

Planning Board Meeting Minutes

Town of Foster

Benjamin Eddy Bldg., 6 South Killingly Road

Wednesday, June 7, 2023

A. Call to Order

Anthony Renzi called the meeting to order at 7:06 PM.

B. Roll Call

Planning Board Members: Mike Carpenter; Warren Ducharme; Bill Gibb; Susan Joyce; David Paolissi; Anthony Renzi; Secretary, Hilary Downes-Fortune.

Excused: None

Staff present: Grant McGregor, Planner; Joanna Achille, Solicitor; Denise DeFranco, Town Council

Public present: Ronald Cervasio, Lynne Rider

C. Approval of Minutes

Mr. Renzi asked for a motion to approve the May 3, 2023 minutes. Mr. Carpenter made the motion; Mr. Gibb seconded. No discussion. Motion passed 7-0.

D. Minor Subdivision: Preliminary Plan Review—139 and 142A Old Plainfield Pike, AP 3 Lot 9 and AP6 Lot 23; Applicants: Ronald Cervasio & Rita DiMartino

Applicant proposes to combine portions of two lots to create a third lot; all three lots would meet minimum requirements for residential lots. Ms. Achille suggested that we combine the preliminary and final plan review.

Mr. Renzi asked for a motion. Mr. Carpenter made a motion to grant combined Preliminary and Final approval for the proposed 1-lot minor subdivision,

WHEREAS: Owner/Applicant, Ronal Cervasio, appeared before the Planning Board for property located on 139 and 142A Old Plainfield Pike, being Plat 6 Lot 23 on 4.52 acres and Plat 3 Lot 9 on 31.63 acres in an Agricultural/Residential AR zoning district, for a 1-lot minor subdivision, with a proposed well, and proposed locations for a 4-bedroom dwelling unit and septic; and

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

WHEREAS: The Planning Board heard the subdivision proposal as a Pre-application on 4/5/2023; and

WHEREAS: The development meets all zoning, frontage, and setback requirements; 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, now

The approval is subject to the following conditions:

Condition 1. Preliminary Plan approval is based on plans entitled “Minor Subdivision Plan for A.P. 3 Lot 9 & A.P. 6 Lot 23, 139 and 142A Old Plainfield Pike in Foster, Rhode Island” dated April 19, 2023, reviewed at the June 7, 2023 Planning Board meeting, prepared by Principe Company, Inc., stamped by Thomas J. Principe, III, Registered Professional Civil Engineer and signed by Stephen T. Long, Professional Land Surveyor.

Condition 2. 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;
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;
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; and
7. Minimizes flooding and soil erosion.

Mr. Gibb seconded.

Roll call (Aye or Nay):

Anthony Renzi: Aye

Michael Carpenter: Aye

Susan Joyce: Aye

David Paolissi: Aye

William Gibb: Aye

Warren Ducharme: Aye

Hilary Downes Fortune: Aye

Motion passed 7-0.

E. Signage and landscaping on Municipal property

Recommendation to the Town Council to increase maintenance of garden area outside of the Town Hall.

Mr. Renzi explained that per Camoin Associates recommendations, the entrance to Town Hall needs to be cleaned up, grass planted, and sprinklers installed. He said it is okay for volunteers to be planting flowers, but they shouldn't be doing the maintenance. Ms. Joyce stated that she doesn't think the plastic fencing that was installed fits the community. Mr. Renzi noted that all we can do is make recommendations to the Town Council. Mr. Ducharme said he wondered why this was on the agenda; he noted we have the same right to complain as we have to complain about a neighbor.

Mr. Cervasio stated that all the windows on the Town Hall are rotten and the trees out front are a hazard. He noted that the Highway Department lost two people and they don't have enough staff or money to maintain properties. Ms. Rider said that at some point the town is going to impose design standards so the town should reflect the image. Mr. Ducharme suggested the town needs a Facilities Manager.

Mr. Renzi said the town needs new signage. He suggested we have a design contest, but ask art students from RISD, RIC, etc. and have it professionally made. Ms. Rider said the town should have signs that don't need to be repainted every few years. She also

suggested the Town Council could have an Adopt-a-Spot program in town for local entities.

Mr. Renzi asked for a motion. Mr. Ducharme made a motion for Grant McGregor to recommend to the Town Council to provide signage for Town Municipal properties to serve as an example for future design guidelines. Mr. Carpenter seconded. No discussion. Motion passed 7-0.

F. Discussion of Sections 12-34 – 12-65: Licenses (Businesses) (reserved)

Discussion of Chapter 12 – Businesses and potential options for amendment(s).

Held for later in meeting.

G. Zoning Map

Discussion of current zoning districts and potential options for amendments to zoning map for Route 6 and abutting parcels to enhance development.

Held for later in meeting.

H. Recommendation to Town Council: Proposed Zoning Ordinance Changes

Mr. Renzi suggested we address these items one by one.

1. Community Residences and Family Day Care Homes: 38-2, 38-191 (Previously recommended by PB)

- Proposes amendment to definition of “Community Residences” to match current RIGL definition.
- Add “Family Day Care Homes” to Table of uses – business uses.

Mr. Ducharme made a motion to accept the changes noted above for Community Residences and Family Day Care Homes. Ms. Joyce seconded. Motion passed 7-0.

2. Wineries and Breweries: 38-2, 38-191, 38-193,

- Proposes addition of definitions for “Winery”, “Farm Brewery”, “Micro-Brewery”, “Distillery”, “Farm Distiller”.
- Add the above definitions to Table of uses – Business.
- Remove the existing definition of “Microbrewery”, remove “Brewery or Distillery” from Sec 38-193 - Prohibited Uses.

Mr. McGregor noted that this was discussed in 2021, to add definitions that didn’t previously exist, and that microbreweries can’t exist without a restaurant.

Mr. Ducharme made a motion to accept the changes noted above for Wineries and Breweries. Mr. Paolissi seconded. Motion passed 7-0.

3. Recreational Marijuana: 38-2, 38-191

- Proposes addition of definitions for “Cannabis cultivator”, “Cannabis establishment”, “Cannabis product manufacturer”, “Cannabis retailer”, “Medical cannabis treatment center” to match RIGL.
- Add the above definitions to Table of uses – Medical Marijuana related uses, and remove the term “Medical” from this section of the table.
- Section of Table of uses to read “Marijuana related uses”.

Mr. McGregor noted that this is the same as proposed last month, but Ms. Achille said that the state does separate uses for medical and recreational marijuana. She suggested we keep the table the same for Medical Marijuana, but for Recreational Marijuana it should be by Special Use Permit in NC and GBM zones and Prohibited in AR and MUN zones.

Ms. Downes Fortune made a motion to accept the changes noted above for Recreational Marijuana. Mr. Ducharme seconded. Motion passed 7-0.

4. Wholesale Business and Storage Uses: 38-191

- Proposes addition of a storage use allowing the keeping of equipment and materials used for purposes including, but not limited to, landscaping, agriculture (feed and grain), construction, and woodworking.
- Update zoning matrix.

Ms. Joyce asked what was meant by S³ in the table; Mr. Ducharme explained it pertained to prohibiting animal housing without an on-site residence.

Mr. Ducharme made a motion to accept the changes noted above for Wholesale Business and Storage Uses. Mr. Gibb seconded. Motion passed 7-0.

5. Growth Management Issuance Restrictions: 10-101 – 10-113

- Proposed removal of all text under Chapter 10 – Division 2, as required by Sec 10-111.

Mr. McGregor stated that in the 2000’s development in town did approach the cap but has not in recent years. He said the ordinance was set to expire in 2010 and never got renewed. Mr. Renzi said he thinks it was because it was too hard to build in town. Mr. Ducharme noted that back then Growth Management Plans were needed. Mr. Cervasio stated that the idea that children change the budget (due to school costs) is out of date.

Mr. Ducharme made a motion to accept the changes noted above for Growth Management Issuance Restrictions. Mr. Gibb seconded. Motion passed 7-0.

6. Residential Compounds: 38-356

- Proposes amendment of subsections (b) - Eligibility and (d) - Use limitations and dimension requirements to allow for expanded access to the land use.

Mr. McGregor stated that he proposed to strike the 5-year requirement and “lots after 1998”. Mr. Ducharme said that he wants to sit with Mr. McGregor and address all of the dimensional requirements, and we should table this item until a future meeting. Mr. Carpenter said we also need to address Low/Middle Income (LMI) Housing and emergency access in this ordinance. Mr. Ducharme noted that after the July legislative session is closed the LMI issue should be settled.

Mr. Gibb made a motion to table this item to a future meeting. Ms. Downes Fortune seconded. Motion passed 7-0.

7. Standards for Highway Commercial Mixed Use (HCMU) Development: 38-358

- Proposes addition of development standards to accompany the future implementation of a new commercial zoning district

Ms. Joyce asked if we have an HCMU zone. Mr. McGregor said this would be a new zone for mixed use, but since we can only amend what is existing this would be an insert into a reserved section under Land Development Projects. Ms. Achille noted that this new zone would have its own design standards as recommended by Camoin, and we should send this over to Town Council. Mr. Ducharme noted we still need to locate a copy of the Rural Development Design Standards; Ms. Downes Fortune said she would contact former Planning Board Helen Hardy about this.

Mr. Gibb made a motion to postpone recommendations for Standards for Highway Commercial Mixed Use (HCMU) Development to a future date. Mr. Paolissi seconded. Motion passed 7-0.

8. Medical Office Building: 38-191

- Proposes to allow Medical Offices to be located on State or US Highways, opposed to only US Highways.

Mr. McGregor noted that this would allow for medical office buildings on additional roads in town, such as Cucumber Hill Road, which is a state highway. Mr. Ducharme made a motion to accept the changes noted above for Medical Office Building. Mr. Gibb seconded. Motion passed 7-0.

I. Discussion of updates to Town website

Ms. Joyce explained that she and Ms. Downes Fortune met last week with Mr. McGregor, Susan Dillon and Kelli Russ in town hall. The goal was to make recommendations for how to make the town website easier for people to find things on. Mr. Renzi asked who is going to do the work; Mr. McGregor replied that they figured they would need about 4 hours per week. Ms. Joyce noted that they said they can't use an intern for security reasons, and that she and Ms. Downes Fortune offered to assist with writing sections for copy and paste onto the website. Mr. Carpenter suggested we provide periodic progress checks.

Item G: Zoning Map

Discussion of current zoning districts and potential options for amendments to zoning map for Route 6 and abutting parcels to enhance development.

Mr. McGregor noted that in the Table of Uses there are three commercial zones, and GBM is most of them. He recommended we take out NC and MI and replace them all with a combined zone. He also suggested we eliminate the Residential/Senior Citizen zone and allow it in AR by Special Use Permit, which would make Senior Citizen Housing a floating zone. Ms. Rider noted that Foster doesn't have much experience with MI; for example, Turnquist Lumber burned and then the metal building fell down. She questioned how do we prevent properties like this from developing in the future. Mr. Renzi and Mr. Gibb replied that it's about enforcement. Mr. McGregor noted that there is a Table of Uses that specifies what could go on MI zoned property.

Item F. Discussion of Sections 12-34 – 12-65: Licenses (Businesses) (reserved)

Discussion of Chapter 12 – Businesses and potential options for amendment(s).

Mr. Renzi suggested that the town increase licensing fees across the board to a minimum of \$100. Ms. Achille said that liquor licenses should cost more than that.

J. Adjournment

Mr. Renzi asked for a motion to adjourn. Mr. Paolissi made a motion to adjourn. Motion passed 7-0. Meeting adjourned at 8:44 PM.