

Foster Zoning Board of Review Minutes of the May 10, 2006 Meeting

Chairman Martin Helfgott called the May 10, 2006 meeting of the Foster Zoning Board of Review to order at 7PM in the Benjamin Eddy Building. The following members were present:

Martin Helfgott, Chairman

Heidi Colwell, Secretary

William Gibb

Thomas Grabbert, Alternate

Lori Mahailides, Alternate

Also present were Building Official, Robert Fallon, Bradford Gorham, Town Solicitor representing Gorham & Gorham and Court stenographer Carole Malaga.

Renee Bevilacqua, board member, was absent. Vice Chairman Scott Shangraw resigned from the board effective May 1, 2006

Minutes:

William Gibb moved, Thomas Grabbert seconded and the minutes of the April 17, 2006 meeting were approved as published.

Decisions:

#06-01 for Danielson Pike Realty LLC, 52 Danielson Pike, Plat 21, Lot 26, under Article 4, Section 12 for a variance to build a bait shop was discussed. Because only three of the five members that were present and voted at the March 8, 2006 meeting were present at the May 10th meeting a vote on Decision #06-01 could not be taken. Renee Bevelacqua and Scott Shangraw were absent. Mr. Chabot, owner of Danielson Pike Realty LLC, has not received approval from the Planning Board and will reapply to the zoning board as soon as he receives approval. Because of the problems created by the lack of members to vote on the decision the Zoning Board voted to waive all filing fees when Mr. Chabot reapplies for the variance.

#06-02 – David & Gail Danilowicz:

William Gibb moved, Thomas Grabbert seconded and it was so voted to approve a Special Use Permit for David and Gail Danilowicz, 41B Hartford Pike, Plat 17, Lot 22, under Article 4, Section 5, #3 for a real estate office in their home.

#06-03 – Donald & Kathy Jordan

William Gibb moved, Thomas Grabbert seconded and it was so voted to approve a Lot Line Variance for Donald & Kathy Jordan, 31 Shippee School House Road for property at Pole 12 Boswell Trail, Plat 10, Lot 95, under Article 5, Section 1, Substandard lot of record.

Hearings:

Hearing #06-04 - Fred Waltz, Balcom Road, Plat 11, Lot 29 was postponed because the abutting property owners were not notified.

Hearing #06-05 Roger J. & William G. Roger, 6 Stephanie Drive, Scituate for a 90' south side & 50' west side to road dimensional variance for a septic system under Article VI Section VI, for property located at 7 Cucumber Hill Road, Plat 1, Lot 35 was read.

Joseph Rothenich, Esq. 1070 Main Street, Coventry represented William Roger.

No one spoke in favor of the application.

Bradford Gorham, abutting property owner spoke against. Mr. Gorham asked if there had ever been a certified survey of the property. Mr. Roger said he didn't think so.

Mr. Gorham produced at Wetland Preliminary Determination Plan for Renee & William Roger dated October 1, 2003 and approved by DEM on Jan 21, 2004 – file #03-0595. The site plan produced by Mr. Rogers for the hearing does not correspond with the insignificant alternation – permit which was filed with application #06-05 or the plan produced by Mr. Gorham dated January 21, 2004.

Mr. John Caito, Registered Engineer, 25 Sharpe Drive, Cranston, spoke regarding the ISDS plan that was presented to the town with the application. He explained that the system would be an Advantex treatment system with a bottomless sand filter. He said that the well on the original plan was near the road and the well would be located several hundred feet away from the road. Mr. Helfgott asked Mr. Rogers why Norbert A. Therien or National Surveyors & Developers, Inc, designer of the septic system wasn't present. Mr. Rothenich responded that Mr. Caito was hired to appear before the board.

The original plan was designed for three bedrooms; the second plan was designed for two bedrooms.

Both ISDS site plans show 1.7583 acres of land, application #06-05 submitted to the town states 2.5 acres of land.

Exhibit A:

Mr. Gorham presented ten photographs of the property showing the wet lands and a stream that runs behind where the house is to be built. He stated this stream runs into the Moosup River. The stream does not appear on the site plan or the plat map.

Robert Fallon, Building & Zoning Official, stated that the property was very wet and the new plan was presented to him with application #06-05. He did not see the original plan which showed the system and well in a different location.

Decision:

Mr. Gibb moved and Mr. Grabbert seconded the motion to approve application #06-05 for a 90' south side and 50' west side to road lot line variance for Ronald J. & William G. Rogers, Plat 1, Lot 35 under Article VI, Section VI of the Foster Zoning Ordinance for construction of a single family dwelling with well and septic system.

The Board also finds that based on the facts presented and its own knowledge of the property that the dimensional variance will have little or no impact on the adjoining property.

- A. It will be compatible with the neighborhood land use.
- B. It will not create nuisance in the neighborhood
- C. It will not hinder the future development of the Town
- D. It will be in conformance with the Comprehensive Plan of the Town of Foster

The following members voted:

Thomas Grabbert Disapprove

Lori Mahailides Disapprove

William Gibb Disapprove

Heidi Colwell Disapprove

Martin Helfgott Disapprove

Member Renee Bevilacqua was absent

Hearing #06-06

Philip Hauser and Brian Colvin, 124 Isthmus Road, for a 55' dimensional variance for an Advantex Treatment septic system on their property on the southern side of Lot 6, Lot 26A-1 under article VI, Section 6 was read.

Mr. Hauser stated that the property was on ledge and the only place suitable for the system was in the proposed location. The septic system is located 45' from the property line of property owned by Mr. Hauser.

No one spoke in favor of the application.

No one spoke against the application.

Robert Fallon, Building and Zoning Official stated that this was the only place for the system because of the ledge on the property and the property borders with land owned by Mr. Hauser.

Decision:

William Gibb moved, Mr. Grabbert seconded and it was so voted to approve application #06-06 for Philip Hauser for a 55' dimensional variance from the southern property line under Article VI, Section 6 of the Foster Zoning Ordinance to install a septic system on 124 Isthmus Road, Lot 6, Lot 26A-1.

The Board also finds that based on the facts presented and its own knowledge of the property that the dimensional lot line variance will have little or no impact on the adjoining property.

- E. It will be compatible with the neighborhood land use.
- F. It will not create nuisance in the neighborhood
- G. It will not hinder the future development of the Town
- H. It will be in conformance with the Comprehensive Plan of the Town of Foster

The following members voted:

William Gibb approve
Lori Mahailides approve
Thomas Grabbert approve
Heidi Colwell approve
Martin Helfgott approve
Member Renee Bevilacqua was absent

Chairman Helfgott advised the applicant that the decision of the board is not final until read into the record at the June Zoning Board Meeting.

The meeting adjourned at 9PM.

Attest:

Heidi A. Colwell
Secretary

