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TOWN OF JOHNSTON PLANNING BOARD

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MINUTES

SPECIAL MEETING – JULY 28, 2009

The Planning Board of the Town of Johnston held a special meeting on Monday, July 28th, 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 28th meeting was called to order at 7:14 p.m. at the Johnston Senior Center. Members present: Patricia A. Aguiar, Thomas Breckel, Lauren Garzone (*Secretary*), Peggy A. Passarelli, Mohamad Yaser Sasa (*Vice Chair*), and Anthony Verardo (*Chair*).

Also present—for the Town of Johnston: Andrew J. Baynes, *Chief, Fire Department*; Timothy J. Chapman, Esq., *Assistant Town Solicitor*; Merrick A. Cook, Jr., *Administrative Officer*; and Makram H. Megalli, PE, *Director of Public Works*; —for Stonehill Marketplace: Frank S. Lombardi, Thomas V. Moses, and Kelley N. Morris, esquires—and for abutters (the Contes): Michael A. Kelly, Esq.

II. **Old Business**

Stonehill Marketplace IIIA — BJ's

PUBLIC HEARING (*cont'd*)

Major Land Development — *Preliminary & Final Plan Review*

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
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.



Continued from 7/7/09. Previous appearance 2/5/08—final phase I roadway revisions approved and zone change recommended. 1st appearance 5/1/01.

Chairman recommended respectful behavior. Solicitor counseled on capacity of members to sit on given continued matter despite absence from previous hearing after having read corresponding transcripts and reviewed submitted evidence. Attorneys for the applicant and abutters acquiesced; discussion of lack of alternate members, and objection by abutters.

Mr. Lombardi reviewed course of previous meetings and submitted certified mailing cards. Exhibit A: certified mailing cards. Exhibit B: meeting advertisements.

Expert witness Robert J. Clinton, PE, traffic engineer for applicant, re-recognized; testimony and cross-examination resumed. Mr. Clinton described role as analyzing existing traffic conditions and future growth including proposed BJ's area roadways and intersections. Analysis covered full build-out of Stonehill Marketplace (SM) and FM Global (FMG), and full backfill of FMG, and served as basis for SM and FMG plans and final tri-party agreement. Under RIDOT jurisdiction, physical alteration permits required; full build-out of Atwood Ave. corridor improvements coordinated so that same section not ripped up multiple times.

SM improvements on Atwood implemented according to DOT specifications for full build-out of upper center. Mitigation plan exceeded projected increase in traffic generated by BJ's Wholesale Club. 6/15/09 report concluded that SM retail development to generate most traffic during peak p.m. hours and midday Saturday; insignificant morning peak. Traffic counts determined existing roadway volumes, historic volumes used to project trends, and future volumes based on known area projects and developments. Resulting mitigation plan for tri-party agreement also developed from analyses of level of service and capacity of existing no-build and build conditions.

Additional roadway capacity to accommodate SM and FMG full build-outs and full FMG backfill based on building square footage. Existing FMG parking insufficient for projected traffic volume. Volume overestimated to ensure capacity to accommodate full build-out of all known facilities; capacity of improvements already implemented adequate to projected traffic.

Mr. Clinton re-addressed traffic created by various retail stores using Institute of Transportation and Engineers (ITE) definition; cited differences between 'shopping center' (including theaters, movie theaters, restaurants, banks, and other retail facilities) and 'individual' land-use codes for generating trips. Shopping center is industry standard, incorporating internal site trips based on total sq. footage.

Further discussion of bases for calculating peak traffic and of levels of service. Current level of C or better along area intersections during peak periods to continue after BJ's and full build-out and mitigation. Delays at intersections average 31.2 seconds, usually 20. Transmitters to preempt signals for emergency vehicles installed at DOT, SM and FMG expense.

SM portion of improvements complete. FMG awaiting additional DOT PAP to widen southern portion of Central Avenue and section with FMG turning lane onto Route 6. Extra right-turn lanes off Route 6 south and at SM intersection in place. Discussion of timing of improvements v. BJ's and v. FMG moving across the street. DOT assigned responsibility for roadways to each of three parties in agreement. Final implementation of improvements critical prior to eventual backfill of FMG existing building.



Mr. Kelly, for abutters, re-cross-examined Mr. Clinton on sources used for traffic projections, especially vis-à-vis timing of existing FMG building backfill v. BJ's v. mitigation.

Examination of BJ's peak hours and daily trip generation; Phase III build-out; date, and source of plans and total square footage; square footage v. individual site/ internal circulation as basis for traffic calculations; responsibility for on- v. offsite traffic improvements;

Mr. Clinton cited increased figures of trips per day for upper center at full build-out during evening peak and per weekday; calculations based on data from existing use. 350,000 square-foot new office building 18% smaller than existing facility.

Discussion of BJ's/wholesale club hours of operation and peaks; questioning on pollution and DEM requirements for air quality permits at current stage. Mr. Kelly cited need to establish project's effects on environment vis-à-vis adverse effects of 6,000 cars on site daily. Questions on types of vehicles, tractor-trailers, on site at peak hours.

Scope and area of study on Atwood Ave. from Commerce Way to Central Ave. determined by Town and DOT. Brown Drive intersection not studied for traffic data on accidents, delays, levels of service, or trips generated. Dispute over questioning of witness' knowledge. Four-way signal to be installed by FMG at Old Atwood Ave. intersection to affect community including Brown Drive.

Accident data from Police Department not included in study, but submitted to DOT. Debate over ability to predict accident occurrences, specifically at Atwood Avenue and SM driveway. Discussion of conservative pass-by rate for generating traffic numbers, used in order to increase capacity on roadway to accommodate number greater than actually predicted. FMG portion of proposed mitigation to be implemented within one year of DOT approvals; interim plan to re-stripe under Route 6 bridge approved, but not yet out to bid.

Expert witness Tom Sweeney, real estate appraiser and broker, opined proposed BJ's to have no negative impact on surrounding property values. Cross-examination re: clearing of trees for haul road, and construction vehicle noise and dust. Increased traffic taken into consideration in determining impact on surrounding properties. Discussion of effect on property values by full development of site—traffic, impact on property values, noise levels, lighting.

Expert witness George Caldo, planner, author of evaluation of consistency with Comp Plan and rezoning to B-3, discussed physical impacts—drainage, flooding, traffic, frontage, buffer, and easement.

Exhibit C: Deposition of Fire Chief. Expert witness Chief Baynes testified re: preliminary NFPA 1 and 101 requirements: met except pending PWSB hydraulic studies. Discussion of Garofalo water study; PWSB “no impact on water pressures or supply capabilities to customers in the surrounding area.”

Expert witness William E. Coyle, III, real estate expert, testified re: impact of BJ's on abutter Conte and surrounding properties: reduction of at least 25 percent on values. Discussion of zone change from residential to commercial use, with buffers optional; of whether interim loss in property value during construction to be eliminated once haul road disappears.

Exhibit C: Supplemental SM materials dated 7/28/09.

Kelly M. Coates, Sr. V.P., Stonehill Drive, LLC, 195 Associates, LLC, and Carpionato Properties, Inc., testified as to landscape buffer plan. Requested amendments to permitted/



restricted activities, cemetery maintenance plan, and haul road. Requested board approval of Preliminary Plan and authorization of staff to approve Final Plan in accordance with documents submitted and testimony provided, with respect to buffers, construction, etc. Discussion of height of building. Also requested staff to review points discussed and added by board; applicant to adjust plans; board to write decision accordingly for recording; and recording take place in next few days.

Discussion of whether Master Plan to be amended with current conditions. Mr. Coates stated amendments not to affect Master Plan; preliminary approval to incorporate all proposed modifications as conditions. Final Plan also to be approved.

Motion that public hearing held (6–0).

Motion to approve Preliminary Plan based upon: submitted application, testimony presented to board, staff report, memoranda from town departments, and address of all general purpose of Section 1 of Johnston Land Development & Subdivision Review Regulations; positive findings for all standards of Section 5.2—Required Findings; and consistency with Johnston Comprehensive Plan.

Subject to [1] written conditions and [2] revised detailed site plan, both supplied by applicant within next five days for staff review and approval; [3] detailed findings of fact to be supplied by board attorney and signed by board chair at [4] Planning Board hearing in next 30 days.

Final Plan referred to administrative approval.

Motion amended to reflect board hearing not required for signing of preliminary plan by board chair. Discussion of whether decision requires appearance before board; next board meeting scheduled in seven days.

III. **Adjournment**

July 28th meeting adjourned at 11:15 p.m.

Lauren A. Garzone, SECRETARY