

CHAIRPERSON
Anthony Verardo
VICE-CHAIRPERSON
Michael A. Campagnone
SECRETARY
Lauren A. Garzone
ADMINISTRATIVE OFFICER
Pamela M. Sherrill, AICP



Joseph M. Polisen, MAYOR

TOWN OF JOHNSTON
PLANNING BOARD

100 IRONS AVENUE, JOHNSTON, RI 02919
TEL.: (401) 231-4000 FAX: (401) 231-4181

MEMBERS
Christine M. Cunneen
John Laurito
Peggy A. Passarelli
Mohamad Y. Sasa

SOLICITOR
Joseph R. Ballirano, Esq.

MINUTES
JULY 12, 2011

The Planning Board of the Town of Johnston held its rescheduled regular monthly meeting at 7:00 p.m. on Tuesday, July 12, 2011, at the Johnston Senior Center, 1291 Hartford Ave.

I. **Call to Order**

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

The meeting was called to order at 7:00 p.m. Present for the Planning Board (representing quorum): Michael A. Campagnone/*Vice-Chair*, John Laurito, Peggy A. Passarelli, Mohamad Y. Sasa, and Anthony Verardo/*Chair*. Absent: Christine Cunneen and Lauren A. Garzone/*Secretary*. Present for the Town: Joseph R. Ballirano, Esq., *Planning Board Solicitor*; and Pamela M. Sherrill, AICP, *Administrative Officer & Town Planner*.

III. **Minutes**

Motions to **accept** notes from May 31 workshop (by P. Passarelli, 2nd by M. Campagnone), and minutes of June 21 Board meeting (by M. Sasa, 2nd by P. Passarelli), carried 5-0.

IV. **Public Hearings** — none

Meeting rules suspended; agenda items taken out of order.

V. **Old Business**

A. *Final plan* review (CONT'D) of proposed 3-lot *minor subdivision* with street construction to be located 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)

Administrative Officer (AO) provided update (since July 5 distribution of Board packets) on complaint filed July 7 with Building Official/Town Planner by Marvin Hansen, abutter. Issues included: illegal dwelling in garage at 17 Bigelow Road; Hansen easement; and misconceptions of Joe Casali, PE, as town engineer, and reputed prior transfer of parcel for road to Town. Building Official (BO) issued memo July 8 in response to complaint, citing AO recommendation for discontinuation of application until issues resolved.



July 11 written request from engineer to continue to August 2 to enable applicant to resolve easement with all parties prior to next Board meeting, as required by AO.

BO inspected shed/garage July 12, and issued memo re permits required for shed and pool at 16 Bigelow Road and for workshop/garage at number 17. BO also requested that applicant apply to Zoning Board to modify status from 'accessory family dwelling unit' to 'single family' contingent on approval as minor subdivision. Results of Town Engineer (TE) July 12 inspection of erosion control silt fence per April 13 official notice still pending.

Motion to continue to October 2011 (by M. Sasa, 2nd by M. Campagnone) carried 5-0.

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

AO reviewed court proceedings re operating business without license in violation of Zoning Code, and using Town property (paper street). Recommended agenda item be dismissed, and raised possibility of denial. Cited \$400 outstanding invoice.

Joe Casali, PE for applicant, indicated application to be submitted within weeks.

Motion to continue to September 2011 (by M. Campagnone, 2nd by M. Sasa) carried 5-0.

D. Master plan review of Bella Woods Vue, proposed 9-lot major subdivision with street construction to be located on Tartaglia Street—A.P. 27/Lot 52 & A.P. 27/Lot 136 on 8.2± acres zoned R-20—for R&M Builders (Robert E. Moll). (PB 11-10)

Joe Casali, PE for applicant, reviewed proposed subdivision with 615' long and 24' wide roadway with sidewalks on one side. Infiltration drainage system designed per stormwater manual—no detention basins; individual UICs; groundwater recharge. Public water—extension of 8" main and installation of hydrants, and septic systems. Waivers requested for roadway width from 30' to 24'; entrance radius from 25' to 15' (limited approval from Fire Department obtained); and lot clearance requested to be increased up to 9,000 sf per lot to accommodate septic and UIC systems. Pending: DEM UIC permit and subdivision suitability determination, town permission for water line extension, Fire Department approval of hydrants; and Zoning Board variance for lot #1 front-yard setback.

Discussion of entrance radius, electric (overhead), curbing (both sides), drainage (ARM—avoid, reduce, mitigate per new Stormwater Regs). AO and TE support for 24' roadway; AO commending drainage concepts including bio-retention basin in cul-de-sac and swales. TE averse to reducing radius to 15'; recommended 25' (west)/15', or 20' each.

John Tartaglia, 25 Tartaglia Street, voiced concern with runoff into his backyard. Sidewalk to be installed on east side of road; Mr. Casali suggested berm between lot 9 and 25 Tartaglia St. Harry Pezzullo, 13 Tartaglia St., voiced opposition to increased traffic, citing narrowness of road, parking, fire apparatus, speeders.

Public hearing closed.

Motion to approve master plan and waivers (24' road width, 15' right-turn radius at Tartaglia, ≤9,000 sf clearing/lot) for Bella Woods Vue (by M. Sasa, 2nd by J. Laurito—



discussion, none) carried 5–0. Discussion of advisory opinion and application to Zoning Board.

VI. **New Business**

Final 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 46, 47* & 61* and A.P. 43/Lots 36, 567* & 588 (*portion) on 14.85± acres zoned Industrial—for **RI Central Genco, LLC**. (PB '11–15)

Rob Stolzman, attorney for the applicant, cited staff report to Board as complete and accurate. AO reviewed outstanding issues and timing:

- [1] \$800,000 water fee—\$375,000 on receipt of building permits for vertical construction; \$85,000 annually thereafter;
- [2] recording of merger and admin sub;
- [3] approval/recording of gas line easements, and vacant sleeves for wetland crossing and dust suppression line;
- [4] as-built plans prior to CO;
- [5] transmission line sections easements transferred to Town;
- [6] Shun Pike repaved/restored after line installation for CO;
- [7] O&M plan including stormwater for CO;
- [8] Shun Pike restoration performance bond prior to road opening permit, and landscape bond prior to vertical building permits;
- [9] decommissioning at abandonment per RIRRC lease and ordinances;
- [10] TE approval of design of gas-line wetland crossings if wetland sleeves unavailable;
- [11] wetland crossing trench details, construction scheduling and maintenance and protection of Shun Pike traffic;
- [12] 3rd party review for fire protection for building permits for vertical construction;
- [13] recording of sheets C1.1, C3.1–C3.10, C4.3, C5.1–C5.6, C6.1; and
- [14] final plan conditions included on cover sheet.

Discussion of payment of water fee—ongoing legally binding condition for approval by subsequent operator.

*Motion to **approve** final plan for LFG Plant subject to 7/5/11 staff recommendations 1–14 (by M. Sasa, 2nd by M. Campagnone—discussion, none), carried 5–0.*

V. **Old Business**

C. *Advisory opinions* (CONT'D) on proposed amendments to *Comprehensive Plan* (CP'11–02/PB'11–02) and to *Zoning Ordinance* (CP'11–03/PB'11–03) in re **Conservation Development**.

AO presented recommendations based on 5/31/11 workshop with Town Council, addressing: minimum parcel size to be considered for conservation developments, and deleting reference to dimensional variances. Discussion of 10 v. 20 v. 25 acres minimum total land area in R–40 zone and 6 acres in R–20 and 5 acres in R–15 to create meaningful open space, vis-à-vis attraction for developers and availability of parcels in town. Discussion of impact fees and school costs to be addressed.

*Motion to send **favorable opinion** to Town Council on proposed amendments to Zoning Ordinance in re Conservation Development (by M. Campagnone, 2nd by P. Passarelli—discussion, none) carried 5–0.*



*Motion to send **favorable opinion** to Town Council on proposed amendments to Comprehensive Plan in re Conservation Development (by M. Campagnone, 2nd by J. Laurito—discussion, none) carried 5–0.*

E. *Advisory opinion (CONT'D) on proposed amendments to Zoning Ordinance in re **Planned Districts** (§340-4—Definitions, Net Area; §340-96—Residential density [where non-residential use ≤ 5% gross floor area / mixed-use]; §340-98—Property size and coverage). (PB '11–12)*

AO reviewed history of proposed amendments to Zoning Ordinance and need to clarify wording especially for existing PDs that may be redeveloped.

*Motion to send **favorable opinion** to Town Council on proposed amendments to Zoning Ordinance in re Planned Districts §340-4, 96, & 98 (by M. Campagnone, 2nd by S. Sasa—discussion, none), carried 5–0.*

VII. Administrative Report & Special Items

Briarcliffe Assisted Living — August 2 proposed master plan review and zone change recommendation; and August 1, 6:00 p.m., pre-application meeting at Briarcliffe.

VIII. General Business — *none*

IX. Adjournment

July 12, 2011, Planning Board meeting adjourned at 9:03 p.m.

Lauren A. Garzone, SECRETARY