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## TOWN OF JOHNSTON PLANNING BOARD

100 IRONS AVENUE, JOHNSTON, RI 02919

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# January 8, 2013

## MINUTES

The Planning Board of the Town of Johnston held a regular monthly meeting at 6:00 p.m. on Tuesday, January 8, 2013, at the Johnston Senior Center, 1291 Hartford Ave.

### I. **Call to Order, Roll Call & Determination of Quorum**

The meeting was called to order at 6:05 p.m. Quorum present for the Board: Albert Cournoyer, Christine Cunneen, Lauren Garzone/Chair, John Laurito/Vice Chair, Lori Pezzullo, and Sam Sasa. (Absent: Peggy Passarelli.)

Also present for the Town: Joseph R. Ballirano/Planning Board Solicitor; Lisa M. Reis/Court Reporter, Pamela Sherrill/ Administrative Officer; and Rian Smith/Assistant Planner.

### II. **Minutes**

*October 2, 2012, meeting minutes **accepted** (motion by J. Laurito, 2<sup>nd</sup> by M. Sasa — discussion, none—carried, 5-0 [C. Cunneen not present for vote]).*

*December 4, 2012, meeting minutes **accepted** as amended (motion by M. Sasa, 2<sup>nd</sup> by J. Laurito—discussion, none—carried, 6-0).*

*Rules suspended to take up public hearing on Blueberry Lane—Mallette.*

### IV. **Public Hearing**

Preliminary plan review of proposed 3-lot minor subdivision located at **13 Blueberry Lane**, A.P. 49-2, Lots 50, 61 & 64, on 13.34 ± acres zoned R-40 for **David M. Mallette**.PB '12-30

Joe Shekarchi, Esq., reviewed current stipulations, including restrictions prohibiting further subdivision without full reconstruction of Blueberry Lane to town standards. He asked Town Council approval to precede road construction; Town Planner clarified approval sequence; Town Solicitor concurred that upon final plan approval that the applicant could petition Town Council for acceptance conditional upon completion of the hammerhead turnaround.

Applicant agreed with Town Planner assessment of Comp Plan consistency. Planner recommendations for waivers: roadway width—approve; drainage standards—deny; and clearing—grant. Design of swale or other best management practice required prior to final



stage. Applicant agreed with Planner comments and stipulations. Anthony Muscatelli, PLS, responded to questions on proposed roadway and zoning variances.

*Public hearing opened; abutter questioned notice; hearing closed.*

**Blueberry Lane—Mallette** preliminary plan **conditionally approved** (motion by C. Cunneen, 2<sup>nd</sup> by J. Laurito) based upon application, testimony presented, staff report and memoranda; adherence to general purposes of Johnston Subdivision Regulations §1, and positive findings for §5-2 standards; and consistency with Comp Plan—subject to the following conditions:

1. Abandon all existing private easements on right-of-way prior to Town Council acceptance of extension.
2. Transfer roadway extension parcel to town by warranty deed, not quit claim.
3. Notify Fire Department of final plan approval for determination of oversized vehicle parking along roadway.
4. Record restrictive covenants for AP 49/Lots 12 and 50 that prohibit further subdivision without roadway construction and width to town standards at final stage.
5. The area of disturbance shall be limited to 5,000 sf or less and be depicted in the Final Plan.
6. Satisfactory resolution of any of the town engineer’s comments.
7. Delegation of final plan to administrative approval.

*Planning report incorporated into decision.*

S. Sasa recused himself from Cumberland Farms.

V. **New Business**

Master plan review for **Cumberland Farms**, proposed major land development located at **2643 Hartford Avenue**, A.P. 57–2, Lot 297, on 1.24 ± acres zoned B–2 for **Cumberland Farms, Inc.**

PB '12 –35

Elizabeth Noonan, Esq., presented, describing proposal to demolish existing structures and construct entirely new site. *Planning Report and all documents referred to therein entered into record.* Applicant accepted Planner’s recommendations. Dimensional variances (sign) and special-use permit (gasoline) to be requested.

Bill Gobel, PE, principal, Bohler Engineering (*accepted as expert witness*) addressed existing conditions. Sand-filtered septic system relatively new; placement constrained by well on abutting church property. Proposed access and driveway similar to existing configuration; no access to Rollingwood Drive. Configuration of five fuel dispensers (fewer than previous) perpendicular to road for efficient traffic circulation, covered by canopy, and 34’+ further back from roadway. Smaller building footprint to be centered on property; 17’ further back to allow parking adjacent to pumps. 2<sup>nd</sup> floor offices for local/regional company uses. 28 parking spaces (+4) proposed; fixed outdoor seating (3 tables/4 seats) with bollard between building and parking, and new underground storage system. Landscaping to include shade trees and island; in front and around rear supplemented under storey along mature hedge to rear; new



trash enclosure; shade trees along front; 220 plantings/260 perennials. Second storey view buffered from rear. Improved stormwater management. Utilities public; UIC filed with DEM; RIPDES to be obtained prior to construction; septic system. Lighting 16’ high, 4-14’ lower cast than previous. Loading dock not provided.

Maureen Shlebek, PE, described loading configuration out back; delivery through front door. Rick Lauder, Regional Manager, Cumberland Farms, addressed employees: 3-4 in store and in offices during day and clarified that deliveries will be made to the rear with trucks parked near dumpster. Dawn Johnson, Sr. Project Manager, McMahon Associates, traffic engineer (*accepted as expert witness*), described minimal traffic impact; and 50–90% stormwater reductions in 100-year storm.

*Rules suspended to open meeting to public comment.*

D. Pastina concerned with increased noise from air conditioners, cars, dumpsters; and building proximity to rear of property. Building height doubled; peaked roof. Concerns with trash on cut-throughs; fence proposed. A. Lichtenfield concerned with drainage onto property. S. Sasa concerned with runoff across Rte. 6 and safety of landscaping island to traffic pulling out.

**Cumberland Farms** master plan **conditionally approved** (*motion by C. Cunneen, 2<sup>nd</sup> by J. Laurito*) based upon application, testimony presented, staff report and memoranda; adherence to general purposes of Johnston Subdivision Regulations §1, and positive findings for §5-2 standards; and consistency with Johnston Comp Plan—subject to the following conditions:

1. Prohibit vehicular access to Rollingwood Drive.
2. Protect canopy and root system of mature hedge to rear/2 Rollingwood and landscaping along Rollingwood during construction; guarantee new landscaping for two growing seasons.
3. Address Town Engineer memo satisfactorily.
4. Obtain Zoning relief and special-use permit from Zoning Board (per 12/27/12 Zoning memo); provide additional information on 2<sup>nd</sup> floor training center use, and coffee bar/restaurant use.

*Motion carried with no discussion, 5–0.*

S. Sasa rejoined meeting.

### III. **Old Business**

Advisory opinion (cont’d) on **Capital Improvement Program 2013–18**.

PB’12–24

Town Planner updated Board on meeting with mayor, chief of staff and finance director. Financial protections distributed across five years per mayor’s request; \$for 2/12/17 to distribute costs and 6.4 million requested. Questions included DPW roof; grants to fund modernization of high-school science room;

Discussion on consolidation of:

- Indoor town-wide recreational facility at Memorial Park;
- Emergency services—fire and police; and



- o Elementary schools.

*Advisory opinion* **continued** (*motion by S. Sasa, 2<sup>nd</sup> by J. Laurito carried, 6-0*).

VI. **Administrative Report & Special Items**

Planner cited Orbit Energy pre-application meeting with mayor. Broadrock to return for hearing on industrial site plan for proposed wastewater treatment building at GCC plant.

VII. **General Business**

Mandatory Board Grow Smart training on Feb. 13 at Senior Center.

VIII. **Adjournment**

January 8, 2013, Planning Board meeting adjourned at 8:55 p.m.

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*Peggy A. Passarelli*  
SECRETARY