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



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

November 22, 2005

I. Roll Call

The November 22, 2005 meeting was called to order at 7:10 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 Assistant Solicitor Stephanie DiMaio-LaRivee

II. Reading of the Minutes

Motion to approve the minutes as presented from the October 4th meeting by Mr. Mawhiney. Second by Mr. D'Amico. Discussion: None. Motion carries 7-0.

III. Business Items

OLD BUSINESS

A. 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

Mr. Morra presented revised plan for his site per comment of the Planning board and discussed the project with the members.

Motion to approve the Industrial Site Plan for the 1320 sqft addition contingent that the roof runoff from the proposed addition be directed to the subsurface galley system in the rear of the building and that the calculations to be approved by the town engineer prior to the building permit being issued with the final plan reflecting such

by Mr. D'Amico. Second by Mr. Mawhiney. Discussion: None. Motion carries by individual vote 7-0.

B. 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.

A letter was received by fax to the planning Board asking for a continuance from Ms. Tina Ferro's attorney to next month.

Motion to continue this item to next months meeting by Ms. DiComes. Second by Mr. Kaye. Discussion: Mr. Mawhiney voiced a concern about the letter received from Mr. Ferro's attorney which suggested legal action against this board if we did not give Ms. Ferro relief of the bond. Mr. Mawhiney was concerned of this becoming a pattern now after our recent court case. Motion carries 7-0.

C. 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

Advisory Opinion also requested regarding regulatory submission requirements for Business Site Plan Review of this project proposal and the feasibility of the granting of certain waivers there from.

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

Mr. Riccio stated that the Town Clerk sent a letter to the planning board stating that the applicant was going to pursue an alternative method of getting a zone change based on an abandonment of proposed use which has since happened, therefore the town clerk provided notification that the application for ordinance 2005-18 is withdrawn. It was stated the item remains on the agenda because the applicant requests a variance/waiver.

Ms. Noonan stated she sent correspondence to the town planner to seek a waiver of one of our requirements for the business site plans. Her client requested to submit the site plan without a DEM I.S.D.S. approval at this time. She stated that the board had the ability to wave a requirement if an applicant could prove

hardship. A discussion followed between members of the board and the applicant discussing why it would be a hardship to wait for the I.S.D.S. permit. Members of the board discussed this becoming a precedent setting ruling. This board in the past has been battling incomplete applications and it was felt this would only add to the problem by allowing this to go forward. It was felt much time was wasted in the past year reviewing these incomplete applications and this would only exacerbate the situation. It was felt there is no hardship was proven to the board and it is a part of doing business to get an I.S.D.S approval. Time required to get the proper permits was not considered a hardship.

Motion to deny the waiver of our requirements of our zoning regulations and our review for the sole purpose that timing is not a hardship by Mr. D'Amico. Second by Ms. DiComes. Discussion: Members of the board argued that the land is known and it would be a surprise if the I.S.D.S was not issued and it would be a low risk to wave the requirements. The issue of setting a precedence was raised and debated. Motion carries by individual vote 5-2 noting Mr. Breckel's and Mr. Mawhiney's nay votes.

Motion for a 5 minute break by Mr. Burr. Second by Ms. DiComes. Discussion: None. Motion carries 7-0. 8:21 PM

Resumed at 8:28

IV. New Business

A. Belfield Drive - DiMaio

Minor Subdivision
Vicinity of 11 Belfield Drive

AP 54 – Lot 19; 11.28 acres; 2 Lots - R-40 Zone
No Street Construction

Owner: Paul J. DiMaio
Surveyor: Nicholas A. Veltri, PLS #1719

Assistant Solicitor Stephanie DiMaio-LaRivee to recuse herself from this agenda item.

Mr. Veltri presenting for the applicant Mr. DiMaio. He stated Mr. DiMaio's intention was to cut in one lot and the lot will meet all zoning regulations. A concern was raised that the entire lot to be subdivided needed to have a Class 1 survey per town regulations.

Motion to combine the preliminary and final review and approve the Minor Subdivision, stipulating that the final recorded plan incorporate a Class 1 survey for the entire perimeter of the combined parcels by Mr. Mawhiney. Second by Mr. Breckel. Discussion: None. Motion carries by individual vote 7-0.

B. Crystal Estates

Minor Subdivision-Concept Review
Vicinity of Greenville Avenue

AP 47/2 - Lots 42, 43, & 44; 5.9 acres; 4 Lots; R-20 Zone
Street Construction

Owner: Steve Lombardi
Surveyor: Unknown

Mr. Burr stated he was leaving early due to a commitment. It is also noted that Assistant Solicitor Stephanie DiMaio-LaRivee had left the proceedings as well after the previous agenda item.

A proposed subdivision was discussed off of Greenville Avenue. Mr. DeMarco presented for Mr. Lombardi. Aspects of the plan were discussed from lot size to wet lands on the parcel. It was also discussed the right of way into the property needed further exploration seeing the way it was deeded where ½ the right of way was deeded to on abutter and the other ½ to the person adjacent with each having access to the others portion. It appears this is not a town right of way.

C. Circle Realty Plat

Minor Subdivision
Vicinity of 15 Brown Avenue

AP 57/Lot 225; 6.94 acres; 2 Lots; R-40 Zone
No Street Construction

Owner: Circle Realty, Inc.
Applicant: 5A Builders
Surveyor: James J. Reddington, Jr., P.L.S. #1728

Applicant asked to be removed from the agenda

Motion to withdraw the application without prejudice based on the applicant's letter dated November 22nd by Mr. Kaye. Second by Ms. DiComes. Discussion: None.
Motion carries 6-0.

V. Discussion

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

Plan for Mr. Mawhiney and Mr. Kaye to meeting with Town Planner to propose a R-80 and R-80+ zone.

Ms. DiComes stated she would look into doing some research on amending out zoning ordinance appeal process

B. Comprehensive Plan and Amendment Proposals

Letter came in from the state looking for the town to finish its comprehensive plan and forward to the state planning office. It is hoped that this letter will allow Jeanne the time to finish the comprehensive plan seeing when she tries to complete the work she get pulled off on other projects.

VI. Adjourn

Motion to adjourn meeting by Ms. DiComes. Second by Mr. Kaye. Discussion: None. Motion carries 6-0.

Meeting is adjourned at 9:47 P.M.

Warren S. Kaye, Secretary