

Town Council Meeting
February 8, 2024

The February 8, 2024, Town Council Meeting was called to order by Denise L. DiFranco, President, in Foster, RI at 6:00 p.m. at the Benjamin Eddy Building.

The following members were present:
Denise L. DiFranco, President
Heidi Rogers, Vice President
Chris Stone
David Paolino
Cheryl Hawes, excused

Also present:
Kelli Russ, Finance Director
Julia Chretien, Assistant Solicitor
Grant McGregor, Planner

- I.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.
- II.

ANNOUNCEMENTS/PUBLIC COMMENT

Denise L. DiFranco announced that Grant McGregor accepted an award for completion of the Comprehensive Plan by Statewide Planning. He has been accepted into the Municipal Leadership Academy supported by the League of City & Towns.
There was no public comment.

- III.

CONSENT AGENDA

1. Meeting Minutes
Approval of January 25, 2024

2. Approval of General Warrants FY2024 #14 \$60,363.92

3. Monthly Reports (December)

4. Quarterly Reports (Oct, Nov, and Dec)

Chris Stone moved, Heidi Rogers seconded, to approve the Consent Agenda as presented.
Discussion: None.
Motion passed 4 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.

Item 2 Police Building Update
Moved here

Heidi Rogers moved to move Item 2 Police Building Update under Old Business to this position in the agenda. David Paolino seconded.
Discussion: None.
Motion passed 4 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.
Gordon Brayton said the architect is drawing two different floor plans for revision to the police station. They still looked expensive so we are working on another, which should reduce cost. It would be a one-story building with no basement.

- IV.

PUBLIC HEARINGS
1st Hearing –Zoning

1st Hearing –Zoning

Heidi Rogers read the advertisement (see Exhibit A).
Denise L. DiFranco announced that because this is a first hearing, the council would not be voting on these.
Grant McGregor reviewed the changes.

1. Sec. 8-216 – Classes

- Recommendation to amend the zoning districts in which Class A kennel licenses are permitted. Recommendation to specify uses that are not subject to a Class B kennel license.

2. Sec. 8-221 – Fees

- Recommendation to increase the fee for kennel license to \$100.00.

3. Sec. 8-222 – Renewal

- Recommendation to specify that kennel licenses are to be renewed at a public hearing by the Town Council.
Recommendation to specify that applications for renewal shall be submitted to the town clerk no later than March 1 in each year. Public notice of application for kennel licenses and public hearing thereof shall adhere to the provisions of Sec. 38-38(b) and 32-50(b).
- 1

4. Sec. 12-31 - Renewal or transfer

- Recommendation to include initial applications in the current regulations for renewal or transfer of a business license. Recommendation to require an applicant for initial application, renewal or transfer to present the requirements specified in this section to the Town Council at a public hearing prior to or in conjunction with the license being granted by the Town Council.

Mr. McGregor said a BCI would only be required for the initial application but not for renewal. It also does away with requiring a public hearing for a renewal.

Philip Keefe, Barb's Hill Road, asked if that for all businesses. So if you have a BCI done, and it's fine, but then you do a horrendous act, there's no way that the town can take another look? Chief Lindell suggested we look into this more. There are too many variables. Mr. Keefe said there's a difference between boarding horses or running a daycare. David Paolino said a BCI should be required again. Heidi Rogers asked who makes the determination of whether it is a crime. Susan Dillon said we don't have a lot of licenses out there. The State verifies daycares.

5. Sec. 12-34 – License for sale of alcohol.

- Recommendation to increase the initial license fee for sale of alcohol to \$500.00. Recommendation for annual renewal fee to match initial license fee.

6. Sec. 12-35 – License for entertainment

- Recommendation to increase the initial license fee for entertainment to \$300.00. Recommendation for annual renewal fee to match initial license fee.

7. Sec. 12-36 – License for campground

- Recommendation to increase the initial license fee for campground to \$100.00. Recommendation for annual renewal fee to match initial license fee.

Anna Rao, Central Pike, said the campgrounds should pay more because of emergency services used.

8. Sec. 12-37 – License for hotel/motel

- Recommendation to increase the initial license fee for hotel/motel to \$100.00. Recommendation for annual renewal fee to match initial license fee.

9. Sec. 12-38 - License for pawn shop

- Recommendation to increase the initial license fee for pawn shop to \$100.00. Recommendation for annual renewal fee to match initial license fee.

10. Sec. 12-39 – License for sale of secondhand articles

- Recommendation to increase the initial license fee for sale of secondhand articles to \$100.00. Recommendation for annual renewal fee to match initial license fee.

11. Sec. 12-40 – License for private detective

- Recommendation to increase the initial license fee for private detective to \$100.00. Recommendation for annual renewal fee to match initial license fee.

12. Sec. 12-41 – License for theater

- Recommendation to increase the initial license fee for theater to \$100.00. Recommendation for annual renewal fee to match initial license fee.

13. Sec. 12-42 – License for auto repair

- Recommendation to increase the initial license fee for auto repair to \$100.00. Recommendation for annual renewal fee to match initial license fee.

14. Sec. 12-43 – License for preparing food (Victualling)

- Recommendation to increase the initial license fee for preparing food (Victualling) to \$100.00. Recommendation for annual renewal fee to match initial license fee.

15. Sec. 12-44 – License for automobile junkyard

- Recommendation to increase the annual renewal fee for automobile junkyard to \$100.00. New junkyards are prohibited.

16. Sec. 12-45 – License for flea market

- Recommendation to increase the initial license fee for flea market to \$100.00. Recommendation for annual renewal fee to match initial license fee.

17. Sec. 12-46 – License for retail/holiday sales

- Recommendation to increase the initial license fee for retail/holiday sales to \$100.00. Recommendation for annual renewal fee to match initial license fee.

18. Sec. 12-47 – License for gravel banks, natural material processing, stone crushing and sorting, mining, quarrying

- Recommendation to increase the initial license fee for Industrial use #21 to \$100.00. Recommendation for annual renewal fee to match annual license fee. Recommendation to require an inspection to be made by the ZEO annually prior to renewal of a license for Industrial use #21. Recommendation to include conditions for restoration of land upon discontinuance of use.

Chris Stone asked if they could use boulders as a wall. Mr. McGregor said they would not.

Lynne Rider, Burgess Road, said she did not think they allowed mining. She was trying to look through the old ordinances. She noted that behind her it is a wasteland and a nuisance.

David Paolino said mining was no longer allowed. Mr.

McGregor said they had grouped similar things from the Table of Uses.

19. Sec. 12-96 – Application fee; renewal fee

- Recommendation to increase the license application fee for a firearms dealer's license to \$100.00. Fee for issuance of license shall remain \$5.00 pursuant to RIGL 11-47-39(4).

Anna Rao, Central Pike asked how many firearms dealers there were in Foster right now. Denise L. DiFranco said there are a few but she doesn't know right now off the top of her head.

Mrs. Rao was concerned that they were right next to her house.

20. Sec. 12-162 - License issuance; fees; limitations.

- Recommendation to increase the fee for a Hawker's license to \$100.00; Peddler's license to \$100.00; and Mass Gathering permit to \$100.00. Recommendation to remove minimum fees for Hawker; Peddler; Mobile food establishment licenses, Event permit; and Mass Gathering permit.

Anna Rao, Central Pike, asked what a hawker is. Julia Chretien said a person who sells goods or wares by shouting it on the street. Mrs. Rao said, so they have no home. Ms. Chretien said they don't go door-to-door, they have a booth. Mrs. Rao said that was what she was worried about.

21. Sec. 26-121 – Site plan review fees.

- Recommendation to amend the subdivision application fees as stated in this section to be amended to match the current subdivision application fee specified in chapter 32 and on the relevant subdivision application forms.

22. Sec. 38-63 – Powers and duties.

- Recommendation to amend the powers and duties of the zoning board of review pursuant to RIGL 45-24-57.

23. Sec. 38-64 – Voting.

- Recommendation to amend the procedures for voting by the zoning board of review pursuant to RIGL 45-24-57.

24. Sec. 38-65 – Application procedure.

- Recommendation to remove the provision for filing for site plan review pursuant to RIGL 45-24-58 as amended.

25. Sec. 38-67 – Decisions and records.

- Recommendation to amend the timeframe, mailing, and sound recording device procedures for the zoning board of review when deciding upon an application pursuant to RIGL 45-24-61.

26. Sec. 38-232 – Existence by variance or special-use permit.

- Recommendation to state that the planning board may issue a variance or special-use permit pursuant to RIGL 45-24-46.4 as amended and RIGL 45-23-50.1 as amended.

27. Sec. 38-359 – Land development projects.

- Recommendation to regulate and include special provisions for land developments creating more than one residential dwelling and/or a subdivision creating or extending a road. Recommendation of updates required to meet RIGL 45-24-47 as amended.

28. Sec. 38-387 – Pre-submission conference.

- Recommendation to add the intentions of pre-application conferences pursuant to RIGL 45-24-48

29. Sec. 38-388 – Contents of site plan.

- Recommendation to change the term “vesting rights” to “vested rights.” Recommendation to refer to the “town planner” as the “administrative officer” for consistency with RIGL 45-23-32(1) and Sec 32-5.

30. Sec. 38-467 – Development not requiring planning board or zoning board approval.

- Recommendation to refer to the “building inspector” as the “building official.”

Denise L. DiFranco asked three times if anyone who had objections would like to speak.

Denise L. DiFranco asked three times if anyone who was in favor would like to speak.

Denise L. DiFranco closed the public hearing.

Denise L. DiFranco asked if the fees were proportional. Mr. McGregor said he would put it before the board.

David Paolino asked how we compared to other towns for parity. Mr. McGregor said he would have the planning board look into it.

B. 2nd Hearing – Zoning

2nd Hearing – Zoning

Denise L. DiFranco said this is a second hearing so the council can vote on it.

Heidi Rogers read the ad (see Exhibit B).

1. Sec. 38-231 – Nonconforming by dimension.

- Recommendation to include an example of a use which is nonconforming by dimension which cited in RIGL 45-24-31(53) (ii).

2. Sec. 38-271 – Purpose of article.

- Recommendation to remove setting specific standards for the granting of special-use permits from the purpose of supplementary regulations. The standards for granting special-use permits are found in Article VII – Special-use permits and Variances.

3. Sec. 38-293 – Stonewall protection and preservation.

- Recommendation to add development plan review and unified development review provisions to the types of applications requiring identification of the proposed alteration, relocation, excavation, dismantling, or demolition of a historic stone wall (or part thereof). Recommendation to cross-reference RIGL 11-41-1, 11-41-5, 11-41-32, and 45-2-39.1 as those statutes relate to the theft of stonewalls.

4. Sec. 38-321 – Procedure generally

- Recommendation to amend the procedure for applying for a variance or special-use permit. Recommendation to add procedures for applying for a modification.

5. Sec. 38-322 – Applicability of article

- Recommendation to replace former procedure for applying for both a commercial site plan and a special-use permit with the procedure for unified development review as required by RIGL 45-23-50.1 and 45-24-46.4 as amended.

6. Sec. 38-323 - Standards for granting special use permits

- Recommendation to specify that this section covers standards for granting special-use permits.

7. Sec 38-324 - Issuance of variances and special use permits

- Recommendation to amend the standards and procedures for issuing special-use permits and variances as required by RIGL 45-24-41 and 45-24-42 as amended and RIGL 45-24-44(d).

8. Sec. 38-325 – Unified development review

- Recommendation to add provisions for unified development review as required by RIGL 45-23-50.1 as amended and RIGL 45-24-46.4 as amended. Review and decision on variances and special use permits for properties undergoing land development or subdivision review, which qualifies for unified development review by the planning board, shall be conducted and decided by the planning board. This process is to be known as unified development review.

9. Sec. 38-326. – Dimensional variance in conjunction with special-use permit

- Recommendation to add provisions for a dimensional variance to be granted in conjunction with a special-use permit as required by RIGL 45-24-42(d) as amended. Requires reduced dimensional regulations be in place for all dimensional requirements. Development on lots exceeding the reduced dimensional standards proceed with a modification or variance application, whichever is applicable.

10. Sec. 38-327 - Specific and objective criteria for categories of special use permits

- Recommendation to establish specific and objective criteria for the issuance of each type of use category of special-use permit as required by RIGL 45-24-42(b)(3) as amended. Lynne Rider, Burgess Road, asked about animals in terms of size. David Paolino asked if it was possible to categorize by over 250 pounds and under 250 pounds. Mr. McGregor said he felt that “right-to-farm” could still oppose that. If you exceed 35 animals on five acres, you would need a special use permit, categorizing the animals would only go so far. Mr. Paolino said it might be better to categorize it right now. Mrs. Rider wondered if DEM had some ordinance about that.

11. Sec. 38-357 - Development standards for general business (GB) development

- Recommendation to remove the current review procedure for GB development. The current procedure for review is by major land development if a proposed GB use does not involve a percentage based building footprint expansion criteria. The current review procedure for review is by development plan review if the proposed GB use does involve building footprint expansion. Recommendation to review applications by the procedures under which a given application would be reviewed if the proposed use was not in the GB district.

12. Sec. 38-358 - Development standards for Highway Commercial 2 (HC2) development

- Recommendation to remove the current review procedure for HC2 development. The current procedure for review is by minor or major land development if a proposed HC2 use does not involve a percentage based building footprint expansion criteria. The current review procedure for review is by development plan review if the proposed HC2 use does involve building footprint expansion. Recommendation to review applications by the Procedures under which a given application would be reviewed if the proposed use was not in the HC2 district.

13. Sec. 38-386 – Requirements and purpose of article

- Recommendation to explain that land development projects and development plan review applications, which are reviewed under Article IX must submit a site plan for review. These applications are reviewed by the planning board. Review of

special-use permits and variances do require site plans to be submitted. These procedures are regulated under Article VII – Special-use permits and Variances and the respective checklists for Zoning Relief. Recommendation to use the term “development plan review” pursuant to RIGL 45-24-58 as amended. The amendment to RIGL 45-24-58 requires commercial site plans to be titled development plan review.

14. Sec. 38-394 – Site plan review for commercial and industrial development

- Recommendation to amend application submission and review procedures for formal development plan review, formerly known as commercial site plan review as required by RIGL 45-24-49, 45-23-50, and 45-24-58 as amended.

15. Sec. 38-395 – Administrative development plan review

- Recommendation to add provisions for review of administrative development plan review applications as required by RIGL 45-24-49, 45-23-50, and 45-24-58 as amended. Administrative development plan review is utilized in limited circumstances for large home businesses. Most uses categorized as requiring administrative development plan review will be pushed to minor land development review pursuant to RIGL 45-23-32(19)(i)(C) as amended and Sec. 38-395(b) as proposed.

Denise L. DiFranco asked three times if anyone who had objections would like to speak.

Anna Rao, Central Pike, asked what the requirement was for frontage on property. Mr. McGregor said 300 feet. Ms. Rao said so if somebody takes 5 feet away, you don't have 300 feet anymore. Mr. McGregor said no one is allowed to take any frontage away from your property without your authorization. Denise L. DiFranco asked three times if anyone who was in favor would like to speak.

Denise L. DiFranco closed the public hearing and opened it to the council.

Discussion regarding number of animals.

Grant McGregor said if they were to approve the Special Use Permit without the animals included that would create a use that is permitted as a right. Mr. Paolino said the point it to be in accordance with the State laws. Mr. McGregor said that would bring it in accordance with State law and there would just be the one Special Use.

Heidi Rogers moved to approve the following recommendations from the planning board as presented

Sec. 38-231 – Nonconforming by dimension.

Sec. 38-271 – Purpose of article.

Sec. 38-293 – Stonewall protection and preservation.

Sec. 38-321 – Procedure generally

Sec. 38-322 – Applicability of article

Sec. 38-323 - Standards for granting

Sec 38-324 - Issuance of variances and special use permits

Sec. 38-325 – Unified development review

Sec. 38-326 – Dimensional variance in conjunction with special-use permit

Sec. 38-357 - Development standards for general business (GB) development

Sec. 38-358 - Development standards for Highway Commercial 2 (HC2) development

Sec. 38-386 – Requirements and purpose of article

Sec. 38-394 – Site plan review for commercial and industrial development

Sec. 38-395 – Administrative development plan review

David Paolino seconded.

Heidi Rogers noted that she eliminated the one concerning animals because that will be going back to planning. Mr. McGregor said that if they send that back to the planning board, we have two more weeks of people being able to plan a gravel bank by right.

Denise L. DiFranco said no we are only not approving the animal one. Julia Chretien said we will make a second motion to approve it less the animal portion of it.

Further discussion: None.

Motion passed 4 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.

Heidi Rogers moved to approve the recommendation by the planning board for Sec. 38-327 [Specific and objective criteria for categories of special use permits] less the criteria for animals.

David Paolino seconded.

Discussion: None.

Motion passed 4 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.

C. 3rd Hearing –Zoning

Heidi Rogers read the advertisement (See Exhibit C).

Denise L. DiFranco opened the public hearing. She noted that all of the ordinances had been passed except for which was sent back for modifications.

Sec. 38-226 – Substandard lot of record

- Recommendation to come into compliance with RIGL 45-24-38 as amended. Requires reduced dimensional regulations be in place for all dimensional requirements. Development on lots exceeding the reduced dimensional standards proceed with a modification or variance application, whichever is applicable. Grant McGregor said that no modifications can be made to this because it is required by State law. Any permitted use on a substandard lots come with a calculation on in terms of how uses are regulated. We have written a letter to the Speaker of the House. Denise L. DiFranco said so we asked that it be sent back, but there are no changes that can be made.

Denise L. DiFranco asked three times if anyone would like to speak against.

Denise L. DiFranco asked three times if anyone would like to speak in favor.

Heidi Rogers moved to approve the recommendation of the planning board to amend Sec. 38-226 – Substandard lot of record as presented. David Paolino seconded.

Discussion: Denise L. DiFranco said she is tired of the State coming in and telling us what we can and can't do.

Motion passed 4 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.

VI. OLD BUSINESS

1. Two Town Council Members attending Engineering Board (2/27/24)

Denise L. DiFranco said that at the last council meeting, two council members were sent to the Engineering Board. On the agenda, we need two council member to go to the Engineering Board on the 27th of February. David Paolino and Denise L. DiFranco volunteered.

Heidi Rogers moved for Denise L. DiFranco and David Paolino to attend the Engineering Board meeting on February 27, 2024. Chris Stone seconded.

Discussion: None.

Motion passed 4 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Denise L. DiFranco, aye.

- ~~2. Police Building Update~~
moved

Chris Stone moved, Heidi Rogers seconded to add the update for attending the previous meeting for discussion only. Heidi Rogers said at the meeting they attended there was an announcement about Moosup Valley Fire Department having a game dinner on February 25th at Rhodes on the Pawtuxet. They discussed Foster EMA and Foster Old Home Days. They were planning for an active shooter drill. All of them were concerned that we haven't assigned house numbers or property numbers to certain properties, for example a Land Trust property. Chris

Stone said the house numbers are being numbered in the wrong order. Chief Lindell said she was told that the person who builds the house pick their own numbers.

Lynne Rider said that before you build a house, you have to have some kind of designation. Denise L. DiFranco noted that her address has changed three times. Ms. Rider said that the lots without homes are all zero. Chris Stone said that if you go back and correct the numbers that already have a number, they have to go to the post office and change their address. Grant McGregor said vacant land is zero. In terms of new lots being created, they add an A or B. He referred them to Clerk Susan Boucher as the person who assigns them. Denise L. DiFranco said we need to come up with a standard. Philip Keefe suggested putting up a ledger up with the numbers at the end of the road. Chief Lindell said any vacant properties that are not built on, those owners register their property with us or the fire department so it isn't zero. Maybe the town could put something out to the townspeople to make their number more visible. Denise L. DiFranco asked how 911 does it. Chief Lindell says 911 wouldn't have anything for a vacant lot. Mr. McGregor said George Dumont knows the building code and says that the house needs to be numbered with a 3" so he would be the one to ask. David Paolino said that maybe the chief could put something at the end of the road indicating which numbers were one the road.

Heidi Rogers said another thing discussed were stipends for firefighters per call. The tower at Woody Lowden and also 800 radios. They were also talking about getting [new] knox boxes in the Capital Budget because they are going to be outdated. Out of eight, one is not working.

3. Rhode Island 250
"Semiquincentennial" (250th)
RI 250 Commission update

Denise L. DiFranco said she will to reach out to Recreation and Old Home Days, and Mrs. Rider spoke to Preservation.

4. Appointment of Technical
Review Committee Members
– Update

Denise L. DiFranco said we were going to find out if it needed to be a Charter change and it is similar to a subcommittee so at the next meeting we can make appointments. It will be planning board members meeting at 6:00 p.m. versus 7:00 p.m.

VII. NEW BUSINESS

Homestead Exemption Act

Kelli Russ said we are in the middle of a statistical revaluation, and as everyone knows, the property values have all gone up. So we are looking at an increase of 46 to 50 percent based on the fair market values. So in theory, assuming the budget will remain the same, so the tax rate goes down. We have a long term treaty with Providence Water. Providence Water has stabilized their assessed value at \$8400 per acre. They have over 2100-2200 acres of property. They are saving \$100,000. So as everyone else's property value goes up, theirs remains the same, and they will then benefit from the decrease in the tax rate. It has happened in the past but we haven't had this much of a change in values. They are going to benefit from this reval so residential taxpayers would have to pay more to make up the difference. She did quite a bit of research to see if there is anything they could do. What we were looking at a Homestead Exemption. What we can't do is have a different rate for Commercial property vs Residential. That is not in the treaty. We could offer a Homestead Exemption, which is for owner-occupied residences. Let's say a 20% exemption that brings their property down. It's only beneficial because 90% of all residents in Foster live in the homes they own. Frozen property would not be able to get this.

Ms. Russ said they will need to restructure the treaty with Scituate Water and make it dependent on the levy.

Denise L. DiFranco asked if they are looking for a motion.

Julia Chretien said it would be an Ordinance that is needed; you

don't need a motion to just look into it. Ms. Russ doesn't see this as a permanent thing.

Denise L. DiFranco said she would like a motion to discuss Budget workshops.

Heidi Rogers moved to add budget workshop dates for discussion only to the agenda. David Paolino seconded.

Discussion: None.

Motion passed 4 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.

Kelli Russ was looking at the 5th. Tuesday, March 5th or the 7th for the first meeting. The Thursday is a non-council week. At 4:30 p.m. Ms. Russ said we should pick two additional days. Possibly Tuesday the 12th and the 21st. Public hearing on the budget should be the 28th.

IX. ADJOURNMENT

Chris Stone moved to adjourn.

Motion passed 4 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.

Meeting adjourned at 8:44 p.m.

Submitted by,

Susan M. Dillon, Town Clerk