



**PLANNING BOARD MINUTES  
TOWN OF FOSTER**

**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI  
Wednesday: January 20, 2010 at 7:00 p.m.**

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**A. Call to Order**

Meeting called to order by Pat Moreau at 7:00 p.m.

**B. Roll Call**

Present from the planning board were Pat Moreau, Chair; John Neale, Vice Chair; Helen Hardy, Secretary; members Julia Parmentier, Tom Mercier, and Mike Carpenter. Member Marcia Bowden was excused. Also present were Ann-Marie Ignasher, Town Planner; John Bevilacqua, Town Solicitor; Norbert Therien, Brian Carpenter, Peggy Cost, Alex Drinkwater, Cathy Drinkwater, Marc Paulhus, Alesha Cerrito, Bonnie Lambert, Dennis Rotondo, Robert Silva, Esq., Brian Thalmann, and Scott Spear, Esq.

**C. Approval of Minutes**

Planning Board Meeting December 2, 2009

Tom Mercier moved to table the minutes of December 2, 2009 to February 3, 2010; John Neale, seconded, motion carried unanimously

Rte 6 Rezoning Workshop December 12, 2009

Tom Mercier moved to table the minutes of December 12, 2009 to February 3, 2010; John Neale, seconded, motion carried unanimously.

Planning Board Meeting December 16, 2009

Tom Mercier moved to table the minutes of December 16, 2009 to February 3, 2010; John Neale seconded, motion carried unanimously.

Planning Board Meeting January 6, 2010

Tom Mercier moved to table the minutes of January 6, 2010 to February 3, 2010; John Neale seconded, motion carried unanimously.

**D. Correspondence and Review**

America the Beautiful Grant Program Letter - noted

**E. Board Members' Reports**

None

**F. Planner's Report**

Report for December – noted

**G. Zoning – Opinion Requested**

None

**H. Commercial Site Reviews**

None

**I. Administrative Subdivisions**

None

**J. Minor Subdivisions**

Patti Moreau, Chair – reads the procedure for application presentation, review, etc.

**Walker Road/ Thatcher, William**

AP 5 Lot 41 – Zoned: Agricultural/Residential

Existing lot size 13.3178 +/- acres

Proposed number of lots – two (2)

Proposed Lot A – 8.6056 +/- acres

Proposed Lot B – 4.7121 +/- acres

Pre-Application Conceptual Review – 12/17/2008

*Preliminary Plan  
Discussion / Decision*

Ann-Marie gives the board the background of the application. The applicant was represented by Mr. Norbert Therien. No street extension, minor subdivision, two lots, therefore no requirement for advertisement or notification of abutters – next read into the record the list of the documents that are part of the application.

Mr. Therien presents the application to the board. Application for another proposed three (3) bedroom house, discusses the house, OWTS, set backs, etc. as required under the zoning ordinance. Requesting preliminary approval from the board this evening, the only prior issue was to show the entire stream that runs across the width of the property.

Tom had some questions regarding the acreage on the deed versus the Class I boundary survey. Mr. Therien explained the differences to the satisfaction of the board.

No one else spoke either in favor or against the application.

Julia Parmentier questioned the use of the bottomless sand filter OWTS – Mr. Therien explained it was due to the slight slope of the land in the back, and some wetlands before the small stream. John Neale mentioned that a stand-by generator will be required on the site to service the BSF – OWTS.

## **Planning Board Meeting January 20, 2010 page 2**

### **MOTION TO APPROVE:**

John Neale made the following motion: Motion to approve the application of William T. Thatcher (Mr. Thatcher is both the applicant and the landowner) to subdivide the real estate located a 7 Walker Road, Foster, Rhode Island 02825, also known as tax assessor's plat 5 lot no. 41 consisting of approximately 13 acres +/-, into two separate and distinct parcels; with the proposed smaller parcel to contain approximately 4.7121 acres +/- and the remaining original parcel to contain approximately 8.6056 acres +/-; all as shown on that plan entitled: "Preliminary Minor Subdivision Proposed Site Plan; William Thatcher, AP5, LOT 41, 7 Walker Road, Foster, Rhode Island", said plan is dated December 2009, prepared by National Surveyors-Developers, Inc., 42 Hamlet Ave., Woonsocket, R.I. (401) 769-7779, Norbert A. Therien, Professional Land Surveyor.

### **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 \$2,670.00 (\$1,335.00 x 2 lots) will be due and payable at the time of the recording of the final plans.
- 2) That the following appear on the final site plans for recording, and reference should be made on the final recorded deed for the new single family residence. Also, it is required that a copy of the permit and operation maintenance contract must be forwarded to the building / zoning office.  
"A copy of the permit and operation maintenance contract must be filed in the land evidence records prior to conformance, and a copy must be submitted to the building and zoning office."
- 3) That a back-up emergency generator be installed to provide power for the BSF – OWTS in case of emergency. This requirement should also appear on the final recorded plans, and become part of the building requirements.

Julia Parmentier seconded the motion, and there was no further discussion.

Members voting to approve: John Neale, Tom Mercier, Mike Carpenter, Julia Parmentier, Patti Moreau, and Helen Hardy.

Members voting to deny: None.

Members absent: Marcia Bowdon

Motion Carries: 6 to 0.

## **K. Major Subdivisions/Land Development**

### **Cucumber Hill, South Killingly, Kennedy Roads / Crispi, Robert – Hilda**

AP 7 - Lot 0002D

Existing size 41.0887 acres

Proposed number of lots – four (4)

Lot A to be 13.8155 acres

Lot B to be 11.5349 acres

Lot C to be 10.6478 acres

Lot D to be 5.0906 acres

Pre-Application Conceptual Review – February 18, 2009

*Master Plan  
Public Informational Meeting  
Discussion / Decision*

Ann-Marie gave the board the background of the application. The applicant, Brian Carpentier is being represented by Norbert Therien. There was a previous subdivision of the property, and that is why it is before this board at this time with only four (4) lots to be developed. Being a public informational meeting for a master plan; it was advertised in the Valley Breeze and Observer on January 7, 2010, and all people within the notification area were mailed a notice, via regular mail, on January 4, 2010 regarding this meeting.

Tom Mercier questioned if approvals for the OWTS had been received for this proposal. The board was reminded that this was a master plan review and OWTS approval is not required at this stage.

Mr. Therien presented the plan to the board and to the public, noting the location of the property at the intersection of Cucumber Hill Road, South Killingly Road and Kennedy Road. He described the characteristics of the site, and explained the various set backs, etc. to the public.

Mrs. Bonnie Lambert an abutter spoke. Her concerns are the possible endangered species in the area – she stated that she has over 20 various species, and she wants to make sure that if there are any species on the proposed development are protected. More specifically her question is - "Has the general area been surveyed for animal or plant species that are either a concern as state historic or state threatened?" Mr. Therien explains that they need to get a state biologist to determine delineation of wetlands, habitats.

Tom Mercier brings attention to the plans, more specifically #4 that comments that the site does not contain any rare or endangered species. Mrs. Lambert states that her property does. Mr. Mercier explains that the statement must be taken as a claim by the applicant that they investigated and that they found that no such species exist on the site, and we must go by what is submitted to the board. Mr. Therien continues with the explanation of what the State does require if the plans were to infringe on the wetlands, etc.

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Tom Mercier, states the board is concerned with the development area of the whole site. According to the plans presented they will not be encroaching upon the wetland areas, and therefore that land will not be disrupted during the development of the property. We must look at the development area, versus the whole area. Again, it is brought up that the set back areas (set back requirements / buffer areas) are put in place to protect plants and animals within the wetland areas, etc. Mr. Therien explains again that no development will take place within the set back or buffer areas.

Ann-Marie reads into the record a letter she received from some of the abutters, Kristine and Ralph Miozza, they live at 82B Cucumber Hill Road, Foster, RI. Mrs. Miozza feels that the lots are not in keeping with the Foster Comprehensive Plan, and she specifically sites particular sections of the comprehensive that she feels these plans are in conflict with. Ann-Marie goes between reading Mrs. Miozza's letter and the highlighted areas of the comprehensive plan that Mrs. Miozza feels reflects her thoughts.

Tom Mercier asked what assessor's lot they live on, and board members explained that Mr. and Mrs. Miozza live directly across the street from two of the proposed house lots. (from the open lot / field)

Mr. Therien addresses Mrs. Miozza's concerns – what is proposed is within the Foster Zoning Ordinance, he does explain that the houses are separated, he comments about the turkeys, and the wetlands, the protection thereof. He noted there will be two homes on Cucumber Hill Road which is a state highway. Out of the three roads, the development will be impacting two.

Julia thinks it is a valid concern also; however she states that she noticed that these particular houses have been placed as far apart as possible to preserve as much of the field and view as possible. Helen states that she thinks these houses are as far apart as they possibly can be, to fit within the area.

Mike Carpenter, comments about the aerial photo, suggests for future presentations to show a visual impact, because all of the requirements are met regarding zoning, and that a visual presentation of that could help explain the proposal to the people within the notification area. Aerial photos show the relationship between the proposed development and existing development within the general area.

#### **MOTION TO APPROVE:**

John Neale made the following motion: Motion to approve the master plan application for the following: "Master Plan, Robert Crispi, AP7 Lot 2D, Kennedy Road, Foster, Rhode Island, Major Subdivision, prepared by National Land Surveyors-Developers, Inc. 42 Hamlet Avenue, Woonsocket, RI (401) 769-7779 by Norbert A. Therien, Professional Land Surveyor – dated October 2008", inclusive of sheets 1 through 4, said plan were received on 10/29/09.

#### **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 master 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 the fee in lieu of land dedication in the amount of \$5,340.00 (\$1,335.00 x 4 lots) will be due and payable at the time of the recording of the final plans.
- 2) That the set back lines on proposed lot B be corrected on the preliminary plans as follows: the front set back line will be set at the proper distance, (as shown on current plans it is 100 ft. should be 35 ft.) and therefore, verify that the set back of the OWTS from the street is beyond the required 60 foot set back.
- 3) That the impact to the stone walls along the public streets, Kennedy, South Killingly and Cucumber Hill Road, be kept to a minimum, and that any disturbed walls be used to rebuild walls on site where possible..
- 4) That the service / maintenance contracts for the OWTS be recorded in the records of land evidence and that a copy is provided to the building / zoning official's office.
- 5) That an emergency generator be provided / installed on site for the bottomless sand filter OWTS.

Tom Mercier seconded the motion; and there was no further discussion

Members voting to approve: John Neale, Tom Mercier, Mike Carpenter, Julia Parmentier, Patti Moreau, and Helen Hardy.

Members voting to deny: None.

Members absent: Marcia Bowden

Motion Carries: 6 to 0

**Gene Allen Road/ Costa, David /Lisa**  
**Applicant – Blue Dog Investments, LLC**  
AP 18 Lot 0025  
Existing Lot size 130.8 +/- acres  
Proposed number of lots – nine (9)  
Proposed Lot 1 27.84 +/- Gloucester  
Proposed Lot 2 4.6 +/-

*Master Plan  
Public Information Meeting  
Discussion / Decision*

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Proposed Lot 3 4.6 +/-  
Proposed Lot 4 6.16 +/-  
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 from Blish and Cavanagh, LLP appeared as legal counsel for Blue Dog Investments, LLC the applicant. Attorney Spear presented the application to the planning board members. One witness was called; Mr. Brian Thalmann the project engineer offered testimony during this meeting of the planning board.

The board raised questions regarding the safety and length of the road, the “tortured lot lines”; and other issues regarding the subdivision extending beyond the Foster town Boundaries into other communities. The board members were also concerned as they did not receive anything in writing from the fire department, police department and the department of public works; however, the town planner explained that she had conversations with the various department heads, there was nothing put into writing. The planner stated she would try to get the various departments to put their concerns, if any, in writing for the board.

This informational meeting was continued to February 10, 2010 at 7:30 p.m. to take place at the Benjamin Eddy Building, 6 South Killingly Road, Foster, RI.

The public information meeting came to an end at 10:45 p.m.

As Attorney Spear provided a transcriptionist for the meeting, a complete copy of the transcript for this particular informational meeting can be found in the applicant’s file in the planning office.

**L. New Business**

**M. Old Business**

**N. Future Agenda Items**

January 23- Rte 6 Re-Zoning Workshop  
February 10 – continuation of Blue Dog Investment application 7:30 p.m.  
April 7 – By laws review

**O. Adjournment**

John Neale moved to adjourn at 10:50 p.m. motion carried unanimously.

Respectfully Submitted,

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Helen Hardy, Secretary