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TOWN OF JOHNSTON **PLANNING BOARD**

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MINUTES

NOVEMBER 3, 2009

The Planning Board of the Town of Johnston held its regular monthly meeting at 7:00 p.m. on Tuesday, November 3rd, at the Johnston Senior Center, 1291 Hartford Ave., Johnston, RI.

I. **Roll Call**

The November 3rd meeting was called to order at 7:05 p.m. Members present: Anthony Verardo, *Chair*, Mohamad Yaser Sasa, *Vice-Chair*, Lauren A. Garzone, *Secretary*; and Thomas Breckel and Michael A. Campagnone, *members*. Also present: Timothy J. Chapman, Esq., *Assistant Solicitor*, William J. Conley, Esq., *Town Solicitor*; Merrick A. Cook, Jr., *Administrative Officer*, Makram H. Megalli, PE, *Director of Public Works*; and Rian Smith, *Assistant Planner*.

II. **Minutes**

May 19th, 2009, joint public hearing minutes on the Rhode Island Reliability Project adopted (5-0).
September 1st, 2009, regular meeting minutes combined with joint public hearing on the Rhode Island Reliability Project also adopted (5-0).

III. **Correspondence**

Letter requesting one-year extension of 9/2/08 Master Plan approval for Pocasset Mills from Joseph A. Casali, PE, Casali & D'Amico Engineering, Inc. Mr. Casali indicated that revisions to the Preliminary Plan (continued since April 7) were likely to be submitted soon by the applicant, Winn Development.

Pocasset Mills, Major Land Development, *Master Plan* (PB '09-01) *extended for one year (5-0)*.

Letter from Mr. Megalli, Director of Public Works, regarding the Narragansett Bay Commission's agreement to Mayor Polisena's request to undertake and fund a Town sewer facility. Public



hearing scheduled for November 17th prior to final adoption. Sewer facility plan to serve as blueprint for five-year increments through 20 years.

VI. **Other Business** (*brought forward on agenda*)

Tax Increment Financing (TIF) — Redevelopment Plan and Project Plan (PB '09–51)

Mr. Conley presented combined TIF Redevelopment and Project Plan as approved by Johnston Redevelopment Authority on October 27 to which no changes had been made since September.

Overlay district to be submitted later; zone change requested; project expected to break ground in early spring. Report analyzing bond-financing plan and tax benefits projected over 30 years, as well as state-required findings, provided. Conservative financing structure to protect against financial liability; although Town to issue the bonds, developer to hold them in escrow.

Richard Licht, Esq., Adler Pollack & Sheehan, discussed Town obligation and risk, and project and bonding phasing. Town officials consulted throughout. Discussion of \$8 million bond estimate and efforts to employ residents and construction companies. Jeffrey Saletin, project developer, stressed advantages to Town and noted its cooperation. First phase timed with DOT roadwork completion in fall 2010; anchor and bank buildings and pad site to come on line first.

TIF Redevelopment Plan and TIF Project Plan approved (5–0).

IV. **Old Business**

A. **Winsor Woods II**

INFORMATIONAL MEETING

Major Subdivision — *Final Plan Review*

PB '09–35

Vicinity of Carriage and Bridle Ways

AP 48/Lot 13; AP 50/Lots 13 + 14; 20 lots & det. basin (proposed); 20.07± acres; R–40 zone

- PROPOSAL: Residential subdivision: 13 single-family houses
- APPLICANT: Pezzuco Brothers Development Corp. — Ronald R. Pezzuco
- OWNER: Pezzuco Brothers Development Corp. — Richard & Ronald R. Pezzuco
- SURVEYOR: Anthony Muscatelli, PLS #1718 — International Mapping & Engineering
- ENGINEER: Joseph Casali, PE #7250 — Casali & D'Amico Engineering, Inc.
- ATTORNEY: Eric Brainsky, Esq. — Law Offices of Michael A. Kelly

Continued from 9/1/09 at applicant request with 30-day rule waiver.

Mr. Brainsky presented final plan which had not been changed since 5/5/09 Preliminary Plan approval. Discussion of defeasible easement; 10/30 letter outlining legal position and 1/9/96 minutes *accepted as Exhibit A*. 50' right-of-way originated with original 1996 Newmann Farms Estates at PB request to create connector between two phases. If not developed, easement to revert to property owners. Discussion of maintenance responsibility.

If superior court decides applicant can't use easement, applicant to submit amended plan. Otherwise, easement deed to be transferred to Town via Town Council. Mr. Megalli recommended approval conditional on Town Council acceptance of roadway. Discussion of



bonding procedures; unnecessary since roads built. Discussion of status of road, engineering inspection, and whether additional bond requested by engineer. ...

Informational meeting opened. Bernard Healey, co-counsel for John Cairo, abutter (objection by Mr. Brainsky), stated that since applicant doesn't own roadway, rights reserved only as an easement, and cannot be deeded. He pointed out difference between right to pass and ownership.

Winsor Woods II, Major Subdivision Final Plan, approved subject to [1] recording of easement deed; [2] amended submission with cul-de-sac and amended drainage if court determines applicant's legal position invalid or incorrect; and, [3] engineering approval of performance bond (5-0).

V. **New Business**

B. **Pine Hill Road — Watson**

PUBLIC HEARING

Minor Subdivision — *Preliminary Plan Review*
40 Pine Hill Road; AP 45-2 / Lot 3; 18.88± acres; R-40 zone

PB '09-45

PROPOSAL: Residential subdivision: 1 single-family house
APP./ OWNER: Ernest N. Watson
SURVEYOR: Nicholas Veltri, PLS #1719 —N. Veltri Survey, Inc.
ATTORNEY: Al Russo, Esq.

Mr. Russo stated that applicant received dimensional relief from Zoning Board for 25' frontage from 140'. DEM OWTS approval obtained. Mr. Veltri presented wetlands flagging, waterline to be brought in, 18' roadway approved by Fire. Rear site meets all setbacks; front parcel currently 15.2' from new driveway. Ownership of driveway assigned to rear parcel, easement to front. New driveway for existing house, to serve as common drive. Single drives for each preferred per Mr. Breckel. Discussion of frontage — existing house has 80', new lot, 25'. 600' water under driveway. Objection to precedence of Zoning approval by Mr. Sasa and Mr. Breckel.

Public hearing held; no comments.

Pine Hill Road — Watson, Minor Subdivision Preliminary Plan, approved with conditions 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 Regulations, Section 5-2 A. 1-5 (4-1; Mr. Sasa opposed). Approval subject to creation of second driveway. Discussion: lack of adherence to proper procedure.

VI. **Other Business**

A. **Conservation Development** (PB '09-33)

WORK SESSION

PROPOSAL: Review and provide comments on first draft of proposed amendments to zoning ordinance, subdivision regulations and comprehensive community plan for the adoption of conservation development ordinance.



Anthony Lachowicz, consultant to the Town, summarized proposed draft amendments, and requested Board opinion on key policy points.

[1] Whether required or optional: choice of applicant, not mandated by Town; Board able to deny conservation developments according to proposed standards and purposes. (Discussion: flexibility to appeal to developer—deterrent if mandated; new stormwater regulations.)

[2] Zoning districts: CD to be permitted in R-40, R-20 and R-15 districts. [3] Residential uses: single family in all zones; two-family duplex in R-15; no multifamily. Discussion of zones and uses; concurrence on residential uses in three zones. R-20, 1-family only unless with water and sewer; same number of houses, more open space. How to benefit developer yet prevent shotgun houses; frontage significant means to control shotgun.

Discussion of frontage; Mr. Lachowicz to prepare table with proposed lot sizes, frontage and yard dimensions. Reductions allowed on cul-de-sacs. Reductions in asphalt and runoff, allowing rear lot development. Mr. Lachowicz to provide plans for Board to see layout. Duplexes.

[4] Open space uses: conservation and passive recreation, and agriculture permitted; building and paving up to 2,000 sq. ft. or 2%, whichever is less. (Discussion: value of open spaces—historical, natural features, preservation and protection—stonewalls; Land Trust.) [5] Ownership of open space: not by Town and nonprofit conservation groups; homeowners associations and private ownership only. Government agencies—legal opinion to be obtained re Providence Water ownership.

Rich Blodgett, PWSB, referenced Board's interest in making CD optional, yet concerns with inconsistency and developers not taking option.

[5] Site visits: not mandatory. [6] Lot sizes: option to reduce further (i.e., 20,000 sq. ft. for single family in R-40).

Discussion of mandatory pre-application conferences; mandatory for all major projects per state. Sketch plans to be reviewed for conservation and conventional yield plan options.

Additional staff revisions to be incorporated into next drafts. Next work session not scheduled; consultant to meet with Board and/or Town Council to review second drafts at later point.

VII. **Adjournment**

November 3rd meeting adjourned at 10:05 p.m.

Lauren A. Garzone, SECRETARY