



PLANNING BOARD MINUTES
TOWN OF FOSTER
 Benjamin Eddy Building, 6 South Killingly Road, Foster, RI
 Wednesday: April 20, 2011
 7:00 p.m.

A. Call to Order

Meeting was called to order by John Neale, Chair at 7:05 p.m.

B. Roll Call

Present from the planning board were John Neale, Chair; Julia Parmentier, Vice Chair; Helen Hardy, Secretary, members Sisan Smallman, Tom Mercier, Susan Mara, and Mike Carpenter. Also present were Ann-Marie Ignasher, Town Planner; Stephen Archambault, Town Solicitor; Scott Spear, Esq.; Laszlo Siegmund and Robert Atwood.

C. Approval of Minutes

Planning Board Meeting – April 6, 2011

Tom Mercier moved to approve the minutes of April 6, 2011; Sisan Smallman seconded. Motion carried unanimously.

D. Correspondence and Review

None

E. Board Members' Reports*Discussion / Action*

John Neale reported that the Nature Conservancy has purchased the DelVecchio property off of Tom Woods Road.

Susan Mara reported that 28 people attended the Conservation Commission annual bird/ bat house workshop.

Mike Carpenter reported that the Affordable Housing met and will review the Affordable Housing section of the Comprehensive Plan. They will get their feedback to Ann-Marie by April 26, review all feedback by May 9 and will have it to the Planning Board by June 13.

F. Planner's Report*Discussion / Action*

Planner's Report – March 2011 – noted

Tom Mercier moved to accept the Planner's Report for March, seconded by Julia Parmentier. Motion carried unanimously.

G. Zoning – Opinion Requested

None

H. Commercial Site Reviews

None

I. Administrative Subdivisions

None

J. Minor Subdivisions

Donnelly – Letter from Planner to request permission to review final plans.

Discussion / Action

Susan Mara moved that the planner be given permission to approve the final plans for a subdivision at 17 Walker Road, Plat 5 Lot 34 with the initial requirement that conditions and restrictions be recorded on the map and deed. Tom Mercier seconded, motion carried unanimously.

K. Major Subdivisions

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 acres +/- Gloucester

Proposed Lot 2 4.59 acres +/-

Proposed Lot 3 8.65 acres +/- old plan – 8.31 acres +/- new plan

Proposed Lot 4 4.95 acres +/- old plan – 5.32 acres +/- new plan

Proposed Lot 5 11.64 acres +/-

Proposed Lot 6 11.41 acres +/-

Proposed Lot 7 4.76 acres +/-

Proposed Lot 8 4.70 acres +/-

Proposed Lot 9 58.18 acres +/-

Preliminary Plan Review Cont'd
Public Hearing
Discussion / Decision

Planning Board Meeting April 20, 2011 pg. 2**Pre-application / Conceptual Review – 08-19-09****Master Plan Review / Informational Meeting – 01-20-10****Preliminary Plan Review Meeting(s) – 02-16-11, cont. to 03-16-11, cont. to 04-20-11**

The following exhibits were offered by the applicant during the April 20, 2011 meeting: (H) Traffic Engineers study of the turn around area of the road, for the radius of emergency vehicles; (I) Memorandum of the changes to the plans as submitted by Mr. Siegmund. Also, there were Comments and Questions submitted by board member Julia Parmentier to be responded to by the applicant prior to the next step in the (overall) application process.

Attorney Scott Spear presented the application to the board, and Chairman John Neale explained that the board had received new maps regarding the application. Attorney Spear mentioned the actions completed after the last meeting with the planning board: 1) applicant met with the (town) engineer David Provonsil; 2) applicant prepared responses to Mr. Provonsil's comments; 3) the new plans reflect those comments and various changes that were requested.

Attorney Spear then introduced Mr. Siegmund so he could continue his testimony from the February meeting. The planning board accepted Mr. Siegmund as an expert, and allowed him to continue his testimony – stating he was still under oath – as requested.

Mr. Siegmund went over his responses and revisions based upon Mr. Provonsil's comments; comments made by the planning board; and a letter from the conservation commission regarding certain issues.

Mr. Siegmund reviewed all of the comments in the memorandum with the planning board, answering any questions of the board members as they arose. Mr. Siegmund also reviewed the changes that were made throughout the plans as they related to the various comments on the memorandum. Mr. Siegmund finished his presentation.

Planning board member Julia Parmentier offered her questions regarding the plans. Julia explained her scientific, geological, teaching background so the applicant would know her credentials and reasons for her various questions.

There was some discussion between the engineer, Mr. Siegmund and the planning board regarding his concerns to try to answer some of the questions posed by Ms. Parmentier; however, it was determined that the town planner should submit the questions, in written format, to the applicant's attorney for proper response from the engineer, and that said responses would be furnished to the planner for review by the town's engineer, David Provonsil, and planning board member Julia Parmentier to determine if the responses met with their approval and accurately responded to the concerns raised.

Discussion took place regarding the lots that would require – having a condition placed upon them due to the difference in elevation between the residence and actual septic system – both a pump and a back up generator to protect the residents during a power outage.

There was discussion regarding the legal documents that would create the Homeowners' Association would address, and resolve many of the maintenance issues of various systems.

Attorney Spear stated that the engineers and the applicant may have already completed working on an excavation plan, etc. to make sure that the project does make economic sense for the applicant – and that the applicant provide the town with proper economic security (bonding) to make sure sufficient monies are available to complete the necessary improvement to the site. The applicant, through Attorney Spear, seemed agreeable to provide the building / zoning official with the earthworks plan and soil erosion plans for his approval and comments when the plan(s) is required to be completed.

There was some discussion regarding the various stages of the site development. It was discussed that during certain stages of construction that a letter should be sent to the neighbors to keep them informed of what is happening at the site. The planner stated that due to the past history of the site, the more the applicant can reach out to the neighbors, and keep the neighbors informed will go a long way to calming their concerns. Board member Mike Carpenter reminded the applicant that this development is not a normal activity within the community, and therefore education of the neighbors will go a long way.

Attorney Spear finished his presentation, to the planning board, by questioning Mr. Siegmund his professional opinion as to the effect of the changes to the plan with regard to the compliance of the plan with the subdivision / zoning regulations. Mr. Siegmund responded that in his professional opinion the changes made the project more compliant with the regulations.

Tom Mercier made a motion to allow the planner to send a letter to Attorney Spear that reflects Julia Parmentier's questions and to request responses to same. Sisan Smallman seconded the motion – the board members all voted to approve the request.

Attorney Spear requested that the responses to the questions be made a condition of the approval of the preliminary – that the vote (either up or down) be taken tonight and that until the responses are accepted that the preliminary approval does not become affective until those issues have been resolved to the satisfaction of the town planner, town engineer, etc. Tom Mercier asked the Solicitor for his legal opinion, and the Solicitor stated he believed that would be a proper format – so the board can take a vote and make the responses a condition of the approval. Tom Mercier asked if the board was comfortable with that, and Susan Mara responded that as long as

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the applicant does realize that it is at their own risk, that if there some internal flaw than those must be addressed before the final approval. Also, Julia Parmentier will have the right to review the responses to her concerns.

Also, before the final approval can be given a soil erosion and sediment control (and earthworks) plan must be in place. This must be approved by the planning board, the planner and the building/zoning official. A proper plan would include the following: 1) temp erosion control, 2) drainage basins, 3) total volume [of soil] removed, 4) storage of materials [on site], 5) manner of excavation to be done and whatever else is deemed necessary.

Interest of others: Prior to the applicant making its presentation it was noted by a member of the planning board that there were no other interested parties in the audience. It was confirmed that proper notice was sent prior to the February, 2011 hearing date, and that the planning board followed the appropriate procedure to announcing the next date, time and location of the continued hearing. The planner reminded the board that they had read correspondence received by Attorney Spear during the March meeting requesting the hearing be continued to April, and that the board approved the requested continuance at that time.

List of additional matters that were discussed during the hearing: 1) questions raised by board member Julia Parmentier must be answered in a satisfactory manner; 2) the sediment and Soil erosion plan / storm water pollution prevention plan must be submitted prior to permits being issues; 3) engineering, earthworks (earth movement) plans during construction must be submitted prior to permits for building be issued; 4) submission of homeowners' association documentation prior to final approval; and 5) written notification must be sent to neighbors prior to construction (re: blasting, etc.)

The public hearing was closed by the Chairman at 8:17 pm; and at that time the planning board took a five to ten minute break to allow board member Tom Mercier to prepare his motion.

Once the planning board reconvened in they went through the findings of fact and the other required findings under § 45-23-60 of the RIGL.

Board member Tom Mercier made the following motion to approve:

Motion to approve the application of Blue Dog Investments, LLC and the landowners David and Lisa Costa to subdivide the real estate located at 196 Stone Dam Road, Foster, RI 02825 also known as tax assessor's plat 18 lot 25 in Foster, plat 12 lot 119 in Glocester, RI into nine (9) separate and distinct parcels as shown on those plans entitled "Preliminary Plan Submission Major Subdivision, 8 Lot Residential Subdivision, Assessor's Plat 18, Lot 25, Gene Allen Road and Stone Dam Road, Foster & Glocester, RI, dated 10/25/2010, and revised as shown on those plans received in the Town of Foster on April 11, 2011, sheets 1 through 10, prepared by Resource controls, 474 Broadway, Pawtucket, RI 02860; Surveyor Canavan & Associates, Smithfield, RI and Wetlands Biologist Natural Resource Services, Harrisville, RI." -with the following conditions of approval:

- 1) A fee in lieu of land dedication (\$1,335.00 x 8 lots = \$10,680.) will be due and payable upon the recording of the final approved plans;
- 2) Submission and subsequent approval of the answers to the questions and issues posed by the planning board at the April 20, 2011 meeting – said approval must be received from the town engineer, the town planner and planning board member Julia Parmentier;
- 3) Sediment and Soil Erosion Plan & Storm Water Pollution Prevention Plan; (must be submitted prior to permits) (noted these are one document)
- 4) Engineering, Earthworks (earth movement) plans during construction; (must be submitted prior to permits for building be issued);
- 5) Written notification of neighbors prior to construction (blasting);
- 6) Generators are required for the lots wherein the OWTS elevation is higher than the slab (or basement) elevation of the residence; and generators are required for any parcel or lot upon which bottomless sand filter (BSF) OWTS is constructed. Also the maintenance contract for such system must be recorded in the records of the land evidence, and be put on file with the building / zoning official's office.
- 7) All drafts of legal documents regarding legal descriptions, and the legal draft documentation of the Homeowner's Association must be submitted with the application for final review and approval.

The motion was seconded by Sisan Smallman. There was no further discussion.

Members voting to approve: Tom Mercier, Susan Mara, Mike Carpenter, John Neale, Sisan Smallman.

Members voting to deny: Julia Parmentier, Helen Hardy

Motion APPROVED: 5 to 2

L. New Business

M. Old Business

Discussion / Action

- By Laws
- Stone Wall Ordinance
- Comprehensive Plan Update – questions issues
- Conservation Development / Subdivision Regulations – questions issues

Tom Mercier moved to table all other business until May 4, 2011; seconded by Mike Carpenter, motion carried unanimously.

N. Future Agenda Items

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O. Adjournment

Tom Mercier moved to adjourn at 9:04 p.m. Motion carried unanimously.

Respectfully submitted,

Helen Hardy, Secretary