



**PLANNING BOARD MINUTES  
TOWN OF FOSTER**

**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI  
Wednesday: March 07, 2012  
7:00 p.m.**

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**A. Call to Order**

Meeting was called to order by Tom Mercier, Parliamentarian.

**B. Roll Call**

Present from the Board were members Tom Mercier, Helen Hardy, Sisan Smallman, Susan Mara, and Mike Carpenter. John Neale and Julia Parmentier were excused. Also present were Ann-Marie Ignasher, Town Planner, Nicole Femino, Rick Femino, Peter Rotelli, Esq., Michael Darveau, D. Leclair and John Femino.

Susan Mara moved to move Item J, minor subdivision up first on the agenda; seconded by Mike Carpenter.

**J. Minor Subdivisions**

**21A Plainfield Pike** / Femino, John  
AP 9 Lot 33 Existing acreage 106.5 +/-  
Proposed number of lots – 3  
Proposed Lot A – 17.69 acres +/-  
Proposed Lot B - 6.650 acres +/-  
Proposed Lot C – 82.2 acres +/-  
(This application was continued from February 1, 2012)

*Preliminary Review cont'd  
Discussion / Decision*

Ann-Marie read the application into the record. Attorney Peter Rotelli represents the applicant and introduced the land surveyor Mike Darveau. Mike Darveau presented this application. There is a total of 106 acres +/-, the property is zoned Agricultural / Residential and they are proposing a 3 lot residential compound. There is an existing 350 foot wide easement to Narragansett Electric Company; there are no power lines or underground lines as Narragansett Electric has not done anything with that easement. Mike Darveau provided info on wetlands, water table, lot sizes, driveway length, and width and fire provisions.

Mr. Darveau said that there were a number of preliminary permits that the applicants have applied for, and then he went on to explain to the board the status of the various permits. 1) Septic Systems – they completed the soil tests, the soil is “great soil”; and they have submitted a subdivision suitability determination and they received three comments back from RI DEM – need a wetland permit; need to have one more form from the soil evaluator; and want a letter of approval from NEC / NG – because on parcel C there is a driveway that crosses the NEC / NG easement; 2) RI DEM Wetlands Permit – they have received that back; however, the checklist must be submitted; 3) Narragansett Electric Company / National Grid – they have spoken to them on a number of occasions and have spoken to their real estate division. They are in the process of having legal documents drafted that are to be put on title to state the specific requirements / limitations upon the real estate that is subjected to the easement; 4) RI DOT physical alteration permit for a driveway as Plainfield Pike is an existing state road., concern about site distance and Mr. Darveau is preparing an analysis of the site distance for RI DOT. Mr. Darveau testified that the proposed plan met all of the other Foster Zoning Ordinance requirements.

Attorney Rotelli clarified that any thing the board approved tonight would be subject to the approval from the NEC / NG with regard to the NEC / NG easement across the property. (The board would not be able to give final approval without the NEC / NG legal documents – approval of the residents’ crossing the easement - to be recorded with the final plans.)

There was some discussion regarding the possible conservation easement agreement with the Providence Water Supply Board – over the additional acreage of Parcel C – they are still talking with PWSB and those type of negotiations take some time.

Once the applicants finished presenting their plans, the (Acting) Chair asked if anyone was interested in speaking against the application. No-one spoke in opposition to the proposed plan.

**FINDINGS OF FACT**

- 1) Are the applicant and the landowners properly before this board? YES.
- 2) Is the proposal consistent with the comprehensive community plan? YES.
- 3) Is the proposal in compliance with the standards and provisions of the town’s zoning ordinance? YES.
- 4) Are there any significant negative environmental impacts from the proposed plan?  
NOT AS PRESENTED.
- 5) Will there be any physical constraints to development that will cause any building on the new lot to be impracticable? NO.
- 6) Will there be adequate and permanent physical access to a public street? YES.
- 7) Does the proposed development protect the existing natural and built environment, and/or mitigate significant negative impacts on the existing environment? YES, and it works towards an effort to protect / preserve the fields.
- 8) Will this be well integrated with the surrounding neighborhood, and concentrate development in areas which can best support such development? YES.

The public is welcome to any meeting of the Planning Board. If communication assistance (readers/interpreters/captions) is needed or any other accommodation to ensure equal participation, please contact the Town Clerk’s Office 392-9200 at least two (2) business days prior to the meeting.

9) Has the applicant requested and received all of the required necessary permits from the State of Rhode Island – to wit; 1) wetlands permit, 2) OWTS permit?

THE APPLICANT HAS REQUESTED, BUT HAS NOT RECEIVED ALL OF THE NECESSARY PERMITS FROM THE STATE OF RHODE ISLAND – THEREFORE – THE APPLICANT MUST RECEIVE ALL OF THOSE APPROVALS PRIOR TO RETURNING TO THE PLANNING BOARD TO REQUEST FINAL APPROVAL.

#### **WAIVERS**

1) Does the plan as presented appear to need any waivers from the planning board regarding any zoning ordinance issues? NO.

2) Does the plan as presented appear to need any relief from the zoning ordinance – must the applicant appear before the zoning board of review to gain such relief: NO.

#### **ADDITIONAL CONDITIONS OF APPROVAL**

1) Are there any conditions that the planning board would like to place upon the proposed subdivision to make the subdivision more suitable for the Foster Community?

a) Approval from RI DEM for OWTS system must be provided before final approval

b) As the proposed septic systems are not BSF systems generators ARE NOT required

c) Updated tax certificate required for final approval - YES

d) Fee in lieu of land dedication - \$1,335.00 per lot will not be required – ONLY IF THE CONVERSATION EASEMENT IS PURCHASED BY PROVIDENCE WATER SUPPLY PRIOR TO THE APPLICANT COMING BACK TO THE PLANNING BOARD FOR FINAL APPROVAL.

e) More definitive description of easement to be provided to planning department

f) Proper legal descriptions for all three (3) lots – must be provided to and reviewed by the planning department

g) Pending from RI DEM is a subdivision suitability determinations / approval;

h) Pending from RI DEM is an approval of the wetland permit;

i) RI DOT approval for alteration / installation of a driveway entering onto Plainfield Pike;

j) National Grid review of the proposed plans; legal documents are being drafted that are to be put on the title (recorded in the land evidence records) that state the specific requirements / limitations upon the real estate that is subjected to the NEC / NG easement (what can and cannot be done within the boundaries of their easement), and putting the public on notice.

k) Applicant to check if any OSHA requirements apply to any of the proposed construction they intend to complete – this mainly applies to the areas of the NEC / NG easement.

The applicant made the request that final approval be done administratively through the planning board – the Acting-Chair Tom Mercier stated no – too many conditions, the board wants to verify that all those conditions are met before final approval is granted. The applicant therefore will need to appear before the planning board to receive final approval.

#### **MOTION TO APPROVE**

Sisan Smallman made a Motion to Approve the application of John Femino to subdivide the real estate located on Plainfield Pike, Foster, RI also known as tax assessor's Plat 9, Lot 33, which is zoned agricultural / residential and consisting of approximately 106.5 acres +/-; into a residential compound consisting of three separate and distinct parcels; Proposed parcel "A" to contain 17.69 acres +/-, parcel "B" to contain 6.65 acres +/-, and parcel "C" to contain 82.2 acres +/- . All as shown on that plan with the project title of "Proposed Residential Compound Plan for John P.

Femino, Plat 9, Lot 33, Plainfield Pike, Foster, Rhode Island" dated Dec. 27, 2011, said plan was prepared by Darveau Land Surveying, Inc., P.O. Box 7918, Cumberland, R.I. 02864. Michael R. Darveau, PLE – with the conditions as specified above (see additional conditions of approval) and incorporated herein.

**Additional Conditions of Approval: (See additional condition of approval listed above.)**

**Susan Mara seconded the above motion.**

There is no further discussion regarding the above motion.

Members Voting in Favor: Tom Mercier, Helen Hardy, Sisan Smallman, Susan Mara and Mike Carpenter. Members Voting Against: None. Members Absent: John Neale, Julia Parmentier  
Motion Passes / Denied: 5 to 0

5 min recess taken at 7:50 p.m.

Reconvened at 7:55 p.m.

### **C. Approval of Minutes**

Planning Board Meeting – February 1, 2012

Mike Carpenter moved to approve the minutes of February 1, 2012; seconded by Helen Hardy. Motion carried unanimously 5 – 0.

Planning Board Meeting – February 15, 2012

Mike Carpenter moved to approve the minutes of February 15, 2012 with corrections; seconded by Susan Mara. Motion carried unanimously 5 – 0.

### **D. Correspondence and Review**

#### ***Discussion / Action***

Posting from the Town of Scituate – Amendments to Land Development and Subdivision Regulations.

Letter of resignation from John Neale from the Planning Board.

Sue Mara moved to place correspondence on file, seconded by Mike Carpenter. Motion carried unanimously 5 – 0.

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- E. Board Members' Reports** *Discussion / Action*  
Mike Carpenter will bring the Housing Committee reports to the Planning Board workshop on March 31 at 9 a.m.
- F. Planner's Report** *Discussion / Action*  
Susan Mara moved to accept and place on file the Planner's Report for January and February; seconded by Helen Hardy. Motion carried unanimously 5 – 0.
- G. Zoning – Opinion Requested** *Discussion / Action*  
None
- H. Commercial Site Reviews**  
None
- I. Administrative Subdivisions** *Planner's Decision*  
**Tucker Hollow Road** / Mehta, Amita Rodman & Egan, James/ Landon, Lucinda  
AP 18 Lot 35  
AP 03 Lot 36A
- Ann-Marie reported on this Administrative Subdivision and was approved by her on February 29, 2012. Mike Carpenter moved to accept the planner's decision; seconded by Sisan Smallman. Motion carried unanimously. 5 – 0.
- K. Major Subdivisions**  
None
- L. New Business** *Discussion / Action*  
5 year road plan  
Mike Carpenter moved to table the 5 year road plan until April 4, 2012; seconded by Susan Mara. Motion Carried unanimously 5 - 0
- M. Old Business** *Discussion / Action*  
Planning Board by laws  
Susan Mara moved to table the By-Laws until April 4, 2012; seconded by Mike Carpenter. Motion carried unanimously 5 – 0.
- N. Future Agenda Items**  
March 21 – CDBG applications  
March 31 – Comprehensive Plan Workshop 9 am  
April 28 – Public Meeting – Comprehensive Plan  
Future - Meeting with other boards
- O. Adjournment**  
Mike Carpenter moved to adjourn at 8:17 p.m.

Respectfully submitted,

Helen Hardy, Secretary