

Planning Board Meeting Minutes

Benjamin Eddy Building, 6 South Killingly Road

Wednesday, February 21, 2024, at 7:00 p.m.

A. Call to Order

Anthony Renzi called the meeting to order at 7:16 p.m.

B. Roll Call

Planning Board Members: Warren Ducharme; Anthony Renzi, Chair; Mike Carpenter; and Susan Joyce.

Excused: Hilary Downes Fortune; Bill Gibb; David Paolissi

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

C. Approval of Minutes

February 7, 2024

Susan Joyce moved, Warren Ducharme seconded, to approve the minutes.

Motion passed 4 - 0.

D. Administrative approval Action Final Plan – Minor Subdivision

Minor Subdivision – Final Plan Approval

Applicant: Bergantino, Scott

Owner: Bergantino, Scott

Mr. Renzi explained that the applicant proposes to subdivide an existing lot (Plat 13 Lot 9) resulting in the creation of one new lot.

A single-family residence, well and septic are proposed on the new lot.

Grant McGregor said that this is at 123 East Killingly Road, The final plan matched that at the preliminary plan. There were no conditions. Mr. McGregor issued a certification of completeness and it is approved administratively. No vote was necessary.

E. Public Hearing

Discussion Development Plan Review - Combined Preliminary & Final Plan Review

Applicant: Town of Foster Owner: Town of Foster

Anthony Renzi explained that the applicant has signed a Memorandum of Understanding with Rhode Island Emergency Management Agency (RIEMA). Applicant proposes to erect a 186 foot communications tower to improve emergency responder communications.

They had to redo their application so there is no discussion on it tonight.

F. Public Hearing – Subdivision Regulations: Discussion/Action

1. 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.

Grant McGregor explained that there is a section that covers enforcement of the subdivision regulations, and we have to add some facts to meet what State law says and remove a couple lines.

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).

Anthony Renzi said this allows more time. He asked if the State allowed more time than we had. Mr. McGregor said we had no timetable for when a project needs to be started after it's approved and when it needs to be finished. The vested rights sections in the

zoning ordinance gives mention to land development projects having a construction timetable, so this proposal meets the State's requirements for vested rights in both the zoning enabling act and the subdivision enabling act too. Mr. Renzi asked what the timetable is. Mr. McGregor said that what he put in was basically what was proposed for low and moderate income housing applications and the timeline on those that the State put forward was that you need to start construction a year after it has been approved and you have to finish construction five years after you start. Mr. Renzi said so that was for low to moderate income housing? Mr. McGregor said yes, but he thought the same timetable can apply to anything. Mr. Renzi said that is a long time, but then it depends on the size of the project. Mr. Renzi brought up the changes requested at the auction place. They haven't done anything. How much time are we going to give stuff like this? Mr. McGregor said if that person hasn't applied for an extension, we now have rules that says how much time, an actual timetable. Mr. Ducharme said if they took out a permit, it's expired by now. You have to do something every 90 days. Mr. McGregor said there is something in the building code, we can just defer to State law. Mike Carpenter said something needs to be put in for the applicant to ask for an extension or provide some explanation. Mr. McGregor said the reason he put forward this extension ordinance is because the only timeline he found was in the low to moderate income housing. Mr. Renzi said we can definitely have extensions.

Warren Ducharme moved to approve public hearing item F 1 and F 2 as submitted. Mike Carpenter seconded.
Motion passed 4 - 0.

G. New Business – Discussion/Action

Chapter 38 – Zoning

1. Sec. 38-36 – Enforcement of Chapter

Proposes amendments to specify that zoning certificates are issued upon written request pursuant to RIGL 45-24-54.

Mr. Ducharme said that as an applicant, he had been denied zoning certificates. It's in the law that they are supposed to give them upon request. The zoning official is supposed to do it. Mr. McGregor said the only way you could deny it is to say that this is not an acceptable use in this zone. Mr. Ducharme said all it says how the property is zoned. Mr. McGregor said that all he is doing here is taking out old language that didn't match State law. Mr. Ducharme said maybe it should read "shall be" issued so you have to give me what I'm asking for? Mr. McGregor said it [already] says "shall".

Warren Ducharme moved to approve Sec. 28-36 Enforcement of Chapter as amended. Mike Carpenter seconded.
Motion passed 4 - 0.

2. Sec. 38-280 – House trailers or mobile homes

Recommendation to permit individual trailers in all zoning districts. Recommendation to prohibit trailer parks in all zoning districts due to the small lot sizes associated with trailer parks being incompatible with the landscape, soils, and sparsely populated, and rural character of the Town

Mr. McGregor said manufactured homes seem to be a solution to high building costs for some people, so there has always been questions about what kind of trailers are allowed. He thought a good way to address this is to define house trailer, mobile home, and manufactured home and point everyone with those questions to the definition section, which is not construed to prevent any kind of park with those definitions because that is a density issue and will not work in Foster. Mr. Ducharme said to be consistent with the building code there are no trailers. Those are registered vehicles. Definitions and requirements were discussed. Mr. McGregor asked Mr. Ducharme to send him the definitions. Mr. Ducharme said you can't ban trailer parks.

Susan Joyce said, so we're tabling 38-280.

Warren Ducharme moved to table Sec. 38-280, Mike Carpenter seconded.
Motion passed 4-0.

3. Sec. 38-285 – Development standards for drive-through uses
Discussion of permitting drive-through windows on building façades that face a public street. Drive-throughs are currently permitted but not on the side of a building facing public street.
Anthony Renzi gave an example of traffic stacking. As long as the stacking doesn't affect traffic, the window doesn't matter. Mr. McGregor said that is essentially what he came up with. There must be sufficient on-site stacking areas. Susan Joyce asked then how come the Rt. 6 Dunkin in Johnston has stacking on Rt. 6? Mr. Ducharme said they're not supposed to. Mr. Renzi said they have room for 10 cars if you start from the window. They get more than 10 cars.
Susan Joyce moved to approve Sec. 38-285, Warren Ducharme seconded.
Motion passed 4 – 0.
4. Sec. 38-301 – Construction Timetable
Recommendation to allow reasonable exceptions to the timeframes related to commencement and completion of construction of projects approved by special-use permit or variance pursuant to RIGL 45-24-44.
Warren Ducharme moved to approve Sec. 38-301 Construction Timetable as submitted. Mike Carpenter seconded.
Motion passed 4 - 0.

H. Old Business – Discussion/Action

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.

Grant McGregor said these are all the multi-family ordinances. Warren Ducharme asked if this was where we were going with shorter lots and 200 foot. Mr. McGregor said no, so the smaller lots are separate, it has nothing to do with LMI. It would be more affordable for somebody to cut in a road if they had 200 feet of frontage. Say you had seven acres, you would be able to subdivide to create another lot which makes it easier to build houses. We had a discussion, and it seems it wouldn't be too overwhelming to cut down the minimum lot size. Family compound was discussed. Mr. McGregor said we already approved the residential family compound ordinance and all we did was clarify the frontage because it was confusing. It still says you need 30 acres at a minimum. We never came to an agreement for what we should do with our multi-family. Mr. Ducharme said it should be 200,000 square feet across the board for each unit; two need 400,000, three need 600,000. Mr. McGregor said he thought the discussion was that it could be that the multi-family would be as close to one unit per acre as possible. Mr. McGregor said anything about multi-families needs to be discussed elsewhere. Anthony Renzi said he honestly thought that one of the first things we did was get rid of the family compound, get rid of the 30 acres and make it 15. Mr. Ducharme and Mr. Carpenter said we never did that. Mr. Ducharme said we should discuss it at a workshop with a full board. Susan Joyce asked if this item is being tabled. Mr. McGregor said yes.

I. Old Business :

Chapter 12 – Businesses:

1. Sec. 12-48 – Dumpsters

Recommendation to require a dumpster for businesses. [See Item K for discussion]

J. New Business: Discussion/Action

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.

Susan Joyce asked if this would be tabled for workshopping. Mr. McGregor said yes, that is something we might want to bring up at a workshop, too. I can send it to everyone to see what they think about it. This is a tax incentive based on what is existing in our ordinances. Essentially the goal is for new businesses to not issue the full property taxes until construction is completed. Susan Joyce said the environmentally remediated property sounds like you designated zones for the other things but then the environmentally remediated property could be anywhere. Mr. McGregor said the reason he pulled that into the ordinances for existing business is because that was written into the old tax incentive. Mr. Ducharme said it sounds more like financial planning. Mr. McGregor said as soon as we bring forth the tax incentives for new businesses the complaints are going to be what about the people who are already here. What he put forward was that if you expand your existing business, what we will do is the same kind of concept as if it were a new business. Mr. Ducharme said that was totally fair: additions, improvements, or new.

K. Chapter 18 – Nuisances:

1. Sec 18-1- Dumpsters.

Recommendation to add a requirement for all businesses to have dumpsters.

Ms. Joyce said that what Grant has put together is stronger language saying that the town does not pick up business trash. Mr. Ducharme said they will have to have a dumpster or they will not get their license. Mr. Renzi suggested it should say “garbage removal other than the town” because the guy that complains about a dumpster can get a container that isn’t that big and have somebody pick it up.

Susan Joyce said we don’t have to vote on these. Mr. McGregor agreed.

L. New Business:

Chapter 8 – Animals:

1. Sec. 8-217. - Application for initial issuance.
Recommendation to specify that an application for initial kennel license requires a development plan review application or waiver request or minor land development application to be submitted to the Planning Board.
2. Sec. 8-218. - Contents of application.
Recommendation to amend contents of application to meet RIGL 4-13-10.
Recommendation to add procedure for issuance of license and penalties for noncompliance to meet RIGL 4-13-10. 3.
3. Sec. 8-219. Notice of hearing.
Recommendation to remove
4. Sec. 8-219. A public hearing is held by the Planning Board at the development plan review stage and the hearing requirements are specified in
5. Sec. 38-394. 4.
6. Sec. 8-220. Hearing.
Recommendation to remove Sec. 8-220. A public hearing is held by the Planning Board at the development plan review stage and the hearing requirements are specified in Sec. 38-394. 5.
7. Sec. 8-224 – Revocation.

Recommendation to amend Sec. 8-224 to give Class A kennel license revocation powers to the town clerk and Class B kennel license revocation powers to the town council. Recommendation to eliminate the requirement for a public hearing regarding a kennel license revocation.

Grant McGregor said he has been tasked with the dog laws. There are three kennel ordinances. He read the State law. The breeding kennels are licensed by the town clerk and there is a \$25 fee for that. Susan Joyce asked if that was A or B. Mr. McGregor said A. He didn't think we had any but to comply with State law we should write it in there. Class B, Boarding Kennels are issued by the town council and are \$50. It's a business so a land development review goes in front of the planning board and the council issues the license after planning board approval. The council doesn't hold the hearing, the planning board holds the hearing when the business comes in front of us.

Susan Joyce asked if we were tabling the animals. Mr. McGregor said that Joanna [Achille] said that he understood State law the right way, basically it says that this will remove the hearing at the council level. For the application for initial issuance and revocation, it gives the town clerk the authority to issue breeding kennel licenses and do things related to those licenses and gives the town council the authority to do boarding kennel licenses which State law dictates and then we get the fees where they are supposed to be.

Susan Joyce asked if we vote on these. Mr. McGregor said they are not a zoning ordinance so there's no need. Mr. Ducharme asked about the number of dogs. Mr. McGregor said that if you keep up to four dogs that are not your own, you are exempt from the kennel license. Once you hit five, then you become a kennel. Mr. Renzi asked how many of your own? Does that fall under the 35 animal rule? Mr. McGregor said yes, if they are all yours, then you're good to go. It's the same on breeding kennels, there's no requirement for somebody who breeds dogs to become a licensed breeding kennel, but it might just save them money instead of licensing them individually.

M. Old Business

Chapter 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. 16-57 – Procedure for applying for installation permit.
Recommendation to amend the procedure for applying for trailer installation permits to be the same as the procedure for applying for a building permit.
2. Sec. 16-58 – Standards to govern issuance of installation permit.
Recommendation to amend standards for issuance of installation permit for trailers to be consistent with the standards for single-family residences.
3. Sec. 16-59 – Hearing on issuance of installation permit; issuance or denial of permit.
Recommendation to eliminate the requirement for a Public Hearing for the issuance of an installation permit for trailers.
4. Sec. 16-60 – Temporary permits.
Recommendation to remove this section to create consistency between chapter 16 and Sec. 38-280 of the zoning ordinance.
5. 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.
6. Sec. 16-81. - Unlicensed trailers prohibited.
Recommendation to state that no person shall maintain or use any trailer as a dwelling unit without exceptions.
7. 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.
8. 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.

9. 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.
 10. 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.
 11. Sec. 16-121 – Definitions
Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.
 12. 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.
 13. 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.
 14. 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.
 15. Sec. 16-125. - Existing land and area requirements.
Removal of section. Trailers can no longer be brought into Foster pursuant to Sec. 38-280.
 16. Sec. 16-126. - Penalties for violation.
Removal of section. Trailers can no longer be brought into Foster pursuant to Sec. 38-280.
 17. Sec. 16-151 – Required
Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.
 19. Sec. 16-152 – Application o Removal of section. A trailer park can no longer be created in Foster pursuant to Sec. 38-280.
- Susan Joyce noted that we are tabling all the trailers.

N. Old Business

Chapter 12 – Businesses – Business licenses.

Discussion of final recommendations for increase in business license fees. Comparison to other municipalities. Planning Board will read the list of current business licenses issued by the town and the current price associated with such license applications and renewals. The recommended increases will be heard the following night at the 2/22 Town Council meeting for vote.

Mr. McGregor said the council wanted me to bring the business licenses back in front of you. The biggest increase is alcohol goes from \$400 to \$500 and Entertainment goes from \$300 to \$400. Everything aside from that is less than a \$100 increase, unless we have no fee at all, then it would be a \$100. Usually a \$50 fee goes to \$100.

Future Agenda Items

Mr. McGregor said he scheduled a public hearing on amending the housing chapter of the Comprehensive Plan because everyone has an opinion about low and moderate income housing. The Comprehensive Plan volunteers private properties that the town never contacted the owners about to get authorization to put them in the Comprehensive Plan, so based on social media conversation they are very unhappy about things of that nature. The best idea has come up with is to hold a public hearing to come up with what type of housing we want to see. Mr. Ducharme asked if we were waiting for our consultant to make recommendations on that. Mr. McGregor said he will meet with them. He invited Mike Chippendale and he might come.

Adjournment

Susan Joyce moved to adjourn. Meeting ended at 9:06 p.m.

Submitted by,
Carol Lyons Sholly