

# Planning Board Meeting Minutes

Benjamin Eddy Bldg., 6 South Killingly Road

November 1, 2023

- A. Call to Order: Anthony Renzi called the meeting to order at 7:07 p.m.
- B. Roll Call: Susan Joyce, Mike Carpenter, Warren Ducharme, Bill Gibb, and Anthony Renzi,  
Excused: Hilary Downes-Fortune, David Paolissi
- C. Staff Present: Grant McGregor, Planner; Joanna Achille, Solicitor
- D. Townspeople present: Amita Rodman
- E. Approval of Minutes
  - 1. October 4, 2023
  - 2. October 18, 2023  
Due to the absence of Hilary Downes-Fortune, Secretary, approval of the minutes was postponed.

## F. New Business:

Recommendation to Town Council: Proposed Zoning Ordinances and Amendments.

### 1. Sec. 38-193 – Prohibited uses

Recommendation to add “adult uses explicit or obscene in nature” to the list of prohibited uses.

Recommendation is to establish a procedure for hearing applications for uses not expressly permitted in the zoning ordinance, consistent with required amendments under RIGL as amended and Sec. 38-191.

Anthony Renzi said that he presumes that would be adult entertainment. Grant McGregor said that a lot of towns have an ordinance that allows that in a specific area; he didn't think we would want that in Foster. The State is no longer allowing us to say “any use not expressly forbidden is prohibited” so if we do not include this, anyone could come in and say they wanted to do something like that and we would have to hear it. The procedure Mr. McGregor came up with is to say “any use not expressly permitted in this article shall be matched to a use that is listed the Table of Uses”. Mr. McGregor as an administrative officer, upon receipt of an application that isn't expressly permitted, or in a pre-application meeting if someone came in and asked him about it, once he received the application, he would match the use that they are looking to do with something that is in the Table. He would then immediately transmit that to the planning board for approval of his interpretation and the planning board would provide feedback on his interpretation at the next regularly scheduled meeting, and he could be overruled or they could agree. We would come up with collectively at that point the proper Use and he would relay that information to the applicant and then the planning board meeting following that.

Discussion. Susan Joyce noted that on the list of prohibited uses is “piggery.” Does that mean no pig farms are allowed? Answer: Piggery is defined as raising animals and feeding them garbage. Mr. McGregor said the definition is different that a pig farm. Anthony Renzi said they were always allowed until there was a gentleman who threatened to bring in 300 million pigs up here and the town panicked and put up an ordinance, but there are pig farms here, that's where the 35 animal ordinance came in. Discussion regarding the animal ordinance.

Discussion on Special Use Permits.

Discussion regarding the items on the list. Anthony Renzi asked the attorney if the “obnoxious” would cover everything so that individual items need not be listed? Joanna Achille said the more specific the better. People are prone to get away with whatever they can. Mike Carpenter pointed out that we have lots on government agencies that have regulations. The State wouldn’t allow it anyway. Atty. Achille said they would need to be specific about what regulations they are referring to. Mr. McGregor said he could concentrate on things that could happen today.

Bill Gibb moved to accept the recommendations for Sec. 38-193 Prohibited Uses pending Mr. McGregor’s updating of outdated terminology. Susan Joyce seconded. Motion passed 5 - 0.

**2. Sec. 38-271. – Purpose of article**

Recommendation to add each applicable form of application to the purpose of the supplementary regulations section.

Mr. McGregor said the supplementary regulations has a purpose section where it explains that the purpose of supplementary regulations is to set specific conditions and criteria for various uses where general regulations are not applicable to set specific standards for Special Use Permits. We have supplementary regulations for certain uses. We are just adding in a couple of types of applications.

Bill Gibb moved to accept Sec. 38-271. Warren Ducharme seconded.

Motion passed 5 - 0.

**3. Sec. 38-290 – Regulations pertaining to animals.**

Recommendation to state that no development plan approval for keeping of animals shall be granted unless a waste management and removal plan is filed in conjunction with the development plan application.

Grant McGregor said that currently we only require a waste removal management plan if you have more than 35 animals on five acres. He proposed people who keep fewer animals to submit a plan. Susan Joyce asked what if you have a dog and three goats? Mr. McGregor said that maybe 15 would be the limit before you need a plan. Bill Gibb asked what if you have twenty chickens? Do I need a waste plan for chickens? Mr. McGregor said this what we are proposing through this ordinance. Mr. Gibb said that in a farm area it is too restrictive. Mr. McGregor asked if there was any harm keeping it the way that it is? For kennels, they would come in front of the planning board, and for the boarding of animals.

Bill Gibb moved to disapprove Sec. 38-290 as is with the exception of adding a reference to kennel and boarding of animals. Technically motion should be made in the positive, so make it in the positive and we’ll say no. Joanna Achille said they don’t even need to make a motion, just move along.

**4. Sec. 38-293. – Stone wall protection and preservation**

Recommendation to add applicable types of applications and appropriate review boards to the regulations for stonewall protection and preservation.

Bill Gibb moved to approve.

Discussion: Mr. McGregor said it has to be identified on site plans. It’s clarifying language. Mr. Renzi said he had his stonewalls stolen. The police said it was a civil matter. He thinks something should be written in there. Mr. McGregor said we can’t stop someone from stealing. Joanna Achille said you can sue.

Warren Ducharme seconded. Motion passed 5 - 0.

**5. Sec 38-327 - Specific and objective criteria**

Recommendation to provide specific and objective criteria for the issuance of each category of Special-use permit listed in the ordinances as required by updates to RIGL.

Mr. McGregor said the State is requiring specific and objective criteria for every single Special Use Permit. He listed all the Special Use Permits we require, and then, basically he has used blanket text to say that the use shall meet the standards for granting in whatever districts it is required in for public safety and protecting neighboring properties from adverse effects that could be caused by the use. And then we have to add in the standards for granting on a Special Use Permit in the record of proceedings when approved. Mr. Grant proposes an annual renewal for certain things like gravel banks.

Discussion as to what constitutes the need for a Special Use Permit.

Bill Gibb moved to approve as discussed with the recommendation for combining Gravel Bank / materials processing, quarrying and loam stripping.

Warren Ducharme seconded. Motion passed 5 - 0.

**6. Sec. 38-328 – Earth removal**

Recommendation for new Special Use Permits for Gravel Banks to be renewed annually.

Mr. McGregor proposed that the Special Use Permit be renewed annually.

Suggested to have it be a license renewal. Questioned whether it is ongoing or one time.

The answer was both. Soil and Erosion control would be needed anyway.

**7. Sec. 38-357 – Development standards for general business mixed use development.**

Recommendation to add applicable types of applications to the regulations for GB (General Business) development. Recommendation to amend review of applications not meeting criteria of subsection 5 to be conducted under applicable review for conditions of proposed project.

Mr. McGregor said the goal of numbers 7 and 8 is because in the General Business district and Highway Commercial district, if you are expanding the footprint of a building significantly, more than 100% of the existing footprint or if you are not expanding it at all, and you are just changing the use, you have to go for a major land development; but if you are extending the footprint between 1 percent to 100 percent, you would go for a Commercial Site Plan. What he proposes is to remove the kind of arbitrary designation of a major land development so it always gets a development plan review.

Bill Gibb moved to approve Sec. 38-357 as discussed. Warren Ducharme seconded.

Motion passed 5 - 0.

**8. Sec. 38-358 – Development standards for highway commercial development**

Recommendation to amend review of applications not meeting criteria of subsection 8 to be conducted under applicable review for conditions of proposed project.

Bill Gibb moved to approve Sec. 38-358 to approve as discussed. Warren Ducharme seconded. Motion passed 5 - 0.

**9. Sec. 38-386. – Requirements and purpose of article.**

Recommendation to add applicable types of applications and appropriate review boards to the requirements and purpose of site plan reviews.

Mr. McGregor said we already have standards for site plans in the special use permit and variance article. He is proposing we eliminate this section because the site plan reviews are not as regulated. It is putting things in the right section.

Bill Gibb moved to approve Sec. 38-386 Requirements and purpose of article as discussed. Warren Ducharme seconded. Motion passed 5 - 0.

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

Recommendation to amend 10.4 recommendation to add a requirement for a waste management and removal plan.

Mr. McGregor said the businesses don't have dumpsters so he added a waste management removal plan, including a dumpster on site and screening standards.

Anthony Renzi said the reason for this is that the businesses have been putting their waste in the town's waste. They put the barrels out and Rambone takes them. If you look at the businesses in town, they don't have dumpsters.

Before we make a motion, we should also include 11 as it seems to be addressing the same issue.

Bill Gibb moved to approve #10 and #11 Sec. 38-394 and 395 to amend the original 10.4 recommendation to add a waste management removal plan. Warren Ducharme seconded. Motion passed 5 - 0.

**11. Sec. 38-395 - Administrative development plan review**

Recommendation to amend 10/4 recommendation to add a requirement for a waste management and removal plan. (See above for approved motion.)

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**G. Old Business:**

Recommendation to Town Council: Proposed Zoning Ordinance Amendments:

**1. Sec. 38-191 – Table of Uses**

Proposes addition of development plan review, land development project uses into the Table of Uses. Proposes removal of some special-use permit requirements.

Mr. McGregor said they talked about the Table of Uses at the last meeting and what he did was re-add Special Use Permits. He would like to amend where they have the maximum 35 animals to not require a development plan review. Amita Rodman asked if these were RIGL things because if they are, there are a few things that for an uneducated reader come across as big policy changes. She requested distinguishing those things that are RIGL from Foster specific.

Discussion about convalescent homes.

Bill Gibb moved to approve under Old Business Sec. 38-191 Table of Uses the changes as discussed. Warren Ducharme seconded. Motion passed 5 - 0.

**2. Sec. 38-323 - Standards for granting**

Proposes addition of unified development review conditions, citation of nonconforming uses being permitted to change to other nonconforming uses by special-use permit, and adds citation exception of accessory uses being eligible to be added as conditions to an existing special-use permit.

Mr. McGregor said they already have this ordinance in place. Basically, he is writing in that unified development now exists so applications for a Special Use Permit can either be heard by the Zoning Board (if it wasn't commercial) or the planning board if it was under unified development. We passed an ordinance, the recommended one, at the October 18 meeting, so that an accessory use to something that requires a Special Use Permit would be an extension of the Special Use Permit so we currently have this subsection B that covers accessory use. Special Use Permit and dimensional variance can be granted in conjunction or at a later date.

Bill Gibb moved to approve 2 and 3 Sec. 38-323 and 326 as discussed. Warren Ducharme seconded. Motion passed 5 - 0.

**3. Sec. 38-326 – Special-use permits and dimensional variances**

Proposes procedure for simultaneous review of special-use permit and dimensional variance applications. Proposes permission of a Special Use Permit for uses as regulated by zoning district following the grant of a dimensional variance. (See above for approved motion.)

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**H. New Business – Grants:**

**1. DEM 2024 Outdoor Recreation Grant round:**

Discussion and public input on grant application to place a booth at Green Acres where canoe/kayak/fishing equipment can be rented. (2024 Grant Application for Recreation Development Grants – Part A: General Information #3. Public Participation Requirement)

Mr. McGregor said that this does not need to be discussed because it was something spur of the moment where they found out there were grants available, but they didn't act on them, and there was a deadline of December 6. They thought we needed to have a discussion with the public about Green Acres, but now they don't want to do Green Acres; they want to put lights in the [recreation] field.

**I. Adjournment**

Bill Gibb moved to adjourn. Warren Ducharme seconded. Meeting adjourned at 9 p.m.

Submitted by,

Carol Sholly,  
Administrative Clerk