

Planning Board Meeting Minutes

Town of Foster

Benjamin Eddy Bldg., 6 South Killingly Road

Wednesday, October 18, 2023

A. Call to Order

Warren Ducharme called the meeting to order at 7:00 PM.

B. Roll Call

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

Excused: Anthony Renzi

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

Public present: Ron Cervasio

C. Approval of Minutes

Mr. Renzi asked for a motion to approve the September 20, 2023 minutes. Mr. Gibb moved; Mr. Ducharme seconded. No discussion. Motion passed 6-0.

October 4, 2023 minutes were tabled to the next meeting.

New Business:

D. Recommendation to Town Council: Proposed Zoning Ordinance Amendments:

[Ms. Joyce made a motion to recommend this amendment to Sec. 38-285 to Town Council; Mr. Paolissi seconded. Motion passed 4-0.]—or all at once below...

1. Sec. 38-323. - Standards for granting

- Recommendation to create specific and objective criteria for issuance of all categories of special-use permits.

Mr. McGregor explained that he proposes to take all Special Uses except Gravel Banks out of Standards and move them to Development Plan Review. Discussion ensued as to various special uses and in particular gravel banks given the history of the Black Forest Farm property in town. Mr. Carpenter noted that we don't want to make it easy for someone to use our zoning to allow destruction of land for financial benefit.

Mr. Gibb made a motion to table Item 1 to a future meeting; Mr. Paolissi seconded. No further discussion. Motion passed 6-0.

2. Sec. 38-38 – Public notice requirements.

- Recommendation to specify public notice requirements for all applications not reviewed administratively meeting new standards set forth under RIGL.

Mr. Gibb made a motion to recommend this amendment to Sec. 38-38 to Town Council; Mr. Paolissi seconded. Motion passed 6-0.

3. Sec. 38-326. - Special-use permit in conjunction with variance

- Recommendation to provide a procedure for a special-use permit to be granted in conjunction with a variance as required by new standards set forth under RIGL.

Mr. Gibb made a motion to table Item 3; Ms. Downes Fortune seconded. Motion passed 6-0.

4. Sec. 38-470. - Development requiring both planning board and zoning board approval.

- Recommendation to amend this vested rights section to come into compliance with unified development review, now required by RIGL.

Mr. Carpenter made a motion to recommend this amendment to Sec. 38-470 to Town Council; Ms. Joyce seconded. Motion passed 6-0.

5. Sec. 38-289. - Historic cemeteries.

- Recommendation to clarify the procedure for developing on properties which abut cemeteries.

Mr. McGregor noted that the Foster Preservation Society says the boundaries of historic cemeteries in town are not well known or documented and would require an archeological investigation. Mr. Ducharme suggested the use of ground penetrating radar within 25 feet of a known cemetery. Mr. Carpenter stated that we will need to include criteria to establish an historic cemetery.

Mr. Gibb made a motion to recommend approval of this amendment with the additional stipulation of “shall obtain approval from the RI Historical Preservation Society or conduct an archeological investigation per RIGL”. Ms. Joyce seconded. Motion passed 6-0.

6. Sec. 38-191 – Table of Uses. All sections

- Recommendation to include categories for formal development plan review, administrative development plan review, land development project. Recommendation to reduce the number of uses permitted by special-use permit. Recommendation to change permitted uses to “Y” and prohibited uses to “N”.

Mr. Gibb made a motion to recommend this amendment to Sec. 38-191 to Town Council; Mr. Ducharme seconded. Motion passed 6-0.

7. Sec. 38-192 - Dimensional regulations

- Recommendation to reduce minimum lot size for senior citizens group dwellings based on DEM approval. Recommendation to add a minimum lot size for the municipal zoning district.

Mr. Gibb made a motion to table Item 7 to a future meeting; Mr. Paolissi seconded. No further discussion. Motion passed 6-0.

Old Business:

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

1. Sec. 38-191. – Table of Uses. Accessory Uses

- Recommendation to permit uses accessory to special use permits as of right.

Mr. Gibb made a motion to table Item 1 to a future meeting; Mr. Ducharme seconded. No discussion. Motion passed 6-0.

2. 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. Proposed reducing minimum lot sizes based on DEM approval.

Mr. Gibb made a motion to table Items 2 and 3 to a future meeting; Ms. Downes Fortune seconded. No further discussion. Motion passed 6-0.

3. 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.

4. Sec. 38-2--Definitions

- Proposal to match the definition listed in RIGL 45-24-31 as required and make Foster’s code more clear.

Mr. Gibb made a motion to table Item 4 to a future meeting; Mr. Paolissi seconded. No further discussion. Motion passed 6-0.

Mr. Carpenter left at 8:40 PM.

5. 38-298 – Screening Standards

- Proposes the reserved section of supplementary regulations be adjusted numerically and the current text from Sec 38-191 (Notes #3) be added as a supplementary regulation for screening of uses. Table of uses currently pending Town Council vote.

Ms. Joyce made a motion to recommend this amendment to Sec. 38-298 to Town Council; Mr. Gibb seconded. Motion passed 5-0.

6. 38-191 - Table of Uses – uses not expressly permitted

- Proposes amendments necessary to meet the requirements of RIGL 45-24-37 and RIGL 45-24-42 as amended. These sections require a procedure for hearing applications not expressly permitted.

Mr. McGregor explained that if someone applies for a use not expressly permitted, he would match to a use and forward his interpretation to the Planning Board. We would then either agree or disagree. For example: a corn field vs. a solar farm/power plant.

Mr. Gibb made a motion to recommend this amendment to Sec. 38-191 to Town Council per RIGL; Ms. Joyce seconded. Motion passed 5-0.

7. Sec. 38-286 – Off-street parking requirements

- Discussion of amendment to add a licensing requirement.

Mr. Gibb made a motion to table Item 7 to a future meeting; Mr. Paolissi seconded. No further discussion. Motion passed 5-0.

F. Chapter 32 Code of ordinances: Discussion of current land development and Subdivision ordinances and potential options for amendments/additions.

Mr. McGregor noted that changes to the Subdivision Ordinances don't require a vote. He still needs to work on Section 32-297, Road Creation. Items 1-9 are basically ready to go to Town Council; we will come back to items 10-12.

1. Sec. 32-3 - Effective date

- Discussion of potential amendment to meet RIGL.

2. Sec. 32-4 – Vested rights; continuation of prior regulations

- Discussion of potential amendment to meet RIGL.

3. Sec. 32-161 – Minor land development and minor subdivision

- Discussion of amendment to meet RIGL.

4. Sec. 32-181 - Preapplication meetings and concept review; general procedure.

- Discussion of amendment to meet RIGL.

5. Sec. 32-182 - Preapplication meeting with planning board

- Discussion of amendment to meet RIGL.

6. Sec. 32-183 - Master plan submission requirements

- Discussion of amendment to meet RIGL.

7. Sec. 32-184 - Preliminary plan submission requirements

- Discussion of amendment to meet RIGL.

8. Sec. 32-185 - Public hearing and notice requirements

- Discussion of amendment to meet RIGL.

9. Sec. 32-186 - Final plan; submission requirements

- Discussion of amendment to meet RIGL.

10. Sec. 32-297 Minor Subdivision involving road creation or extension

- Discussion of potential amendment.

- 11. Sec. 32-299 Major Subdivision involving road creation or extension
 - Discussion of potential addition.
- 12. Sec. 32-222 – Road; road design standards
 - Discussion of potential amendment.

Recurring Business:

G. Municipal Resiliency Program (MRP) Application Strategy

- Discussion to strategize plan for applying to become an MRP community.

Mr. Ducharme stated his concern that the MRP program is a “Venus Fly Trap” that gives the town seed money but then the community pays after the first year or two. Mr. McGregor said he can invite them in to make a presentation to the Planning Board.

H. MTAP

- Update on status of Municipal Technical Assistance Program application

Mr. McGregor explained that this is funded by the RI Housing agency.

I. TBA/HMP

- Update on Targeted Brownfield Assessment Program, deliverables and next steps.

Mr. McGregor explained that the town’s Hazard Mitigation Plan expired so he hired a company called Fairweather from Alaska to write the new one.

He also noted that the TBA program is free and we can stop at any time. There is a consultant currently creating a list of all Brownfields properties in town. Mr. Ducharme noted this already exists in the Comprehensive Plan. Mr. McGregor said he sent them Mr. Carpenter’s list of properties on Route 6, and noted that the SueAnn Creations property sold recently.

J. Adjournment

Mr. Ducharme asked for a motion to adjourn. Ms. Downes Fortune made a motion to adjourn. Motion passed 5-0. Meeting adjourned at 9:10 PM.

Respectfully submitted,

Hilary Downes Fortune, Secretary