**Planning Board Meeting Minutes**

Benjamin Eddy Bldg., 6 South Killingly Road

Wednesday, May 3, 2023

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1. **Call to Order**  
   Anthony Renzi called the meeting to order at 7:08 PM.
2. **Roll Call**  
   Planning Board Members: Mike Carpenter; Warren Ducharme; Bill Gibb; Susan Joyce; Anthony Renzi; Secretary, Hilary Downes-Fortune.

Excused: David Paolissi

Staff present: Grant McGregor, Planner; Joanna Achille, Solicitor; George Dumont, Building and Zoning Offical

Public present: Don Minto, Heather Minto, George Gearing

1. **Approval of Minutes**

Mr. Renzi asked for a motion to approve the April 19, 2023 minutes. Mr. Carpenter made the motion; Mr. Ducharme seconded. Discussion: Ms. Joyce requested I remove the word “yet” from her question regarding the historical commission being contacted about the tower. Mr. Gibb made a motion to accept the minutes as amended; Mr. Ducharme seconded. Motion passed 6-0.

1. **Advisory Recommendation: Special-Use Permit**

**Applicant: MCM Holdings, LLC**

**Owners: Town of Foster (Plat 20, Lot 5) and Foster Center Volunteer Fire Co. (Plat 20, Lot 2)**

*Applicant proposes to construct a 150’ monopole communication tower and related accessory equipment at 86 Foster Center Road, Plat 20, Lots 2 & 5. Property is zoned A/R (Agricultural/Residential) and M (Municipal).*

Ms. Achille stated that this is the same application that we heard previously but we need to roll the Commercial Site Plan Review into an Advisory Opinion.

Mr. Renzi asked for a motion. Mr. Ducharme made a motion that the Commercial Site Review becomes an advisory opinion in support of the Special-Use Permit (SUP) Application, with the conditions noted. Mr. Gibb seconded. No discussion. Motion passed 6-0.

Mr. Renzi requested that we advance **Item I, Licensing Program**, to the next item. He referenced a letter he had received from George Dumont. Mr. Dumont stated that in light of new information he would like to postpone this item to a future date. He said that in his opinion, the repair shops in town are out of control and he would like to increase his ability to inspect and control these properties.

1. **Recommendation to Town Council: Proposed Zoning Ordinance Changes**

Mr. Renzi suggested we address these items one by one.

1. Accessory Structures/Uses 38-2, 38-191, 38-192 (Previously recommend by PB)

* + - Add to definition for “Accessory Structure” to match RIGL.
    - Amend definition of “Accessory Use”, by removing example.
    - Amend Table of uses – Accessory uses to match RIGL.
    - Update/amend permitted uses within the Table of uses zoning matrix.

Ms. Joyce said she has a question regarding the definition of “principal use”. Mr. McGregor stated that the definition comes directly from RIGL. Mr. Ducharme noted that these proposed changes are correcting the town’s definitions to match state law.

In regard to the Table of Uses, Mr. Ducharme suggested we keep the S’s in the table. Mr. Carpenter noted that when changes are made people read into the changes and will get a new page showing the before and after. Mr. Ducharme recommended that we make update recommendations for a number of ordinances and submit them as a batch to the Town Council because changing them is a process (involves advertising, etc.). He suggested we use a strike-and-correct method then submit the full batch to Town Council.

Mr. Ducharme made a motion to accept the changes noted above for Accessory Structures/Uses, including changing all zones to S in part 2. Ms. Joyce seconded. Motion passed 6-0.

2. Community Residences and Family Day Care Homes: 38-2, 38-191 (Previously

recommend by PB)

* + - Amend definition of “Community Residences” to match RIGL definition.
    - Add “Family Day Care Homes” to Table of uses – business uses.

Mr. Ducharme recommended we hold this item for a future date as the state code prohibits these in certain zones.

3. Wineries and Breweries: 38-2, 38-191, 38-193, 38-394

* + - Add definitions for “Winery”, “Farm Brewery”, “Micro-Brewery”, “Distillery”, “Farm Distiller”.
    - Add the above definitions to Table of Uses – Business.
    - Remove the existing definition of “Microbrewery”, remove “Brewery or Distillery” from Sec 38-193 – Prohibited Uses.

Ms. Achille noted that the uses do not include growing of grapes because of Right-to-Farm laws. Producers who sell to the public would need a public water supply well; we could add a double tier for wineries.

Mr. Renzi stated that all of them could be designated “Special Use Permit”. We agreed to change Winery and Farm Brewery to S for AR Zone.

Mr. Ducharme made a motion to modify the old ordinance to realign AR, NC and GBM of the general definitions in Table 2 to reflect the changes per our discussion. Ms. Downes Fortune seconded. Motion passed 6-0.

4. Recreational Marijuana: 38-2, 38-191

* Add definitions for “Cannabis cultivator”, “Cannabis establishment'', “Cannabis product manufacturer'', “Cannabis retailer'', "Medical cannabis treatment center" to match RIGL.
* Add the above definitions to Table of uses – Medical Marijuana related uses, and remove the term “Medical” from this section of the table. Section of Table of uses to read “Marijuana related uses”.

Mr. Renzi suggested we use the ordinance for liquor store locations as the model for retail cannabis store locations.

Ms. Achille noted that the state still differentiates between medical and recreational marijuana for town tax money from purchases. She also stated that marijuana cultivation doesn’t fall under Right-to-Farm, and recreational growers have to have tags for plants.

Mr. Carpenter stated that the legislation is still evolving so we can refer to an addendum regarding location, etc. so we won’t have to amend the ordinance again.

Mr. Gibb said he thinks the definitions page is fine.

No motion or vote was made regarding this item.

5. Churches/Religious Institutions: 38-191

* Remove the use of “Church” from Table of uses. Replace the term “Religious institution other than church” with the term “Religious Institution”.
* Keep the same permitted uses in zoning matrix as was allowed for “Church” for “Religious Institutions”.

Mr. Gibb made a motion to modify the existing ordinance for Churches/Religious Institutions as noted above. Ms. Joyce seconded. Motion passed 6-0.

6. Barns: 38-2, 38-191, 38-192

* Example of barn being accessory use to home eliminated from “Accessory Uses” definition. Add definition for “Barn” Add that definition to Table of uses – Wholesale business and storage. Update zoning matrix.

Mr. Ducharme told us someone in town had built a barn to house buffalo without a residence on the property; the town fought this and won.

Mr. Renzi noted that the Izzo Farm in Johnston has a barn and fields but no house on the property.

Mr. Ducharme mentioned there is another farm on Cucumber Hill Road like this. He suggested we pass on this item until a future date as the definition needs to be revised.

7. Table of uses - Note #3: 38-191

* Amend Table of uses – Notes: #3 to add increased screening requirements.

Mr. Renzi said that in the section on Open Lot Storage the screen height needs to be increased to 8 feet. We agreed to modify the proposed change to eliminate the word “vegetation” in #3 as it is redundant with landscaping. Specifically, #3 will be amended to say “3. Must be screened by an opaque fence, wall, or landscaping, no less than eight feet in height. This requirement does not apply to such uses by the state or town government.”

Mr. Gibb made a motion to amend the description as noted; Mr. Ducharme seconded. Motion passed 6-0.

1. **Zoning Ordinances: Discussion of current zoning ordinances and potential options for amendment(s) to sections and chapters of the Code of Ordinances**

Mr. Ducharme asked for the Word document of the current town ordinances in order to draft changes to the section pertaining to Accessory Dwelling Units and Multi-Family Residences.

1. **Zoning Map: Discussion of current zoning districts and potential options for amendments to zoning map for Route 6 and abutting parcels to enhance development**

Mr. Renzi asked Mr. McGregor to take a ride with him along Route 6 to identify sections where zoning needs to change or stay the same. He mentioned that some houses are now Non-Conforming as they were once AR zoned.

Mr. Gibb asked how we will communicate these changes to owners.

Ms. Downes Fortune stated that the planner and planning board need to look at maps of forestland, such as the Southern New England Heritage Forest and large contiguous tracts of forest land, in order to conserve these if possible. Other conservation issues should also be addressed in evaluating potential zoning changes as well.

1. **Planning Board to discuss updates to its webpage**

Ms. Joyce said that she has been looking at other town websites; Killingly and Burrillville use the same template as Foster but their websites are way more robust.

Mr. McGregor noted that Sue Dillon and others in town hall would need to make any edits to the website.

Ms. Joyce said that some documents for revising the town website would need to be created.

Mr. Renzi said that he would contact Sue Dillon about starting with the Planning Board webpage.

1. **Planning Board to discuss Business Licensing Program; develop adoption of Business Licensing Program for Automotive Repair Shops**

[Item moved to ahead of Item E.]

Mr. Renzi asked if attending members of the public had any comments or questions. Heather Minto said that they really like the dark sky in Foster. Mr. Ducharme noted that we need to add a Dark Sky Ordinance.

1. **Adjournment**

Mr. Renzi asked for a motion to adjourn. Mr. Carpenter made a motion to adjourn. Motion passed 6-0. Meeting adjourned at 8:57 PM.

Respectfully submitted.

Hilary Downes Fortune, Secretary