



**PLANNING BOARD MEETING MINUTES**  
**TOWN OF FOSTER**  
Benjamin Eddy Building, 6 South Killingly Road, Foster, RI  
Wednesday: April 16, 2008 AT 7:00p.m.

---

**A. Call to Order**

The meeting was called to order by the Chair, Julie Parmentier at 7:01 p.m.

**B. Roll Call**

The following board members were in attendance Julia Parmentier, Chair; Pat Moreau, Vice-Chair; Helen Hardy, Secretary; members John Neale, Tom Mercier, and Marcia Bowden. Members Mike Carpernter and Kathryn Zuromski, Conservation Commission Liaison were excused.

Also in attendance were John B. Bevilacqua, Town Solicitor; and Ann-Marie L. Ignasher, Town Planner and Celeste Beauparlant, Planning Clerk, Amy Nelson, James Bryant; Matthew Chmura, , Norbert Therien, William Fortin, Michael and Connie Poulowski, Robert Moreau, Judy Weidele, and Cheryl Wright.

**C. Approval of Minutes**

February 06, 2008 – PB Meeting / Workshop: Tom Mercier made the motion, John Neale seconded to approve the minutes. Discussion: Helen found some minor typographical errors that do not affect the minutes, and she will forward to the Planning Clerk for correction. Vote: The motion passed 4 to 0. Pat Moreau and Marcia Bowden abstained..

February 20, 2008 – PB Meeting: Tom Mercier made the motion, Pat Moreau seconded to approve the minutes. Discussion: Some minor typographical errors. Vote: The motion passed 5 to 0. Marcia Bowden abstained.

February 23, 2008 – PB Rte. 6 Re-Zoning Workshop : Tom Mercier motioned to continue this vote until the 05/07/08 meeting. Pat Moreau seconded. No discussion; and the motion passed unanimously 6 to 0.

March 05, 2008 – PB Meeting / Workshop. – Cancelled due to lack of quorum – No Minutes

March 11, 2008 – PB Meeting / Workshop: Tom Mercier made the motion to approve the minutes, John Neale seconded. No discussion; and the motion passed 5 to 0. Marcia Bowden abstained.

March 19, 2008– PB Meeting: Tom Mercier motioned to continue this vote until the 05/07/08 meeting. John Neale seconded. No discussion; and the motion passed 5 to 0. Marcia Bowden abstained.

March 29, 2008- PB Meeting / Rte 6 Rezoning Workshop: Tom Mercier motioned to continue this vote until the 05/07/08 meeting. Pat Moreau seconded. No discussion; and the motion passed unanimously

April 2, 2008 – PB Meeting : Tom Mercier motioned to approve the minutes. Pat Moreau seconded. No discussion, and the motion passed 5 to 0. Helen Hardy abstained.

**D. Correspondence and Review**

Procedural and Technical standards Class I – II – III survey – given to Board Members for their information: explains the difference in the standards for the various classes of surveys.

RI Housing; Round Table Discussion and Training: - Scheduled for April 28, 2008, the Town Planner expects to attend this seminar. If any board members wish to attend they will respond on their own.

**E. Board Members' Reports**

Land Trust – Nothing new to report.

Housing Board – Ann-Marie Ignasher, requested that the Housing Board and the Planning Board hold a joint meeting at the next Planning Board workshop on May 7, 2008 to review affordable housing statute.

**F. Planner's Report**

Monthly Reports for February and March were included in the packets.

**G. Administrative Subdivisions**

None

**H. Minor Subdivisions**

48A South Killingly Road /David Filippone

AP 8 – Lot 54 – Existing size 79.98 ± acres

Proposed Number of Lots: two (2)

Proposed areas: Lot A to be 5.03 ± acres, Lot B to be 74.95 ± acres

**Preliminary / Review  
Discussion/ Decision**

PRE-APPLICATION / CONCEPTUAL REVIEW ON 02/20/08  
PRELIMINARY REVIEW ON 03/19/08 – CONTINUED TO 06/04/08

This will be continued to 06/04/08 at the request of the petitioner as the maps were not prepared in time for this meeting.

41 Johnson Road / **Amy Nelson & James Bryant**

AP 2 – Lot 12 – Existing size 110 ± acres

Proposed Number of Lots: three (3)

Proposed areas: Lot 1 to be 4.6 ± acres, Lot 2 to be 18.5 ± acres; Lot 3 to be 87± acres

PRE-APPLICATION ON 03/19/08

**Pre-application  
No Decision / Discussion only**

Amy Nelson, wanted to discuss with the Planning Board the ability to waive a portion of the Class I Survey, Amy handed out the price estimates that she had received with regards to her parcel. Julia noticed that the price difference was actually only \$15,000.00 – as far as the Class I Survey for the boundary, and that all other prices were basic for the type of development. John asked if they were requesting a waiver from the Class I Survey and Julia said that it was their request. Tom said he had a problem with the request as the issue with the recorded plat map and the necessary deed. The Town Solicitor, John Bevilacqua said the Planning Board could not grant this type of waiver – due to zoning ordinances, etc., etc.

Amy questioned the capability of a possible major subdivision – the Board Members stated that even though there is enough frontage for a road it would be difficult to cross over the wetlands on the property.

Helen wanted Amy to know that we only require Class I Survey for the boundaries, everything else is required by DEM or other agencies.

15 Jencks Road/ **Matthew Chmura**

AP 1 – Lot 70 – Existing size 89.0189 +/- acres

Proposed Number of Lots: three (3)

Proposed areas: Lot 1 to be 79.834 acres, Lot 2 to be 4.5914 +/-: Lot 3 to be 4.5915 +/-

THIS IS THE FIRST APPEARANCE BEFORE THE PLANNING BOARD.

**Pre-application / Conceptual  
Discussion only / No Decision**

Norbert Therien the surveyor presented the application for Matthew Chmura the owner and applicant of the real estate. Initial compound development of three residences, Matt currently lives in existing house. Discussed was the existing cart path –that has been in existence for the last 40 years or so.

Julia asked why the plan was developed with the very narrow neck and long driveway, with the lot far to the back of the lot. Matt said that the road is using for the driveway is an existing gravel road, also issues regarding the grade (8% or 10%) - the new road allows easy access for emergency vehicles. He is looking to go 100% solar for the back house.

The Town Planner, Ann-Marie Ignasher brought up the issue of the notice of violation, and the gravelling that is continually going on at the site. The Planner the proceeded to read into the record the notice of violation **(see copy thereof, attached hereto and incorporated herein)** previously issued by the Building and Zoning Official. The Violation #1-70-5-1-07, clearly states that a Soil Erosion and Sediment control Plan was never filed regarding this operation, and therefore the operation was illegal. The Planner went on to state that as of Tuesday, April 15, 2008 no plan was filed with the Building and Zoning Official, and therefore, Mr. Chmura was not in compliance.

The Town Solicitor, John Bevilacqua, clarified that the Planning Board cannot approve soil erosion plans, and therefore the Planning Board cannot consider Mr. Chmura's application for a residential compound until after a Soil Erosion and Sediment Control Plan is put into place. He further stated that a plan must be presented to the Town and the Town must have the plan reviewed and approved by the appropriate experts, before Mr. Chmura can be considered in compliance. Mr. Chmura admitted that there was still some gravel removal taking place on the site, and he even showed Mr. Bevilacqua the approximate area where it was taking place. Mr. Bevilacqua stated that the soil erosion and reclamation plan must be submitted as soon as possible due to the layout of the property and closeness of the gravelling removal and activities to the abutters of the property.

John Bevilacqua asked Mr. Chmura for the distance from Jencks road to third house, Mr. Chmura stated approximately 2000 feet. Tom Mercier stated his concern about the distance, as the proposed driveway would be 800 feet longer than any allowable cul-de-sac. Mr. Mercier also raised concerns about the proposed driveway having the capability of accommodating emergency vehicles.

Norbert said that they would be willing to show everyone, DPW, fire, police, and anyone else that wants to see what the plans are and the site looks like to give them all a sense of ease.

Julia Parmentier again mentioned the configuration of the lots, and the "shared" driveway. Helen Hardy stated that Mr. Chmura's main concerns right now are not with Planning Board and the residential compound issues – Mr. Chmura should resolve the issue of the Soil Erosion and Sediment Control Plan; the Reclamation Plan and any issues that might arise with RI DEM regarding the long driveway going through wetlands. Helen stated that Mr. Chmura must resolve those issues first, and once those issues are resolved then he can bring his application back before the board.

The Planning Board will not take any further action on Mr. Chmura's application until a properly prepared and approved Soil Erosion and Sediment Control Plan / Reclamation Plan are on file with the Town. No further action was taken.

## **I. Major Subdivisions**

The Town Planner and Julia Parmentier wanted to make sure that all parties understood why the application was moved to a major subdivision. The reason for this is the land development, even though it only contains two lots, concerns a commercial entity and was not residential in its nature. Therefore, because it is a major subdivision (land development) the procedure is more regulated – it involves informational meetings, master plan review, preliminary review, and final plan review, and that there must be proper notice given to those landowners within the required notification area. Norbert Therien, the applicant's surveyor, said that he was already made aware of that during a telephone conversation with the planner, and he said the same issues were addressed in the Planner's notes to the Planning Board for tonight's meeting.

Mr. Therien stated that one of the notes the Planner had was to have the plan consist of two separate pages, one showing the area in general that was being subdivided, and a second map showing an close-up view of the lot being subdivided from the original lot.

There was a request from the Building and Zoning Official, and members of the Planning Board, that the close-up view of the newer lot show all the current "as is" conditions of the real estate, including but not limited to showing where the current well and septic systems are on the lot, showing the topographic nature of the lot, showing all existing buildings, and all other natural and man made features of the lot.

The discussion then centered on the proposed propane gas tank facility that Mr. Fortin had mentioned in passing. The plans as presented did not show where Mr. Fortin intended to place such tank facility on the site, and the Planning Board voiced concerns regarding the State's requirements for such a facility. Mr. Therien stated that he would verify what was needed and he would make sure the plans were properly prepared.

The Town Planner recommended one more pre-application review by the Planning Board, as it appears there will be numerous changes to the plans as presented, before the applicant and the Planning Board holds the informational meeting with the landowners within the notification area. The Board, and the applicant seemed to be in agreement with another pre-application review.

## **J. Commercial Site Reviews**

120 Danielson Pike/**Henry Chabot/Foster Bait Shack**

**Discussion / Decision**

AP 21 – Lot 26

Existing building size – 20x20'

Existing lot size – 13,230 sq. feet

Foster Bait Shack – Existing Building Size – 20x20'

Addition – 8' x 16'

Purpose/Review – to review completed construction for business license continuation

Pamela Chabot was present with Attorney Thomas DeSimone who presented this application. This public hearing was advertised in the Observer on March 27, 2008, nineteen (19) days prior to the applicant appearing before the Planning Board. The Planning Department is in receipt of an Affidavit of Notice signed by Thomas R. DeSimone, Esquire attesting to the mailing of the public notice (a copy of which is attached hereto and incorporated herein) to those landowners within the notification area of 400 feet surrounding the site. All of the green signature cards (certified mail, return receipt requested) from the all landowners on the list have been returned to the Planning Department and the attached receipts show the notice was mailed on March 31, 2008 sixteen (16) days prior to the applicant appearing before the Planning Board.

The Planner requested to speak before the applicant proceeded, she stated that when she had reviewed the prior planning board and zoning board files for this applicant, and that she has provided the planning board and the applicant with an outline of the prior meetings with the zoning board and planning board. The Planner also stated that during her review she located an approval letter from the prior Town Planner that specifically stated that certain corrections needed to be made to the (then) commercial site plan before he would sign the plan and record same to show approval. The Planner tried to verify that a prior site plan had been recorded; however, nothing could be found. So no prior plan was ever approved and recorded.

Atty. DeSimone stated that he had discussed a site review with his client, Mr. Chabot, and that Mr. Chabot did not want to pay to have a formal plan done as the estimate was somewhere in the amount of \$4,000.00.

Tom Mercier questioned what the plans were before the board. The Planner stated that they were copies of the plans previously submitted in August of 2006; however, the plans do not show the addition that the applicant built on the back of the bait shack. Attorney DeSimone stated that the applicant was before the board with regard to the addition put on the back of the bait shack; the addition is approximately 16' x 8' and is between the bait shack and the gun shop.

Planning Board members questioned their ability to review a plan that did not accurately recite the conditions of the property. The issue was also raised regarding the applicant's non-compliance with the prior board's and planner's request. The Town Solicitor, John Bevilacqua, stated that the applicant would need to get a properly prepared site plan, and resubmit that site plan to the board for review and approval.

MOTION: Based upon the circumstances, Tom Mercier moved to continue the Public Hearing to June 18, 2008. Pat Moreau seconded the motion. DISCUSSION: The applicant's attorney questioned whether it

would be necessary to re-notify the landowner's within the 400 foot notification area – the Town Solicitor and Planner both said no as the motion was to continue the public hearing – the public hearing will remain open – and therefore the notification is still accurate.

Also, at this time the Chair of the Board recognized that members of the general public, audience, wanted to be heard and she opened the discussion to the public.

Mrs. Polouski, an immediate abutter, asked who owns the bait shop and asked why the shed was built with no prior approval. She asked if the building was larger than what was approved. She also stated that the sign was erected partially on their property and on the right of way property owned by the state. She also spoke about the large container on the property which encroaches on her property. She also stated her concerns regarding the lighting of the area at night, and how the light bothers her and her husband on their own property.

Robert Moreau, someone goes by the property frequently, spoke and suggested that the new site plans should include septic system locations – he believes the septic system is located beneath the bait shack itself – proper property boundary lines, the required parking and all proper set backs.

There were concerns stated regarding the container (the back of an 18 wheeler) located upon the site, as the container is within the side set back lines of the lot. Tom Mercier questioned whether the Board could even continue with the review if there was a violation on the property. The Town Solicitor said that no formal violation notice has been issued as of today's hearing, therefore, there technically was no violation and therefore the Board could continue with its review.

Julia asked if there were any more questions or concerns from either the Board Members or the general audience. There were no more questions at this time, therefore the board went back to the motion that was on the floor (for reference purposes only – Tom Mercier moved to continue the Public Hearing to June 18, 2008, and Pat Moreau had seconded the motion). There was no further discussion, and the motion passed unanimously to continue the public hearing to June 18, 2008.

Mrs. Polouski asked if she would be getting another notice for the next meeting and the Town Solicitor explained to her that she would not, as it was not necessary to re-notify the landowner's if a hearing was continued as this one was. It was suggested that she check in the with Planning Department as the time for the continuation came closer and that she should check the town's website also.

Julia Parmentier then requested that the Planner, formulate a letter to the applicants detailing the concerns of the Board (and the public) and explain what the revised site plans should show.

**AT THIS TIME IT WAS REQUESTED THAT THE BOARD TAKE A FIVE MINUTE RECESS BEFORE HEARING THE LAST APPLICANT OF THE NIGHT – A FIVE MINUTE RECESS WAS TAKEN.**

48 Mt. Hygeia Road/ **Sally Freestone/Freestone Pottery- applicants**  
**Chris/ Wendy Taillon- owners**

**Discussion / Decision**

AP 17 - Lot 99

Existing lot size - 65,000 sq, feet

Request to run pottery studio and sales

Review Purpose – to make recommendation to Zoning Board Review

The Planner stated that this particular application was before the Board for a site review, as the applicant has already applied to the Zoning Board of Review for a special permit.

The Planner continued to state the following: The Planning Department has an original and copy of the legal ad that appeared in the Providence Journal on April 2, 2008, fourteen (14) days prior to the applicant appearing before the Planning Board; that the Planning Department had received and Affidavit of Notice signed by Renee Vander Yacht attesting to the mailing of the public notice to those landowners within the notification area of 400' surrounding the site; and that all of the green signature cards from all ten (10) parties have been returned to the Planning Department, and the attached receipts show the notice was mailed on April 1, 2008, fifteen (15) days prior to the applicant appearing before the Planning Board.

Renee Vander Yacht, the authorized representative for both the land owner and the applicant, presented this application. It was stated that the Freestones and the Taillons have entered into a purchase and sales agreement for this particular parcel, and that a condition of the purchase was the Freestones ability to obtain the special use permit to run a pottery studio (consisting of a workshop and showroom) at the site.

The lot is a substandard lot of record of approximately 1.5 acres +/- . No new buildings would be constructed on this property. The applicants are requesting they be allowed to manufacture pottery on the site in the garage and shed located on the site, and run a showroom in the lower level of the residence.

Board members discussed the constraints of the size of the lots, and what volume of traffic they would expect. Carol Shippee an abutter voiced her concerns about traffic and whether this proposed project would cause a big increase in traffic. Eileen D'Angelo another abutter expressed a concern about traffic and that there is a curve in the road with a blind spot that has resulted in numerous accidents. Mildred Sawyer another abutter is concerned that the applicant stated that there would be 2-3 cars per week and later stated in their narrative that it would be a place to attract tourist and school groups.

Julia Parmentier stated that the pottery studio is not a concern and this particular type of operation is non-intrusive. Tom Mercier is concerned about the traffic if it is going to include tour groups.

After much discussion between the board and the concerned abutters, it was determined that the greatest concerns of all parties was the safety issues as they related to the traffic along the road, and the dangerous curve in the road near the site. It did not appear that anyone had an objection to the pottery studio itself – as long as no parking lot was created for cars – the abutters want to maintain the rural character of the location.

Helen Hardy moved: In the recommendation to the Zoning Board from the Planning Board. We support the pottery studio however have concerns regarding this property to accommodate this business. We would support the operation of a pottery studio. This type of cottage industry is called for by the Comprehensive Plan, and this small scale business would fit well into the community. Our concern has to do with the ability of this location to accommodate more than the expressed “few cars a week”. We would have serious concerns about the capacity of this property to accommodate any extensive traffic or “tour / school buses” as was mentioned by the applicants. This application would need restrictions to address these concerns.

John Neale seconded the motion, No further discussion. The motion carried unanimously.

**K. Old Business**

None

**L. New Business**

None

**M. Future Agenda Items**

Blackmar Residential Compound – Driveway Issue  
Building Approvals – wells and septic installations  
May 7- Ordinance Revision Workshop with Affordable Housing Board  
May 21- Information Meeting Rte 6 Re-zoning at Foster Center Fire Station.  
June 4 – David Filippone continuation.  
June 18- Foster Bait Shack continuation.

**N. Adjournment**

Tom moved to adjourn at 10:05. Motion carried unanimously.

Respectfully submitted,

Helen Hardy