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TOWN OF JOHNSTON PLANNING BOARD

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MINUTES

DECEMBER 1, 2009

The Planning Board of the Town of Johnston held its regular monthly meeting on Tuesday, December 1st, at the Johnston Senior Center, 1291 Hartford Ave., Johnston, RI. All persons interested in items on the agenda had been requested to be present at that time.

I. **Roll Call**

The December 1st meeting was called to order at 7:00 p.m. Present for the PLANNING BOARD: Patricia A. Aguiar, Thomas Breckel, Lauren A. Garzone, *Secretary*, Peggy A. Passarelli, Mohamad Yaser Sasa, *Vice-Chair*, and Anthony Verardo, *Chair*. Also present for the TOWN OF JOHNSTON: Timothy J. Chapman, Esq., Counsel to the Planning Board; William J. Conley, Esq. Town Solicitor; Merrick A. Cook, Jr., Administrative Officer; and Rian Smith, Assistant Planner.

II. **Minutes**

October 6, 2009, Planning Board minutes adopted (6-0).

III. **Correspondence**

- A. **Comprehensive Community Plan** (11/16/09-11/16/14)
Notice of state approval read into the record.
- B. **Alvina Estates II** (PB '09-55)
Attorney for the applicant requested one-year extension.
Extension until August 7, 2010, approved (6-0).
- C. **State v. Adam Baron** (Attorney Special Victims Report)
Letter to be sent to Attorney General from Chair requesting continued status notification.

IV. **Public Hearing**

Shun Pike — Vinagro. Industrial Site Plan (PB '09-55)
114 & 116 Shun Pike; AP 32 / Lot 44; 25.0± acres; I zone.

PROPOSAL: Construction of industrial storage and maintenance garage

APP./ OWNER: Joseph Vinagro, Sr.

SURVEYOR: Michael E. Gavitt, PLS #1981 — DiPrete Engineering

ENGINEER: Kevin C. Morin, PE # 7051 — DiPrete Engineering



ATTORNEY: Donna Caisse, Esq.

Mr. Morin presented overview of property: vacant with existing foundation on which steel building for storage of vehicles, equipment, plows, generators, trailers, etc., to be constructed. Dimensional variance on setbacks approved 9/24/09. David C. DeMaio explained need to provide storage to prevent theft of equipment; cited absence of TRC comments from previous week other than Fire Department. *Letter from Fire Marshal accepted into the record as Exhibit A; response from DiPrete Engineering as Exhibit B.*

Discussion of fire requirements: distance to hydrants installed on Shun Pike; none needed on site. Alarm system. No lighting proposed, except on building. Nearest residential dwelling ~500' to west. No water to property; no intention for habitation. Possible heat. Electric underground.

Discussion of combustible fluids—building not large enough; possibility of propane prompted Fire request for alarm by submission of building plan. Gravel drive hugging western lot line. Recent execution of deeds with adjacent lot; future possible merger. Potential for change in use—none without septic. Prefer not to pave, adding to run-off and expense. Discussion of sequence of appearances before Zoning v. Planning boards.

Town Engineer memo of 11/19/09: dimensional variances already granted; proposed building on existing foundation; abutting zones on map; electrical plan consistency; industrial performance standards to be met. Town Planner confirmed applicant's right to build without utilities.

*Site plan for **Shun Pike — Vinagro** (PB '09–55) approved based on positive findings for Zoning Ordinance, Section E.1-16; application, testimony presented to the board and narrative from applicant's engineer addressing standards 1-16; subject to [1] Fire Department 12/1/09 memo and [2] Town Engineer 11/19/09 memo (6–0). Discussion re: sequence with zoning board*

V. New Business

D. **Hartford Avenue — Stuart's Plaza** (PB '09–59) ADVISORY OPINION

Petition 2009–CP-184 — *Zone Change (map)*

Vicinity of Hartford Avenue; AP 44/Lots 84, 85, 86, 295 + 355; 203± ac.; B–2 zone.

PROPOSAL: Commercial development: change zone to Redevelopment Overlay District.

Town Solicitor presented proposal, citing two prior appearances and approvals.

*Favorable recommendation to Town Council on creation of Redevelopment Overlay District for **Hartford Avenue — Stuart's Plaza** (PB '09–59) based on positive findings as to RIGL §45-24-52 two-point test — (1) consistency with Comprehensive Plan including goals and policy statements, implementation program, and all other applicable elements; and (2) recognition and consideration of each of the applicable purposes of zoning as presented in RIGL §45-24-52, and Zoning Ordinance Article 1.B — and consistency with good planning and Johnston Comprehensive Plan approved (6–0).*

E. **Lakeside Drive/Shady Cove — Smith** (PB '09–60) ADVISORY OPINION

Petition 2009–CP-179 — *Easement*

10 Lakeside Drive; AP 59–1/Lot 80; R–40 zone.

PROPOSAL: Obtain easement for water line running under Shady Cove.



APPLICANT: Zachary Smith
 OWNER: Town of Johnston
 SURVEYOR: Richard Bzdyra, PLS #1786 — Ocean State Planners.
 ATTORNEY: Valentino D. Lombardi, Esq.

Applicant applied to DEM for approval of proposed septic system and new artesian well. DEM determined easement first needed from Town for private water line under Shady Cove. Applicant owns lots straddling right-of-way. Discussion: existing private water line to be tied into artesian well; cesspool to be abandoned.

*Favorable recommendation to Town Council on transfer of easement for Petition 2009–CP-179, **Lakeside Drive/Shady Cove — Smith** (PB '09–60) to Zachary Smith, based on positive findings as to RIGL §45-24-52 two-point test — (1) consistency with Comprehensive Plan including goals and policy statements, implementation program, and all other applicable elements; and (2) recognition and consideration of each of the applicable purposes of zoning as presented in RIGL §45-24-52, and Zoning Ordinance Article 1.B — and consistency with good planning and Johnston Comprehensive Plan approved (6–0). Discussion: none.*

F. **Atwood Avenue — Pump Station** (PB '09–63)

ADVISORY OPINION

Petition — *Land Transfer & Easement*
 1651 Atwood Avenue; AP 47-1/Lot 9.

PROPOSAL: Transfer pump-station and convey easement from Town to Providence Water Supply Board.

Proposed transfer of Pump station to PWSB for upkeep. Located on same lot as police station, therefore easement also required. Discussion: none. Motion:

*Favorable recommendation to Town Council on petition **Atwood Avenue — Pump Station** (PB '09–63) transferring land and easement to PWSB based on positive findings as to RIGL §45-24-52 two-point test — (1) consistency with Comprehensive Plan including goals and policy statements, implementation program, and all other applicable elements; and (2) recognition and consideration of each of the applicable purposes of zoning as presented in RIGL §45-24-52, and Zoning Ordinance Article 1.B — and consistency with good planning and Johnston Comprehensive Plan approved (6–0).). Discussion: none.*

G. **Report of the Administrative Officer**

VI. **Adjournment**

January 5th meeting at 7:54 p.m. adjourned (6–0).

Lauren A. Garzone, SECRETARY