



**PLANNING BOARD MEETING
MINUTES
TOWN OF FOSTER
Ben Eddy Bldg., 6 South Killingly Rd., Foster, RI
Wednesday, December 5, 2007, 7:30 p.m.**

A. Call to Order

Meeting was called to order at 7:35 by Pat Moreau, Vice Chair.

B. Roll Call

Present were Julia Parmentier, Chair; Helen Hardy, Secretary; Don Moyer, Mike Carpenter and John Neale. Pat Moreau, Vice Chair, and Tom Mercier were excused. Also in attendance was Ann-Marie Ignasher, Town Planner; Tim Mellon, Brian Carpenter, Matthew and Joanna Lusignan, Brian King from Crossman Engineering.

C. Approval of Minutes

November 28, 2007. John Neale moved and Mike Carpenter seconded to approve the minutes. Motion carried 4-0.

D. Correspondence

None.

E. Board Member's Report

John Neale, Land Trust liaison, reported that the Land Trust will not make a Capital Budget Request.

F. Planner's Report

None.

G. Administrative Subdivisions

None.

H. Minor Subdivisions

North Road / **Brian Carpenter / Estate of Eleanor Rowe** *Pre-application / Conceptual Review
No Decision Required*
AP 7 – Lot 72 – Existing size 12.4198 acres

Proposed Number of Lots: two (2)

Proposed areas: Lot A to be 6.7407 ± acres, Lot B to be 5.6791 ± acres

PRE-APPLICATION SUBMITTED 9/17/07

FIRST PRE-APPLICATION/CONCEPTUAL REVIEW 10/17/07

Presented by Brian Carpenter for the estate of Eleanor Rowe. This is a continuation of a prior pre-application / conceptual review as it was determined at that time that an Order from the Probate Court was needed to verify that the Co-Administrators Melissa L. Rowe and Linda Dangelo had the authority to apply and obtain approval from the Town of Foster to subdivide the property at 135 South Killingly Road. The Board reviewed the Minor Subdivision conceptual plan that was received into the office on September 17, 2007. The Board did not see any problems with this subdivision, however they did voice their concerns about the lot falling between South Killingly Road and North Road. It is noted, however, that this property is not a corner lot nor is this property divided by a street. Mr. Carpenter explained that the frontage, and thus the ingress and egress to the lot, would be through the frontage on North Road. It was further stated that the frontage along South Killingly Road is approximately 120-feet and in the center of that area there is a stream and the stream's culvert. Therefore the frontage on South Killingly is not appropriate for ingress or egress to the lot, and therefore is considered the back area of the lot. The Board also asked the applicant's representative if the applicants would be willing to preserve the stone walls that run through the site. The next step on this would be an application for a Preliminary Review.

Residential Compound
South Killingly Road / **Timothy Nichols**

*Pre-application / Conceptual Review
No Decision Required*

AP 8 – Lot 26 – Existing size 30 acres

Proposed Number of Lots: two (2)

Proposed areas: Lot A to be 25 ± acres, Lot B to be 4.69 ± acres

PRE-APPLICATION WAS SUBMITTED 11/6/07

Board members expressed concern about not being able to judge the suitability of a new residential lot at the location that Mr. Nichols had designated. The members felt that they would need to do a site walk given the configuration and the existing conditions of the property. The requirement of a Residential Compound is that all residents share the same driveway; however, on this site Mr. Nichols' driveway is a short driveway and leads directly from the street to Mr. Nichols' garage. Therefore it would be extremely difficult, if not impossible, to share the driveway with another resident. Board members requested that they be allowed to visit the site so that they could understand the plans that Mr. Nichols has for the property. There was some concern about the proposed location for the driveway being next to Mr. Nichols' studio as some members felt the area next to the studio may not be large enough for an access driveway. The Board tried to determine if there could be another driveway location; however, it appears that Mr. Nichols may need to hire a surveyor/engineer to determine that fact. In conclusion, Mr. Nichols will need to come back for another pre-application/conceptual review after the board members have done their site walks.

Residential Compound

Preliminary Review

Moosup Valley Road / **Matthew Lusignan / Joanna Lusignan**

AP 2 – Lot 74A – Existing size 40.91 ± acres

Proposed Number of Lots: three (3)

A to be 13.54 ± acres; B to be 14.12 ± acres; C to be 13.25 ± acres

PRE-APPLICATION REVIEWED 7/18/07

Brian King of Crossman Engineering presented the plans on behalf of Matthew and Joanna Lusignan. Mr. King presented revised plans the night of the meeting dated 12/03/07. Mr. King stated that the prior submission was for a conceptual review as he was not aware that his client had already been through same.

A list of items submitted with the application is as follows:

1. A deed for proof of ownership by Joanna Lusignan
2. Completed application
3. Appropriate fees
4. Class I Survey
5. Municipal Lien Certificate dated 12/5/07
6. RIDEM site evaluation form date 10/30/07
7. Site walk authorization
8. Owner authorization allowing Matthew Lusignan to make application for a minor subdivision

The next items were not submitted with this application, however the applicant and the landowner requested approval of the Preliminary based upon the conditions that the following items be submitted with the Final Plan Application:

1. RIDEM subdivision suitability letter/approval
2. The actual RIDEM onsite wastewater treatment system (OWTS [formerly known as ISDS]) system approval to be submitted with the final plans

After looking at the plans, the following comments were made by various Board members. John Neale asked if the abutting lot that is owned by Joanna Lusignan located in Coventry, RI, has access to street frontage in Coventry. When it was determined that Mrs. Lusignan would not have access to that property, she was advised to create an easement on behalf of Parcel 1 through Parcels 2 and 3 to the Coventry lot. Though it is the intent of the Lusignans not to develop the lot in Coventry, she understood that once Parcel 2 and Parcel 3 are deeded over to her sons, she would not be allowed to cross through those parcels to the Coventry parcel without their permission. Mrs. Lusignan and her son Matthew were advised to speak to their legal counsel to have such an easement drawn up.

The Board made the following findings of fact:

1. Joanna Lusignan is the proper owner of the property,
2. that she has owned the property for over 5 years,
3. that there is over 300 feet of frontage on Moosup Valley Road that can serve as frontage for all three lots,
4. that since the time of her ownership, Mrs. Lusignan has not subdivided the lot,
5. that the compound does not include more than three single family residential units,
6. that the parcels all share a common frontage on a public road, and they share one private driveway to be held in common,
7. that the total acreage of the original lot is well over the 30-acre minimum.

John Neale motioned to give Preliminary Approval of the Residential Compound (Minor Subdivision) of Tax Assessor's Plat 2, Lot 74A, consisting of approximately 30 acres, into three separate lots consisting of 13.54 acres more or less; 14.12 acres more or less; 13.25 acres more or less as shown on the Class I Survey entitled "Residential Compound AP2, Lot 74A, located at 30A Moosup Valley Road in Foster, Rhode Island, prepared for Matthew Lusignan, 29 Weldon Avenue, East Providence, Rhode Island, 02914, by Crossman Engineering Inc., 151 Centerville Road, Warwick, RI 02886, dated March 2007 and revised 12/3/07; Scale 1-inch = 100 feet.

The required findings under Section 45-23-60 of the General Laws of Rhode Island:

1. The development is consistent with the Comprehensive Plan as the subdivision is a residential development of appropriate scale in an appropriate area and therefore complies with the comprehensive community plans.
2. The property to be developed is in compliance with all the standards and provisions of the town's zoning ordinances as it meets the criteria of the requisite lot areas, street frontage, driveway and setback requirements.
3. There will be no significant negative environmental impacts from the proposed development as shown on the plans.
4. The subdivision as proposed will not result in the creation of individual lots with any physical constraints to development that would be impractical building on those lots, according to current regulations and building standards.
5. All proposed land developments in all subdivision lots have adequate and permanent physical access to a public street.

The Planning Board hereby makes the following conditions a part of the approval of the Preliminary Subdivision Plans:

1. That the RIDEM subdivision suitability letter be submitted with the request for Final Plans
2. That the RIDEM onsite wastewater treatment system (OWTS/ISDS) plan approvals must be submitted with the Final Plans.
3. The Planning Board requests that all standard restrictions and conditions for a residential compound appear upon the Final Plans as well as being cited in the appropriate legal descriptions for the deeds.

A second to the motion was made by Don Moyer. There as no further discussion. **The motion carried 5-0.** Members voting to approve: Julia Parmentier, John Neale, Don Moyer, Mike Carpenter, Helen Hardy. Members voting to deny: none. Members abstaining: none.

At this time there was some further discussion to review the next steps that the Lusignans need to take.

I. Major Subdivisions

None.

J. Non-Commercial Site Review

None.

K. Old Business

None.

L. New Business

Election of officers. Helen Hardy moved to table this item until a January meeting. Don Moyer seconded. The motion passed unanimously.

M. Future Agenda Items

- January 2nd workshop, election of officers
- January 16th, capital budget meeting

N. Adjournment

Helen Hardy moved to adjourn at 8:50. Motion carried unanimously.

Respectfully submitted,

Helen Hardy
Secretary