



**PLANNING BOARD MINUTES  
TOWN OF FOSTER**

**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI  
Wednesday: June 17, 2009 7:00 p.m.**

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**A. Call to Order**

Meeting called to order by Julia Parmentier, Chair

**B. Roll Call**

Present from the Planning Board were Julia Parmentier, Chair; Pat Moreau, Vice Chair; members John Neale, and Tom Mercier. Helen Hardy, Marcia Bowden and Mike Carpenter were excused. Also present were Ann-Marie Ignasher, Town Planner; John Bevilacqua, Town Solicitor; Anthony Caruolo, Stephanie Caruolo, Donna Mendillo, Chuck Mazza, Polly Cairone, Mike Beauchesne, Mary-Alice Martucci and Brian King from Crossman Engineering.

**C. Approval of Minutes**

Planning Board – June 3, 2009

John Neale moved to table the minutes of June 3, 2009 to the next meeting, Tom Mercier seconded. Motion passed unanimously 4 -0.

**D. Correspondence and Review**

None

**E. Board Members' Reports**

None

**F. Planner's Report**

None

**G. Zoning – Opinion Requested**

None

**H. Commercial Site Reviews**

**Mike's House of Ink / 149 Danielson Pike**  
Mary-Alice Martucci / Michael Beauchesne  
AP 11 Lot 22  
Total acres – 6.92 +/-  
Possible business in a pre-existing building

*Discussion/Action*

Julia opened the commercial site review for this particular application. There was a question whether the planning board was the final stop for this application or if they would need to appear before the zoning board. It was clarified that the particular building that is the subject of the application was built before the zoning ordinance was in place and that the same building had previous commercial uses; a gas station and an electrical company. Therefore the building in question is a “grandfathered for a non-conforming use”.

Ann-Marie then presented the planner's report regarding this particular application: 1) the commercial site review was advertised in the Valley Breeze Observer on May 28, 2009, and that advertisement met the necessary requirements; 2) the people within the notification zone were notified by the applicant by certified mail return receipt requested, and said notification met the necessary requirements; 3) the applicant(s) were before this board as under Article IX, Section 8(B) of the Foster Zoning Ordinance regarding a commercial site review is required “for any enlargement in size of any building or change in use or actual use of any building including accessory structures.”; 4) the real estate has two zones Highway Commercial (majority - front of lot) and Agricultural/Residential (small portion of back of lot); 5) the requested use – a tattoo parlor – is an allowed use under Article IV, Section 7(1) of the Foster Zoning Ordinance; 6) the property is owner occupied, and has previously been used as both a residence with some commercial use on the site (ie: gas station, electrical services, and feed and grain store); 7) the size of the building that will house the tattoo parlor is approximately 378 square feet, and at one time housed the gas station and then an electrical shop – therefore, this particular building, that is the subject of this application, has a history of commercial use.

Ann-Marie then listed the items that were part of (included with) the application and office file, there were approximately twelve items in all.

Julia then opened the meeting for discussion. It was also noted that the applicants had previously presented this idea to the board at a pre-application, conceptual review on March 4, 2009 and at that time the applicants answered many of the questions the board had. It was noted that Michael Beauchesne has a current license as a Tattoo Artist from the State of Rhode Island Department of Health, and that there are strict rules and regulations he must follow regarding the numerous aspects of this type of business.

There was some discussion regarding the revised surveys that the planning board received. The planner explained that the original surveys did not show the pond and small stream that were located upon the lot. The plans were also enlarged to show all of the area of the lot in question – the smaller plans made the lot rectangular when in reality it was closer to being a square. Michael Beauchesne gave the planning board members another revised map – this revision included the highway commercial zone designation as well as the agricultural/residential zone designation as well – all other aspects were the same.

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Julia reminded the board members that at the prior meeting there was extensive discussion regarding the “grandfathered mixed use (commercial use)” of the property. Further, that a mixed use on this particular site, especially as it abuts Route 6 is well known and acknowledged.

After the board’s discussion the floor was then opened to the general public for comments – no-one spoke for or against the application.

John Neale made a motion to approve the commercial site review for Mike’s House of Ink, as shown in those plans entitled “Foster, RI Plan of Land Prepared for Mary Alice Martucci, Class I Survey of A.P. 11 Lot 22, Danielson Pike, by MLC Surveying Inc., 450 Geo. Wash. Hwy. Smithfield, RI (401) 232-1990, Zone HC – Highway Commercial District and Zone AR – Agricultural/Residential District, April 28, 2009, Scale 1 inch = 40 ft., Revised 06/10/09, and 06/12/09 as noted” – it is noted that this is a grandfathered mixed use / commercial on this site.

Said motion is based upon the following in accordance with RIGL §45-23-60: -

- 1) The proposed development is consistent with the comprehensive community plan,
- 2) That the proposed development is in compliance with the standards and provisions of the town’s zoning ordinance, (again, noted that this is grandfathered non-conforming lot – mixed use lot);
- 3) There will be no significant negative environmental impacts from the proposed development as shown on the plan presented,
- 4) The commercial site will not result in the creation of an individual lot with any physical constraints to the development that building on that lot according to pertinent regulations and building standards would be impracticable.
- 5) The site has adequate and permanent physical access to a public street.

John then read the Planner’s report into the record to make it part of the decision.

There are no conditions attached to this approval, and a proper and thorough review had been completed.

Pat seconded the motion to approve.

There was no further discussion.

Members voting to approve: John Neale, Tom Mercier, Pat Moreau and Julia Parmentier.

Members voting to deny: None

The motion passed unanimously: 4 to 0.

**I. Administrative Subdivisions**

None

**J. Minor Subdivisions**

None

**K. Major Subdivisions/Land Development**

**Youth Athletic Field** / Foster Center Road  
Town of Foster / Crossman Engineering  
Total acres – 7.1 +/-  
AP 11 Lot 57  
Master Plan Review – Design Approval.

***Master Plan/Informational Mtg.  
Discussion/Action***

Julia opened this portion of the meeting stating that this was a master plan informational meeting regarding the possible Youth Athletic Field on Foster Center Road. She stated that there was a pre-application conceptual review meeting held on May 20, 2009 and this meeting will continue that discussion and show how the plans have changed to accommodate those concerns and comments made on May 20, 2009.

Ann-Marie announced that this current meeting was advertised in the June 4, 2009 edition of the Valley Breeze and Observer, and that notification was sent to those Foster residents within the statutory required notification area by regular mail on June 9, 2009 – both of these notifications were done in compliance with the requirements. Also, it was noted that Deputy Fire Chief Shippee (from South Foster Fire Station) reviewed the master plans and he felt that the plans showed adequate access to the site for emergency vehicles. The planner further stated that this use, and athletic field was an allowed use in an agricultural/residential zone under the Foster zoning ordinance, and that this site was in such a zone.

Julia asked if there were any comments from the board at this time, when no board members responded Julia requested that Brian King, from Crossman Engineering take the time to read his written responses to the comments made at the last meeting and to explain how the public’s concerns would be addressed.

Mr. King started by explaining that to date the plans have been reviewed twice; first by the Town Council, and second at the planning board meeting in May. He stated that the engineering firm took those comments and tried to incorporate the public’s concerns in to the master plans before the planning board this evening.

First, there were some comments made regarding incorporating possible future water, electrical and communication uses in to the plan. Water was addressed by choosing and locating a possible well site. Mr. King noted this would be for possible future restrooms and would not be for drinking. Electricity, a possible future location for a conduit line is shown on the plans. Concession stand, again a possible future location is shown on these plans – however there is no guarantee a concession stand will ever be built. A site for an onsite wastewater treatment system was shown on the plans; however, conceptual future lighting was not located on the plans.

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Emergency vehicle access, the access to the site via the driveway was already reviewed by the fire department representative as stated earlier, and if access was needed to the fields, then access could be gained via the walking trail or via a "future" gate in the parking lot. Parking lot, as currently designed the parking lot has the room for 76 parking spaces – though the spaces would not be lined (marked). Mr. King stated that the design manuals for various athletic type fields did not address the issue of the number of spaces needed for parking; however, the engineers did an actual field study of area (in CT) little league field parking lots during actual games. Tom Mercier raised a concern regarding the amount of parking spaces; he did not feel that 76 spaces would be adequate if more than one game was going on at the same time – especially since this will eventually be a multi field complex. He also raised a concern regarding the number of handicapped parking spaces and how that would affect the ability of the general public to park during the time the fields were in use. He reminded the board and the engineer that there would be no room for expansion if there were not enough parking spaces at this particular site.

Mr. King then continued with the comments made by the general public at the last meeting, more particularly some of the abutting neighbors.

Northern Neighbor – concerned about the clearing of the land that would take place near his property – this could be handled / resolved with landscaping of hedges and trees and a split rail or stockade type fence.

Southern Neighbor – concerned that the walking trail was too close to his property – Mr. King showed the board how the walking trail was moved to be at least 45 feet to 100 feet from the neighbor's property line.

Mr. King reiterated that an athletic field is an allowed use in an agricultural / residential zone.

Western Neighbor – Neighbor behind the field(s) – Talked about a number of items; (1) their water cistern and how it could be affected by the runoff – Mr. King stated he would be willing to locate the neighbor's cistern and show them how the engineering of the plans would allow for the recharging of the groundwater. He also stated that RI DEM would have to approve the plans regarding the groundwater recharge and the runoff; (2) hunting issues / children wandering off into their property – Mr. King stated that the trail could always have either a stockade fence, or a split rail fence to keep people on the trail and off their property. Also, private property signs can be posted along the boundary between the athletic field and the neighbor's land. Mr. King also reminded the neighbor that there was a large wetland on his property which will act as a natural deterrent for curious people.

Next there was some discussion regarding the phasing of the development of the site, along with the necessary clearing and grading of the property. Mr. King responded that the little league field and the parking lot were considered phase 1 of the plan, and that the other athletic field and the two courts (tennis and basketball) were considered phase 2. The board members stated their preference that the whole site not be cleared and graded all at once. That only that portion of the site in phase 1 be cleared and graded and that the phase 2 area be cleared and graded at a later date.

The Town Planner then reviewed with the board that the plans as presented were designed as required under the bid process; however, the board must remember that the requirements of the bid design were basically the town's wish list, but that it does not mean that everything will be built at once or even at all. For example, the concession stand may never be built and if it is it will probably be the last thing to be built. The planner then reviewed with the board that this type of development, a youth athletic field, does indeed meet the requirements of the Town's comprehensive plan under the open-space recreational element. That this use is an allowed use under the Foster zoning ordinance and that the field that must be built first is the regulation little league field, as that is what the original grant from DEM was for. Finally, she explained to the board that during a discussion with the Assistant Director of DPW for the Town of Scituate, she learned that Scituate had approximately 6 to 8 various field locations throughout the town and that two of those locations shared a boundary with the Scituate Reservoir, and she was told that Scituate never had a problem with the Providence Water Supply Board regarding the various (numerous) fields.

#### **Public Comments:**

Stephanie Caruolo – an abutter to the north. Stated her concerns about the close proximity to her house and the little league field. She was concerned about foul balls coming onto her property and possibly breaking a window. She was interested in finding out what the ages were for little league players, as she was wondering the likelihood of her concerns. She was also concerned about the height of the little league field in comparison to her yard, and how that would affect the water runoff into her yard.

Chuck Mazza – an abutter to the west. He strongly voiced his objection to the athletic field being developed in this area. He did not feel that a 24 foot wide entrance would be enough room for cars, coming and going. He was also concerned about people crossing from the athletic fields to the Captain Isaac Paine School parking lot. He stated he did not buy a house next to an athletic field and that his quality of life will change once the field is in place. He also stated his concerns about people wandering onto his property, and he would be watching his boundary line as the field was being developed.

Donna Mendillo – a neighbor on Spears Path. Her concern was parking. She stated how people park on Spears Path, which is a private road, when there is something such as a town meeting or play at the school and how that makes it very difficult for residents of Spears Path to drive in or out of the road. Donna also asked about the next steps in the process – where do the plans go from here. She is also concerned with the football / soccer field as she is concerned older children / young adults will use it as a hang out, etc.

Polly Cairone – does not live in the immediate area; however, she does have children that attend Paine School and are involved in little league. She thought that the Paine School parking lot could handle the overflow from the field parking lot. She also stated that the little league age group children do not attend the games without their parents and therefore the children would be less likely to wonder off onto the property next to the fields. Also there would be adults to assist the children across the road.

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Anthony Caruolo – an abutter to the north. His concern is the price of the field(s). He does not want it to increase his tax payment, etc. How is the regular maintenance of the fields going to affect his taxes?

Board member Tom Mercier reminded the public that the tax payers had already voted and approved the purchase and the development of the site for a youth athletic field at the financial town meeting last year (May 2008); therefore, the planning board is not here to either approve or deny the construction of the field, the board's sole responsibility was to make sure the construction of the field was done in compliance with the town's comprehensive plan and the town's zoning ordinance. He also reminded the public that their comments were indeed being listened to and taken into consideration and that is why Mr. King came to this meeting with revised plans.

Julia Parmentier explained why this field was needed, because even though there were two fields in town only one field was a regulation little league field and owned by the Town (Woody Lowden). The second field (Gorham Field) at the corner of Cucumber Hill Road and Moosup Valley Road is not owned by the Town and is currently up for sale by the owner. Also, the comprehensive plan states that the town should look for, acquire and finance a field that is centrally located within the community.

Ann-Marie reminds the public that it will take some time for the site to be completed, partly because she has to find the grant money for the construction of the field. That is another reason for the phasing of the development of the fields. At this time, the Town Planner (Ann-Marie) and Mr. King (from Crossman Engineering) agreed to meet with two of the abutters, Anthony Caruolo and Chuck Mazza on Monday June 22, 2009 at 4:00 p.m. at Mr. Caruolo's residence to go over their concerns and to take a site walk at the location of the youth athletic field.

Some final comments were made regarding the parking spaces, and possibly eliminating the tennis court, and moving the basketball courts to make room for more parking. Also, there was some discussion as to whether the board could require the Town come back before them prior to the start of phase 2 to further discuss any changes to accommodate parking – the board was told that they could request that.

The board was then reminded that the master plans (if approved) would be the plans that the engineers would be submitting to the state for all of the state approvals, and that the plans could change even before the preliminary approval stage – the public was told that all people within the notice area would receive certified notifications when the preliminary hearing on the plans was to take place.

**Motion:**

John Neale made a motion to approve the master plans for the youth athletic fields to be located on Foster Center Road, as shown on those plans entitled "Master Plan Submission for Proposed Youth Athletic Fields, Assessor's Plat 11 Lot 57, Foster Center Road (Route 94), Foster, Rhode Island, Zoning District – AR (Agricultural / Residential District), Engineers: Crossman Engineering, Inc., 151 Centerville Road, Warwick, Rhode Island 02886, Phone: (401) 738-5660, Fax: (401) 738-8157, Landscape Architect: The Gifford Design Group, Inc., Landscape Architecture environmental Planning, 4096 Mendon Road, Cumberland, Rhode Island 02864; Phone: (401) 671-6336, Fax: (401)671-6466, dated May 2009 and received on June 1, 2009".

The said plans meet the standards as set forth: That the proposed development is consistent with the comprehensive community plan; that the proposed development is in compliance with the standards and provisions of the town's zoning ordinance; and that a proper and thorough review had been completed.

That the following conditions are a part of this decision that during the construction of phase 1 only the phase 1 area will be graded – the phase 2 area will be graded at a later date.

Tom Mercier seconded the above motion.  
There was no further discussion.

Members voting to approve: John Neale, Tom Mercier, Pat Moreau and Julia Parmentier.  
Members voting to deny: None.  
The Motion passed unanimously: 4 to 0.

**L. New Business**

None

**M. Old Business**

Tom moved to cancel the July 15 Planning Board meeting, John Neale seconded, motion passed unanimously 4-0.  
Tom moved to cancel the August 5 Planning Board Meeting as they intend to do the rte 6 presentation at the Zoning Board Meeting on August 12.

**N. Future Agenda Items**

June 20 – Rte 6 Rezoning Workshop  
July 1 - Review of Ordinances  
Aug 12- Zoning Presentation  
Sept 16- Rte. 6 - Public Informational Meeting

**O. Adjournment**

Tom moved to adjourn.  
Respectfully submitted,

Ann-Marie Ignasher  
Acting Secretary