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TOWN OF JOHNSTON
PLANNING BOARD

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MEMBERS
Christine M. Cunneen
John Laurito
Peggy A. Passarelli
Mohamad Y. Sasa
SOLICITOR
Joseph R. Ballirano, Esq.

MINUTES

OCTOBER 4, 2011

The Planning Board of the Town of Johnston held its rescheduled regular monthly meeting at 7:00 p.m. on Tuesday, October 4, 2011, at the Johnston Senior Center, 1291 Hartford Ave.

I. **Call to Order**

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

Meeting was called to order at 7:03 p.m. Present for the Planning Board (representing quorum): Christine Cunneen, Lauren A. Garzone/ *Secretary*, John Laurito, Peggy A. Passarelli, Mohamad Y. Sasa, and Anthony Verardo/ *Chair*. 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** — *none*

Motions to **accept** meeting minutes for July 12 (by C. Cunneen, 2nd by L. Garzone), and August 2 (by L. Garzone, 2nd by M. Sasa), carried 5-0.

IV. **Public Hearings** — *none*

V. **Old Business**

A. *Final plan* review (cont'd) of proposed *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)

Oct. 4 letter from engineer requesting continuance citing neighborhood meeting coordinated by attorney to seek solutions to drainage easement and access issues prior to reappearing before Zoning Board. Request subject to Zoning Board issuance of relief.

Town Planner reviewed repeated continuations and history since final plan first heard in Nov. 2010, and current Zoning issues, including legal mechanism for changing status from accessory dwelling to single-family use. J. Ballirano reviewed issues to be resolved prior to approval of variances, concluding that applicant created own hardship, and calling into question validity of preliminary application to Planning Board.

Town Planner voiced concern about partially constructed, substandard road—subject to erosion, further grading on swale, ponding on Hanson driveway—and recommended denial.



M. Sasa suggested waiting for Zoning verdict. Planner proposed Building Official request road to be made passable immediately, especially to Hanson property. J. Ballirano reiterated inability of Town to accept road with easement. Discussion of limiting proposed continuance to two months.

*Motion to **continue** (by M. Sasa, 2nd by C. Cunneen—discussion, none,) final plan to January 2012; no discussion carried, 5–0.*

B. Advisory opinion (cont'd) on proposed purchases of vacant lot at **Downing Drive** (A.P. 9 / Lot 328) and abandonment of **Lookout Avenue** (paper street) by Guiseppi **Paliotta**.
(10-CP-210 / PB'10-49)

Town Planner cited repeated continuations and reviewed history since Aug. 9 pre-application meeting. Petitioner has not applied for subdivision, delineated wetlands, or provided abutters' list. Applicant attorney stated in Sep. 14 memo that applicant no longer interested in acquiring vacant lot or paper street, and seeking legal remedy for citations.

Planner recommended negative advisory opinion for the following reasons: potential intensification of nonconforming use; sewer extension potential to lead to further residential development; potential discontinuity of access; inadequate protection of stream/wetlands; lots not assessed for business use; concrete/masonry products stockpiles; absence of fee title; inconsistency with Comp Plan; and non-compliance with previous requests.

Five- minute recess taken.

*Motion to send **unfavorable opinion** to Town Council (by L. Garzone, 2nd by P. Passarelli)—amended (by L. Garzone, 2nd by P. Passarelli, with no discussion) to add “creation of landlocked parcel by road abandonment” to reasons—carried 5–0.*

VI. New Business — none

VII. Administrative Report & Special Items

Town Planner reviewed decisions recorded and trainings, including practice of preparing draft decision for Board review the month following vote. She emphasized priority to update/revise land development regs, such as “character of land” vis-à-vis slope calculations; discussion of potential workshop. Planner cited Sep. 26 pre-application meeting with **Sims Metal** for \$25-million metals manufacturing business near RIRRC, and provided updates on **CVS** and **LFG** (water / permits for vertical construction). She cited RI Challenge Grant with 20% match required potentially for mixed-use overlay zone in Manton and Thornton areas.

VIII. General Business — none

IX. Adjournment

October 4, 2011, Planning Board meeting adjourned at 8:04 p.m.

Lauren A. Garzone, SECRETARY