

Planning Board Meeting Minutes

Town of Foster
Benjamin Eddy Bldg., 6 South Killingly Road
Wednesday, September 20, 2023

A. Call to Order

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

B. Roll Call

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

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

Public present:

C. Approval of Minutes

Mr. Renzi tabled the September 6, 2023 minutes to the next meeting.

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)

This item was moved to a future meeting.

E. Administrative Subdivision Review:

Applicant: Carl & Peggy Sherblum

Owner: SHERBLUM, CARL J. & PEGGY S.

- Applicant proposes adjustment and reconfiguration of lot lines meeting dimensional requirements. Review pursuant to Sec. 32-146. Properties located at 25 Moosup Valley Road & 24 Moosup Valley Road Plat 2 Lots 74 & 74-B. Property is zoned AR (Agricultural/Residential).

This item was presented for discussion only.

F. Minor Subdivision Final Plan Review: 73 Plainfield Pike AP 6 Lot 18

Applicant: Debra Quinn

Owner: LOWERY, JASON E. & JESSICA D.

- Applicant proposes creation of two lots with a single-family residence and OWTS on each lot created. Property located at 73 Plainfield Pike. Property is zoned AR (Agricultural/Residential).

Mr. McGregor stated that the applicants made the changes requested in the last meeting and this application is all set.

New Business:

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

A. Easement Access: Sec. 38-239

- Proposes addition of easement access regulations to promote good planning principles. Easement access is not currently included in the nonconforming uses section of the zoning ordinance.

Mr. McGregor explained that the town can't legally restrict the number of lots an easement goes through.

Mr. Renzi asked "What if someone doesn't want an easement?" Ms. Achille replied that an Easement by Necessity lawsuit can be filed. Mr. Renzi referenced by example a landlocked lot that was created pre-1978; it gets an easement but is designated a "substandard lot" due to its having no frontage.

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

1. Sec. 38-237 – Enlargement

- Proposes amendments necessary to remove inaccurate information as it pertains to the provisions of section 38-192.

Mr. Ducharme made a motion to recommend approval of the proposed amendment; Mr. Gibb seconded. No discussion. Motion passed 4-0.

2. Sec. 38-230 – Nonconforming by use

- Proposes amendments necessary to meet the requirements of RIGL.

Ms. Downes Fortune made a motion to recommend approval of the proposed amendment; Mr. Gibb seconded. No discussion. Motion passed 4-0.

3. Sec. 38-231 – Nonconforming by dimension

- Proposes amendments necessary to meet the requirements of RIGL.

Mr. Ducharme recommended we hold this item for future discussion; he gave parking spaces as an example.

4. Sec. 38-234 – Continuation of use

- Proposes amendments necessary to meet the requirements of RIGL.

Mr. Gibb made a motion to recommend approval of the proposed amendment with the addition of uses of land, ex. Gravel banks; Ms. Downes Fortune seconded. No discussion. Motion passed 4-0.

5. Sec. 38-226 – Substandard Lot of Record

- Proposes amendments necessary to meet the requirements of RIGL.

This item was held for future discussion.

6. Sec. 38-227 – Merger of substandard lot of record

- Proposes amendments necessary to meet the requirements of RIGL.

Mr. Ducharme asked who enforces the building on lots under common ownership; Mr. McGregor said the Zoning Official. Mr. McGregor noted that lots to be merged under this ordinance must be under the exact same ownership, not just the same family.

Mr. Gibb made a motion to recommend approval of the proposed amendment; Mr. Ducharme seconded. No discussion. Motion passed 4-0.

7. Sec. 38-1 – Purpose

- Proposes amendments necessary to meet the requirements of RIGL. Regarding purposes of zoning.

Mr. Ducharme made a motion to recommend approval of the proposed amendment; Mr. Gibb seconded. No discussion. Motion passed 4-0.

8. Sec. 38-36 – Enforcement of chapter

- Proposes amendments to better match the definitions section.

Mr. Ducharme noted that the ordinance must also include “Building Official” even if the current Building/Zoning Official wears both hats.

Ms. Downes Fortune made a motion to recommend approval of the proposed amendment, with the addition of “Building Official” as discussed; Mr. Ducharme seconded. No discussion. Motion passed 4-0.

9. Secs. 38-295-38-320 - Reserved

- Proposes development regulations for a future Municipal/Historic overlay district

Mr. Gibb made a motion to recommend approval of the proposed amendment; Mr. Ducharme seconded. No discussion. Motion passed 4-0.

10. Sec. 38-291 - Regulations pertaining to communications towers and antennas

- 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 re-addition of language, which was omitted by error during codification previously. (Corrective Amendment)

Ms. Downes Fortune made a motion to recommend approval of the proposed amendment; Mr. Ducharme seconded. No discussion. Motion passed 4-0.

11. Sec. 38-356 - Residential Compounds

- Proposes clarifying language to frontage requirements and removal of five-year eligibility requirement.

Mr. McGregor explained that all examples of residential compounds he’s seen in town have been divided into individual lots. Mr. Ducharme asked if we should still be considering uniform size for all development (single-family, multi-family, residential compound). He proposed a maximum number of houses on one shared driveway with a maximum length of 1200 feet. He also noted that a 50-foot setback for all structures would meet fire and OWTS/water regulations by providing 100 feet of separation. Mr. McGregor said he agrees but the state regulations for OWTS are only 10 feet from property line and 50 feet from water source, while Foster requires 50 feet from the property line. He noted that Gordon Rogers has proposed the setbacks be 10 feet on all sides for AR and HC2 zones, vs. the proposed 35-50-50-foot setbacks for all. Ms. Achille stated that they can ask for a variance if needed.

Mr. Ducharme made a motion to recommend approval of the proposed amendment, with the second part of (2) moved to C-1; Mr. Gibb seconded. No discussion. Motion passed 4-0.

12. Sec. 38-276. – Lots divided by zoning district boundary.

- Proposes removal of existing text and replacement with supplementary regulations pertaining to Fruit and Vegetable Stands.

Mr. Ducharme made a motion to recommend approval of the proposed amendment; Mr. Gibb seconded. No discussion. Motion passed 4-0.

13. Sec. 38-284 - Development standards for senior citizens group housing

- 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.

This item was held for future discussion.

14. Sec. 38-391 - Site plan for residential compounds.

- Proposes adding specifications for site plans for residential compounds

Mr. Gibb made a motion to recommend approval of the proposed amendment; Mr. Ducharme seconded. No discussion. Motion passed 4-0.

15. Sec. 38-392 Site plan for cluster development.
- Proposes adding specifications for Site plans for cluster developments.

This item was held for future discussion.

16. Sec. 38-2 Definitions
- Proposes the definitions section match that listed in RIGL 45-24-31 as required.

This item was held for future discussion.

17. Sec. 38-286 – Off-street parking requirements
- Proposes amendment as follows to match amendments to the definition section and to add a licensing requirement.

This item was held for future discussion.

18. Sec. 38-273 - Corner Lots
- 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).

This item was held for future discussion.

19. Sec. 38-281 Development standards for multifamily dwellings and comprehensive permit applications for affordable housing.
- 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.

This item was held for future discussion.

20. Sec. 38-390 Site plan for accessory nonfamily dwelling units
- Proposes specification that these site plans shall be submitted according to building permit standards

Mr. Gibb made a motion to recommend approval of the proposed amendment with the following modifications: strike “nonfamily” before “dwelling units” and revise wording to state: “A site plan for accessory dwelling units shall be submitted according to standards required for a residential building permit, including upgrading of OWTS systems to meet the requirements for bedrooms based on a System Suitability Determination.” Mr. Ducharme seconded. No discussion. Motion passed 4-0.

21. Sec 38-191 - Wholesale Business and Storage Uses #7:
- 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 table of uses.

Mr. Gibb made a motion to recommend approval of the proposed amendment with the change to 1500 square feet and O’s to X’s in #7; Mr. Ducharme seconded. No discussion. Motion passed 4-0.

I. Zoning Ordinances: Discussion of current zoning ordinances and potential options for amendments/additions amendments:

Items 1, 3 and 5-11 were held for discussion at a future meeting.

2. Minor Subdivision w/creation/extension of Road (Sec. 32-297)
- Discussion of potential future amendment.

Mr. Ducharme recommended adding dimensional requirements to meet fire/emergency vehicle needs. He noted that these would be private roads. Mr. Renzi suggested that people could pay the town to plow the road, but the consensus was that this would not be feasible/practical.

4. Inclusionary Zoning RIGL 45-24-46.1
 - o Discussion of potential future amendment.

Mr. McGregor noted that the state is increasing the requirement for Low/Middle Income (LMI) housing to 25%. We discussed if the town would want all of it to be senior housing. For a development with 25% LMI, all of the houses have to be of the same quality, but ¼ have to sell at a lower price than the rest.

J. Adjournment

Mr. Renzi asked for a motion to adjourn. Mr. Ducharme made a motion to adjourn. Motion passed 4-0. Meeting adjourned at 9:00 PM.

Submitted by,

Hilary Downes-Fortune, Secretary