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Thomas Breckel
Michael A. Campagnone
Peggy A. Passarelli

SOLICITOR
Timothy J. Chapman, Esq.

Joseph M. Polisena, MAYOR

TOWN OF JOHNSTON **PLANNING BOARD**

100 IRONS AVENUE, JOHNSTON, RI 02919
TEL.: (401) 231-4000 FAX: (401) 231-4181

MEETING MINUTES

July 1, 2008

I. Roll Call

The July 1 meeting was called to order at 7:02 p.m. at the Johnston Senior Center, 1291 Hartford Avenue. Members present: Mmes. Aguiar, Garzone (*Secretary*), and Passarelli; and Mssrs. Breckel, Campagnone, and Verardo (*Chair*). Also present: Timothy J. Chapman (*Solicitor*); Lorraine Caruso, PE, Town Engineer; Merrick A. Cook, Jr. (*Administrative Officer*); Makram H. Megalli, PE, Director, Department of Public Works; and Agnes Mancini.

II. Minutes

June minutes accepted unanimously.

III. Election of Officers

Postponed until next meeting.

IV. Correspondence

Poppy Hills II (PB 2007-19)

Major Land Development — Preliminary Plan Review

Applicant requested one-year extension of 8/7/07 Preliminary Plan approval.

Letter to request applicant's appearance at next meeting to explain proposed extension unanimously approved.



V. Old Business

A. Rustic View (PB '08-23)

Major Land Development — Preliminary Plan Review / Public Hearing

Vicinity of Atwood Avenue
AP 47-1 / Lot 38
28 units; 2.85± acres; R-7 Zone
Street construction

Owner/App.: Andrew Annaldo, Esq.; Pasquale DiPippo; & Donald Sepe
Surveyor: Steven B. Garofalo, PLS — Garofalo & Associates, Inc.
Engineer: Garofalo & Associates, Inc.
Attorney: Richard A. Licht, Esq. — Adler, Pollock & Sheehan

Zoning map change recommended to Town Council 11-6-07; approved by Town Council 12-10-07. Master Plan approved (4-1-08).

(Mr. Breckel recused himself.)

Attorney for applicant cited overlooked amendment to Zoning Ordinance that requires 10' additional setback on side and front, and sequence of required application for zoning variance. Marc Belanger, PE, Garofalo & Associates, Inc., addressed Town Engineer's July 1 memo re: RIDOT PAP; NBC sewer capacity; water pump station; storm drainage; and slope.

Gus Rietheimer, Premiere Development, Inc., for applicant, addressed setbacks. Town Engineer clarified that RIDOT consultation required for sewer and water work on Atwood Avenue. Lines to become property of NBC and PWSB respectively; capacity adequate but approval required for design. Easement for access and use to booster station required. Underground drainage system to be revised; DEM UIC review and approval pending. Retaining walls proximity to drainage system assessed. 10' buffer required from residential properties.

Councilwoman Stephanie Manzi reviewed Town Council stipulations for zone change re: sewer and water.

Public hearing closed without comment. Preliminary Plan approved unanimously subject to compliance with Zoning Ordinance and Planning Regulations, and all requisite approvals therein, and to Town engineering and Town Council stipulations. Favorable recommendation to the Zoning Board unanimously approved.

(Mr. Breckel returned.)

B. Rockcrest Highlands (PB '07-48)

Major Subdivision — Preliminary Plan Review / Public Hearing (*continued*)

Vicinity of Rockcrest Lane, Venice Avenue & Granite Street



AP 5 / Lots 355, 356, 357 + 358; 10 lots; 6.5± acres; R-20 zone
Street construction

Applicant: Domenic A. Rucco — DARE, Inc.
Owner: Thomas S. Borkowski, Domenic A. Rucco
Surveyor: Stephen M. Murgo, Sr., RLS — Baron Engineering, Ltd.
Engineer: Adam J. Baron, PE — Baron Engineering, Ltd.
Attorney: Michael E. Kelly, Esq.; John O. Mancini, Esq.

Master Plan approved (4/6/07); extended 1 year (4/1/08); Preliminary Plan review continued (4/1/08, 5/6/08, 6/3/08).

Project Engineer presented; discussion of drainage, detention pond, and access to and maintenance thereof by homeowner’s association, and grading; Town Engineer expressed concerns.

Public Hearing opened; applicant/owner spoke; hearing closed. Continuance of Preliminary Plan until next meeting with applicant waiver of 120-day rule unanimously approved.

(Mr. Breckel recused himself.)

C. Bellawoods Vue — Aceto (PB ’07-53)

Major Land Development — Master Plan Review / Informational Meeting (*cont’d*)

Vicinity of terminus of Mascio Drive and Violet Street
AP 27 / Lot 52; 6 lots; 3.45 ± acres; R-20 zone
Street construction

Applicant/Owner: Felippo L. Aceto
Surveyor: Patricia A. Kelly, PLS, International Mapping
Engineer: Richard N. St. Jean, PE — St. Jean Engineering, LLC
Attorney: Michael E. Kelly, Esq.; John O. Mancini, Esq.

Concept review (12/5/06); Master Plan review continued (8/7/07, 10/2/07, 5/6/08, 6/3/08).

Attorney requested additional 60-day continuance.

60-day continuance approved unanimously.

(Mr. Breckel returned.)

D. Zoning Ordinance 2008-11 (Briarcliffe Manor—PB ’08-18)

Zoning Amendment — Map / Informational Meeting (*continued*)

Vicinity of Old Pocasset Road, #49, and Woodlake Drive
AP 43-1 / Lots 224, 229, 236 + 343

New items not heard by 10:30 p.m. will be placed on next agenda.



43 units; 4 ± acres; R-40 zone change to Planned Use Development district

Applicant: Pastures Realty, LLC & Geriatrics Center of North America

Owner: Geriatrics Center of North America Realty Corp.

Engineer: Casali & D'Amico Engineering, Inc.

Attorney: Kelley Nickson Morris, Esq. — Moses & Afonso, Ltd.

Referred by Town Council (3/26/08); continued (5/6/08, 6/3/08).

Planning Board Solicitor cited lack of required advertisement of public hearing, and of adequate time for Site Plan review as required under Planned District, section A.4.15a. Project attorney disputed need for plan review. *Information Meeting closed.*

E. Zoning Ordinance 2008-13 (Briarcliffe Manor—PB '08-20)

Zoning Amendment — Text / Informational Meeting (*continued*)

Use regulations—continuing care retirement community (re: Zoning Ordinance 2008-11)

Referred by Town Council (3/26/08); continued (5/6/08, 6/3/08).

Project attorney presented changes to definition of use regulations within a Planned District for a continuing care retirement community, parking, site pre-work approval, and principal assisted living structure. Applicant requested Development Plan review, which has no requirement for a public hearing before the Planning Board for one lot with one building in a Planned District.

Attorney for abutters addressed compliance with Comprehensive Plan; different standards of review for Land Development and Development Plan; lack of time frame for Planning Board review of zone change; parameters of Development Plan review, including absence of both Planning Board option to deny and of public hearing; and absence of opportunity to address details during Town Council public hearing. Requested reinstatement of Special Use Permit requirement from Zoning Board to allow for public hearing.

Chairperson expressed opposition to proposed text changes in so far as they take authority away from Planning Board and reduce rights of public to be heard. Cited non-compliance with Comprehensive Plan re: relinquishing right of Planning Board to regulate projects.

Discussion re: public hearing vs. information meeting on proposed zoning map change vs. zoning text change.

New items not heard by 10:30 p.m. will be placed on next agenda.



Favorable recommendation to Town Council — subject to removal of second paragraph of Section 4(b),

“When one principal structure is proposed to be developed on one lot as part of a single phase of a Planned District Development, the Planning Board shall conduct development plan review in accordance with the provisions of R.I.G.L. 45–24–49 and Section A (12–15),”

and with required findings, including statement on compliance with Johnston Comprehensive Plan; and demonstrated compliance with R.I.G.L 45–24–30 and Section B, and Johnston Zoning Ordinance — approved, 4–2.

VI. Adjournment

10:13 p.m.

Lauren Garzone, SECRETARY

New items not heard by 10:30 p.m. will be placed on next agenda.