



**PLANNING BOARD MINUTES
TOWN OF FOSTER**

**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI
Wednesday: February 17, 2010 7:00 p.m.**

A. Call to Order

John Neale, Vice Chair called the meeting to order at 7:03.

B. Roll Call

Present from the board were John Neale, Vice Chair; Helen Hardy, Secretary; members Julia Parmentier, Tom Mercier, Mike Carpenter and Marcia Bowden. Pat Moreau was excused. Also present were Ann-Marie Ignasher, Town Planner; John Bevilacqua, Town Solicitor; Mark Boyer, Steve Mulligan, Patricia Morgan, Kristen Mulligan, Brian King, Hans Hansen, Charles Poole, and Brad Gorham.

C. Approval of Minutes

Planning Board Meeting January 20, 2010 – tabled to March 3, 2010

Rte 6 Rezoning Workshop January 23, 2010 – tabled to March 3, 2010

Planning Board Meeting February 3, 2010

Tom Mercier moved to table the minutes of February 3 to the March 3, 2010 meeting, Mike Carpenter seconded. Motion carried unanimously.

Rte 6 Rezoning Workshop February 5, 2010

Tom Mercier moved to table the minutes of February 5, 2010 to the March 3, 2010 meeting, Mike Carpenter seconded. Motion carried unanimously.

D. Correspondence and Review

None

E. Board Members' Reports

None

F. Planner's Report

None

G. Zoning – Opinion Requested

None

H. Commercial Site Reviews

None

I. Administrative Subdivisions

None

J. Minor Subdivisions

Shippee Schoolhouse Road/ Morgan, Patricia

Pre-application/Conceptual Review

AP 10 Lot 012

Existing Lot Size 66.35 acres +/-

Proposed Number of Lots – 3

Proposed Lot 1 – 54.25 acres +/-

Proposed Lot 2 – 5.22 acres +/-

Proposed Lot 3 – 5 acres +/-

Mark Boyer, land surveyor presented this application for the landowner. Mr. Boyer said Ms. Morgan is planning a 2 lot and not a 3 lot subdivision. Parcels 1 & 2, as shown on this particular plan, will be combined into one lot.

A question was raised regarding Farm, Forest and Open Space – Mr. Boyer assured the board that the portion of the real estate being developed is not covered by that farm, forest and open space classification. A board member requested that the area under farm, forest and open space be marked as such on any and all future plans.

There was also a discussion regarding the encroachment by an abutting neighbor on a portion of the property. Mr. Boyer stated that Ms. Morgan and the neighbor are most likely to come to an agreement to go through an administrative subdivision regarding the real estate that is part of the encroachment. The board explained that the administrative subdivision should be completed prior to Ms. Morgan returning with a preliminary application for the subdivision.

Julia asked about flood zone designation and Mr. Boyer said he will check the NFIP flood maps at the town hall to verify the flood zones of the real estate. Tom then asked what type of OWTS is being planned for the site, and Mr. Boyer assured the board he was looking to design an Elgin (?) system, and not a bottomless sand filter.

As this is a pre-application conceptual review, no further action was required by the board. If the applicant does agree with the neighbor to do an administrative subdivision – the administrative subdivision must be designed, approved and recorded prior to the applicant coming back before the board with a preliminary application. Also, all designated farm, forest and open space must mark as such upon any plans submitted in the future.

Barbs Hill Road/ Hansen, Mary Jane

AP 1 Lot 058

Existing Lot Size 65 acres +/-

Proposed Number of lots – 2

Proposed Lot 1 – 52.7 acres +/-

Proposed Lot 2 – 12.277 acres +/-

Pre- application/Conceptual Review - October 21, 2009

*Preliminary Review
Discussion/Decision*

This application was presented by Attorney Brad Gorham. It is Mr. Poole's intent to subdivide a parcel of real estate off of his original parcel and transfer the parcel to his daughter Mary-Jane Hansen and her husband. Mr. and Mrs. Hansen live across the street from the proposed parcel, and they wish to own and control the parcel of real estate across from their homestead. The remainder of the land will still be owned by Mr. Poole.

At the pre-application conceptual review meeting the planning board agreed to allow a waiver of the Class 1 boundary survey to encompass the entire original 65 acre lot; however, the board did require a Class 1 boundary survey of the proposed lot in its entirety. The plans submitted to the board do show that the Class 1 boundary survey of the proposed "new and smaller" lot as required. At present the Hansen's do not intend to develop the "newer and smaller" parcel; however, they may want to develop it in the future. The board made them aware that if they approved the subdivision "as is" without an approved OWTS system, the board would and could not guarantee that an OWTS would be approved by RI DEM in the future. The Hansen's said they were aware of that and they did not have a problem with that.

Attorney Gorham requested that the planning board waive the total amount of money due for the fee in lieu of land dedication (\$1,335.00 x 2 lots = \$2,670.00). Julia was concerned that if the planning board granted the waiver what type of precedent would the board be setting? Attorney Gorham said that the reason for waiver request is that the transfer was a gift from Mr. Poole to his daughter. Julia and other board members stated that other landowners had "gifted" real estate to their children and paid the full / required fee in lieu of land dedication amount. There was a lengthy discussion regarding the pros, the cons, and the reasons behind the fee in lieu of land dedication. Attorney Bevilacqua states that the fee in lieu of land dedication should only be on the lot that was required to have a Class 1 boundary survey.

Tom Mercier made a motion to waive one-half of the fee in lieu of land dedication (\$1,335.00 x 2 lots = \$2,678.00 original amount – the amount now due will be \$1,335.00). The reason for this one time waiver is due to the fact that the planning board did not require a class one boundary survey of the remaining parcel consisting of 52 +/- acres. Julia Parmentier seconded the motion, there was no further discussion.

Members Voting to Approve: John Neale, Tom Mercier, Mike Carpenter, Julia Parmentier, Helen Hardy and Marcia Bowden – Members Voting to Deny: None. Members Absent: Patti Moreau. Motion Passes: 6 to 0

CONCLUSION / MOTION TO APPROVE

Tom Mercier made the following motion: Motion to approve the application of Mary-Jane Hansen, and landowner Charles A. Poole to subdivide the real estate located on Barbs Hill Road, Foster, Rhode Island 02825, also known as tax assessor's plat 01 lot no. 58 consisting of approximately 65 acres +/-, into two separate and distinct parcels; parcel A to contain approximately 52.7 acres +/- and Lot B to contain 12.277 acres +/-; all as shown on that plan entitled: "Minor Subdivision The Poole Plat, Assessor's Plat 1 Lot 58, Barbs Hill Road, Foster, Rhode Island", said plan is dated 12/16/09, and was revised on 01/12/10. The plan was prepared by Flynn Surveys Inc., 10 Fieldview Road, Hope, Rhode Island 02831, 401-821-6290, by James G. Flynn, Professional Land Surveyor No. 1904.

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; as the plans presented do not require approval from an OWTS from RI DEM; however, before any construction can begin the proper approvals must be obtained from RI DEM for an OWTS; 3) there will not be any 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) it is noted however, that before any construction can begin the proper approvals must be obtained from RI DEM for an OWTS; 6) 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 (one thousand three hundred thirty five dollars) will be due and payable at the time of the recording of the final plans. See the waiver above; and 2) due to the fact that the parcel being subdivided is scheduled to remain as open space at this time, the board finds there is no further need for the applicants to appear before the board for a final review. The board hereby determines that the applicants can bring their final maps to the administrative officer for the final review prior to recording.

Helen Hardy seconded the motion. There was not further discussion.

Members voting to approve: John Neale, Tom Mercier, Mike Carpenter, Julia Parmentier, Helen Hardy and Marcia Bowden – Members voting to deny: None. Members absent: Pattie Moreau. Motion passes: 6 to 0.

Recess taken at 8:01 p.m.; meeting reconvened at 8:04.

K. Major Subdivisions/Land Development

Youth Athletic Field / Foster Center Road
Town of Foster / Crossman Engineering
Total acres – 7.1 +/-
AP 11 Lot 57
Master Plan approved – June 17, 2009
Preliminary Plan approved – November 18, 2009

*Final Review
Discussion/Action*

This application was presented by Brian King of Crossman Engineering. The walking trail connection to Rte 94 will be removed. The optional underground 5,000 gallon concrete water tank is noted on the plans. Landscaping plan will add juniper hedge on slope. The board discussed leaving the current vegetation where possible. Mike Carpenter felt there should be an irrigation system. Others feel irrigation system can be put in at a later date. Mr. King suggested that there be an additional/supplemental bid for an irrigation system.

The water tank (dry hydrant) could also be used as fire prevention for the school. The board felt that the tank should be 10,000 gallons if that is affordable. Fences are noted: south side – wire fence; north side 6’ stockade fence. Sidewalk to the school/crosswalk/speed limit issues will be resolved with the DOT.

No other comments were made either for or against the applications.

CONCLUSION / MOTION TO APPROVE

Tom Mercier moved to approve the Youth Athletic Field Final Plans, located on Foster Center Road as shown on those plans entitled “Final Plan Submission – Site Plan Set for Proposed Youth Athletic Fields, Assessor’s Plat 11 Lot 57, Foster Center Road (Route 94), Foster, Rhode Island, Zoning District – AR (Agricultural / Residential District), Engineered by Crossman Engineering Inc., 151 Centerville Road, Warwick, RI 02886 telephone 738-5660 fax 738-8157 Landscape Architect The Gifford Design Group Landscape Architect Environmental Planning, 4096 Mendon Road Cumberland, RI 02864, telephone 671-6336” pages 1-12 as received on January 12, 2010.

This motion incorporates all previous findings of fact during the master plan approval, as written in the master plan decision for approval and preliminary plan approval.

Additional Conditions of Approval: 1) a fee in lieu of land dedication is not applicable to this particular application; and 2) that the grading of the site shall occur in phases that correspond to the phases of the actual development / construction of the youth athletic fields.

Helen Hardy seconded the above motion. There was no further discussion on the motion.

Members voting to approve: John Neale, Tom Mercier, Mike Carpenter, Julia Parmentier, Helen Hardy and Marcia Bowden – Members voting to deny: None. Members absent: Pattie Moreau. Motion passes: 6 to 0.

L. New Business

M. Old Business

N. Future Agenda Items

February 20, 2010 – Regular Rte 6 Re-Zoning Workshop Meeting

February 23, 2010 – Blue Dog Investments – cont’d

February 27, 2010 @ 9:30 a.m. – Tentative Schedule for Town Council Budget Review - Department

March 3, 2010 – Review CDBG Applications and rank; Review / Revise various proposed ordinances

March 17, 2010 – Regular Application Meeting

April 7, 2010 – Review Revise Planning Board By-Laws, Applications, etc.

O. Adjournment

Tom Mercier moved to adjourn at 8:35 p.m.

Respectfully submitted,

Helen Hardy, Secretary