



PLANNING BOARD MEETING MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road, Foster, RI
Wednesday: April 2, 2008 AT 7:30 p.m.

A. Call to Order

Meeting was called to order at 7:31pm by Julia Parmentier, Chair.

B. Roll Call

Present at the meeting were the following Julia Parmentier, Chair, Pat Moreau Vice-Chair, Marcia Bowden, John Neale, Tom Mercier, and Mike Carpenter. Helen Hardy Secretary was excused. Also in attendance were Ann-Marie Ignasher Town Planner, John Bevilacqua Town Solicitor, and Frank Arnold applicant.

C. Approval of Minutes

Julia Parmentier made the announcement that the Planning Board minutes for February 2, 2008, February 20, 2008, February 23, 2008, March 5, 2008 and March 11, 2008 had already been tabled to be reviewed and approved at the April 16, 2008 meeting.

Tom Mercier moved and Pat Moreau seconded to table the approval of the March 19, 2008 minutes until the April 16, 2008 meeting. There was no discussion and the motion passed unanimously.

D. Correspondence and Review

None.

E. Board Members' Reports

Pat Moreau Vice Chair reported that she had contacted the South Foster Fire Station with regards to holding the May 21, 2008 Rte 6 Rezoning Informational Meeting from 7:00 pm to 9:00 pm in their community room. Pat was told that as we would be handling Town business there would be no charge for the facilities. As this possibility had already been discussed at the Saturday, March 29, 2008 rezoning workshop there was no need to vote for approval. Pat will contact the South Foster Fire Station to confirm the use on May 21, 2008. Tom Mercier and the Town Planner made a request that we be allowed to access the building at 6:00 pm to allow time for proper set-up.

John Neale reported on the Land Trust activities. He stated that the Land Trust had ongoing negotiations for a future purchase of a parcel of real estate. The Land Trust discussed working with the Conservation Commission to sponsor two separate events over the next year for public information and education. The Land Trust had agreed to two five year management plans where agreements were reached and the individuals working at the two sites would keep the hay from the fields in lieu of payment for their services.

Marcia Bowden reported the Preservation Society has given verbal permission for the Town Planner to scan certain pictures out of the "Foster, 1781- A Bicentennial Celebration -1981" booklet to be used for the power point presentation scheduled for May 21, 2008. Marcia also reported that the Preservation Society will be looking for original pictures that can be scanned to be used for said presentation. The Town Planner questioned whether she would be able to scan the pictures at her office or at her home as her scanner at home was more advanced. Marcia Bowden assured her that she would be allowed to take the pictures home for scanning.

Mike Carpenter stated that the next Housing board meeting was going to be April 14 and there was nothing new to report back to the Planning Board.

F. Planner's Report

The Planner requested that the Planner's report be heard after the discussion and decision of the minor subdivision for Frank and Natalie Arnold. Tom Mercier made that motion to change the order of the agenda. The motion was seconded by Pat Moreau, there was no discussion and the motion passed unanimously.

G. Administrative Subdivisions

None

H. Minor Subdivisions

57 Moosup Valley Road/ **Frank & Natalie Arnold**

AP 2 of Lot 79 of Moosup Valley Road of Existing size 58.0282 acres

Proposed Number of Lots of two (2)

Original Lot 79 to be 50.3418 +/- acres; New Lot to be 7.7409 +/- acres

PRE-APPLICATION REVIEWED 05/16/07 of Had to go to the Zoning Board for dimensional variances

PRELIMINARY REVIEW 02/20/08 - Approved

FINAL REVIEW of 03/19/08 of Continued to 04/02/08

Final Review
Discussion and Decision

Planning Board Meeting April 2, 2008

At this time there was a discussion by Julia Parmentier with regards to the legal opinion submitted by the Town solicitor John J. Bevilacqua, Esq. in response to the memorandum sent to him by the Town Planner. A copy of the request from the Town Planner and a copy of the response from the solicitor are attached and incorporated herein as a part of the minutes.

The Town Planner made note of # 4 under the memorandum stating that the Planning Board will not create a precedent since their decision is based upon the unique character of this property which should be reflected in their findings of fact and therefore the board was reminded that they did indeed need to make findings of fact particular to this site.

John Neale made the following motion: Motion to approve the application of Franklin G Arnold and Natalie P Arnold to subdivide the real estate located at 57 Moosup Valley Road Foster, Rhode Island 02825 also known as Tax Assessor's Plat 2 Lot 79 containing approx 58.0826 acres of land more or less into 2 separate and distinct parcels. Proposed lot A containing 7.7409 acres more or less and the remainder of lot 79 containing 50.341 acres more or less as shown on map plat entitled: "Final Minor Subdivision Property Line Plan, Franklin G and Natalie P Arnold; AP 2 of Lot 79, Moosup Valley Rd Foster, RI, originally dated January 2007 and as amended as of February 28, 2008, and prepared by National Surveyors-Developers, Inc., 42 Hamlet Ave., Woonsocket, RI (401)769-7779, Norbert A. Therein, Professional Land Surveyor, February 28, 2008" said motion is made based upon the following findings;

- (1) That the plan does meet the standards as set forth under RI General Law Section 45-23-60 as follows;
 - A- That the proposed development is consistent with the Comprehensive Community Plan.
 - B- That the proposed development is in compliance with the standards and provisions of municipality and zoning ordinance. (See Zoning Board Approval Listed Below)
 - C- That there will no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.
 - D- That the subdivision as proposed will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
 - E- That all subdivision lots have adequate and permanent physical access to a public street.
 - F- That the approval is based upon the unique characteristics of the subject parcel.
 - G- That there is a pre existing easement which contains the RIDEM approved crossing over wetlands on the subject property.
- (2) That the plan has received the following necessary or required approvals;
 - A- RI DEM ISDS (OWTS) application and approval: Application No.: 0612-1266: approved on 10/31/07 and good to 10/31/12
 - B- RI DEM Insignificant Alteration: Permit Letter: Dated October 22, 2007 and recorded on 10/25/07 in BK 155 Pg 877.
 - C- Foster Zoning Board of Review Approval; Meeting and Hearing held on 12/12/07; and approval recorded 1/23/08 at 2:23pm of Bk. 157 Pg 3.
- (3) That a thorough and proper review and approval has been conducted.

Tom Mercier seconded that motion, Julia Parmentier asked for any discussion, there was none, a vote was taken and the motion passed unanimously with all members voting to approve.

F. Continuation - Planner's Report:

The Planner asked the Planning Board and Town Solicitor what process the Board wanted her to follow when it is necessary to hire a professional consultant (engineer) to review plans that were submitted as part of an application to the Planning Board for approval. The Planner stated that she reviewed both the municipal subdivision regulations, and the state statutes and both were silent regarding the procedure to follow when the Board requires the assistance of a professional consultant.

There was discussion between the Board and the Town Solicitor, wherein the Board believed they had previously discussed and approved a process for the Planner to follow when professional consultants are requested by the Board, and that the fees for the consultant would be passed along to the applicant; however no board members could remember the exact time frame that particular discussion took place, or exactly what action was taken.

The Town Solicitor's concern was that any and all applicants before the board received proper notice of the possibility of paying the expense (passed through) of a professional consultant hired by the municipality. For example, if it was clearly stated upon the application that a consultant fee could or would be charged to the applicant, then the applicant had/has received proper notice and the fee for the professional consultant could indeed be passed along to the applicant.

The Planner was asked to review minutes of prior meetings, as well as review the applications and checklists for the Minor and Major Land Developments and Subdivisions, and to report her findings to the Solicitor to obtain a proper legal opinion.

I. Major Subdivisions

None

Planning Board Meeting April 2, 2008

J. Commercial Site Reviews

Danielson Pike/Henry Chabot/Foster Bait Shack – continued to April 16, 2008

Mt. Hygeia Road/ Sally Freestone/Freestone Potter – scheduled for April 16, 2008

K. Old Business

Tony Lachowicz ó Conservation Planning - continued to May 7, 2008.

L. New Business

None

M. Future Agenda Items

David Filippone ó 48A South Killingly Road ó Preliminary Review – continued to April 16, 2008.

Amy Nelson/James Bryant ó 41 Johnson Road ó Pre-Application Review ó continued to April 16, 2008

Twisted Liquors ó Pre- Application Review ó continued to April 16, 2008

Matthew Chmura ó Pre-Application Review – scheduled for April 16, 2008

Blackmar Residential Compound ó Driveway Issue

Building Approvals ó wells and septic installations

N. Adjournment

Motion was made by John Neale to adjourn, seconded by Mike Carpenter.

Planning Board Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Ann-Marie L. Ignasher
Town Planner