

Planning Board Meeting Minutes

Town of Foster

Benjamin Eddy Bldg., 6 South Killingly Road

Wednesday, November 15, 2023

A. Call to Order

Anthony Renzi called the meeting to order at 7:06 PM.

B. Roll Call

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

Excused: Mike Carpenter; Warren Ducharme; David Paolissi

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

Public present: Jonna Sanders, etc.

C. Approval of Minutes

Mr. Renzi asked for a motion to approve the October 4, 2023, October 18, 2023, and November 1, 2023 minutes. Ms. Joyce noted during the discussion on Special Use Permits two comments that she made were attributed to Mr. Renzi. Mr. Gibb made a motion to accept the minutes with the noted corrections; Ms. Downes-Fortune seconded. No further discussion. Motion passed 4-0.

Applications:

D. Minor Subdivision—Preliminary Plan Review

Applicant: Borders Farm Preservation Inc.

Owner: BORDERS FARM PRESERVATION INC.

Applicant proposes to subdivide an existing lot with two houses pursuant to Sec. 38-229 at 69-69A Central Pike, Plat 12 Lot 30. Property is zoned A/R (Agricultural/Residential)

Mr. Renzi noted that since we don't have a quorum, we should move this to the first item in our next meeting on 12/6.

New Business:

E. Beekeeping

Prospective applicant, Jonna Sanders, interested in bringing Slovenian beekeeping techniques to the United States.

Mr. Renzi stated that this meeting is open to the public but the Jonna Sanders presentation was intended for the planning board only.

Ms. Sanders explained her background and interest in Slovenian beekeeping techniques, and her goals should she bring this endeavor to Foster, which include a combination of education, commerce (selling equipment, nucs and queens, and some honey), and military veterans training in beekeeping. She is interested in purchasing a parcel of raw land in Foster on which to build a home and business (bee shed and barn with community kitchen for extraction), and wanted to find out what she would need in order to do this. The property they are considering is on the south side of Central Pike west of Boswell Trail. Ms. Sanders said she anticipates the visitors to the site would be about 10 carloads of people 3-4 times per year. Ms. Achille explained that she would need a Commercial Site Plan, and if she builds a commercial kitchen, she may also need a community well.

F. Future Land Use Plans

Discussion of plans for the Nike Site (located at the end of Theodore Foster Road), Woody Lowden Recreation Center (Plat 2 Lot 62), LMI Housing, and development options for Plat 20 Lot 9.

Mr. Gibb made a motion to table this item to a future meeting since we don't have a quorum. Ms. Joyce seconded. Motion passed 4-0.

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

1. Sec. 38-63 – Powers and Duties
 - Recommendation to grant the Zoning Board of Review the authority to hear and decide appeals of the administrative officer or zoning enforcement officer. Recommendation to add powers and duties not currently listed in Foster's ordinance to match RIGL.
2. Sec. 38-64 – Voting
 - Recommendation to update the voting requirements to meet RIGL as amended.
3. Sec. 38-65 – Application Procedure
 - Recommendation to remove a reference to site plan review as required by RIGL as amended.
4. Sec. 38-67 – Decisions and records
 - Recommendation to amend the timeline for the zoning board to render a decision, to amend where decisions are filed, and to amend the mailing procedures and parties receiving mail as required by RIGL as amended.
5. Sec. 38-232 - Existence by variance or special-use permit
 - Recommendation to cite the planning board as a board having the authority to issue a special-use permit as required by unified development review and RIGL as amended.

Mr. McGregor explained that Items 1-5 (Sec. 38-63, 38-64, 38-65, 38-67, and 38-232) are intended to comply with RI General Laws. Mr. Gibb made a motion to approve Items 1-5 as presented. Ms. Downes-Fortune seconded. No discussion. Motion passed 4-0.

6. Sec. 38-387 – Presubmission conference

- Recommendation to clarify that preapplication conferences are optional.
- Recommendation to specify options for applicants desiring preapplication conferences.

Mr. McGregor explained that the key change to this ordinance is to emphasize that presubmission conferences are optional, not mandatory. Mr. Gibb made a motion to approve Item 6 (Sec. 38-387) as presented. Ms. Joyce seconded. No discussion. Motion passed 4-0.

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

- Recommendation to specify when an application is given vested rights.

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

- Recommendation to change the term “building inspector” to “building official”

Mr. Gibb made a motion to approve Items 7 and 8 (Sec. 38-388 and 38-467) as presented. Ms. Joyce seconded. No discussion. Motion passed 4-0.

Old Business:

H. Chapter 38 Zoning Ordinances for Discussion:

1. Sec. 38-192 – Dimensional Regulations

- Discussion of reducing minimum lot size for senior citizens group dwellings based on DEM approval.

2. 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. Proposed reducing minimum lot sizes based on DEM approval

3. 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.

Mr. McGregor noted that Items 1-3 pertain to LMI Housing so we should wait until our consultant for LMI housing is around.

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

- Discussion of amendment to add a licensing requirement.

Mr. Renzi stated that this ordinance pertains to Commercial vehicles greater than 1.5 tons on A/R zoned property, and as written most people in town would be in violation. He also recommends adding a \$100 license fee for Commercial CDL vehicles.

5. Sec. 38-299 Septic system ordinance

- Discussion of how to create an ordinance requiring more frequent septic testing than required under state law by area and soil classification.

Mr. McGregor said that DEM is recommending more frequent testing of septic systems in the Moosup River Watershed. Discussion ensued. Mr. Gibb suggested adding language along the lines of “upon sale of property require inspection...” to the ordinance.

New Business:

I. Chapter 32 Code of Ordinances:

Discussion of current land development and Subdivision ordinances and potential options for amendments/additions.

1. Sec. 32-43. - Administrative fees.

- Recommendation to update the administrative fees to match those listed on the current subdivision application forms.

Mr. McGregor said the fee schedule needs to be updated to match the fees on forms. He also said state law says the Planning Board makes changes to zoning ordinances, not the Town Council, but changes do require a public hearing.

2. Sec. 32-106 – Standards applicable to all land developments and subdivisions

- Recommendation to add the requirement that the planning board address each of the applicable purposes stated in RIGL 45-23-30 when approving a land development or subdivision. Recommendation to add that except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted as required by RIGL 45-23-60.

Mr. McGregor said this change is also required to bring the ordinance into compliance with state law.

Old Business:

J. Chapter 32 Code of ordinances:

Discussion of current land development and Subdivision ordinances and potential options for amendments/additions.

1. Sec. 32-222 Roads

- Discussion of road lengths and depths. All new roads will be recommended to be privately owned and maintained.

2. Sec. 32-297 Minor Subdivision involving road creation or extension
 - Discussion of road lengths and depths. All new roads will be recommended to be privately owned and maintained. Applies to subdivisions involving road creation/extension and 9 or fewer lots.
3. Sec. 32-299 Major Subdivision involving road creation or extension
 - Discussion of road lengths and depths. All new roads will be recommended to be privately owned and maintained. Applies to subdivisions involving road creation/extension and 10 or more lots.

Mr. McGregor stated that he disagrees with what Mr. Ducharme said previously about limiting private road length to 1200 feet. Mr. Renzi suggested we keep that off the books and subject to review if deemed safe.

New Business:

K. Chapter 26 Code of ordinances:

Discussion of current soil erosion and sediment control ordinances and potential options for amendments.

1. Sec. 26-121. - Site plan review fees
 - Recommendation to amend the subdivision application fees cited in this section to match the current subdivision application fees.

Mr. McGregor noted this is just for consistency between the ordinance and actual fees.

L. Chapter 8 Code of ordinances:

Discussion of current animals ordinances and potential options for amendment

1. Sec.8-221 - Fees
 - Recommendation to increase the license fee for kennels keeping fewer than 10 dogs. Recommendation to increase license the fee for kennels keeping 10 or more dogs. Recommendation to require the fee for a formal development plan review by the planning board for application for such development plan review, as required by Sec. 38-191 as amended and Sec. 38-394.
2. Sec. 8-222 – Renewal
 - Recommendation to add an application deadline to be made to the Town Clerk. Recommendation to require public notice for the public hearing of a kennel license upon application, but not upon renewal. Recommendation to cite increased fees, consistent with Sec. 8-221.

Mr. McGregor said the current license fee is \$25, and he proposes raising it to \$100 for kennels keeping 10 or fewer dogs, and \$200 for over 10 dogs. Mr. Renzi suggested the license fee be simply \$100 for any size kennel.

M. Chapter 12 code of ordinances:

Discussion of current businesses ordinances and potential options for amendment

1. 12-96 – Application fee; renewal fee

- Recommendation to increase the application fee for a license to sell firearms. Annual renewal fee to remain at \$5.00 as required by state law.

Mr. McGregor said he proposes the initial licensing fee be increased from \$75 to \$100. Discussion ensued regarding Foster Bear Arms, which needs a retail license for everything else they sell besides firearms.

2. 12-162 – License issuance; fees; limitations

- Recommendation to remove the minimum fee listed in subsection (g)(1) for hawkers, peddlers, mobile food establishments, event permits, and event permit/mass gathering permits, which has no apparent basis. Recommendation to make the maximum fee for such activities the standard fee.

Mr. McGregor noted that the current ordinance lists minimum and maximum fees. He proposes to make all fees \$50 or per state law.

Old Business:

N. Article XII – Attachments: Ordinances for discussion:

1. AR-2 District

- Discussion of a future amendment to create a residential zoning district requiring 200 feet of frontage and 150,000 square foot minimum lot sizes. Lot sizes meet the recommendations of the Scituate Reservoir Watershed Management Plan (1990).

Mr. McGregor explained that along the Connecticut line we could reduce lot sizes to 200 feet frontage and 3.5 acres (150,000 square feet), which is still bigger than the Scituate Watershed requires, because this is in the less critical Moosup River Watershed.

2. Farmland/Conservation Overlay District

- Discussion of a future amendment to establish an area and policies for the currently reserved Farmland/Conservation overlay district. Preliminary concepts for area include the Scituate Reservoir Watershed. Preliminary concepts for permitted uses within the overlay include allowing home occupations and commercial uses on Route 6 and Route 101 only in terms of commercial uses. Agricultural/Residential uses to be permitted with DEM approval and septic system testing ordinance to be required.

Recurring Business:

O. Municipal Resiliency Program (MRP) Application Strategy

- Discussion to strategize plan for applying to become an MRP community.

No discussion.

P. MTAP

- Update on status of Municipal Technical Assistance Program application

No discussion.

Q. TBA/HMP

- Update on Targeted Brownfield Assessment Program, deliverables and next steps.

Mr. McGregor explained that DEM is creating the inventory; there is a program through UCONN that can give ideas for potential uses for Brownfields properties.

R. Welcome to Foster Signage:

- Discussion/action of saving money by putting signs on the left-hand side of the road to share with other municipalities or placing signage on the right-hand side of the road. Signs on right-hand side of road to cost approximately \$7,110. \$11,000 is budgeted for signage. Recommendation comes from March 2023 Economic Development strategy prepared by Camoin Associates. Discussion/action of deer crossing sign near Captain Isaac Paine School.

Mr. McGregor said the town has about \$10,000 in ARPA funds that could be used for signage. He said Town Council wrote their approval on 11/9, and Gordon Rogers got the pricing on what Coventry spent for their new signage. Discussion to be continued to a later meeting.

S. Adjournment

Mr. Renzi asked for a motion to adjourn. Mr. Gibb made the motion. Motion passed 4-0. Meeting adjourned at 9:05 PM.

Respectfully submitted,

Hilary Downes Fortune, Secretary