

Planning Board Meeting Minutes

Benjamin Eddy Bldg., 6 South Killingly Road
Wednesday, June 1, 2022

A. Call to Order

Anthony Renzi, Chair, called the meeting to order at 7:08 PM.

B. Roll Call

Planning Board Members: David Paolissi; Anthony Renzi; Susan Joyce; Secretary, Hilary Downes-Fortune. Warren Ducharme arrived at 7:22 PM; George Sackal arrived at approximately 7:45 PM.

Staff present: Michael Antonellis, Planner, and Joanna Achille, Solicitor.

Public present: Nicholas Gorham, Esq.; Thomas Ponte; Kevin Wood; David Paolino (Town Council); Chris Stone (Town Council); Juan Gonzalez; Mario Hernandez; Pam Fontaine

C. Approval of Minutes

Mr. Renzi asked for a motion to approve the April 20, 2022 minutes. Ms. Downes-Fortune made a motion; Mr. Paolissi seconded. No discussion. Motion passed 4-0.

D. Minor Subdivision Application – 80 Howard Hill Road, Plat 5 Lot 67

Applicants: Kevin H. Wood and Thomas M. Ponte [Two-lot Minor Subdivision]

Attorney Gorham presented the narrative for the proposed subdivision provided as part of the application and provided background information on the history of the zoning ordinance prohibiting barns on lots without a dwelling (in order to prevent absentee farmers). He also explained that Mr. Woods house was moved to the 19-acre parcel (that already contained the barn) from the family farm in the Big River Reservoir Area that had been taken by eminent domain. Attorney Gorham showed photos and explained that the barn is in good condition, and Mr. Ponte relayed that he recently re-roofed it. He stated that the goal of the subdivision is to create a buildable 4.75-acre lot, and he said that Flynn Surveys confirmed that the lot is fully compliant. Mr. Gorham said that if the Use Variance is not approved their only option would be to tear down the barn since it doesn't meet setbacks.

Ms. Joyce noted that the survey plan identifies a portion of the property as "Howard Hill School House Lot" and discussion ensued as to what that means. Attorney Gorham said that he would look into this potential deed issue.

Mr. Renzi asked for a motion.

Ms. Joyce made a motion and

“I move to grant combined Preliminary and Final Plan approval for the proposed 2-lot minor subdivision,

WHEREAS: The applicants Kevin Wood and Thomas Ponte, appeared before the Planning Board for property located at 80 Howard Hill Road, being Plat 5 Lot 67 on 19.2956 acres in an Agricultural/Residential AR zoning district, for a 2-lot minor subdivision, with no proposed improvements; and

WHEREAS: The application was submitted and signed Kevin Wood and Thomas Ponte, applicants

WHEREAS: The owners of 80 Howard Hill Road, Plat 5 Lot 67 are Kevin Wood and Thomas Ponte;

WHEREAS: The Planning Board received reports and testimony from Town Departments, and representatives of the applicant regarding the application; and

WHEREAS: The development meets all zoning and setback requirements with the exception of an existing garage on the site which after subdivision will become non-conforming; further; and

WHEREAS The minor subdivision was reviewed in context of the existing residential use; and

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 “Minor Subdivision Plan, The Wood Plat” for Kevin Wood and Thomas Ponte, 80 Howard Hill Road, Assessors Plat 5 Lot 67 dated March 4, 2022; prepared, stamped and signed by James

Flynn, Registered Professional Land Surveyor and marked as Town Exhibit 1 at the June 1, 2022 Planning Board meeting.

Condition 2. Associated deeds shall be recorded with the Final Plan.

Condition 3. Payment-in-lieu of land dedication will be paid in full for one additional lot.

Proposed conditions:

Condition 4. That the applicants receive appropriate relief from the Zoning Board of Review to keep the existing garage after the final subdivision plans and new lot deeds have been recorded in the land records or that the garage be removed.

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The Planning Board further finds that the proposed development, subject to the conditions imposed:

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;

Is in compliance with the standards and provisions of the Foster Zoning Ordinance in accordance with the Rhode Island General Laws Section 45-24;

Will cause no significant negative environmental impacts;

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

Has adequate and permanent physical access to a public street for the development.

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.

Minimizes flooding and soil erosion.”

Mr. Paolissi seconded. Ms. Downes-Fortune noted that the date of the updated plan listed in Condition 1 is May 6, 2022, and the April 20, 2022 Planning Board meeting date needed to be changed to June 1, 2022. With these changes the motion passed 4-0-1 (Mr. Ducharme abstained since he came in late).

E. Use Variance – Recommendation to the Zoning Board of Review – 80 Howard Hill Road, Plat 5, Lot 67

Applicants: Kevin H. Wood and Thomas M. Ponte

Atty. Achille stated that since the existing structure (barn) is larger than 200 sf only a Use Variance is required, not a Special Use Permit. Atty. Gorham stated that he accepts her recommendation since the building is not used to house animals (Mr. Ponte noted that he did keep pigs in it many years ago).

Mr. Renzi asked for a motion. Mr. Ducharme made the motion that “After consideration of an application for a Use Variance for 80 Howard Hill Road, the Planning Board finds that the proposed use is generally consistent with the goals and purposes of the comprehensive plan of Foster.” Ms. Downes-Fortune seconded. No discussion ensued. Motion passed 5-0.

Mr. Sackal arrived.

F. Special Use Permit—Recommendation to the Zoning Board of Review

0 Central Pike—Plat 12 Lot 59; AR Zoning District

Application for Special Use Permit, Sec 38-191 Open Recreation Events and Amusements; Applicant and Owner Juan Gonzalez

Mr. Gonzalez stated that his intent is to hold a rodeo on his property 3-4 times per year during the summer, on special occasions such as Mother’s Day. He said that he owns two parcels totaling about 12.5 acres, and each rodeo would take place on one weekend day, from about 12-7 PM.

Looking at the plan, Mr. Renzi noted that the plan shows parking for 210 cars in the grassy field near the front of the property, and asked what the area labeled “Private Parking” would be used for. Mr. Gonzalez stated that it would be used by vendors. Mr. Renzi then asked what events they intended to hold. Mr. Gonzalez said the usual rodeo events such as bull riding; he also mentioned that he has a dancing horse that will perform. He also said that the land is flat and cleared. Mr. Renzi then asked how many spectators they anticipate, based on 2 people per car. Mr. Gonzalez replied they anticipated about 250-300 people at most.

Ms. Downes-Fortune asked if they anticipated alcohol consumption at the event, and Mr. Gonzalez said no. She then asked if a condition could be set to not allow alcohol to be brought in to the event.

Ms. Joyce stated that the state has rodeo regulations such as a vet must be on hand, calf roping is not allowed, etc. She asked if we could require that their proposed rodeo meet these regulations.

Mr. Renzi asked about the bulls used for bull riding and Mr. Gonzalez said they are brought in from off-site for the rodeo. Mr. Renzi also asked if there is a house on the property and Mr. Gonzalez said no, but he does hope to build on the property in the future.

Mr. Ducharme noted that the size of the rodeo is comparable to the size of the Foster Fairgrounds and that everything will be brought in.

Mr. Sackal asked if there will be any buffering provided for the neighbors. Mr. Gonzalez stated that the rodeo will take place at the rear of the property, and he has already spoken with the neighbors. Mr. Renzi noted that neighbors can attend the Zoning Board hearing to voice any concerns. Mr. Sackal stated that he feels we should require a buffer for lighting and noise. Mr. Antonellis noted that the Zoning Board will require a Class 1 Survey and Site Plan, and Mr. Ducharme stated that they will also require that the rodeo meets the town's noise ordinance. Mr. Renzi noted that this event is just like horse shows that already take place in town.

Mr. Antonellis stated that the motion must state whether the proposed use (rodeo) is in compliance with the town's comprehensive plan.

Ms. Joyce asked if charging admission would make this a commercial use of the property and would that require a Special Use Permit.

Mr. Antonellis stated that he would add our concerns to the recommendations to Zoning.

Mr. Renzi asked for a motion. Mr. Ducharme made a motion that the Planning Board finds that the proposed use, subject to the listed conditions, is generally consistent with the comprehensive plan of Foster. Mr. Paolissi seconded. Motion passed 6-0.

G. Public Hearing – Commercial Site Review

0 Central Pike—Plat 12 Lot 59; AR Zoning District
Sec 38-191 Open Recreation Events and Amusements
Applicant and Owner Juan Gonzalez

Mr. Antonellis stated that this hearing would be deferred until after the Zoning Board hearing.

H. Comprehensive Plan—Public Hearing

Public hearing to discuss approval of the draft Comprehensive Plan

Mr. Antonellis read the public notice aloud. He explained that about a year ago Mason & Associates made a presentation to the planning board and the state provided comments on the updates that were made. He noted that the focus was on the first half of the 7/15/19 letter. Mr. Antonellis stated that the updated plan has been posted for review and Gregg Cassidy (former RI DEM employee) provided comments in the margins, and Mr. Sackal submitted written comments.

Mr. Sackal questioned the use of the misleading term “solar farms”, to which Mr. Ducharme noted that these are actually industrial power plants; the current maximum size is 40 acres. Mr. Antonellis noted that there are very large solar installations on Theodore Foster Drive, and the town-owned former Nike Site located between them would be a good location for a solar installation. Mr. Renzi stated that he thinks property owners should be able to do whatever they want on their land.

Mr. Sackal next stated that the Town Council still needs to meet and vote on Wind Turbines. Atty. Achille stated that (as she has before) she has concerns about placing a ban on wind turbines because it could open us up for litigation. Mr. Sackal suggested that we remove it from the comprehensive plan. Mr. Antonellis noted that there are references to wind turbines on page 47 and another page that could be removed. Atty. Achille stated that there are not properties in Foster large enough to meet the Fall Zone requirements, among others. Mr. Renzi noted that the regulations have changed and there is no more Fall Zone.

Mr. Antonellis stated that he will incorporate comments and continue this hearing until our June 15th meeting.

Mr. Renzi asked for a motion. Mr. Ducharme made a motion to extend the Comprehensive Plan public hearing to the June 15, 2022 Planning Board meeting. Ms. Downes-Fortune seconded. Motion passed 6-0.

I. Discussion—Economic Development Consultant Scope of Work

Mr. Antonellis explained that he needs to write a Request for Proposal (RFP) for an economic consultant that would include a market study/sense of place, and identify solutions and opportunities for how to grow potential commercial corridors along Routes 6, 101 and 102 in a manner consistent with the town's character. He said he will draft a Scope of Work and send it out before the next meeting. Ms. Joyce suggested that he include a timeframe in the RFP.

J. Recommendation to Town Council for the creation of a Finance Committee

Mr. Renzi stated that he has tried several times to have a finance committee formed, consisting of 3-5 individuals in the finance profession, to review proposed department budgets and make recommendations to the Planning Board. Mr. Antonellis and Atty. Achille noted that it could be an advisory committee, which would not require a charter change.

Mr. Renzi asked for a motion. Mr. Ducharme made a motion that the Planning Board is in favor of the Town Council forming a Finance Committee to make recommendations to the Planning Board. Mr. Paolissi seconded. Motion passed 6-0.

K. Adjournment

Mr. Renzi asked for a motion to adjourn. Mr. Sackal made a motion to adjourn. Motion passed 6-0. Meeting adjourned at 9:25 PM.

Respectfully submitted,

Hilary Downes-Fortune, Secretary