



PLANNING BOARD MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road, Foster, RI
Wednesday: August 19, 2009 7:00 p.m.

A. Call to Order

Meeting was called to order by Julia Parmentier, Chair at 7:01 p.m.

B. Roll Call

Present from the Planning Board were Julia Parmentier, Chair; Pat Moreau, Vice Chair; Helen Hardy, Secretary; members John Neale, Marcia Bowden, and Mike Carpentier. Tom Mercier was excused. Also present were Ann-Marie Ignasher, Town Planner, John Bevilacqua, Town Solicitor; Mike Wood and Sisan Smallman, Conservation Commission; Brian Thalmann, Scott Spear, Esq., Robert Silva, Esq., and Denise Rainville.

C. Approval of Minutes

July 01, 2009 – Planning Board Meeting

Pat Moreau moved to approve the minutes of July 1, 2009 as corrected, Marcia Bowden seconded, motion carried unanimously 6 – 0. John Neale abstained.

July 29, 2009 – Rte 6 Upgrade Workshop

John Neale moved to approve the minutes of July 29, 2009, Mike Carpenter seconded, motion carried unanimously 6 – 0. Helen Hardy abstained.

D. Correspondence and Review

None

E. Board Members' Reports

None

F. Planner's Report

May planner's report – accepted as written

June planner's report – accepted as written

G. Zoning – Opinion Requested

None

H. Commercial Site Reviews

None

I. Administrative Subdivisions

71A Gene Allen Road / **Rainville, Andrew/Denise**

AP 18 Lot 20A

Existing Lot size 27.04545 acres +/-

Proposed Lot 20A 27.0008 acres +/-

Existing Lot 21 4.9313 acres +/-

Proposed Lot 21 4.9850 acres +/-

*Planner's Decision
Report to Board*

Brian Thalmann presented the proposal to the planning board. When the applicants appeared before the board on a previous occasion to discuss the subdivision of their real estate into two separate lots it was determined that the new lot would not have 300 feet of contiguous frontage, even though the total frontage of the lot well exceeded 300 feet; therefore, the board suggested that the applicants could do one of two things; 1) to request a dimensional variance from the zoning board, or 2) to contact their abutting neighbors to see if they would agree to an administrative subdivision. Mr. Thalmann explained to the board how the administrative subdivision would allow the applicants to move forward with their request for a minor subdivision, to allow them to build a residence for an elderly relative.

This administrative subdivision was accepted and placed on file.

J. Minor Subdivisions

None

K. Major Subdivisions/Land Development

Gene Allen Road/ Costa, David /Lisa

Applicant – Blue Dog Investments, LLC

AP 18 Lot 0025

Existing Lot size 130.8 +/- acres

Proposed Lot 1 27.84 +/- Gloucester

Proposed Lot 2 4.6 +/-

Proposed Lot 3 4.6 +/-

Proposed Lot 4 6.16 +/-

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

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Proposed Lot 5 9.28 +/-
Proposed Lot 6 12.59 +/-
Proposed Lot 7 4.61 +/-
Proposed Lot 8 4.71 +/-
Proposed Lot 9 58.7 +/-

Attorney Scott Spear introduced himself; he represents Blue Dog Investments, LLC, the new applicant and lien holder on this real estate. Attorney Spear did submit a durable limited power of attorney to the board wherein David and Lisa Costa gave Sean N. Marchionte (a Member of Blue Dog Investments, LLC) the authority to control, direct, manage, supervise and prosecute all pending application.

Attorney Spear told the board that Blue Dog Investments will be the new applicant regarding above proposed subdivision, as Blue Dog had / has concerns regarding the amount of time it was taking for the application to proceed. He discussed the previous meeting he had with the Town Solicitor and the Town Planner; he also stated that Blue Dog agreed to come back for another pre-application conceptual review meeting with the planning board in an effort to show their good faith in following the proper procedures.

Attorney Spear informed the planning board that the planning board for the Town of Glocester has already given the project (that portion in Glocester) preliminary approval conditioned upon the Town of Foster approving the project located in Foster. RI DEM has approved the plan regarding wetland alterations, and subdivision suitability. Both of the DPW directors of the Towns of Foster and Glocester have signed an agreement regarding the requirements for the road construction and maintenance of the projects road - as the road has substantial area / length in both Glocester and Foster. Finally Attorney Spear reviewed all of the issues the planning board had voiced at previous meetings.

Ann-Marie, Town Planner, then mentioned the issue of the parcel of land that appears like a "tab" on the southwestern area of the development. She reminded the board and Attorney Spear that there was an issue with this particular parcel of real estate as it never had a Class I boundary survey done, and that it currently did not appear on some of the maps submitted to the board, and an administrative subdivision was never requested nor completed. Attorney Spear and Mr. Brian Thalmann then presented the board with plans of a proposed administrative subdivision, giving that particular area to an abutting neighbor to be added to their real estate. Attorney Spear stated that the application for the administrative subdivision would be submitted to the planning department very soon.

Some of the concerns of the planning board members were as follows:

- 1) Why is there a 58 foot distance between the lot in Glocester (lot 1), and the first lot in Foster (lot 8 – not lot 9 the Costa lot)? Is there an intention by the Costas to further subdivide the property?
- 2) If that 58 foot distance (see above) is removed then there is no need for the driveway easement for lot 9 (the Costa lot) to have such a significant impact on the proposed lot 8.
- 3) Lot 5 – is there truly enough room between the wetlands and the lot boundary for the driveway?
- 4) The length of the road – concerns about no other access to or from the proposed residences – safety issue. What is the risk analysis for a one-road access for such a development?
- 5) The current condition of Gene Allen Road – what will be the effect of the additional traffic on Gene Allen – will the town be able to maintain the road?
- 6) Concerns about the wetlands on the site – are they truly protected with this plan?
- 7) There were some questions regarding the interior angles of some of the lots.

The Town Planner reminded Attorney Spear that the applicant has agreed to pay for the plans to be reviewed by an engineer of the board's choosing. Attorney Spear agreed, and the planner asked the planning board for permission to submit the plans to David Provonsil for review and a written opinion. John Neal moved to send the plans to the engineer for review – Pat Moreau seconded. The motion carried 7 – 0.

Denise Rainville who lives on Gene Allen Road expressed her concern about additional traffic on Gene Allen Road.

Mike Carpenter expresses his concern for the condition of Gene Allen Road as being a part of the traffic survey. Gene Allen Road is not on the five year road plan.

Pat Moreau discussed that in previous meetings David Costa said that he would provide a turn around on his property for rescue vehicles.

Once the administrative subdivision has been approved, Attorney Spear said his clients' would be ready to submit the master plan application.

L. New Business

Conservation Commission Stonewall Ordinance – Mike Wood and Sisan Smallman discussed that stone walls are a part of Foster's character; this ordinance is to protect the stone walls that abut any and all roads. Stone walls on the interior of private property are not covered by this ordinance.

John Bevilacqua discussed that some communities have adopted tax incentives to maintain/restore walls to give positive incentive and can retroactively bill homeowners if a wall is removed. However, no one, including John B., thought that was a feasible alternative in today's economy.

Mike Wood suggests to alter a wall that abuts a public road might require approval from the planning board prior to obtaining a permit from the building official. The board was not sure whether that would really be in their scope of work.

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John Neale explains that there is a fence viewer in town who will help settle “fence” disputes between neighbors. Perhaps that person could be the entity who is involved in reviewing a wall before any alterations are made. The board thought that was feasible.

Julia suggests that the board review this ordinance in more detail on October 7, 2009 when they would be reviewing other ordinances. As the proposed stone wall ordinance is not long it would be first on the agenda to allow the representatives of the conservation commission members to leave when done and not have to wait.

Decision was made the October 7, 2009 meeting will be devoted as an “Ordinance Workshop”.

M. Old Business

Outdoor Hydronic Heater

Ann-Marie handed out a draft ordinance for review for October 7.

N. Future Agenda Items

September 2 – Final preparation of Route 6 rezoning upgrade for September 16, 2009

Two pre-application concept plan reviews for two minor subdivisions.

September 16 – Public Informational Meeting – Route 6 rezoning upgrade – at South Foster FD

October 7 – Ordinance Workshop

stone wall ordinance; outdoor wood burning furnaces; subdivision regulations

O. Adjournment

Pat Moreau moved to adjourn at 9:17 p.m. Motion carried unanimously.

Respectfully submitted,

Helen Hardy, Planning Board Secretary