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TOWN OF JOHNSTON PLANNING BOARD

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MINUTES

NOVEMBER 9, 2010

The Planning Board of the Town of Johnston held its regular monthly meeting at 7:00 p.m. on Tuesday, November 9, 2010, at the Johnston Senior Center, 1291 Hartford Ave.

I. **Call to Order**

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

The November 9 meeting was called to order at 7:10 p.m. Present for the Planning Board: Thomas W. Breckel (*Vice-Chair*), Michael C. Campagnone, Peggy A. Passarelli, Mohamad Y. Sasa, and Anthony Verardo (*Chair*). 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. **Minutes**

October 5, 2010 minutes accepted 5-0; motion by T. Breckel, second by M. Sasa.

VII. **Administrative Report & Special Items** (*heard out of sequence*)

Motion to suspend the rules made by M. Campagnone, seconded by T. Breckel, voted 5-0.

Modification requested by DiPrete Engineering of Class I survey requirement for administrative subdivision, as stipulated by Industrial Site Plan approval on October 5, 2010 (request listed as correspondence in the Administrative Report).

Class IV survey approved 5-0 for back areas—landfill and Cedar Swamp Brook; Class I required on Shun Pike and entirety of proposed gas plant lot (motion by M. Sasa, second by T. Breckel).

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

- A. **Bond release** for roadway construction of Michelle Way for a *major subdivision* entitled **Pine Meadows I** for DECA Real Estate Co., Inc. (PB '06-19)



Applicant requested release of bond for construction of Michelle Way. Ralph Cataldo explained that all but one lot of the Pine Meadows I subdivision, including the roadway, was sold to Providence Water Supply Board. Debris has been removed twice from the site. PWSB intends to tear up the road and keep the detention pond. A barrel reported by the Town Engineer is to be removed, but DECA has no access to PWSB property to clear additional asphalt debris.

Favorable opinion to Town Council approved 5–0 to release bond for construction of Michelle Way subject to approval of Town Solicitor (motion by M. Campagnone, second by T. Breckel).

IV. **Public Hearings**

- A. *Preliminary plan review of proposed major land development entitled **Johnston Combined Cycle LFG Plant** for a combined cycle landfill gas power plant to be located at 38, 40 & 42 Shun Pike and 2 Recycle Road—A.P. 31/Lots 45, 46, 47*, 49, 55, 58 & 61* and A.P. 43/Lots 36, 402, 567* & 588 (*portion) on 14.85± acres zoned Industrial—for **RI Central Genco, LLC.** (PB '10–31)*

Public hearing continued to February 1, 2011, Planning Board meeting at applicant request.

- B. *Preliminary plan review of proposed major land development entitled **Pocasset Mills** for 91 multi-family residential condos to be located at 75 Pocasset Street—A.P. 2/Lot 134 & A.P. 3/Lot 368 on 2.67± acres zoned R–7—for **Starr Development Partners, LLC.** (PB '09–01)*

Continued to special meeting on Tuesday, November 23, 2010, to assure proper legal notice.

- C. *Preliminary plan review of proposed minor subdivision from 1 to 4 lots with street construction on **Brown Avenue**—A.P. 55/Lot 4 on 6.5± acres zoned R–40—for Richard **Conti** (PB '10–40)*

Robert Cirici, Esq., addressed restrictive covenants to be placed on all property deeds to cover one-third of cost stormwater management system maintenance (in lieu of through homeowners' association). Town legal approval required; Town option cited to place liens on property if maintenance proves substandard. Administrative Officer requested an Operations and Maintenance plan for stormwater system.

Joseph Casali, PE, responded to Town Engineer October 28, 2010, memo.

1. OWTS permits—prior approvals submitted to construct two instead of currently proposed three homes with roadway construction—to be obtained.
2. So noted.
3. Stormwater facilities—to be maintained with restrictive covenants on deeds or through homeowner's association.
4. Yield plan—three 40,000 sq. ft. buildable lots after 1-1½ acres of wetlands and steep slopes deducted from 6½ acres.
5. So noted.
6. Utility pole relocation—concurrence that approval through Town Council not required by National Grid.
7. Cistern—to be approved by Fire Department; alarms to be installed as required by NFPA22 (not hooked up to well); third party review hired as requested.
8. Roadway improvements—constraints including encroachments on private property to be addressed by survey prior to construction.



9. Legal descriptions of drainage easements—to be provided.
10. DEM wetland permit and stamped plans—copy to be submitted.
11. Sidewalk details—resolved.

Revised Town Planner memo with 11 recommendations distributed to applicant. Applicant to request five waivers:

1. Street trees—insufficient right-of-way along roadway entrance conflict with drainage and cistern location.
2. Roadway width.
3. OWTS and wells.
4. Clearing more than 5,000 sf on each lot.
5. Removal of trees greater than 8-inch diameter (measured 3 feet from base).

Applicant's stormwater management system, approved by DEM prior to pending state adoption of *Stormwater Design and Installation Standards Manual*, not in accordance with proposed regulations. Limiting land disturbance, especially as affects adjacent Snake Den State Park, to $\leq 5,000$ sq. ft. may not be possible when dwellings and OWTS constructed.

Alisa Santos and Kevin Beaumier, 96 Brown Avenue, noted that concerns about wall encroachment aren't relevant since their lot is not adjacent to the proposed development.

Public hearing closed.

Preliminary Plan approved 5–0, subject to conditions outlined in Planner's November 1, 2010, Report (motion by T. Breckel, second by P. Passarelli).

1. Items 1, 2, 3, 7, 8, 9, 10, and 11 in Town Engineer October 28, 2010, memo to be resolved to satisfaction of Town.
2. Existing stone wall across Lot 3 to be retained to extent possible or reconstructed as necessary.
3. Street trees to be planted at 40-foot intervals, and request for waiver of trees along west end of roadway with insufficient right-of-way to be submitted by applicant.
4. Lot 4 to be privately owned and to be retained by applicant.
5. Cistern ownership, maintenance and access to be clarified by applicant and Fire Department.
6. N/A
7. Request for waiver for 6-foot reduction in roadway width to be submitted by applicant.
8. Request for waiver for wells and OWTS to be submitted by applicant once approved by Fire Department, Department of Health and DEM.
9. Granite bounds to be set and maintained by applicant.
10. Request for waiver for land disturbance of 5,000 sf or less as it may not be possible to construct the dwellings and OWTS within this footprint to be submitted by applicant. No clearing to be undertaken by applicant without soil and erosion control permit.
11. Request for waiver for removal of trees greater than 8 inches to be submitted by applicant.
12. Operations and maintenance plan to be prepared by applicant for drainage system.

IV. **Old Business**

- B. *Final plan review of proposed minor subdivision from 1 to 3 lots with street construction at 17 **Bigelow Road**—A.P. 59/Lot 35 on 7.76± acres zoned R-40—for William & Claudette R. & William **Baumlin**, Jr. (PB '10–22)*



Applicant described construction of a 24-foot wide “town approved road” with DEM-approved drainage system. The Town Engineer October 29, 2010, memo was addressed.

1. Changes to be made as requested.
2. Applicant indicated that DEM Insignificant Alteration Permit was submitted; AO to review file and specify if plan referenced therein outstanding.
3. So noted.
4. So noted
5. Changes to be made to plan by applicant.
6. So noted.
7. Extensive discussion of proposed roadway and ownership and maintenance responsibilities; road is to be public and privately maintained; Town cannot accept substandard (i.e., steep) roads; frontage on town road is subdivision requirement.
8. Necessity of drainage easement on Lot 3 for construction and maintenance of drainage swale indicated by applicant.
9. Covenant re “Access road shall remain a Public Road, privately maintained, from the end of the existing cul-de-sac on Bigelow Road” to be included on all deeds.

AO discussed Town November 4, 2010, Official Notice issued for construction in violation of Johnston code and Soil Erosion and Sediment Control ordinance. Mr. Baumlin indicated that clearing, grading and hydroseeding were conducted prior to the end of the growing season. The Building Official released the fine on 11/9/10 (no written notice had been received prior to the meeting). The Administrative Officer and Building Official recommended that the applicant hire a third-party civil engineer to document work to date, and to complete the project and make changes as requested by the Planning Board.

Outstanding issues of ownership and roadway maintenance were identified as follows:

1. Homeowners’ association to be created, and to exclude Lot 33 from responsibility for road maintenance (not party to application).
2. Clarification to be obtained from Town Engineer and Solicitor regarding public road/private maintenance agreements.
3. Third-party engineer to be hired by applicant to document road construction to date.

Mr. Baumlin stated that prior Town Planner had indicated that final approval would be delegated administratively although the decision for preliminary approval does not so indicate.

Final plan review continued to March 1, 2011 at applicant’s request, to respond to outstanding issues.

VI. **New Business**

- A. *Concept review of proposed major subdivision (conventional & conservation development) entitled **Bella Woods Vue** from 2 to 9 lots with street construction on Tartaglia Street—A.P. 27/Lot 52 and A.P. 27/Lot 136 on 8.2± acres zoned R-20—for Maria **Gunson** and Felippo **Aceto**. (PB ’10-36)*

T. Breckel submitted a recusal form to the Planning Board solicitor for this project.

Continued to November 23, 2010, special meeting



- B. *Preliminary plan* review of proposed *minor subdivision* from 1 to 2 lots at 22 Atwells Avenue—A.P. 18/Lot 151 on 0.29± acres zoned R-15—for Edward A. & Kathleen M. Bedrosian (PB '10-37)

Hearing rescheduled to December 7, 2010, meeting.

- C. *Advisory opinion* to Town Council on proposed zoning amendment (text), CP-2010-21, *in re* Wireless Telecommunications (towers and antennas). (PB '10-39)

Administrative Officer cited inconsistencies in proposed ordinance for notification, setbacks, and separation distances as cause for further evaluation.

Deferral of recommendation to Town Council approved (5-0) for further evaluation by Legal, Planning and Engineering departments (motion by M. Campagnone, second by M. Sasa).

- D. *Concept* review of proposed *major land developments* for wind turbine generators and towers to be located on (1) Greenville Avenue—A.P. 51-1/Lot 17 and A.P. 51-2/Lot 4 on 109± acres zoned R-40 (PB '10-40); and at (2) 91 Peck Hill Road—A.P. 33/Lot 54, on 6.2± acres zoned R-40; for Wind Energy Development, LLC (PB '10-41).

Joseph White, Esq., Nixon, Peabody LLC, described project sites. Proposed Greenville turbines to reach 496 feet (with blades at “12 o’clock”); Peck Hill turbine, 426 feet. Both have 1.8 mw nameplate power. Sites to be leased by Wind Energy Development for 20 years. Portion of Greenville site was contaminated as former Tucker Dump. Power to be subject to a net metering agreement. Noise study to be conducted based on ambient levels; standard is 50 dB or less at 500-600 feet. Environmental studies, including for migratory birds, to be conducted for foundation design to determine site contamination; visuals to be provided. Typically (depending upon wind) 1 MW provides electricity to 300 homes. Town benefits include jobs and other economic advantages (in process), site remediation of contaminated sites, and recreational use under the turbines. Financing is a major hurdle (developer’s capital, equity financing, and bank debt). Emergency cutoffs discussed for icing and high wind speeds. Facility can be controlled remotely but will be inspected weekly. Vesta 90 and 100 are proposed with a 25-year useful life.

Allan Durand, IBEW, Mike Sabatoni, RI Builders, Joseph Medeiros, IUEC, and Roy Columb, Ironworkers’ Union, described specialized training required of RI tradespersons when working with wind turbines. Mark DePasquale, CEO, Wind Energy Development, cited preference for RI workers, especially town residents with equal skills. Terry Castaldi, 98 Peck Hill Road, expressed concern with effects on nearby homes, and queried proposed recreational uses and impact on home values. Mr. Verardo deferred these subjects to master and preliminary plan reviews. *Public hearing closed.*

Referral approved (5-0) of both Greenville Avenue and Peck Hill Road Wind Turbine applications to Zoning Board for special-use permits and height variances (motion by M. Sasa, second by T. Breckel).

VIII. **Administrative Report & Special Items**

Planner’s Report submitted.

IX. **General Business**

Special Planning Board meeting scheduled for Tuesday, November 23; and next regular monthly meeting for Tuesday, December 7, 2010.



X. Adjournment

November 9, 2010, Planning Board meeting adjourned at 10:37 p.m.

Lauren A. Garzone, SECRETARY