



100 Westminster Street, Suite 1500  
Providence, RI 02903-2319  
p: 401-274-2000 f: 401-277-9600  
hinckleyallen.com

**John J. Bolton, Esq.**  
[jbolton@hinckleyallen.com](mailto:jbolton@hinckleyallen.com)

January 5, 2021

Town of Johnston  
Planning Board  
c/o Thomas E. Deller, AICP  
Town Planner/Administrative Officer  
100 Irons Avenue  
Johnston, RI 029109

**Re: Master Plan Application with Unified Development Review  
Proposed Retail Distribution Center  
2120 Hartford Avenue  
Assessor's Plat 54, Lots 39, 40, 42, 54, 61, 75, 89, 90 and 93 (the "Property")**

Dear Honorable Members of the Planning Board:

On behalf of the Applicant, Bluewater Property Group, enclosed please find the Major Land Development - Master Plan Review Application, and supporting plans and materials, in connection with the Applicant's proposal to construct a retail distribution center (the "Project") on the Property.

The Applicant is requesting both dimensional variances and waivers for the Project, as are further described in the Application Addendum. As part of its Master Plan Review, the Applicant is also requesting Unified Development Review.

Also enclosed, please find:

1. Master Plan Checklist.
2. 200' Radius Abutters Map.
3. Abutters List.
4. Check in the amount of \$755.00 for the Master Plan Application filing fee.

Please contact me if you have any questions or required additional information at this time. We respectfully request that this matter be placed on the agenda of the February 2, 2021 Planning Board meeting.

► ALBANY ► BOSTON ► HARTFORD ► MANCHESTER ► NEW YORK ► PROVIDENCE

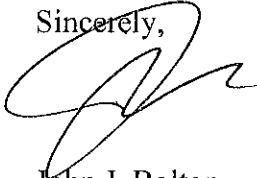
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HINCKLEY, ALLEN & SNYDER LLP, ATTORNEYS AT LAW

January 5, 2021  
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Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Bolton", written over the word "Sincerely,".

John J. Bolton

Enclosures

▶ ALBANY ▶ BOSTON ▶ HARTFORD ▶ MANCHESTER ▶ NEW YORK ▶ PROVIDENCE



**TOWN OF JOHNSTON  
PLANNING BOARD**

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

➔ Retail Distribution Center

AP 54 - Lots 39, 40, 42, 54, 61, 75, 89, 90 & 93

NAME OF PROJECT

A.P. / LOT(S)

**I. Project information.** ➔ Check off: [1] PROJECT TYPE proposed; [2] REVIEW STAGE requested; and [3] DOCUMENTS submitted—*application not accepted without all items.*

1. TYPE	2. REVIEW STAGE						3. REVIEW DOCUMENTS						BRIEFLY DESCRIBE PROJECT:			
	Subdivision	Land Development	Pre-Application	Concept	Master Plan	Preliminary Plan	Final Plan	Site Plan	Application	Checklist	Plan	Radius map		Abutters list	Tax certificates	Supplementary *
Administrative															No. existing or proposed lots <sup>†</sup> x \$75 + \$80	
Minor															No. units/lots or acres. <sup>†‡</sup> x review-stage rate + \$80	
Major				X												
REVIEW STAGE RATE:			\$50	\$75	\$125	\$105										* See respective checklists. † Whichever is larger. ‡ Acres = area of work.
Site Plan															Flat \$700 for ind'l, comm'l, non-res'l; \$300 all others.	

**NOTE:** Total fees (i.e., pre-application conference, review hours, Board meeting, recording) to be invoiced at time of review.

**II. Application fee.** (non-refundable)

➔ Fill in:

9	of	<input checked="" type="checkbox"/> LOTS <sup>†</sup>	x \$	75	+	\$80	= \$	755
NUMBER		<input type="checkbox"/> UNITS <sup>†</sup>		REVIEW-STAGE RATE				TOTAL FEE DUE
		<input type="checkbox"/> ACRES <sup>†‡</sup>						

**III. Approvals / permits.** ➔ Check off all anticipated —

1. TOWN	Submitted	In process	N/A	2. STATE	Submitted	In process	N/A	3. FEDERAL	Submitted	In process	N/A
	Fire Department		X			Narragansett Bay Commission			X		Army Corps of Engineers
Police Department		X		Providence Water Supply Board			X	Department of Agriculture			X
Public Works		X		RIDEM — Underground Injection		X		Environment. Protection Agency			X
Town Council			X	RIDEM — Wastewater Treatment		X		OTHER:			
Zoning Board **			X	RIDEM — Wetlands/Stormwater Mgmt		X					
*** To be obtained after Planning Board review.				RIDOT — Physical Alteration Permit		X					
Pre-application meeting:		DATE : 12/15/2020			ATTENDEES:		Thom Deller (Johnston) Nicole Reilly & Len Bradley (Diprete) John Bolton & Leah Rubega (Hinckley)				

**IV. Signature.** ➔

I hereby certify that the information provided is correct, true and accurate to the best of my knowledge.		
	John J. Bolton	1/5/21
SUBMITTER	PRINTED NAME	DATE

Staff review conducted within 15 days of submission for administrative and minor projects, and within 25 days for minor with street construction\* and major projects†.

\*† Applications to be certified as complete at least 32 days prior to Planning Board review. Meetings are held on first Tuesday each month, 6:00 p.m., Senior Center.



**TOWN OF JOHNSTON  
PLANNING BOARD**

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

**Application**  
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**Retail Distribution Center**

**AP 54 - Lots 39, 40, 42, 54, 61, 75, 89, 90 & 93**

NAME OF PROJECT

A.P. / LOT(S)

**PROPERTY** STREET ADDRESS: 2120 Hartford Ave NO. EXISTING: 9  LOTS  UNITS NO. PROPOSED:  LOTS  UNITS

ZONING DISTRICT(S): B-3 TOTAL AREA: 195.49 +/-  acres  sq. ft. AREA OF WORK: 77 acres +/- STR. CONSTRUCTION:  no  yes

	INDUSTRIAL	COMM'L/BUS.	RESIDENTIAL	ONE	TWO	MULTI	MIXED USE	VACANT	OTHER:
USE — EXISTING:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
— PROPOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NO. FAMILIES:

DESCRIPTION OF PROPOSED USE: Retail distribution center

**APPLICANT** NAME 1: See attached "List of Applicant and Property Owners" NAME 2: \_\_\_\_\_

COMPANY: \_\_\_\_\_ COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

CITY, STATE & ZIP: \_\_\_\_\_ CITY, ST., ZIP: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ CELL: \_\_\_\_\_ TEL: \_\_\_\_\_ CELL: \_\_\_\_\_

E-MAIL: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ FAX: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_ FAX: \_\_\_\_\_

**OWNER\*** NAME 1: See attached "List of Applicant and Property Owners" A.P.: \_\_\_\_\_ NAME 2: \_\_\_\_\_ A.P.: \_\_\_\_\_

COMPANY: \_\_\_\_\_ LOT: \_\_\_\_\_ COMPANY: \_\_\_\_\_ LOT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

CITY, STATE & ZIP: \_\_\_\_\_ CITY, ST., ZIP: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ CELL: \_\_\_\_\_ TEL: \_\_\_\_\_ CELL: \_\_\_\_\_

E-MAIL: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ FAX: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_ FAX: \_\_\_\_\_

**ENGINEER** NAME: Nicole Reilly, P.E. FIRM: DiPrete Engineering

REG. NO.: 8573  R.I.  OTHER: \_\_\_\_\_ EXP. DATE: \_\_\_\_\_ E-MAIL: nreilly@diprete-eng.com

TELEPHONE: 401-943-1000 CELL: \_\_\_\_\_ FAX: 401-464-6006

**SURVEYOR** NAME: Robert Babcock, P.L.S. FIRM: DiPrete Engineering

REG. NO.: 2504  R.I.  OTHER: \_\_\_\_\_ EXP. DATE: \_\_\_\_\_ E-MAIL: rbabcock@diprete-eng.com

TELEPHONE: 401-943-1000 CELL: \_\_\_\_\_ FAX: \_\_\_\_\_

**ATTORNEY** NAME: John Bolton FIRM: Hinckley Allen & Snyder

CONTACT: 100 Westminster Street, Providence, RI 02903-2319 E-MAIL: jbolton@hinckleyallen.com

TELEPHONE: 401-457-5128 CELL: \_\_\_\_\_ FAX: 401-277-9600



Identify **point person** — \* Legal owner(s) of record; attach affidavit for agent — Copy form for additional owners/applicants — Submit **original application**.

January 5, 2020

Town of Johnson  
Planning Board  
100 Irons Avenue, Johnston, RI -2919

**RE: Retail Distribution Center  
Johnston, RI**

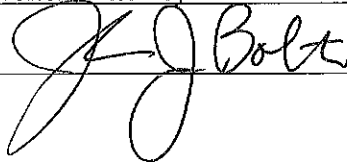
**Planning Board Application**  
**Authorization of Applicant & Owner**  
**Signature Page:**

**APPLICANT:**

Bluewater Property Group  
One Tower Bridge  
100 Front Street, Suite 570  
Conshohocken, PA 19428

Name(s):(print) John Bolton, Attorney for Bluewater Property Group

(sign & date) \_\_\_\_\_



1/5/21

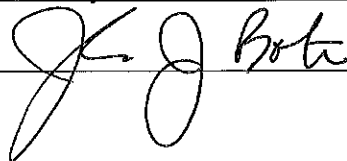
**OWNERS:**

**AP 54 – Lots 39, 40, 54, 89, 90, 93**

Now or Formerly: THE SHELBURNE CO, LLC  
LOTOJOSA, LLC  
(C/O CAROL NAJARIA)  
117 Meshanticut Valley Pkwy  
Cranston, RI 02920

Name(s):(print) By Attorney-in-fact, Bluewater Property Group

(sign & date) \_\_\_\_\_



1/5/21

**AP 54 – Lot 42**

Now or Formerly: DOMENIC CASSISI and FRANCESCO CASSISI  
31 Oakdale Ave, Johnston, RI 02919

Name(s):(print) Domenic Cassisi

(sign & date) \_\_\_\_\_


Name(s):(print) Francesco Cassisi

(sign & date) \_\_\_\_\_

**AP 54 – Lots 61, 75**

Now or Formerly: KAREN STETSON  
C/O REM STETSON, KING, BEALS  
c/o 1 Lewis Drive, Johnston, RI 02919

Name(s):(print) By Attorney-in-fact, Bluewater Property Group

(sign & date)  1/5/21

**AP 54 – Lot 42**

Now or Formerly: DOMENIC CASSISI and FRANCESCO CASSISI  
31 Oakdale Ave, Johnston, RI 02919

Name(s):(print) Domenic Cassisi | \_\_\_\_\_

(sign & date) Domenic Cassisi 1/4/21 \_\_\_\_\_

Name(s):(print) Francesco Cassisi \_\_\_\_\_

(sign & date) \_\_\_\_\_

**AP 54 – Lots 61, 75**

Now or Formerly: KAREN STETSON  
C/O REM STETSON, KING, BEALS  
c/o 1 Lewis Drive, Johnston, RI 02919

Name(s):(print) By Attorney-in-fact, Bluewater Property Group \_\_\_\_\_

(sign & date) \_\_\_\_\_

AP 54 - Lot 42

Now or Formerly: DOMENIC CASSISI and FRANCESCO CASSISI  
31 Oakdale Ave, Johnston, RI 02919

Name(s):(print) Domenic Cassisi

(sign & date) \_\_\_\_\_

Name(s):(print) Francesco Cassisi

(sign & date) Francesco Cassisi 1-4-2021

AP 54 - Lots 61, 75

Now or Formerly: KAREN STETSON  
C/O REM STETSON, KING, BEALS  
c/o 1 Lewis Drive, Johnston, RI 02919

Name(s):(print) By Attorney-in-fact, Bluewater Property Group

(sign & date) \_\_\_\_\_



**ADDENDUM to Master Plan Application  
with Unified Development Review**

**Request for Variances and Waivers**

**Retail Distribution Center, Bluewater Property Group**

Bluewater Property Group (the “Applicant”) proposes to construct an approximately 3,864,972 square foot building for a retail distribution center (the “Project”) on the following nine (9) parcels in Johnston, Rhode Island: Assessor’s Plat 54, Lots 39, 40, 42, 54, 61, 75, 89, 90 and 93 (the “Property”). While the majority of the Property is vacant, undeveloped land, there is an existing solar panel facility on Assessor’s Plat 54, Lot 42 that will be relocated to another property in Johnston, Rhode Island.

The Property is located in a B-3 zoning district, which, pursuant to Article XIV of the Johnston Zoning Code (the “Zoning Code”), the B-3 zone is intended to encourage and enable the development of large-scale projects. The Property consists of a total of 195.49 acres of land located off of Hartford Avenue, and the proposed building (the “Building”) for the Property will be set back from Hartford Avenue the required distance pursuant to the Zoning Code. While the Project satisfies the majority of the requirements under the Zoning Code and the Johnston Land Development and Subdivision Review Regulations (“Subdivision Regulations”), due to specific site constraints and unique property considerations, the Applicant is requesting those certain dimensional variances and waivers set forth below. Due to the fact that the Project requires such dimensional variances, as part of its Master Plan Review, the Applicant is requesting Unified Development Review, so that that Planning Board may review and grant the dimensional variances pursuant to Section 340-27.3 of the Zoning Code.

It is important to note, although the Building consists of approximately 3,864,972 square feet, given the nature of the Building as a retail distribution center, a majority of the space in the Building is not normally “occupied” by employees. The Building generally consists of:

- i. Ground Level: approximately 823,522 square feet
  - Shipping and Receiving areas with truck dock bays
  - Casing, sorting, and labelling of goods assembled via material handling equipment from levels above, staffed by employees
  - Employee support spaces such as office, recruitment, training, break rooms, restrooms, etc.
- ii. Mezzanine/Platforms Level: approximately 379,570 square feet
  - Automated robotic sortation, transporting goods to material handling equipment for discharge to the Ground Level below, with limited employee presence and supervision
- ii. Levels 2, 3, 4, and 5: approximately 665,470 square feet each level
  - Automated robotic sortation, transporting goods to material handling equipment for discharge to the Ground Level below, with limited employee presence and supervision

## **I. Variances Requested for Project**

### **A. List of Variances Requested**

Given the unique characteristics of the Property as further detailed below, the Applicant is requesting dimensional variances from the following provisions of the Zoning Code:

1. **Section 340-86 (3)**, which does not set forth a maximum principal building height for a retail distribution center use of a building in a B-3 zone. Therefore, if the Planning Board determines that the 90 foot height maximum for an office use building is applicable to the Building, the Applicant requests a variance to permit a building height of up to 120 feet.
2. **Section 340-91(A)**, which sets forth specific criteria for buildings in the B-3 zone, including that such buildings follow the spirit and character of town center design and shall be located with specific regard to the height, size, and style of other structures in the vicinity, and that the structures shall be harmonious and blend with the existing nearby built and natural landscaping. Notwithstanding this variance request, the Applicant intends to construct the Building and Project to be harmonious and compatible with the surrounding properties.
3. **Section 340-90**, which requires that in any yard where there is a frontage on a public right of way, there must be a vegetated area that occupies the entire required setback. The Applicant intends only to conduct such planting where it intends to clear existing vegetation for the proposed Project entrances.
4. **Section 340-27.2-B-29(d)**, which requires that maximum effort should be made to save trees or other plant specimens which are large for their species, and that in the event that any such tree or plant specimen are to be removed, they are to be replaced elsewhere on the Property with specimens of a comparable size and type. Applicant shall endeavor to comply with this provision to the extent feasible, given the size and scope of the Project.
5. **Section 340-27.2(B)**, which requires that landscaping must constitute a minimum of 15% of the entire site. Applicant seeks relief from this provision, as it is unclear from the Zoning Code as to whether those portions of the Project that constitute undisturbed existing vegetation may be accounted for in satisfying this requirement.
6. **Section 340-29**, which requires that any office or retail business employing 100 or more employees on any single shift shall provide one electric charging station for every 100 employees on shift. The applicability of this requirement to a retail distribution center use is unclear. In any event, the Applicant shall provide such electric charging stations based upon actual demand.
7. **Section 340-22**, which states that “No freshwater wetland.. shall be altered, excavated, drained or filled nor shall any extraneous materials be placed in these wetlands or water flow diverted out of or any change be made to the natural condition of any freshwater wetland without prior

approval of the RIDEM, and the Johnston Town Council.” Applicant shall comply with all requirements of RIDEM and shall obtain all applicable permits/approvals necessary for the Project from RIDEM.

8. **Section 340-88(A)**, which, using the Zoning Code requirement for “light manufacturing use” (there is no Zoning Code requirement for a retail distribution center use), and based on a total Building size of 3,864,972 square feet, the Zoning Code requirement would be 7,735 parking spaces. The Applicant proposes 1,802 parking spaces for the Project. It is important to note that if the Zoning Code requirement is applied only to the 823,522 square feet of ground floor/”occupied” Building space, 1,652 parking spaces would be required per the Zoning Code.
9. **Section 340-89**, which requires that commercial/retail and light manufacturing uses have at least one loading bay for every 40,000 square feet of building space. Using the total Building square footage of 3,864,972 square feet, this results in a requirement of 97 loading bays. The Zoning Code presents no such requirement for a retail distribution center. The Project proposes 69 loading bays.
10. **Section 340-27.2(C)**, to permit the following:
  - a. Spacing of trees in the parking area at intervals at greater than 35 feet;
  - b. Less than a minimum of 10 square feet of landscaping for each parking space within the parking area;
  - c. Parking areas where each row of parking spaces are not terminated by landscaped islands which measure not less than five feet in width and not less than 18 feet in length and the interior of the parking area, and which do not have any landscaped areas between long, uninterrupted rows of parking spaces;
  - d. A parking area that does not include deciduous trees for shading.

Given the size, scope and use of the Project, the Applicant seeks flexibility in parking lot layout and design.

Section 340-27.3 of the Zoning Code authorizes Unified Development Review for any development in the B-3 zone. Along with its Major Land Development - Master Plan Review application, the Applicant is hereby requests relief from the literal requirements the Zoning Code as more particularly set forth above. As set forth in Section 340-27.3 of the Zoning Code, and pursuant to R.I.G.L. §45-24-41, the Planning Board may review and approve the requested variances for the Project.

Pursuant to Section 340-74(B) of the Zoning Code, in order for the Planning Board to grant a variance, the following standards must be met and entered into the record of the Planning Board’s proceedings:

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;

2. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan upon which this chapter is based; and
4. That relief granted is the least necessary.

In addition to the above requirements, Section 340-74(C) requires a finding that the hardship that will be suffered by the owner of the Property if a dimensional variance is not granted amounts to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property.

As will be further described below, the Project satisfies all of the required variance standards and required findings set forth in Sections 340-74(B) and (C) of the Zoning Code.

#### **B. Variances Requested Satisfy Variance Requirements**

1. *The Requested Variances Satisfy Conditions Set forth in Section 340-74(B)(1) of the Regulations*

For the Board to grant a variance, Section 340-73(B)(1) of the Regulations requires that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant.

The Property is located in the B-3 zone, which pursuant to Article XIV of the Regulations, is intended to encourage and enable the development of large-scale projects. The Project is located on 195.49 acres of land, and complies with all setback requirements set forth in the Zoning Code. In addition, the setback areas between the property lines and Building will maintain a great deal of the existing natural buffer that currently exists on the Property. The proposed use of the Property is for a retail distribution center, so the Project will not have fluctuating customer traffic coming in and out of the Property throughout various times during the day, but will rather have a consistent and standard schedule of traffic for employees and truck traffic. The Building, with a maximum height of 120 feet and a total area of 3,864,972 square feet, allows for the Property to be adequately utilized for the permitted use of a retail distribution center, while still being able to provide adequate setbacks, traffic flow and parking for the proposed use.

The Property has the unique characteristic of varying, and at certain places, steep elevations limiting where the structure can be located. If the Applicant is not permitted to have the Building as tall as 120 feet, and instead is forced to expand the overall footprint of the Building, it would be difficult to locate a wider Building because of the varying elevations at the Property. In addition, a larger overall footprint of the Building would restrict where the travel ways and parking could be located on the Property, potentially impacting the efficient flow of travel on the Property and reducing the parking and setbacks to adjacent properties. Further, the robotics/technology to be employed within the building necessitate higher clearances for safe and efficient operations.

Ultimately, the proposed Project, including the height of the Building, parking and natural vegetation and landscaping, is appropriate for the shape and size of the Property, and does not overextend the size of the Building or the use of the Property in a way that would be inconsistent with the surrounding area. Due to the unique characteristics of the Property, and taking into consideration the overall purpose of the B-3 zone, the Property presents unique conditions that would create a hardship for the Applicant if required to comply with certain dimensional requirements of the Zoning Code.

2. *The Requested Variances Satisfy Conditions Set forth in Section 340-74(B)(2) of the Regulations*

For the Board to grant a variance, Section 340-74(B)(2) of the Regulations requires that the Board find that the hardship is not the result of any prior action of the Applicant and does not result primarily from the desire of the Applicant to realize greater financial gain. As previously mentioned, the Property is located in the B-3 zone, which pursuant to Article XIV of the Zoning Regulations, is intended to encourage and enable the development of large-scale projects. The proposed Project is a large scale project, but because of the shape of the Property and the topography, the location of the Building and parking is limited. The Building and parking areas are appropriately setback from the road as well as the surrounding properties, and the Property will still maintain adequate natural landscaping and buffering on the Property. As a result of providing the appropriate setback and buffering, and due to the topography of the Property, the Building's proposed height is appropriate for the utilization of the Property for said large-scale development. In addition, the parking lot as proposed provides adequate parking for the Building's use as a retail distribution center, which will have consistent employee schedules, and will not need to accommodate a varying fluctuation of customers or visitors to the Property.

3. *The Requested Variances Satisfy Conditions Set forth in Section 340-74(B)(3) of the Regulations*

Section 340-74(B)(3) of the Regulations requires that the Board find that the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Code or the Johnston Comprehensive Plan. Because the Property is in the B-3 zone, the Property is zoned to encourage the development of large-scale projects. The Applicant's Project is proposed on 195.49 acres of land, and complies with all setback requirements. In addition, the setbacks areas between the property lines and Building will maintain a great deal of the existing natural buffering that currently exists on the Property. The proposed use of the Property is for a retail distribution center, so will not have fluctuating customer traffic coming in and out of the Property throughout the day, but will rather have a consistent and standard schedule of traffic for employee and truck traffic. The Building, with its proposed height and total square footage, is the necessary size of the Building to adequately utilize the Property for the permitted use as a retail distribution center, while still being able to provide adequate setbacks, traffic flow and parking for the proposed use. Therefore, the proposed Project is appropriate for the Property as zoned, and will not alter the general character of the surrounding area or impair the intent or purpose of the Comprehensive Plan.

4. *The Requested Variances Satisfy Conditions Set forth in Section 340-74(B)(4) of the Regulations*

Section 340-74(B)(4) requires that the relief granted is the least relief necessary. Section 340-86(3) does not set forth a maximum principal building height for a retail distribution use of a building in a B-3 zone. The use of the Building is not office, but is more akin to an office than other uses, in that it will not have customers or a varying fluctuation of people coming to the Property. In the event the Planning Board finds that the 90 foot height maximum for an office is applicable in this instance, the proposed Building height is of the same order of magnitude. The proposed parking lot provides an adequate number of parking spaces based on the retail distribution center use, which will have consistent employee and traffic schedules, and will not need to accommodate any varying fluctuation of customers or visitors to the Property. In addition, the Project maintains adequate setbacks to the adjacent properties and to Hartford Avenue, while also maintain a great deal of natural vegetation that currently exists at the Property. Overall, the variances requested are the least necessary.

5. *The Requested Variances Satisfy Conditions Set forth in Section 340-74(C) of the Regulations*

Section 340-74(C) requires a finding that the hardship that will be suffered by the owner of the Property if the dimensional variance is not granted amounts to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The Property is zoned in the B-3 zone, and therefore is meant for large-scale development. The Project utilizes 9 parcels, totaling 200.18 acres which will provide adequate space for the Project, including for the travel ways, parking and buffers. The Project is consistent with the character of the area, and the variances requested are minimal. The unique Property characteristics discussed above make the above requested dimensional variances necessary for large-scale development on the Property, and without such dimensional variances, the Property is prevented from being used for large-scale development as the Zoning Code intended.

## **II. Waivers Requested for Project**

Given the unique considerations of the Property further detailed above and below, the Applicant is requesting the following waivers from the following requirements of the Subdivision Regulations and Major Land Development Master Plan Checklist:

1. Section III, Article F, 10a(2) of the Subdivision Regulations, which requires preservation of trees existing on the Property and prohibits the removal of trees with a diameter of 8 inches or more, to permit the removal of some of the said trees;
2. Section III, Article A, 2 of the Subdivision Regulations state that “no construction activities may be proposed within any wetland or wetland buffer area”, to permit some activity in a wetland or wetland buffer area;
3. Item #3 of the Major Land Development Master Plan Checklist, requiring a Class I survey; and

4. Item #12 of the Major Land Development Master Plan Checklist, requiring monuments and all corner/points of intersection of boundary line, which is part of a Class I survey.

Section V, Article C(4) of the Subdivision Regulations permits the Board to grant such waivers on the following grounds:

1. That the waiver may be reasonable and within the general purposes and intents of the provisions of the Subdivision Regulations; and
2. That the only waivers and/or modifications shall be where the literal enforcement of one or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in questions or where such waivers and/or design as evidenced by consistency with the Town's Comprehensive Plan and Zoning Ordinance.

The Property is zoned for large scale development. The proposed Project utilizes the Property in a way that provides for a Building that is appropriately sized for a large scale development as encouraged in the B-3 zoning district, while also maintaining much of the natural vegetation on the Property, and maintaining the appropriate setbacks and buffers to the adjacent residential properties and to Hartford Avenue. The Property has the unique characteristic of varying, and at certain places, steep elevations, which limits where the structure can be located. In addition, as the Property is a number of combined lots, the Property also has a unique shape, and property lines that are not rectangular or square-like, limiting where the Building and improvements can be located to comply with setback requirements. The Applicant's request for waivers from Section III, Article F, 10a(2) and Section III, Article A, 2 of the Subdivision Regulations is reasonable given the unique considerations and constraints of the Property. The literal enforcement of the above referenced Subdivision Regulations would essentially limit and potentially prevent the Property from being used for large scale development, and will result in undue hardship because of the unique characteristics of the Property. The Project is consistent with the Zoning Code and Comprehensive Plan's contemplation of the Property for large scale development.

### **III. Conclusion**

For the aforementioned reasons, and as will be further testified to at the hearing, the above variances and waivers satisfy the standards set forth in the Zoning Code and the Subdivision Regulations, and therefore the Applicant respectfully requests that the Planning Board grant the above listed dimensional variances and waivers. The Applicant also respectfully requests that the Board consider and vote on each variance and waiver requested separately, so if the Board is not inclined to issue one of the above variances or waivers, it may still approve the other requested variances.



**TOWN OF JOHNSTON  
PLANNING BOARD**

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

**MAJOR Land Development / Subdivision  
MASTER PLAN REVIEW**

*Retail Distribution Center (Bluewater Property Group - 2120 Hartford Ave.)*

PROJECT ("APPLICANT LAST NAME" - "STREET")

*Proposals must be submitted at least **57 days** prior to Planning Board hearings;  
applications must be certified as complete **32 days** prior to hearing.*

**DEADLINES:**

COMPLETE  
INCOMPLETE  
N/A

**MATERIALS**

— 5 copies due initially —  
— 12 copies due 12 days prior to Board hearing —

I.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Application form</b> (Original, signed by all owners of record or agents with owner authorization)	<b>5</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Checklist</b>	<b>3</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Plan #1:</b> INITIAL STAFF REVIEW — see specifications below	<b>5</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Radius map</b> (Tax assessor's plat map with project boundary and 200' radius—within 500' if ≤ 8 owners)	<b>3</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Abutters list</b> (Property owners within 200' by name, address, zip code, and assessor's plat and lot — within 500' if ≤ 8 <u>different</u> owners)	<b>3</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Tax certificates</b> (Municipal lien certificates for previous five years)	<b>3</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Legal instruments</b> (Proposed easements, quit-claim deeds for streets/rights-of-way, restrictions and covenants, etc.)	<b>3</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Fee—application:</b> \$80 base + \$75 per existing lot/unit or acre/area of work ( <i>non-refundable</i> )	—
II.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Plan #2:</b> STAFF REVIEW — <u>All plan revisions/corrections are to be CLOUDED and NUMBERED within a delta symbol clearly identifying the plan changes.</u>	<b>3</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Fees—review &amp; meeting</b> (invoice attached to review)	—
	—	—	—	<b>Certificate of completeness</b>	—
III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Plan #3:</b> PLANNING BOARD REVIEW — 15 copies ( <u>reduced</u> if legible) of plan after certified as complete, but <u>no later</u> than one week prior to Planning Board meeting	<b>15</b>

COMPLETE  
INCOMPLETE  
N/A

**PLAN**

— Surveyed location wherever applicable —  
— To be indicated on sheet[s] to be recorded —

1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name of project (or "street—applicant"), type and stage, and plat / lot number for all properties — in title block
2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property owner(s) of record and applicant/developer by name and address ( <i>waiver requested from #3</i> )
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PE and/or PLS by [1] business title block, [2] originally signed seal, and [3] signed Class I survey certification
4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dates of plan preparation, subsequent revisions (with description) and Planning Board approvals by month, day and year
5.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Graphic scale (approx. 1" = 100') and true north arrow
6.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location map within ½ mile radius
7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Zoning district with dimensional requirements
8.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Number of lots, units and/or parcels; total acreage, existing and/or proposed; and intended use
9.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Boundary, lot, setback, and street lines; dimensions; and total area of lots and roadways, existing/proposed
10.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Easements/rights-of-way and deed/plat restrictions/covenants, existing/proposed (if none, state on plan)
11.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adjoining property owners by name and assessor's plat and lot number





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**Major Land Development / Subdivision  
MASTER PLAN CHECKLIST**

PROJECT ("APPLICANT LAST NAME" - "STREET") (#12 is part of the Class I survey that a waiver was requested for)

- 12.    Monuments, existing/proposed, at all corners/points of intersection of boundary line
- 13.    Extraordinary/unusual natural features, historic areas, cemeteries, foundations, etc. (if none, state on plan)
- 14.    Flood hazard areas from most recent FEMA mapping
- 15.    Buildings, structures, utilities, existing/proposed, and improvements on/within 200' (if none, state on plan)
- 16.    Wetlands, water bodies, watercourses, etc. (if none, state on plan), and drainage patterns
- 17.    Streets/public ways within/directly adjacent to property by name and width with elevations at intersections
- 18.    Utilities and drainage structures, including public water mains, sanitary and storm sewers, electric power and transmission lines, gas lines, and detention basins; and all other items above or below ground, existing/proposed, within 200' by approximate location and size
- 19.    Potential impacts (if none, state on plan)
- 20.    Phasing (if none, state on plan)
- 21.    Legend (on every sheet)

COMPLETE  
INCOMPLETE  
N/A

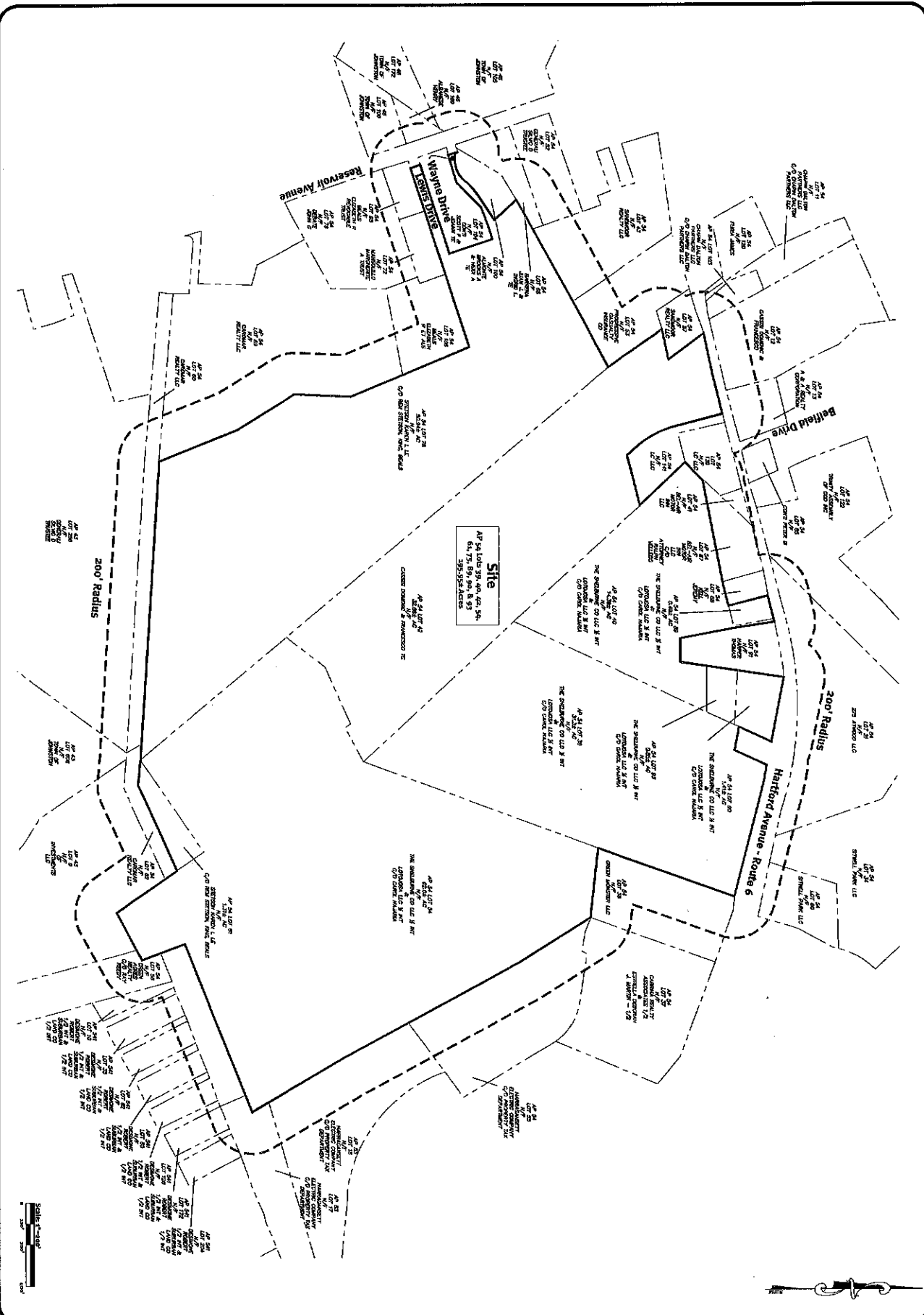
**ADDITIONAL INFORMATION**

— As requested by staff and/or Planning Board —

i.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please see Attachment narrative for variances and waivers requested as part of Unified Development Review.
ii.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
iii.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
iv.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
v.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

See Johnston 1995 Land Development & Subdivision Review Regulations for details.

*Performance bond for proposed construction and other work to be approved by staff and/or Planning Board and posted by applicant prior to construction.*



**200' Radius Abutters Map**  
**Johnston Distribution Center**  
 Johnston, Rhode Island  
 AP 54 Lot# 39, 40, 50, 56, 61, 75, 89, 90, 8, 53  
 Prepared for  
**Bluewater Industrial Partners**  
 100 West Street, Suite 450  
 West Chester, PA 19380

**Site**  
 AP 54 Lot# 39, 40, 50, 56,  
 61, 75, 89, 90, 8, 53  
 383,324 Acres

Scale	1" = 200'
North Arrow	True North

**DiPrete Engineering**  
 The Hartford Court, Cranston, RI 02909  
 401-942-1111  
 Boston • Providence • Newport

**Abutter's List**  
**AP 54 Lots 39, 40, 42, 54, 61, 75, 89, 90, & 93**  
**Johnston, RI**  
**Prepared on: 2020-12-02**  
**Verified on: 2020-12-21**

<b>AP</b>	<b>Lot</b>	<b>Abutter</b>
43	9	CF INVESTMENTS LLC 2091 NOOSENECK HILL ROAD COVENTRY, RI 02816
43	256	GENERALI SILVIO D TRUSTEE 66 BRISTOL ROAD NARRAGANSETT, RI 02882
43	608	TOWN OF JOHNSTON 1385 HARTFORD AVENUE JOHNSTON, RI 02919
46	100	TOWN OF JOHNSTON 1385 HARTFORD AVENUE JOHNSTON, RI 02919
46	105	TOWN OF JOHNSTON 1385 HARTFORD AVENUE JOHNSTON, RI 02919
46	169	ALBANESE HENRY 17 RESERVOIR AVENUE JOHNSTON, RI 02919
46	172	TOWN OF JOHNSTON 1385 HARTFORD AVENUE JOHNSTON, RI 02919
53	17	NARRAGANSETT ELECTRIC COMPANY C/O PROPERTY TAX DEPARTMENT 40 SYLVAN ROAD WALTHAM, MA 02451
53	18	NARRAGANSETT ELECTRIC COMPANY C/O PROPERTY TAX DEPARTMENT 40 SYLVAN ROAD WALTHAM, MA 02451
54	11	CHAPIN DALTON PARTNERS LLC C/O CHAPIN DALTON PARTNERS LLC 7 ALBERT DRIVE JOHNSTON, RI 02919

54	52	GENERALI SILVIO D TRUSTEE 66 BRISTOL ROAD NARRAGANSETT, RI 02882
54	53	PROGRESSIVE CASUALTY INSURANCE CO PO BOX 89429 CLEVELAND, OH 44101
54	54 (SUBJECT PROPERTY)	THE SHELburnE CO LLC ½ INT & LOTOJOSA LLC ½ INT C/O CAROL NAJARIA 117 MESHANTICUT VALLEY PARKWAY CRANSTON, RI 02920
54	55	NARRAGANSETT ELECTRIC COMPANY C/O PROPERTY TAX DEPARTMENT 40 SYLVAN ROAD WALTHAM, MA 02451
54	56	GREEN ACRES REALTY C/O RAY REEDY 79 COOLRIDGE ROAD GREENVILLE, RI 02828
54	59	CAROMAR REALTY LLC 1155 ATWOOD AVENUE JOHNSTON, RI 02919
54	60	CAROMAR REALTY LLC PO BOX 19477 JOHNSTON, RI 02919
54	61 (SUBJECT PROPERTY)	STETSON KAREN L LE C/O REM STETSON, KING, BEALS 1 LEWIS DRIVE JOHNSTON, RI 02919
54	62	CAROMAR REALTY LLC PO BOX 19477 JOHNSTON, RI 02919
54	65	BARRENA JUAN J. & INGRID L. TE 16 RESERVOIR AVENUE JOHNSTON, RI 02919
54	72	MANSOLILLO MARGHERITE A TRUST 3 LEWIS DRIVE JOHNSTON, RI 02919

54	75 (SUBJECT PROPERTY)	STETSON KAREN L LE C/O REM STETSON, KING, BEALS 1 LEWIS DRIVE JOHNSTON, RI 02919
54	78	DEBATE JOHN G 28 RESERVOIR AVENUE JOHNSTON, RI 02919
54	80	SITWELL PARK LLC 152 PRESIDENT AVE PROVIDENCE, RI 02906
54	85	CONTI PETER III PO BOX 963 MOULTONBOROUGH, NH 03254
54	87	BEL-AIR MOTOR INN LLC C/O ATTORNEY RALPH VELLECO 25 WOODSTOCK LN CRANSTON, RI 02920
54	88	KELL JEREMY 2150 HARTFORD AVENUE JOHNSTON, RI 02919
54	89 (SUBJECT PROPERTY)	THE SHELBURNE CO LLC ½ INT & LOTOJOSA LLC ½ INT C/O CAROL NAJARIA 117 MESHANTICUT VALLEY PARKWAY CRANSTON, RI 02920
54	90 (SUBJECT PROPERTY)	THE SHELBURNE CO LLC ½ INT & LOTOJOSA LLC ½ INT C/O CAROL NAJARIA 117 MESHANTICUT VALLEY PARKWAY CRANSTON, RI 02920
54	91	HARPER THOMAS 156 HARDIG ROAD WARWICK, RI 02886
54	93 (SUBJECT PROPERTY)	THE SHELBURNE CO LLC ½ INT & LOTOJOSA LLC ½ INT C/O CAROL NAJARIA 117 MESHANTICUT VALLEY PARKWAY CRANSTON, RI 02920
54	95	BEALS ELIZABETH R REVOCABLE TRUST 1 LEWIS DRIVE JOHNSTON, RI 02919

54	97	SANDMOOR REALTY LLC 152 PRESIDENT AVENUE PROVIDENCE, RI 02906
54	100	ALMONTE BROOKS A & HEIDI A TE 18 RESERVOIR AVENUE JOHNSTON, RI 02919
54	103	CHAPIN DALTON PARTNERS LLC C/O CHAPIN DALTON PARTNERS LLC 7 ALBERT DRIVE JOHNSTON, RI 02919
54	104	CONTI SCOTT F & JOANN TE 24 RESERVOIR AVENUE JOHNSTON, RI 02919
54	106	BEALS ELIZABETH R ET ALS 1 LEWIS DRIVE JOHNSTON, RI 02919
54	120	FURIA JAMES 2207 HARTFORD AVENUE JOHNSTON, RI 02919
54	122	TRINITY ASSEMBLY OF GOD INC 2119 HARTFORD AVE JOHNSTON, RI 02919
54	139	LC LLC 2160 HARTFORD AVENUE JOHNSTON, RI 02919
54	141	LC LLC 2160 HARTFORD AVENUE JOHNSTON, RI 02919
541	10	DESIMONE ROBERT 1/2 INT & SUBURBAN LAND CO 1/2 INT 58 SMIITHFIELD AVE PAWTUCKET, RI 02860
541	35	DESIMONE ROBERT 1/2 INT & SUBURBAN LAND CO 1/2 INT 58 SMIITHFIELD AVE PAWTUCKET, RI 02860
541	82	DESIMONE ROBERT 1/2 INT & SUBURBAN LAND CO 1/2 INT 58 SMIITHFIELD AVE PAWTUCKET, RI 02860

541	85	DESIMONE ROBERT 1/2 INT & SUBURBAN LAND CO 1/2 INT 58 SMIITHFIELD AVE PAWTUCKET, RI 02860
541	128	DESIMONE ROBERT 1/2 INT & SUBURBAN LAND CO 1/2 INT 58 SMIITHFIELD AVE PAWTUCKET, RI 02860
541	172	DESIMONE ROBERT 1/2 INT & SUBURBAN LAND CO 1/2 INT 58 SMITHFIELD AVE PAWTUCKET, RI 02860
541	204	DESIMONE ROBERT 1/2 INT & SUBURBAN LAND CO 1/2 INT 58 SMITHFIELD AVE PAWTUCKET, RI 02860