

CHAIRPERSON  
Anthony Verardo  
VICE-CHAIRPERSON  
Mohamad Yaser Sasa  
SECRETARY  
Lauren Garzone  
ADMINISTRATIVE OFFICER  
Merrick A. Cook, Jr.



Joseph M. Polisena, MAYOR

MEMBERS  
Patricia A. Aguiar  
Thomas Breckel  
Michael A. Campagnone  
Peggy A. Passarelli  
SOLICITOR  
Timothy J. Chapman, Esq.

## TOWN OF JOHNSTON PLANNING BOARD

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

### MINUTES

#### SPECIAL MEETING – JUNE 15, 2009

The Planning Board of the Town of Johnston held a special meeting on Monday, June 15<sup>th</sup>, 2009, at 7:00 p.m. at the Johnston Senior Center, 1291 Hartford Avenue. All persons interested in items on the agenda had been requested to be present at that time.

#### I. **Roll Call**

The June 15<sup>th</sup> meeting was called to order at 7:09 p.m. at the Johnston Senior Center. Members present: Patricia A. Aguiar, Thomas Breckel, Michael A. Campagnone, Peggy A. Passarelli, Mohamad Yaser Sasa (*Vice Chair*), and Anthony Verardo (*Chair*). Also present: Lorraine Caruso (Town Engineer), Timothy J. Chapman, Esq. (Assistant Town Solicitor), Merrick A. Cook, Jr. (Administrative Officer), Makram H. Megalli, PE (Director of Public Works), and Rian Smith (Assistant Planner).

#### II. **Old Business**

*(Heard out of sequence.)*

##### A. **Boulder Drive Estates — Boulder Realty, LLC**

INFORMATIONAL MEETING

Major Subdivision — Master Plan

(PB '09-25)

Boulder Drive & Primrose Lane (vicinity of); AP 46 / Lot 104; 6.35± acres; R-20 zone

PROPOSAL: Residential subdivision: construct 8 single-family houses and extend street

APP./OWNER: Boulder Realty, LLC — Joseph Baginski

SURVEYOR: Kirk Andrews, PLS #1684 — Andrews Associates

ENGINEER: Timothy J. Behan, PE #6278 — TJB Engineering

ATTORNEY: K. Joseph Shekarchi, Esq. — Shekarchi Law Offices

*Zone change adopted 1/20/09.*

---



Attorney and engineer reviewed drainage improvements, dead-end cul-de-sac, and lack of need for zoning variances. One of two parcels for 50' right-of-way purchased; other pending. Variance for 24' r-o-w pavement width and waiver of sidewalk to be requested.

Proposed changes to existing drainage: 6 new double-grate catch basins, increased pipe size and diameter, and improved and enlarged detention pond for off-site discharge. Discussion: neighboring runoff; proposed 37' and 10' drainage easements, septic system, and public water; detention basin to be maintained by homeowners association with access easement for Town, as stipulated by Town Council.

Looping of water as requested by Fire Department to be addressed at preliminary stage.  
Discussion of topography

Town Engineer 6/1/09 memo: [1] deeds to be executed, drafts to be submitted; [2] FEMA notes updated; [3] drainage study to be submitted; [4] reports re: 15' cut on top of hill (ledge test negative to date) to be submitted; [5] DEM subdivision suitability to be obtained; [6] road width variance and sidewalk waiver to be requested; and [7] new hydraulic testing for water system to be performed.

Jeremy Reynolds, abutter, concerned with existing drainage, endorsed proposed improvements.

*Master Plan approved with conditions referenced in Town Engineer memo and Fire Department memoranda (6-0). Approval based on: application, testimony, presentation, and Town memoranda; consistency with general purposes of Section 1, Johnston Land Development & Subdivision Review Regulations, and with Town Comprehensive Plan; and positive findings for Section 5-2 A. 1-5.*

### III. **Presentation**

#### **Conservation Development**

Scott Millar, Chief of RIDEM Sustainable Watersheds Office, introduced a creative land-use technique to accommodate growth while avoiding impacts to the environment and retaining community character. Jennifer West, Coastal Training Program Coordinator, Narragansett Bay National Estuarine Research Reserve, supported his presentation.

Mr. Millar explained that conservation development (CD) preserves meaningful open space without cost to towns and complies with new state stormwater management requirements. At least 50% of land that otherwise would be developed is preserved as open space in perpetuity through conservation easements. This is in contrast to large-lot zoning, with its random rectilinear placement of houses whether or not the landscape can support that growth.

Growth itself is not the problem. It's how town subdivision and zoning regulations require that growth take place that affect wetlands, encroach on buffers, and create inadvertent runoff. CD produces the same number of houses as large-lot zoning, but they are clustered and condensed with lot sizes reduced from 3 to 1.5 acres, and with conservation easements preventing future development. Growth blends into the context of what's already there instead of destroying it.

Economic advantages to towns include acquiring land without buying it, lower costs for road maintenance and school transportation, and an accelerated review process. Developers can reduce



construction costs by 40%, sell houses 47% faster, and increase house value by 17%. CD also has social and cultural advantages, as well as many environmental advantages that large lots don't.

CD helps towns meet DEM & CRMC low impact development (LID) requirements through site planning and design techniques that infiltrate runoff as close as possible to where precipitation lands. (State guidelines pending.) CD protects natural drainage areas, minimizes clearing and grading, avoids soil compaction, and minimizes impervious surfaces. Examples in Richmond, S. Kingstown and Hopkinton were shown, as was a map of Johnston with current protected areas.

Towns can implement review and inspection fee ordinances so that reviews pay for themselves, using objective 3<sup>rd</sup> parties to speed up the process.

The planning and design process involves ten steps: [1] analyze building site; [2] evaluate site context; [3] designate potential conservation areas; [4] determine maximum number of units; [5] locate developable area and explore alternatives; [6] locate house sites; [7] lay out streets, trails and other infrastructure; [8] design and program open space; [9] draw in lot lines; and [10] establish ownership and maintenance of open space. When the process is integrated into town regulations, the process is predictable. A detailed manual is available.

The next step is to seek financial and technical assistance. DEM recommended a consultant who has written ordinance for 12 towns. Fund through DEM still may be available for Johnston. Then the comprehensive community plan is amended, and then zoning ordinance, which is to be changed town wide, not parcel by parcel. Key decisions include whether the process is to be mandatory or optional, what the smallest lot size is to be, and whether the public will have access to open spaces.

Discussion: effects on zoning. Same number of houses, smaller lots, any size houses although usually less than 5,000' sq. CD makes development more marketable, with amenities built in. Lots individually owned. Usually minor subdivisions with a public road. Applicable to urban areas, even building up.

II. **Old Business** *(resumed)*

B. **Stonehill Marketplace IIIA**

**PUBLIC HEARING**

Major Land Development — Preliminary & Final Plan

(PB '09-29)

1380 Atwood Avenue & Stone Hill Blvd.; AP 44-2 / Lot 66; 93.23± acres; B-3 zone

PROPOSAL: Commercial development: construct retail building with access road & drainage facility

APP./OWNER: Stonehill Drive, LLC

SURVEYOR: Samuel A. White, Jr., PLS #1781 — Garofalo & Associates, Inc.

ENGINEER: Steven B. Garofalo, PE #4155 — Garofalo & Associates, Inc.

ATTORNEY: Frank S. Lombardi, Esq. — Lombardi & Ferrieri, P.C.; Thomas Moses & Kelly Nixon Morris, Moses Afonso Jackvony, Ltd.

*Last appearance before Planning Board 2/5/08 (final plans for Phase I roadway revisions approved and zone change recommended). First appearance 5/1/01.*



Attorney Michael E. Kelly, representing abutters named Conti, requested continuance, citing problems with access to public documents. Debate over specific documents (master plan and traffic study), accessibility to records and timeliness. Attorneys for applicant insisted that documents had been made available. Mr. Kelly contended that there had been insufficient time to review documents once made available. Court had not enjoined Planning Board from hearing matter. Applicant cited construction schedule as reason for needing to be heard as scheduled.

Kelly M. Coates, Sr. V.P. for Stonehill Drive, LLC, explained sequencing, permitting and coordination of traffic improvements between FM Global, Stonehill and Town, solely subject to RIDOT. Entire parcel was rezoned.

Further discussion on access to public records, and copying and expert review thereof. *Motion to continue hearing until July 7, 2009; motion fails.* Mr. Lombardi reviewed Town requirements for preliminary plan approval. Résumés and new fiscal impact study submitted. *Motion to refuse documents; documents and motion withdrawn.*

Applicant reviewed project history, and evolution of proposed BJ's from earlier Sam's Club. Mr. Coates clarified location and use proposed for phase IIIA. Review of access road and buffer to abutting properties, 400' of which is forested as in original approved proposal. Elevations of buildings shown and architectural improvements highlighted. DOT PAPs issued; National Grid and RIDOT simultaneously upgrading gas line and optic cable. Private-public partnership in tri-party agreement to stage road improvements. Historic cemetery preserved. Applicant offer to connect Narragansett Electric to Linwood Drive still in place.

Public improvements totaled \$20+ million to date excluding taxes. Off-site infrastructure improvements included widening and extending roads. Discussion of improvements for abutters—moving road to mitigate headlights, offering \$2,000 to abutters along National Grid easement to improve landscaping; and landscaping along road. BJ's footprint smaller than Sam's Club, fewer parking spaces, landscaped slopes—no riprap, and moved back with front parking the same.

Mr. Kelly cross-examined re: timing of plans submitted; items on recorded master plan; amendments to uses; and phasing provision of master plan approval, amendments thereto, and whether on plan and/or in text. Discussion of submission/rejection of gas facility plans; vesting of master plans; and phasing: A–D now proposed for III, with 3 phases approved on master plan.

*Expert witness* Stephen Garofalo, PE, reviewed DEM approvals of wetlands and drainage; latter key since site within Pocasset River watershed. Drainage system to reduce peak rate and net volume of runoff, through retention infiltration basin and detention pond with capacity to hold back-to-back 100-year storms. Discussion of earlier subdrains installed across the street, and drainage related to potential uses/non-development of rest of site.

Discussion: 3,300', 40'-wide, 2-lane access from Atwood Avenue provided in earlier stages; 678 parking spaces—5.7 per 1,000 sq. ft.; emergency vehicle access sufficient; ≤6% slope on road extension; floor elevation 329'; cut and fill. Water, electric and sewer through easement from lower site. Water from PWSB through pumping station with Fire Department approval. NBC and National Grid (electric & gas) approvals also obtained.

Mr. Kelly cross-examined re: absence of letters of commitment for water and of approval for fire hydrants, and copies of Fire Department stamped plan. Water studies not conducted for Lillian



Avenue or surrounding streets, just Atwood Avenue. NBC capacity letter; not reserved until construction. Frontage on state highways Rte. 6 and 295 but no direct access.

*Expert witness* on traffic, Robert J. Clinton, PE, Vanasse Hangen Brustlin, reviewed completed Atwood Avenue corridor build-out, as coordinated between Stonehill, FM Global, DOT and Town. Traffic report based on full retail development of upper level. Mr. Kelly cross-examined on uses—shopping center—on which 2008 traffic study was based. Mr. Clinton contended that analysis based on square footage, not uses, whether retail, restaurant or theater. Discussion of square footage, traffic peaks, street access, Atwood Avenue mitigation, and timing and use of traffic report.

*Meeting continued to July 7, 2009.*

#### IV. **Adjournment**

12:13 a.m.

---

*Lauren Garzone, SECRETARY*