

**Chairperson**  
Thomas Lopardo

**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  
Russell Campanelli

**Alternate Board Members**  
Dennis Cardillo  
Albert Colannino

**JOHNSTON ZONING BOARD OF REVIEW**  
100 Irons Avenue, Johnston, Rhode Island 02919  
**Tel: 401-231-4000 EXT 4068 Fax: 401-231-4181**

**MINUTES**  
**February 23, 2017**

*The Zoning Board of Review held its monthly meeting on the 23rd day of February, 2017 at 6:30 p.m., at the Johnston Senior Center, 1291 Hartford Avenue Johnston, RI 02919.*

*Present: Chairperson Thomas Lopardo, Vice-Chairperson Pilozzi, Secretary Anzelone, Member Fascia, Member Campanelli, Alternate Member Colannino, Alternate Member Dennis Cardillo, Legal Counsel Joseph R. Ballirano, Esquire, Lou Fabrizio, Zoning Clerk.*

*Mr. Pilozzi made a motion to approve the minutes for the February meeting. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

**I. New Business**

**A. File 2017-4**

Location: 9 Miller Circle  
Owner/Applicant: Michael Storti & Debra Depalo  
Lot: AP 3— Lot 64; R-15 Zone, 8,732 Sq. Ft.  
Existing Use: Single Family Dwelling  
Proposal: 24 x 24 Addition for In Law apartment

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

	<b>DIMENSION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>RELIEF REQUESTED</b>
<b>SETBACKS:</b>	FRONT YARD	25	15.44	9.56
	REAR YARD	45	5.5	39.5

*This matter was continued from January due to abutters' notice of In-Law. Mr. Pilozzi made a motion to accept the green cards as Exhibit A. Seconded by Mr. Anzelone. WHEREUPON VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

*Mr. Pilozzi made a motion to approve. It's in conformance with code 941. The relief asked for is the least relief necessary. Seconded by Mr. Campanelli. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

**File 2017-4- Approved**

**File 2016-42**

Location: 181 George Waterman Rd  
 Owner/Applicant: NEX Gen Properties, Dennis R. Cicchitelli  
 Lot: AP 35 — Lot 196; R-15 Zone, 32,343 Sq. Ft.  
 Existing Use: Restaurant/Storage  
 Proposal: Proposed 4,700 Sq. Ft. Addition for Offices & Garage

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

	DIMENSION	REQUIRED	PROPOSED	RELIEF REQUESTED
<b>SETBACKS:</b>	REAR YARD	45	21	24

*Al Russo addressed the board. Dennis Cicchitelli, dully sworn in. Dennis stated that Mt Pleasant Alarms have been in business for 43 years and intend to move to Johnston at the George Waterman location. There are eleven workers. Very little to no foot traffic, occasionally someone to pay a bill. Agreement to limit parking vehicles to 25 trucks maximum.*

*Mr. Pilozzi made a motion to approve with the stipulation that there's a 25 car maximum at this location and the relief asked is the least relief necessary, the 24 feet in the rear, so I'll base my motion to approve on my findings of fact least relief necessary has been asked for and the maximum amount of cars there will be 25 cars.*

***File 2016-42- Approved***

**B. File 2017-1**

Location: 504 Killingly Street  
 Owner/Applicant: 50 Killingly Street Realty, LLC  
 Lot: AP 12 — Lot 333; B-2 Zone, 1.93 Acres  
 Existing Use: Killingly Car Wash  
 Proposal: Convert Second Floor Offices to Two Bedroom Suite  
**Use Variance** Petitioned under Section 340-9 Article III Use Variance 340-8 Table of Use Regulations Section 10.5

*Mr. Pilozzi made a motion to continue this motion. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

***2017-1- Continued***

**II. New Business**

**C. File 2017-14**

Location: 775 Hartford Avenue  
 Owner/Applicant: K&B Properties LLC, Northeast Autobody & Sales  
 Lot: AP 12 — Lot 86; B-2 Zone, 123,109 Sq. Ft.  
 Existing Use: Auto Body & Sales  
 Proposal: Sign Variance  
**Sign Variance** Petitioned under Article VIII § 340-43 Sign Regulations

*Continued.*

**D. File 2017-6**

Location: 35 Downing Drive  
 Owner/Applicant: Peter Franco  
 Lot: AP 7 — Lot 168; R-20 Zone, 90,256 Sq. Ft.  
 Existing Use: Single Family Dwelling  
 Proposal: SFD with 1,500 Sq. Ft. Barn  
**Dimensional Variance** Petitioned under Article III § 340-9 Table of Regulations

	<b>DIMENSION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>RELIEF REQUESTED</b>
<b>SETBACKS:</b>	SIDE YARD	25	15	10

*Peter Franco, owner, dully sworn. Stated that he is proposing a 1500 Sq. Ft. Barn, used for storage of car, tractor, and garden equipment. Norman Diamante, dully sworn in. Concern regarding his easement and how this proposal will impact it. Ida Jobe, Mbye Jobe, and Antonia Esposito. Ms. Jobe stated obstruction, noise, and easement concerns. Ms. Esposito stated Easement concerns. Will be worked out between the neighbors.*

*Mr. Pilozzi made a motion to least relief necessary because of the three children and they're into whatever and for your tractor and this antique car that's the uses for it so I'll base my motion to approve on that that he's asking for the least relief necessary it's an accessory structure and the applicant will try to work it out with both neighbors that were here tonight to see how he's going to access this barn. If he doesn't get the permission from them to go across their easement then it will be up to him to put in his own driveway. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

***File 2017-6- Approved***

**D. File 2017-7**

Location: Pinewood Avenue  
 Owner/Applicant: David Megna  
 Lot: AP 9 — Lot 16; R-15 Zone, 16,200 Sq. Ft.  
 Existing Use: Vacant  
 Proposal: Proposed Single Family Dwelling

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

	DIMENSION	REQUIRED	PROPOSED	RELIEF REQUESTED
<b>SETBACKS:</b>	LOT FRONTAGE	100	90	10

*David Megna. Sworn in. Stated he is seeking 10 feet relief on frontage. Every other requirement is met.*

*Mr. Pilozzi made a motion to approve the relief asked for is the least relief necessary, very minor relief, 10 feet and 10 feet. It's in compliance with code 940. I'll base my motion to approve as they're asking for the least relief necessary. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

*File 2017-7- Approved*

**E. File 2017-8**

Location: Elm St  
 Owner/Applicant: Pasquale DiPippo  
 Lot: AP 13 — Lot 10; R-7 Zone, 31,200 Sq. Ft.  
 Existing Use: Vacant  
 Proposal: 7,000 Sq. Ft. Addition for Storage

**Use Variance** Petitioned under Section 340-9 Article III Use Variance 340-8 Table of Use Regulations Section 10.5

*Pasquale DiPippo, dully sworn in. Stated proposal for a pre-engineered commercial storage building for mostly storage removal equipment and some clothing overstock. There will be outdoor lighting on a timer. Frances Desimone, sworn in. Briena Thomas, sworn in. Questions regarding the location of the structure, as well as property maintenance. Was addressed to satisfaction.*

*Mr. Pilozzi made a motion to approve the applicant's request for this structure. It's the least relief necessary and it will improve that area. I'll base my motion to approve on those findings of fact. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

*File 2017-8- Approved*

#### **F. File 2017-15**

Location: Winsor Avenue  
 Owner/Applicant: Peter DeIPonte  
 Lot: AP 59 — Lot 128; R-40 Zone, 5.49 acres.  
 Existing Use: Vacant  
 Proposal: Three Buildable Lots & One Open Space Area

**Dimensional Variance** Petitioned under Article III § 340-9 Table of Dimensional Regulations Section 340 Requires Residential Development be on a Public Road, Not a Private Road.

*Steven Ucci, representing the applicant, addressed the board. The applicant received Master Plan approval from the Planning Board, now seeks Zoning Board approval/waiver on Section 340 because it requires that lots be built on a public road. Tim Quigley, President of Slacks Reservoir Association, sworn in. Questioned if there is any plan to go for an easement to the access point of the reservoir. The applicant stated that there will be no intention for that.*

*Mr. Pilozzi made a motion to application with the stipulation that it goes in with impervious road to be in compliance with the D.E.M. regulations and also the Planning Board wants it to be in conformance with our code and they asked for a waiver on that. It's just not on an improved public road, so this would not give the applicant proper use of his ownership of that land if we were to deny this application, so I'll base my motion to grant on those findings of fact. Seconded by Mr. Campanelli. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

*File 2017-15- Approved*

#### **G. File 2017-10**

Location: 116 Shun Pike  
 Owner/Applicant: Shun Properties, LLC, WED Shun II, LLC c/o M. Depasquale  
 Lot: AP 32 — Lot 17; Industrial Zone, 23.2 acres.  
 Existing Use: C&D Facility  
 Proposal: C&D Facility with Wind Energy Conversion System

**Dimensional Variance** Petitioned under Article III § 340-9 Table of Dimensional Regulations  
**Special Use Permit**, Section 340-9 Article III Table of Dimensional Regulations Special Use Permit, Article XII Section 340-75 Special Use Permit.

*Application is combined with File 2017, 11, 12, and 13*

**H. File 2017-11**

Location: 2141 Plainfield Pk  
 Owner/Applicant: Carlo J. Izzo, Jr., Carlo Izzo, & Joanna Izzo; WED Shun I, LLC  
 Lot: AP 32 — Lot 17; Industrial Zone, 23.2 acres.  
 Existing Use: C&D Facility  
 Proposal: C&D Facility with Wind Energy Conversion System

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

**Special use Permit** Section 340-9 Article III Table of Dimensional Regulations Special Use Permit, Article XII  
 Section 340-75 Special Use

*Application is combined with 2017-10, 12, and 13.*

**I. File 2017-12**

Location: Shun Pike  
 Owner/Applicant: Joseph Vinagro, Sr.  
 Lot: AP 32— Lot 44; Industrial Zone, 5.21 acres.  
 Existing Use: Storage Area for Dumpsters & Equipment  
 Proposal: Same as Existing and One New Energy Conversion System

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

**Special Use Permit**, Section 340-9 Article III Table of Dimensional Regulations Special Use Permit, Article  
 XII Section 340-75 Special Use Permit

*Application combined with 2017-10, 11, and 13.*

**J. File 2017-13**

Location: 26 Green Hill Rd  
 Owner/Applicant: Barbera Ann Realty, LLC  
 Lot: AP 30— Lot 36; Industrial Zone.  
 Existing Use: Existing Use  
 Proposal: Wind Energy Conversion System

**Dimensional Variance**, Section 340-9 Article III Table of Dimensional Regulations

**Special Use Permit**, Section 340-9 Article III Table of Dimensional Regulations Special Use Permit Article XII  
 Section 340-75 Special Use Permit

*Al Russo, attorney for the applicant, conducted all four applications as one. The applicant seeks dimensional relief of the height, and a Special Use Permit to operate in an Industrial Zone. Mark DePasquale, CEO of the Wind Energy Development, L.L.C., sworn in. Hannah Morini, Project Developer, sworn in. Mr. Pilozzi made a motion that he is an expert witness. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. The project as a whole is 52 Million, each turbine is a little over 10 million. Each of the turbines would receive a payment of 15,000 a year in taxes. After negotiating with the Mayor, came to an agreement that we are actually paying \$80,000, \$20,000 per turbine (7500 per megawatt). Motion made by Mr. Pilozzi information as Exhibit A. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. Hannah Morini explained her background. Mr. Pilozzi made a motion to accept her as an expert witness. Seconded by Mr. Lopardo. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. Stated the applicant is seeking the least necessary relief. The turbines must be higher up to avoid any turbulence. The four turbines will make up about 800 Sq. Ft. of occupying ground. Kevin Morin, Project Engineer of DiPrete, sworn in. Stated that this is a very small footprint that will be going on existing gravel or stone. There will be no traffic impact. The biggest construction impact will be the foundations. Also, three days to set up the crane. The turbine is pyramid shape in which is about 50-foot diameter, 25-foot radius. The lease for the property will be 25 years, with 3 – five year extensions.*

*Mr. Pilozzi made a motion to motion will be to approve the four of them Special Use Permit for the 4 and any variances needed and also a stipulation that no other structures will go there without coming back to the Town for zoning approval. Subject to an agreement with the administration. First, for 116 Shun Pike, File 2017-10. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. File 2017-11, 2141 Plainfield Pike, Mr. Pilozzi made a motion to approve. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. File 2017-12, Shun Pike, Mr. Pilozzi made a motion to approve. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. File 2017-13, 26 Green Hill Rd, Mr. Pilozzi made a motion to approve, with stipulation of side yard variance. Seconded by Mr. Anzelone. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR.*

*File 2017-10, 2017-11, 2017-12, 2017-13- Approved.*

### **III. Zoning Board of Appeals**

**Prior to adjournment the board shall convene as the Board of Appeals and hear the following matter:**

File 2017-5 – Katrina D. Sivo, Owner; 32 Rachela Street ; AP 4 Lot 262; R-15 Zone; Violation ; 319 Trailers and Mobile Homes- The Parking of One Unoccupied trailer in an Accessory Garage or in the rear yard of any district is permitted.

*File 2017-5- Decision Upheld*

File 2017-9- Domenic Argenti, Owner; 33 Beechnut Drive; AP 43 Lot 308; R-40 Zone; Violation 302.25D, 302.7 All Accessory Structures including fences shall be maintained structurally sound and in good repair. Maximum height of fence in front yard is 4’.

*File 2017-9- Continued*

### **IV. Adjournment**

*Adjournment: Mr. Fascia made a motion to adjourn. Seconded by Mr. Lopardo. WHEREUPON A VOICE VOTE WAS TAKEN; ALL IN FAVOR. (Meeting Adjourned at 8:40 P.M.)*