

**Planning Board Meeting Minutes**  
**Town of Foster**  
Benjamin Eddy Bldg., 6 South Killingly Road  
Wednesday, January 3, 2024

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**A. Call to Order**

Hilary Downes Fortune called the meeting to order at 7:05 PM.

**B. Roll Call**

Planning Board Members: Mike Carpenter; Bill Gibb; Susan Joyce; David Paolissi; Secretary, Hilary Downes Fortune.

Excused: Warren Ducharme; Anthony Renzi

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

Public present: Nick Gorham, Linda Tibbetts; Julia Raimondi and Angelo Raimondi, Scituate Surveys.

**C. Approval of Minutes**

Ms. Downes Fortune asked for a motion to approve the November 15, 2023 minutes with one change: the deletion of the second sentence pertaining to a motion to postpone, since it didn't apply. Mr. Carpenter made the motion; Mr. Paolissi seconded. No discussion. Motion passed 5-0. Approval of the December 7, 2023 minutes was tabled to the next meeting.

**D. Applications:**

**D1. Minor Subdivision—Final 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. McGregor stated that this is an administrative approval, and that since all of the required conditions were met, the plan is approved.

**D2. Minor Subdivision—Preliminary Plan Review (continued)**

**Applicant: Bergantino, Scott**

**Owner: Bergantino, Scott**

*Applicant proposes to subdivide an existing lot resulting in the creation of one new lot. A single-family residence, well and septic are proposed on the new lot.*

Ms. Raimondi explained that this review was continued because the lot widths were shown incorrectly in the table on the plan. She said also that the corner issue doesn't apply because it's a pre-existing non-conforming lot. Mr. McGregor stated that this is a rare circumstance in which a non-conforming lot can create a buildable lot because no dimensions are being reduced. Ms. Raimondi said she would like to request an Administrative Final Plan Review.

Mr. Gibb said if there are no other issues he would like to make a motion to approve the Preliminary Plan dated 12/13/2023, and to make the final approval administrative only. Mr. Carpenter seconded. No discussion. Motion passed 5-0.

**New Business:**

**E. Ch. 32 – Subdivision Regulations**

Mr. Gibb noted that almost all of the items, except for Items 7 and 18, are amended language to conform with RIGL. Mr. McGregor briefly discussed Items 1-6:

1. Sec. 32-2 – Purpose of Chapter
  - Recommendation to amend the purposes of land development and subdivision regulations to come into compliance with RIGL 45-23-30 as amended.
2. Sec. 32-5 – Definitions
  - Recommendation to amend the definitions section to come into compliance with RIGL 45-23-32 as amended.
3. Sec. 32-42 – Planning board of appeals
  - Recommendation to specify that appeals of the Planning Board now go to Superior Court and appeals of the administrative officer go to the local Board of Appeals (Zoning Board of Review) pursuant to RIGL 45-23-67 and 45-23-71 as amended.
4. Sec. 32-43 – Administrative fees
  - Recommendation to bring the application fees for land development/subdivision regulations up to date with the current application fees as listed on respective application forms.
5. Sec. 32-46 – Procedure for approvals between planning board and other local permitting authorities
  - Recommendation to remove the current text and replace it with the procedure for Unified Development Review pursuant to RIGL 45-23-50.1 and 45-24-46.4. Unified Development Review is applicable when an applicant requests relief from the zoning ordinance and applies for a land development/subdivision.
6. Sec. 32-47 – Waivers and modifications
  - Recommendation to remove the ability of the Planning Board to waive development plan approval pursuant to RIGL 45-23-62 as amended.
7. Sec. 32-49 Technical Review Committee
  - Recommendation to establish a Technical Review Committee pursuant to RIGL 45-23-56.

Mr. McGregor explained that we mostly see Minor Subdivision applications. If we made the Planning Board the Technical Review Committee (TRC) we could still review Minor Subdivisions, probably an hour before a regular monthly meeting.

Ms. Joyce noted that the Town Council appoints the TRC, so how do we know they'd appoint the seven members of the Planning Board? And would we be recommending things to ourselves? Mr. McGregor said the state's goal is to shorten the timeline, and the TRC only reviews submittals for administrative approval only applications. Discussion ensued about possible configurations for the TRC, but the consensus was that the Town Council will ultimately decide.

8. Sec. 32-50 Public Notice requirements
  - Recommendation to specify public notice requirements for all public hearings pursuant to several sections of RIGL including 45-24-41, 45-23-42, 45-23-53, and 45-24-53.
9. Sec. 32-71 – Procedure
  - Recommendation to specify that appeals of decisions of the administrative officer are appealed to the local Board of Appeals (Zoning Board of Review) except for decisions under RIGL 45-23-38 or 45-23-50, which are appealed to Superior Court pursuant to RIGL 45-23-67 as amended.
10. Sec. 32-72 – Public hearing
  - Recommendation to amend the procedure for public hearing of an appeal of the administrative officer to the local Board of Appeals (Zoning Board of Review) pursuant to RIGL 45-23-67 as amended.
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11. Sec. 32-73 – Standards for review

- Recommendation to specify that only appeals of the administrative officer on land development/subdivision matters and to add standards regarding recordkeeping of the local Board of Appeals (Zoning Board of Review) pursuant to 45-23-67 as amended.

12. Sec. 32-74 – Appeals to the superior court

- Recommendation to add a section describing the procedure for appeals to the Superior Court pursuant to RIGL 45-23-71 as amended

13. Sec. 32-75 – Enactment of or amendment of local regulations

- Recommendation to add a section describing the procedure for enactment or amendment of local regulations pursuant to RIGL 45-23-72.

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

- Recommendation to add a statement regarding findings of fact to the standards applicable to all land developments and subdivisions pursuant to RIGL 45-23-60.

15. Sec. 32-107 – Certification of completeness

- Recommendation to add specifications regarding certifications of completeness being in writing and classification of application types pursuant to RIGL 45-23-36 as amended.

16. Sec. 32-108 – Preapplication meetings and concept review

- Recommendation to clarify that pre-application meetings are only required for major land development/subdivision applications but may be held for minor or administrative projects at the request of the Town or the Applicant.

17. Sec. 32-146 – Generally

- Recommendation to add provisions regarding administrative subdivisions which get referred to the planning board, which are denied, and timelines for recording of approved administrative subdivisions pursuant to RIGL 45-23-37

Mr. McGregor explained that the following three items are not intended to correct language to match RIGL, but he recommends these changes.

18. Sec. 32-224 – Lots

- Recommendation to allow subdivisions to create lots which front two parallel roads.

19. Sec. 32-296 – Minor subdivision involving no road creation or extension

- Recommendation amend the special provisions regarding minor subdivisions including increasing the number of lots which may be created under a minor subdivision application pursuant to RIGL 45-23-32 as amended

20. Sec. 32-298 – Major subdivision involving no road creation or extension

- Recommendation to add special provisions for major subdivisions not involving road creation or extension

**Old Business:**

**F. Ch. 12 Businesses**

1. Sec. 12-48 – Requirement for issuance/renewal of all business licenses excepting home businesses

- Recommendation to require a dumpster for businesses.

Mr. McGregor raised the question: Do we regulate by type of business or tonnage of waste? It was noted that riding stables generate lots of trash. This item was tabled for a future meeting.

## **G. Ch. 32 Subdivision Regulations**

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. 32-223 – Construction improvements
  - Discussion of road construction requirements and methods. Discussion of amendments to allow for and to restrict future road creation to creation of privately maintained dirt roads.
3. 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.
4. 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 said that he is working with Warren Ducharme on road related regulations and they plan to have these completed by next summer.

## **H. Ch. 38 – Zoning**

Mr. McGregor stated that Anthony Renzi is upset that Foster doesn't do anything about violations.

1. Sec. 38-3 Penalty for violation of chapter
  - Recommendation to refer to the zoning official as the zoning enforcement officer. Recommendation to increase the fine for a zoning violation offense from \$100.00 to \$500.00.

Ms. Joyce made a motion to approve revisions to Sec. 38-3 as amended (adding per day to \$100 and \$500); Mr. Gibb seconded the motion. No discussion; motion passed 5-0.

2. Sec. 38-300 Development Standards for inpatient treatment facilities (Supplementary Regulations)
  - Recommendation to add appropriate development standards for in-patient rehabilitation facilities which differ from those of senior citizens group dwellings.

Item was postponed to a later meeting.

3. Sec. 38-286 – Off-street parking requirements
  - Discussion of amendment to add a licensing requirement.

Item postponed to a later date in order to add Dark Sky language.

4. Sec. 38-299 Septic system (OWTS) inspection
  - Recommendation to require proof of inspection to be presented to the building official upon recording of a new deed for development.

Discussion regarding creation of a wastewater management district; the town would need a source of funding available for pumping systems if this were added. Mr. McGregor said he will revise this proposed amendment.

## **New Business:**

## **I. Ch. 38 – Zoning**

1. ARTICLE XII – ATTACHMENTS Attachment 1: Official zoning map

- Recommendation to add parcels to the zoning map which are recommended to have Phase I Environmental Site Assessments conducted. Phase 1 ESA recommendation comes from RIDEM Targeted Brownfield Assessment Program Inventory completed by GES (Groundwater and Environmental Solutions) on Dec. 26, 2023.

Discussion regarding the potential liability to the town if these were added to the map. We agreed to hold off and discuss this further at a later date.

#### **Old Business:**

Items J and K were tabled to the next meeting.

#### **J. 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).

##### **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.

#### **K. Recurring Business:**

##### **1. Municipal Resiliency Program (MRP) Application Strategy**

- Update on MRP application.

##### **2. TBA/HMP**

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

#### **Adjournment**

Ms. Downes Fortune asked for a motion to adjourn. Ms. Joyce made a motion to adjourn. Motion passed 5-0. Meeting adjourned at 9:07 PM.

Respectfully submitted,

Hilary Downes Fortune, Secretary