

PLANNING BOARD MINUTES
Benjamin Eddy Building, 6 South Killingly Road
Wednesday: August 21, 2019

A. Call to Order

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

B. Roll Call

Planning Board Members: Joe Carey, Vice Chair, Mike Carpenter, Jeff Sheldon, Lisa Johnston, Anthony Renzi, and Helen Hardy

Staff: Jennifer Siciliano, Planner; Joanna Achille, Solicitor

Town Officials present: Denise L. DiFranco, Town Council President

Members of the public: Eric Colburn, Diana Cano, David Petrarca, Joe Casali, Sandy Sheldon, Gordon Rogers

C. Approval of Minutes

July 17, 2019

Joe Carey tabled the July 17, 2019 meeting minutes as they were not presented.

D. Correspondence

None

E. Comments from the Town Council President

Denise L. DiFranco noted that she cannot make comments at Planning Board meetings because it may come before the Town Council at a later time and to do so would be an ethics violation.

F. Preliminary and Final Plan Review 3-Lot Minor Subdivision

1. Applicant Diana Cano, and owner George and Mary Thoman Trusts, are proposing a 3-lot minor subdivision with wells, septic, and driveways; located on the corner of 111A Central Pike and Paris Olney Hopkins Road on 18.57 acres, in an Agricultural / Residential AR district.

Eric Colburn of Foster Survey presented the subdivision. He stated that nothing had changed from his previous appearance.

Jennifer Siciliano noted that one of the items concerns driveways on the main road. Mr. Colburn said he could accommodate any requests. Joe Carey marked the set of plans as Exhibit 1, and the staff report as Exhibit 2.

Mike Carpenter moved, Lisa Johnston seconded, to approve to grant combined Preliminary and Final Plan approval for the proposed 3-lot minor subdivision,

WHEREAS: The applicant, Diana Cano, and representatives of the applicant and owners, George and Mary Thoman Trusts, appeared before the Planning Board for property located on the corner of 111A Central Pike and Paris Olney Hopkins Road, being Plat 11 Lot 49 on 18.57 acres in an Agricultural/Residential AR zoning district, for a 3-lot minor subdivision, with a proposed wells, septic, driveways, and 3-bedroom dwelling units; and

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

WHEREAS: The Planning Board heard the subdivision proposal as a Pre-Application on 6/19/2019; and

WHEREAS: The development meets all zoning and setback requirements; 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:

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Condition 1. Combined Preliminary and Final Plan approval is based on plans entitled “Minor Subdivision Plan, Final Plan The Thoman Estate Plat” revised 8/14/19 and marked as Town Exhibit 1 at the August 21, 2019 Planning Board meeting, prepared by Foster Survey Company, stamped and signed by Eric Colburn, Registered Professional Land Surveyor.

Condition 2. Sheet 2 of 3 shall be recorded as the Final Plan.

Condition 3. Associated deeds shall be recorded with the Final Plan.

Condition 4. The proposed dwelling unit lots shall each require a driveway permit from the Foster Department of Public Works.

Condition 5. Payment-in-lieu of land dedication will be paid in full for two additional lots.

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;
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.

Mike Carpenter – aye

Lisa Johnston – aye

Helen Hardy – aye

Jeff Sheldon – aye

Anthony Renzi – aye

Joe Carey – aye

Motion passed 6 – 0.

G. Preliminary Plan Review 5-Lot Minor Subdivision

1. Applicants and owners Intrica Group, LLC c/o John Pagliaro and James Mancini for a proposed 5-lot minor subdivision with wells, septic, and driveways; located on 0 Harrington Road on the corner of Cucumber Hill Road on 26.35 acres, being Plat 4 Lot 87 in an Agricultural/Residential AR district.

David Petrarca, 1 Centerville Road, Warwick, RI, appeared on behalf of the Intrica Group. He turned the presentation over to Engineer Joe Casali, 300 Post Road in Warwick. He reminded the board of the pre-application meeting and site walk. He reviewed the characteristics of the site including an easement for dam access and wetlands areas. Mike Carpenter questioned the location of the septic systems in relation to the wells. Mr. Casali explained that the depth of the wells protected them from surface drainage. The permits from DEM granted approval. Helen Hardy asked about the previous application by Intrica that was denied by the Zoning Board of Review. Ms. Siciliano explained that it was a different plan at that time. Mr. Casali said the plan complied with Foster parameters of having the well 100 feet away from the septic system. Mike Carpenter asked that generators be required as a condition of the motion.

Joe Carey marked the applications and the attachments as Exhibit 1, and the staff report as Exhibit 2.

Anthony Renzi moved, Mike Carpenter seconded, to grant combined Preliminary approval for the proposed 5-lot minor subdivision,

WHEREAS: Representatives of applicant and owners, Intrica Group, LLC c/o John Pagliaro and James Mancini, appeared before the Planning Board for property located on the corner of Harrington Road on the corner of

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Cucumber Hill Road, being Plat 4 Lot 87 on 26.35 acres in an Agricultural/Residential AR zoning district, for a 5-lot minor subdivision, with a proposed wells, septic, driveways, and 3-bedroom dwelling units; and

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

WHEREAS: The Planning Board heard the subdivision proposal as a Pre-Application on 6/20/2018; and

WHEREAS: The development meets all zoning, frontage, and setback requirements; 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. Preliminary Plan approval is based on plans entitled “Cucumber Hill Estates Proposed Subdivision” dates April 2019 and marked as Town Exhibit 1 at the August 21, 2019 Planning Board meeting, prepared by Joe Casali Engineering, Inc, stamped and signed by Joseph A. Casali, Registered Professional Civil Engineer.

Condition 2. Sheet 2 of 3 shall be approved Preliminary Plan.

Condition 3. All Final plan checklist requirements shall be fulfilled.

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;
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.

Mike Carpenter moved, Helen Hardy, to amend the motion to add condition 4 that each well head shall be elevated for a reasonable elevation based upon the water table for wellhead protection.

Amendment carried 5 – 0 – 1. Joe Carey abstained.

Mike Carpenter moved, Helen Hardy seconded, to amend the motion to add the condition 5 for reasonable back-up power for the well and septic system security.

Helen Hardy – aye
Mike Carpenter – aye
Jeff Sheldon – aye
Lisa Johnston – no
Joe Carey – abstained
Anthony Renzi – abstained

Amendment failed 3 – 1 – 2.

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Anthony Renzi moved, Lisa Johnston seconded, to amend the motion to have the final plan approved administratively.

Mike Carpenter – no
Lisa Johnston – aye
Anthony Renzi – aye
Jeff Sheldon – aye
Helen Hardy – no
Joe Carey – abstained
Motion failed 3 – 2 – 1

The Planning Board voted on the original motion to approve the Preliminary Plan Review of the 5-Lot Subdivision on Plat 4 Lot 87.

Mike Carpenter – aye
Lisa Johnston – aye
Anthony Renzi – aye
Jeff Sheldon – aye
Helen Hardy – no
Joe Carey – aye

Motion passed 5 – 1.

H. Proposed Draft Solar Ordinance – Review and Recommendation

Discussion of various conditions to consider regarding a solar ordinance.

Anthony Renzi moved, Lisa Johnston seconded, to recommend to the Town Council that they extend the moratorium on Solar Installations.

Motion carried 6 – 0.

Future Agenda Items

Mike Carpenter is writing letters to the Town Council regarding the truck ordinance and also the blight ordinance with a health and safety letter.

I. Adjournment

Anthony Renzi moved to adjourn at 8:48 p.m.

Respectfully submitted,

Helen Hardy,
Secretary