

Planning Board Meeting Minutes

Town of Foster

Benjamin Eddy Bldg., 6 South Killingly Road
Wednesday, February 7, 2024

A. Call to Order

Anthony Renzi called the meeting to order at 7:07 PM.

B. Roll Call

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

Excused: Bill Gibb

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

Public present: None.

C. Approval of Minutes

Mr. Renzi asked for a motion to approve the January 24, 2024 minutes. Mr. Ducharme made the motion; Ms. Joyce seconded. No discussion. Motion passed 6-0.

D. Public Hearing – Subdivision Regulations

Mr. Renzi stated that we will go through all of the items then vote in bulk at the end.

1. Sec. 32-225 - Regulation of access; filing of request

- Pursuant to RIGL 45-22-7 and RIGL 24-8-34(b), it shall be required for any person who will be required to file a request for access, also known as a Physical Alteration Permit (PAP) pursuant to RIGL 24-8-34 to file that request not later than the day on which that person files any document in connection with the project in question with the town, and to provide a copy of the request to the town.

Mr. McGregor explained that this regulation requires applicants to get any necessary PAP first, then bring it to the town.

2. Sec. 32-301 - In General

- Recommendation to specify that Article X of Chapter 32, in addition to providing an applicant with the procedure to submit a Comprehensive Permit application, describes allowance of density bonuses including those relating to water availability and OWTS permits from DEM, parking, bedrooms, and floor area pursuant to RIGL 45-53-4 as amended.

Mr. Ducharme asked who determines the density bonus. Mr. McGregor replied the State, and this could be 8 units per acre, with potentially 16 bedrooms. Mr. Ducharme noted that this would require a massive OWTS, at a cost of \$200,000-300,000; Mr. McGregor said this wouldn't be economically viable.

3. Sec. 32-302 – Submission requirements – Preliminary plan review

- Recommendation to amend the submission requirements for preliminary plan review pursuant to RIGL 45-53-4 as amended.

Change to match RIGL.

4. Sec. 32-303 – Certification of completeness – Preliminary plan review

- Recommendation to amend the procedure for a certification of completeness at the preliminary plan stage pursuant to RIGL 45-53-4 as amended.

Main change is that the timeline changed from 30 to 25 days.

5. Sec. 32-304 – Pre-application conference for preliminary and final plan

- Recommendation to amend the requirements for a pre-application conference for both the preliminary and final plan stages pursuant to RIGL 45-53-4 as amended.

This says that the Town has the option to require a pre-application conference.

6. Sec. 32-305 Review of applications – Preliminary plan

- Recommendation to amend the procedure for review of applications at the preliminary plan stage pursuant to RIGL 45-53-4 as amended.

This change comes directly from state law.

7. Sec. 32-306 – Powers of the board and/or administrative officer

- Recommendation to authorize the Administrative Officer to review Final Plan applications under a Comprehensive Permit application pursuant to RIGL 45-53-4 as amended.

This change meets updates to RIGL, and adds power to the Administrative Officer and Planning Board.

8. Sec. 32-307 – Submission requirements – Final plan review

- Recommendation to add updated submission requirements for Final plans of Comprehensive Permit applications pursuant to RIGL 45-53-4 as amended.

This amendment gives the Planning Board authority to grant waivers at the Preliminary Plan Review; the Planning Board would also have to approve the Final Plan as well (not just the Administrative Officer).

* Items 9-18 are new sections pertaining to LMI housing.

9. Sec. 32-308 – Certification of completeness – Final plan review

- Recommendation to add procedures for certification of completeness at the Final Plan stage pursuant to RIGL 45-53-4 as amended.

10. Sec. 32-309 – Review of applications – Final plan

- Recommendation to amend the procedure for review of applications at the final plan stage pursuant to RIGL 45-53-4 as amended.

Added “or Administrative Officer” after “The planning board” in part (1) *Timeframe for review*.

11. Sec. 32-310 – Infeasibility of conditions of approval

- Recommendation to add a procedure for the applicant to prove infeasibility of conditions of approval pursuant to RIGL 45-53-4 as amended.

Mr. McGregor explained that the burden is on the applicant to show why the project is infeasible; he needs to determine who makes this determination.

12. Sec. 32-311 – Fees

- Recommendation to specify that the fees for a comprehensive permit application are the same as those required for a minor land development project or a major land development project depending on if the number of units proposed is less than 10 or equal to/greater than 10 pursuant to RIGL 45-53-4 as amended.

The Administrative Officer makes the determination if the project is accepted as infeasible.

13. Sec. 32-312 – Recording of written decisions

- Recommendation to specify a procedure and timeline for recording of written decisions pursuant to RIGL 45-53-4 as amended.

14. Sec. 32-313 – Majority vote required

- Recommendation to specify that a majority vote is required to approve a preliminary plan for a comprehensive permit pursuant to RIGL 45-53-4 as amended.

Under **Sec. 32-313. Majority vote required**, deleted the second half of the sentence, after the semi-colon.

15. Sec. 32-314 – Construction timetable

- Recommendation to add a construction timetable pursuant to RIGL 45-53-4 as amended.

This is for cases where not all of the project is LMI.

16. Sec. 32-315 – Remanded applications

- Recommendation to add a procedure and timeframe for hearing remanded applications pursuant to RIGL 45-53-4 as amended.

For remanded applications, the clock resets to a new start.

17. Sec. 32-316 – Density bonuses

- Recommendation to add the minimum density bonuses as required by RIGL 45-53-4 as amended.

Mr. Ducharme and Mr. McGregor said a checklist item should be added for watershed location because requirements are different for properties abutting the Providence Water Supply Board property in the Scituate Watershed.

Mr. Ducharme also said there should be a variance/condition for age restriction in perpetuity, and noted that if even one unit within a senior housing development (is LMI?) you could have up to 25% lot building coverage, vs. the current 1%.

18. Sec. 32-317 – Definitions

- Recommendation to add definitions relating to comprehensive permit applications and LMI housing pursuant to RIGL 45-53-3 as amended.

Definitions to match the RIGL.

Mr. Ducharme made a motion to approve Items 1-18, with the noted modifications to Item 10 (Sec. 32-309) and Item 14 (Sec. 32-313); Mr. Paolissi seconded. No discussion. Motion passed 6-0.

New Business:

E. Ch. 16 – Manufactured Homes and Trailers

1. Sec. 16-1 – 16-30 – Reserved

- Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.

2. Sec. 16-61 - Temporary permits following damage

- Addition of provision for the Town Council to issue temporary permits for a trailer following damage, arising from fire, windstorm or sudden casualty to a permanent residence which has made such permanent residence uninhabitable.

3. Sec. 16-81. - Unlicensed trailers prohibited.

- Recommendation to state that no person shall maintain or use any trailer as a dwelling unit without exceptions.

4. Sec. 16-82. - Procedure for applying for initial trailer license.

- Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.

5. Sec. 16-83. - Standards to govern issuance of initial trailer license.
 - Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.
6. Sec. 16-84. - Hearing on issuance of initial trailer license; issuance or denial of license.
 - Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.
7. Sec. 16-85 - Previously located trailers.
 - Recommendation to state that all previously located trailers must comply with regulations in effect at the time of the initial trailer being located in the town. Additionally, the provisions of section 16-83 are added to this section, stating clearly the rules in existence in 1965 as those rules pertained to issuing initial trailer licenses.
8. Sec. 16-121 – Definitions
 - Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.
9. Sec. 16-122 - General requirements for operation of a mobile home or trailer park.
 - Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.
10. Sec. 16-123. - Sanitary requirements for operation of mobile home or trailer parks.
 - Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.
11. Sec. 16-124. - Registration of mobile homes or trailers
 - Removal of section. Trailers can no longer be brought into Foster pursuant to Sec. 38-280.
12. Sec. 16-125. - Existing land and area requirements.
 - Removal of section. Trailers can no longer be brought into Foster pursuant to Sec. 38-280.
13. Sec. 16-126. - Penalties for violation.
 - Removal of section. Trailers can no longer be brought into Foster pursuant to Sec. 38-280.
14. Sec. 16-151 – Required
 - Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.
15. Sec. 16-152 – Application
 - Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.

Mr. McGregor stated that it is only permitted to replace a pre-1971 trailer in town. Discussion ensued about manufactured homes (single-wide/double-wide), otherwise known as HUD Homes. Mr. Ducharme said that not allowing them amounts to economic discrimination. Ms. Achille asked if making these changes could draw attention to this and instigate a class action lawsuit. Mr. McGregor asked if trailers could be a viable option for LMI housing, if contradictory language was removed and designed requirements were added.

Mr. Renzi suggested we table this item and do further research. Ms. Joyce made a motion to table this item; Ms. Downes Fortune seconded. Motion passed 6-0.

F. Chapter 32 – Subdivision Regulations

1. Sec. 32-45 – Enforcement; penalties for violation of chapter.
 - Recommendation to amend the enforcement of penalties of the subdivision ordinances to meet the provisions of RIGL 45-23-59.

This amendment is to match RIGL.

2. Sec. 32-301 – Construction timetable – Extension.
 - Recommendation to allow for reasonable exceptions to the timeframes related to commencement and completion of land development projects and improvements associated with subdivisions that are set forth in various sections of chapter 32 pursuant to RIGL 45-23-32(51).

This allows for extending the timetable.

G. Chapter 24 – Planning:

1. Sec. 24-35 – Organization
 - Recommendation to make the Planning Board Secretary an optional member of the Planning Board pursuant to RIGL 45-22-5(a) and this section.
 - Recommendation to allow up to two (2) regular meetings of the Planning Board per month.

Mr. McGregor explained that usually there is a recording clerk for planning board meetings. He will follow up on this with the town council. Meeting frequency was also discussed.

H. Old Business -- Chapter 38 - Zoning

1. Sec. 38-192 – Dimensional Regulations
 - Discussion of reducing minimum lot size for senior citizens group dwellings, multi-family residences, and the GB zoning district
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.
4. Sec. 38-286 – Off-street parking requirements
 - Discussion of amendment to add a licensing requirement.
5. Sec. 38-290 – Regulations pertaining to animals
 - Recommendation to require a waste management and removal plan for kennels in addition to the existing requirement for agricultural uses exceeding the provisions of Sec. 38-191 (Agricultural Uses – 2.A.).

Mr. McGregor said this amendment would require that kennels have dumpsters. Ms. Achille said that this should not include a reference to the Agricultural section as that could raise Right-to-Farm issues.

Mr. Ducharme made a motion to require a waste management and removal plan for kennels (Sec. 38-290); Mr. Carpenter seconded. Motion passed 6-0.

I. New Business:

1. Capital Budget
 - Discussion and recommendation of Capital Budget requests received from Department Heads.

Mr. Renzi stated that the Engineering Board already has \$500,000 in their budget, but Ms. Russ said she would give them \$175,000 (an increase from the \$150,000 they usually request). She said previously that they are saving to purchase a new fire truck, but Mr. Renzi noted that the cost goes up faster than they can save. He said instead of buying a truck they should lease one and the town should put the \$500,000 toward the new police station construction budget.

Mr. McGregor noted that the Foster Center Fire Station had requested \$30,000 for a Jaws of Life; he suggested that \$145,000 of the \$175,000 could go to the new police station. We discussed this further and decided that we would recommend \$0 go to the Engineering Board and instead the \$150,000 would go toward the new police station. Mr. Renzi said he would ask Ms. Russ if the \$500,000 in reserve could also go toward the new police station.

Regarding the DPW budget, we decided to keep the \$400,000 for paving and \$45,000 for the new skid-steer, and cut the requested \$20,000 (Bridge/Dam Plan), \$60,000 (Hydro-dig), \$100,000 (6-wheel dump truck), and \$55,000 (Rec. Field Lighting).

The 2024/2025 CIP Recommendations were:

Townwide:	\$150,000
School Department:	\$249,072*
Engineering Board:	\$0
Police Department:	\$825,000
Public Works:	\$445,000
Total:	\$1,669,072
*Housing Aid	(\$249,072)
Total Capital Fund:	\$1,420,000

Ms. Downes Fortune made a motion to approve the CIP Budget Recommendations letter as modified; Mr. Paolissi seconded. Motion passed 6-0.

J. Recurring Business:

1. Municipal Resiliency Program (MRP) Application
 - Update on MRP workshop.
2. UConn TAB (Technical Assistance for Brownfields)/HMP (Hazard Mitigation Plan)
 - Update on UConn Technical Assistance for Brownfields Program. Update on Hazard Mitigation Plan
3. MTAP (Municipal Technical Assistance)
 - Discussion of LMI Housing Consultant presentation scheduled for Special Meeting on 1/24/24.

Items J and K were held for a future meeting.

Old Business:

Chapter 38 - Zoning

K. 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.

L. Old Business:

Chapter 12 - Businesses:

1. Sec. 12-48 – Businesses – Dumpsters.

- Recommendation to add a requirement for all businesses to have dumpsters unless waived by town council.

Mr. McGregor explained that there will be language added to the business license renewal letter stating that all businesses shall have a dumpster and that the waste storage area needs to be enclosed or screened. Ms. Achille suggested that we may want to add a requirement for placement so dumpsters don't end up right up against a residence.

Mr. Ducharme made a motion to approve the revised Sec. 12-48 with the addition of enclosed/screened. Mr. Paolissi seconded. Motion passed 6-0.

M. New Business:

Chapter 12 – Businesses:

1. Sec. 12-1. Penalty for violation of chapter; authority.

- Recommendation to add a one hundred dollar (\$100.00) fine as a penalty for violation of chapter 12.

Mr. Ducharme made a motion to approve Sec. 12-1; Ms. Joyce seconded. Motion passed 6-0.

N. New Business:

Chapter 18 – Nuisances:

1. Sec 18-1- Dumpsters.

- Recommendation to add a requirement for all businesses to have dumpsters unless waived by town council.

2. Sec. 18-2. – Recyclable receptacles.

- Recommendation to require all premises accumulating recyclables to store such recyclables in a container or receptacle.

3. Sec. 18-32. - Penalty for violation of article; authority.

- Recommendation to make applicable the one hundred dollar \$100.00 fine for violation of the Noise article (Article II) of chapter 18 to all articles of chapter 18.

We discussed Items 1 and 2, and agreed that Sec. 18-1 (3), requirement for illumination, needs to be removed. Mr. Ducharme noted that all penalties should be under the same section.

Ms. Joyce made a motion to accept Sec. 18-2 and 18-32; Mr. Paolissi seconded. Mr. Ducharme said the noise ordinance is impossible to enforce. Motion passed 5-1 (Mr. Ducharme dissented).

Items O, P and Q were tabled to another meeting.

O. New Business:

Chapter 34 Taxation

1. Ch. 34 – Taxation - Article III – Tax Stabilization Incentive for Industrial, Commercial and Manufacturing Facilities

- Recommendation to create a tax incentive for new/existing business located in the GB or HC2 zoning districts or any environmentally remediated property. Following certificate

of occupancy, property taxes would build by annual increments of 25% until the full post-improvement rate is required to be paid.

2. Ch. 34 - Taxation – Article IV – Partial Tax Exemption for existing commercial, manufacturing, and environmentally remediated facilities

- Recommendation to create a partial tax exemption for expansions and/or intensifications of existing commercial and manufacturing uses or uses of property that have undergone environmental remediation. Taxes would remain at the pre-improvement rate for three years following expansion or intensification of any use listed above.

P. New Business:

Volunteers/Interns:

1. Recruiting of Recording Secretary
 - Discussion of search for Recording Secretary.
2. Grant writer – Intern
 - Discussion of upcoming grants that the Planning Board may be interested in applying for. Discussion of hiring a college student temporarily to write grants.

Q. Old Business:

Improvements to Town Website:

1. Update on improvements to the Town website.

Adjournment

Mr. Renzi asked for a motion to adjourn. Ms. Downes Fortune made a motion to adjourn. Motion passed 6-0. Meeting adjourned at 9:52 PM.

Respectfully submitted,

Hilary Downes Fortune, Secretary