



PLANNING BOARD MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road
Foster RI 02825
Wednesday, October 4, 2017

A. Call to Order

Mr. Carey called the meeting to order at 7:01 p.m.

B. Roll Call

Board Members Present: Joseph Carey (Chair); Richard Sparks (Vice Chair); Helen Hardy (Secretary); Jeff Sheldon; Mike Carpenter; Ron Cervasio, and Sergio Spaziano (arrived at 7:05)..

Public and Applicants Present: Joanna Achille (Solicitor), Cheryl Maynard (Planner), Town Council members Christie Stone, and Gordon Rogers; Residents Sandy Sheldon, Lynne Rider, Donna Carchia, Dennis Therrien, Bob Boyden, Adam Dacko, and Marvin Nadiger.

C. Approval of Minutes

Discussion / Action

1) September 6, 2017

Mr. Carpenter moved, Jeff Sheldon seconded, to approve the minutes of March 15, 2017. Ms. Hardy had some minor corrections.

Motion approved 6 – 0.

2) September 20, 2017

Mr. Carpenter moved, Richard Sparks seconded, to approve the minutes of May 3, 2017. Ms. Hardy had one minor correction.

Motion approved 6 – 0.

E. Board Members' Reports

Discussion / Action

Land Trust – Mr. Carpenter passed around photographs of improvements that had been made at Tikkanen's. Keith Moffat made a \$1500 contribution to the Land Trust for materials. Mapping for the Hayfield Property is planned.

Conservation – no report.

D. Correspondence

Discussion / Action

1) Ms. Maynard reported that J&D properties received their approval to go forward at Round Hill Road.
2) In regard to the Town's Farm and Forest Business Overlay District, Scott Millar of Grow Smart had a meeting with another town regarding the forest overlay that met with a lot of resistance so he recommended placing the project on the back burner.

F. Zoning

Discussion / Action

1) Review and recommendation for a possible amendment to the Zoning Ordinance from Town Council to:

Change firearms shops, ammunition shops, archery shops, edged weapon shops from Not Permitted to Special Use Permit in an Agricultural/Residential (AR) zone

Mr. Carpenter moved, Jeff Sheldon seconded, to table any discussion because of recent tragic events in Las Vegas as a show of compassion, and that they should have a moment of silence. Mr. Cervasio said he understands the moment of silence, but as far as tabling the issue out of compassion, the Board should move forward on the issue and the Board should discuss the request.

Mr. Carey inquired regarding the deadline for the advisory decision to the Town Council and asked the solicitor about options to table the request. Ms. Achille said the deadline is the day after tomorrow. So a recommendation should be given by the 12th. Mr. Carey acknowledged the tragic event, but because it is of national not directly affected the Town locally, he suggested the Board needs to address the agenda at hand. Mr. Cervasio suggested that in the best interests of the town they should vote "no" on the motion.

Motion failed 5 – 2. Mr. Carpenter left.

Mr. Cervasio moved, Rick Sparks seconded, to have a moment of silence for the victims of the Las Vegas shooting and other victims of tragedies. A moment of silence was observed without a vote.

Mr. Carey reviewed the history of the issue. In 2013, there was an application for a firearm shop in an AR zone. The application was reviewed by the Planning Board per recommendation of the Zoning Board, and the Planning Board recommended approval for a Special Use Permit. When it went before the Zoning

Board, there was a lack of clarity in the section of the Zoning Ordinance in the Use Table in Section 7, Subsection 2, which covers specialty shops. The solicitor at the time felt it was inappropriate to consider firearms shops as a specialty shop. The applicant withdrew the application. The Zoning Board then requested a review of the Use Table. The Planning Board did so and the current Use Table in effect does not allow them in an AR zone but in GBM and manufacturing districts only. The current council is asking the Board to review it again to allow firearm shops, etc. as a Special Use in an AR zone. Mr. Carey indicated he thinks it's important that if a change is made, definitions as to types of firearms shops that will be allowed will be well clarified. For example, mail order, store front type, in home sales, etc. Mr. Carey stated that simply putting it on the Use Table doesn't make it clear. Mr. Carey opened the floor to discussion.

Discussion: Mr. Sparks, Mr. Sheldon, Mr. Cervasio, Ms. Achille, Mr. Spaziano, residents Adam Dacko, Bob Boyden, and Lynne Rider; council member Gordon Rogers, town solicitor Ms. Achille, and town planner Ms. Maynard.

In general, board members were supportive of firearm sales in GBM zones but questioned the appropriateness of gun sales in the agricultural/residential zone. Compatibility of the use with the description of an A/R zone were discussed. Mr. Spaziano relayed his support of gun sales in appropriate zones, but not in an A/R zone because such sales were neither agricultural nor residential. The Board discussed accessory use in this case, but most agreed this use was not compatible.

It was acknowledged during comments from the public that illegal sales may be occurring presently, and that allowing this use in A/R may bring individuals into conformance. Mr. Rogers relayed the discussion regarding allowing gun shops by special use permit from the Town Council meeting. He stated that many other uses are allowed by special use permit that he does not believe are directly related to farming. Mr. Rogers indicated that presently he can buy and sell guns, and keeps multiple guns and ammunition in his home without regulation. He said the requirements of acquiring the FFL license are very stringent, and the ATF oversight is well organized. Mr. Rogers believes the special use permit component is the best means of oversight from the Town, and control over the issue from the town and the neighbors.

Mr. Boyden spoke in regards to his special use permit assigned with restrictions several years ago. The permit fit his intentions and worked well for his situation.

Further issues discussed included more exchanges on the appropriateness of a commercial use in an agricultural area, types of shops (store fronts vs. home mail order), seller requirements for ATF approval for Federal Firearms Licenses, classifications of Federal licenses, intention of the A/R zone, grandfathering of current gun dealers (all Board members agreed that grandfathering all current gun dealers was appropriate), and review of other types of shops such as groceries and automobiles prohibited in an A/R zone.

Mr. Sparks moved, Mr. Spaziano seconded, to amend the Ordinance to allow firearms shops with in an A/R zone with a Special Use Permit.

Ms. Hardy polled the board:

Mr. Sparks, no; Mr. Sheldon, no; Mr. Cervasio, abstained; Mr. Spaziano, no; Ms. Hardy, no; Mr. Carey, no.

Motion failed 0 – 5, with one abstention.

2) Review Interest/Viability of Wind Turbine Ordinance

Mr. Carey asked if the board wanted to move forward with the writing of the wind turbine ordinance. Mr. Sparks stated that he felt the whole board should be present for polling. Mr. Cervasio asked that the board be polled to gauge support. Mr. Cervasio stated that if four members were not willing to move forward then the Board should not take up more of its time on the issue.

Mr. Sparks moved, Mr. Cervasio seconded, to move forward with developing an ordinance on wind turbines.

Motion passed 6 – 0.

G. Major Land Development

Discussion/Action

H. Comprehensive Plan Update

Discussion / Action

Ms. Maynard reported that she met with Laura Sparks regarding her offer to create the maps for the Comprehensive Plan and will speak with her again shortly to discuss the details and timing.

I. Future Agenda Items	<i>Discussion / Action</i>
1)Marijuana Ordinance	
2)Wind Turbine Ordinance	
3)RIDEM Farmland Access Program	
4)Screening berms requirements along roadways	
5)Site Walk Procedures	
6)Development of Wellhead Protection zones	

J. Adjournment	<i>Discussion / Action</i>
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Motion to adjourn at 8:17 p.m. was approved unanimously.

Respectfully submitted,

Helen Hardy, Secretary