

PLANNING BOARD MINUTES
Benjamin Eddy Building, 6 South Killingly Road
Wednesday: June 5, 2019

A. Call to Order

Ron Cervasio called the meeting to order at 6:59 p.m.

B. Roll Call

Planning Board Members: Ron Cervasio, Chair; Helen Hardy, Secretary; Mike Carpenter, Jeff Sheldon, Lisa Johnston, Anthony Renzi
Joe Carey, excused.

Staff: Jennifer Siciliano, Planner; Joanna Achille, Solicitor

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

Members of the public: Sandy Sheldon, Brandy Bates

C. Approval of Minutes:

a. May 1, 2019

Anthony Renzi moved, Jeff Sheldon seconded, to approve the minutes of May 1, 2019, as corrected. Motion carried 5 – 0 – 1 with one abstention. Ron Cervasio abstained.

b. May 15, 2019

Mike Carpenter moved, Anthony Renzi seconded, to approve the minutes of May 15, 2019. Motion carried 5 – 0 – 1 with one abstention. Ron Cervasio abstained.

D. Correspondence

The RI Government manual was distributed to the members of the board.

Joanna Achille referred to a letter sent from the board to the Town Council in regard to the blight issue and having the State Property Code enforced. Proposed legislation is due for review and may be signed in. It is Bill S690 which will require the Building Official to first tend to enforcement of State matters, and only tend to town matters afterward.

E. Zoning Advisory Opinion – Bates/Duhaime Plat 16 Lot 53A

A. The Applicant, Brandy Bates, and Owner, David Duhaime seeks a Dimensional Variance for the Town of Foster Zoning Ordinances Article IV Uses Section 38-192. Dimensional Regulations (1) AR agricultural/residential district. Single-Family Residential Structure on property 221 Hartford Pike, being Plat 16 Lot 53A.

Jennifer Siciliano stated that the variance was for a barn 22 feet within the 50-foot side setback. This is due to the topography of the property, the location of the septic system and an animal cemetery on the property.

Mike Carpenter moved, Jeff Sheldon seconded, to recommend this application for a dimensional variance to the Zoning Board.

Discussion: Lisa Johnston, Brandy Bates

Motion failed 0 – 4 – 2 with 2 abstentions. Ron Cervasio and Lisa Johnston abstained.

F. Farm/Forests Accessory Business Uses

For any property, the following uses as defined in Article II, are allowed as accessory uses subject to the conditions set forth herein on farm and forests unless otherwise indicated. Some accessory uses are only allowed on farms. Accessory uses on forest land shall be accessory to the primary residential use. All uses must be accessory to their residence.

a. Hay rides, tractor rides, and sleigh rides.

Ron Cervasio polled the board to see if they do *not* want these to go into effect.

Polled in agreement 5 – 0 – 1 with one abstention. Ron Cervasio abstained.

b. Crop mazes, daytime, adult supervision under 12, 10+ acres.

Anthony Renzi moved, Jeff Sheldon seconded, to allow crop mazes with fee for permit and licensing.

Discussion: Mike Carpenter noted that some of these were already going on. Perhaps the board could recommend to zoning that it be a permitted use. Joanna Achille stated that these are uses for people already operating a farm. Helen Hardy noted these were accessory uses on farm and forest land that are currently not in the Foster ordinance.

Anthony Renzi withdrew his motion, Jeff Sheldon withdrew his second.

Jeff Sheldon moved, Anthony Renzi seconded, to allow crop mazes as an accessory use on 10+ acres.

Motion carried 5 – 0 – 1 with one abstention. Ron Cervasio abstained.

- c. Indoor / outdoor viewing, feeding, and petting of animals for a fee on 4.59 acres. No exotic animals.
Anthony Renzi moved, Mike Carpenter seconded, to allow it as an accessory use.
Motion carried 5 – 0 – 1 with one abstention. Ron Cervasio abstained.
- d. Indoor or outdoor classes, seminars or tours. Anthony Renzi moved, Jeff Sheldon seconded, to allow this as an accessory use.
Motion carried 5 – 0 – 1 with one abstention. Ron Cervasio abstained.
- e. Pick your own crops. Jeff Sheldon moved, Lisa Johnston seconded, to approve the accessory use in an A/R zone with no lot restriction.
Motion passed 5 – 0 – 1 with one abstention. Ron Cervasio abstained.
- f. Farm / Forest based retail of on-site agricultural and forest products in compliance with RI General Laws Section 21-27-6.1.
Anthony Renzi moved, Jeff Sheldon seconded to approve the accessory use.
Jennifer Siciliano stated that the definition of what is produced on-site should be clarified.
Anthony Renzi withdrew his motion, Jeff Sheldon removed his second.
Joanna Achille asked if there was a lot restriction. Jennifer stated it was part of the general law. Joanna Achille stated it should be on-site production.
This one was tabled.
- g. Commercial Greenhouses up to 5,000 square feet maximum. Greenhouse area in excess of 5000 square feet is subject to a Special Use Permit.
Anthony Renzi moved, Jeff Sheldon seconded, to approve 50 x 100 greenhouse be an accessory use.
Motion passed 5 – 0 – 1 with one abstention. Ron Cervasio abstained.
- h. Product stands that do not exceed 200 square feet in total floor area. Product stands shall be set back from the edge of a public or private road by a minimum of 10 feet. A minimum of 2 parking spaces shall be provided on private property.
Jennifer Siciliano noted that it is allowed by Special Use Permit, of any size. Mike Carpenter felt it would be redundant because there are already regulations regarding this.
Ron Cervasio polled the board on all the members who do not want to deal with this. Mr. Cervasio told them to shake their heads and moved on.
- i. Farm and Forest product processing of products raised on the premises, excluding the processing of meat. The processing of farm and forest products not raised on the premises and meat processing is allowed by a Special Use.
Ron Cervasio suggested that the board not deal with this one. Jennifer Siciliano noted that there is already a Special Use Permit required. Joanna Achille agreed. Mike Carpenter stated that if we have Special Use Permits on these we shouldn't add another category. He noted that landfills are not accepting waste from these types of facilities. He suggested we defer to existing laws.
Ron Cervasio asked all those people who would rather *not* have a processing plant to shake their heads yes; and moved on.
- j. Farm and Forest retail sales building. Jennifer Siciliano stated that they are suggesting a Special Use Permit. Jennifer Siciliano stated it would be like chicken feed. Mr. Cervasio reminded everyone that they had a portable sawmill in the town. He asked what was left. Helen Hardy read the remainder of the list.

Anthony Renzi moved, Jeff Sheldon seconded, to table the remainder to a future meeting. Motion carried 5 – 0 – 1 with one abstention. Ron Cervasio abstained.

G. Blighted Buildings on Route 6

Ron Cervasio spoke about the number of deteriorated and unused buildings on Route 6. He requested that Joanna Achille explain the law. She stated that for the town to remove a building and put a lien on a building opens the town to liability. Other towns appoint a receiver to look into condemning a property and clean it up. Those towns have municipal courts and can take owner to municipal court to force them to comply. We would have to take them to Superior Court. There could also be a possibility of tax sale and taking it that way.

Anthony Renzi asked about the process when a building is in dangerous condition. Joanna Achille said they would file a motion to enforce a notice of violation in Superior Court. Ron Cervasio asked about condemning the building. He stated that the Zoning Official said there were two options: condemn the building or file a municipal violation.

Jeff Sheldon said the town needs a municipal court; he said the Zoning Official told him he has only issued warnings and not violations; and he asked if the present owners are still businessmen in town. Anthony Renzi asked what the most feasible way to get action would be. Joanna Achille stated that the Zoning Official should issue violation notices.

Ron Cervasio asked if Jennifer and Joanna would draft a letter on the process by which the building could be given the violation notice which can then go to the Town Council, Zoning Official, Zoning Board, and the Economic Development Committee. We can move to approve it after it's written.

Mike Carpenter suggested that another letter to the Town Council include specifying the process of condemnation to send the violator to Superior Court so the Town Council can act.

Anthony Renzi asked if once the property is condemned, it can go to Superior Court, the town removes the building, put a lien on the property to recoup the cost of removal, and if there is still no action, then the property can be put up for sale. Joanna Achille pointed out that the owner could file for bankruptcy. Mr. Cervasio said what they want to know first is why the zoning official and town council are not doing their job. Mr. Cervasio stated that the letter will request that it be written into the record, and then he will publish it in the town and area newspapers.

H. Truck Ordinance Review – not discussed

I. Reviewing Current Solar Installation Zoning & Planning Process

Jennifer Siciliano explained the procedure:

- a. Pre-application – explain what they are going to do and received advice.
- b. Master Plan – Advisory opinion sent for Special Use Permit for Zoning Board
- c. Zoning Board – to receive Permit if acceptable
- d. Preliminary Plan – they can ask to have the Preliminary and Final together or have the Final Plan done administratively.

J. Subdivision and Land Development Application Requirements

Helen Hardy moved, Anthony Renzi seconded, to change the process so that everyone has a copy of the required 24' x 36' plans at the Master Plan stage (8 copies).

Motion carried 5 – 0 – 1 with one abstention. Ron Cervasio abstained.

K. Restoring Business Tax Incentives

Lisa Johnston proposed reinstating the Business Tax incentives that have expired. Ron Cervasio objected to giving tax incentives that have blighted properties. Lisa Johnston suggested that at this time of better economy, perhaps business owners would use the opportunity to improve their property. Mike Carpenter stated that the Planning Board is generally in agreement and it should be given to the newly-formed Economic Development Committee.

Lisa Johnston moved, Mike Carpenter seconded, to have a letter drafted to the Economic Advisory Committee and the Town Council to reinstate the business incentives.

Anthony Renzi moved, Jeff Sheldon seconded, an amendment to extend the tax incentive to existing businesses with a limit of two years. Jeff Sheldon debated on whether to amend the motion to say it would not apply to anyone in violation in two years. No one seconded.

Amendment carried 5 – 0 – 1 with one abstention. Ron Cervasio abstained.

Main motion carried 5 – 0 – 1 with one abstention. Ron Cervasio abstained.

L. Publish Letter from Planning Board to Town Council – not discussed.

M. Future Agenda Items

- a. Fees for Development
- b. Route 6 Zoning
- c. Source document from Patti – next meeting
- d. July and August – one meeting each

N. Adjournment

Anthony Renzi moved to adjourn at 8:57 p.m. Motion carried unanimously.

Respectfully submitted by,

Helen Hardy, Secretary