



**PLANNING BOARD MINUTES  
TOWN OF FOSTER**

**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI  
Wednesday: April 21, 2010 7:00 p.m.**

**A. Call to Order**

Meeting was called to order at 7:04 p.m. by Pat Moreau, Chair.

**B. Roll Call**

Present from the Planning Board, Pat Moreau, Chair; John Neale, Vice Chair; Helen Hardy, Secretary; members Tom Mercier, Mike Carpenter, Julia Parmentier and Marcia Bowden. Also present was Ann-Marie Ignasher, Town Planner, Louis Calcagni Jr., Linda Proulx, Dean Robinson, Chris Leclair, Gordon Brayton, Lori Greenleaf, Mark Greenleaf, and Andrew Rainville.

**C. Approval of Minutes**

**Rte 6 Rezoning Workshop February 5, 2010**

Tom Mercier moved to approve the minutes of February 5, 2010, seconded by John Neale. Motion carried 7 – 0.

**Planning Board Meeting March 10, 2010**

Tom Mercier moved to approve the minutes of March 10, 2010 with corrections, seconded by John Neale. Motion carried 7 – 0.

**Planning Board Meeting March 17, 2010**

**Rte 6 Rezoning workshop March 20, 2010**

**Planning Board Meeting April 7, 2010**

**Rte 6 Rezoning Workshop April 10, 2010**

Tom Mercier moved to table the minutes listed above to the meeting of May 5, 2010, John Neale seconded. Motion carried 7 – 0.

**D. Correspondence and Review**

None

**E. Board Members' Reports**

None

**F. Planner's Report**

Planner's Report – March 2010

John Neale moved to accept the Planner's Report, seconded by Julia Parmentier. Motion carried 7 – 0.

**G. Zoning – Opinion Requested**

**10 Round Hill Road / Nassar, Jean**

AP 22 Lot 35

Filling and Grading Project

Total Lot area – 7.39 acres

Area of work – 1.5 acres +/-

**Originally Advertised as a Commercial Hearing**

**Is actually a request for an opinion from the Bldg/ Zoning Office**

**10 Round Hill Road / Nassar, Jean**

AP 22 Lot 35

Storage Yard

Total Lot area – 7.39 acres

Area of work – 1.4 acres +/-

**Originally Advertised as a Commercial Hearing**

**Is actually a request for an opinion from the Bldg/ Zoning Office**

Ann-Marie read a letter regarding the status of a foreclosure on the property. On 4-15-10 Ann-Marie and the Building/Zoning Official, Carl Riccio went on a site walk and found people repairing the garage portion of the residence located on the site in question. The people doing the repairs had not applied for any building permits and they were informed by Mr. Riccio that they would need to do so before continuing. As of Tuesday, April 20, 2010 the permits had not been applied for and therefore, Mr. Riccio went to site and issued a notice of violation that same day. Due to that notice of violation and due to the fact the real estate in question is in foreclosure the Town Solicitor, Attorney Bevilacqua recommended that the planning board not consider this application at tonight's meeting. According to Attorney Bevilacqua both of those issues must be resolved prior to consideration of these applications.

Tom Mercier moved that the board does not consider this application until the violation, and the foreclosure issues are resolved and the board has proof of same. The motion was seconded by Marcia Bowen, and there was no further discussion of the motion. The motion carried 7 – 0.

Ann-Marie stated that John Bevilacqua advised that the board not take this up until the issue of the foreclosure is resolved. Ms. Nassar applied for a Commercial Site Review; however, she should actually apply to the Zoning Board and then come to the Planning Board for an opinion.

Mark Greenleaf asked if whether the Planning Board received an application and what was the application for. The procedure was explained to Mr. Greenleaf.

Tom Mercier moved that the second application not be heard until the violation issues are resolved. John Neale seconded. Motion carried 7 – 0.

**H. Commercial Site Reviews**

None – see above

**I. Administrative Subdivisions**

None

## J. Minor Subdivisions

### Gene Allen Road/ Andrew & Denise Rainville

AP 18 Lot 20A

Existing acreage 27.0545 acres +/-

Proposed number of lots – two (2)

Proposed Lot A – 13.8392 acres +/-

Proposed Lot B – 13.1616 acres +/-

Pre-application/Conceptual Review 10/15/08

Preliminary Review 12/16/09

*Final  
Discussion/Decision  
cont'd from 03/17/10*

This application appeared before the board last month and changes were made to the map. There were questions of whether the stream was intermittent or continuous. The Town Planner and the Building /Zoning Official toured the site and verified that the stream was intermittent. The Town Planner then asked the Planning Board to approve this application on the condition that certain corrections are made to the plan – limit of disturbances, topographic information, and mark the stream as intermittent.

#### Motion to approve

John Neale moved to approve the final application of Andrew and Denise Rainville to subdivide the real estate located at 71A Gene Allen Road, Foster, RI 02857, a/k/a Tax Assessor's Plat 18 Lot 20A into two separate and distinct parcels, Sub Lot A to contain 13.83 acres +/- and Sub Lot B to contain 13.16 acres +/-, as shown in the following plan entitled "Final Minor Subdivision, Andrew and Denise Rainville, 71A Gene Allen Road, Foster, Rhode Island, Prepared by National Land Surveyors-Developers Inc., 42 Hamlet Avenue, Woonsocket, RI 02895, Tel. (401) 769-7779, Norbert A. Therien, Professional Land Surveyor, dated July 2009, and revised on 12/14/09, 02/16/10 and 04/13/10."

#### Conditions

- 1) That the fee in lieu of be due and payable upon recording of decision and final plans (\$1335.00 x 2 lots = \$2670.00)
- 2) That the planning official be given permission to make sure that the Mylar and final plans include the topographic and other details on the pre-application subdivision map for final recording,
- 3) That all other conditions required at the preliminary stage are re-affirmed and met.

Tom Mercier seconded the motion, No further discussion on the motion.

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

Members voting to deny: None.

Members recused: None.

Motion Passes: 7 to 0.

### Winsor Road/Turnkey Expo

AP 17 Lot 40

Existing acreage 31.0757 acres +/-

Proposed number of lots – two (2)

Proposed Lot A – 5 acres +/-

Proposed Lot B – 26 acres +/-

Pre-application/Conceptual Review 09/02/09

*Pre-Application / Conceptual Review  
cont'd – plan redesigned*

Planner explained the correction regarding the labeling of the parcels and the proper acreage for each parcel. – The plan (submitted) was drawn from the survey that was already on record from a prior subdivision of the property.

Attorney Dean Robinson represented the Applicant. Surveyor Louis Calcagni, Jr. gave a clarification of the new lots (the two new lots). Helen reminds the board that this is a conceptual review. Water tables for the two proposed lots have been approved / verified by RI DEM. Marcia questions what the set backs are for the houses from the road, and the septic systems are designed to be in front of the houses. Septic has to be at least 60 feet from the public road. The wells will be down grade from the septic system – some board members voiced their concerns about that situation. There is a concern about the location of the wells. Marcia said she is familiar with lots and the water that is located upon the lots. The Planner reminds the board that this is a conceptual review of the plans.

John questions how much of an embankment will be needed. The surveyor explained that the basements of the houses will most likely be walk-outs in the back of the house. Marcia stated that was her concern, the steepness of the slope, and the foundation of the house being built into the hill. They want to stay away from the forested wetlands and that is why the houses will be located as shown.

Parcel A, even though it is very steep, seems there is plenty of room to put a house upon therefore does not seem to problematic as shown on the plans; however Parcel B could be problematic to get the septic and the well in the parcel – very limited area upon which to place the house between the wooded wetlands and due to the slope.

Discussion changes to the driveways the possibility was discussed of having a commonly shared driveway between the two lots versus having two separate driveways. Marcia mentions that Winsor Road is curved and angled at that particular point, and that it is one of the steepest roads in the community. Marcia continues with her concerns – the area where the lumber yard discarded stuff, and she is concerned about the stability of that particular area along that boundary (stone wall). Tom questioned the minimum lot width, at the middle of the lot – Planner explains that the lot width is determined at the front building set back line.

John, Julia, Mike and the Planner have already walked the site. Mike has some concerns states is makes sense to minimize the excavation of the site, and to try to maintain as much of the area as is. Mike is concerned about the construction due to the slope, does not want to increase the natural run off, or make the site unstable. Mike mentions increased cost and increased maintenance of the site and the construction.

The Board concerns include the following: the slope of the site, the natural run-off potential and the possible soil erosion negatively affecting the stability of the foundations. Keep the environmental impact to the natural features of the land to the minimum. Also, the Board is concerned about the location of the septic in relationship to the well on Parcel B – the well is down slope from the septic systems. Must all be shown on plans, must meet all of the Town's and RI DEM's criteria. A Class I boundary survey will be required.

Tom requests that it be made clear to the applicants that this subdivision was not approved; only the concept and concerns are reviewed and discussed. The applicants were aware they have additional steps to go through.

**K. Major Subdivisions/Land Development**

None

**L. New Business**

None

**M. Old Business**

Rte 6 Rezoning proposal – vote on the Town Council proposal

Pat read the proposal and the Planning Board members made corrections and made suggestions. It was decided that the ordinance had to be clear before we sent the letter to Town Council. A meeting is scheduled for May 8, 2010 to complete this.

**N. Future Agenda Items**

Saturday May 8, 2010 – Rte 6 Rezoning Workshop

**O. Adjournment**

Tom moved to adjourn 9:23 p.m.

Respectfully Submitted,

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Helen Hardy, Planning Board Secretary