

**Foster Planning Board
Meeting Minutes
Wednesday June 21, 2006
Eddy Building 7:30 pm**

The Planning Board meeting convened at 7:30 pm, present was Julia Parmentier – Vice Chair, Helen Hardy – Secretary, Don Moyer, Patricia Moreau, Mike Carpenter and Richard Grant. John Lewis and Robin Fish were excused. In the audience were Brian Carpenter, Keith Rogers, James Baccala, Michael Hassell, A. Raimondi, Joseph Carey, Audrey Carey, Mick, Hoegen, and Awoityla.

Minutes

Helen Hardy moved to approve the amended minutes of April 19, 2006, Don Moyer seconded, motion carried 5-0.

Mike Carpenter moved to approve the minutes of June 7, 2006 as amended, Don Moyer seconded, motion carried 5-0.

Correspondence

Letter from Brad Gorham and a memo from Richard Grant regarding the Comprehensive Permit Application for the Affordable Housing Plan.

Reports

Julia Parmentier attended a Greenspace/Scituate Watershed workshop meeting – The purpose of the workshop was to aid Towns in identifying land it wishes to preserve and protect for Open Space and Recreation. Towns could have a Landscaping Design group to put together a graphics of the area. This will begin at the end of the summer. Since the maps will be created with or without the Town's input, Julia thought it made sense to get as much info as possible.

Public Hearings

None

Subdivisions

Final review of the proposed Minor Subdivision for James Baccala, Plat 12, Lot 60, Ponogansett Road and Central Pike. Following the discussion, Patricia Moreau moved to give final approval of the minor subdivision of Plat 12, Lot 60, into parcel A consisting of +/- 5.32 acres and parcel B consisting of +/- 5.898 acres according to the Class I survey by Scituate Surveys, Inc., signed by Angelo M. Raimondi and dated May 18, 2006, Don Moyer seconded, motion carried 5-0.

Public Informational Meeting for the proposed Major Subdivision for Florence Hicks, Plat 3, Lot 16, T. Parker Road. Mr. Carpenter spoke before the Board to state that there haven't been too many changes since this was last presented. They had received their Subdivision Suitability and all the approved septic designs for each of the lots. The intent of the Subdivision is to deed most of the parcels to children and grandchildren and to sell one parcel in order to recover the Subdivision costs. Mr. Keith Rogers, a neighbor, spoke in favor of the subdivision; he was in favor of the large size of the parcels. There was no negative feedback or comments by the attending public.

Julia Parmentier asked if there was any thought to doing this Subdivision as a residential compound, rather than all the driveway cuts. Mr. Carpenter stated that with the number of children and grandchildren to deed lots to that this would not be a consideration.

Mr. Carpenter spoke to Phil Hauser, an abutting property owner who runs a sawmill and he had no negative comments or concerns regarding the project.

Julia Parmentier asked, in regards to the approved septic systems for the two lots on the right end, are they Bottomless Sand Filters? Mr. Carpenter stated No, there are no Bottomless Sand Filter designs and that all the soil up there was very good.

Mike Carpenter asked about the safety and privacy issues of the road with the added traffic and the speeding on the roadways.

Second Pre-Application review of the proposed Major Subdivision for David and Lisa Costa, Plat 18, Lot 25, Gene Allen Road. Helen Hardy asked what had changed from the last meeting. Mr. Costa stated that the letter from the last meeting stated that the access needed to be shown more clearly for three lots. So the surveyor did the means and bounds of the right-of-way for those three lots.

Helen Hardy then went on to state that the state of Rhode Island says that you must have access to the lots from road frontage and that you aren't allowed to create a lot that doesn't have access from its road frontage.

Mr. Costa stated that he did a subdivision in Glocester two years ago and that wasn't the case; there was a subdivision on Rte. 101 approved by the Board two years ago that combined three lots with a right-of-way going across.

Julia Parmentier mentioned that there wasn't a topography map, nor was there any soils maps included with this application/.

David Costa mentioned that the topography and soils maps were submitted with the Residential Compound application that wasn't approved and are still on record.

Julia Parmentier said that this was a new application and Mr. Costa replied that he addressed the items that were mentioned in the letter he received after the last meeting.

He then went on to explain the topography of the area surrounding the proposed lots and went on to say again that he had addressed the issues in the letter.

Julia Parmentier stated that she didn't feel this was a workable subdivision that it is a nice piece of land that has a tremendous amount of Wetlands on it and trying to put nine lots on it just isn't workable. Plus it has this odd shaped road that comes in just to give you road frontage but you have access off of right-a-ways into the back and this just isn't in the spirit of a Major Subdivision.

Julia went on to say that in reference to the Residential Compound application that wasn't approved, the Board couldn't approve it because it didn't meet the requirement for frontage. It isn't clear to me now that you meet the requirements for a Major Subdivision are met and that RIDEM would have a lot of issues with this for the Subdivision Suitability.

Mr. Costa disagreed and said that he had done test holes already.

Julia Parmentier said that the Pre-application hearing is for us to discuss all the issues we are concerned about and those are some of the issues of concern.

Julia stated that she feels a road is needed through the subdivision that provides access to the homes off their driveways and not by a right-of-way.

Mr. Costa asked if the Rhode Island General Law (RIGL) had been found that states this. Don Moyer and Helen Hardy were in the process of locating it on the computer.

Mr. Costa asked what else was needed to be addressed, Julia mentioned that the topography and soils had to be addressed along with the Wetlands boundaries. Julia asked if there could be a loop road done in order to provide a second access route.

Mr. Costa stated that he has a deeded right-of-way that eventually comes out to Rte. 101.

Julia Parmentier then stated that this would satisfy the concern of a second access route.

Don Moyer found the reference to the RIGL, which he then read to the Board, he felt that in his interpretation it seemed to be vague.

The Planning Board had the following concerns regarding this proposal:

1. Verify whether or not there would need to be access to lots 2, 3, 4 and 6, from a road and not from a right-of-way. (RIGL – 45-23-60, A-5). Don Moyer stated that from the Town's point of view, the Board would have to ask the Town Solicitor and Mr. Costa would have to ask his own lawyer to clarify it.
2. Clearly address the frontage for each parcel.
3. Provide the topography and soils map for all the parcels.
4. Mark the wetland area more clearly.
5. Clearly show the road coming in from the property in the Town of Gloucester.
6. Verify what is the allowed length of the dead end road, is it 1200'.

Mike Carpenter stated that you can't give us too much, just provide what is required so we don't have to make you keep coming back. Mr. Costa asked if overlay maps would be alright, and Mr. Carpenter stated that overlay maps would be great.

Neighbor, Mike Hassell expressed concerns about the length of the road for Mr. Costa's subdivisions, and stated that the Town of Gloucester also mentioned the 1200' length.

Helen Hardy asked who would have the responsibility of maintaining the right-of-way to make it accessible for rescue vehicles.

Richard Grant stated that the property owners would be responsible for maintaining it and that it would be stated in their deeds that way. He also stated that currently there is no Town ordinance in place that states the Town can require someone to plow their driveway. When the driveway is put in, it has to be approved but once it is done you can't enforce them to maintain their driveway.

Don Moyer stated that when a statute is vague then the interpretation falls to the intent.

Commercial Site Review

None

Old Business

1. Review of the Land Management Study RFP – the dates were changed otherwise it looks good to go out the way it is, the Board will ask the Planning Clerk to send it out.

2. Recommendation for a Consultant, for the Ordinance Revision RFP, to the Town Council; Julia Parmentier moved to recommend that the Town Council should award the Phase I of the proposal for Consulting Services, for updating the Town Ordinances to bring them into compliance with the Comprehensive Plan and the Affordable Housing Plan to Toni Lachowitz. Phase II and III will be awarded to the same entity on the satisfactory completion of Phase I, Patricia Moreau seconded, motion carried 5-0.

New Business

None

Planner's Report

Richard Grant reported on a Major Subdivision proposal in the Town of Sterling, the Town of Foster was notified as an abutter. The plans are available in the Planning Department at the Town Hall for review. The Board has a thirty day time limit to respond with any comments.

Future Agenda Items:

1. Request to have RIDEM conduct a Septic System workshop
2. Subdivision regulations pertaining to alternative septic system designs
3. Ordinance revisions
4. Scenic Roads – Public Hearing
5. Possibility of having a Subdivision Suitability workshop
6. Comprehensive Permitting Process Review by the Town Solicitor

Adjournment

Mike Carpenter moved to adjourn the meeting at 9:21 pm, Patricia Moreau seconded, motion carried 5-0, meeting adjourned at 9:21 pm.

Respectfully Submitted:

Helen Hardy
Secretary