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## TOWN OF JOHNSTON **PLANNING BOARD**

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

# MINUTES OCTOBER 6, 2009

The Planning Board of the Town of Johnston held its regular monthly meeting at 7:00 p.m. on Tuesday, October 6<sup>th</sup>, at the Johnston Senior Center, 1291 Hartford Avenue. All persons interested in the following proposals had been requested to be present at that time.

### I. **Roll Call**

The October 6<sup>th</sup> meeting was called to order at 7:03 p.m. Present for the PLANNING BOARD: Patricia A. Aguiar, Thomas Breckel, Michael A. Campagnone, 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, Merrick A. Cook, Jr., Administrative Officer, Makram H. Megalli, PE, Director of Public Works, and Rian Smith, Assistant Planner.

### II. **Minutes**

May 5, June 15, July 21, August 4 minutes all accepted unanimously.

### III. **Correspondence**

**Winsor Woods** — Major Subdivision: Final Plan — *Request for Extension* PB '09-35

Eric Brainsky, Esq., appeared for applicant to present letter requesting continuance until November 3 meeting to resolve defeasible easement. He agreed to waive 30-day rule for decision.

### IV. **Public Hearing**

A. **Rockcrest Highlands** — Major Subdivision: Final Plan — *Review* PB '09-34

Vicinity of Rockcrest Lane, Venice Avenue & Granite Street; AP 5/Lots 355, 356, 357 + 358; 6.5± acres; R-20 zone; Street construction



PROPOSAL: Residential subdivision: 10 single-family houses and detention pond  
 APPLICANT: Domenic A. Rucco — DARE, Inc.  
 OWNER: Domenic A. Rucco & Thomas S. Borkowski  
 SURVEYOR: George Geisser III, PLS #1651, PE #4085 — Geisser Engineering Corp.  
 ENGINEER: Angelo P. Ferrari, PE #3765 — Geisser Engineering Corp.  
 ATTORNEY: —

*Preliminary Plan approved 7/27/09.*

Applicant engineer reviewed project covenants relating to maintenance of detention pond, which were submitted on Sep. 1 to counsel and Sep. 16 to Planning Board.

Applicant agreed that final approval subject to legal resolution of by-laws and covenants. Town Engineer comments addressed (plan line weights, water line, grading error, erosion control, wetlands area, sewer note, easements, and performance bond). Discussion: drainage, homeowners association and stop signs.

Public comment invited: Tom Paolo, Venice Avenue, concerned with drainage and traffic safety hazard; photos *accepted as Exhibit A*. Mike Morris, Rockcrest Lane, also concerned with drainage and plowing.

Discussion of grading, maintenance of detention pond, public safety and Police Department.

Director of Public Works addressed proscribed established procedure for speed bumps and stop signs through Engineering and Police Department; and safety problems created by cul-de-sac.

*Motion to approve Rockcrest Highlands Final Plan 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 Section 5-2 A. 1-5. Subject to legal review and approval of documents, including homeowners' association agreement and by-laws, incorporation of four easement deeds into agreement; and performance bond, accepted 6-1. (Mr. Campagnone opposed.)*

**B. Hartford Avenue — Diamante — Site Plan — Review**

PB '09-49

1277 Hartford Avenue; AP 20-2/Lot 30; 1.36± acres; B-2 zone

PROPOSAL: Business: medical office building  
 APP. /OWNER: Giulio Diamante — 1277 Hartford Avenue, LLC.  
 SURVEYOR: Nicholas Veltri, PLS #1719 — N. Veltri Survey, Inc.  
 ENGINEER: Joseph A. Casali, PE #7250 — Casali & D'Amico Engineering, Inc.  
 ATTORNEY: Joseph LaChut, Esq. — Gelfuso & LaChut, Inc.

*(New business.)*

Joseph LaChut, Esq., reviewed proposal—size of office building, water, sewer, parking, dimensional variances, landscape buffers, distance to nearest residences. Approvals obtained:



drainage—DEM (UIC); water—PWSB; sewer—indirect permit from NBC, Town in process; Fire Department; Building Official submitted; traffic—PAP in to RIDOT.

Town Engineer memo of Oct. 1 addressed: easement, private road, zoning relief, UIC, water table, drainage. Discussion of location of entrance (reviewed by FD, not seen by Planning Board), and lighting—Richard Cardarelli, architect, reviewed plan (signage, zoning relief, snow removal, intensity along boundary, landscaping). Traffic: PAP and sidewalks, location of utilities, no traffic study, crosswalk for senior center. Dr. Giulio Diamante, applicant testified re: use, occupancy and location—next to senior center and condos.

Armando Ricci, PE, site contractor, testified re: grading and safety issues (walkway and sidewalk, parking, entrance); drainage (all paved, no landscaping); and waste disposal (dumpster, private disposal company for medical waste). Discussion: drainage, water, sewer, snow removal, parking, zoning variances.

*Public hearing opened and closed.*

*Motion to approve Hartford Avenue — Diamante Site Plan with conditions based on industrial standards 1-16, section E, Zoning Ordinance; application; testimony; and applicant, engineering and attorney narrative; 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. Subject to approvals by RIDOT (PAP) and Fire Department, accepted unanimously (7-0).*

Discussion: crosswalk and sidewalk subject to approval by Town and owner of road.

## V. **Other Business**

- A. **Petition 2009-CP-146** (Scenic View Drive — Alterio) — *Advisory Opinion*  
PROPOSAL: Purchase of land from Town

Administrative Officer read 10/6/09 memo. Chris Alterio, applicant's daughter addressed property ownership since late 1950's, assumed to include parcel in question. Now requesting to purchase parcel from Town. Original structure existing prior to purchase; existing structure and accessory structures on Town parcel. Lot merger application to be submitted; lot not to be re-subdivided.

*Motion to send favorable recommendation to Town Council on Petition 2009-CP-146 (Scenic View Drive — Alterio) based on information provided, and updated appraisal at fair market value, accepted unanimously (7-0).*

- B. **Conservation Development** — *Work Session (continued)*  
PROPOSAL: Amendments to Subdivision Regulations, Zoning Ordinance, and Comprehensive Plan — Draft I

*Continued to October 20, 2009.*



C. **Petition 2009-CP-160 — Tax Increment Financing** — *Adoption and Advisory Opinion*  
PROPOSAL: TIF Redevelopment Plan

William J. Conley, Esq., Town Solicitor, explained the Tax Increment Financing (TIF) process and requested two actions: declare the parcel (Stuart's Plaza area) as 'blighted' and to be designated as redevelopment site; and make a recommendation to Town Council for its Oct. 22 meeting, the first step in getting the TIF project approved before the end of the calendar year. He referenced *Redevelopment Authority* meeting the day before.

He cited TIF as an innovative way to develop and benefit the Town, explaining its land use components, financing, tax revenues, and collateral for other sites. Financing to be sought in the form of bonds, which are not included in Town debt. Groundbreaking anticipated in spring. Even when tax increments might not meet town expectations, there would be no default, debt gets rolled into future. When tax growth exceeds expectations, monies into general funds.

Mr. Conley reviewed state statute requirements and Town's newly appointed Redevelopment Authority (JRA), which recommended that Board declare area a blighted site. Maps *accepted as Exhibit A*; JRA 10/5/09 minutes *accepted as Exhibit B*.

Next step is submittal of TIF land-use plan to JRA and Board with detailed financial plan. Town Solicitor 10/6/09 memo re: TIF redevelopment plan *accepted as Exhibit C*.

Richard A. Licht, Esq., Adler, Pollock & Sheehan, responded to questions about Town as bond issuer and liability. Muncip's initial analysis indicated likelihood of taxes over and above amount required to pay back bonds after about 30 years. He stressed that Town would never receive less than taxes it currently receives. Even if insufficient incremental taxes to pay bond, Town will not be responsible, rather bond to be extended. Consulting Southwest TIF project specialists and Town officials. Bond amounting to \$26 million for phase I, \$8 million of which likely to be developer's money.

*Motion to declare area defined in Petition 2009-CP-160 — Tax Increment Financing as a blighted site, as defined in Rhode Island General Laws § 45-31-8.3, and to send favorable recommendation on said petition to Town Council, accepted unanimously (7-0).*

Mr. Conley reviewed redevelopment overlay district for proposed commercial uses (hotel, retail, restaurants), and recommendation for zone change. Potentially also to be superimposed on other zones.

Major land development application pending. Building(s) structurally sound, wetlands to rear, DEM approval not required. Six-storied hotel, broader uses permitted in overlay zone. Discussion of identity of bank. Jeffrey Salatin, developer, cited potential small community banks (BankRI, Washington Trust), and larger credit unions (Webster's). Project to trigger further development. Discussion of infrastructure: DOT work on utilities and curbs, Building Inspector and Fire Department only approvals required; Town sewer, federal money. DOT scheduled for completion by fall 2010.



*Motion to send favorable recommendation to Town Council on Petition 2009-CP-160 — Tax Increment Financing accepted unanimously (7-0). Favorable recommendation based on (1) positive findings for two-point test set forth in RIGL § 45-24-52—consistency with Town Comprehensive Plan, including goals and policy statements, implementation program, and all other applicable elements; (2), findings including recognition and consideration of each applicable purpose of zoning, as presented in RIGL § 45-24-30 and Zoning Ordinance § 1- B; and (3), consistency with good planning and Town Comprehensive Plan.*

## VI. **Adjournment**

*October 6<sup>th</sup> meeting adjourned at 9:29p.m.*

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*Lauren A. Garzone, SECRETARY*