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Jeanne M. Tracey-McAreavey, AICP
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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

October 4, 2005

I. Roll Call

The October 4, 2005 meeting was called to order at 7:05 P.M. in the Nicholas Ferri Middle School Cafeteria. Present were Mr. Breckel, Mr. Burr, Mr. D'Amico, Mr. Kaye, Mr. Mawhiney, Chairman Mr. Riccio, Town Planner Ms. Jeanne Tracey-McAreavey. Absent were Ms. DiComes and Town Assistant Solicitor Stephanie DiMaio-LaRivee

II. Reading of the Minutes

Motion to approve the minutes as amended from the August 2nd meeting by Mr. Mawhiney. Second by Mr. Breckel. Discussion: None. Motion carries 6-0.

Motion to approve the minutes as amended from the September 6th meeting by Mr. Mawhiney. Second by Mr. Breckel. Discussion: None. Motion carries 6-0.

Motion to approve the minutes from the September 13th meeting by Mr. Mawhiney. Second by Mr. Burr. Discussion: None. Motion carries 5-0 noting Mr. D'Amico abstained.

III. Business Items

OLD BUSINESS

A. Hummer Auto Sales Facility - Final Review - Continuation

Business Site Review –Final Review and Set Performance Bond
Vicinity of 1705 Hartford Avenue

AP 53-1 / Lots 23 ,80, and 282; 12.81 acres; B-2 Zone;
No Street Construction

Applicant: Hurd Automotive Group; Christopher Hurd, President
Engineer: Joseph Casali, PE #7250
Surveyor: Louis Federici, PLS #1646

Note Mr. Breckel's recusal from this agenda item.

Mr. Chris Hurd addressed the board and asked for a waiver of the usual bond required for this type of project. Mr. Hurd stated that the project did not impact any of the town's infrastructure, utilities, nor did it abut town property or exit onto a town road. Some discussion took place of setting precedence and how it would affect future applicants requesting the same.

Motion to suspend requirements for a bond on this project by Mr. D'Amico. Second by Mr. Burr. Discussion: It was mentioned that the State would bond the road and DEM have control over the Pocasset River water shed behind the site. Motion fails 2-2 noting Mr. Kaye's and Mr. Mawhiney's nay vote and Mr. Riccio abstained. Mr. Mawhiney asked to change vote to a yea (positive) vote and the vote ended at 3-1 still insufficient to pass. Four votes required to pass.

A discussion of the subject ensued and the points reiterated and how the project would not impact the town or any of its infrastructures.

Motion to wave bond based on further discussion by Mr. Kaye. Second by Mr. Mawhiney. Discussion: None. Motion carried 4-0 noting Mr. Riccio's abstention.

B. Railroad Avenue - Industrial Site Review - Continuation

Industrial Site Review –Public Hearing Continuation
Vicinity of 95 Railroad Avenue

AP 36 / Lot 19; 30,656 square feet; I (Industrial) Zone;
No Street Construction

Applicant: Morra Electric, Inc; David Morra
Engineer/Surveyor: Philip S. Mancini, PE #2768, P.L.S. #1591

Applicant asked for continuance till November.

Motion to continue agenda item till the November meeting by Mr. Burr. Second by Mr. D'Amico. Discussion: None. Motion carries 6-0

NEW BUSINESS

A. Polk Street - Martin

Minor Subdivision – Request for Release of Performance Bond
Vicinity of Polk Street and Railroad Avenue Intersection

AP 36/Lot 85; 38,126 sf; 2 Lots - R-15 Zone
No Street Construction

Owner: Janet R. Martin
Applicant: Tina Ferro
Surveyor: Nicholas A. Veltri, PLS #1719
Attorney: Joseph A. Sciacca, Esq.

Mr. Sciacca is asking the board reduce or release the bond on the re-surfacing of Polk Street for Tina Ferro. It was stated she tied into an existing sewer line and was not part of the extension that Mr. Sadue used to service this property. Ms. Ferro tied into the existing line in Polk Street via a lateral to her property. Information from DPW regarding paving of Polk Street is going to be requested to access the bond.

Motion to continue the matter to the next meeting by Mr. Mawhiney. Second by Mr. Breckel. Discussion: None. Motion carries 6-0.

Motion for a 5 minute recess by Mr. Burr. Second by Mr. D'Amico. Discussion: None. Motion carries 6-0.

Recess from 8:00 PM to 8:12 PM

B. Ordinance # 2005-18

Zoning Amendment Petition – Hartford Avenue
Change from R-40 (Residential 40,000 sf) to B-2 (General Business)
and B-3 (Planned Business) to B-2 (General Business)
Vicinity of 2200-2220 Hartford Avenue
AP 54 / Lots 43 (portion); 53, 79, 97; 11.21 Acres; Existing B-3 and R-40 Zone

Owners/Petitioners: Sandmoor Realty
Applicant: Zaremba Group, LLC
Attorney: Elizabeth McDonough Noonan, Esq.

Ms. Noonan represents the Zaremba Group that is to develop this property.

Motion to accept reduced plans as part of the record by Mr. Burr. Second by Mr. Breckel. Discussion: None Motion carries 6-0.

Ms. Noonan described the project as a Progressive drive in claim center and how it would fit in the community and with the comprehensive plan. A discussion ensued over the particulars of the project and what type of business would be conducted on the site. Ms. Noonan presented expert testimony from several witnesses regarding the project to the board for discussion.

Noting Mr. Riccio left the meeting because of personal business at approximately 8:45 PM. Mr. D'Amico is now chair.

Discussion continued regarding the site and the zone change request and opinion to be given to the town council. The zone change requested is B3 to B2 so the case was made as to be consistent.

Mr. D'Amico asked for further questions at this time. Mr. Breckel noted for the record that he would be abstaining from any vote. At the same time Mr. Kaye and Mr. Mawhiney informed the chair of their abstentions as well. Seeing this left the board without a quorum no vote could be taken. Ms. Noonan asked for an

explanation of the abstentions. Mr. Kaye explained that this board has been advised by legal representation not to vote on new agenda items until the town indemnified this board against personal litigation. Presently the members of the board are being sued as individuals in Superior Court. Ms. Noonan was told the Town Council was taking up the subject and should be addressed before the next meeting in November. The board apologized for any inconvenience this might have caused and she was told it would be voted on next meeting as soon as the matter was resolved. She noted it would have been helpful to know this in advance and she was told originally a statement was going to be read at the beginning of the meeting informing applicants of the situation but this didn't transpire. Ms. Noonan accepted the explanation and would come back next meeting for a decision.

IV. Discussion

A. Zoning Ordinance Amendment Proposals – Potential Text and/or Map Changes

Mr. Kaye presented a map with a rough draft of the proposed R-80 zone. Mr. Kaye and Mr. Mawhiney are to sit down with the Town Planner before the next meeting to incorporate ideas for an R-80 and R-80+ zone based off this first draft.

B. Miscellaneous

Mr. Merton asked to read a statement pertaining to our decision on Stonehill into the record. He was allowed to read his statement into the record.

V. Adjourn

Motion to adjourn meeting by Mr. Burr. Second by Mr. Kaye. Discussion: None. Motion carries 5-0.

Meeting is adjourned at 9:11 P.M.

Warren S. Kaye, Secretary