

**Chairperson**  
William R. Riccio, Jr., P.E.

**Vice-Chairperson**  
David M. D'Amico, P.E.

**Secretary**  
Warren S. Kaye

Jeanne M. Tracey-McAreavey, AICP  
**Town Planner/Administrative Officer**



William R. Macera, **Mayor**

**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**

**July 5, 2005**

**I. Roll Call**

The July 5, 2005 meeting was called to order at 7:09 P.M. in the Nicholas Ferri Middle School Library. Present were Mr. Breckel, Mr. Burr, Mr. D'Amico, Ms. DiComes, Mr. Kaye, Mr. Mawhiney, Chairman Mr. Riccio, Town Planner Ms. Jeanne Tracey-McAreavey and Town Assistant Solicitor Stephanie DiMaio-LaRivee.

**II. Reading of the Minutes**

Motion to accept meeting minutes of January 25, 2005 by Mr. D'Amico. Second by Mr. Mawhiney. Discussion: None. Motion carries 7-0

Motion to accept meeting minutes of April 5, 2005 with corrections by Ms. DiComes. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

Motion to accept meeting minutes of April 26, 2005 with corrections by Mr. D'Amico. Second by Mr. Mawhiney. Discussion: None. Motion carries 7-0.

Motion to accept meeting minutes of May 3, 2005 with corrections by Mr. Burr. Second by Ms. DiComes. Discussion: None. Motion carries 7-0.

Motion to accept meeting minutes of May 24, 2005 by Mr. Burr. Second by Ms. DiComes. Discussion: None. Motion carries 7-0.

Motion to move the minutes from June 7<sup>th</sup> to the next meeting by Mr. Riccio. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

### III. Old Business Items

**A. Shun Pike – RIRRC/Riggs & Gallagher – Bonding**

Industrial Site Review - Vicinity of 35 Shun Pike – Performance Bond

AP 43 Lots 112, 121-123, 126-135, 137, 138, 152, 190, 278-283, 412  
14 acres; Industrial Zone

Applicant: Riggs and Gallagher, Inc.  
Owner: Rhode Island Resource Recovery Corporation  
Engineer: Crossman Engineering

Motion made to continue to the next scheduled meeting by Mr. Kaye. Second by Mr. Breckel. Discussion: None. Motion carries 7-0.

**B. Stone Hill Marketplace- Phase III**

Major Land Development Project – Master Plan – Decision  
Vicinity of Extension of Stone Hill Boulevard and 1380 Atwood Avenue

AP 44/2-Lots 66, 73, & 74; 104.5 acres; B-2 zone  
Major Development Proposal for construction of Upper Site

Applicant: Stonehill Drive, LLC  
Attorney: Frank S. Lombardi, Esq.  
Engineer: Samuel S. Hemenway, PE # 6349, Garofalo Engineers

Motion was made at the last meeting and is pending a written decision. Written decision will be ready for the next scheduled Planning Board meeting.

Motion to continue to the next scheduled meeting by Mr. D'Amico. Second by Mr. Kaye. Discussion: None. Motion carries 7-0.

**C. Ordinance # 2004-25**

Zoning Amendment Petition – Continuation  
Change 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.

Noting Mr. D'Amico's recusal on this agenda item.

Mr. Riccio brought to the boards attention a follow up letter from Providence Water stating their concern for this development so close to the water shed of the Scituate reservoir.

Attorney for DECA Realty gave a brief overview of the petition. Mr. Baldwin's attorney then asked to make a brief statement. It was discussed with Mr. LaPlante this is not a public hearing and the board was not required to open the floor for public comment but he was allowed to make a 15 minute statement on the project as it pertained to the comprehensive plan only. The Board asked for any other public comments and some citizens voiced concern over the project.

Chairman Riccio passes the chair to Mr. Kaye

Motion made to send an unfavorable opinion to the Town Council for the proposed planned district associated with assessor's AP 43/Lot 581 and AP 45/Lot 6, Mr. Riccio read from a prepared motion sighting what was permitted under planned districts based on town zoning ordinances and how this proposal would not fit with the comprehensive plan for this area of town, by Mr. Riccio. Second by Mr. Mawhiney. Discussion: None. Motion carries by individual vote 6-0.

Chair passed back to Mr. Riccio.

Motion for a 5 minute break by Ms. DiComes at 8:20 PM. Second by Mr. Mawhiney. Discussion: None. Motion carries 7-0.

Meeting reconvened at 8:34 PM

**D. Falcon Nest Estates**

Major Subdivision Proposal – Continuation  
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.

Planning Board Master Plan Decision: February 3, 2004  
Board of Appeal Decision on Appeal: May 27, 2004

---

Most Recent Appearance before Planning Board: April 5, 2005

Noting Mr. D'Amico's recusal on this agenda item.

Ms. Shekarchi asked the board to vote and rested on the record. Mr. Riccio reviewed the record with the board and discussed a recent court case involving the Johnston Zoning Board. A decision was appealed to the court on a ruling and the court determined that it could not substitute its judgment for that of the board. By this decision it was reasoned that the Zoning Board sitting as an appeal board in this case could not subject its own judgment or introduce new arguments as part of the appeal but only review the record. Mr. Riccio presented a map given to this board by the applicant showing the slope of the land at 13.59 percent which was different from the most recent calculations of 8 percent.

Chairman Riccio passes the chair to Mr. Kaye

Motion to approve the Master Plan for a maximum 15 lot subdivision which upholds our original decision where it was found the average slope of this parcel lies between 10.01 and 15 percent based upon the applicant's engineering analysis of the plan entitled interior land terrain plan coded S.T.P.D/1, as dated January 16<sup>th</sup>, 2004 by Mr. Riccio. Second by Mr. Breckel. Discussion: None. Motion carries by individual vote 6-0

Chair passed back to Mr. Riccio.

#### **IV. New Business Items**

##### **A. Peck Hill Road – Fellela**

Minor Subdivision – Advisory Opinion

Vicinity of 107 Peck Hill Road

AP 43 – Lot 156; 2 lots; 7.75 acres; R-40 Zone

Owner: Anthony and Margaret Fellela

The board discussed with the Fellela'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. Suggestions were made to Mr. Fellela on options he might want to pursue to gain the required frontage required.

**B. Right-of-Way off Countryside Drive – Lucy Corporation/Baccala**

Minor Subdivision – Advisory Opinion

Vicinity of interior property off Countryside Drive

AP 61 – Lots 11 and 249; 2 vacant lots reconfigured; 35± acres; R-40 Zone

No existing street

Owner: Lucy Corporation, James Baccala

Mr. Ramondi gave the board a brief overview of what the applicant wished to achieve. The Board, Mr. Ramondi, and Mr. Baccala discussed the proposal and what would be needed to meet regulations to subdivide the lots. The Board offered suggestions to the applicant. Applicant will change plan to reflect discussion and suggestions.

**IV. Discussion**

**A. Miscellaneous**

Two letters addressed to all Planning Board members, Mayor Macera, and the Providence Journal from Councilman Pitochelli was discussed. The letters personally attacked three members of the Planning Board and suggested improper behavior by all board members. A discussion proceeded how or if the Planning Board should respond to this letter. It was discussed how Mr. Pitochelli is using his public position to launch his private crusade and attack on an official board of the Town of Johnston after he disagreed with a recent decision. It was decided to write a letter to the Town Council and appear at it next meeting to voice our displeasure over one of its members writing a letter with the seal of the Town Council of Johnston in the letterhead with slanderous and libelous comments.

**V. Adjourn**

Motion to adjourn meeting by Mr. Burr. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

Meeting is adjourned at 10:17 P.M.

Warren S. Kaye, Secretary