

**Foster Planning Board  
Meeting Minutes  
Wednesday February 21, 2007  
Eddy Building 7:30 pm**

The Planning Board meeting was called to order at 7:30 pm by the Chair, Julia Parmentier. In attendance were Julia Parmentier, Patricia Moreau, Mike Carpenter, Helen Hardy, John Bevilaqua, John Neale, and Nancy Woodlock. In the audience were John Pagliaro, P. Ruggiero, Norbert Therien, Brian Carpenter, Town Council member Lynne Rider, and Conservation Commission member Marcia Bowden.

**Minutes**

None.

**Correspondence**

1. Memos regarding the Costa subdivision. Slated 3/21/07.
2. Notice for the Land & Water Conservation Summit meeting 3/24/07.
3. Notice for Save the Bay for RI workshop 3/1/07.
4. Seminar information on "Transportation 2030" RI Statewide Planning conference 3/1/07.
5. Information on Affordable Housing from the State of RI Housing Resource Commission.

**Reports**

1. Julia attended the Town/Capital Budget hearing on Saturday, 2/17/07.
  - a. Town Council added money to make the Planner Position full time
  - b. Advertising fees were increased to \$2000
  - c. \$19,000 for computer updates
  - d. \$14,000 request for the GIS came in after Planning Board submitted its budget.
2. Robin Fish submitted his resignation, effective immediately.

**Subdivisions:**

**1. Shana L. Blackmar, Plat 14, Lot 49, East Killingly Road**

Brian Carpenter presented this plan. Mike Carpenter moved and Pat Moreau seconded for **final approval** of Subdivision of Plat 14, Lot 49, East Killingly Road. Originally +/- 53.3 acres to be divided into 3 lots

- a. +/- 12.9 acres
- b. +/- 4.59 acres
- c. +/- 35.8 acres

on Class I survey, revised 12/15/06, by Norbert Therien. Motion carried 5-0.

John Bevilaqua noted that the deeds must indicate that no further subdivision will be allowed. Also, the easement for the shared driveways should be noted in the deeds.

**2. Dicolo/Monfils, Plat 12, Lot 55A, Round Hill Road, Final Approval**

Pat Moreau moved and Mike Carpenter seconded for **final approval** of subdivision of Plat 12, Lot 55A, Round Hill Road, originally +/- 19.39 acres, into two lots:

- a. +/- 5.15 acres, subplot A
- b. +/- 14.24 acres, subplot B

as shown on the Class I survey prepared by Norbert Therien dated 1/06. Motion carried 5-0.

Need to note on deed that there is a right-of-way on the existing cart path for access to Round Hill Road for Plat 12, Lot 56, and any new driveway creation cannot interfere with that access.

**3. John Pagliaro, Plat 4, Lot 87, Harrington & Cucumber Hill Road**

- a. Peter Ruggiero, Attorney, presented this project to the Planning Board. Engineer was not present. Mr. Ruggiero addressed the five questions the board raised regarding the project, referring to the Engineer's response letter. Regarding the concern regarding septic systems' proximity to wells. DEM did a site suitability determination there was no alterations in the wetlands so no wetlands permit would be required, in letter of 6/2006. The five engineered ISDS are to be maintained by contract in perpetuity, and there will be notification to the town if the contract is terminated. The Building Inspector will then issue a cease-and-desist order for the property if contract is not maintained.

Julia Parmentier expressed concerns about the wetland area and questioned whether or not DEM had gone out to check and verify that it is an intermittent stream. It was noted that there was a follow-up report by the biologist from DEM, from Natural Resources, on Lot A, dated 11/28 and an adjustment was made as a result of that. Julia states that there is water flow through the area, and felt that it should be classified as a stream flowing from the pond, requiring a 200' setback and noted that DEM only requires 100'. DEM does not verify the type or extent of the wetlands. Mr. Ruggiero felt that the DEM is a reputable organization and is not inaccurate. They did walk through the property but does not do the wetland delineation.

Julia again expressed concern regarding the number of high-maintenance, very tightly spaced systems. Mike questioned that it looked as there is only a 10' elevation above the wetland edge because of the 2' contour line. He questioned the difference between the ISDS elevation and the house elevation. The response was that the above-ground, pressurized pumping systems eliminated that requirement because it goes into the sand systems. That's why the contract has to be in force to check the pumping system. The holding tank capacity is 1500 gallons before it needs

to be pumped so it will be able to sustain a loss of power. It's a better system for this type of area. It was noted that the concern is that these alternative systems have been developed for areas like this and that they are finding that they are packed very closely together, they have a high potential for failure even if they are maintained. All of the systems are just barely making the requirement for the setback for wells, there's no buffer or margin of safety. John Bevilaqua noted that a URI study shows that the new ISDS discharges water which is cleaner than the water from regular septic systems, cleaner than the water that would be in the stream. Any problems that may have been experienced was from poor installation.

The board questioned the life expectancy of the system which was explained to be 20 years. The board felt that they needed to look at this as a high risk because of the lay of the land, and the new technology. The Board was concerned that qualified individuals are not available to inspect the systems. Response was that DEM has approved these designs to be used on lots of 5000 sq. ft., that they are adequate and meet all the regulations. Concern was voiced that 5000 sq. ft. lots rarely have their own wells. Response was that above-ground or in-ground it still meets DEM requirements of distance from the well.

It was noted that the board was not happy with the number of lots squeezed into the property, and would like to cut the number of lots back. The development was felt to be putting a lot of environmental pressure on a sensitive area. Response was that they were making every effort to comply with the zoning regulations. The board expressed their concern that over the long-term, that the property would change hands, and that the systems need to be maintained, and that the town needed to be conservative. Response was that the law requires that with every sale, each system has to be re-inspected. Concern was that this regulation was the point. There is no standard for inspection, no requirements for back-up power, no inspector and no regulations. Response was that there has to be a signed contract.

Board expressed that they were not comfortable, but that the applicant is within regulations. John Bevilaqua expressed that there is new software to track this type of regulation and contracts that has been requested. Mike Carpenter noted that it is a third-party contract for inspections, and inspections are not required by the town. Mr. Ruggieri responded that if the system fails, it is easier to fix than traditional systems, they only need to change the sand inside.

Concerning the barn, Attorney Ruggiero stated that the owner would like to keep the barn, and he's willing to go to the zoning board to ask that the barn be granted a dimensional variance because the barn is now not conforming to the front setback, it's too close, and the side line doesn't leave enough side variance. It's supposed to be 30' and it's only 20' from the line. The board expressed that they thought the barn has historic preservation protection, but the response was no, that it is not in a historic district but could be in the future. Attorney Ruggiero said his client was still willing to preserve it. The Preservation Society was notified by the board, and it was expressed that the town would like to keep the barn. The application is for a 5-lot subdivision. If the variance for the proximity of the barn to the side lot line is denied, the applicant expressed the intention to remove the structure, so that the subdivision was in compliance with the zoning regulations.

Review of issues from Certificate of Completeness letter from November:

Lot A, question of septic system being 200' from the edge of the brook. Addressed.

Lot B, is there a stream through the wetland. Need follow-up review.

Lot C, issue of the barn proximity to the side yard setback. Response was that the applicant would remove it if that was required, but they would like to keep it and file with the zoning board for a variance.

Lot D, if line is moved to accommodate barn, then septic system is out of compliance. Applicant had no objection to changing line, but this creates other zoning problems.

Lot E, if pond area had been reduced by altering wetland, then septic system cannot be placed as shown.

A question was brought up about taking down a guardrail to create driveway. There is a very steep slope. Applicant will have to apply for permit with DOT.

A question was brought up about requirements for the interior angles of a lot. Attorney stated that he didn't believe engineer was asked that question, so he did not have an answer.

A question was raised as to whether or not anyone had police reports of number of accidents on that part of road. It is heavily traveled, especially during the summer.

The following conditions are assumed by the approval of this subdivision:

1. A back-up generator for the ISDS will be supplied by the developer. A maintenance contract will be set up for the septic systems.
2. The name of the subdivision will be changed from Harrington Estates to Cucumber Hill Estates.
3. Property owners will be responsible for maintenance of the pond and the dam.

John Neale moved and Pat Moreau seconded preliminary approval of Plat 4, Lot 87, Harrington & Cucumber Hill Road. Originally +/-26.4 acres into 5 lots:

1. +/-239,063 sq. ft.
2. +/-231,703 sq. ft.
3. +/-248,652 sq. ft.
4. +/-228,956 sq. ft.
5. +/-201,468 sq. ft.

as shown on the Class I survey prepared by Armand Desroyaux, originally surveyed 9/11/06, and subdivision plans dated: 1/3/07, subject to conditions:

1. Barn variance
2. Deed restrictions for contracts on septic systems and generator system
3. Name change from Harrington Estates
4. Request was made for sample deeds before final approval

Motion for **preliminary approval** carried 5-0.

**4. Commercial Site Review, William Fortin, Twisted Liquors**

- a. Building, police, and fire officials to conduct inspections.
- b. Site review will be scheduled for 3/7/07.

**New Business**

1. Conservation Commission Discussion regarding Planning Board  
Ideas for possibly having Conservation Commission inspect:
  - a. Wetland alterations
  - b. Updating of GIS maps
  - c. Working with Dept. of Public Works on 5-year road improvement
  - d. Scenic Roads
  - e. Subdivision Reviews
2. Appointment to Affordable Housing Board. Pat moved and John Neale seconded for Mike Carpenter to be a liaison to the Affordable Housing Board.

**Old Business**

1. Route 6 Re-zoning workshop, Saturday 2/24/07.
2. Ordinance Revisions  
Three proposals from Tony Lachowitz regarding Ordinance Revisions: Discussion ensued on whether this work should be done by Tony Lachowitz or by the Town Solicitor. John Neale moved to table until next meeting.

**Future Agenda Items:**

1. New Planning Board member to replace Robin Fish
2. Review suggestions for transportation needs for the "2030 Transportation" conference
3. Residential Compound requirements should be reflected in deeds
4. Appointment to Land Trust
5. Carry the others that are appropriate, please

**Adjournment**

Meeting was adjourned at 11:45.

Respectfully Submitted:

Helen Hardy  
Secretary