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VICE-CHAIRPERSON
Mohamad Y. Sasa
SECRETARY
Lauren A. Garzone
ADMINISTRATIVE OFFICER
Pamela M. Sherrill, AICP, LEED AP



Joseph M. Polisena, MAYOR

MEMBERS
Patricia A. Aguiar
Thomas W. Breckel
Michael A. Campagnone
Peggy A. Passarelli
SOLICITOR
Timothy J. Chapman, Esq.

TOWN OF JOHNSTON PLANNING BOARD

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MINUTES

JULY 6, 2010

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

I. **Call to Order**

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

The July 6 meeting was called to order at 7:10 p.m. Present for the Planning Board: Thomas W. Breckel, Patricia A. Aguiar, Michael C. Campagnone, Mohamad Y. Sasa (*Vice-Chair*), and Anthony Verardo (*Chair*). Absent were Peggy A. Passarelli and Lauren A. Garzone. A quorum was present. Also present for the Town: Timothy J. Chapman, Esq., Planning Board Solicitor, and Pamela M. Sherrill, AICP, LEED AP, Administrative Officer & Town Planner.

III. **Election of Officers**

Motion to nominate Anthony Verardo to the position of Chair by Mohamad Y. Sasa, seconded by Michael C. Campagnone. Motion passed, 5-0.

Motion to nominate Thomas W. Breckel to the position of Vice Chair by Mohamad Y. Sasa, seconded by Michael C. Campagnone. Motion passed, 5-0.

Motion to nominate Lauren Garzone to the position of Secretary by Mohamad Y. Sasa, seconded by Patricia A. Aguiar. Motion passed, 5-0.

IV. **Minutes**

June 1, 2010, minutes were approved, 5-0.

V. **Public Hearings** - none



VI. Old Business

Consideration of *advisory opinions* to Town Council on zoning text *in re* “Planned District/ Continuing Care Retirement Community” (2010-CP-86) for a major land development entitled **Briarcliffe Assisted Living**. (PB '09-56)

Bill Landry, Esq., Blish & Cavanagh, has amended the petition for zone change with a more limited proposal (submitted June 23, 2010) that would empower the Planning Board and the Town Council to approve a waiver of the net 20-acre requirement for a Planned District where the proposal involves an addition to an existing Planned District, and the projects meets the goals and purposes of the district. Applicant has submitted a Comprehensive Plan amendment to Town Council (for the July 13 agenda) to include a Planned District on both sides of the road. This will be forwarded to the Planning Board for consideration.

Board is concerned that it be afforded an opportunity to review all the proposed zoning amendments for text and map as well as the Comprehensive Plan amendment in their entirety so that the implications on the neighborhood and the town are well considered. Mr. Landry indicated the site has approximately 10 net acres. The board is concerned about spot zoning, ownership under the road/contiguity, and potential opportunities for assisted living units that qualify as affordable by RI Housing. Mr. Landry indicated that the town can set parameters for affordable units. When asked how the petitioner proposes to achieve a harmonious relationship with the neighborhood, Mr. Landry indicated that with adequate buffering with landscaping and separation, designation of areas to not be developed, and consideration of headlight glare for separation of residential and institutional uses, it would be possible to strike a balance and that most bought into the neighborhood knowing that there was an institutional use. Mr. Landry indicated that he and his client decided to pursue a PD amendment and not proceed with assisted living in an R-40 zone or to proceed with a comprehensive permit.

The Board requested that solicitor review information provided by the petitioner regarding contiguous parcels and that he also review the need for public sewer and water in LU-4L of the comp plan. The Board requested that the petitioner document affordable housing opportunities with Rhode Island Housing.

Mr. Landry said that his client would be meeting with abutters following the text change amendment. He indicated that it is his client's pattern and practice to be open and honest with abutters.

Three abutters spoke in opposition to the proposed assisted living project. Mr. Cornelius Maloney, 54 Old Pocasset Road, requested that a 17-page comment that was previously submitted to the Town Planner be entered into the record for the project. Mr. Maloney is concerned that Briarcliffe is using a piecemeal approach to approvals that will overcome a mountain of obstacles. He is concerned that potential sewer extension is more than a year way; the 20-acre net parcel requirement was circumvented with approvals in the past and should not be held as precedence now; the bridge is a concern to DEM as not being “up to snuff;” and is concerned about spot zoning implications. He indicated that there has been a dramatic change in traffic since the Alzheimer's unit was completed. Mr. Maloney's 17-page submission to planning board members and the planning department was entered into the record by reference.

Mrs. Carmel Izzo, 54 Woodlake Road, neighborhood resident for over 40 years, spoke in opposition to the zone change pointing out the R-40 character and tranquility of the neighborhood are being changed by expansion of the nursing home from the 20-bed home in Mr. Reddinger's estate to the commercial/ institutional business that Briarcliffe is today (and wants



to expand). She noted the following deficiencies for the neighborhood: roads are not sufficient to handle 16-wheeler trucks, emergency vehicles, and the volume of traffic; parking of the Briarcliffe buses and trucks on the internal driveway changes the character of the neighborhood from residential to commercial; the smell of the wastewater treatment facility affects the neighborhood; concern regarding emergency access with one road in with flooding of the culvert/bridge; parking is insufficient. Nothing less than another road will make her happy.

Mr. Joseph Giudici, 24 Woodlake Road, urged the board to use common sense in approving this facility in an R-40 single-family zone. The proposed expansion is totally out of context with the area. He urged the board to make an advisory opinion to Town Council in the negative.

The chair requested that the solicitor provide a determination regarding spot zoning, the issue of ownership under the road, and the need for sewer and water for a PD. He requested that Mr. Landry provide information on the applicability of affordable housing units.

Motion by Ms. Aguiar, seconded by Mr. **Campagnone**, to continue to September 7, waiving the 45-day requirement with a decision to be issued following the hearing. **Motion passed, 5-0.**

VII. **New Business**

- A. Consideration of an *advisory opinion* to Town Council on a zoning map change *in re* "**Putman Avenue — Micheli**" (2010-CP-13) from R-15 to B-2 for mixed use purposes (store/apartment /commercial). (PB '10-23)

Luigi Micheli, father of the petitioner, Luigi Micheli III, and part owner of two of the lots, presented information on the request, citing documented past use for both Putnam Pike parcels as business, the fact that the son was forced to purchase both Lots 126 (former gas station) and Lot 129 (auto accessories and apartment) to assure access to the auto accessories business, and the challenges of securing financing for commercial property in a residential zone. He indicated that lots to the east and across the street are zoned B-2.

Mr. Luigi was asked to clarify ownership since the petition indicated that the son is the owner of the two Putnam Pike parcels. He was also asked to clarify if Lot 154 (Serrel Sweet Road) to the rear of Parcel 129 is included in the zone request. Mr. Campagnone indicated that as "through lots" with frontage on two separate streets, the lots would not automatically be merged per the Substandard Lot ordinance (Article X of the zoning regulations).

A motion was made by Mr. Campagnone and seconded by Mr. Breckel to send a favorable opinion to Town Council subject to amending the petition to include current ownership and clarification of lots and area to be included. Vote - 5 Aye.

- B. Consideration of an *advisory opinion* to Town Council on zoning text amendments *in re* "**Compassion Centers**"(2010-CP-15). (PB '10-24)

Following presentation of the planner's recommendation to reduce required setbacks from 1,500' and 1,000 as presented in the draft ordinance, to 500 feet, the board discussed the importance of maintaining the distances recommended to protect the health and safety of the residents of Johnston.



A motion was made by Mr. Campagnone and seconded by Mr. Breckel to send a favorable opinion to Town Council. Motion passed, 5-0.

C. Administrative Report & Special Items

Administrative Officer reported one administrative subdivision and four decisions recorded. Eight meetings for information were held. Ms. Sherrill provided a zoning analysis for the B-2 zone on Greenville Avenue and an off-street parking analysis for consideration by the board for future zoning amendments. These will be developed by staff to implement the comprehensive plan Village zone and to reduce pervious surfaces in parking lots. A workshop will be held in the fall.

D. Adjournment

July 6th meeting adjourned at 9:27 p.m.

Lauren A. Garzone, SECRETARY