



**PLANNING BOARD MINUTES  
TOWN OF FOSTER  
Benjamin Eddy Building, 6 South Killingly Road, Foster, RI  
Wednesday: August 18, 2010  
6:00 p.m.**

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**A. Call to Order**

Meeting was called to order at 6:09 by John Neale, Chair.

**B. Roll Call**

Present from the Planning Board were John Neale, Chair; Julia Parmentier, Vice Chair; members Marcia Bowden, Tom Mercier, Mike Carpenter and Susan Mara. Also present were Patti Moreau, David Dolce, Linda Spencer, Bev Wiley, and Norbert Therien.

**C. Approval of Minutes**

Rte 6 Rezoning Workshop – March 20, 2010

Tom Mercier moved to approve the minutes of March 20, 2010; seconded by Marcia Bowden; motion carried 5 – 0. Susan Mara recused.

Planning Board Meeting – July 21, 2010

Tom Mercier moved to approve the minutes of July 21, 2010 as corrected; seconded by Marcia Bowden; motion carried 5 – 0 Susan Mara recused.

**D. Correspondence and Review**

September Tracking Sheet

**E. Board Members’ Reports**

John Neale reported that the Grass property was transferred to the Land Trust.

**F. Planner’s Report**

Planner’s report for June – noted.

**G. Zoning – Opinion Requested**

None

**H. Commercial Site Reviews**

None

**I. Administrative Subdivisions**

None

**J. Minor Subdivisions**

Tom Mercier moved to move the Spencer subdivision next on the agenda; motion carried

**Paine Road/Spencer, Linda**

AP 14 Lot 0005

Existing acreage 9.29 acres +/-

Proposed number of lots – two (2)

Proposed Lot A – 4.8 acres +/-

Proposed Lot B – 4.59 acres +/-

Pre-application/Conceptual Review 09/02/09

Preliminary Review 05/19/10

*Final Review  
Discussion/Decision*

Application Presented:

The purpose behind this application is to allow Mrs. Spencer and her daughter to subdivide the single parcel containing approximately 9.39 +/- acres into two smaller parcels; proposed sub-lot 1 to contain 4.80 +/- acres and proposed sub-lot 2 to contain 4.59 +/- acres. The purpose of which is to have another residential lot which is a permitted use under the Foster Zoning Ordinance.

Preliminary Approval:

The preliminary approval was granted at the May 19, 2010 meeting of the Foster Planning Board and said decision listed all of the appropriate findings of facts. The decision dated 05/19/10 was recorded on 06/21/10 at 10:04 a.m. in book 168 at page 787.

Waivers:

The Planning Board discussed waiving the “fee-in-lieu of land dedication” regarding this particular application, as the Spencer family previously donated a large tract of land to the Foster Land Trust to be preserved as open space in perpetuity; said real estate is known as Tax Assessor’s Plat 15, Lot 1, off of Old Danielson Pike, and contains 146.7 +/- acres; the conveyance was done by that particular bargain and sale deed dated August 20, 1999 and recorded on August 30, 1999 in book 85 at page 550.

The Planning Board discussed that one of the reasons behind the “fee-in-lieu of land dedication” was to prompt residents of the town to consider preserving their land as open-space in perpetuity, and that the Spencer family had already dedicated a rather large tract of real estate for that particular purpose.

The board felt that they could defend granting such a waiver in this particular case for the following reasons: 1) the land was donated, not sold, to the land trust; and 2) that particular tract of land containing 146.7 +/- acres is much larger than some other tracts of land the land trust has purchased.

**Conclusion / Motion to Approve/ Deny:**

Julia Parmentier made a motion to APPROVE the application of Marjorie T. Spencer and Linda J. Spencer to subdivide the real estate located at 41 Paine Road, Foster, RI also known as tax assessor's plat 14, lot 0005 consisting of approximately 9.39 +/- acres; into two separate and distinct parcels; proposed Lot 5A to contain 4.59 acres and proposed Lot 5B to contain 4.80 acres all as shown on that plan with the project title of "Spencer Subdivision AP 14, Lot 5, Paine Road, Foster, Rhode Island, Issued for Marjorie Spencer, 41 Paine Road, Foster, Rhode Island, and prepared by Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, RI 02842, phone 401-849-0180 by Roger F. Lizotte, Professional Land Surveyor."

Said approval would include a waiver of the fee in lieu of land dedication as the owner(s) of the property has previously donated a large tract of land to the land trust, as evidenced by said deed recorded in book 85 at page 550, as referenced above. Therefore, no "fee-in-lieu of land dedication" will be owed to the Town.

Tom Mercier seconded the Motion.

**Conditions of Approval:**

A) That a maintenance contract be maintained on the bottomless sand filter type of OWTS that will be installed; and that copies of the contract be 1) recorded in the land evidence records for the Town of Foster, and 2) given to the Building / Zoning Official's office to be maintained as part of the Town's permanent records.

B) That a generator be installed as a back up to the electrical system for the bottomless sand filter OWTS. The reason behind this condition is due to the nature and severity of winter storms known to frequent our area.

C) The "fee-in-lieu of land dedication" is hereby waived.

There was no further discussion regarding the motion.

Members Voting to Approve: John Neale, Julia Parmentier, Marcia Bowden, Tom Mercier, Michael Carpenter, Helen Hardy, and Susan Mara.

Members Voting to Deny: None.

Members Recusing: None.

Motion Carries: 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 04/21/10**

*Preliminary Review  
Discussion/Decision*

Tom Mercier moved to table this application until the meeting of Sept 15, 2010, because the OWTS has not arrived and there is not a signed document giving Norbert Therien legal authority to represent the motion. Seconded by Julia Parmentier; motion carried unanimously. 6 – 0.

Helen requested a 5 minute recess.

Meeting reconvened at 6:44 p.m.

**K. Major Subdivisions**

None

**L. New Business**

It was noted that two people are interested (possibly) in positions available on the Planning Board.

**M. Old Business**

The Town Council is holding a Public Hearing Meeting on August 26, 2010 for the Rte. 6 Rezoning. Planning Board members are encouraged to attend. Patti says that a number of people have come into Town Hall to find out how their land is classified and the map is not clear. The letter that went out to property owner did not specify that there will be a 6 month period in which people could request a waiver. Julia suggested that we make a list of the plat/lot/owner and current zone classification and what is proposed. Patti said that the map also needs to be clearer. Julia will go to Town Hall to work on some of these questions/ suggestions. Mike said that we must be careful only to deal with the zone classification and not the property lines. Julia asked how the presentation will be done at the public hearing. Members thought that we should use the PowerPoint presentation again. Members want to meet on Wednesday August 25 at 6:00 p.m. to go over the presentation one more time.

**N. Future Agenda Items**

**September 1, 2010:** Subdivision regs; Outdoor Furnaces; Conservation Zoning; Stonewall Ordinance

**O. Adjournment**

Tom Mercier moved to adjourn at 7:15 p.m. Motion carried unanimously.

Respectfully Submitted:

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John Neale

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Dated