

PLANNING BOARD MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road
Wednesday: June 20, 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; Carol Malaga, Stenographer

Town Officials and Public Present:

Town Council Members: Chris Stone. Michael and Susan Dillon, applicants and John Mensinger, attorney for the applicants. John Champ, Kevin Delaney, Engineer, for ITW. James Mancini and John Pagliaro, applicants. Joe Casali, Intrica Group.

C. Approval of Minutes

1) June 6, 2018

Mr. Cervasio moved, Mr. Sparks seconded, to approve the minutes of June 6, 2018, Mr. Carey abstained for partial absence at that meeting.
Motion passed 6 – 0 – 1 abstention.

D. Correspondence

Ms. Siciliano stated there was a letter from Joe Casali withdrawing the Briggs Road Solar Application. There was also an email from the DPW director regarding his review of the shared driveway on Maple Rock Road stating that he had no issues with multiple driveways there. Ron submitted information regarding a blight ordinance.

E. Board Members Reports

1) Land Trust

Mr. Carpenter stated he would postpone his report.

2. Conservation Commission

Mr. Sparks stated that they could use volunteers for Old Home Days.

F. Modification – Minor Subdivision Final Plan Conditions of Approval

(Tabled from June 6, 2018 Planning Board Meeting)

- a. Modification to ‘Conditions for Approval’ of Final Plan of Subdivision: Batty – Minor Subdivision Maple Rock Road. The Final Plan was approved on November 16, 2007 and recorded on April 29, 2009, a single 17.16 acre parcel, being Plat 18 Lot 43, divided into three lots in an Agricultural/Residential AR district. Required shared driveway, and appropriate driveway easement are requested to be removed from Final Plan approval.

Mr. Cervasio moved, Mr. Sparks seconded to approve the removal of the requirement for a shared driveway.

Discussion: Helen Hardy

Motion passed: 7 – 0.

G. Pre-application – Residential Compound

- a. Pre-Application of applicant and owners Susan and Michael Dillon for a 3-lot residential compound including one existing 4-bedroom dwelling unit, and two additional proposed 3-bedroom dwelling units with wells, septic, and shared driveway; located on 95 Mount Hygeia Road on 31.96 acres, being Plat 16 Lot 25K in an Agricultural/Residential AR district.

Discussion: Ron Cervasio, Joanna Achille, Joe Carey, Jennifer Siciliano, Richard Sparks, John Mensinger, attorney for the applicant.

Board had no objections to the application.

H. Pre-application – Major Land Development

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- a. Pre-Application of applicant Next Path Finance, LLC, and owner Blanche Montigny to construct a 600 kW DC (500 kW AC) ground-mounted solar installation encompassing approximately 6.29 acres, with associated electrical improvements, a gravel access road, a 9-foot security fence and gate, and stormwater/drainage best management practices; located on Briggs Road (between 23 and 25 Briggs Road), being Plat 5 Lot 63B in an Agricultural/Residential AR district.
Withdrawn.

I. Pre-application – Minor Subdivision

- a. Pre-Application of applicant 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. Discussion: Peter Ruggiero, attorney, introduced Engineer Joe Casali who presented the project. Mike Carpenter, Ron Cervasio, Anthony Renzi, and Joe Carey. Issues included existing barn, wetlands, dam and electric power outage prevention for septic systems. Mr. Carey instructed the board to contact Ms. Siciliano if they want to do a site walk.

J. Preliminary Plan – Major Land Development

- a. Preliminary Plan review and public hearing 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 Preliminary Plan is sought from the Town of Foster Planning Board.

Mr. Carey read the procedure for the public hearing.

Sarah Malley, attorney for the applicant, introduced Kevin Delaney, engineering and regulatory compliance manager for Industrial Tower and Wireless, who was sworn in. Mr. Delaney presented the details of the project. Also John Champ, site acquisition specialist. A Master Plan and Commercial Site Plan approval was received in 2016. Mr. Delaney explained the items listed above.

Mr. Carey asked if anyone wished to speak in favor. There were none.

Mr. Carey asked if anyone wished to speak against.

Robert DeLuca, abutter, asked to have the tower moved further from his property.

Mary Eleanor DeLuca asked to have the fence screened with pines and a performance bond posted to be sure it is done.

Mr. Sparks moved, Mr. Cervasio seconded, to grant preliminary plan approval

I move to grant Preliminary 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

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WHEREAS: The Planning Board heard the land development proposal as a Pre-Application on 2/17/2016 and conducted a site walk on 4/15/2016 and approved a Master Plan on May 18, 2016; 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

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. Preliminary Plan approval is based on the project title “Proposed Communications Facility, Cucumber Hill Road, Foster RI Plat 4 – Lot 36” on the plans entitled “Industrial Communications, Foster RI”, as last updated 5/10/2016 and marked as Town Exhibit 1 at the June 20, 2018 Hearing, prepared by Commonwealth Land Surveyors, Inc., stamped and signed by Curt A. Nunes, Registered Professional Land Surveyor.

Condition 2. A RIDOT PAP shall be provided as part of the next land development review submission.

Condition 3. 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 4. The communication facility shall be in compliance with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation.

Condition 5. 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 6. Design shall accommodate the co-location of at least five (5) wireless communication providers.

Condition 7. 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 or upon abandonment.

Condition 8. 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 9. 6’x6’ antenna space shall be provided to Foster Emergency Services (FES) for Town equipment.

Condition 10. 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 11. All Final plan checklist requirements shall be fulfilled.

Condition 12. The fence surrounding the tower shall be green or black chain-

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linked.

Condition 13. there shall be two rows of staggered 6' to 8' white pine trees planted on the north side of the tower site.

Condition 14. the applicant shall provide an estimate for a landscape architect for the cost for this planting which shall be approved by the Board and shall post a performance bond in that amount to ensure the planting of the same.

Condition 15. 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;
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. Carey marked the Full Plan set with attachments as Exhibit 1, and marked The Staff Report as Exhibit 2.

Anthony Renzi, yes; Jeff Sheldon, yes; Ron Cervasio, yes; Rick Sparks, yes; Mike Carpenter, yes; Helen Hardy, yes; and Joe Carey, yes.
Motion passed 7 – 0.

Ms. Malley asked if the final plan could be done administratively. She was told it could not because there were too many changes.

K. Comprehensive Plan Update

Mr. Carey informed the board that the planner would be submitting the plan to the state for comment. The board should review the plan before submission. Mr. Cervasio stated that he wanted to work on a blight ordinance first. Ms. Siciliano said that could be addressed in the Comprehensive Plan.

Summer schedule, July 4th – no meeting

L. Future Agenda Items

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- a. Blight Ordinance
- b. Rt. 6 Zoning in conjunction with Comprehensive Plan discussion

M. Adjournment

Mr. Cervasio moved to adjourn at 9:15 p.m.
Motion passed unanimously.

Respectfully submitted by,

Helen Hardy,
Secretary