

Planning Board Meeting Minutes

Town of Foster

Benjamin Eddy Bldg., 6 South Killingly Road

Wednesday, October 4, 2023

A. Call to Order

Anthony Renzi called the meeting to order at 7:04 PM.

B. Roll Call

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

Excused: Mike Carpenter

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

Public present: Randall Bagwell, Karen Dalton, Amita Rodman

C. Approval of Minutes

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

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

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)

[Item was moved to after E. while applicant waited for attorney to arrive.]

Ms. Dalton was accompanied by her architect, David DiQuatro of RGB, and her attorney, David Morelli. Ms. Dalton explained the history of the property and the plans for the shop in the new building, which will sell farm and wood products made on-site by veterans. It will be handicapped accessible and will have a 1.5 acre botanical garden in front for pollinators. All materials, labor and services are being donated; hours will be 10-4 on weekends. Mr. Gibb asked about the septic system issue discussed previously; Mr. Ducharme said this is a decision that the building official will need to make. He noted that mercantile use requires one sink and one toilet for up to 100 people; currently there is a handicapped accessible portajohn in the driveway being used by visitors to the farm. Ms. Dalton stated that if a septic system is required they will reduce the shop usage to farm products only.

Ms. Rodman said she is in favor of the project but wondered if the state building code allows for mercantile use without a septic system. Mr. Ducharme reiterated that the Building Board of Review will make that determination. He noted that all setbacks and parking are compliant and that there is no restriction on mercantile products but the project will need a special use permit (SUP)

Mr. Renzi asked for a motion. Mr. Ducharme made a motion to approve the proposed gift shop Commercial Site Plan with the recommendation that the SUP is consistent with the Comprehensive Plan. Ms. Joyce seconded. No discussion. Motion passed 6-0.

New Business:

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

1. Sec. 38-239 – Adaptive reuse – nonconformance

- Recommendation of updates required to meet RIGL 45-24-31 as amended, RIGL 42-64.22-2 as amended, and 45-24-37(h)(1) as amended.

Mr. Ducharme made a motion to recommend this amendment to Sec. 38-239 to Town Council; Mr. Gibb seconded. Motion passed 6-0.

2. Sec. 38-282 – Accessory family dwelling units.

- Recommendation of updates required to meet RIGL Sec. 45-24-31 as amended and RIGL 45-24-73, which requires consistent statewide treatment of accessory dwelling units (ADU).

Mr. Ducharme made a motion to recommend this amendment to Sec. 38-282 to Town Council; Mr. Paolissi seconded. Motion passed 6-0.

3. Sec. 38-321. - Procedure generally

- Recommendation of updates required to meet RIGL 45-24-41 as amended and RIGL 45-24-46 as amended. This section requires modifications to be provided in zoning ordinances statewide.

Mr. Ducharme made a motion to recommend this amendment to Sec. 38-321 to Town Council; Mr. Gibb seconded. Motion passed 6-0.

4. Sec. 38-322 – Applicability of article

- Recommendation of updates required to meet RIGL 45-24-46.4 as amended and 45-23-50.1 as amended. These sections require unified development review statewide.

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

- Recommendation of updates required to meet RIGL 45-24-41 as amended and recommendation to streamline permitting process.

6. Sec. 38-325 – Unified development review

- Recommendation of updates required to meet RIGL 45-24-46.4 as amended and 45-23-50.1 as amended. These sections require unified development review statewide.

7. Sec. 38-359 – Land Development Projects.

- Discussion of regulations within 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.

8. Sec. 38-360 – Adaptive reuse

- Recommendation of updates required to meet RIGL 45-24-31 as amended, RIGL 42-64.22-2 as amended, and 45-24-37(h)(1) as amended.

9. Sec. 38-395 - Administrative Development Plan Review

- Recommendation of updates required to meet RIGL 45-24-49 as amended and RIGL 45-23-50 as amended. These sections describe updated process for development plan review applications.

Mr. Ducharme made a motion to recommend the amendments in Items 4 through 9 (38-322, 38-324, 38-325, 38-359, 38-360, 38-395) to Town Council to bring them in line with RIGL; Ms. Downes Fortune seconded. Motion passed 6-0.

Old Business:

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

1. Sec. 12-31 Renewal or transfer

- Discussion of amendment to the Town Council to require background checks for license applicants

Mr. Gibb made a motion to recommend this amendment to Sec. 12-31 to Town Council; Mr. Paolissi seconded. Motion passed 6-0.

2. Sections 12-34 – 12-65: Licenses (Businesses)
(reserved):

- Discussion of amendment to the Town Council to increase fees of all licenses.

Mr. Ducharme made a motion to recommend to Town Council to amend Sec. 12-34 to 12-65 to establish a fee schedule for all business licenses per Mr. McGregor's proposed draft schedule. Mr. Paolissi seconded. Motion passed 6-0.

3. Sec. 38-2 Definitions

- Discussion of this section including updates on process of highlighting amendments and additions to the definitions section to run until the end of the year. Goal is to match the definition listed in RIGL 45-24-31 as required and make Foster's code more clear.

Mr. McGregor requested we table this item as it needs more work.

4. Sec. 38-226 – Substandard lot of record

- Proposes amendments necessary to meet the requirements of RIGL 45-24-38 as amended.

5. Sec. 38-231 – Nonconforming by dimension

- Proposes amendments necessary to meet the requirements of RIGL 45-24-31 and RIGL 45-24-39.

Mr. Ducharme made a motion to recommend Town Council amend Sec. 38-226 and 38-231 to strike "Building Official" and replace with "Zoning Official". Mr. Gibb seconded. Motion passed 6-0.

6. 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).

Mr. Ducharme made a motion to recommend this amendment to Sec. 38-273 to Town Council; Mr. Paolissi seconded. Motion passed 6-0.

7. 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.

After discussion regarding potentially changing lot sizes for multifamily housing Mr. Renzi asked for a motion to table this and two subsequent items for a future meeting. Ms. Downes Fortune made a motion to table Items 7, 8 and 9; Ms. Joyce seconded. Motion passed 6-0.

8. 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.

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

- Discussion of amendment to add a licensing requirement.

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

- 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. Meets mandatory amendments to meet Formal Development Plan review as has been required by revisions to RIGL 45-24.

Mr. Ducharme made a motion to recommend this amendment to Sec. 38-394 to Town Council; Mr. Paolissi seconded. Motion passed 6-0.

Agenda Items G through I to be held until next meeting.

J. Adjournment

Mr. Renzi asked for a motion to adjourn. Mr. Paolissi made a motion to adjourn. Motion passed 6-0.
Meeting adjourned at 8:53 PM.

Respectfully submitted,

Hilary Downes Fortune, Secretary