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TOWN OF JOHNSTON PLANNING BOARD

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MINUTES

JANUARY 11, 2011

The Planning Board of the Town of Johnston held its regular monthly meeting at 7:00 p.m. on Tuesday, January 1, 2011, at the Johnston Senior Center, 1291 Hartford Ave.

I. **Call to Order**

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

January 11 meeting called to order at 7:07 p.m. Present for the Planning Board: Thomas W. Breckel (*Vice-Chair*), Michael A. Campagnone, Lauren A. Garzone (*Secretary*), Peggy A. Passarelli, Mohamad Y. Sasa, and Anthony Verardo (*Chair*), representing a quorum. Also present for the Town: Joseph R. Ballirano, Esq., Planning Board Solicitor; Pamela M. Sherrill, AICP, LEED AP, Administrative Officer & Town Planner, and Rian Smith, Assistant Planner.

III. **Minutes**

December 7, 2010, minutes accepted as amended (motion by T. Breckel, second by M. Campagnone; 6-0).

Meeting rules were suspended to address agenda items out of order.

IV. **New Business**

- A. *Advisory opinion* to Town Council on petition to purchase paper street, **Lookout Avenue**, and vacant town land located at **Downing Drive**, A.P. 9, Lot 328, by Guiseppi **Palliotta** (2010-CP-210 / PB '10-49)

1/1/11 mail correspondence from Timothy Dodd, Esq., requested continuance.

Advisory opinion continued to March 2, 2011, amended to March 1 (motion by M. Campagnone, second by T. Breckel, passed 6-0).

- B. *Master plan review* of proposed **CVS pharmacy**, a major land development to be located at 26 **Putnam Pike**—A.P. 38, Lots 132 & 141 on 2.32± zoned B-2 and R-15—for **Coast Realty**, LLC. (PB '10-48)

Letter from John Pesce, applicant, requested continuance to February 1, 2011.

Master plan review continued to February 1, 2011 (motion by M. Campagnone, second by T. Breckel, passed 6-0).

**V. Public Hearing**

Industrial site plan review of proposed **maintenance garage** to be located at 116 **Shun Pike** — A.P. 32, Lot 44 on 5.21± zoned industrial — for Joseph **Vinagro**, Sr. (PB '10-47)

Kathy Noonan, Esq., introduced proposed 6-bay, drive-through maintenance facility. Kevin Morin, PE, reviewed previously submitted proposal for same lot using existing foundation. Zoning variance received and industrial site plan approved Dec. 2009. Current application is separate and distinct from 2009 approvals.

Vacant lot across from landfill with foundation, trees along frontage, and brush. Lot and abutters zoned industrial or light industrial with instance of adjacent non-conforming residential use.

Current proposal closer to street to use existing infrastructure, i.e., Shun Pike fire hydrant. Trucks and heavy equipment to use existing driveway with gravel/stone surface and pull straight into and through proposed building. Mr. Morin met with Fire Marshall Matarese in December. Small office for personnel. Domestic water (public service) through 1" line with no building sprinklers; full plans to be submitted to Building Official.

Discussion of access road: 40' entrance at street between two trees, no curbs or berms, widening to 50-55'. Chair queried Fire Department (FD) concerns with proposed roadway. *12/09 FD letter accepted as Exhibit A*. Town Planner indicated that that correspondence was regarding the 2009 approval and is not relevant to the current application. She stated that the Fire Chief indicated that gravel access to and around the buildings insufficient for fire truck access. Mr. Morin suggested partial paving alternative. Ms. Noonan suggested stipulation as to FD approval.

Discussion of drainage: changed conditions since previous submission—imperviousness of field/access; roof runoff mitigated by drywell system; parking on roadway edge with stone infiltration trench at gravel edge to capture runoff. Additional notes requested on plan by Town.

Septic system designed for 6 employees (although 12-15 person capacity) approved by DEM; copy of permit submitted 2 weeks ago.

Planner request to narrow driveway to 30' problematic for large trucks: driveway framed by existing 18-24' trees; width necessary due to narrowness of Shun Pike. David DiMaio, Comptroller, J.R. Vinagro Corporation, cited width as necessary for safety.

Discussion of runoff—to be contained by drainage system at toe of slope. Site surface is compact gravel (including material crushed at the Vinagro facility) to prevent trucks sinking; alternative surface/ engineered truck pad or partial pavement at entrance was discussed to prevent tires from tracking contaminants onto Shun Pike.

Discussion of disposal of contaminated liquids. Applicant confirmed that only Patriot vehicle maintenance proposed, no storage or containers of hazardous materials are proposed; and that maintenance to take place indoors; waste oil to be collected and stored within the building.

Dennis Zelinski, Environmental Engineer, J.R. Vinagro, stated that waste-oil burners to heat building and surplus waste oil and parts cleaner will be collected regularly by Western Oil. Solely Vinagro-owned vehicles to be maintained on premises—50 Patriot Disposal trucks (100-121 total); front-end loaders, packers, municipal disposal trucks (not tractors). No vehicle washing/rinsing on site. Board stressed importance of drainage and oil/water separators.

Explaining why roadway not to be paved, applicant cited cost; existing surface adequate for proposed traffic; additional pavement = additional runoff. Crushed stone/gravel/ recycled



concrete hard and durable. Discussion of pad system to prevent tracking debris onto highway; distance to building (392' from road); 400' if circumnavigating to building entrance.

Discussion of number of employees: 20-25 currently engaged in maintenance; number may be expanded, but not currently intended. Economic considerations for town: increased local business, increased tax revenue; truck registrations; current outsourcing (computers) could change, additional expansion possible. Height: 35' at peak; 31' at base; distance to abutting house is screened by larger trees and fence as buffer.

Applicant agreed to confirm absence of active wells. Drywell to be further verified with Town Engineer.

Town Engineer's 1/4/11 memo addressed:

1. ISP review checklist: septic designed just for DEM
2. Wooded area/tree-line: just brush line, minimal trees/overgrown field
3. Limit of disturbance: to be more clearly depicted.
4. Hay bale line
5. Drainage, industrial waste: activity to take place inside; no floor drains, all fluids managed appropriately

Town Planner's (TP) 12/28/10 memo:

1. Vegetation; 10' do not disturb buffer: gravel up to eastern property line and western near driveway; proposing dressing up entrance; no abutters to south or east. Not disturbing extant growth; enhancements proposed near entrance. TP: fence line well maintained and designated, so no encroachment onto abutting properties. Fences: chain link to east; "horse"/agricultural fence to back.
2. Infiltration trench—applicant to maintain. Operations & Maintenance Plan to be prepared..
3. Noise mitigation—applicant indicated that noise, smoke, vapors, fumes, dust and odors are not an issue.
4. Building Official retains right to inspect— applicant agreed.
5. Truck washing) – not proposed
6. Truck traffic: same as existing; support to current waste disposal operations—traffic existing in industrial area, therefore no significant increase.

TP questioned traffic flow to adjacent property indicated on aerial photo; applicant declared there is currently no access to property to west. Utility line runs back to existing foundation; division where containers currently stored. Applicant agreed to prohibit future interconnection between lots.

Public hearing closed.

Industrial site plan approved with stipulations (motion by M. Campagnone; second by T. Breckel, passed 6-0) as follows:

1. *Fire Department approval roadway surface to and around building;*
2. *10' apron(engineered truck pad) in front at entrance of property onto Shun Pike; landscaping along Shun Pike;*



3. *Operations and Maintenance plan to be submitted for maintenance of drainage system and landscaping along Shun Pike entry buffer*
4. *No interconnection between Lot 44 and Lot 9;*
5. *Town Engineer review of drainage, including drywell; and*
6. *Maintenance shall be conducted inside building; all materials and fluids to be used and disposed of in accordance with state and federal regulations.*

Town Planner to submit industrial site plan approval with advisory opinion to Zoning Board.

VI. **Old Business**

Advisory opinions to Town Council on proposed amendments to Johnston Comprehensive Community Plan and Zoning Ordinance in re Conservation Development (PB '10-05+06)

- Section I, Article D—*Definitions* (amended);
- Section III, Article J—*Conservation Developments* (new);
- Section IV, Articles D–E—*Materials Required for Filing*;
- Appendix E—*Application & Checklists* (amended).

Public joint Planning Board and Town Council workshop scheduled for 6:00 p.m. Jan. 25 at Senior Center

Scott Millar from DEM to be invited to attend. 10 RI towns adopted CD ordinance; 13 pending, including Johnston, totaling 23/28 urban towns with enough space for CD. Notice advertised and posted publicly. TP to consult Councilwoman Manzi in advance. Optimum exchange to be encouraged by room layout.

Planning Department comments reviewed; density limits in residential zones cited, especially R-40. Amendments addressed as follows:

Tables: add B-3—prohibited; PD & PMUD with special use permit.

- p. 5: permitted zones—R-15: Typical 2-family homes or side-by-side duplexes ('attached single family houses') only.
- p. 7: land unsuitable for development: add gas and drainage easements.
- p. 8: 2-family units in 'table'—same (not up and down duplexes) need to expand definition of duplexes
- p. ownership of open space as in PD ordinance, PB to approve and reordered so priority to be owned by other than town. TC approval required before conveyance to MLT; referred to Legal Department before TC.
- p. 8-E: conservation restriction
- p. 9-J: prohibition from further development (as occurred in Scituate)—“passive recreation” to prohibit hunting of any kind.

Discussion of Town Council (TC) concern with ceding power to PB; how to retain role for TC; DEM suggested inviting TC representative to attend TRC prior to PB review as a means of advance notification. Planning Board appointed by Mayor, therefore land use is their purview; TC's role is legislative/judicial. Bellawoods Vue project cited as proceeded through Zone



change to avoid ZB variances. TC concerned with checks and balances to prevent possibility of CD projects “slipping by” in the future.

Advisory opinions continued to February 1, 2011 (motion by M. Sasa, 2nd by P. Passarelli, passed 6–0).

VII. **Administrative Report & Special Items**

Town Planner reported two administrative subdivision NODs filed for Old Greenville Road—Amison and Atwood Avenue—Heywood/Carpenter.

Falcon Nest Estates decision recorded (12/30/10), and correspondence issued re recording process, request for phased development (access in rear off Granite Street) and delegation to Admin Officer by court order.

Belfield Drive/Barkan: final plan decision and plans recorded (12/9/10 and 1/4/11)

LFG ISP decision recorded (11/15/10); merger and admin sub plan revisions anticipated 1/14/11. New LFG counsel will be meeting with TP and Joe Ballirano. Prelim plan to be submitted 1/31 for review for March PB meeting.

PB input on CD.

Discussion of **Killian Estates—Greenville Holdings**: court order on master proposal for 12 lots with detention basin. Applicant requesting basin to be moved from Pine Hill Road side of property closer to I-295 (from east to west), within the 200’ do-not-touch/do-not-disturb buffer. TP advising against administrative handling because of change to lot line, and for re-visitation of disposition of 200’ buffer. Chair would like Board to review. Waiver on use of buffer cited for **Alvina Estates—Russo**. Discussion of cluster/spot zoning and yield. PB to approve amendments to master plan. JB to research if the PB has the authority to amend a court-ordered master plan.

Discussion of 12/16/10 letter from Mayor not supporting **Woonsocket River bike path**; Town Planner requested any PB support thereof to be conveyed, citing potential opportunities such as park on dam at end of Springfield Street.

Letter re document retention policy forwarded to the Board.

VIII. **General Business**

Portsmouth High School wind turbine bus tour scheduled for Wed., Jan. 19. 9:00 a.m. departure from DPW; 10:00 arrival at school; return by lunch. Noticed as public meeting.

DEM Low Impact Design workshops announced for 2/10 or 2/11. .

IX. **Adjournment**

January 11, 2011, Planning Board meeting adjourned at 8:56 p.m.

Lauren A. Garzone, SECRETARY