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Planning Board Members

Thomas Breckel
Gregory Burr
Christina D. DiComes, D.M.D.
Allan Mawhiney, MACCCSp

Town of Johnston
PLANNING BOARD

100 Irons Avenue, Johnston, Rhode Island 02919
Tel: 401-231-4135; Fax: 401-231-4181

Meeting Minutes

April 5, 2005

I. Roll Call

The April 5, 2005 meeting was called to order at 7:11 P.M. in the Nicholas Ferri Middle School Library. Present were Mr. Breckel, Mr. Burr, Mr. D'Amico, Ms. DiComes, Mr. Kaye, Mr. Mawhiney and Chairman Mr. Riccio, Town Planner Ms. Jeanne Tracey-McAreavey and Town Assistant Solicitor Stephanie DiMaio-LaRivee.

II. Reading of the Minutes

Motion to accept November 1, 2004 meeting minutes with revisions as noted by Ms. DiComes. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

Motion to accept November 23, 2004 meeting minutes with revisions as noted by Ms. DiComes. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

Motion to accept November 30, 2004 meeting minutes with revisions as noted by Ms. DiComes. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

Motion to accept December 7, 2004 meeting minutes by Mr. Burr. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

Motion to accept December 14, 2004 meeting minutes with revisions by Mr. D'Amico. Second by Mr. Burr. Discussion: None. Motion carries 7-0.

Motion to accept January 4, 2005 meeting minutes with revisions by Ms. DiComes. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

Motion to accept February 1, 2005 meeting minutes with revisions by Ms. DiComes. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

Motion to accept February 15, 2005 meeting minutes with revisions by Ms. DiComes. Second by Mr. Burr. Discussion: None. Motion carries 7-0.

Motion to accept March 1, 2005 meeting minutes with revisions by Ms. DiComes. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

Motion to accept March 15, 2005 meeting minutes with revisions by Ms. DiComes. Second by Mr. Burr. Discussion: None. Motion carries 7-0.

III. Business Items

A. Normandy Street Extension - PUBLIC HEARING

Minor Land Development – Public Hearing

Street Construction of unimproved portion of Normandy Street

Vicinity of AP 21/Lot 440 and AP 22/Lot 320 at Niverville Street intersection
R-15 Zone

Applicant: Norwest Investment, LLC and John DiMaio
Engineer: Ralph A. Cataldo, PE #3330, Cataldo Associates

Mr. D'Amico to recuse himself from this agenda item.

Chris Colardo attorney for Norwest Investments presenting. Mr. Colardo stated the applicant wants to extend Normandy Street to access two lots for development. A discussion ensued over a cul-de-sac or a "T" termination to the road. Residents voiced a concern over water in the area and drainage at the intersection of Normandy and Niverville Street and produced pictures of recent storm flooding to the board.

Motion to accept photos from Mrs. Peluso by Mr. Burr. Second by Mr. Breckel. Discussion: None. Motion carries 6-0.

Motion to accept photos from Ms. Simone by Mr. Burr. Second by Ms. DiComes. Discussion: None. Motion carries 6-0.

Motion made to continue public hearing pending receipt of drainage calculations by Ms. DiComes. Second by Mr. Kaye. Discussion: about adding cul-de-sac vs. T section. Motion amended to add a clarification from Mr. Broad concerning the hammerhead and cul-de-sac. Motion carries 6-0.

B. Johnston Affordable Housing Plan

Discussion of comments received from Statewide Planning Program and Rhode Island Housing and formulation of Town's response due back to State by May 2, 2005.

The Town Planner gave an overview of the status of the Affordable Housing plan and comments from the Rhode Island Housing. It was stated there were minor comments made about the town's plans and the biggest one was regarding holding low income units in perpetuity when most mortgages are only for 30 years. The town planner stated she was going to make revisions based on the comments and re-submit the plan.

C. Sheridan Street – Davis

Minor Land Development – Discussion pertaining to Preliminary Decision

Street Construction of unimproved portion of Sheridan Street

Vicinity of AP 34/Lot 137 at 37 Sheridan Street

R-15 Zone

Applicant: Ronald Davis
Surveyor: James F. Wishart, PLS #1667, Cataldo Associates
Engineer: Keith R. Magovern, PE #3330, Cataldo Associates

Note Mr. D'Amico's recusal.

Mr. Broad had issue with the above ground retention pond in this area and stated that the town does have adequate facilities to maintain a galley system.

Motion made to uphold the original approval with the modification from a retention pond design to a galley system on the request of and further approval of Mr. Board by Ms. DiComes. Second by Mr. Kaye. Discussion: None. Motion carries 6-0.

D. Ordinance # 2004-25 - Continuation

Zoning Amendment Petition

from R-40 (Residential 40,000 sf) to PD (Planned District)

Vicinity of Pine Hill Road and Cross Street

AP 43/Lot 581 and AP 45/Lot 6; 82.4 Acres; Existing R-40 Zone

Villa dei Prati de Pino (Pine Meadows Villa)

Proposal to construct 22 Buildings, 122 units.

Street Construction and Extension Proposed

Owners/Petitioners: DECA Realty
Engineer: Ralph A. Cataldo, PE #3330, Cataldo Associates
Attorney: Michael A. Kelly, Esq.

Continuation of application from March 15, 2005 meeting.

Mr. D'Amico to recuse himself from this agenda item.

Michael Kelly presenting for applicant DECA Realty. Mr. Kelly showed a modified plan with reduced densities and new road construction. The single family houses have been removed and replaced with condominium units. Mr. Kelly requested to submit new plans, which was met with opposition. The board felt the material should have been submitted per the rules and regulations of the board and not the night of the meeting. The road configuration was discussed and it was pointed out the road had to be such there was a loop with access at both ends and not a cul-de-sac. Comments were given to the applicant for modifications to plans for next meeting.

Motion to continue this item to the next meeting by Mr. Kaye. Second by Mr. Mawhiney. Discussion: None. Motion carries 6-0

Motion for a 5 minute recess at 8:55 PM by Mr. Burr. Second by Mr. Kaye. Discussion: None. Motion carries 7-0

Hearing resumes at 9:02 PM

E. Killian Estate Farms

Major Subdivision Proposal - Concept Review
Vicinity of 665 Greenville Avenue and 16 Killian Road
AP 50-Lot 66; 13 Lots
28.1 acres; R-40 Zone
Street Construction
Owner: Greenville Holdings, Inc.
Engineer: Craig Carrigan, P.E. #5692
Attorney: John Mancini, Esq.

Ms. DiComes recuses herself for this agenda item but reserves the right to participate as a member of the public pursuant to regulation 7003.

Mr. Mancini to present for applicant. A plan was shown for the development of a minor subdivision adjacent to 295. Comments we made by the board regarding the plans, road conditions, and proposed phasing of the site. It was stated, by the applicant, the public water line would be extended to the site from a point on Pine Hill Road. Nature of the land was discussed and if some of the lots were undevelopable due to wetland constraints. The 200 foot set back off of 295 was discussed. The applicant is going to re-configure plans with comments and present at a future meeting. Comments were heard from abutters on the project and concerns noted for the record.

F. Goldenview Drive - Santagata

Minor Subdivision – Preliminary

Vicinity of 48 Goldenview Drive
Assessor Plat 45-Lot 218
2 Lots/40,000 square feet/R-40 Zone/R-20 Neighborhood Zone per Ord. 2002-21
No Street Construction

Owner: Joe and Kerri Santaga
Surveyor: Richard Bzdyra, PLS #1786
Ocean State Planners

Mr. & Mrs. Santaga presenting.

Motion to accept letter from residents to board by Mr. Mawhiney. Second by Mr. Breckel. Discussion: None. Motion carries 7-0.

The board discuss with the Santaga's regulations for lot size, frontage, and offsets. The board sited a previous case that was taken to court. The case was titled Sciacca verses Caruso. It was basically found that a person creating the subdivision can not create their own hardship.

Motion made to continue by Mr. Burr. Second by Mr. Kaye. Discussion: None. Motion carries 7-0.

G. Falcon Nest Estates

Major Subdivision Proposal
Remanding of Master Plan back to Planning Board from Board of Appeal
for re-examination of number of lots permitted
AP 3/Lot 2 and AP 6/Lot 53
Vicinity of 1046 Atwood Avenue and 29 Granite Street
Original proposal for 17 House Lots + 1 Drainage Lot-12.5 acres
split R-15/R-20 Zone

Construction of 2 streets

Owner: Abatecola Realty Association, LLC
Surveyor: James F. Wishart, PLS #1667
Engineer: Ralph A. Cataldo, P.E. #3330
Cataldo Associates, Inc.

Most Recent Planning Board Appearance: February 3, 2004

Board of Appeal Decision on Appeal: May 27, 2004

Mr. D'Amico to recuse himself from this item.

Mr. Shekarchi to present for applicant. He stated that the applicant is entitled to ask for 19 lots but is only requesting a decision on 17 lots.

Motion to accept calculation for number of lots by Mr. Mawhiney. Second by Mr. Breckel. Discussion: None. Motion carries 6-0.

A discussion ensued regarding the calculation submitted to the board and the slope calculations shown. It was discussed a concern with the manner of how the slope is to be calculated and being counter intuitive to logical engineering principles. The ruling by the zoning board was also discussed. It was agreed the calculations were to be updated and more cross sections of the property reviewed.

Motion to continue by Mr. Burr. Second by Mr. Kaye. Discussion: None. Motion carries 6-0.

Due to the 10:30 PM cut off all other agenda items will be moved to the next Planning Board meeting.

- H. Ordinance # 2005-2**
Street Abandonment Petition – Portion of Scituate Avenue
Proposed Abandonment of 4,052 linear feet of Scituate Avenue
beginning at intersection of Shun Pike and ending at intersection of
Central Avenue
Vicinity of Assessor Plat 43-1
Petitioners: Rhode Island Resource Recovery Corporation
- I. Ordinance # 2005-3**
Street Abandonment Petition – DiMeo Drive
Proposed Abandonment of 492.64 linear feet of DiMeo
beginning at intersection of Scituate Avenue
Vicinity of Assessor Plat 43-1
Petitioners: Rhode Island Resource Recovery Corporation
- J. Ordinance # 2005-4**
Street Abandonment Petition –Macera Circle
Proposed Abandonment of 1,443.1 linear feet of Macera Circle
beginning at intersection of Scituate Avenue and ending at intersection of
Scituate Avenue
Vicinity of Assessor Plat 43-1
Petitioners: Rhode Island Resource Recovery Corporation

K. Ordinance # 2005-5

Street Abandonment Petition – Simmons Lake Drive
Proposed Abandonment of 2,597.45 linear feet of Simmons Lake Drive
beginning at intersection of Shun Pike
Vicinity of Assessor Plats 29 and 31

Petitioners: Rhode Island Resource Recovery Corporation

L. Ordinance # 2004-29

Street Abandonment Petition – Portion of Celia Street
Proposed Abandonment of 124.4 linear feet of Celia Street
beginning at intersection of Leah Street and ending at AP 13/Lot 188
Vicinity of Assessor Plats 13

Petitioners: Metals Recycling, LLC

M. Ordinance # 2004-30

Street Abandonment Petition – Portion of Leah Street
Proposed Abandonment of 201.5 linear feet of Leah Street
beginning at intersection of Celia Street and ending at Carl Street
Vicinity of Assessor Plats 13

Petitioners: Metals Recycling, LLC

IV. Adjourn

Motion to adjourn meeting by Ms DiComes. Second by Mr. Burr. Discussion: None.
Motion carries 7-0.

Meeting is adjourned at 10:46 P.M.

Warren S. Kaye, Secretary