



PLANNING BOARD MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road, Foster, RI
Wednesday: November 02, 2011
7:00 p.m.

A. Call to Order

Meeting was called to order by John Neale, Chair at 7:02 p.m.

B. Roll Call

Present from the Planning Board were John Neale, Chair; Julia Parmentier, Vice Chair; Helen Hardy, Secretary; members Tom Mercier, Susan Mara, Mike Carpenter and Sisan Smallman. Also present were Ann-Marie Ignasher, Town Planner; Brian Carpenter, Joseph Walsh, Doreen Walsh, Neal Whitelaw, Joe Carey, Audrey Carey and Alan Reedy.

C. Approval of Minutes

Planning Board Meeting – October 5, 2011

Tom Mercier moved to approve the minutes of October 5, 2011; seconded by Mike Carpenter. Motion carried unanimously. 7 – 0.

Planning Board Meeting – October 19, 2011

Tom Mercier moved to approve the minutes of October 19, 2011 as amended; seconded by Sisan Smallman. Motion carried unanimously. 7 – 0.

D. Correspondence and Review*Discussion*

November Tracking Sheet

E. Board Members' Reports*Discussion / Action*

The Conservation Commission will have a written report on site reviews for the next meeting.

There is a Housing Board Meeting set for November 14.

F. Planner's Report**G. Zoning – Opinion Requested***Discussion / Action*

Danielson Pike Rte 6 – Green Acres/ **Alan Reedy**

AP 14 Lot 0096A

Zoning change Opinion

Brian Carpenter explained that the lot is 1.03 acres with 250 feet of frontage; the property goes back 150 feet and runs upland. The front portion of the lot has intermittent storm drainage and lot 96 surrounds this property and is zoned General Business Mixed Use.

Mr. Reedy expressed his interest in selling the property for business use and feels that it meets the DEM requirements for the septic.

Joseph Walsh an abutter expressed that the trees on that property provide a noise barrier and would not be livable if the trees were removed. He also stated that he had letters in a folder from the zoning department that are dated 2001 and 2004. Mr. Walsh had previously requested that his property be retained as a commercial lot.

Susan Mara asked about the surrounding properties. Ann-Marie explained that most lots in the area are listed as Agricultural/Residential; the adjacent property and three across the road are listed as General Business Mixed Use.

Julia Parmentier thought the Planning Board believed that this property was undevelopable because of the wetlands.

Tom Mercier questioned if a person wanted to develop this lot as commercial would they have to get a special use permit. Ann-Marie stated that the purchase and sales would have to be conditional upon the approval.

Tom Mercier objects to changing the zoning on “speculation”, he felt that before a zone change occurs he would like to see a project being proposed. He felt uncomfortable with arbitrarily making this lot General Business Mixed Use.

Mr. Reedy expressed that this property had been zoned Neighborhood Commercial since zoning began. He was under the impression that when the zoning change occurred he could petition the Town Council for the zone change. He feels that he shouldn't need to have a sales agreement for a particular business use. He explained that in its location the lot would have the best use if zoned under General Business Mixed Use.

Susan Mara asked what restrictions are there on General Business Mixed Use and whether there could be constraints required. She also asked if there were specific criteria in special use permits. Ann-Marie explained that it depends on what the special use is for. There are some special uses that do not require additional specific criteria; however, some other special uses do require such criteria.

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Joe Carey wondered if it was even possible to put a house on that lot and that the lot is so small there are a limited amount of uses.

Ann-Marie explained that dimensional variances can be granted on setbacks but not between the well and the septic.

Brian Carpenter had the survey from the abutting lot which shows that the lot was created in 1988 and at that time it met all the necessary setbacks for the ISDS.

Mike Carpenter asked for clarification as the board is being asked to give an opinion to Town Council on whether this lot should be rezoned to General Business Mixed Use as it was formerly Neighborhood Commercial.

Susan Mara summarized that during the comp plan rezoning this lot became AR however because it is such a small lot in the middle of GBM properties it would seem appropriate to rezone General Business Mixed. The property is small therefore there should be constraints on the allowable building.

Chairman, John Neale then polls the board to determine if any board members had any overwhelming reasons not to go forward.

Tom: leave it as AR

Mike: no leave it as AR

Susan: rezone with limitations

Julia: rezone

Sisan: rezone – but cite the clear conflict with the comprehensive plan and constraints of small and wet lots.

Helen: rezone – Advise Town Council to have the applicant demonstrate that it can be developed as a Commercial Use under the new zoning.

John: rezone – agrees with Sisan and knows that the owner will need to go before the Planning Board for a Commercial Site Review.

The Planning Board asked Ann-Marie to write a letter to Town Council with their concerns and opinions. John Neale will review and sign the letter before it goes to the Town Council.

H. Commercial Site Reviews

None

I. Administrative Subdivisions

None

J. Minor Subdivisions

None

K. Major Subdivisions

None

L. New Business

M. Old Business

Discussion / Action

- Comprehensive Plan Update – questions/ issues

Julia and Helen passed out a copy of their rewrite of the Natural Resources element. Ann-Marie noted that there has been no feedback from Statewide Planning.

There was some discussion about the Land Use 2025. Ann-Marie explained that the board wait for comments on our plan and then decide whether to incorporate it into individual elements.

- By Laws

- Stone Wall Ordinance

- Conservation Development / Subdivision Regulations – questions issues

Tom Mercier moved to table the old business until December 7; seconded by Susan Mara. Motion carried unanimously.

N. Future Agenda Items

Schedule a meeting with Zoning Board after the Capital Budget
5 year road plan

O. Adjournment

Mike Carpenter moved to adjourn at 8:47 p.m. Motion carried unanimously.

Respectfully submitted,

Helen Hardy, Secretary