, whereas none of the existing properties meet the R40 requirements, therefore, the area has all legal nonconforming houses. Mr. Sasa states his property has 22,071 square feet, and we are asking relief of 17,000. The addition would be going on the left side which is required 35 feet, the relief is about 28 feet. The addition will be 2500 square feet, the existing has 1400 square feet. Steven Ucci, abutting neighbor testified that he supports Mr. Sasa and his proposal. It is line with the character of the neighborhood. Mr. Pilozzi made a motion to approve the relief requested is in conformance with the code and my findings of fact are that it fits into the neighborhood. Based on that, I make my motion to approve. Mr. Lopardo seconded. WHEREUPON A VOICE VOTE WAS TAKEN.

File 2016-02 -APPROVED**File 2016-03:**

LOCATION: 84 Hill Top Drive
OWNER/APPLICANT: Gloria Hurkett
LOT: AP 65 — Lot 5; 13,034 sq. ft.; R-40 Zone
EXISTING USE: Single Family Dwelling
PROPOSAL: 20' x 21' addition

Dimensional Variance petitioned under Article III § 340-9 Table of Dimensional Regulations

Peter Ialongo, the contractor, was dully sworn in. Mr. Ialongo stated he is representing the applicant Gloria Hurkett. The applicant is seeking to build a master bedroom. No extra people will be living there. DEM Approval was granted. Mr. Pilozzi asked why the applicant is not attending. Also, raised issue of the septic system. Mr. Nascenzi states that they were going to discontinue use of the septic, get rid of the closet, and make another bedroom. I do not give a certificate of occupancy until they require with the requirements of the zoning board decision which is making sure another only a 3 room bedroom, if I find it's a 4 bedroom they get a fine and dismantle it.

Mr. Pilozzi made a motion to continue her application, due to the applicant must be present so she can address the issues involving the bedroom and septic system. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN.

File 2015-65 (Appeal from a decision from the Building Official pursuant to Art. XVIII Sect § 340-129)

LOCATION: Pinewood Avenue
OWNER/ APPELLANT: Guiseppe Paliotta
LOT: AP 9 — Lots 114, 134, 322 and 328; R-15 Zone
ISSUE: Zoning and Building code violations

The matter was continued to March 31, 2016.

Mr. Anzelone made a motion for Anthony Pilozzi to be the land trust representative. Seconded by Mr. Lopardo. WHEREUPON A VOICE VOTE WAS TAKEN.

Adjournment: Mr. Anzelone made a motion to adjourn which was seconded by Mr. Fascia, a roll call vote was unanimous to adjourn as all items on the agenda were addressed. (Meeting Adjourned at 8:29 P.M.)