



**PLANNING BOARD MINUTES
TOWN OF FOSTER
Benjamin Eddy Building
6 South Killingly Road, Foster, RI
Wednesday: October 19, 2016
7:00 p.m.**

A. Call to Order

Mr. Carey called the meeting to order at 7:08 p.m.

B. Roll Call

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

Staff Present: Juliana King (Planner) and Joseph Cardillo (DPW Director).

Public and Applicants Present: Denise DiFranco (Town Council).

**C. Approval of Minutes
October 5, 2016**

Discussion/Action

Motion by Mr. Mercier to approve the minutes of October 5, 2016. Second by Ms. Parmentier.
Approved 6 – 0 as written.

D. Correspondence

Discussion/Action

Mr. Carey noted that the Planner was appointed to a legislative committee to study Low-Moderate Income housing, and updated the Board that the ZBR denied the special use permit for the cell tower on Cucumber Hill Road last week; the Zoning Board's discussion seemed to center on Comp Plan consistency.

**E. Board Members' Reports
1) Land Trust**

Discussion/Action

No report was available at this time.

2) Conservation Commission

No report was available at this time.

**M. New Business
1) Road/Bridge Plan update**

Discussion / Action

Mr. Cardillo explained that he started with the inventory of existing roads, and pointed out that all highlighted in gold have bridges that are out.

Mr. Carpenter suggested a column for whether the road is state or local. In response to a few questions, Mr. Cardillo said that the roads are in miles, there are columns for # of houses and # of houses/mile, and the "OL" stands for overlay. Ms. Parmentier thought that Biscuit Hill should be added to the Non-Through Roads, and Mr. Carpenter added Old Danielson Pike to that list.

Mr. Cardillo stated that the priorities are set by the weather and how much work each road needs during storms, and that it is hard to prioritize dirt roads because it's completely contingent on weather. There is a plan in place to pave the portion of Gene Allen where buses have difficulty getting up the hill. Mr. Cardillo also remarked that there is nowhere to put drainage on Isthmus so maintenance has been an issue.

Ms. Hardy recalled that the Town owns a certain distance from the road centerline to the edge, and Mr. Cardillo commented that how much the Town owns is actually the subject of a challenge in court right now. Mr. Mercier mentioned that roads were historically laid out at two rods, with pasture and stone walls immediately adjacent- this makes determining a standard ROW even more cumbersome. Mr. Cardillo added that many are old logging roads, and emergency vehicles find them problematic to traverse.

Mr. Carpenter wondered whether there is an effort by the Town to identify abandoned roads, and highlighted the difference between officially abandoned and no longer used as well as their liability to abutters. Mr. Cardillo answered that DPW is actively compiling a list per Council request. Ms. Hardy further distinguished between unimproved roads which are still the Town's responsibility versus abandoned roads. Mr. Cardillo gave background that the issue was recently brought to DPW's attention because new houses are being built with a need for driveways on a maintained road. Ms. Parmentier noted another problem when improving unimproved roads is either going to be astronomically expensive and/or environmentally unfeasible; Mr. Cardillo detailed that part of abandoning those roads means paying abutters for the loss of frontage and value of their land.

Mr. Mercier cautioned that road ownership must first be ascertained through title search during the abandonment process, and often even then it is not clear. Discussion ensued on public versus private roads and whether they are accepted.

Mr. Cardillo said that DPW is also in possession of a list of roads to be plowed by the Town (though often they're just basically driveways) established by ordinance a long time ago. Mr. Mercier mentioned that cities often end up with paper streets because platted areas with those streets shown are accepted.

Mr. Carpenter sought to determine the Board's feeling on adding an unimproved category in the Plan with the number of miles, and there was general agreement.

Mr. Spaziano provided his informal opinion that allowing anyone other than the Town or approved contractor to alter or make improvements to Town roads is a huge liability because they are still the Town's responsibility, and that abandoning a road or portion of road that only accesses one parcel means that landowner can now do whatever they want with it. Ms. King pointed out the details in the 2005 ordinance for improving unimproved roads, and Mr. Carpenter stressed that the Town must be careful in defining unimproved roads otherwise it is vague on how that law applies. This also brings up the standard for providing frontage in the Land Development/Subdivision decisions, and Mr. Spaziano was guarded about the idea of allowing frontage on just a portion of improved road if the rest is on an improved road as the property owner can still require Town maintenance. Mr. Cardillo queried whether there is liability to the Town if people still access these unimproved roads, and Mr. Spaziano indicated in the affirmative. Ms. King remarked that the state law is clear on the road abandonment process but not so for accepting Town roads.

Discussion ensued on whether the Plan is a binding document and whether it will be approved officially by the Council.

Ms. Parmentier brought up that though the point system is based on residences/mile, many roads are less than a mile long and perhaps in those cases the number of houses should be used instead. Mr. Cardillo was open to reworking the point system. Further discussion ensued on how often the Plan should be reviewed and the Council's role.

Mr. Cardillo explained that DPW is mostly spot paving now, and working on finishing Plainwoods; paving is in the Capital budget and gravel maintenance is in Operations. Crack sealing and chip sealing costs are taken from Capital. Mr. Carpenter was of the strong opinion that maintenance shouldn't be the Capital budget, whereas bridges and full new paving projects are appropriate there. Being more clear about the distinction during the overall budget process would only benefit the process. Mr. Carpenter was also in emphatic favor of loans for their return-on-investment. Ms. Parmentier suggested defining capital versus maintenance in the Plan. Ms. Hardy recalled that traditionally road prioritization has been at the discretion of the different DPW directors and their varying philosophies. Mr. Carpenter thought that road reclaiming equipment and material, and federal funding like the Work America program, with matching funds could help offset cost.

Mr. Sparks looped the conversation back to the point system and recommended that if the system isn't going to be used and not shown in the inventory, then it should just be deleted from the Plan completely. Mr. Cardillo agreed, but Mr. Spaziano worried that only using common sense and not having something objective on paper could lead to the Town being accused of subjective decisions. Ms. Hardy concurred that criteria is needed.

Mr. Cardillo said that something better than the point system could be thought up. Ms. Parmentier proposed that houses per mile be kept, and for roads of less than a mile the total number of houses could be used instead to get at volume and density. Mr. Cardillo and Mr. Sparks agreed that any criteria should be listed in the inventory. Mr. Spaziano voiced that how long it had been since roads were in the same condition, and the type of improvement/maintenance for each, could also be factored in. Mr. Spaziano further commented that a road can be closed instead of abandoned, which would prevent liability, but an official opinion from the Solicitor is warranted.

The final product will be back before the Board on the 11/16/16.

N. Comprehensive Plan Update

Discussion

There were no updates.

O. Future Agenda Items

Discussion

- 1) 2017 Schedule
- 2) Full Meeting of Town Boards & Commissions

Mr. Carey asked to add the Capital Budget, and reminded everyone that the Democratic Rules of Order will be on the next agenda.

P. Adjournment

Motion to adjourn at 8:51 p.m. was approved unanimously.

Respectfully submitted,

Helen Hardy, Secretary