



**PLANNING BOARD MINUTES**  
**TOWN OF FOSTER**  
**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI**  
**Wednesday: July 21, 2010**  
**6:00 p.m.**

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**A. Call to Order**

Meeting was called to order by John Neale, Chair at 6:05 p.m.

**B. Roll Call**

Present from the Planning Board were John Neale, Chair; Helen Hardy, Secretary; members Julia Parmentier, Marcia Bowden and Tom Mercier. Member Mike Carpenter was excused. Also present was Ann-Marie Ignasher, Town Planner; Noah Donnelly, Sue Mara, Brian Carpenter and John Lewis.

**C. Approval of Minutes**

**Rte 6 Rezoning Workshop – March 20, 2010**

Tom Mercier moved to table the minutes of March 20, 2010 to the meeting of August 18, seconded by Marcia Bowden, Motion carried unanimously.

**Planning Board Meeting – June 2, 2010**

Tom Mercier moved to approve the minutes of June 2, 2010 seconded by Marcia Bowden. Motion carried 4 – 0. Tom Mercier abstained.

**Planning Board Meeting – June 16, 2010**

Tom Mercier moved to approve the minutes June 16, 2010, seconded by Marcia Bowden. Motion carried 4 – 0. Tom Mercier abstained.

**D. Correspondence and Review**

Scituate Reservoir Watershed Education Program pamphlet  
July Tracking Sheet

**E. Board Members' Reports**

**F. Planner's Report**

The Planner reported that the Town Council Public Hearing for the Rte 6 Rezoning is tentatively set for August 26, 2010. Landowners whose property abuts Rte 6 will be notified, as well as landowners within the 200 foot notification area. This will be costly.

**G. Zoning – Opinion Requested**

Tom Mercier moved to do the Zoning Opinion later and moved onto Minor Subdivisions, Marcia Bowden seconded, motion carried unanimously.

**H. Commercial Site Reviews**

None

**I. Administrative Subdivisions**

None

**J. Minor Subdivisions**

47 Kennedy Road / Papavasiliou, Stacy

AP 4 Lot 5

Existing acreage 14.9427 acres +/-

Proposed Lot A – 10.3513 acres +/-

Proposed Lot B – 4.5914 acres +/-

*(Pre-application/Conceptual Review May 19, 2010)*

*Preliminary Review  
Discussion / Decision*

This application was presented by the applicant, Brian Carpenter. Mr. Carpenter explained how the property is to be subdivided into two separate and distinct parcels of real estate. It was noted that the real estate taxes on the property are still outstanding for 2009, and that the taxes will need to be paid up to date prior to the planning board granting final approval. It was also noted that one of the barns (chicken barn / hen coop) was already demolished, and that a second barn on the site is scheduled to be demolished. The landowner must apply to the building / zoning office for demolition permits for both structures – one permit fee will be doubled, as one barn was already demolished – and the second permit fee will be the standard fee, provided the landowner applies for the permit prior to demolishing the barn. It was noted that the buildings will not be removed from the tax roles until a demolition permit is requested, and obtained, as that is how the tax assessor learns of the demolition of the buildings.

**Findings of Fact:**

- 1) The applicant and the landowners are properly before this board.
- 2) The proposal is consistent with the comprehensive plan.
- 3) The proposal is in compliance with the standards and provisions of the town's zoning ordinance.
- 4) There are no significant negative environmental impacts from the proposed plan.
- 5) There will be no physical constraints to the development that will cause building on the new lot to be impracticable.

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- 6) There will be adequate and permanent physical access to a public street.
- 7) The proposed development will protect the existing natural and built environment.
- 8) This plan will be well integrated with the surrounding neighborhood, and concentrate development in areas which can best support such development.
- 9) The applicant has requested and received all of the required necessary permits from the State of Rhode Island – to wit; 1) wetlands permit, and 2) OWTS permit, and copies of the OWTS permit are located in the building / zoning official’s office.

**Additional Conditions of Approval:**

- 1) The following are conditions that the planning board would like to place upon the proposed subdivision to the make the subdivision more suitable for the Foster Community.
  - a) **REAL ESTATE TAXES** – That the real estate taxes for this particular parcel be paid to date prior to applicant appearing before the planning board to request final approval. According to a municipal lien certificate dated July 12, 2010 the landowner is over one year in arrears on real estate taxes. (Nothing has been paid for the 2009 taxes and the first quarter of the 2010 taxes is due on or before July 31, 2010.
  - b) **LEGAL DESCRIPTIONS** –That the proposed legal descriptions for the two proposed lots be submitted to the administrative officer (town planner) for review and approval prior to the applicants coming before the planning board for final approval.
  - c) **FEE IN LIEU OF LAND DEDICATION** – That a fee in lieu of land dedication be applied to the proposed minor subdivision in the amount of \$1,335.00 per lot for a total of \$2,670.00 (\$1,335.00 x 2 lots). Said fee must be paid at the time of recording of the final plans. The final plans will not be recorded until the fee is paid in full.
  - d) **OWTS** – That all additional terms of approval on the OWTS application #05-12-792 be complied with.
  - e) **NAME CORRECTION**- That the proper spelling of the landowner’s name is put upon the Class I boundary survey.
  - f) **ENDANGERED SPECIES** – Must be noted on the class 1 boundary survey if any (or no) endangered species are within the area of the proposed subdivision.
  - g) **SECOND BARN** – The appropriate permits must be applied and received, and the second barn must be razed before the applicant and the landowners submit their application for final approval from the planning board.

**Conclusion / Motion to Approve:**

Julia Parmentier made a motion to approve the application of applicant Brian E. Carpenter (Long Realty), and the landowner Stacey Papavasiliou, to subdivide the real estate located at 47 Kennedy Road, Foster, Rhode Island 02825, also known as tax assessor’s plat 4 lot 5 consisting of approximately 14.9427 acres +/- into two (2) separate and distinct lots; sub-lot “A” to contain approximately 10.3513 acres +/- ; and sub-lot “B” to contain approximately 4.5914 acres +/-; all as shown on that plan entitled “Minor Subdivision; Stacey Papavasiliou (sic) , AP 4 Lot 5, 47 Kennedy Road, Foster, Rhode Island” said plan is dated January 2010 , revised 05/26/10, prepared by National Surveyors-Developers, Inc, 42 Hamlet Ave., Woonsocket, R.I. (401) 769-7779, Norbert A. Therien, Professional Land Surveyor No. 1739. Said motion includes any and all conditions of approval listed above.

**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 not** be any significant negative environmental impacts from the propose 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.

Tom Mercier seconded the above motion.

During discussion of the motion the board determined that they should include the additional conditions of approval listed above as (f) and (g).

Marcia Bowden made the motion for the amendment referenced above.

Tom Mercier seconded the motion for amendment.

There was no further discussion on the amendment.

The amendment was approved by a vote of 5 to 0.

The board then went back to vote upon the original motion (which now included the amendment) and the vote on the original motion was 5 to 0.

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17 Walker Road / **Donnelly, Elwood & Aubrey Atwater**

*Pre-application / Conceptual Review*

AP 5 Lot 0034

Existing acreage 9.622 acres +/-

Proposed Lot A – 4.81 acres +/-

Proposed Lot B – 4.81 acres +/-

Noah Donnelly would like to deed half of his lot back to Aubrey Atwater and Elwood Donnelly. As this is a subdivision the board is obligated to establish that the new lot is able to be built on without actually designing an OWTS. After discussion it was decided that having DEM do a subdivision suitability determination would give sufficient evidence that the lot was buildable. Board members also stated that in the findings of fact it should be listed that the subdivision would allow the barn to be in the same ownership as the historical house; and that both the house and the barn were part of the original farm.

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**G. Zoning – Opinion Requested**

69 Old Danielson Pike / Fusco, John & Darlene

Plat 21 Lot 005

Applied for a zoning variance to expand their current antique shop into a larger building.

Board members asked about the length of time that the business has existed, the structural integrity of the building, and the square footage the business would occupy.

Tom Mercier felt that the business should only be in (1) one building and not have (2) two special use permits on (1) one lot.

Ann-Marie explained that it would be (1) one special use but with an expanded use.

The concern of the board was that the scale of the business is the important issue and suggests the 1000 square foot guideline for customary home occupation might be a good guideline for this business. Also, that it should be restricted to sale of antiques (and fruits and vegetables grown on the property).

Tom Mercier moved to allow Ann-Marie to write up an opinion to the Zoning Board for John Neale to approve. Seconded by Marcia Bowden. Motion carried unanimously.

**K. Major Subdivisions**

None

**L. New Business**

Election / nomination of Vice Chair:

Marcia moved to nominate Julia Parmentier as Vice Chair, seconded by Tom Mercier, motion carried unanimously.

It was noted that there are (2) two people who have submitted interest in filling board positions.

Marcia reminded the board that she would have to resign in the near future, as she intends to move out of Town.

Marcia told the board she would not render her formal resignation until a replacement is found.

**M. Old Business**

**N. Future Agenda Items**

August 18, 2010 6 p.m. - Preliminary application for 2 lot subdivision, Final Review for 2 lot subdivision

September 1, 2010 - Subdivision regs

Outdoor Furnaces

Conservation Zoning

**O. Adjournment**

Meeting adjourned at 8:13 p.m.

Respectfully submitted,

Helen Hardy, Secretary