

Foster Town Council Meeting Agenda

FOSTER TOWN HOUSE, 181 HOWARD HILL ROAD, FOSTER, RI 02825

Thursday, November 09, 2023 @ 6:00 p.m.

NOTICE: The Foster Town Council does not sanction any electronic audio/video recordings of Town Council Meetings made by the public. Any audio/video recordings made by the public are not public records under Title 38 Public Records.

I. PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT / ANNOUNCEMENTS

III. CONSENT AGENDA *disc/action*

1. Meeting Minutes
Approval of October 26, 2023
2. Approval of General Warrants **FY2024 #8** \$167,048.33

IV. EAGLE SCOUT PROJECT *disc/action*

Theo Henry to present his Retired Flag Collection Box Project proposal.

V. PUBLIC HEARINGS

A. Kennel License *disc/action*

Diana Singleton DBA Nana Diana's Dog Daycare of 59A Balcom Road, Foster, has applied for a Kennel License valid through April 30, 2024.

B. 1st Hearing – Zoning *disc/action*

- #. Sec. 32-2 – Purpose of Chapter
 - Proposes amendments to the purposes of the Subdivision Regulations chapter in accordance with RIGL 45-23 as amended.
- #. Sec. 32-5 – Definitions
 - Proposes amendments to the definitions of the Subdivision Regulations in accordance with RIGL 45-23.
- #. Sec. 32-42 – Planning board of appeals
 - Proposes restructuring of the appeal process relating to decisions of the Planning Board and/or the Administrative Officer as required by RIGL 45-23 as amended.
- #. Sec. 32-46 - Procedure for approvals between Planning Board and other local permitting authorities
 - Proposes addition of Unified Development Review as required by RIGL 45-23 and 45-24 as amended.
- #. Sec. 32-47 – Waivers and modifications
 - Proposes removal of the authority of the Planning Board to waive the need for land development plan approval as required by RIGL 45-23 as amended. Authority to waive or modify specific requirements of a land development plan or subdivision remains.
- #. Sec. 32-49 Technical Review Committee
 - Proposes addition of a Technical Review Committee, as recommended by RIGL 45-24 and 45-23 as amended.
- #. Sec. 32-50 - Public notice requirements
 - Proposes addition of section to specify public hearing notice requirements as required by RIGL 45-24 and 45-23 as amended. Proposes addition of public notice requirements for all applications under said chapters.
- #. Sec. 32-71 – Procedure
 - Proposes restructuring of the appeal process relating to decisions of the Planning Board and/or the Administrative Officer as required by RIGL 45-23 as amended.
- #. Sec. 32-72 – Public hearing
 - Proposes restructuring of the appeal process relating to decisions of the Planning Board and/or the Administrative Officer as required by RIGL 45-23 as amended.

- #. Sec. 32-73 – Standards for review
 - Proposes restructuring of the appeal process relating to decisions of the Planning Board and/or the Administrative Officer as required by RIGL 45-23 as amended.
- #. Sec. 32-74 – Reserved (Appeals to the superior court added)
 - Proposes restructuring of the appeal process relating to decisions of the Planning Board and/or the Administrative Officer as required by RIGL 45-23 as amended.
- #. Sec. 32-75 – Reserved (Enactment of or amendment of local regulations added)
 - Proposes restructuring of the appeal process relating to decisions of the Planning Board and/or the Administrative Officer as required by RIGL 45-23 as amended.
- #. Sec. 32-107 – Certificate of completeness
 - Proposes removal of obsolete language and regulations pertaining to certification of a complete application and addition of updated language and regulations pertaining to certification of a complete application as required by RIGL 45-23 as amended.
- #. Sec. 32-108 - Preapplication meeting and concept review
 - Proposes addition of subsection (e), which specifies the timeline for holding a pre-application meeting for a major land development and the rights of an applicant if no such meeting is held, as required by RIGL 45-23.
- #. Sec. 32-146 – Generally
 - Proposes additions to the regulations for Administrative Subdivisions as required by RIGL 45-23.
- #. Sec. 32-224 – Lots
 - Proposes that a through lot (lot abutting two parallel streets) be permitted to be created via subdivision.
- #. Sec. 32-296 – Minor subdivision involving no road creation or extension
 - Proposes minor subdivisions be cited to reflect the number of lots to be created (between 1 and 9) as amended by RIGL 45-23.
- #. Sec. 32-298 – Major subdivision involving no road creation or extension
 - Proposes major subdivisions be cited to reflect the number of lots to be created (10 or more) as amended by RIGL 45-23.
- #. Sec. 32-301 – In general
 - Proposes addition of required portions of RIGL 45-53 as amended to note the allowance of density bonuses. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-302 – Submission requirements
 - Proposes addition of required portions of RIGL 45-53 as amended to describe the submission requirements for preliminary plans. Proposes removal of obsolete submission requirements. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-303 – Certification of completeness
 - Proposes addition of required portions of RIGL 45-53 as amended to describe the updated timelines for certification of preliminary plans. Proposes the removal of obsolete master plan requirements. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-304 – Pre-application conference
 - Proposes removal of obsolete pre-application conference language and requirements and addition of updated pre-application conference language and requirements as required by RIGL 45-53. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-305 – Review of applications
 - Proposes removal of obsolete language and requirements relating to review of applications and addition of relevant language and requirements relating to review of preliminary plan applications, as required by RIGL 45-53. RIGL 45-35 pertains to LMI Housing.
- #. Sec. 32-306 – Powers of the board
 - Proposes addition of language and regulations allowing the administrative officer to issue permits or approvals for projects submitted under RIGL 45-53, as required by RIGL 45-53. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-307 – Review process
 - Proposes removal of obsolete review process requirements and addition of updated final plan submission requirements as required by RIGL 45-53. RIGL 45-53 pertains to LMI Housing.

- #. Sec. 32-308 – Certification of completeness – Final plan review
 - Proposes addition of updated requirements for Certification of completeness of a Final Plan as required by RIGL 45-53. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-309 – Review of applications – Final plan
 - Proposes addition of updated requirements for review of Final Plan applications as required by RIGL 45-53. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-310 – Infeasibility of conditions of approval
 - Proposes addition of language and regulations allowing an applicant to prove infeasibility of conditions of approval as required by RIGL 45-53. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-311 – Fees
 - Proposes addition of language and regulations specifying fees for an application under RIGL 45-53 be consistent with those of the local minor or major subdivision regulations. Whichever is applicable? RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-312 – Recording of written decisions
 - Proposes addition of specifications, including timeframe, for recording of written decisions on applications filed under RIGL 45-53. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-313 – Majority vote required
 - Proposes addition of specifications that a majority vote of Planning Board members present is required for an application submitted under RIGL 45-53, provided that a quorum of members is present. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-314 – Construction timetable
 - Proposes addition of specifications relating to expiration of approval and deadline for completion of a project approved under RIGL 45-53. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-315 – Remanded applications
 - Proposes addition of specifications and requirements for applications submitted under RIGL 45-53 which were remanded by SHAB or the Superior Court, including timeframes. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-316 – Density bonuses
 - Proposes addition of density bonuses as required by RIGL 45-53. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 32-317 – Definitions
 - Proposes addition of definitions as required by RIGL 45-53. RIGL 45-53 pertains to LMI Housing.
- #. Sec. 24-32 – Duties
 - Proposes addition of subsection (g), which describes the authority of the Planning Board to issue decisions under RIGL 45-24 when an application submitted under RIGL 45-24 requires approval under RIGL 45-23. This process is known as Unified Development Review.

C. 2nd Hearing – Zoning *disc/action*

- Sec. 38-1 – Purpose (Amendments)
 - Proposes amendments necessary to meet the requirements of RIGL. Regarding purposes of zoning.
- Sec. 38-36 – Enforcement of Chapter (Amendment)
 - Proposes amendments to match the definitions section. Clarifies responsibility in enforcement by position.
- Sec. 38-227 - Merger of substandard lot of record (Amendment)
 - Proposes amendments necessary to meet the requirements of RIGL. Adds provision that the merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200 ft) of the subject lot.
- Sec. 38-230 – Nonconforming by use (Amendment)
 - Proposes amendment to add text from RIGL 45-24-31 (52)(i), which describes lawfully established use of land, building, or structures which are nonconforming by use to Sec. 38-230.
- Sec. 38-234 – Continuation of use (Amendment)
 - Proposes uses of land be added to Sec. 38-234, which currently only describes nonconforming rights providing for continuation of a use in any building or structure.

- Sec. 38-237 – Enlargement (Amendment)
 - Proposes addition of maximum building coverage to the cited dimensional requirements which enlargement of a nonconforming use shall meet. Proposes removal of inaccurate line of text.
- Sec. 38- 276 – Lots divided by zoning district boundary (Removal and Replacement)
 - Proposes removal of ordinance allowing for a zoning district to extend up to 50 feet into a lot located in a different zoning district. Proposes replacement with standards for fruit and vegetable stands currently found in Sec. 38-191. Proposes removal of the requirement of a stand to occupy the same lot as the owner.
- Sec. 38-291 – Regulations pertaining to communications towers and antennas (Corrective Amendment)
 - 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. Proposes re-addition of language, which was omitted by error during codification.
- Sec. 38-295 – 38-320 – Reserved (Addition to reserved ordinance)
 - Proposes supplementary regulations for recreational marijuana uses and development regulations for a future Municipal/Historic overlay district.
- Sec. 38-356 – Residential compounds (Amendment)
 - Proposes clarifying language to frontage requirements and removal of five-year eligibility requirement; removal of subdivision after 1998 ineligibility.
- Sec. 38- 390 - Site plan for accessory nonfamily dwelling units (Addition to reserved ordinance)
 - Proposes specification that these site plans shall be submitted according to building permit standards.
- Sec. 38-391 – Site plan for residential compounds (Addition to reserved ordinance)
 - Proposes adding specifications for site plans for residential compounds. These specifications exist within the zoning ordinance.
- Sec. 38-191 – Table of uses - Wholesale Business and Storage Uses #7 (Addition)
 - Proposes addition of a storage use allowing the keeping of equipment and materials used for purposes including, but not limited to, landscaping, agriculture, construction, and woodworking.

D. Liquor License Renewals *disc/action*

VI. OLD BUSINESS

1. Entrance to Town - Signage *disc/action*
2. Multipurpose Community Facility Projects Municipal Fund, Update *disc/action*
3. American Rescue Plan Act (ARPA) Fund Projects *disc/action*

VII. NEW BUSINESS

1. DEM Outdoor Grant Application: Options Schedule *disc/action*
2. New Foster Police Department Building Project - Rowse Architects AIA G801-2017 Notice of Additional Services 001 *disc/action*

VIII. EXECUTIVE SESSION *disc/action*

Pursuant to RIGL 42-46-5, (A), (2) Contracts

1. Foster Cell Tower Lease Agreement with Foster Center Fire Department. *disc/action*
2. Contract Negotiations between the Town of Foster and RI Laborers District Council, Local 1322 *disc/action*

IX. ADJOURNMENT