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TOWN OF JOHNSTON PLANNING BOARD

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MINUTES

SPECIAL MEETING – JULY 21, 2009

The Planning Board of the Town of Johnston held a special meeting on Monday, July 21st, 2009, at 7:00 p.m. at the Johnston Senior Center, 1291 Hartford Avenue. All persons interested in items on the following agenda had been requested to be present at that time.

I. Roll Call

The July 21st meeting was called to order at 7:06 p.m. at the Johnston Senior Center. Members present: Breckel, Garzone (*Secretary*), Passarelli, Sasa (*Vice Chair*), and Verardo (*Chair*). Also present: 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

Pine Hill Village (formerly Killian Estates Farm)

INFORMATIONAL MEETING

Major Land Development

1. Review of Master Plan PB '09-32
2. Advisory Opinion — Zoning Ordinance 2009-CP-46: Zoning Map Amendment PB '09-13
3. Advisory Opinion — Zoning Ordinance 2009-CP-42: Comp. Plan Amendment PB '09-12

PROPERTY: Vicinity of Greenville Avenue, Killian Road & I-295; AP 50 / Lot 66; 24.6 ± acres; R-40 zone

PROPOSAL: (1) Construct 6 buildings with 50 age-restricted apartments (26 x 2- and 24 x 1-bedroom units) and street. (2) Change zone to R-7. (3) Change use to high-density/multi-family.

APP. / OWNER: Greenville Holdings, LLC — Henry Rosciti

SURVEYOR: James G. Flynn, PLS #1904 — Flynn Surveyors, Inc.

ENGINEER: David E. Provonsil, PE #5160

ATTORNEY: Eric Brainsky, Esq. — Law Offices of Michael A. Kelly, PC



Informational Meeting continued from 5/5/09. Master Plan #2 approved and positive recommendation for zoning map change 10/7/08. Master Plan #1 approved with conditions 4/5/06; decision appealed 5/5/06; Superior Court Consent Order 2/29/08.

Applicant acknowledged he was no longer represented by legal counsel. *Expert witness* David E. Provonsil, PE, reviewed project history and existing conditions. Mr. Provonsil identified primary differences between current multi-family elderly housing development and prior proposed single-family subdivision: single lot and access from Greenville Avenue. Proposed access road to cross wetlands area of wooded swamp with stream and perennial stream via existing trail with large pipe culvert. He cited benefits of not using Killian Road as access. Large wetlands area also in center of lot with perennial stream and 100' riverbank.

No public water readily available; proposed extension of water main from Pine Hill down Killian approved by Providence Water Supply Board (PWSB) and Fire Department (FD). Sewer available to east on Atwood Avenue; low-pressure main to connect more than one mile down Greenville Avenue to Narragansett Bay Commission (NBC) line on Salina. Stormwater to be discharged into on-site wetlands.

One- and two-bedroom units in one-storey buildings. 30' roadway to narrow at entrance through wetlands. Front parking with additional for guests. One building for recreation.

Buffers: access road along Route 295 to cross within required 200' buffer/buffer easement to avoid alteration of wetlands. Waiver requested for 3–400' portion of road passing up to 20' of 295. Buildings set back 200' from 295, with travel lanes 65' further. Setback from Killian Road proposed at 100' instead of required 40'; 25' increased to 40'. Buildable lot area reduced from total of 24 by 7 acres of wetlands. 100' building buffer from 295 to enable 200' buffer from Killian as requested by neighbors. Sketch introduced depicting waiver proposals. Discussion of positioning of buildings, FD requirements; apartments v. condos; and income—not affordable housing—and age requirements.

Mr. Provonsil addressed Town engineering memo of 7/9/09. [1] Public sewer required in R–7 zones; applicant to design and install per NBC, DOT and Town. [2] 200' buffer from highway required; waiver requested. [3] DEM wetlands application not submitted; to be provided at preliminary stage. [4] Net developable area calculation included wetlands, wetland buffers and slopes over 8%; applicant asserted accuracy re: wetlands, and refuted slopes > 8% and density under that allowable, according to net acreage or otherwise. [5] Sewer proposal inadequate; to be resolved at preliminary. [6] PWSB and FD approvals of water main required; provided. [7] Road crossing wetlands, no stormwater management proposed, and negative drainage impact required; stormwater systems/detention basins included. [8] Absence of grading; not yet submitted. [9] Not R–7 zone; R–40 requirements added. *Exhibit*: 12-04-08 letter from PWSB to Henry Rosciti.

Discussion of zoning. Previous single-family subdivision proposal not permitted in R–7. Proposed sewer unable to serve Greenville abutters to east. Killian Road zoned 100% R–40; R–20 to north, and west of 295; next closest R–20 some distance; no smaller-sized lot zoning. Previous zone change to cluster development for proposed 13 single-family house lots issued per court order.

Consideration of condos v. apartments in residential areas, with parking/garages and open space. Applicant expressed non-opposition to condos, but cited market and elders' need for less expensive housing. Property management company and private streets proposed. Open space greater than provided in prior subdivision proposal, but extent dependent on pending waivers. 1–2



bedroom units not conducive to schoolchildren. Suggestion made that conditions of approval be imposed as grounds for reversal of zone change.

Discussion of whether age restriction discriminatory and allowed under federal law; enforcement by property manager; age of lessees v. other occupants. Community center: 3,200 sq. ft. for residents' recreational purposes with parking including handicapped. 10–12 units proposed for largest building; with waiver, reduced to no more than 8 apartments in each of eight (*6 proposed on application*) buildings. Discussion of parking and fire access. Rent estimated at \$850–900 based on affordability to elders. Property tax income unknown. Applicant ascribed unknowns to costs of preparing project proposal given uncertainty of zone change approval.

Expert witness Edward Pimental identified most services as private. Revised impact assessment without fiscal analysis previously submitted. Upon further analysis of Comp Plan, Mr. Pimental determined high-density use of land to be supported; proposed amendment to plan therefore withdrawn. He stated that analysis of census indicated $\frac{1}{4}$ of Town population over 62 years old as of 2030. Suggested Comp Plan use map inconsistent with text. Comprehensive permit not requested. Discussion of sequence of actions by Board, and whether waivers also to be addressed.

Meeting opened to public comment. Makram H. Megalli, Johnston Director of Public Works, questioned nature and source of topography on plans. Engineer replied that base plan used for subdivision prepared by Garofalo and Associates approximately one year ago. Mr. Megalli reiterated that plans not stamped by surveyor as required.

John Saccoccio of Killian Road questioned buffers, points of demarcation thereof at rear of buildings, and undisturbed areas. Original zoning permitted 6–7 houses, yet changed to R–40 to accommodate 13; new change to R–7 might set precedent. Cited negative impacts of proposed development on abutters; opposition also based on reduction in property values.

Robert Perrotta of Pine Hill concerned with increase in traffic. David Marocco of Killian Road cited 300' buffer requested by abutters on Pine Hill as well as on Killian. Believed proposal to constitute spot zoning; suggested designating buffers as open space or deeding to land trust to maintain R–40 designation. Questioned enforcement of conditions (i.e., age restriction) for zone change and violations leading to reversal thereof. Mr. Perrotta expressed concern with inability to rent units. Mr. Saccoccio concerned with noise and maintaining rural nature of neighborhood.

Renewed discussion of demarcation of buffers v. setbacks, and undisturbed portions thereof. Mr. Provonsil cited 60-65' distance, screening, fence, and moving of buildings. Mr. Saccoccio questioned total area of parking lots and impacts from clearing thereof. Mr. Megalli addressed question on garbage removal ordinance as applying to condos and apartment buildings with 2–5 units with individual cans.

Arnie Vecchione of Killian Road addressed school impacts, and prevention of children from living with grandparents within development. Jeffrey Newman of Pine Hill questioned impact of and protection from noise for potential apartment residents due to reduced buffer from 295. Discussion of size of detention ponds and required traffic study. Denise Venditilli of Killian Road concerned with disruption of development and possible results of units not being rented.

Mr. Sasa specified 'buffers' as areas left undisturbed for addition of trees, and as distinct from setbacks. Mr. Verardo summarized project and commended donation of land to Town and undisturbed buffers in applicant's previous subdivision proposal.



Elizabeth Burch of Greenville Avenue questioned origin and reasons for buffer requirements, and authority to waive them. She also expressed concern with road construction and current traffic.

Unfavorable recommendation on Zoning Map change for Pine Hill Village (formerly Killian Estates Farm) to Town Council (5-0). Advisory opinion based on findings as to two-point test in RIGL §45-24-52; on inconsistency with Town Comprehensive Plan, including goals and policy statements, implementation program, and other applicable elements, including open space and recreation, economic development, housing, and services and facility; and water and sewer ordinance; on findings as to applicable purposes of zoning per RIGL §45-24-30 and per Town Zoning Ordinance, Article I, Section B, and specifically II.B.3.B & E; and on testimony provided. Adoption of proposal therefore not consistent with good planning and Johnston Comprehensive Plan. Discussion: none.

Discussion of proper procedure for decision on Master Plan. *Decision on Pine Hill Village Master Plan to be held pending Town Council decision on current zone change proposal (5-0).*

III. New Business

Town of Johnston Comprehensive Community Plan 2007

PUBLIC HEARING

Adoption

PB '09-39

A letter from the Administrative Officer dated July 21, 2009, requesting the Planning Board to adopt Johnston's 2007 Comprehensive Community Plan was read into the record.

Johnston's current comprehensive plan was adopted in 1991. The plan was updated in 2007 and, categorized as 'new' by the state, was subject to complete agency review. Forthcoming technical revisions were resubmitted by the Town in 2008, and approved by the state in June 2009.

Minutes of the Planning Board meeting at which the plan is adopted are to be submitted to the Town Council for official adoption at a public hearing, followed by the passage of ordinance.

The resulting state-certified plan will serve as a guideline for Town development over the next five years. The plan is available for public review, with electronic copies are available upon request. Amendments may be made throughout any given five-year period. Until the plan has been certified by the state, the 1991 version is operative.

The hearing was opened to the public. Louis Calanda questioned whether the Board's decision to send a negative opinion on the Pine Hill Village proposal was based on Johnston's 1991 Comprehensive Plan. *The hearing was closed to the public.*

The Town of Johnston Comprehensive Community Plan 2007 was adopted (5-0).

IV. Adjournment

The July 21, 2009, meeting was adjourned at 10:16 p.m.

Lauren A. Garzone, SECRETARY