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TOWN OF JOHNSTON
PLANNING BOARD

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Mohamad Y. Sasa
SOLICITOR
Joseph R. Ballirano, Esq.

April 3, 2012

REGULAR MEETING

The Planning Board of the Town of Johnston held its regular monthly meeting on Tuesday, April 3, 2012, 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 7:01 p.m. Present for a Board quorum: Michael A. Campagnone/*Vice Chair*, Christine Cunneen, Lauren A. Garzone/*Secretary*, John Laurito, Mohamad Y. Sasa, and Anthony Verardo/*Chair* (absent, Peggy A. Passarelli).

Also present for the Town: Joseph R. Ballirano, Esq., *Planning Board Solicitor*; Pamela M. Sherrill, AICP, *Administrative Officer/Town Planner*; and Rian Smith, *Assistant Town Planner*.

III. **Minutes**

*Motion to **accept** February 21 special meeting minutes **as amended** (by M. Campagnone, 2nd by C. Cunneen; discussion, none) carried, 6-0.*

[A. Verardo recused himself from the meeting.]

*Motion to authorize delegation of **CVS** final plan to administrative approval (by J. Laurito, 2nd by M. Sasa; discussion, none) carried, 5-0.*

[A. Verardo returned to the meeting.]

IV. **Old Business**

*Final plan review (CONT'D) of proposed 3-lot *minor subdivision* with extension of **Bigelow Road** located on A.P. 59, Lot 35 on 7.76± acres zoned R-40, for William, Claudette R., & William **Baumlin**, Jr.*

PB '10-22

Al Russo, Esq., stated Zoning Board decision had been appealed to Superior Court, and a motion to reconsider filed with Zoning Board. He requested an indefinite postponement before the Planning Board until the matter is resolved. Discussion of legality; applicant agreed to waive all deadlines.

*Motion to **continue indefinitely** (by J. Laurito, 2nd by M. Campagnone) at applicant request with waiver of liability for Town or Board imposed by subdivision deadlines, with no discussion,*



as proposed, carried, 6-0.

V. Public Hearing

Preliminary plan review of **Bella Woods Vue**, proposed 9-lot *major subdivision* with construction of **Bella Woods Court** off Tartaglia Street located on A.P. 27, Lots 136 & 240 on 6.51± acres zoned R-20, for **R&M Builders** (Robert E. Moll). PB '12 -06

Al Russo, Esq., referenced 7/12/11 master approval with waivers, and Joe Casali, PE, 9/11 dimensional variance (front yard for existing single-family house). Other approvals received include 5/11 Fire and DEM subsurface suitability for OWTS. Approval to be contingent on water availability and stormwater approvals.

J. Casali reviewed proposed extension of water main down cul-de-sac. He described drainage as 1st Johnston project under DEM stormwater regs, including LID techniques such as tree filters, grass swale, underground injection basins, and bioretention garden. Review of Town Engineer 3/26/12 memo—with applicant response.

1. Acid soil types—to be taken into account in landscaping.
2. Proposed traffic controls/existing Tartaglia St. stop sign—to be depicted.
3. Sight triangles at intersection—to be depicted
4. Existing concrete cover function—to be addressed and relocated as necessary.
5. Existing house roof drainage—to be addressed.
6. Proposed bio-retention in cul-de-sac—storm drain pipelines to be relocated outside bio-retention area.
7. Existing drainage swales into Lot 168 yard—to be removed; proposed—to be depicted.
8. Proposed water main fire flows—sufficiency to be demonstrated.
9. Proposed stormwater collection/detention areas including tree filter—to be protected during construction
10. Sewer manhole—standard to be updated.
11. Proposed street trees—to be depicted outside right-of-way on all sheets.
12. Proposed tree on adjacent lot—to be corrected; trees in tree wells—to be specified.
13. Proposed detention basin—structures to overflow to Mascio/Violet only in emergency.
14. Screen between pond and homes on Violet and Mascio—to be discussed.
15. Responsible party/ies and maintenance of proposed drainage facilities—to be resolved and specified.

J. Casali argued that homeowners' association (HOA) should not be responsible for maintaining detention basins and other drainage features, which, as a health/safety/welfare issue, should be a government responsibility. Chair expressed concern with Town ability to maintain sophisticated systems and Town liability. Counsel cited need to establish legal foundation before mandating HOAs, and subsequent need to apply requirements consistently. HOAs not implemented by Board to date although HOAs are under discussion for several developments. Town Planner concerned with town setting precedent of taking responsibility for LID drainage facilities with neither equipment nor training of DPW staff. Chair underscored need for ordinance to regulate HOAs. Counsel cited potential problems caused by future HOA unwillingness to maintain, and town liability prior to enactment of indemnification agreements.

General discussion of impact assessments followed to cover costs to Town, and general



benefit to Town of new residential subdivisions (not currently being used by Johnston). Town to be granted maintenance easement for stormwater management systems in lieu of an HOA. J. Casali to submit proposal for landscaping screen between pond and Violet and Mascio to staff.

Planner reviewed 14 recommended conditions for plan approval—and applicant responded. HOA to be deleted pending further town research with the Legal Department. Discussion included the required performance bonds for drainage system, roadway and landscaping. Although the planner had suggested in her memo as (6) that a certificate of occupancy not be issued until the final coat is applied for roadway construction, homes will be built as lots are sold. Moving heavy machinery on and off trailers and into lots for development could chew up a final course. J. Casali recommended that the performance bond or surety would cover the town's interests to assure that the final course is applied. The performance bond would not be released until the road is accepted by the town (not less than one year after completion). Final plan to be delegated to administrative approval. O&M manual to delineate timing and nature of maintenance per DEM.

Planner added stipulations based on hearing discussion (and renumbering of staff recommendations with deletion of (1) HOA to maintain stormwater system): (13) relocation of the stormtech system parallel to the street, (14) DEM approve stormwater, (15) Town approve water; and (16) drainage access easements be added. Discussion of issuance of CO and completion of road, and approval of drainage and landscaping. Discussion of street trees and homeowner maintenance. Board agreed to delete (6) “not issuing a Certificate of Occupancy on any lot other than lot 1 until the road is constructed with the final top course...”

Abutter Dennis Cardillo questioned spite strip. *Motion that public hearing was held.*

*Motion to **conditionally approve** preliminary plan for **Bella Woods Vue** (by J. Laurito, 2nd by M. Sasa)—based upon submitted application, testimony presented to Board, planning report and memoranda from Town departments; all general purposes of Section 1 of Town Land Development and Subdivision Review Regulations have been addressed and positive findings found for all standards of section 5-2 required findings; proposed plan is consistent with Johnston Comprehensive Plan—subject to the following stipulations:*

1. Reference on each deed to UIC location and homeowner responsibilities for stormwater management.
2. Deeds for Lots 1, 2, or 9 shall clearly indicate that discharge of any swimming pool water is prohibited without adequate dechlorination.
3. A vegetative hedge or other landscaping be provided between the infiltration basin and existing and proposed homes on Violet and Mascio Drives.
4. Relocation of water lines outside the bio-retention area in the cul-de-sac.
5. OWTS approval at the building permit stage for individual lots.
6. A performance bond for the stormwater management system and street construction for a minimum 1-year period following completion. The amount of the bond shall be approved by the Town Engineer. Release of the bond shall require Town Engineer approval to assure the system operates in accordance with the plans. Release of the bond shall be conditioned upon Town Council acceptance of the road, upon the recommendation of the Town Engineer, a minimum of one year following construction of the top course.



7. A performance bond for landscaping within the public viewshed shall be required for two years. All landscape material, including the tree filters and bioswales, shall be guaranteed for two years.
8. Town Council approval of street name.
9. Approval of street numbers by the Administrative Officer and the Building Official during Final Plan review
10. Addressing all issues in the Town Engineer's 3-27-12 memo.
11. Delegation of Final Plan approval administratively.
12. Relocation of the StormTech subsurface drainage structure on Lot 9 to parallel the road.
13. Receipt of the Preliminary Determination for stormwater management from DEM.
14. Approval by the Johnston Water Commission.
15. Subject to easements to the town for drainage facilities.

Motion carried, 4-2 (C. Cunneen and L. Garzone voting nay).

VI. **New Business** — *none*

VII. **Administrative Report & Special Item**

Planner reviewed RIRRC consent agreement on **Lakeside Commerce** lots to be improved for road. **Sims** preliminary submission and site plans anticipated mid April. Seeking qualified peer reviewers to be selected by Board, funded by applicant, and focused on sound, possibly also odor and traffic. **Falcon Nest** review progressing; proposed **Morgan Health Center** parking lot in R-15 zone **first** to Zoning Board for use variance; **Blueberry Lane—Mallette** minor subdivision reopened.

Use table discrepancies to be addressed by Town Council April 9 (see **Sims**). Zoning Board granted special-use permit to Electra Auto Sales next to **Putnam Pike—CVS**; Planner cited outstanding issues to include curb cut/DOT.

VIII. **Adjournment**

April 3, 2012, Planning Board meeting adjourned at 9:07 p.m.

Lauren A. Garzone, SECRETARY