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Joseph M. Polisena, MAYOR

Bk: MEMBERS 2 Ps: 211
INST: ~~Thomas Breckel~~
Patricia Aguiar
Peggy A. Passarelli
Michael A. Campagnone
SOLICITOR
Timothy J. Chapman, Esq.

TOWN OF JOHNSTON PLANNING BOARD

100 IRONS AVENUE, JOHNSTON, RI 02919
TEL: (401) 231-4000 FAX: (401) 231-4181

March 23, 2010

IN RE: Johnston Combined Cycle LFG Plant (PB 2009-53);
Major Land Development — Master Plan Review
65 Shun Pike, Johnston, Rhode Island
AP 31 / Lots 45, 46, 49, 55, 58, & portions of Lots 47 & 61; and
AP 43 / Lots 36 & 588, & portions of Lots 402 & 567
14± acres on portions of 5 lots; Zoned I
RI Central Genco, LLC, Applicant;
RI Resource Recovery Corporation, Owner

VINCENT P. BACCARI JR.
TOWN OF JOHNSTON
TOWN CLERK

2010 MAR 25 AM 8:35 AM

Posted
BA.

WHEREAS, RI Central Genco, LLC, ("Applicant"), requested a Master Plan Review for a Major Land Development before the Planning Board ("Board") for a property known as AP 31; Lots 45, 46, 47, 49, 55, 58, 61; and AP 43; Lots 36, 402, 567, 588; on Shun Pike for a proposed industrial development of landfill gas power plant and

NOW THEREFORE, the Board makes the following findings of fact and reaches the following decision:



FINDINGS OF FACT

A. Consistency with General Purpose of Subdivision and Land Development Review

Section 45-23-60 of the General Laws of the State of Rhode Island requires that the approving authorities responsible for land development and subdivision review and approval address each of the general purposes stated in section 45-23-30 of R.I.G.L. The Board addresses such purposes as set forth below:

(1) Providing for the orderly, thorough, and expeditious review and approval of land developments and subdivisions;

The Board finds that an orderly, thorough, and expeditious review of the master plan for the major land development has been conducted in compliance with the requirements of state law as the Board reviewed the plans and supplementary supporting documentation at the meeting held concerning this matter, namely March 2, 2010.

(2) Promoting high quality and appropriate design and construction of land developments and subdivisions;

The Board finds that the proposed land development may be appropriate in design and construction for the area within which it is located as the elements of the proposed design conform to the associated requirements set within the Town's Comprehensive Plan and Subdivision requirements. The Board raised concerns regarding drainage, sewer discharge, odor, access, fire safety, noise, water supply to site, and issues raised by the Town Engineer. All concerns were addressed by the applicant or are being addressed by the applicant to the satisfaction of the Board. The applicant must go to the Zoning Board and Industrial Review Board before coming back to this Planning Board for the next stage of the process. In addition, an easement across Shun Pike must be obtained by the applicant from the Town.

(3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;



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The Board finds that the proposed land development would not negatively affect the environment because the use of Town services would be sufficiently addressed, an underground detention system will be located throughout the site to handle storm water runoff and the project is not within historically sensitive areas. The Town Engineer's issues must be addressed to the satisfaction of the Board.

(4) Promoting design of land developments and subdivisions which are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;

The Board finds that the proposed land development lies within an area zoned I which is an industrial district. Public water and onsite sewer system are presently proposed. Storm water runoff will be addressed by an underground system. Mitigating features toward this site will be further examined at future stages of the approval process.

(5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plan with regard to the physical character of the various neighborhoods and districts of the municipality;

The Board finds the design and improvement standards of the proposed land development reflected the intent of the Comprehensive Plan within the physical character of the area. The Board recognized that the development plan seeks to protect the most sensitive areas of this site, minimize Town services and provide high quality offering of uses that will generate jobs and tax revenue.

(6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;

The Board finds that a technical review of this Master Plan for this land development was thoroughly performed at the meeting held concerning this matter, namely March 2, 2010.



(7) Encouraging local requirements for dedications of public land, impact mitigation and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered;

The Board finds that future submissions should address the dedication of public land, impact mitigation and payment-in-lieu thereof.

(8) Encouraging the establishment of consistent application of procedures for local recordkeeping on all matters of land development and subdivision review, approval and construction.

The Board finds that appropriate records on the planning review and approval for this application have been kept by the Board and/or the Planning Department.

B. Required Findings Under Section 45-23-60 of the General Laws of Rhode Island.

Section 45-23-60 of the General Laws of Rhode Island. In addition to addressing each of the general purposes stated in section 45-23-30 also requires the Planning Board to make positive findings on the following standard provisions, as part of the proposed project's record, prior to approval:

(1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;

The Board finds that this proposal is consistent with the Comprehensive Plan as the proposed business use conforms to the Comprehensive Plan.

(2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;

The Board finds that the proposed land development must meet the standards and provisions of the existing Zoning Ordinance. This Board refers this matter to the Zoning Board to address zoning issues. The required zoning variances of front and side yard setbacks and height variance for the stacks met with a favorable recommendation from this Board as to both zoning applications for Special Use Permits.



(3) *There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;*

The Board finds that negative environmental impacts will not occur with the development of this project based upon the information presented.

(4) *The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable (See definition of Buildable lot.) Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;*

The Board finds that this matter proposes to combine portions of five (5) lots. It will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impractical.

(5) *All proposed land developments and subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement;*

The Board finds that the parcels have adequate and permanent physical access to a public street as the proposed roadway has access via Shun Pike.



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CONCLUSION

The Planning Board has found the proposed major land development to be consistent with the purposes of the Development Review Act of 1992 and has made findings as to the five point test set forth in R.I.G.L. 45-23-60. The Planning Board hereby approves this Master Plan, for a Major Land Development, as applied for, substantially in accordance with all of the plans, specifications, and other documentation submitted.

Motion to approve this Master Plan for a Major Land Development as applied for, subject to: (a) Town Engineer memo dated February 21, 2010, and (b) referral to the Zoning Board with favorable recommendations from the Planning Board on both zoning applications; made by Mr. Breckel and seconded by Ms. Aguiar. The vote in favor of the approval of this application has been documented as follows:

Ms. Aguiar	Aye	Mr. Breckel	Aye
Ms. Garzone	Aye	Mr. Campagnone	Aye
Mr. Sasa	Aye	Ms. Passarelli	Aye
		Chairman Verardo	Aye

Motion carries 7-0.

Any party aggrieved by this decision may file an appeal in accordance with Title 45, Chapter 23 of Rhode Island General Laws and the Johnston Land Development and Subdivision Review Regulations to the Zoning Board of Review, serving as the Board of Appeals, within twenty (20) days of the date of the recording of this decision.

This 3 day of 25, 2010.

Planning Board Chairperson

VINCENT P. BACCARI JR.,
TOWN OF JOHNSTON
TOWN CLERK
Mar 25, 2010 08:31:29A