

**FOSTER ZONING BOARD OF REVIEW
MINUTES OF THE MARCH 8, 2006 MEETING**

Chairman Martin Helfgott called the March 8, 2006 meeting of the Foster Zoning Board of Review to order at 7:04 pm in the Benjamin Eddy Building.

In attendance:

Martin Helfgott, Chairman
Scott Shangraw, Vice Chairman
William Gibb, Secretary Pro-Tem
Renee Bevilacqua, Member
Thomas Grabbert, Alternate
Nicholas Gorham, Acting as Town Solicitor
(Stenographer not present)

Minutes of the February 15, 2006 were approved as published.

Decisions: There were no decisions to be read.

Hearings: Henry Chabot, 52 Danielson Pike Plat 21 Lot 26 Variance for a bait shop under article 4 section 12.

Hearing #06-01 for a variance to construct a 20x20 portable shed for use as a bait shop in addition to the present use of existing gun shop at 52 Danielson Pike under article 4 section 12 of the Foster Zoning Ordinance was presented to the board. 52 Danielson Pike is presently used as a gun shop with bait being sold inside the building and is located in a Neighborhood Commercial District.

The following spoke in favor of the application:

Henry Chabot, Owner and applicant, stated that the condensation from the bait tanks was problematic for gun stocking and thereby presented a hardship. The shed would be portable and be removed if there was a future change of ownership.

Allan Weidell and Robert Fallon opened discussion regarding the requested front and side variances as it appeared the measurements were incorrectly noted on the application. Zoning Chairman, Martin Helfgott, requested input from the acting solicitor as to the legality of amending the application as presented so the hearing could continue. Solicitor noted that the corrected footage variances were actually less than the originally stated. The application could be amended and the hearing could continue. Amendments were made and hearing proceeded.

No one spoke in opposition to the application.

Martin Helfgott questioned the applicant regarding electrical service.

Mr. Chabot stated that the bait shop would share existing service and there would be nothing in addition.

Thomas Grabbert expressed concern that the application requested more than two variances and that he thought he read in the zoning ordinance manual that this was a violation. Time was given as he tried to find supporting reference in the zoning manual. He could find no such reference nor could any other member.

Solicitor noted that the burden of notice is on the applicant. He expressed concern that the notice may have been inadequate and cautioned that bordering properties may have grounds for future challenge. Mr. Chabot acknowledged the concern and accepted future responsibility.

Martin Helfgott advised that the application process and the burden of presentation are upon the applicant and it is not the function of the board to coach the applicant.

William Gibb confirmed the proposed structure to be portable and to be completely removed should the property or business change ownership.

Rene Bevilacqua questioned the applicant on construction of the structure. Mr. Chabot stated it would not be a pre-fabricated structure. Structure would be hand-built by Allan Weidell and would conform to specification.

Scott Shangraw moved and William Gibb seconded the motion to approve application #06-01 for a variance for Henry Chabot. All board members voted approval to proceed.

Scott Shangraw presented the motion to allow a variance to construct a portable bait shop with the following variances: 91ft west side x 49ft east side x 39ft front with the following condition, that if the bait shop be sold or fails it be removed completely, also that the applicant makes an appointment with the town planner to confirm or deny the need for a commercial site plan.

William Gibb seconded the motion.

Members voted:

Scott Shangraw – approve

Thomas Grabbert – Approve

Rene Bevilacqua – Approve

William Gibb – Approve

Martin Helfgott – Approve

Martin Helfgott stated decision had been approved but reminded applicant the decision was not final until read at the next meeting.

Martin Helfgott adjourned meeting at 8:15pm.

These minutes taken and so noted by:

William Gibb, acting as Secretary March 8, 2006