

**PLANNING BOARD MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road
Wednesday: August 1, 2018**

A. Call to Order

Mr. Carey called the meeting to order at 7:00 p.m.

B. Roll Call

Board Members Present: Joe Carey, Chair; Richard Sparks, Vice Chair; Mike Carpenter; Ron Cervasio; Anthony Renzi; Jeff Sheldon; and Helen Hardy, Secretary.

Staff Present: Jennifer Siciliano, Planner; Joanna Achille, Solicitor

Town Officials Present Town Council Members: Michael Dillon and Gordon Rogers.

Members of the Public Nick Guarino, John Champ, Nicholas Gorham, Sandy Sheldon, Eric Devine

C. Approval of Minutes

1) July 18, 2018

Rick Sparks moved, Jeff Sheldon seconded, to approve the minutes of July 18, 2018, Motion passed 6 – 0.

D. Correspondence

None.

E. Board Members Reports

1) Land Trust

None.

2. Conservation Commission

Mr. Sparks informed the commission that Old Home Days was successful.

F. Final Plan – Major Land Development

1) Final Plan review for applicant, Industrial Tower and Wireless, LLC to construct a 150’ personal wireless service telecommunications monopole tower and related facility, including equipment shelter and security fencing/ gate, encompassing 6,400 square feet, with underground utilities and construction erosion control measures, and constructed with the intent to co-locate; on Cucumber Hill Road by Pole 55, being Plat 4 Lot 36 in an Agricultural/Residential AR district on 5.38 acres. An approval for the Final Plan is sought from the Town of Foster Planning Board.

Mr. Sparks moved, Mr. Carpenter seconded, to approve to grant Final Plan approval for the proposed communications monopole tower,

WHEREAS: Representatives of the applicant Industrial Tower and Wireless, LLC and owners Russell J. & Ellen A. Flock appeared before the Planning Board for property located on Cucumber Hill Road by Pole 55, being Plat 4 Lot 36 on 5.38 acres in an Agricultural/Residential AR zoning district, to construct a 150’ personal wireless service telecommunications monopole tower and related facility, including equipment shelter and security fencing/ gate, encompassing 6,400 square feet, with underground utilities and construction erosion control measures, and constructed with the intent to co-locate; and

WHEREAS: The Planning Board received reports and testimony from Town Departments, abutting property owners, and representatives of the applicant regarding the application; and

WHEREAS: The Planning Board heard the land development proposal as a Pre-Application on February 17, 2016 and conducted a site walk on April 15, 2016 and approved a Master Plan on May 18, 2016 and a Preliminary Plan on June 20, 2018; and

WHEREAS: The development meets historic cemetery setback, and no land dedication or payment-in-lieu is required because no lots are being created; and

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WHEREAS: The Planning Board conducted the required Public Hearing and Preliminary Review at the June 20, 2018 Hearing; further

Having considered the requirements of Rhode Island General Laws of 1956, as amended Section 45-23-30, and based on the Hearing conducted before the Planning Board and on:

- Testimony presented to the Board, and
- Recommendations of the staff, and
- Review and consideration of the Exhibits made part of the record, and
- Personal knowledge of the area in question, now

The approval is subject to the following conditions:

Condition 1. Final Plan approval is based on the project title “Proposed Communications Facility, Cucumber Hill Road, Foster RI Plat 4 – Lot 36” on sheet title “Site Plan” sheet number 2 on the plans entitled “Industrial Communications, Foster RI”, as last updated June 25, 2018 and marked as Town Exhibit 1 at the August 1, 2018 Meeting, prepared by Commonwealth Land Surveyors, Inc., stamped and signed by Curt A. Nunes, Registered Professional Land Surveyor.

Condition 2. Inspection of the tower for structural integrity shall occur on an annual basis in accordance with Rhode Island Building Code by a RI registered professional engineer and the report forwarded to the Foster Building Official.

Condition 3. The communication facility shall be in compliance with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation.

Condition 4. The identification sign shall be no greater than six (6) square feet in area and shall be located within eight (8) feet of the ground.

Condition 5. Design shall accommodate the co-location of at least five (5) wireless communication providers.

Condition 6. A copy of completed FAA Form 7460-2, Notice of Actual Construction or Alteration, shall be sent to the Foster Building Official within five days after the construction reaches its greatest height and/or upon abandonment.

Condition 7. A surety bond of \$12,120 to cover cost of removal shall be posted prior to issuance of any building permits, and annual proof that the bond has been renewed shall be sent to the Foster Building Official.

Condition 8. 6x6’ antenna space shall be provided to Foster Emergency Services (FES) for Town equipment.

Condition 9. A 4x6’ space and electrical power will be provided to Foster Emergency Services (FES) within the proposed equipment shelter with a separate entrance to be utilized by the Town.

Condition 10. All Final plan checklist requirements shall be fulfilled.

Condition 11. The fence surrounding the tower shall be black chain-linked.

Condition 12. There shall be two rows of staggered 6' to 8' white pine trees planted on the north side of the tower site.

Condition 13. A performance bond of \$2,300 to cover cost of planting or replanting of pine trees in Condition 12 shall be posted prior to issuance of any building permits and be sent to the Foster Building Official.

Condition 14. The applicant shall remain responsible for a period of 24 months to ensure that the pine trees in Condition 13 remain in good condition and if any of the said trees are dead or otherwise damaged the applicant shall replace the same; the performance bond shall remain in place for 24 months.

The Planning Board further finds that the proposed development, subject to the conditions imposed,:

1. Is consistent with the Comprehensive Community Plan and has satisfactorily addressed the issues where there are inconsistencies in accordance with the Rhode Island General Laws Section 45-23-30;
2. Is in compliance with the standards and provisions of the Foster Zoning Ordinance in accordance with the Rhode Island General Laws Section 45-24;
3. Will cause no significant negative environmental impacts;

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4. Will not create individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable; and
5. Has adequate and permanent physical access to a public street for the development.
6. Provides for safe circulation, adequate surface water runoff, suitable building sites, preservation of features that contribute to the attractiveness of the community, and allows for adequate delivery of municipal services.
7. Minimizes flooding and soil erosion.

Mr. Sparks moved, seconded by Mr. Cervasio, to amend Condition 13 to include \$5,000.00 for replacement of any dead trees.

Amendment passed 7 – 0.

Ms. Hardy polled the board: Anthony Renzi, yes; Helen Hardy, yes; Jeff Sheldon, yes; Mike Carpenter, yes; Ron Cervasio, yes; Richard Sparks, yes; Joe Carey, yes.

Motion passed 7 - 0

G. Comprehensive Plan Update

Ms. Siciliano asked if there were any comments regarding the section on Economic Development.

Discussion: Ms. Siciliano noted that she hadn't received any communications from the board. Mr. Sparks asked about Turnquist and Rt. 6 and Rt. 94 area locations. Ms. Siciliano asked if they had found any errors in the text. Mr. Cervasio stated he did not do anything with it because it won't have any real effect. Ms. Siciliano said she was in discussion with DPW and Land Trust. Mr. Carey mentioned Affordable Housing. Mr. Carey said that paragraph 4 on Rt. 101 should be removed as it is no longer in the works. Mr. Sheldon said he wanted to change zoning on the length of Rte. 6. Ms. Siciliano noted that if zoning is to change, it must be noted in the Comprehensive Plan first. Regarding Affordable Housing, Ms. Siciliano noted that we are not up to the required 10 percent but a lot of towns are not, it is not unusual. When it goes to the State, RI Housing will look at it, and if they say it's fine, then it's fine or they will let us know.

H. Blight Ordinance / Enforcement

Mr. Carey and Ms. Siciliano drafted a letter to the Town Council. Mr. Cervasio said that the board should also recommend to the Town Council that they have a full-time zoning official because of the need for enforcement.

Mr. Cervasio moved, Mr. Renzi seconded, to add recommendations to the letter to advise the Town Council to hire a full-time zoning official.

Discussion: Anthony Renzi, Ron Cervasio, Mike Dillon, Ms. Achille

Motion passed 7 – 0.

Further discussion: Anthony Renzi, Ron Cervasio, Joe Carey, Helen Hardy, Eric Devine, Gordon Rogers

Nicholas Guarino spoke about his business, Old Volks Haus, and why the people in Town Hall made him feel welcome. He explained the nature of his business and submitted a letter with that information. Mr. Cervasio went to his business and told him he would have to get a fence because there is a blight ordinance. Mr. Carey reminded the board that any board member had no authority to tell someone they have to put up a fence. Ms. Achille confirmed that a board member cannot act with any authority as an individual. Mr. Cervasio recommended tax breaks for business owners and asked the planner to find out what other towns do. Ms. Siciliano said that other towns did not give tax breaks but did make zero percent loans available to businesses to clean up their facades.

Mr. Sheldon moved, Mr. Cervasio seconded, to send the letter the as amended to the Town Council.

Motion passed 7 – 0.

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I. Planning Board Summer Schedule

Mr. Sparks moved, Mr. Cervasio seconded, to skip the August 15th meeting. Motion passed 5 – 2. Mr. Renzi and Mr. Sheldon voted no.

J. Future Agenda Items

- a. License Fees
- b. Full-time planner
- c. Rte. 6 Zoning – 2nd Sept. meeting

K. Adjournment

Mr. Cervasio moved to adjourn at 8:19 p.m. Motion carried 7 – 0.

Respectfully submitted,

Helen Hardy,
Secretary