

**TOWN OF FOSTER  
PLANNING BOARD MEETING MINUTES  
Via Zoom  
Wednesday: October 21, 2020**

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**A. Call to Order**

Chair Anthony Renzi called the Planning Board to order at 7:01 p.m.

**B. Roll Call**

Planning Board Members: Anthony Renzi, Chair; Mike Carpenter, Hillary Downes Fortune, David Paolissi, George Sackal, and Helen Hardy, Secretary.

Excused: Warren Ducharme, Vice Chair;

Staff: Michael Antonellis, Planner; Joanna Achille, Solicitor; Cindy Tangney, Court Recorder

Town Officials: Denise DiFranco, Bob Moreau, Town Council

Members of the public: Angela Cambio, Joe Carey, Paul Heyhurst, Mary Jo Hurley, David Mihalides, Gil Mowry, Christine Nickell, Mark Oceau, Kristen Sackal  
Partners Auto Auction: William Wynne, attorney;  
Mark David, owner's representative; Tim Behan, Civil Engineer;  
Stephen Andrus, Civil Engineer

**C. Approval of Minutes**

Mike moved and David seconded the motion to approve the minutes of October 7, 2020. Motion carried, 6-0. (aye: Mike, Hillary, David, George, Anthony, Helen).

**D. Correspondence**

None

**E. Public Hearing continued, Partners Auto Auction, AP 13, Lot 25, Danielson Pike**

[George Sackal, abutter, recused himself in the beginning of the Public Hearing]

William Wynne, attorney, said that they were addressing the Planning Board's concerns regarding front and side lot screening, lighting, and the proximity of parking from Rt. 6. He introduced Tim Behan, Civil Engineer [sworn in and certified previously]. Mr. Behan showed photographs of the property taken in many previous years, as far back as 1997, showing that the business on the property and that the property outline had not changed.

Regarding the rear lot setback, Mr. Behan said that DEM had been contacted, after the fact, concerning the placing of asphalt across the property, including within the riverbed setback from Paine Brook, and received the finding that no permit or setback was necessary as the wetlands had not been defined by DEM.

Regarding lighting, he demonstrated the location of the lights, which he said were on a timer, however because they detected motion they could be activated if something was moving in the area.

Screening of the lot was to be green 'scrim' fabric, which was to be attached to the fences, and which has a four-year warranty.

Regarding set-backs for the cars, Mr. Behan said that they did not find setbacks for the side and back lot lines, but that they would not park the cars in the 35 foot front setback.

The Chair re-opened the Hearing for Public Comments.

Abutters in favor of the development:

Christine Nickell, an abutter, said that she was in favor of the project because the current owners have cleaned up the site and that it looked better than it did before.

Abutters opposed:

George Sackal, the abutter to the rear of the property. [Mr. Sackal had contacted the Ethics Commission who advised him that while he had to recuse himself from voting on decisions of the Planning Board as they pertained to his property, he did retain the right to speak as a citizen of the Town and an abutter].

- Mr. Sackal said that the current owners had cut down trees on his property and had removed the property bound. The owners agreed at the time that they would stop cutting and would clean up what they had done, however the pictures taken yesterday showed that had not happened. He also said that the owner told him that he had removed the topsoil from the property. Mr. Sackal demonstrated that this was within the 200' riverbank setback for Paine Brook, and also in proximity to Public Wellheads, which he demonstrated on a map. He showed aerial pictures of the property from 2018, when it was not paved, and from spring 2020, showing the paving and the proximity to Paine Brook.
- Mr. Sackal also referenced the Town's Zoning Ordinance, which gives a maximum impervious coverage of 60% of the net buildable area of a lot. He calculated that the lot was now at 97% impervious coverage.
- Mr. Sackal also stated that reprocessed gravel is a pollutant.
- Mr. Sackal made it clear that he supports businesses and bringing business to the Town, but that he is concerned for the water supply
- Mr. Sackal provided written documentation of his comments to the board.

Mark Oceau, abutter. Mr. Oceau had expressed his concerns in the first segment of the Public Hearing, but he referred to those concerns and said that he shares Mr. Sackal's concerns.

The Public Hearing was opened to non-abutters.

Paul Heyhurst, owner of Wilson Auto, expressed support for the project. He said that he has done business with Partners Auto, and that it provides jobs and business and contributes tax income for the Town.

David Mihalides, property owner of the lot. Mr. Mihalides said that the property has been in his family for 35 years; he said the parking lot has been paved at least three times. He noted that there previously were more restaurants and businesses in the area than there are now.

There were no other parties to be heard.

Attorney Wynne stated that they had provided the Board with the DEM finding. He said that DEM had been provided accurate information.

Mr. Sackal asked if DEM knew that the topsoil had been removed.

Mr. Wynne said that that was not an accurate account of what occurred. He objected to the independent questioning of the DEM decision.

Mr. Heyhurst and Mr. Renzi both said that they had had problems with abutters being unaware of their property lines.

Ms. Fortune said that Paine Brook is an important tributary of the Providence Water Supply and was surprised that DEM seemed unconcerned about the effect of the project on the Brook.

Mr. Behan said that Paine Brook was clearly documented with DEM.

Solicitor Joanna Achille said that as DEM has accepted the project, that the Board must proceed accordingly. She said that the project could be approved with conditions.

Mr. Renzi reviewed the findings of the previous section of the hearing, noting that the Board had asked the applicants to come back with clear plans for landscaping, lighting, and setbacks. The motion that ended the previous section of the hearing read: "the requirement that the plan include verification of setbacks from the property line, a landscaping plan for the Rt. 6 and Snagwood Road sides, and setbacks for automobile storage."

There was discussion on whether the current plan had addressed these issues.

Stephen Andrus was introduced. Mr. Andrus works with Mr. Behan at Commonwealth Engineers in Providence. He cited his qualifications. The Board voted 5-0-1 (aye: Mike, Hillary, David, Anthony, Helen; George recused) to accept his qualifications and he was sworn in as an expert. He stated that DEM had deemed that area as “historically disturbed”. He also stated that DEM would only allow certain trees to be planted in the area of the brook.

Further discussion ensued on the type of landscaping / screening that was acceptable, and how to address the infringement on Mr. Sackal’s property.

Mr. Behan and Mr. Andrus said that there was a landscape architect on their staff, and that they could work with her to create a plan to address Mr. Sackal’s property.

It was agreed that lighting, landscaping, and setbacks needed to be addressed before this application could be approved. The application could be approved conditionally.

Michael Carpenter moved and Hillary Fortune seconded the motion that the applicants will install lighting that is down-facing and that does not intrude on to neighbors’ property. Motion carried (aye: Mike, Hillary, David, Anthony, Helen; George recused).

Michael Carpenter moved and David Paolissi seconded the motion that the applicants will maintain a 35 foot setback from the Route 6 property line and will install a fence and gate in the front. The property owner will observe the setback from Paine Brook and remove the asphalt on the back lotline. [Mr. Wynne objected, saying that DEM had approved this and it added financial burden to the applicant.]

Michael Carpenter moved to amend the motion and David Paolissi seconded the amendment to remove the removal of asphalt from the motion. Motion carried 5-0-1 (aye: Mike, Hillary, David, Anthony, Helen; George recused).

After further discussion Solicitor Joanna Achille suggested that the applicants could develop a plan that included the 35 foot setback in the front, downward facing lighting, screening on the Snagwood Road side of the property, and a vegetated buffer for the Sackal property, and could bring this to Planner Michael Antonellis and then come before the Planning Board’s next meeting.

Michael Carpenter moved and David Paolissi seconded the motion to have the applicants deliver their proposal to Planner Michael Antonellis for Planning Board approval. The proposal should include a 35 foot setback in the front, downward facing lighting, a vegetative buffer along the rear property line (Sackal border) which shall include DEM approval if necessary with trees which are 6 ft. in height and appropriate for planting in wetland areas; non-vegetative screening along the fencing on Snagwood Road; and fencing or other screening option for the front of the business use of the property. Motion carried 5-0-1 (aye: Mike, Hillary, David, Anthony, and Helen) (George recused).

**F.** Hillary moved and David seconded the motion to continue Agenda items F and G to a future meeting. Motion carried 6-0 (aye: Mike, Hillary, David, Anthony, George and Helen).

George asked to add the development of a Planning Board webpage that could promote business in Town to the Future Agenda Items.

#### **Future Agenda Items**

- Farm, Forest, Business Accessory Uses
- 2020 Road and Bridge Plan, review and update
- Finalize Comprehensive Plan Update
- Zone Changes on Rt. 6

#### **I. Adjournment**

Hillary moved to adjourn the meeting at 9:16. Motion carried, 6-0. (aye: Mike, Hillary, David, George, Anthony, Helen).

Respectfully submitted,

Helen Hardy, Secretary