



**PLANNING BOARD MINUTES  
TOWN OF FOSTER**

**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI  
Wednesday: October 21, 2009 7:00 p.m.**

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**A. Call to Order**

Meeting was called to order by Julia Parmentier, Chair at 7:00 p.m.

**B. Roll Call**

Present from the Planning Board were Julia Parmentier, Chair; Pat Moreau, Vice Chair; members John Neale, Tom Mercier. Members Helen Hardy, Mike Carpenter and Marcia Bowden were excused. Also present were Ann-Marie Ignasher, Town Planner; Kathryn Zuromski, Conservation Commission; Hans Hansen, Charles Poole, Mary-Jane Hansen, Brian Carpenter

**C. Approval of Minutes**

Informational Meeting September 16, 2009 – to be discussed on November 04, 2009  
Planning Board Meeting October 7, 2009

Tom Mercier moved to approve the minutes of October 7, 2009, Pat Moreau seconded, motion carried unanimously. 4 – 0.

**D. Correspondence and Review**

The following items were received as correspondence during the meeting; 1) discharge of notice of violation for Round Hill Road; 2) workshop on how to build affordable homes in your community (10/29/09) in Warwick; 3) Asian long horn beetles notice / invite from Conservation Commission re: workshop on November 16, 2009 – the public is welcome to attend; 4) 2010 calendar of meetings for all of the town boards.

**E. Board Members' Reports**

None

**F. Planner's Report**

None

**G. Zoning – Opinion Requested**

**Sherri Snyder & Marguerite Roche**

25A Mt. Hygeia Road  
AP 14 Lot 0079  
Special Use Permit

Request to construct a farm stand / specialty store. They state that they will be selling products grown on the premises along with handmade specialty items that will be made on the premises. There was discussion regarding the set backs, and the ability for parking and on and off entrance to the street.

Tom Mercier moved to have Ann-Marie write a letter of approval stating the conversation of set back line, off road parking and selling of items strictly grown and/or made on the premises. No resale / retail items. Only allow direct sales of their produce and handmade specialty items. John Neale seconded. Motion carried 4 – 0.

**H. Commercial Site Reviews**

None

**I. Administrative Subdivisions**

None

**J. Minor Subdivisions**

**Crispi, Robert & Hilda/Cucumber Hill Road**

*Preliminary*

AP 7 Lot 0025  
Existing Lot – 24.5421 acres +/-  
Proposed Lot A – 7.6802 acres +/-  
Proposed Lot B – 16.8619 acres +/-

Brian Carpenter presented this application. Mr. Carpenter received the OWTS approval during the month of July 2009. This property has proper frontage along Cucumber Hill Road with the proper acreage, meets zoning requirements.

John Neale moved to approve the application of Brain E. Carpenter and the landowners Robert A. Crispi and Hilda P. Crispi to subdivide the real estate located at 97 Cucumber Hill Road, Foster, Rhode Island 02825, also known as tax assessor's plat 7 lot 25 consisting of approximately 24 +/- acres, into two separate and distinct parcels; proposed lot A to contain approximately 7.6 +/- acres and proposed lot B to contain the remaining 6.8 +/- acres; all as shown on that plan entitled: Preliminary Minor Subdivision for Hilda P. Crispi, AP 7 Lot 25, Cucumber Hill Road, Foster, Rhode Island, dated September 2008, and prepared by National Surveyors-Developers, Inc., 42 Hamlet Ave., Woonsocket, R.I. 401-769-7770, by Norbert A. Therien, PLS No.: 1739

Said motion is based upon the following:

- 1) The proposed development is consistent with the comprehensive community plan.
- 2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.
- 3) There will be no significant negative environmental impacts from the proposed development as shown on the preliminary plan, with all required conditions for approval.
- 4) The subdivision as proposed will not result in the creation of an individual lot with any physical constraints to development that building on that lot according to pertinent regulations and building standards would be impracticable.
- 5) All proposed land development and all subdivision lots have adequate and permanent physical access to a public street.

Additional conditions of approval:

- 1) That a fee in lieu of land dedication in the amount of  $(\$1,335.00 \times 2 \text{ lots}) = \$2,670.00$  will be due and payable at the time of the recording of the final plans.
- 2) That the OWTS approval be forwarded to the planning and building and zoning departments of the Town Hall to be put on record.
- 3) That the proposed legal descriptions for both of the proposed lots must be submitted to the administrative officer and approved by the administrative officer.
- 4) That notes should be made on the final plans regarding the following: 1. rare and endangered species; 2. natural heritage areas; 3. farmland / conservation districts; 4. Scituate Reservoir Water shed District; 5. indication of property's location in relation to 100 year-floodplain; 6. historical cemeteries (if any); 7. wetland issues (if any);

Tom Mercier seconded the motion, and there was no further discussion on the motion.

Members Voting to Approve: John Neale, Tom Mercier, Pat Moreau, and Julia Parmentier

Members Voting to Deny: None

Members Recused: None

Members Absent (not voting): Mike Carpenter, Helen Hardy, Marcia Bowden.

Motion Passes: 4 – 0 (unanimously)

**Poole, Charles & Hansen, Mary/Barbs Hill Road**

***Pre-application/Conceptual Review***

AP 1 Lot 0058

Existing Lot – 65 acres +/-

Proposed Lot A – 53 acres +/-

Proposed Lot B – 12 acres +/-

Julia introduces the application and the owners. Ann-Marie (Town Planner) gave a history of the proposal. Mr. Poole and his daughter, Mary Hansen came into town hall to record a deed for a transfer of a portion of Mr. Poole's real estate. The Town Clerk's office referred Mr. Poole and Mrs. Hansen to the planning office as there was no subdivision recorded regarding the property. Mr. Poole wants to transfer the twelve (12) acres to his daughter, and they are not going to develop the property at this time. Mr. Poole stated that the property is never to be developed. That will be part of the requirement of transfer of the property. The actual deed was not recorded, Mrs. Hansen has the original deed in her possession, and the intent is there to transfer; however they want to do it properly so they don't get questioned later on.

Mrs. Hansen does have a letter of intent stating that the property is never to be developed the letter recognizes that the transfer is to be done to keep the property undeveloped. Julia asks if the property is potentially developable or is it all wetlands. No wetlands, it does have the potential, but they do not have the intent to develop. Julia states that the board cannot allow the creation of undevelopable lots. Mr. Poole stated again that he does not want the property developed. Mrs. Hansen states that the "new" or proposed lot is directly across the street from her residence. Tom stated he does not have a problem with them putting a restriction on the deed and the survey stating the property is to be maintained as open space.

Board members discussed the Foster land trust as another option for them to consider if they wish to preserve the land in perpetuity. Mr. Poole questions what a land trust is. Tom Mercier and John Neale explain what a land trust does to preserve and protect land; and that Mr. Poole could retain particular rights in and to the real estate. Julia also mentions farm, forest and open space classification; however, it is mentioned there are other requirements and/or restrictions regarding farm, forest and open space classification for real estate taxes. It was suggested that Mr. Poole and his daughter talk to the tax assessor regarding that option.

Then the Town Planner reviewed the steps of the subdivisions process – pre-application, preliminary and final reviews and then recording of the subdivision.

The Mr. and Mrs. Hansen and Mr. Poole then presented the board with a letter to request a waiver of the class I survey for the whole parcel of land. The applicants will do a class I boundary survey for the new lot, they are requesting a waiver that the rest of the original lot not require a class I boundary survey. There was some discussion of a previous application when Mr. Poole was going to do an administrative subdivision with the abutting neighbor, and that the planning board at that time had granted a waiver.

The new twelve (12) acre lot, in its entirety does require a class I survey; therefore, if the planning board was going to grant a waiver it would only grant a waiver for the portion of the parcel to remain in Mr. Poole's ownership, and that there would be restrictions placed upon that survey. The board explained to the applicants that they were concerned with property boundary issues, and that they must protect not only the current owners, but future owners as well.

Mr. Poole, Mr. and Mrs. Hansen were aware and understood the board's reasoning, and understand they have some other items to consider before they come back to the board. Mr. Poole – "We have to keep it as open for the deer."

**K. Major Subdivisions/Land Development**

None

**L. New Business**

Hemlock Village // CDBG

*Pre-application/Conceptual Review*

Julia Parmentier questioned why Hemlock Village // CDBG grant application was listed on the agenda. Ann-Marie explained that even though the planning board and the town council both ranked the Hemlock Village as priority number one for the CDBG application the town did not receive any funds for the engineering study. Therefore, when the grant award letter was received at town hall Ann-Marie called to inquire about Hemlock Village. During her conversation with the people from CDBG – she was told that the funds did not come through for that project because someone told them that a zoning change would be needed; and therefore CDBG felt that the zoning change should be requested first. Ann-Marie explained that Hemlock Village needed to complete the engineering / feasibility study because one of the first questions the town council would ask would be whether the site / location could accommodate or sustain additional units. So then Ann-Marie was told that they (CDBG) would need to know that the planning board would support Hemlock Village if a change in zoning was requested. Therefore, they requested some sort of verification, via a decision or letter, from the planning board that they would support Hemlock Village going for a zoning change.

Therefore, Pat Moreau made a motion that Ann-Marie write a letter of support from the planning board on behalf of Hemlock Village. John Neale seconded the motion. There was no further discussion.

Members voting in favor: John Neale, Tom Mercier, Pat Moreau, Julia Parmentier.

Members voting against: None.

Members absent: Mike Carpenter, Helen Hardy, Marcia Bowden

**M. Old Business**

Rescheduled the site walk from October 17<sup>th</sup> (cancelled due to bad weather) to November 14, 2009; the site walk will take place right after the Route 6 re-zoning workshop. Tom Mercier and John Neale will go on another day, probably a Monday – they will notify Ann-Marie so she can post the date they will do their site walk.

November 4<sup>th</sup> will be the continuation of the ordinance workshop. Ann-Marie said she has not received any comments regarding any of the ordinances, and she is still awaiting any comments, etc.

**N. Future Agenda Items**

November 4 – Ordinance Workshop

- Subdivision Regulations
- Outdoor Hydronic Heater
- Stonewall Ordinance

November 14 – Rt 6 Workshop

- Site walk

November 18 – Final Subdivision

December 2 – Election of officers

Capital Budgets due

**O. Adjournment**

Meeting adjourned at 8:30 p.m.

Respectfully Submitted,

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Ann-Marie L. Ignasher, Planner