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TOWN OF JOHNSTON PLANNING BOARD

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MINUTES

APRIL 6, 2010

The Planning Board of the Town of Johnston held its regular monthly meeting at 7:00 p.m. on Tuesday, April 6th, 2010, at the Johnston Senior Center, 1291 Hartford Ave.

I. **Call to Order**

II. **Roll Call & Determination of Quorum**

The April 6th meeting was called to order at 7:03 p.m. Present for the PLANNING BOARD: Patricia A. Aguiar, Thomas Breckel, Michael A. Campagnone, Peggy A. Passarelli, Mohamad Yaser Sasa, *Vice-Chair*, and Anthony Verardo, *Chair*. (Absent: Lauren A. Garzone, *Secretary*.) Also present for the Town: Joseph Ballirano, Esq., Counsel; Lorraine C. Caruso, PE, Town Engineer; Pamela M. Sherrill, AICP, LEED AP, Acting Administrative Officer & Interim Town Planner; and Rian Smith, Assistant Town Planner.

III. **Minutes**

March 2, 2010 minutes to be approved next meeting.

New business moved before old business.

VI. **New Business** (*heard out of sequence*)

- A. Consideration of Advisory Opinion to Town Council on *Ordinance 2010-10*—“**Adult Daycare**” (new classification to amend Section 340-8: Table of Use Regulations), petitioned for 165 Dyerville Avenue, A.P. 13, Lots 206 & 21, in an R-7 zone by Marvin Realty, Inc. (Donald F. DeCiccio, Esq.). (PB'10-10)

Administrative Officer reviewed proposed adult daycare use, to be permitted under 5,000 sq. ft., over by special-use permit, in residential, planned development and planned mixed use zones, and not permitted in business or industrial zones. AO compared use to child daycare. She recommended that such facilities be prohibited in all residential and industrial zones and permitted only by special-use permit in business, planned development, and planned mixed-use development zones.

Motion to send non-favorable recommendation accompanied by all recommendations of Town Planner, as proposed, by Mr. Breckel; second by Ms. Aguiar; motion passed 6-0.



B. Recommendation to Town Council on 2010 **Community Development Block Grant Program** (CDBG). (PB '10-11)

Administrative Officer reviewed proposed 2010 application for \$500,000 Community Development Block Grant (CDBG) targeting low and moderate-income residents throughout community, or in census tracts where over 51% of residents LMI. CDBG also addresses issues of slums and blight, or meets urgent community development needs.

Planning Department total \$500,000 request for 2010:

1. \$285,000 — Home repair program.
2. \$4,700 — Johnston Senior Center — Kitchen items for meals .
3. \$40,000 — Building demolition — Derelict building at 178 George Waterman Avenue (contaminated site as required by Court Order).
4. \$100,000 — Tri-Town Community Action Agency — Renovation of 33 Maple Street in North Providence (\$300,000 total from Johnston, North Providence and Smithfield).
5. \$3,000 — Community Housing Land Trust of RI, Inc. — Essential support for foreclosure prevention and mitigation activities and continued technical assistance to local communities statewide in the implementation of their affordable housing plans.
6. \$67,300 — Administrative costs (Town staff).

Public hearings had been held. Review of proposals and recommendation by Planning Board to Town Council requested.

Discussion of ongoing importance of home repair program to Town; perpetual waiting list. Housing Authority and DPW consulted. Application process to be extended to May 7 to incorporate possible flood-related assistance—Planning Board approval to be re-sought accordingly.

Home repair projects based on applicant income qualifications; other criteria and limits apply. Federal funds administrator designated in DPW (Holli Stott; formerly administered by Town hall). Training held for staff by Statewide Planning. Funded through U.S. HUD.

Discussion of building to be demolished—boarded-up building on property taken by Town for back taxes. Site remediation also may be eligible for independent federal funding.

Audience comment requested; none forthcoming.

*Motion to send positive recommendation to Town Council on **Community Development Block Grant** (PB 2010-11) based on positive findings as to two-point test set forth in RIGL § 45-24-52—consistency with Comprehensive Plan including goals and policy statements, implementation program, and all other applicable elements. Board's findings include recognition and consideration of each applicable purpose of zoning as presented in RIGL § 45-24-30, Article 1, Section B. Adoption of proposal consistent with good planning and Town Comprehensive Plan by Mr. Sasa, second by Mr. Campagnone. Discussion: none. Motion approved, 6-0.*

V. **Old Business** (heard out of sequence)

Consideration of Final Plan approval for a Minor Subdivision at 40 **Pine Hill Road**, AP 45-2, Lot 3, in an R-40 zone for Ernest N. **Watson**. (PB '09-70)

Preliminary Plan approved with conditions 11/3/09 subject to creation of second driveway.



Nicholas Veltri, PLS, & Ernest N. Watson, sworn in. Mr. Veltri reviewed project, board-requested additional, widened driveway and Fire Department approval. Discussion of driveway and stone wall.

Administrative Officer (AO) cited timing of approval and resubmission; conditions of preliminary approval to include addition and extension of driveway, and hydrant.

*Motion to approve final plan for **Pine Hill Road** — **Watson** by Ms. Aguiar, second by Mr. Breckel, based on application, testimony presented to the Board, planning staff report, and memoranda from Town departments; addressing of all general purposes of Section 1 of Town Land Development and Subdivision Review Regulations, and positive findings for required findings of all standards of Section 5-2; and consistency with Town Comprehensive Plan. Discussion: none. Motion approved, 6-0.*

IV. **Public Hearings**

- A. Consideration of Preliminary Plan approval for a Minor Subdivision with street construction at 86 **Pine Hill Avenue**, A.P. 49, Lot 26, in an R-40 zone for Anthony L. & Claire **Ferranti**, Jr. (PB '09-53)

Greg Piccirelli, Esq., reviewed progress on concerns raised by Planning Board at Jan. 5 meeting. Fire Department approval obtained; engineering concerns addressed. Sewer indemnity and hold-harmless agreement in process with installer, Mr. Mendes, at recommendation of legal department.

Discussion of 11'-wide easement: use, for access to cemetery or to street for three landlocked lots (since gaining access through Foxtail development); long abandoned; intention to move and improve not eliminate; 'easement by substitution' not affecting designated use; whether abutters' deeds include description of easement. AO raised issue of underground installation for drainage.

Town Engineer addressed drainage: aboveground riprap back to detention area, therefore vehicles not able to pass. Discussion of vehicle pass rights. No objections by abutters.

AO raised road width; curbing—sidewalk on Claire Circle recommended; pedestrian easement; conformance of roads, whether to be aligned or widened. Piccirelli: existing house 9' from road; entrance to be improved. AO: 200' radius from property on survey—applicant: roads without impact on parcel. AO reviewed urban services boundary; profiles received; consistency with Comp Plan. Philip Mancini, Jr., PLS, addressed quality of design—installation of road and utilities, drainage and landscaping. Mr. Sasa addressed extent of conditions and consistency of treatment of applicants; Mr. Breckel agreed. Town Engineer cited drainage—runoff onto adjacent lots not allowed; to be addressed by applicant.

Public hearing opened. Manuel Mendes, abutter and developer of Granite Ridge Estates on Fox Tail Drive, raised concerns with easement—abutters asked to rescind; sewer—no authority, not willing to sign indemnification agreement; and runoff—currently problematic. Discussion: runoff, easement, ownership of sewer and indemnity agreement. *Public hearing closed.*

*Motion to approve preliminary plan for minor subdivision with street construction entitled **Pine Hill Avenue** — **Ferranti**, as proposed, by Ms. Aguiar, second by Mr. Breckel. Based on application, testimony presented to the Board, planning staff report, and memoranda from Town departments; addressing of all general provisions of Section 1 of Town Land Development and*



Subdivision Review Regulations, and positive findings for required findings of all standards of Section 5-2; and consistency with Town Comprehensive Plan. Subject to (1) identification of sewer line and (2) law department approval; (3) final plan delegated to administrative approval. Discussion: owner of sewer. Motion approved, 6-0.

(Heard out of sequence)

- B. Consideration of Preliminary Plan approval for a Major Subdivision with street extension entitled “**Boulder Estates**,” AP 46, Lot 104, in an R-20 zone for Boulder Realty, LLC (Joseph Baginski) (PB '10-07)

Master Plan approved with conditions 6/15/09 per Town Engineer and Fire Department memoranda.

Joseph Shekarchi, Esq., cited proposal history, state permits, and certification of completeness. He reviewed drainage improvements; and agreed with Planner recommendations for sidewalk, street features, walking path, and open space. Detention pond to be owned and maintained by HOA, and deeded and recorded accordingly with ownership and maintenance agreement.

Administrative Officer cites general consistency with Comp Plan. Question re: warranty deed on widening of Boulder Drive from 20' to 50'. Applicant to purchase and deed increased street frontage to Town. Mr. Baginski explained recent purchases of land. AO: easements to be reviewed by Legal Dept., latest plans by Fire Dept., and proof of zero tax balance. Applicant agreed to all. Discussion of widening road/sidewalks, open space—YMCA trail, drainage, slope of road, and detention pond fence.

Timothy J. Behan, PE, reviewed runoff and detention pond capacity.

Public hearing opened. Victor Moniz, abutter, expressed concerns with disrepair of road, excessive water during standard rains/insufficiency of catch basins; lower property values if houses don't sell. *Public hearing closed.*

*Motion to approve preliminary plan with street extension for major subdivision entitled **Boulder Drive Estates** by Ms. Aguiar, second by Mr. Breckel. Based on application, testimony presented to the Board, planning staff report, and memoranda from Town departments; addressing of all general provisions of Section 1 of Town Land Development and Subdivision Review Regulations, and positive findings for required findings of all standards of Section 5-2; and consistency with Town Comprehensive Plan.*

Subject to opinion from law department; CitiBank approval of purchase of Reynolds land; proof of municipal lien payment; engineering, fire and public works department requirements/approvals; fence around detention pond; Planning Dept. recommendations of sidewalk for extension of Boulder Drive, street features or waiver thereof, and open-space requirement in Article J; as well as good-faith attempt to connect with Oak Swamp reservoir via trial system. Discussion: drainage subject to board or administrative final approval; applicant requested latter. Administrative approval of final plan. Motion passed, 6-0.

- C. Consideration of Preliminary Plan approval for a Minor Subdivision at 11 **Belfield Drive**, AP 54, Lots 129 & 143, in an R-40 zone for Paul J. **DiMaio**. (PB '10-02)

Paul DiMaio objected to late receipt and content of planning report, especially berm across



driveways damaging street. Nicholas Veltri, PLS, reviewed proposal and drainage. Discussion of and applicant issue with Town Planner recommendations, nature of testimony and recommendations. Applicant objected to recommendation to widen road.

Administrative Officer cited municipal lien balance. Town Engineer cited ‘ponding’ in front of property; surveyor comment previously requested. Applicant objected to berm cited as caused of road flooding—pavement degraded before berm installed. Discussion of sequence and causes, and speed bump. *Public hearing held.*

Motion to approve preliminary plan for Minor Subdivision at 11 Belfield Drive, AP 54, Lots 129 & 143, in an R-40 zone for Paul J. DiMaio . (6-0)

*Motion to approve preliminary plan for minor subdivision entitled **Belfield Drive — DiMaio** by Mr. Campagnone, second by Mr. Breckel. Based on application, testimony presented to the Board, planning staff report, and memoranda from Town departments; addressing of all general provisions of Section 1 of Town Land Development and Subdivision Review Regulations, and positive findings for required findings of all standards of Section 5-2; and consistency with Town Comprehensive Plan. Subject to release of municipal lien certificate; final plan delegated to administrative approval. Discussion: none. Motion passed, 6-0.*

VIII. **Administrative Report & Special Items**

- A. Status of amendments entitled “**Conservation Development**” to Comprehensive Plan and Zoning Ordinance. (PB ’10-01)

Denied by Town Council. Meeting with Rich Blodgett of PWSB; to compare conservation development layout plan to typical subdivision for Pine Meadows. Potential property on eastern side east of 295 formerly a farm might be appropriate area to develop under conservation development regulations. Discussion of Town Council misconceptions and low impact development.

- B. Administrative Subdivisions approved or denied; other administrative decisions — None.

IX. **Correspondence** — None.

X. **General Business**

Informing new applicants that new documents not accepted at meetings other than résumés.

Administrative Officer cited recent staff and board trainings on values of good planning and importance of due process and transparency in Planning Board efforts, and ethics issues such as recusal. Briefing proposed for Planning Board. Recommended June follow-up training on writing sound decisions.

XI. **Adjournment**

March 6th meeting adjourned at 9:109 p.m.

Lauren A. Garzone, SECRETARY