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TOWN OF JOHNSTON PLANNING BOARD

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MEMBERS

Joseph Lembo
Christine M. Cunneen
Mohamad Y. Sasa
Sindy Tonole

SOLICITOR

Joseph R Ballirano, Esq.

TOWN PLANNER/
ADMIN. OFFICER
Michael A Asciola

PLANNING BOARD MEETING

Monday, September 14, 2015, 6:00 p.m.

Johnston Municipal Court, 1291 Hartford Ave., Johnston, RI 02919

MEETING MINUTES

The Planning Board of the Town of Johnston held their monthly meeting at 6:01 p.m on Monday, September 14, 2015, at the Johnston Municipal Court, 1600 Atwood Avenue, Johnston, RI.

I. Call to Order & Roll Call

The meeting was called to order at 6:01 p.m. Quorum present for the Board: John Laurito, Chair; Albert Cournoyer, Vice-Chair; Mohamad Sasa, Joseph Lembo, Peggy Passarelli, and Christine Cunneen. Also present for the Town were Joseph Ballirano, Esq., Planning Board Solicitor; Michael Asciola, Town Planner; and Louis Fabrizio, Planning Clerk.

II. Approval of Minutes

M. Sasa made the motion to accept the minutes of the August 4, 2015 Planning Board meeting. Motion was seconded by P. Passarelli. **A voice vote was taken; all in favor.**

III. Old Business

A. Johnston Comprehensive Plan Update 'Workshop- PB '13-10

Chairman Laurito stated that the Comprehensive Plan Workshop would not take place tonight. J. Laurito would be addressing the Town Council and inviting them to a future Planning board meeting.

B. Advisory Opinion to the Town Council for the Acceptance of the Lakeside Commerce Center Industrial Park Roadway and Stormwater Management System- PB '15-20

J. Laurito stated the Planning Board will review the engineering report on the construction of the roadway and stormwater management system for a previously approved industrial subdivision known as Lakeside commerce Industrial Park AP 31/Lot 61, a 115.72 acre site located on the Shun Pike and Green Earth Avenue in the Industrial I Zoning district.



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I. Laurito made a motion to open up discussion on this matter. No discussion.

Al. Coumoyor made a motion for a favorable recommendation to the Town Council for the Lakeside commerce industrial park and stormwater management system based on the R.I.G.L.45-24-52; that is, one find that the proposal is consistent with the Comprehensive Plan of the Town including the goal and policy statements, the implementation program 1, section B. of the ordinance. For the above reasons, find the adoption of this proposed Lakeside Commerce Center industrial park roadway and stormwater management system is consistent with good planning and Comprehensive Plan. therefore recommend that the Lakeside Commerce Center industrial park roadway and stormwater management be adopted to the Town Council, subject to 5 monuments being installed or plans amended to reflect the change. C. Cuneen seconded the motion. A Voice Vote was taken; all in favor.

IV. New Business

A. Major Subdivision and Land Development Master Plan Review- Atwells & Union Avenue- Cairo PB '15-20

J. Laurito states that this proposal is a Major Subdivision and Land development master plan review, Atwells & Union Cairo 15-18. Master plan review of the proposed 2 lot residential subdivision requiring zoning relief from the Zoning Board of Review. The plan is entitled the Atwells and Union Avenue Cairo Major Subdivision to be located at the lot identified as A.P. 18, Lot 203 consisting of 12,800 square feet within the R15 zone. J. Laurito opens up discussion. Attorney Al. Russo, John Cairo, and Nick Veltri speak on their matter. J. Cairo states the he is looking to mirror other houses that are facing Union Avenue.

S. Tonole joins the meeting.

J. Laurito continues that the proposal is to divide the existing lot into two substandard lots creating an additional buildable lot. This application was prepared by N. Veltri Survey, Inc.

N. Veltri and J. Cairo sworn in.

Al. Russo was sworn in to represent N. Veltri and J. Cairo

Al. Russo states that J. Cairo owns lot 203 on assessor's plat 18. N. Veltri presented a map which denotes in yellow on lots in the area that are 6400 square feet. Al. Russo requests that this document be accepted into the record and present them to each board member of the board.

Al. Cournoyer makes a motion to accept the plat map into the record. P. Passarelli seconds the motion. A Voice Vote was taken; all in favor.



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Al. Russo states that the map shows 203 fronts both Atwells Avenue and Union Avenue and there are sewer and water on both of those streets. There are several homes with 6400 square feet lots, so J. Cairo is proposing tonight that we subdivide the property so it is in conformance with the surrounding properties. If the Planning Board were to approve, this would then need to go to Zoning Board.

N. Veltri stated that the property is located between Atwells & Union Avenue. Currently the lot is 160 by 80. Proposed to be subdivided is two equally square footage of 6400 square feet each. Serviced by public water and sewer. New proposed dwelling would be facing Union Avenue. The property is level land, the roof runoff would go into an enclosed system within the property so there would be no runoff from the road to adjoining properties.

Al. Russo stated that J. Cairo went around the neighborhood and put together a proposed property agreement and asked the neighbors to state that they had no objection to the proposal. He asked this document be part of the record.

S. Sasa made a motion to accept the petition document into the record. Al. Cournoyer seconds the motion. **A Voice Vote was taken; all in favor.**

Al. Russo states that this lot doesn't have the square footage, but doesn't have to meet the setback for the side front or the rear.

AL Cournoyer asked when the existing house was built.

J. Cairo states May of this year and that it is not complete.

Al. Cournoyer asked if there were any Zoning issues if you would be considering splitting the property.

Al. Russo stated that J. Cairo was told if he was granted relief to build this particular house, he would not go forward with this construction. Since then, he changed his mind.

J. Cairo stated that he was not prepared for that question on that night.

AL Russo states that this case was heard in superior court. It was remanded back.

J. Ballirano states that they went to superior court and based upon the briefs, there was no way that the court wasn't going to remand it back.

J. Cairo states that further down on Atwells they subdivided a lot with 70 frontage and 10 feet from back of the house.

M. States there is no need for this besides greed.

J. Balliarano states hardship is about land, not the owner.



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I. Cairo states went before zoning saying that he had no plans to come back before the board in the future to subdivide this lot.

M. Asciola states that the proposal would further create a nonconforming, more nonconforming for both lots and the structure and that's under construction right now. When reviewing transcripts, *J.* Cairo's intention was to build just one parcel.

J. Laurito opens discussion up to the public.

Scott Obrien, resident of 47 Union, was sworn in on this matter.

He states that the south abutting property on Union Avenue is owned by Gary Peterson, and he has a sewer line that cuts diagonally underneath a corner of **J.** Cairo's property. He was threatened to have it removed. *S.* Obrien also complains about the constant banging, dust, and trucks.

Ann Marie Bennett and Ed Rotella have been sworn in.

At. Bennett states that they live to the right of where *J.* Cairo is building, 135 Union. She states that the property looks great and building there would be great for the neighborhood.

I. Cairo rebuttal against Scott O'Brien's comments. **J.** Cairo states that the allegations are false and plans to take him to court for false accusations.

S. O'Brien states that he retracts his comments.

J. Cairo adds that he filled the property to get it on higher elevation.

Al. Cournoyer makes a motion to accept the photo. **A Voice Vote was taken; all in favor.**

N. Veltri states that the property is not graded, but when it is, it will be even with all the adjoining properties.

J. Balliarano states that in front of Zoning there is zero tolerance for water runoff.

Al. Cournoyer made a motion for a 5 minute recess. Seconded by *P.* Passarelli. **A Voice Vote was taken; all in favor.**

S. Sasa made a motion for the meeting to be called back to order. *P.* Passarelli seconds the motion. **A Voice Vote was taken; all in favor.**

Al. Cournoyer makes a motion to deny the Master Plan based upon the submitted application, testimony presented to the board planning staff report, memorandum from various town departments all of the general purposes of section 1 of the Town of Johnston Land Development and Subdivision Review Regulations have been addressed. The proposed development is not consistent with the Comprehensive Community Plan and/or satisfactorily addressed the issues where there may be inconsistencies and 2 the proposed development of the municipality's zoning ordinance and based on those facts, I make a motion that we deny the Master Plan. *S.* Sasa seconds the motion. **A Voice Vote was taken; all in favor.**



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AL Cournoyer makes a motion to deny the Master Plan Review. Seconded by S. Sasa. **A Voice Vote was taken; all in favor.**

B. Advisory Opinion to the Town Council to Approve Changes to the Town's FEMA Flood Insurance Rate Maps- PB '15-19.

C.Cunneen made a favorable recommendation to the Town Council based on the Planning Board's positive findings, the 2 point test set forth in R.I.G.L. 45-24-52, that is one, I find that the proposal is consistent with the Comprehensive Plan of the Town including the goals and policy statements, the implementation program and all other applicable elements of the Comprehensive Plan and 2, the board's findings which include the recognition and consideration of each of the applicable purposes of zoning as presented in R.I.G.L. 45-24-30 and article 1 section B. of the ordinance. For the above reasons I find the adoption of this proposed advisory opinion is consistent with good planning and the Comprehensive Plan. I therefore favorably recommend that the Town's FEMA flood insurance rate maps P.B. '15-19 be adopted by the Town Council. AL Cournoyer seconded this. **A Voice Vote was taken; all in favor.**

V. Administrative Report & Special Items

M. Asciola updated the board with the hazard mitigation plan update. A grant application has been submitted to FEMA for assistance with the plan. It's about a 12 to 14 month process. A planning team will be organized shortly. M. Asciola stated that, along with J. Laurito, he will address the Town Council about joining us at a future workshop.

VI. General Business

None

VII. Adjournment

AL Cournoyer made the motion to adjourn and this was seconded by C. Cunneen. Meeting adjourned at 7:18 p.m.



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Respectfully Submitted,


Peggy Passarelli, Secretary