

Planning Board Meeting Minutes

Town of Foster
Benjamin Eddy Bldg., 6 South Killingly Road
Wednesday, August 9, 2023

A. Call to Order

Anthony Renzi called the meeting to order at 7:07 PM.

B. Roll Call

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

Excused: Bill Gibb; David Paolissi

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

Public present: [approximately 36 town residents]

C. Approval of Minutes

Mr. Renzi pushed this item to the next meeting.

D. 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 said that the plans have been signed and met all criteria, and he recommends approval.

Mr. Renzi asked for a motion. Mr. Carpenter made a motion to grant approval for Final Plan Review for the minor subdivision at 139 and 142A Old Plainfield Pike, AP 3 Lot 9 and AP 6 Lot 23. Mr. Ducharme seconded. No discussion. Motion passed 5-0.

E. Discussion of Zoning ordinances relating to Animals

- Board to discuss Sec. 38-191 (Table of Uses) and other zoning ordinances related to the keeping of animals. Guest: Michelle Ziemba

Mr. McGregor invited Ms. Ziemba, owner of The Country Mutt, 110 South Killingly Road, to speak to the board. Ms. Ziemba said she is concerned by the “aggressive effort” by the Planner to get the Foster animal ordinance updated. She explained that before the Covid pandemic she was on a Zoning subcommittee tasked with the alignment of the Foster and Scituate animal control ordinances (since we share an animal control officer). One of the issues was Control of Dogs—she recommended avoiding the term “leash law.” They were then going to address other animal issues in town. However, the subcommittee dissolved after about 3 months.

Mr. Renzi asked if the town’s animal zoning ordinances are antiquated, to which she replied yes, based on changes in town. Ms. Ziemba said new people are moving into town and there is a lack of oversight with people thinking they can do whatever they want.

Mr. Ducharme noted that most towns have a limit on the number of cats or dogs per household based on state law; some towns choose to enforce these limits, others do not. He said the planning board’s goal tonight is to bring ordinances into alignment with updated state regulations.

Mr. Renzi asked Ms. Ziembra about the Rover Law, which pertains to an app for dog sitting services in people's homes. Ms. Ziembra said she spoke to the State Veterinarian who said that RI DEM discovered people were operating unlicensed dog care facilities; now there are "guardrails" in place per state law. These are subject to town ordinance regarding the number of animals but are not licensed; he also said they are subject to the maximum of 4 dogs as well as animal care standards. Mr. Ducharme noted that these are only an issue if someone complains like with Airbnb's.

Mr. Renzi stated that we are going to tighten up kennel ordinances per state law, but what about folks with 6 or 7 dogs and one gets out and kills the neighbor's chickens—what happens there?

Marilyn Flanders, Cucumber Hill Road, asked: What are the current regulations regarding kennels? Twenty-three years ago residents couldn't even get a kennel license in town—each dog had to be licensed individually. Mr. Renzi stated that they have to meet state laws.

Cathy Neville asked what the state and town number of dogs allowed is—3 or 4? Ms. Achille noted that state law supersedes town ordinances.

Ms. Ziembra stated that the definition of Kennel states "shelter, feeds and cares for a fee". Mr. Ducharme replied that the state has two levels of kennel: a business kennel, and a home kennel such as for hunting dogs.

F. Zoning Map Updates—Revised amendment recommendation to Sec. 38-132 – Official Zoning Map (Originally recommended 7/19/23)

- Board to recommend through lots be zoned based on the street having the longest frontage. Board to discuss lots with easement access on Route 6 to be included in zoning map amendment.

Mr. McGregor stated that "through-lots" have frontage on two roads and include easement lots; he said there are two examples in town that he knows of. Mr. Ducharme noted that the courts determine if easements allow access, and there are other lots in town besides Mr. McGregor's examples. Mr. McGregor then asked if we can update for through-lots but not easements. Mr. Carpenter noted that there is a mapping issue in town—there are mistakes, such as an abandoned road on a lot on Cucumber Hill Road. He also said that through-lots were generally said to front on the more viable/lucrative road.

Mr. Renzi asked for a motion. Mr. Ducharme made a motion to recommend through lots be zoned based on the street having the longest frontage and be included in the zoning map amendment. Mr. Carpenter seconded. Motion passed 5-0.

G. Recommendation to Town Council: Proposed Zoning Ordinance amendments:

1. Design Standards for HC2 zoning district (Sec. 38-358) (Addition)
 - Proposes design standards to accompany the recommendation of new HC2 zoning district.

Mr. McGregor said that he and Ms. Joyce looked at environmental restrictions for Westwood, Massachusetts and they just need to update the standards per RIGL instead of Massachusetts law. Mr. Renzi asked what if someone comes with a proposed development but doesn't want to meet all of the design standards? Ms. Achille replied

that there is flexibility. Ms. Joyce read aloud the introduction to the existing design standards which states that the standards are guidelines and can be tailored for specific projects; they are a framework, not requirements.

Mr. Renzi asked for a motion. Mr. Ducharme made a motion to recommend approval of item G-1, Design Standards for HC2 zoning district (Sec. 38-358) (Addition). Ms. Joyce seconded. Motion passed 5-0.

2. Table of Uses (Sec. 38-191) (Amendment)

- Proposes removal of the MI, NC, and R-SC in continuity with the proposed amendments to Sec. 38-132–Official Zoning Map. Makes various amendments to uses permitted as-of-right, by special-use permit, and prohibited uses by district. Proposes that the notes section be transferred to individual supplementary regulations. Proposes addition of HC2 zoning district.

Mr. McGregor explained that this proposes a few changes for uses and also moves some things out of Notes to the table. Mr. Ducharme asked what about R-SC, senior housing? He noted that is not something the town wants just anywhere due to access issues. Mr. Carpenter stated that the HC2 zone encourages development, and the use categories have changed. Mr. Ducharme then noted that the old MI zones were specifically identified, and we will need to add an introduction to explain the intent.

Cathy Walls, Old Plainfield Pike, asked where does this zoning apply? Mr. Renzi replied only along Route 6. She then asked what about senior housing? Mr. Renzi replied that under the new zoning it is permitted in AR and HC2 zones. Mr. Ducharme suggested that it should be by Special Use Permit only in AR zones to ensure adequate access.

Mr. Renzi asked for a motion. Ms. Joyce made a motion to recommend approval of item G-2, Table of Uses (Sec. 38-191) (Amendment) with the stipulation that senior housing uses in AR zones require a Special Use Permit. Mr. Ducharme seconded. Motion passed 5-0.

3. Dimensional Regulations (Sec. 38-192) (Amendment)

- Proposes removal of the MI, NC, and R-SC districts in continuity with the proposed amendments to Sec. 38-132–Official Zoning Map. Proposes addition of HC2 zoning district.

Mr. McGregor stated that there are currently some conflicting parts in this section. Mr. Ducharme said he recommends all utilities (particularly septic) be located 50 feet from the side and rear property lines. Mr. Carpenter said he recommends using a redacted copy of the ordinance to show changes and reason, and remove and replace; he noted that all printed manuals need to show changes.

Mr. Renzi asked for a motion. Ms. Joyce made a motion to recommend approval of item G-3, Dimensional Regulations (Sec. 38-192) (Amendment) with the stipulation that the setbacks will be 35 feet from the front property line and 50 feet from side and back property lines for all zones. Mr. Carpenter seconded. Motion passed 5-0.

*****Agenda Item H-1 Residential Compounds was moved ahead in the meeting:**

1. Residential Compounds (Sec. 38-356)
 - Discussion of potential future amendment.

Mr. McGregor explained that his interpretation is that residential compounds consist of dedicated lots within a 30-acre parcel. Mr. Ducharme noted that the lot size is 5 acres for single-family homes, 7.5 acres for multi-family homes. He said these are legal ways to allow for frontage on a private road, creating a land condominium with a private road. The current ordinance requires a shared driveway.

Dave Terell, East Killingly Road, stated that he has 55 acres with 1000 feet of frontage. Based on this he thinks he should be able to subdivide and create two 5-acre lots, then create a residential compound for three houses on the remaining 45-acre parcel. He said his land has never been subdivided. The property is bordered by Land Trust and State land, and he wants to protect it. The purpose of his inquiry about the residential compound is to calculate the property value for conservation easement purposes. Currently the ordinance states that you can't reduce the lot for a family compound, but the town is proposing to remove that requirement. Mr. McGregor said he can write a letter for Mr. Terell stating that the property could have five houses on it.

Section G, continued...

4. Sign Regulations (Sec. 38-288) (Amendment)
 - o Proposes removal of the MI, NC, and R-SC in continuity with the proposed amendments to Sec. 38-132–Official Zoning Map. Makes various amendments to uses permitted as-of-right, by special-use permit, and prohibited uses by district. Proposes addition of HC2 zoning district.

Ms. Joyce said she read through the revised sign ordinance with Mr. McGregor, and it looks good. This amendment adjusts the Table of Uses per the new zones, clarifies some conflicting sign regulations, and includes some Dark Sky protection language.

Mr. Renzi asked for a motion. Ms. Joyce made a motion to recommend approval of the amended sign regulations ordinance. Mr. Carpenter seconded. Motion passed 5-0.

Mr. McGregor said he will move the remaining items that weren't covered to the next meeting under Old Business.

Q. Adjournment

Mr. Renzi asked for a motion to adjourn. Mr. Carpenter made a motion to adjourn. Motion passed 5-0. Meeting adjourned at 9:00 PM.

Submitted by

Hilary Downes Fortune, Secretary