



**PLANNING BOARD MINUTES  
TOWN OF FOSTER**

**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI  
Wednesday: January 21, 7:00 p.m.**

---

**A. Call to Order**

The meeting was called to order by Julia Parmentier, Chair at 7:02 p.m.

**B. Roll Call**

Present from the Planning Board were Julia Parmentier, Chair; Pat Moreau, Vice Chair; Helen Hardy, Secretary; members John Neale, Tom Mercier, and Marcia Bowden. Mike Carpenter was excused. Also present were Ann-Marie Ignasher, Town Planner; John Bevilacqua, Solicitor; Celeste Beauparlant, Planning Clerk; Mark Horner, Mechanical/Plumbing Inspector; Constance Polouski, Janice Hannert, Maureen Ricci, John Ricci, Raymond Proulx, Linda Proulx, Kathy Mack, Lori Greenleaf, Mark Greenleaf, David Provonsil and Jean Nassar.

**C. Approval of Minutes**

January 13, 2009

Tom Mercier moved to table the minutes of January 13, 2009 to February 4, 2009, John Neale seconded. Motion carried unanimously. 6 – 0.

**D. Correspondence and Review**

None

**E. Board Members' Reports**

None

**F. Planner's Report**

The Town Planner Ann-Marie Ignasher reported that today was the deadline for recording and compliance of the Foster Bait Shack/Foster Bear Arms. The plans were corrected and filed as of January 21, 2009. The lighted sign was still lit as of 6:30 p.m. on January 21, 2009.

**G. Commercial Site Reviews**

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

Plat 22 Lot 35

Filling and Grading Project

Total Lot area – 7.39 acres

Area of work – 1.5 acres +/-

*Public Hearing #1  
Discussions / Decision*

Ann-Marie summarized that this review was advertised in the Valley Breeze/Observer on December 31, 2008 and all abutter's within the 400' radius were notified by certified mail. Julia presented the procedure for the Commercial Site Review on 10 Round Hill Road, owner, Jean Nassar.

Ann-Marie read the application for Plat 22 Lot 35.

David Provonsil, Planner and Engineer presented the project. The applicant, Jean Nassar, was notified by the Building and Zoning Official to cease fill as this requires an Erosion and Sediment Control ordinance.

The applicant is leveling the yard to make it more usable. Tom Mercier asks if the Class I Survey was updated since 2005. It is not necessary because there have been no changes to the property since then.

Marcia Bowden asks what the property is zoned. It is zoned as Agricultural/Residential.

Julia Parmentier asks to have the plan clarified as far as the current slopes and what has already been filled.

Marcia Bowden asked if the leveling is for future commercial operation. The leveling in the rear yard will not be used for commercial or storage purposes.

Jean Nassar stated that the leveling will not be construction materials "It's a by-product of material available to them from time to time". Marcia notes that the Zoning Official's letter dated July 2008 cites construction materials. Ann-Marie Ignasher states that each application will require a special use permit from the Zoning Board.

As an abutter, National Grid voiced their concern about the property via a phone call to the Town Planner on January 21, 2009.

Ann-Marie Ignasher notes that today a mortgage form was recorded in Town Hall and read it into record: "The Mortgagor does hereby attest, certify, represent, warrant and covenant that the premises secured by the Mortgage are not used, nor are they intended to be used as a dwelling or as a home by the Mortgagor or by any other person liable on the Mortgage or Note of the Mortgage debt, and that the proceeds of this transaction are solely for commercial and business purposes, and do further acknowledge that this representation has been relied upon by the Mortgagee."

John Neale notes that there are rare and endangered species in this area.

Tom Mercier asks if there are any outstanding violations on this property. The last violation letter was dated November 6, 2008.

## Planning Board Meeting January 21, 2009

John Bevilacqua advises that this hearing is to collect information and to make recommendations of findings to the Zoning Board.

Jean Nassar spoke about the mortgage application. Ms. Nassar owns A. Korey Construction and Bre-Cor Realty. She borrowed money from her parents and the mortgage was to give them equity in the property.

Ann-Marie Ignasher continues her report about the endangered species and stated that DEM must be notified. There is a retaining pond shown on the property, and is concerned as to where it is running off to.

David Provonsil said the DEM cited them for illegally dumping in 2003, drilled test holes, found nothing objectionable and issued a notice of release.

Julia Parmentier asks again what fill would be used: David says brick, bituminous material, “busted up” concrete. Julia Parmentier asks once the area is filled what it will be used for. The project is to remove the steep slope on the rear of the property.

John Bevilacqua asks about the proximity of the fill from the property line.

Julia Parmentier asks if this is engineered or “dump fill”. David Provonsil said, dump fill, but plans called for surface material which can be loamed and seeded.

Julia Parmentier asked what would prevent heavy rains to erode this material into the neighboring property. David answers with a silt fence, temporarily stabilized with mulch and jute mesh.

Julia Parmentier questions the phasing of the plan. David stated that it will take approx. 5 to 7 years.

John Bevilacqua is concerned about the benefit of this as a residential yard. The plan will require an Erosion and Sediment Plan which will require the phasing, cover, etc. The final plans will include an Erosion and Sediment plan which is supplied by the owner to the building official.

Ann-Marie Ignasher’s concerns are with the past history. John Neale’s concerns are with the endangered species, Helen Hardy’s concerns are with the Soil and Erosion plan.

John Bevilacqua says there’s currently no application to Zoning, so there is no time pressure for the Planning Board to make their advisory opinion to the Zoning Board

Tom Mercier asks whether the letters received from abutters could be accepted as correspondence. At the end the correspondence of those of who are not in attendance will be put into record.

Mark Greenleaf of 4 Round Hill Road spoke;

- 1) His opinion is that it’s difficult to separate the two applications because they are so related. He asked if the entire slope work constitute the 18000 cubic yards. This could not enhance the residential property.
- 2) This absentee owner does not consult neighbors regarding the number of trucks (100’s) that have to carry 18,000 yds, of unknown frequency. The road is not built for trucks and the turn from Rte. 6 does not allow a truck and a car to enter and exit that road to/from Rte. 6.
- 3) Trucks burning diesel are not healthy for residents.
- 4) The neighbors will always be in the position of having to monitor and to file complaints as a reaction. The hours of operation have not been complied with. Trucking has been done at 4 a.m., weekends and holidays. Past history does not assure the neighbors that this will not happen again.
  - Need traffic study
  - Air pollution from idling diesel engines
  - The fill being used is not well regulated. It should be shown somewhere as to whether the fill is clean.

Linda Proulx of 34 Round Hill Road spoke;

- 1) Concerns with the impact to the condition of a dirt road.
- 2) Questioned as to whether the applicant is being paid to dispose of the fill  
Owner: The fill is excess material from a construction site.  
Tom Mercier asks if the fill has value:  
Owner: yes, but I have to have a place to store it.

Mark Greenleaf asked if a RIDOT project is paid per cubic yard to remove fill.

Randy Proulx of 34 Round Hill Road spoke;

Noticed trucks coming in empty from a project at Rte 44 and 295 and were leaving full.  
Is concerned as to why someone would want to take construction debris.

Kathy Mack of 31 Round Hill Road spoke;

- 1) This sounds like a dumping ground
- 2) This is a disregard for Agricultural/Residential it is detrimental to the neighborhood
- 3) Has concerns about policing of dumping, conditions and contents
- 4) Absent owners who do not bear the burden of the activity

John Ricci, parents have property on Round Hill Road spoke;

Concerns about large trucks entering and dumping  
Mother needs a clear picture of what storage yard would be used for.

## Planning Board Meeting January 13, 2009

Janice Hannert abutter from Rounds Lane spoke;

- She is concerned about storm water runoff; a 35 foot high, 2:1 wall, concerns her about its effect on her property.

Kerry Smith of 32 Round Hill Road sent letter received on January 21, 2009:

- She is opposed to both applications
- Has concerns about the applicant's other businesses and the materials related to commercial uses.

Jean Nassar states that she owns a self-storage facility in Providence which is not a facility for sand material. She is affiliated with those businesses but does not own all of them.

Tom asked who owns the property. Owner stated that the property is owned by Bre-Cor Realty LLC; according to application and mortgage states that it is owned by Jean Nassar.

David Provonsil offers:

- the plan/project would limit truck to ten (10) wheelers
- the plan/project would limit number of trucks per day
- Any fill placed under a permit would remain in place and would preclude ability to excavate any material from the site.

John Bevilacqua recommended a site visit.

Tom Mercier recommends tabling this application until an application is received by Zoning. This would allow time to do the research and to make a recommendation. Pat Moreau seconded.

Julia Parmentier asks why we would use the Zoning Board application as a timetable.

John Bevilacqua stated that there is no application pending so there is no limitation as to when the recommendation can begin.

Tom Mercier withdrew his motion, Pat Moreau withdrew her seconded.

Tom Mercier moved to continue this discussion until the March 18, 2009 meeting. Pat Moreau seconded. Motion carried unanimously 6 -0.

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

Plat 22 Lot 35

Storage Yard

Total Lot area – 7.39 acres

Area of work – 1.4 acres +/-

### ***Public Hearing #2 Discussions / Decision***

Ann-Marie Ignasher read the application. This hearing was advertised on December 31, 2008 in the Valley Breeze/Observer. The abutter's within 400' were notified by certified mail.

David Provonsil, Engineer, presented this application. The plan has a boldline delineated the area of storage. Storage is permitted in an A/R zone. The area is currently being used as a gravel yard and will remain the same. No changes are proposed either in grading or characteristics with any significant degree. The bordered outline area on the plan would be about 170 feet in from Round Hill Road with access from an existing 260' driveway.

Area 1: vehicles for construction, screened by a stockade fence.

Area 2: Loam, topsoil, gravel, palletted material eg. Pipe

Area 3: Steel mats, concrete barriers, etc.

Marcia Bowden asked if there would be a pad for vehicles to prohibit leakage.

David Provonsil stated that that could be a provision if needed.

Ann-Marie Ignasher reported that the lot is in an area of rare and endangered species as well as in the riparian corridor. National Grid expressed concerns with the above. The photos taken in July 2008 show construction materials. Recorded November 6, 2008 violation letter.

The application is for storage of commercial vehicles the applicant stated earlier that the business is in receivership.

The Zoning Ordinance Section 8 02 page 18 states commercial off-street parking is prohibited

Section 9 02 states Open Lot storage of building material and materials is permitted by special use permit secondary to customary home occupation.

John Bevilacqua states that this property has a rental unit (resident) on the property and a dual zone use for this property is not permitted.

Raymond Proulx of 34 Round Hill Road asks if the cease and desist order means that they cannot take corrective action.

Linda Proulx of 34 Round Hill Road states that the fact that the materials that the cease and desist order was issued for are still on the property shows that the owner is unreliable.

Kathy Mack of 31 Round Hill Road states that if things are stored and dumped there it would not be sold off of that property.

Mark Greenleaf asks if any clearing, filling and grading is all involved in the first application.

David Provonsil states that neither application is dependent upon the other. Clearing cutting grading is necessary in this storage yard area.

Mark Greenleaf:

## **Planning Board Meeting January 13, 2009**

- 1) The storage area #1 only has 2-sided stockade fence storage area #3 is not screened. Storage area #2 could hold 18000 cu yards also the pikes have no delineating features so it would be on the shoulders of neighbors/town to keep the materials.
- 2) "Storage Material" will it be stored there or does that mean trucks coming in and out to remove and replace material in the storage areas – this will cause additional truck traffic
- 3) This application raises the same concerns about traffic on Round Hill Road and Rte. 6.
- 4) No regulations about the number of trucks on and off the property.
- 5) Audio Visual buffer stated in the plan does not exist for storage area and certainly nothing for trucks entering and leaving the property. This is additional trucking to the traffic involved in the first application.
- 6) This does impact the health, safety and welfare of the A/R community.
- 7) Are there any retroactive penalties for storage of illegal materials? Have they been tested lately?
- 8) The burden to complain should not be put on the abutters' (letter from Mr. Greenleaf gives further details)

Ann-Marie Ignasher read the letter from Mr. Ricci on behalf of his mother:

Questions about the materials being stored and implications for the environment. She also had a concern about truck traffic.

Tom Mercier questions about how the plans were derived.

Julia Parmentier asked if there would be any processing of materials on the lot.

David Provonsil stated that the storage area will have markers to delineate the stored materials.

Pat Moreau moved to continue the hearing until the March 18, 2009 meeting until the board can get legal opinion from the solicitor. John Neale seconded. Motion carried unanimously 6-0.

### **H. Administrative Subdivisions**

None

### **I. Minor Subdivisions**

None

### **J. Major Subdivisions**

None

### **K. New Business**

### **L. Old Business**

Outdoor Hydronic Heaters – Draft Ordinance – Pat Moreau moved to table this until February 18, 2009, Tom Mercier seconded. Motion carried 6 – 0.

### **M. Future Agenda Items**

Commercial Site Review – Mike's House of Ink - TBD  
February 4 – Capital Budget Workshop – cont'd  
February 18 – Outdoor Hydronic Heater – Draft Ordinance  
February 28 – Rte 6 Workshop  
March 18 – Jean Nassar – Commercial Site Review cont'd

### **N. Adjournment**

Tom Mercier moved to adjourn at 9:36 p.m. Motion carried unanimously.

Respectfully submitted,

Helen Hardy, Secretary