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SOLICITOR
Timothy J. Chapman, Esq.

TOWN OF JOHNSTON PLANNING BOARD

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MINUTES

MAY 4, 2010

The Planning Board of the Town of Johnston held its regular monthly meeting at 7:00 p.m. on Tuesday, May 4th, 2010, at the Johnston Senior Center, 1291 Hartford Ave.

I. **Call to Order**

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

The May 4th meeting was called to order at 7:05 p.m. Present for the PLANNING BOARD: Thomas Breckel, Michael Campagnone, Lauren Garzone (*Secretary*), Mohamad Sasa I (*Vice-Chair*), and Anthony Verardo (*Chair*). Also present for the Town: Timothy J. Chapman, Esq., Planning Board Solicitor; Pamela M. Sherrill, AICP, LEED AP, Interim Administrative Officer & Town Planner; and Rian Smith, Assistant Town Planner.

III. **Minutes**

March 2 and April 6 minutes were approved, 5-0.

IV. **Correspondence** — none.

V. **Public Hearings** — none

VI. **Old Business** — none

VII. **New Business**

- A. Consideration of Advisory Opinion on *Ordinance 2010-12*—“**Planning Board appeal fees**”. (PB '10-14)

The Administrative Officer reviewed proposed revision of current fee for appeals from \$2,000 to \$250, consistent with other towns to provide equitable access to zoning relief. Recommended positive advisory opinion.

Motion for positive advisory opinion to Town Council passed, 5-0.



- B. Consideration of Advisory Opinion to Town Council on *Ordinance 2010-13*—“**Industrial Performance Standards**” (amendments to Chapter 340, Article IV). (PB '10-15)

Administrative Officer reviewed proposal to change Zoning Ordinance reference from "Industrial Performance Commission" to "Planning Board"; and to enable Board to hire experts to review and advise on review technical processes for industrial proposals. Planning working with Legal on further revisions to Zoning Ordinance. Discussion of expense of hiring of experts (applicant), and selection process/requests for proposals. Board review of National Grid cited as example of absence of particular expertise. Recommended approval.

Motion for positive advisory opinion to Town Council passed, 5-0. Discussion: selection process.

- C. Consideration of Advisory Opinion to Town Council on *Petition 2010-CP-66*—**Acceptance of portion of Blueberry Lane** (Malette) (PB '10-17)

Administrative Officer introduced proposed minor subdivision with road extension. Roadway issues to be resolved first—lack of drainage, substandard width (22'), and pavement (300' length) not entirely within applicant property. Proposed public right-of-way to become independent parcel prior to transfer to Town. Recommended negative advisory opinion. Suggested applicant withdraw petition and resubmit three-lot application with separate lot for roadway.

Discussion of length of ownership (11 years), abutters and other use (mail, trash, plowing), whether use (~100 years) included in abutter deeds (unknown). Implications for Town maintenance and taxpayer and resident benefits. Applicant property (14 acres) no more than 22' along roadway (end of the public roadway section of Blueberry Lane). Eventual Fire and Engineering review; collaborative process suggested.

Motion for unfavorable recommendation to Town Council based on inconsistency with Comprehensive Plan passed, 5-0.

VIII. **Administrative Report & Special Items**

Administrative Officer reported on no administrative subdivisions approved, and notice of incompleteness for admin sub on Belfield Drive. Town Council approved adult daycare without size differential; memoranda to Zoning Board on Ridgeway Ave. (passed) & Lakeshore Dr. (continued) inconsistent with *Comp Plan. Zoning Ordinance* to be revised *re* industrial, planned and planned mixed-use, and wireless communications. Staff trained on flood issues and public issue conflict management. Block grant applications—community development amended to include replacement of Mill St. Bridge, and energy efficiency for appliance rebate program with Cranston—pending. Documentation of flood for FEMA reimbursement. SPP tolling legislation (suspension of existing permits/approvals issued since 11/9/09) extended to 6/30/11. Informational meetings with Mallettes, Blueberry Lane; Al Diorio, Reservoir Ave.; and Richard Byzdra *re* minor subdivision. PWSB preparing conservation development sketch and staff preparing summary.



Review of Planning Board procedures based on Grow Smart, RI, land-use training for making good decisions. Discussion of due process/fair access and building cases based on information gathered. Solicitor reviewed ethics, fair hearings, attendance/quorum, conflicts of interest/recusal and abstention, financial disclosure, and meeting absences. Review of due process—ex parte communication, site visits and placing individual observations on record, findings of fact and Planner's reports.

Administrative Officer stressed review at preliminary stage to minimize approval conditions, and *Comp Plan* goals and policy and future land use map. Zoning to be brought into compliance with new *Comp Plan*.

Discussion of affordable housing— increasing 8.72% (2000 census), slightly below state target; working with developers to encourage; recommendations in *Comp Plan*.

VIII. **Adjournment**

May 4th meeting adjourned at 8:53 p.m.

Lauren A. Garzone, SECRETARY