



**PLANNING BOARD MEETING MINUTES  
TOWN OF FOSTER**

**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI  
Wednesday: August 20, 2008 AT 6:30 p.m.**

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**A. Call to Order**

Meeting was called to order at 6:40 p.m. by Pat Moreau.

**B. Roll Call**

Present were Pat Moreau, Vice Chair; Helen Hardy, Secretary, and Members Marcia Bowden, John Neale, Tom Mercier. Member Mike Carpenter was excused. Also present were Town Planner, Ann-Marie Ignasher, Town Solicitor, John Bevilacqua, Conservation Commission Liaison Kathryn Zuromski, Henry and Pam Chabot, Attorney Thomas DeSimone, Michael Polouski, Connie Polouski, Brian Carpenter, Norbert Therien, Albert Thoman, Nicholas Veltri, Lynne Rider, Cheryl Wright, Joseph Cardillo, Audrey Carey and Joseph Carey.

Julia Parmentier, Chair arrived at 7:00 p.m.

**C. Approval of Minutes**

Tom Mercier moved to table the minutes of April 26, 2008, May 3, 2008, and May 10, 2008 until September 3, 2008,

John Neale seconded the motion.

Tom Mercier moved to approve the following minutes as may be corrected

March 29, 2008 no corrections

May 7, 2008 - no corrections

May 21, 2008 – as corrected

June 4, 2008 - as corrected

June 18, 2008 – as corrected

July 16, 2008 – as corrected

John Neale seconded, motion carried unanimously 5-0.

**D. Correspondence and Review**

Review of correspondence, and all correspondence filed.

**E. Board Members' Reports**

None

**F. Planner's Report**

Tom Mercier moved to accept the Planner's Report, John Neale seconded motion carried unanimously 5-0.

**Tom Mercier moved to move the Commercial Site Review to be next on the agenda, Marcia Bowden seconded, motion carried unanimously 5-0.**

**[J.] Commercial Site Reviews**

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

AP 21 – Lot 26

Existing lot size – 13,230 sq. feet

Refer to correspondence in file.

***FINAL CONTINUANCE  
Discussion / Decision***

The Town Planner, Ann-Marie Ignasher, stated that plans were submitted to the planning office; however, the plans still had errors in them and could not be certified as complete. She stated that notification to that effect was faxed and mailed to Attorney DeSimone and the applicant's engineer. To date, she has not received corrected maps. Therefore, in accordance with the discussion and decision made by the planning board at its prior meeting, she recommended that the applicant be allowed to withdraw his current application without prejudice, and have the applicant re-apply to the planning board after he has applied for, and received the necessary / requested zoning variances from the zoning board. She also stated that the applicant had removed one trailer, the bird cage, and some signs from the site.

Attorney Tom DeSimone spoke for the applicant, and he requested that the planning board follow the planner's recommendation, as his client has made an effort to comply with their requests.

It was mentioned by a board member that a notice of violation was issued against the property; and recorded in the land evidence records. Another board member mentioned that it appeared some effort was made by the applicant to try to comply.

Tom Mercier moved that the Commercial Site Review application be withdrawn without prejudice, with the following conditions:

- 1) Resolve all the violations as stated in the Notice of Violation dated July 21, 2008 and recorded on July 21, 2008 in Book 160 at Page 0058;
- 2) That the landowner/business owner make proper application or applications to the Foster Zoning Board of Review for all appropriate and necessary variances, special use permits, etc. as are required under the

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Foster Zoning Ordinance – said requests shall include, but are not necessarily limited to, the following items:

- a. Proper variances for the Foster Bait Shack;
  - b. Proper variances for the small trailer directly next to the gun shop
  - c. Proper variances for the sign(s)
- 3) That the landowner / business owner pay for the application fees to the Zoning Board, Planning Board, and any building application fees that may be required.
  - 4) That the landowner / business owner be aware that the fees for building / inspection permits may be doubled.
  - 5) That the landowner / business owner pay all required notification fees to all those required.
  - 6) That the landowner / business owner resubmit an application and all appropriate fees to the Planning Board for a Commercial Site Review.
  - 7) That a representative of the business owner / land owner keeps the Planning Board (through the Town Planner) apprised of the status.

John Neale seconded the motion. The following discussion took place:

Marcia Bowden asked if the business would continue to operate in the interim. The Solicitor advised that would be up to the council, which meets next on August 27, 2008. Constance Polouski showed the board a picture of the row of evergreen trees which separates the (subject) property from her property; she continued to say that the trailer (now removed) had damaged those trees. She further stated that the lights and signs on the subject property infringe on her residence and her property. She and her husband had their property surveyed to determine the extent of that infringement upon their property.

There being no further discussion the vote was taken as follows:

Members voting to approve said motion: five (5)  
Members voting against said motion: zero (0)  
Members abstaining: zero (0)  
The motion passes – 5 to 0.

### **10 Plainfield Pike / P&D Properties - Reynolds**

*Schedule Site Walk*

AP 19 – Lot 35

Existing lot size – 13 acres +/-

Schedule Site Walk

Recommendation to Zoning Board

A site walk is scheduled for Wednesday August 27, 2008 at 4:30 p.m. All those attending will meet at the Town Hall parking lot.

### **10 Round Hill Road/ Jean Nassar**

*Review/Recommendation*

AP 22 - Lot 0035

*Discussion/Decision*

Soil Erosion and Sediment Control Plan Review

Recommendation to Zoning Board

Full sized copies of the Erosion and Soil plans were requested. The cease and desist order is to remain in place until a decision is rendered.

## **G. Administrative Subdivisions**

None

## **H. Minor Subdivisions**

### **Winsor Road / Turnquist Lumber Co. / Brian Carpenter**

*Preliminary Review*

AP 17 – Lot 82 existing 32.4580 acres +/-

*Discussion/Decision*

Proposed number of lots (3) three

Proposed Lot A – 13.7435 acres +/- (frontage 356.99')

Proposed Lot B – 12.4964 acres +/- (frontage 300.53')

Proposed Lot C – 6.2180 acres +/- (frontage 346.22')

PRE-APPLICATION 03/16/2005

PRE-APPLICATION 06/18/2008

Brian Carpenter presented this application. He reviewed all of the Planner's comments with the Board, and assured the Board that each request will be met prior to the time of the submittal of the final approval application. It was shown that the RI DEM insignificant wetlands alterations letter is good for four (4) years. The plans have been changed / corrected as requested by the Board at its last meeting.

There is some discussion regarding a comment on the plans regarding unacceptable material. Julia questioned the presence of wood chips and stumps which would cause excessive amount of nitrates into the water supplying the well and Mr. Therien addressed those concerns, stating that DEM had inspected the site and approved the removal of unsuitable material. Tom suggested that the note about unsuitable material should be moved from the plan survey to the notes.

John Bevilacqua states that the maintenance contracts for the OWTS must be filed with the Building and Zoning Official's Office.

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Tom Mercier moved, John Neale seconded, to approve the application of Brian Carpentier (landowner – Turnquist Lumber Co., Inc.) to subdivide the real estate located at Winsor Road, Foster, RI 02825, also known as Tax Assessor’s Plat 17 Lot 82 containing approximately 32.4579 acres +/- of land into three (3) separate and distinct parcels. Proposed Lot A containing 13.7435 acres +/-, Lot B containing 12.4964 acres +/- and Lot C 6.2180 acres +/- as shown on the Class I survey plan entitled:

“Turnquist Lumber Company; 180 Hartford Pike, Foster, RI 02825, AP 17 Lot 82, Winsor Road, Foster, RI Site Plan dated September 2006, revised 06/30/08, by National Surveyors-Developers Inc. 42 Hamlet Avenue, Woonsocket, RI, (401) 769-7779, Norbert A. Therien, Professional Land Surveyor” said motion is made based upon the following findings:

- 1) That said plan does meet the standards as set forth under Rhode Island General Law §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 the municipality’s zoning ordinance.
  - c) That there will be 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.
- 2) Conditions are subject to the following:
  - a) That the fee in lieu of Land Dedication (\$4,005.00) is to be paid at the time of recording documents.
  - b) That the back up power systems for the OWTS be installed on each lot and maintenance agreements are to be recorded for each lot with the Town’s Building and Zoning Official.
  - c) That a copy of the DEM certification letter environmental conditions be submitted to the Town Planner.
- 3) That a thorough and proper review and approval has been conducted.

No further discussion.

Members voting to approve said motion: Six (6)

Members voting against said motion: zero (0)

Members abstaining: zero (0)

The motion passes – 6 to 0.

### **Howard Hill Road and Plainfield Pike / Mary and Paul Joseph**

AP 02 – Lot 63 existing 18.9720 acres +/-

Proposed number of lots three (3)

Proposed Lot A – 7.1472 acres +/- (frontage 447.47’)

Proposed Lot B – 4.6458 acres +/- (frontage on Howard Hill Road 721.13’)  
(frontage on Plainfield Pike 293.04’)

Proposed Lot C – 7.1789 acres +/- (frontage 438.04’)

PRE-APPLICATION 06/18/08

*Preliminary Review  
Discussion/Decision*

Brian Carpenter presented this application. Brian stated that a waiver is requested with this application, and that a letter from Norbert Therien explains the need for the waiver of 6.96 feet. The Planner’s comments regarding the plan as submitted will all be addressed on the final application.

Tom Mercier made a motion that on behalf of Mary and Paul Joseph, AP2 Lot 63 that the Board waives the 300’ requirement by 6.96’ with the understanding that this amount of land has been removed from the frontage by road improvements. Pat Moreau seconded, motion carried unanimously.

John Neale moved, Tom Mercier seconded, the application of Brian E. Carpenter (landowner Mary M. and Paul R. Joseph) to subdivide the real estate located at Plainfield Pike and Howard Hill Road, Foster, RI 02825, also known as Tax Assessor’s Plat 2 Lot 63 containing 18.9720 acres of land into three (3) separate and distinct parcels. Proposed Lot A containing 7.1472 acres +/-, Lot B containing 4.6458 acres +/- and Lot C containing 7.1789 acres +/- as shown on the Class I survey plan entitled:

“Mary Joseph & Paul Joseph, Howard Hill Road & Plainfield Pike, Foster, RI, AP 2 Lot 63, dated 11/26/07, by National surveyors-Developers Inc., 42 Hamlet Avenue, Woonsocket, RI (401) 769-7779, Norbert Therien, Professional Land Surveyor” said motion is made based upon the following findings:

- 1) That said plan does meet the standards as set forth under Rhode Island General Law §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 the municipality’s zoning ordinance.
  - c) That there will be 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

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- 2) Conditions are subject to the following:
  - a) That an approved ISDS system by RI DEM must be obtained prior to the submission for a final approval;
  - b) That the fee in lieu of Land Dedication (\$4,005.00) is to be paid at the time of recording of the final documents.
  - c) That a waiver for 6.96' has been granted for the minimum frontage on Plainfield Pike.

There being no further discussion.

Members voting to approve said motion: Six (6)

Members voting against said motion: zero (0)

Members abstaining: zero (0)

The motion passes – 6 to 0.

### **Salisbury + Balcolm Road / Albert & Edna Thoman**

AP 8 – Lot 15 existing 23.4 acres +/-

Proposed number of lots (3) three

Proposed Lot A – 5.83 acres +/-

Proposed Lot B - 5.37 acres +/-

Proposed Lot C – 12.2 acres +/-

*Pre-Application  
Discussion only / No decision*

Mr. Albert Thoman was present, and gave Nicholas Veltri permission to speak on his behalf.

This proposal was presented by Nicholas Veltri. This is a pre-application / conceptual hearing. The Planning Board discussed this application with Mr. Thoman and Mr. Veltri. They suggested that a two (2) lot subdivision might give more usable lots but without knowing wetlands constraints it looks as though 3 lots are possible.

Mr. Veltri and Mr. Thoman will discuss possibilities and get back to the board with their plans.

## **I. Major Subdivisions**

### **Rte 101 & Winsor Road /Twisted Liquors, Inc. /Turnquist Lumber Co.**

AP 17 – Lot 57 – Existing 38.19 +/- acres

Proposed Number of lots: two (2)

Proposed: Lot A - 4.53 acres +/-

Proposed: Lot B – 33.66 acres +/-

PRE-APPLICATION ON 01/25/08

*Pre-application  
Discussion Only/ No Decision*

Norbert Therien presented this proposal. The Planners comments will be addressed. Next step will be a Public Information Meeting. Master plan and maps must be in hand prior to this. Planning Office will do the notification for the informational meeting. The applicant is responsible for notification of the master plan hearing. The board questioned the parking spaces on Winsor Road which are off the property and a hazard due to proximity to Rte. 101. It is assumed the septic system will be inspected prior to the sale of the property to Mr. Fortin.

## **K. Old Business**

## **L. New Business**

Mr. Therien requested to address the board at this time regarding conservation development, as the board briefly touched upon the subject during a prior presentation of a previous applicant. Mr. Therien stated that various surrounding communities have enacted a conservation development ordinance, and that he agrees with the concept of trying to protect the various natural characteristics of a particular site versus having standard lots, etc. that may interrupt what the public may admire about a particular site. The board thanked Mr. Therien for his comments, and asked if he would be willingly to possibly speak on the subject at a later date, possibly at a public meeting. His response is that he would be willing; however, he would have to verify his availability.

## **M. Future Agenda Items**

### **1) Workshop Items**

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

Building approvals – wells and septic installations

Policy Ordinances on Town Renovations to Historical Buildings

Dam Plans – Plans for Emergency purposes/evacuations

### **2) Applications**

September 17, 2008 – Howard/Judith Yarme – Pre-Application

## **N. Adjournment**

Tom Mercier moved to adjourn at 8:44 p.m., motion carried unanimously.

Respectfully submitted,

Helen Hardy, Secretary