



PLANNING BOARD MEETING MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road, Foster, RI
Wednesday: July 16, 2008 AT 6:30

A. Call to Order

Meeting was called to order by Julia Parmentier, Chair; at 6:31 p.m.

B. Roll Call

Present were Julia Parmentier, Chair; Pat Moreau, Vice Chair; Helen Hardy, Secretary; Members John Neale, Tom Mercier, Marcia Bowden and Ann-Marie Ignasher, Town Planner. Member Mike Carpenter was excused. Also in attendance were Paul, Claudia and Miriam Cunniff: Subdivision applicants and Norbert A. Therien, surveyor.

C. Approval of Minutes

Planning Board Meeting(s):	Rte 6 Re-Zoning Workshop(s):
May 7, 2008 – wkshp w/HB	
May 21, 2008 Informational	March 29, 2008
June 04, 2008	April 26, 2008
June 18, 2008	May 3, 2008
	May 10, 2008

Tom Mercier motioned to table all minutes until August 20, 2008. John Neale seconded.
Motion carried unanimously.

D. Correspondence and Review

RI DEM Notice – RE: Suburban Land Co. Victory Highway (Route 102) Plat 3 Lot 45, Foster, RI – A request was made to walk this property in order to respond to the RI DEM Notice prior to the end of the notice period of August 14, 2008. The dates 07/30/08 and 07/31/08 were tentatively set for a site walk pending Conservation Commission availability. John Neale stated that he believed the Conservation Commission looked at this site 20 years ago and found it unsuitable for development.

E. Board Members' Reports

John Neale reported for the Land Trust – The Land Trust is in the process of negotiating on some properties and is establishing management plans for other properties in their possession.

Town Planner reported for the Housing Board - Fran Gast is now the new Vice-Chair of the Housing Board. Housing Board was notified of the joint meeting between the Planning Board and the Town Council is scheduled for September 3, 2008 regarding the conservation development, and the affordable housing ordinances. Also, the Affordable Housing board may begin to meet with and exchange ideas with the Housing Boards in Glocester and Scituate.

F. Planner's Report

June 2008 – A copy was supplied to the planning board in their packets.

G. Administrative Subdivisions

Barbs Hill Road / **Maurice and Ida Dunbar**
AP 1 - Lot 48 – Existing size 5.9107 +/- acres
AP 1 - Lot 49 – Existing size 17.7767 +/- acres
Proposed size Lot 48 – 5.8636 +/- acres
Lot 49 – 17.8238 +/- acres

Planner's report on Decision - Ann-Marie reported that the purpose of this application is transference of approximately 2050 square feet or 0.0471 acres of real estate currently owned by Lot 48 to Lot 49. Based upon the findings of fact and the required findings under RIGL §45-23-60 it appears that the applicant and landowners have met all the requirements for the Administrative Subdivision and therefore the application was approved.

Foster Center Road/ Nicola Swindon Duty- Tina Lavallee

AP 19 – Lot 26 – Existing 2.924 +/- acres
AP 19 – Lot 27 - Existing 22.836 +/- acres
Proposed – AP 19 – Lot 26 – 7.924 +/- acres
Proposed – AP 19 – Lot 27 – 17.836 +/- acres

Planner's report on Decision – Ann-Marie reported that the purpose of this application is transference of approximately 5 acres of real estate from Lot 27 currently owned by Nicola Swinden-Duty to Lot 26 currently owned by Tina and Eric Lavallee. The additional acreage to Lot 26 will bring Lot 26 into compliance with Foster's Zoning Ordinances and will also allow the Lavallee's to continue and/or increase their agricultural capabilities. This transference will have no adverse affect upon Lot 27. Therefore, based upon the findings of fact and the required findings under RIGL §45-30-60 it appears that the applicants / landowners have met all the requirements for an Administrative Subdivision and therefore the application was approved.

H. Minor Subdivisions

Barbs Hill Rd / **Paul & Claudia Cunniff**

AP 1 – Lot 57B Existing size 73.4153 acres +/-

Proposed number of lots – (3) three

Proposed Lot A – 5.0151 +/- acres

Proposed Lot B – 5.0249 +/- acres

Proposed Lot C – 63.3753 +/- acres

PRE-APPLICATION/PRELIMINARY REVIEW 08/24/2007

SECOND CONCEPTUAL REVIEW 01/02/2008

PRELIMINARY REVIEW 06/18/08

*Final Review
Discussion/Decision*

Norbert Therien presented this Final Review of this Residential Compound.

John Neale moved to approve, Tom Mercier seconded the final application and plans of Paul Cunniff and Claudia Cunniff, and landowners John G. Cunniff and Miriam A. Cunniff to subdivide the real estate located at Pole 18 Barbs Hill Road, Foster, RI 02825, also known as Tax Assessor's Plat 1 Lot 57B containing approximately 73.4153 acres +/- into a residential compound consisting of three (3) parcels each parcel containing a single family dwelling unit. The proposed lots to contain the following acreage – Lot A – 5.0151 acres +/-; Lot B 5.0249 +/-; and Lot C – 63.3753 acres +/-, all as shown on the Class I Survey plan entitled:

“Site Plan for John G. and Miriam A. Cunniff, AP 1 Lot 57B, Pole 18 Barbs Hill Road, Foster, RI, Dated April 2008, and amended May 22, 2008, Scale as noted on various sheets, prepared by National Surveyors-Developers, Inc. 42 Hamlet Ave Woonsocket, RI (401) 769-7779, Norbert Therien Professional Surveyor”.

Julia noted that the scale was different on the various pages of the plan, and Tom noted that sheets 1, 2, and 4 will need to be recorded. Recognizing those comments as amendments to the original motion Tom Mercier moved to approve the amendments and Pat Moreau seconded.

Votes on the amendments – Motion Carried Unanimously – 6 / 0 – six in favor, none against.

Votes on the original / main motion – Motion Carried Unanimously – 6 / 0 – six in favor, none against.

I. Major Subdivisions

None.

J. Commercial Site Reviews

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

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

LETTER OF CONTINUANCE TO AUGUST 20, 2008 RECEIVED

Letter to Attorney DeSimone included for reference purposes only.

*Request to continue to 8/20/08
Discussion / Decision to continue*

Received letter from Attorney DeSimone agreeing to a continuance to August 20, 2008, stating that his client's license was to remain in full force and effect. Two things were noted about this letter 1) that the attorney should be requesting a continuance not agreeing to a continuance, and 2) that the planning board did not have control over a business license.

The Planning Board discussed options regarding the continuance, as it was recognized that this would be the third continuance for this particular application; and the board discussed its options in getting the business owner to comply with the Town's zoning ordinance, and the numerous requests of the planning board and town planner. The Board determined the proper action would be to vote on two separate motions – the first regarding the continuance (the request versus the agreement), and the second motion to the Town Council requesting they consider the revocation of the business license(s) of Foster Bear Arms / Foster Bait Shack. Two Board members volunteered to write out the motions and requested time (approximately 10 minutes) to do so.

Tom Mercier moved to take a ten (10) minute recess at 7:40. Pat Moreau seconded, motion carried unanimously.

Meeting reconvened at 7:50 p.m.

Pat Moreau moved and Marcia seconded that the Planning Board, via the Chairman, send a letter to the Town Council requesting they take the proper and necessary steps for the revocation of the commercial license for the Foster Bear Arms/ Foster Bait Shack, 52 Danielson Pike, for failure to correct numerous building and zoning issues after repeated notification. The letter should request that the revocation remain in effect until all violations are corrected and accurate commercial site plans are submitted and approval given by the Planning Board. Motion carried unanimously – 6 / 0 – six in favor, none against.

Pat Moreau moved and Tom Mercier seconded that a conditional continuance to Foster Bear Arms/ Foster Bait Shack be issued until August 20, 2008, the condition being that all concerns detailed in the Planner's letter of July 7, 2008 are addressed and a properly prepared commercial site plan be submitted on or before August 6, 2008 to allow appropriate processing of the application before the August 20, 2008 meeting. This will be the final continuance granted to the applicant and if these conditions are not complied with the applicant will have to start over with a Commercial Site Plan application and proper notification to all abutters. The board determined that the issues raised in the planner's letter of July 7, 2008 impinge on the rights of the neighbors, negatively affect health and safety of the community, and set a bad precedent for business development within the Town of Foster.

Planning Board Meeting Minutes July 16, 2008

Motion carried unanimously – 6 / 0 – six in favor, none against.

K. Old Business

None

L. New Business

None

M. Future Agenda Items

1) Workshop Items

Sept 3, 2008 – Workshop with town council- proposed ordinances

Sept. 27, 2008 – Rte 6 Workshop

Building approvals – wells and septic installations

Policy Ordinances on Town Renovations to Historical Buildings

Dam Plans – Plans for Emergency purposes/evacuations

2) Applications

August 20, 2008 – Foster Bait Shack

- Twisted Liquors

- Mary/ Paul Joseph

- Turnquist Lumber

September 17, 2008 – Howard/Judith Yarme

August 20, 2008 – vote on changing meeting time back to 7 p.m.

N. Adjournment

Tom Mercier moved to adjourn at 8:06 p.m.

Motion Carried unanimously

Respectfully submitted,

Helen Hardy
Secretary