



**PLANNING BOARD MINUTES  
TOWN OF FOSTER  
Benjamin Eddy Building  
6 South Killingly Road, Foster, RI  
Wednesday: January 20, 2016  
7:00 p.m.**

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**A. Call to Order**

Mr. Carey called the meeting to order at 7:07 p.m.

**B. Roll Call**

Board Members Present: Joseph Carey (Chair); Julia Parmentier (Vice-Chair); Helen Hardy (Secretary); Thomas Mercier; Sergio Spaziano; and Richard Sparks.

Board Members Excused: Michael Carpenter.

Staff Present: Juliana King (Planner), Kelli Russ (Treasurer), and Joe Cardillo (DPW Director).

Public and Applicants Present: Chief William Ziehl (Police); Dr. Michael Barnes, Mike Petrarca, & John Obiurka (Paine Elementary); Tom Walden (Engineering Board); Guenter Bay (EMA); Aaron Marsland (Foster Center Fire); Aileen Kenney & Irina Gumennik (DWW); Sue Moberg & Jon Stabach (VHB); and Carole Malaga (Stenographer).

**M. New Business**

***Discussion/Action***

2016/2017 Capital Improvements Program (CIP)  
Department Presentations

- 7 p.m. – Captain Isaac Paine Elementary

Dr. Michael Barnes, Superintendent of Schools, outlined a brief history of state Housing Aid and a construction moratorium, and that certain projects were recently approved by RIDE; reimbursement requirements included an architect's review of the facility. Some approved projects are classified as emergency repairs while there is a governor's fund for other projects. Work being done this year is utilizing the existing fund balance. The current CIP request is for HVAC and associated replacement of bookshelves/counters with testing of insulation, as well as work associated with ADA compliance and the outdoor playing field.

Mr. Mercier inquired about the number of estimates, and Dr. Barnes explained that the architect and engineer solicited several sub-component estimates within the overall project scope; 10% contingency is part of the requested figure too. Ms. Parmentier wondered about cost of asbestos removal, and Dr. Barnes indicated that the amount budgeted should cover it.

- 7:20 p.m. – Department of Public Works

Joe Cardillo, Director of DPW, presented the Johnson Road bridge culvert headwall work request as what is left in the overall project to complete (it is 50% done now). The paving request is due to a needed 2 miles/year to stay current on maintenance; twice as much was used in coal patches this year and road upkeep can't continue that way. Plainwoods and Boswell need to be finished but most of the roads require just sections re-paved. The work is currently contracted out but the box paver acquisition request will allow for smaller jobs in-house. The T-18 plow/dump truck replacement request is because it is older (2008) with 42,000 miles on the diesel motor, and since 2013 \$6,700 has been put into it- Ford estimated its existing necessary repairs to start at \$6,000 with no guarantee as to how expensive it could get. Reconditioning of the 3 Peterbuilt trucks is requested to extend their life and deal with rust.

Mr. Mercier asked about the status of the wash bay, and Mr. Cardillo stated that with salt being the biggest problem here and with the land ready for construction, completion of the bay should occur this year and will help with constant rust issues. Mr. Carey was curious as to the age of the Peterbuilts, and Mr. Cardillo answered that the newest is from 2008. Vehicles obtained through the LESO program will help plug in when the trucks go down but replacements will be needed down the line. Mr. Cardillo added that the department could make do with \$180,000 for paving if the box paver is approved.

- 7:40 p.m. – Engineering Board

Tom Walden, from the Engineering Board, presented the fire truck request- the truck slated to be replaced is 25 years old. The ambulance corps purchased a rescue in the last year on their own, so the fire engine was the next vehicle on the list and so was moved up by a year. The rescues need to remain on a 4-year schedule, however.

- 8:00 p.m. – Finance / Town-wide (including Police)

Chief William Ziehl presented the Police request as the 3<sup>rd</sup> and final lease payment on four vehicles. Those vehicles will then be purchased for a dollar, and next year the request cycle will start over with a new 3-year lease to replace patrol cars.

Mr. Mercier commented that it will be better to have all-wheel-drive off-road vehicles to counter Foster's driving conditions.

Kelli Russ, Treasurer, presented the Town-wide request to replace the server by setting aside funds, earmarked within capital, over 5 years. The server is utilized by the police and Town Hall, and is used for every program. It is virtual and thus saves on hardware and cloud storage costs.

Ms. Russ emphasized the effort to change the Charter to increase the automatic transfer to capital during the budget process from 2% to 4%. An additional ~\$173,000 was transferred in during last year's budget process which brought the overall budget to the 4% cap but there is no mechanism in place to guarantee the continuation of that trend. A policy change is needed to set up such a mechanism.

Mr. Mercier, for purpose of discussion, recommended most of the top priority projects: paving at \$180,000; \$12,200 for the box paver; \$32,178 for the Johnson Road headwall; \$12,000 for refinishing of the trucks; \$43,865 for the police lease; \$6,000 to start setting aside funds for a new server; and \$137,000 for the HVAC work at Paine.

Guenter Bay, assistant EMA director, pointed out that it is hard to obtain grants because the local Natural Hazard Mitigation Plan has expired. Dr. Barnes clarified that the 40% reimbursement from the state for approved school projects won't be seen until 2018 or 2019 after substantial completion of said projects. Ms. Russ added that the reimbursement would go back into capital as reserved for the school.

Mr. Mercier continued by recommending \$27,500 for the shelves and \$11,000 for ADA work at Paine. Dr. Barnes noted that the projects are pre-approved so reimbursement is definite as long as the application details are followed, and confirmed that the fields at Paine are the kids' one play area. Ms. Parmentier remarked that the fields aren't really a capital expenditure and a landscaper could be prevailed upon to donate services or it could be funded out of the school's operating budget.

With the running tally of recommended projects at \$461,743, discussion on the fire truck ensued; it was mentioned that a new engine is actually being built for the Town right now as approved in last year's budget.

Ms. Russ explained that if the capital is only funded at the mandated 2% then the balance after these proposed recommendations would be \$47,000; if an additional amount were transferred in then the balance would be \$220,000. The overall budget will be prepared with that additional transfer.

Mr. Bay reiterated that the Board should consider the fact that another ambulance will need replacement soon, and Aaron Marsland (Chief of the Foster Center Fire Dept) spoke up that if the engine replacement is pushed back another year then the current engine will be 30 years old by the time a replacement is built- another consideration is how price increases each year.

Ms. Russ stressed that yearly predictable costs to maintain paving and EMS equipment is a financial issue, and even at 4% in to the capital there would only be \$150,000 left in fund balance to meet the lower priority department needs. Mr. Carey stated that the more is put in capital the less can be spent on the rest of the Town budget, but if it is level funded from last year then not only is it consistent but it also won't be a burden on the overall tax.

Motion by Mr. Mercier to recommend the following high-priority department projects to the Council for inclusion in the budget: \$236,378 to DPW, \$175,500 to Paine, \$43,865 to Police, and \$6,000 for Town-wide, for a total of \$461,743. Second by Mr. Spaziano. Approved 6 – 0.

Mr. Carey called the meeting into recess at 8:29 p.m., and back into session at 8:36 p.m..

**J. Major Land Development**

***Discussion / Action***

- 1) Preliminary Plan Public Hearing of applicant DWW Solar LLC owner Cedar Swamp Realty, Inc. to construct a 2.6 MW ground-mounted solar installation encompassing approximately 8.7 acres, with 13.2 acres to be disturbed, and related vegetative establishment of disturbed areas, grading, soil erosion and sedimentation control measures, stormwater/drainage best management practices, access drives, parking spaces, and electric service extension and structures; located on Danielson Pike by Poles 188½ -190 on 30.97 acres, being Plat 10 Lot 87 in a General Business Mixed Use GBM district.

Aileen Kenney, from DWW, had no comments on the conditions in the Staff Report and found them acceptable. Ms. Kenney proceeded to give a quick refresher on the project as a ground-mounted solar facility off of Route 6. A special use permit has been granted, the DEM permit that covers stormwater has been received, and DOT sent a PAP approval letter. There will now be a culvert on the western entrance as a result of PAP comments. As a result of the Zoning Board hearing, a landscape plan has been added to provide a screen especially along Route 6 and at the rear property line and signage detail has been added (particularly, appropriate danger/warning signs on the fence).

Jon Stabach, from VHB, offered planting detail as a mix of cedar, spruce, arborvitae, and shrubs. Mr. Sparks inquired if the plan takes deer grazing into account, and Mr. Stabach replied that the species mix was chosen with that in mind. Mr. Spaziano clarified that there are concerns around deer and arborvitae, and Sue Moberg from VHB specified that newer strains of arborvitae are deer-resistant. Ms. King updated the Board and applicant that the rear abutter knew of the landscape plan and confirmed notification receipt of tonight's hearing. Discussion commenced on the proposed chain-link fence versus a "green fence" versus slats. Ms. Parmentier voiced her appreciation for the tree species chosen and how the planting plan is laid out.

Mr. Stabach elaborated that the culvert shown on sheets C-2 and C-3 are a result of DOT concern over how to prevent water from running on to the highway. Ms. Parmentier wondered if DEM Forestry would allow limited cutting of trees in the wetland buffer to reduce shade on the outer edges of the solar array, but Ms. Kenney responded that DEM was firm that any impacts to the buffer would trigger an alteration permit.

Mr. Mercier sought confirmation that the Police will be provided with emergency contact information, and Ms. Kenney answered in the affirmative- the O&M Plan will be updated to address EMS training and the decommissioning plan and removal bond calculation will be fleshed out for the next review stage.

Ms. Parmentier was curious if the project had a name yet, and Ms. Kenney was in favor of a competition or similar at the school to name it along with a renewable energy lesson for students; Ms. Hardy suggested 4<sup>th</sup> graders. Mr. Carey would like a tour of the facility upon completion.

Mr. Carey opened the Public Hearing, and asked if anyone was present who wished to speak on the project. Hearing none, Mr. Carey closed the Public Hearing.

Mr. Carey marked the full plan set and attachments as Town Exhibit #1 and the accepted Staff Report as Town Exhibit #2.

Motion by Mr. Mercier to grant Preliminary Plan approval for the proposed solar installation,

WHEREAS: Representatives of the applicant DWW Solar LLC and owner Cedar Swamp Realty, Inc. appeared before the Planning Board for property located on Danielson Pike by Poles 188½-190, being Plat 10 Lot 87 on 30.97 acres in a General Business Mixed Use GBM zoning district, to construct a 2.6MW ground-mounted solar installation encompassing approximately 8.7 acres, with 13.2 acres to be disturbed, and related vegetative establishment of disturbed areas, grading, soil erosion and sedimentation control measures, stormwater/drainage best management practices, access drives, parking spaces, and electric service extension and structures; 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 9/16/2015, conducted a site walk on 9/26/2015, and granted Master Plan approval on 10/7/2015; and

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

WHEREAS: The solar installation was granted a special use permit from the Zoning Board of Review on December 9, 2015; 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 “Foster Solar Project Proposed 2.6 MW” revised 1/6/2016 and marked as Town Exhibit 1 at the January 20, 2016 Hearing, prepared by VHB, stamped and signed by Jonathan B. Stabach, Registered Professional Engineer.
- Condition 2. The National Grid award contract shall be provided as part of the next land development review submission.
- Condition 3. Final details of fencing, signage, lighting, emergency access, grading (including a plan-profile sheet), drainage, and installation component details, and UL listing or equivalent of all relevant installation components, shall be provided as part of the next land development review submission.
- Condition 4. The installation shall be in compliance with the RI State Building Code and the RI State Electrical Code, and shall be subject to periodic inspections by the Foster Building Official.
- Condition 5. The RIDEM wetland permit and associated RIPDES approval shall be provided as part of the next land development review submission.
- Condition 6. A copy of the completed Notice of Termination sent to the RIPDES Program upon site stabilization and finalization of the work shall be sent to the Town.
- Condition 7. The RIDOT PAP shall be provided as part of the next land development review submission.
- Condition 8. Final details of the operation and maintenance plan (including monitoring details, annual EMS training, and notification of arrival and departure of inspection and maintenance personnel to EMS personnel), a decommission plan and removal bond calculation, and proof of liability insurance shall be provided as part of the next land development review submission.
- Condition 9. A surety bond to cover the removal cost shall be posted, as well as discharge of the existing zoning violation on the property through payment of the negotiated fine, prior to issuance of any building permits.
- Condition 10. 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;
1. Is in compliance with the standards and provisions of the Foster Zoning Ordinance in accordance with the Rhode Island General Laws Section 45-24;
2. Will cause no significant negative environmental impacts;
3. 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
4. Has adequate and permanent physical access to a public street for the development.
5. 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.

6. Minimizes flooding and soil erosion.

Second by Mr. Spaziano. Ms. Hardy polled the Board:

Mr. Mercier aye, Mr. Spaziano aye, Mr. Sparks aye, Ms. Parmentier aye, Ms. Hardy aye, Mr. Carey aye.

Approved 6 – 0.

**C. Approval of Minutes**

***Discussion/Action***

- 1) September 16, 2015

Motion by Mr. Mercier to approve the minutes of September 16, 2015. Second by Mr. Spaziano. Ms. Hardy had a minor suggestion to page 4. Approved 6 – 0 as amended.

- 2) October 7, 2015

Motion by Mr. Mercier to approve the minutes of October 7, 2015. Second by Mr. Spaziano. Ms. Hardy pointed out a minor typo on page 2. Approved 6 – 0 as amended.

- 3) October 21, 2015

Motion by Mr. Mercier to approve the minutes of October 21, 2015. Second by Mr. Spaziano. Approved 6 – 0.

- 4) November 4, 2015

Motion by Mr. Mercier to approve the minutes of November 4, 2015. Second by Mr. Spaziano. Approved 6 – 0.

- 5) December 2, 2015

Motion by Mr. Mercier to approve the minutes of December 2, 2015. Second by Mr. Spaziano. Approved 6 – 0.

**P. Adjournment**

Motion to adjourn at 9:24 p.m. was approved unanimously.

Respectfully submitted,

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Helen Hardy, Secretary