



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

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**A. Call to Order**

Meeting was called to order by Julia Parmentier, Chair at 7:05 p.m.

**B. Roll Call**

Present from the Planning Board were Julia Parmentier, Chair; Pat Moreau, Vice Chair; Helen Hardy, Secretary; members Tom Mercier, John Neale, and Mike Carpenter. Marcia Bowden was excused. Also present were the Town Planner, Ann-Marie Ignasher, and Conservation Commission Members Sisan Smallman and Louis Vinagro III.

**Motion Made:**

Tom Mercier made the motion to move the discussion with Conservation Commission Members regarding the Stone Wall to the next item on the agenda instead of making them wait. John Neale seconded the motion, and the motion carried unanimously 6 – 0.

**Conservation Commission:**

Though this meeting was to be a joint meeting between the conservation commission and the planning board, there were not enough members (less than a simple majority) of the conservation commission to open a public meeting. Therefore the two conservation members appeared before the planning board on behalf of the whole commission and the conservation commission never opened a meeting of their own.

**Stonewall Ordinance – Discussion Only:**

The conservation commission had previously presented the stonewall ordinance to the planning board members, and today the planning board was to give the conservation commission their opinions and comments on the proposed ordinance.

John Neale made the suggestion that it would be easier if the Fence Viewer was the town official with the responsibility to oversee this proposed ordinance. Tom Mercier and Mike Carpenter both questioned whether the town even has a fence viewer currently.

There was some discussion between board members regarding the whether the town could even control the maintenance and construction of interior stonewalls and/or stonewalls that abut town and state roads. Julia asked the planner if the town would have difficulty enforcing such an ordinance. The planner responded that trying to control / or / preserve interior walls that were not boundary walls would be very difficult, as the courts would probably look upon those walls as private property, and that it would still be difficult to enforce ordinances regarding stone walls abutting the town and state roads unless the walls were truly within the boundary of the town / state roads.

There was discussion whether the issues raised in the ordinance would be better controlled via the subdivision regulations versus a town wide ordinance. It was discussed that stonewalls that were included in a new subdivision could be regulated (somewhat) through the use of the subdivision regulations; however an ordinance would be needed to preserve the stonewalls along the town and state roads that were existing on lots already in existence.

Sisan Smallman spoke as to the drafting of the ordinance, and that it was not the conservation commission's intention to cause difficulty to any one board or town official regarding enforcement. The conservation commission wants to preserve stonewalls as part of our heritage. Sisan further stated that other towns have enacted such ordinances, and as of yet none have been challenged in court.

The planner, Ann-Marie Ignasher, that the document the planning board had before them was headed in the right direction; however it was not in a proper ordinance format. She suggested that the board allow her time to do some research into the ordinances used by other towns – to make sure that Foster to could make their ordinance legally defensible. So she requested time to review the ordinance with the town solicitor John Bevilacqua.

Tom Mercier made a motion to table further discussion of the stonewall ordinance to the November 4, 2009 meeting to allow Ann-Marie to get legal advice. Pat Moreau seconded. Motion carried unanimously 6-0.

**C. Approval of Minutes**

Planning Board Meeting September 2, 2009

John Neale moved to approve the minutes of September 2, 2009 as submitted, Pat Moreau seconded. Motion carried unanimously 6 – 0.

Informational Meeting September 16, 2009

Tom Mercier moved to table the minutes of September 16, 2009 until November 4, 2009, John Neale seconded. Motion carried unanimously 6 – 0.

**D. Correspondence and Review**

None

**E. Board Members' Reports**

None

**F. Planner's Report**

July 2009 - noted

August 2009 - noted

**G. Zoning – Opinion Requested**

None

**H. Commercial Site Reviews**

None

**I. Administrative Subdivisions**

None

**J. Minor Subdivisions**

None

**K. Major Subdivisions/Land Development**

None

**L. New Business**

**M. Old Business**

Tom Mercier made a motion to review the proposed (new) Subdivision Regulations first, Pat Moreau seconded. Motion carried unanimously. 6 – 0.

**Subdivision Regulations:**

The Chair, Julia Parmentier, reminded the planning board that the last time the subdivision regulations were amended (updated) was in 1995, and that the planner had noticed there were discrepancies between our subdivision regulations and state statutes and therefore it was time to revise our subdivision regulations to bring them into compliance with the state statutes.

The planning board briefly reviewed the revised regulations and it was decided the best way to handle the extensive re-write was to have the board members send their “edits” to Ann-Marie via email prior to the next meeting on October 21, 2009 so she could have any revisions completed by November 4, 2009.

Tom Mercier moved to table the Subdivision Regulations and getting recommendations to Ann-Marie by October 21, 2009. Pat Moreau seconded. Motion carried unanimously 6 – 0.

**Outdoor Hydronic Heater Ordinance:**

Tom Mercier moved to table the Outdoor Hydronic Heater until November 4, 2009. John Neale seconded. Motion carried unanimously 6 – 0.

**N. Future Agenda Items**

Julia and Pat discussion of instituting mechanism of fines so that conditions on subdivisions are carried out.

October 17 – Site Walk

October 21 – Minor Subdivisions – Preliminary (2)  
– Pre-application (1)

November 4 – Ordinances

November 14 – Rte 6 Workshop

December 2 – Election of officers

- Capital Budgets due

**O. Adjournment**

Tom Mercier moved to adjourn at 8:55 p.m. Motion carried unanimously.

Respectfully Submitted:

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Helen Hardy, Secretary