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TOWN OF JOHNSTON
PLANNING BOARD

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MINUTES

AUGUST 2, 2011

The Planning Board of the Town of Johnston held its rescheduled regular monthly meeting at 7:00 p.m. on Tuesday, August 2, 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 7:04 p.m. Present for the Planning Board (representing quorum): Michael A. Campagnone/*Vice-Chair*, 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*

IV. **Public Hearings** — *none*

V. **Old Business** — *none*

VI. **New Business**

A. *Master plan review* (PB '11-13) and *advisory opinion on zone change* ('11-CP-118/PB '11-16) for proposed *major land development* entitled **Briarcliffe Assisted Living**, 73-room nursing home to be located at 49 Old Pocasset Road—A.P. 44-4/Lots 68 & 306 on 16.1± acres zoned R-40 (Planned District/CCRC zone proposed)—for Briarcliffe Realty Two, LLC / Geriatrics Center of North America Realty Corp.

William Landry, Esq., Blish and Cavanagh, reviewed history and features of proposal to add assisted living facility to existing nursing home and dementia care facility. Landry regretted Board cancellation of tour of existing facilities. He cited planned-development use, traffic and parking, and 2.3 acres of disturbance/building lot coverage. Existing private sewer plant at ½ capacity; likelihood that Central Avenue line to be extended. Municipal water. Requesting waiver of 20-acre planned district (PD) minimum. 12.5% building coverage (60% allowed).

Discussion as to whether special-use permit required; Landry argued that CCRC use permitted in R-40—to be resolved by Legal Department.



Eric Prive, PE, DiPrete Engineering, reviewed existing conditions. Issue of whether stone walls to be relocated or rebuilt to be explored. Cited 30' setbacks, 35' building height, 61 parking spaces (38 min. required); drainage to state standards with LID. Buffer of 24'-wide paved fire lane (grass pavers possible), 25' vegetated strip adjacent to Lot 151 alternating with evergreens, and 10' in front. Discussion of fire (to be reviewed by state)/vehicular circulation and parking along front. Loading and dumpster to south of building. DEM wetlands permit pending preliminary stage; merger of 2 lots at final. Fire access: (to be reviewed by state marshal) no parking along front on Old Pocasset Road.

TE memo: wetlands—*agreed*; UIC—*agreed*; sewer—*agreed*; parking—*agreed*; repaving—*willing to consider*;

Michael Desmond, PE, Bryant Associates, reviewed traffic impact analysis. Additional traffic generated estimated at 14 trips/hour in a.m. peak hour, 22 in p.m., totaling 266/day, similar to rate at existing facilities. Discussion of cooking appliances—no stoves in rooms.

Akshay Talwar cited pending 100% capacity at the Alzheimer's unit, and projected \$5–7 million annually in taxes based on construction costs. Food bought locally; local employment preferences. Rescue runs as largest, perhaps only, expense to town: currently 3–4/week; marginal increase—less ill residents. Septic redesigned in '79; spare sewer capacity.

AO raised PD open-space requirement: of $\geq 20\%$ gross land area of total tract minus roads and easements. Landry refuted conservation easement requirement for “institutional,” not residential, use. Legal issue to be resolved. Applicant intends portion of Lot 68 north of Lot 151 as buffer without improvements; AO expressed concern with possible future development.

Marsha Croce, abutter, expressed concern with existing traffic and emergency access; queried reopening of Old Pocasset Road through to Hartford Ave. Mrs. Izzo raised traffic concerns caused by narrow road width, PD in R–40 zone, smell from sewer, and parking on driveway. David D'Amico, PE, representing abutters, addressed condition of roadway, intent of PD legislation, and opening area up to development by adding water and sewer. Mike Silva cited continuing decline in property values.

Cornelius K. Maloney, abutter, showed satellite photo of his R–40 lot surrounded by proposed PD, and potential expansion of institutional use. Conor Malinowski, Esq., representing C. Maloney, objected to Board vote on applicant's request for waiver of 20-acre minimum requirement for PD while litigation (challenging associated Planned District amendments at the December 7, 2010 Planning Board meeting) pending. Given applicant's specification of 6+ acres of wetlands, he posited that area for which waiver is being requested exceeds 25% modification permitted by RI's Enabling Act.

Landry, specifying lawsuit challenging *zone change*, disagreed, citing no stay of ordinance and that provision cited refers to zoning, not planning, waivers.

Discussion of liability to town at master stage and public hearing yet to be held.

William Landry: law suit does not stay ordinance automatically; no legal requirement to stop proceedings; 25% reference: distortion of dimensional relief.



*Motion to **approve** master plan and waiver of 20-acre net requirement (by L. Garzone, 2nd by M. Sasa—discussion, none,) subject to the following stipulations as recommended in 8/2/11 Planning Report:*

1. Legal resolution of special-use permit issues per §340-93.C.1,
2. Legal resolution of open-space requirements per §340-101;
3. Preservation (or rebuilding if not possible) of existing stone wall, including along Old Pocasset Road;
4. 25' vegetated buffer to lot 151 including existing white pine hedge and additional evergreen shrubs and landscaping;
5. Designation of walking trail, design elements (i.e., focal point/gazebo), and garden plots;
6. Location of loading zone, dumpster and other utility structures to south of building; and designation of fire lane to north, constructed of grass pavers/permeable stable surfaces;
7. Review/approval of architectural form/appearance at preliminary stage per §340-100.H;
8. Resolution of 7/27/11 Town Engineer recommendations 2-11.
9. Fire Department approval subject to life safety review by State Fire Marshal; and
10. Traffic study and roadway analysis of Old Pocasset Road and Central to Atwood Avenue, including assessment of road width, site distances, pavement conditions, and culvert design on former.

Motion carried 6-1 (nay by M. Campagnone).

*Motion to send **favorable opinion** to Town Council on proposed zone change in re PD/CCRC (by L. Garzone, 2nd by J. Laurito—discussion, none), subject to 8/2/11 Planning Report recommendations (above); discussion of alternate egress/ingress. Motion carried 5-2 (nays by P. Passarelli and M. Campagnone), subject to the same stipulations cited above for master plan approval.*

B. Advisory Opinion to Town Council in re Crestview/Town of Scituate Proposed Drainage Easements — A.P. 58/Lot 45 and A.P. 58/Lot 43. (PB '11-18)

AO reported on RIDEM 1/08 notice of intent to enforce issued to Scituate, Johnston and RIDOT for stormwater sediment build-up in pond at Hartford Ave and Crestview Drive. Johnston and DOT were released from action; Scituate proposing to construct facilities with easements to be transferred to Johnston for ongoing maintenance. Based on TE 7/27/11 memo, AO recommended against taking on responsibility for drainage improvements and maintenance.

*Motion to send **negative opinion** to Town Council in re proposed drainage easements (by M. Campagnone, 2nd by P. Passarelli—discussion, none) carried 7-0.*

C. Advisory Opinion to Town Council in re amendment agreement with Natural Resources Conservation Service to purchase homes on Pocasset River (addition of 7th house and without floodwall design) (PB '11-19)

AO introduced 2nd amendment to agreement with Natural Resources Conservation Service, previously approved by Town Council, for acquisition of 7th house with funding from federal government, and without floodwall design.



*Motion to send **favorable opinion** to Town Council in re amendment to proposed purchase of Pocasset River homes (by M. Campagnone, 2nd by J. Laurito—discussion, none) carried 7–0.*

VII. Administrative Report & Special Items — *none*

VIII. General Business — *none*

IX. Adjournment

August 2, 2011, Planning Board meeting adjourned at 9:57 p.m.

Lauren A. Garzone, SECRETARY