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TOWN OF JOHNSTON PLANNING BOARD

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Mohamad Y. Sasa
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Joseph R. Ballirano, Esq.

MINUTES

MARCH 1, 2011

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

I. **Call to Order**

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

March 1 meeting called to order at 7:07 p.m. Present for the Planning Board: Thomas W. Breckel (*Vice-Chair*), Michael A. Campagnone, 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, Administrative Officer & Town Planner; and Rian Smith, Assistant Planner.

III. **Minutes**

*January 11, 2011, minutes accepted (motion by M. Sasa, second by T. Breckel, passed 5-0).
January 25, 2011, notes from public joint Planning Board and Town Council workshop accepted (motion by M. Sasa, second by T. Breckel, passed 5-0).*

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

V. **New Business**

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)*

Chair A. Verardo recused himself; T. Breckel assumed the chair.

Town Planner requested 1/11 Planner's report, and 12/20 Fire, 1/24 Engineering, and 1/24 Zoning memos be incorporated into the record. Issues re consistency with Comp Plan include adverse traffic impacts and protection of adjacent residential neighborhood. Questions remain as to buildability of substandard residential lot; protection of natural, historic and cultural resources; and effect on Putnam Pike corridor and village, and on vehicular traffic, walking and cycling. Subdivision Regulations concerns include traffic mitigation, buffers, and special-use permit to extend business zone.



K. Joseph Shekarchi, Esq., presented the proposed redevelopment of a drive-through pharmacy for the applicant. He stated that the entrance off Serrell Sweet Road was non-negotiable per CVS; directional, gate and use restrictions, however were possible. Landscaping, buffers, bicycle path, and sidewalks have been proposed.

Stephen Garofalo, PE, addressed proposed roadways and grading (2-3%, with 6-7% slope through main portion, and 2-3% at drive-through propose) with minor clearing, and landscaping and buffers. Traffic and headlight glare and substandard-sized rear parcel to be addressed.

Variances required for location of building and residential buffer lot, and special-use permit to extend B-2 30' into residential. Two existing lots to be merged, then re-subdivided; currently undeveloped rear residential lot to remain as buffer. Discussion of zoning division and proposed siting of building, parking, with drive-through entirely B-2.

Town Planner reviewed planning concerns:

1. Parking space reduction per new ordinance—applicant declined.
2. Special-use permit required to extend B-2 zone; dumpster, snow storage and rear driveway in R-15 to be addressed—agreed.
3. Parcels 132 and 141 to be merged prior to final approval—agreed.
4. Residential lot not developable—agreed.
5. Steep grades (access feasibility and retaining walls) to be reviewed—agreed.
6. Stormwater management plan (and LID strategies) required—agreed.
7. *Stormwater Standards* applicability—agreed pending DEM review.
8. Traffic study to encompass 3 accesses, drive-through, pedestrian issues and PAP—agreed.
9. Proximity of Taunton Ave. access to G. Waterman Rd. intersection to be reviewed—agreed.
10. Landscaping standards (street trees, parking, guarantee) to be met—agreed.
11. Landscape buffer and screening with guarantee to be addressed—agreed.
12. Operations and Maintenance plan required—agreed.
13. Headlight glare to be addressed.
14. Pedestrian/bicycle access and improvements to be addressed—agreed.
15. Signage and lighting to be addressed—agreed.
16. Fire Department approval and NFPA 1/101 compliance, especially re grading, turning radius and fire lane, to be addressed at preliminary—agreed.

Chair requested public comment. Abutters expressed concerns with Serrel Sweet Road access road, not with proposal in principle:

- Craig Wilcox—petition w/ 70 signatures; existing use as commuter cut-through despite police surveillance; one-way not viable solution; headlight glare.
- Vincent Carlino—safety, grading, dumpster noise, lighting, existing nearby pharmacies, traffic, property values; proposed replacing vehicular drive through with pedestrian walk.
- Carl Shewcov—traffic.
- Debbie Fellela (district representative)—traffic.
- Howard Strong—headlights, safety.
- Marie Gruttadauria—traffic, safety.
- Robert Pattie—headlights.
- Clair Carlino—fire/dump truck routes. Applicant response: dumpster to be accessed via Route 44; no trucks, delivery, dump, etc., to rear. Abutter: pedestrian walkway instead; drainage.
- Roselyn Andoscia—safety.



- Rob Gruttadauria—safety.
- Guido Gosetti—safety, noise, drainage.

Abutter Karen Shewcov objected to proposal in its entirety, citing traffic, safety and noise.

Public comment period concluded. Mr. Shekarchi requested continuance to April meeting to obtain additional information on CVS position vis-à-vis requirement for third access.

CVS master plan review continued to April 5 (motion by M. Sasa, second by T. Breckel, passed 4–0).

Applicant requested to be heard first on April 5.

Meeting recessed for five minutes; A. Verardo resumed chair.

IV. **Public Hearing**

*Preliminary plan review of proposed major land development entitled **Johnston Combined Cycle LFG Plant** for a 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)*

Rob Stolzman, Esq., Adler Pollock & Sheehan, cited prior approvals.

Town Planner listed Town documents to be included in record, and reviewed issues, including easements and utilities (sewer and gas satisfactory), to be addressed/resolved prior to preliminary plan approval: water service; engineering concerns per 2/22/11 memo; recording of lot merger and subdivision; CAT utility line relocation and landscaping; gas-line easements with site work agreement, and dust suppression line recordings; transfer of transmission-line easements; plan revisions per 2/11 & 17; outdoor lighting; operation & maintenance plan; performance bond for Shun Pike, possibly also for water infrastructure; revised wetlands permit per DEM; and drainage.

Town Planner cited additional issues: Industrial Site Plan requirements prior to final approval/building permit; hold-harmless agreement re sewer discharge; as-built plans and engineering approval of Shun Pike restoration/repaving after utilities installed; decommissioning if abandoned agreement per 2/14 applicant attorney letter; no clearing/grading or building permit prior to soil erosion permit; allowable noise level changed to comply with Town ordinance and limited to 7:30 a.m.-6:00 p.m.; Building Official approval of retaining wall; and inconsistencies between landscape and drainage plans.

Mr. Stolzman cited progress since master approval: existing gas lines located, wetlands impact minimized, level of air-/decrease water-cooled equipments increased, and lighting and pavement (parking) area reduced. He clarified that PWSB increase of water supply adequate; infrastructure for plant and surrounding properties, however, to be resolved to Fire and Engineering satisfaction. *Master Plan and Industrial Site Plan reviews and documents incorporated into record at applicant request.*

Mr. Stolzman expressed agreement with all 22 stipulations, and confirmed lack of change since master plan approval.

Public hearing opened and, no comment forthcoming, closed.

Preliminary plan review continued to April 5 (motion by M. Sasa, second by T. Breckel, passed 4–0).

**V. New Business**

- A. *Advisory opinion* (1/11/11 agenda) 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)

Applicant requested continuance (1/13 & 2/3 correspondence from Timothy Dodd , Esq.).

Advisory opinion continued to April 5, 2011 (motion by T. Breckel, second by P. Passarelli, passed 5-0).

VI. Old Business

Advisory opinions (cont'd) to Town Council on proposed amendments to **Comprehensive Plan** and **Zoning Ordinance** in re **Conservation Development**. I.D—*Definitions* (amended); III.J—*Conservation Developments* (new); IV.D-E—*Materials Required for Filing*; and E—*Application & Checklists* (amended). (CP'11-2+3/PB '11-2+3)

Town Planner submitted reference to Conservation Development and Low Impact Design strategies for managing stormwater to Comp Plan—Goals and Policies, LID Policy NC-2A.

Positive advisory opinions to Town Council approved as amended (motion by M. Campagnone, second by T. Breckel, passed 5-0).

VII. Administrative Report & Special Items

Town Planner reported on:

- Administrative subdivisions — Notices of Decision for **LFG Plant** recorded 1/27.
- Decisions recorded for **Pocasset Mills** (preliminary plan) 1/24; **Atwells Avenue— Bedrosian** (preliminary plan) 1/24; and **Alvina Estates II** (master plan) 2/17; and **Pine Meadows** (advisory opinion on bond release) 1/31.
- Plans recorded for **Woodlake Park** (transfer from Town to Municipal Land Trust).
- Planning Board activities: NRCS – Pocasset River Watershed Public Workshop 3/8; and submission of draft cell tower and wind turbine ordinances for legal review.
- Correspondence for **Boulder Estates** (final plan) 1/21; former **Killian Estates** (master plan) 1/24; and **Bigelow Road—Baumlin** (final plan) to April/May.

Bigelow Road—Baumlin continued to April 5 (motion by M. Campagnone, second by T. Breckel, passed 5-0).

- Town Council update: **Bricliffe Assisted Living** petition to amend Zoning map/text and Comp Plan withdrawn 1/19; and **Planned District** amendments adopted 2/17.

VIII. Adjournment

March 1, 2011, Planning Board meeting adjourned at 9:37 p.m.

Lauren A. Garzone, SECRETARY