

Planning Board Meeting Minutes

Town of Foster

Benjamin Eddy Bldg., 6 South Killingly Road

Wednesday, July 19, 2023

A. Call to Order

Anthony Renzi called the meeting to order at 7:04 PM.

B. Roll Call

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

Excused: Warren Ducharme; David Paolissi

Staff present: Grant McGregor, Planner; Joanna Achille, Solicitor

Public present: Jason & Jessica Lowery

C. Approval of Minutes

Mr. Renzi asked for a motion to approve the June 7, 2023 minutes. Mr. Carpenter made the motion; Mr. Gibb seconded. No discussion. Motion passed 5-0.

D. Minor Subdivision: Preliminary Plan Review—73 Plainfield Pike, AP 6 Lot 18; Applicant: Debra Quinn; Owner: Lowery, Jason E. & Jessica D.

- Applicant proposes creation of two lots for residential purposes.

Mr. and Mrs. Lowery explained that when they bought the 43-acre property in January 2023 the subdivision process had already been started by the seller. The proposed subdivision would create two new 5-acre (approximately) lots, one along Tray Hollow Road and the other on Plainfield Pike; the original lot would be reduced to 33 acres.

Mr. McGregor stated that the note on the plan should say “easterly side”. He also noted that they will need to obtain a Physical Alteration Permit from the RI DOT to add a driveway on a state road. Ms. Downes-Fortune asked if the driveway for the lot is at the same location that it was for the house that used to be at that location on the property.

Mr. Renzi asked for a motion. Mr. Gibb made a motion to approve the Preliminary Plan to create two lots for residential purposes. Mr. Carpenter seconded. No Discussion. Motion passed 5-0.

E. Minor Subdivision: Final Plan Review—139 and 142A Old Plainfield Pike, AP 3 Lot 9 and AP 6 Lot 23; Applicants: Ronald Cervasio & Rita DiMartino

- Applicant proposes creation of one lot for residential purposes.

Mr. McGregor reported that the applicants’ plans weren’t ready but they are still within the 90-day period. He also noted that the applicants can ask for more time if they need it.

F. Farmer’s Market Update

- Update on the status of the proposed Farmer’s Market.

Mr. Renzi said that he discussed it at the recent town council meeting. The proposed location will be at the corner of Routes 6 and 94 on Thursdays from 4-8 pm, beginning August 3rd. Mr. McGregor noted that the South Foster Fire Department, who owns the land, wants to have a “grander” Farmers Market next year. The current market will utilize the graded area where the restaurant used to be.

Ms. Joyce asked if they have a farmers market manager to coordinate vendors. Ms. Downes-Fortune asked if they have guidelines for vendors. Ms. Achille said she would ask her friend who owns Ocean State Peppers if she has any guidelines from the farmers markets they participate in.

G. Zoning Map Amendment Question and Answer Session

Mr. Renzi explained that this is an opportunity for Foster residents to ask questions about proposed changes to the town zoning map.

Bill McGee, 1 Boswell Trail, asked if property that is now zoned Residential will become Commercial. Mr. Renzi replied that, for those who are within the proposed zoning change area who received letters, if you are currently Residential you stay Residential, but you have the option to convert to Commercial. He said the assessment/appraisal value is based on existing use, and if the use changes to Commercial then the value goes up accordingly. The goal is to increase the tax base to Commercial instead of just Residential. Mr. McGee then asked if Foster is like Woodstock, Connecticut, where business franchises are not allowed. Mr. McGregor said that he did not find any such ordinance in Foster. Mr. Renzi noted that any proposed project would be subject to design guidelines and would be “under a microscope”.

Maureen McEntee, 168 Danielson Pike, asked about property that is for sale on Route 6 near Central Pike; she is concerned that any development on that property would impact parcels far from Route 6 due to its long driveway. Ms. McEntee also noted the big issue with zoning enforcement in town, such as junk cars stored on grass that can impact the aquifer. Mr. Renzi replied that our part-time zoning official is making good progress with enforcement. He also noted that lowering taxes will make it easier for people to sell their property.

Brad Smith, Hartford Pike, stated that he believes nothing is going to change. He noted that a Dollar General would need a public well with a 200-foot radius.

Ms. Joyce referred back to Ms. McEntee’s question, asking if the lot could become Commercial with only a 50-foot strip to Route 6. Mr. McGregor replied that the entire lot would become Commercial. Ms. McEntee then asked what happened to the Node Plan from 10 years ago.

Mr. Smith asked what about reassessment every five years. Mr. Renzi replied that valuation is based on what is there currently; zoning only changes if use changes when it’s sold. Mr. Smith then asked why do some businesses need to have X number of parking spaces, but we can have a farmers market with parking? Ms. Achille explained that this is a temporary event, like Old Home Days.

Mr. Smith stated that we should put the Commercial zone along Cucumber Hill Road instead, since Route 6 is wet and contaminated. He noted that Cucumber Hill Road from Route 6 to South Killingly Road has good land.

H. Recommendation to Town Council: Proposed Zoning Map Amendments

- Removal of Sec. 38-132 (Official zoning map) proposed. Removal of R-SC, NC, and MI zoning districts proposed. Addition of HC2 zoning district proposed. Parcels meeting criteria explained in letter mailed to property owners to be re-zoned. Addition of Article XII–Attachments proposed as the location of amended official zoning map.

Mr. McGregor briefly reviewed these proposed amendments to the zoning map to align with the proposed changes to the zoning ordinance.

Mr. Renzi asked for a motion. Mr. Carpenter made a motion to propose these amendments to the zoning map. Mr. Gibb seconded. No discussion. Motion passed 5-0.

I. Recommendation to Town Council: Proposed amendments to Sections of Chapter 38 (Zoning) containing tables:

- Removal of R-SC, NC, and MI zoning districts proposed. Addition of HC2 zoning district proposed. Sections to be amended under this agenda item include:
 - Sec. 38-288–Sign regulations
 - Sec. 38-281–Development standards for multifamily dwellings and comprehensive permit applications for affordable housing.
 - Sec. 38-192–Dimensional regulations
 - Sec. 38-191–Table of uses

Ms. Joyce stated that she had a couple of comments about lighting and signage. Mr. McGregor replied that currently neon and internally lit signage is prohibited in all zones, and he is proposing to allow these in the new HC2 zone. Mr. Renzi noted that lighting and signage should be addressed in the new design standards. Ms. Achille said these amendments should not go to Town Council piecemeal; we need to work on signage, etc. and send all three parts to town council at once. Ms. Joyce also noted that, on page 73, the four steps of the process will need to change to meet new state standards.

J. Recommendation to Town Council: Proposed amendments to Sections of Chapter 38 containing only text:

- Amendments, removals, additions and combinations thereof proposed. Sections to be amended under this agenda item include:
 - Sec.38-1
 - Sec.38-2
 - Sec.38-36
 - Sec.38-63
 - Sec.38-131
 - Sec.38-226
 - Sec.38-227
 - Sec.38-230
 - Sec.38-231
 - Sec.38-234
 - Sec.38-237
 - Sec.38-272
 - Sec.38-273
 - Sec.38-276
 - Sec.38-277
 - Sec.38-279
 - Sec.38-282
 - Sec.38-284
 - Sec.38-285
 - Sec.38-286
 - Sec.38-291
 - Sec.38-292
 - Secs.38-295-38-320 (reserved)
 - Sec.38-357
 - Secs.38-358-38-385 (reserved)
 - Sec.38-386
 - Sec.38-390
 - Sec.38-391
 - Sec.38-392
 - Sec.38-394
 - Sec.38-430

Mr. McGregor stated that most of these amendments are to meet state law and/or to make sense, or to reflect changes discussed in parts H and I of this meeting; therefore, this will also have to wait.

K. Zoning Ordinances: Discussion of current zoning ordinances and potential options for amendment(s) to sections and chapters of the Code of Ordinances

Mr. McGregor initiated a discussion of residential compounds. He mentioned the new farming compound on South Killingly Road, noting that the driveway is on an easement and may not be wide enough to allow emergency vehicle access. We also discussed whether or not the lot becoming a residential compound needs to be officially subdivided. Ms. Achille confirmed that compound is taxed as one property with structures listed separately on it. Mr. McGregor stated that he hasn't met yet with Warren Ducharme to discuss dimensions.

L. Legislative Update—Discussion of bills recently passed by the General Assembly pertaining to the Rhode Island Zoning Enabling Act and Rhode Island Subdivision Enabling Act

Mr. McGregor explained that this bill puts pressure on planners to move things faster but also gives planning boards more authority to move/approve planning and zoning aspects of development. Mr. Carpenter said that he read the 148-page version (not the 12-page summary) and he identified two big issues. The accelerated timeline puts pressure on the planner but if it drags on the court rules in favor of the developer. Also, the legislation references a Technical Review Board (which we don't have). There are state agencies that can serve as the TRB, but the Town doesn't have the budget to purchase this service. Mr. Gibb asked if a board could make the developer responsible to pay for this.

M. Recap of 6/27 meeting with Rhode Island Secretary of Housing

Mr. Renzi attended the meeting with Mr. McGregor and he said the State said they can fund or at least help with technical reviews. He said the State Senate is very concerned about low/middle income housing. Mr. Renzi stated that there is a 100+ person waiting list for Hemlock Village. He noted that this facility was built under a federal grant and has 30 units, six of which are group homes. By the state calculations there should be 50 units. Mr. McGregor said we should meet the need (50 units) but we'd still need more.

Ms. Joyce asked if Mr. McGregor will find out if the state can provide technical review. Mr. McGregor said he would reach out to Scituate, Gloucester, etc. to see what they're doing about this.

N. Updates to Housing Opportunity Chapter of Comprehensive Plan as requested by Department of Statewide Planning

Mr. McGregor reported that Statewide Planning said this is premature so we will push it to the fall.

O. Targeted Brownfield Assessment Program (TBA)/Municipal Resiliency Program (MRP) Overview

Mr. Renzi stated that there may be programs to help with remediation or at least assessment. Mr. Carpenter said there are 13 abandoned/vacant properties on Route 6 and asked Why? Ms. Downes-Fortune replied because if the properties are sold they would need to do an environmental site assessment. Mr. McGregor said that he has a request into Ri DEM, Rachel Simpson, to identify Brownfields properties in Foster so the state could then fund Phase 1/Phase 2 site assessments. Mr. Gibb pointed out that that could only be done with owner permission.

P. Code Enforcement Update

Mr. Renzi stated that George (Zoning Official) is working on it.

Q. Update from Land Trust Liaison to Planning Board

Mr. McGregor said this will be pushed ahead to a later meeting date.

R. Discussion of Planning Department updates to Town website

Mr. McGregor said that he uploaded a bunch of documents to the Planning Board page. Ms. Joyce reported that Sue Dillon and others in the Town Clerk's office are working on the town's Homepage, and they have the Official Foster Town Facebook page for residents to follow.

S. Adjournment

Mr. Renzi asked for a motion to adjourn. Ms. Downes-Fortune made a motion to adjourn. Motion passed 5-0. Meeting adjourned at 9:16 PM.

Respectfully submitted,

Hilary Downes-Fortune, Secretary