

Planning Board Meeting Minutes

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

A. Call to Order

Warren Ducharme called the meeting to order at 7:06 PM.

B. Roll Call

Planning Board Members: Warren Ducharme; Susan Joyce; David Paolissi; Secretary, Hilary Downes-Fortune.

Excused: Mike Carpenter; Bill Gibb; Anthony Renzi

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

Public present: Randall Bagwell, Karen Dalton, David D’Agostino, Gary DeBlois, Zeshan Abid

C. Approval of Minutes

Mr. Ducharme asked for a motion to approve the July 19, 2023 minutes. Ms. Joyce moved; Ms. Downes Fortune seconded. No discussion. Motion passed 4-0.

Mr. Ducharme asked for a motion to approve the August 9, 2023 minutes. Ms. Joyce moved; Mr. Paolissi seconded. No discussion. Motion passed 4-0.

Applications:

D. Commercial Site Plan Review/Special Use Permit advisory recommendation:

Applicant: Dare to Dream Ranch, Inc.

Owner: Bagwell, Randall Lavelle

Co-Owner: Dalton, Karen

- Applicant proposes to open a gift shop pursuant to Sec. 38-191 (Business Uses #2) and Sec. 38-394 at 12 Snagwood Road, Plat 13, Lot 36. Property is zoned A/R (Agricultural/Residential)

Ms. Dalton explained that they are proposing to construct a gift shop on the site of the original house on the property. She stated that all setbacks have been met and permits obtained. They are planning to see farm products, veteran-made wood products, sweatshirts, etc.

Ms. Achille noted that as a corporation, Dare to Dream Ranch has to be represented by an attorney at this meeting. Mr. McGregor said that he tried to reach Ms. Dalton ahead of time but her voicemail box was full so he couldn’t leave a message.

Mr. Ducharme told Ms. Dalton when she returns to be prepared to address the septic system for the gift shop. Ms. Dalton said that they use a port-a-john in the driveway. Mr. Ducharme noted that they may need a permit for the port-a-john.

Mr. Ducharme asked for a motion to table this item to a later date. Ms. Downes Fortune moved and Mr. Paolissi seconded. No discussion. Motion passed 4-0.

E. Commercial Site Plan Review:

Applicant: ABID LLC

Owner: ABID LLC

- Applicant proposes addition of a new pump, landscaping, and curbing pursuant to Sec. 38-394 at 173 Danielson Pike, Plat 10, Lot 32. Property is zoned GBM (General Business Mixed Use).

The owner's attorney, David D'Agostino of Gorham & Gorham, explained that the Village Gas property has been a gas station for many years, and the owner is making improvements. Gary DeBlois, site engineer with Vertex Corporation, said the plan involves adding four new gas pumps, paving the site, improving traffic circulation on the property, and landscaping, including a drainage swale along the east side of the site. He said the waivers needed are listed in the application cover letter.

Mr. Ducharme asked if the new island is in addition to the existing island(s). Ms. Downes Fortune asked about the lighting which is currently pointed at the adjacent house and shines into their window. She also asked if the dumpster could be relocated as it is proposed to be about 15 feet from that house. Mr. DeBlois explained that due to the small size of the site (less than one acre) the dumpster location is tight.

Mr. DeBlois said that the lighting shown on the plan is existing and no changes are proposed; Mr. Ducharme noted that this new LED lighting is only about a week old and they should work with the electrical inspector to ensure all lighting stays on the property and points down.

Ms. Downes Fortune asked what the status is of the prior groundwater contamination and cleanup on the property. Village Gas owner Zeshan Abid stated that the contamination file is closed and no further testing is required. He said that the old single-wall tanks were replaced with double-wall tanks and the monitoring wells are still there if needed.

Mr. DeBlois explained that drainage on-site will flow from a roughly northwest-southeast divide to either a small swale in the northwest corner, a larger swale along the east side, or southwest to Route 6 as it currently does. He noted that the landscaped island in front of the pumps is within the Route 6 right-of-way and will not be changed. He also said they have a setback variance for the canopies. Mr. McGregor noted that the planning board doesn't give recommendations on dimensional variances.

Mr. Ducharme asked if the new pumps will run off the same (existing) fuel tanks; Mr. DeBlois affirmed this. Mr. Ducharme also noted that the exterior lighting ordinance does apply to the existing (new) lighting and it should meet dark sky lighting standards. Mr. DeBlois said they can add some shading to the building light that shines into the neighbor's house. Ms. Joyce noted that lights are supposed to go off an hour after closing. Ms. Downes Fortune asked if there are any plans to add an EV charging station. Mr. Abid said not at this time. He later asked if he did decide to add an EV charging station would he need to come before the board and Ms. Achille said yes, and the charging station wouldn't count as a parking space.

Mr. Ducharme reviewed the list of waiver requests and stated that the recent improvements should be included on the Commercial Site Review plan. Ms. Achille stated that the planning board can recommend approval subject to the specific changes.

Mr. Ducharme recommended the following changes:

1. Item #2 (p. 2 of 5): The canopy is a building therefore this item IS applicable.
2. Item #5 (p. 2 of 5): a PAP is not applicable.
3. Item #6 (p. 3 of 5): should state that the proposed project does NOT increase the burden...
4. Item #7 (p. 3 of 5): is applicable because of the new sign on the canopy.
5. Item #8 (p. 3 of 5): the engineer should try to move the proposed dumpster location if possible.
6. Item #9 (p. 3 of 5): Exterior lighting is applicable and should preferably meet dark sky standards. Also, the project does propose changes to existing site lighting on the new fence.
7. On the list of waivers on page 4 of 5:
 - a. (7) is applicable as the new canopy is a building.
 - b. (14) is applicable as the project includes new and recently installed lighting.
 - c. (15) is applicable as the project includes a new sign on the canopy.
 - d. (18) is applicable as the project includes new fencing.
 - e. (19) is applicable as the project does include a new building.

Mr. Ducharme asked for a motion. Ms. Downes Fortune made a motion to recommend approval of the Commercial Site Plan subject to the specific changes noted above. Mr. Paolissi seconded. No discussion. Motion passed 4-0.

New Business:

F. Recommendation to Town Council: Proposed Zoning Ordinance changes:

Mr. McGregor explained that most of the proposed changes listed in the agenda (#1-9, 13-15) don't apply tonight because they are under the Subdivision Regulations, so they should be removed from the agenda and minutes. He also noted that appeals filed under Section 38 now go to directly to Superior Court (Land Use Court) without first going to the Zoning Board; items 10-12 apply to this change:

10. Sec. 38-91.--Procedure. (Amendment)

- Proposes amendments necessary to meet the requirements of RIGL effective January 1, 2024. Relating to appeals heard by the zoning board of review and the superior court.

11. Sec. 38-93.--Public hearing. (Amendment)

- Proposes amendments necessary to meet the requirements of RIGL effective January 1, 2024. Relating to appeals heard by the zoning board of review and the superior court.

12. Sec. 38-94.—Decision and records of the zoning board of review. (Amendment)

- Proposes amendments necessary to meet the requirements of RIGL effective January 1, 2024. Relating to appeals heard by the zoning board of review and the superior court.

Mr. Ducharme asked for a motion. Ms. Joyce made a motion to move Sections 38-91, 38-93 and 38-94, with the discussed changes, to the town council. Mr. Paolissi seconded. Motion passed 4-0.

Old Business:

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

1. Development standards for accessory family dwelling units (Sec 38-282) (Amendment).
 - Proposes removal of “parents and in-law parents or grandparents” with the word “relatives”. Adds a citation to RIGL 45-24-37(e) as required.

Mr. Ducharme stated that there are no family requirements for Accessory Dwelling Units per state law. Mr. McGregor said that any town that accepts ADU’s has to accept “x, y, z”; he read aloud the current RIGL and the state definition does not include “family.” Mr. Ducharme suggested we hold this item for a future meeting.

2. Corner Lots (Sec. 38-273) (Amendment)
 - Proposes amendment to clarify the relationship between lot lines and yards on corner lots and designates the methods to determine the front lot line on through lots pursuant to RIGL 45-24-31(45)(i-iii)

Mr. McGregor read aloud from state law: zoning ordinances must define front, side and rear lot lines. Mr. Ducharme suggested we hold this item for a future meeting.

3. Sewerage Disposal (Sec. 38-277) (Amendment)
 - Proposes amendment of existing ordinance to meet the current "ISDS Law and Regulations". Proposes reduction of setbacks in conjunction with proposed amendments to dimensional regulations.

Ms. Joyce made a motion to recommend this amendment to Sec. 38-277 to Town Council; Mr. Paolissi seconded. Motion passed 4-0.

4. Sec. 38-276. – Lots divided by zoning district boundary. (Removal/Update)
 - Proposes removal of existing text and replacement with supplementary regulations pertaining to Fruit and Vegetable Stands.

The board discussed whether the sale of produce raised on the premises is a Commercial use. Mr. McGregor suggested we hold this item for a future meeting.

5. Sec. 38-285. –Standards for commercial and industrial development. (Removal/Update)
 - Proposed removal of this reserved section and replacement with supplementary regulations pertaining to drive-through uses.

Ms. Joyce made a motion to recommend this amendment to Sec. 38-285 to Town Council; Mr. Paolissi seconded. Motion passed 4-0.

6. Division of town into; enumeration Sec. 38-131 (Amendment)
 - Proposes removal of the MI, NC, and R-SC in continuity with the proposed amendments to Sec.-38-132 – Official Zoning Map. Proposes addition of HC2 zoning district.

Ms. Joyce made a motion to recommend this amendment to Sec. 38-131 to Town Council; Ms. Downes Fortune seconded. Motion passed 4-0.

7. Yard Exceptions (Sec. 38-272) (Amendment)
 - Proposes removal of the MI, NC, and R-SC in continuity with the proposed amendments to Sec.-38-132 – Official Zoning Map. Proposes addition of HC2 zoning district.

Ms. Joyce had a question about #4, Outdoor Phone Booth; Mr. McGregor said we should just keep it in.

Ms. Joyce made a motion to recommend this amendment to Sec. 38-272 to Town Council; Ms. Downes Fortune seconded. Motion passed 4-0.

8. Solar Installations (Sec. 38-292) (Amendment)

- Proposes removal of the MI, NC, and R-SC in continuity with the proposed amendments to Sec.-38-132 – Official Zoning Map. Proposes addition of HC2 zoning district. Proposes the addition of battery storage as a form of solar installation.

Mr. Ducharme noted that a lithium battery fire can't be put out easily—it has to be covered with a special blanket or buried in dirt. Ms. Achille said we need to prepare for this change. Mr. Ducharme stated it will be regulated by the Building Code. Ms. Achille then said to keep it in and regulate it. Mr. McGregor suggested we hold this item and he will work on the regulatory language.

Agenda Items 9-11 to be held until next meeting.

12. Planning board report (Sec. 38-430) (Amendment)

- Proposes the lack of changed conditions as a viable reason for the Planning Board to recommend an amendment to the Town's Zoning Ordinance.

Ms. Joyce made a motion to recommend this amendment to Sec. 38-430 to Town Council; Ms. Downes Fortune seconded. Motion passed 4-0.

Agenda Items 13-27 and H through O to be held until next meeting.

P. Adjournment

Mr. Ducharme asked for a motion to adjourn. Mr. Paolissi made a motion to adjourn. Motion passed 4-0. Meeting adjourned at 9:30 PM.

Submitted by,

Hilary Downes-Fortune, Secretary