

Foster Zoning Board of Review

Minutes of the June 14, 2006 Meeting

Chairman Martin Helfgott called the June 14, 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
William Gibb, Vice Chairman
Heidi Colwell, Secretary
Renee Bevilacqua
Lori Mahailides
Thomas Grabbert, Alternate
John Vorro, Alternate

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

Members of the board welcomed John Vorro to the Board as the new alternate. He replaces Scott Shangraw who resigned from the board as of May 1, 2006.

Minutes:

William Gibb moved, Thomas Grabbert seconded and the minutes of the May 10, 2006 meeting were approved as published.

Decisions:

#06-05 – Ronald J. & William G. Roger

William Gibb moved, Thomas Grabbert seconded the motion and it was so voted to approve decision #06-05 for Ronald J. & William G. Roger, 6 Stephanie Drive, Scituate for a 90' south side & 50' west side to road dimensional variance for a septic system for property located at 7 Cucumber Hill Road, Plat 1, Lot 35, under Article VI Section 6 of the Foster Zoning Ordinance. This application was denied by the board at the May 10th meeting.

#06-06 – Philip Hauser & Brian Colvin

William Gibb moved, Thomas Grabbert seconded the motion and it was so voted to approve decision #06-06 for Philip Hauser and Brian Colvin, 124 Isthmus Road, for a 55' dimensional variance from the southern property lined for an Advantex Treatment septic system on the southern side of Lot 6, Lot 26A-1 under article VI, Section 6 of the Foster Zoning Ordinance.

Hearings: #06-04 Fred Waltz

Application #06-04 for Fred Waltz of 111 Mechanic Street, North Smithfield, R.I. for property at Pole 14 Balcom Road, Plat 11, Lot 29, for a 39' front line road variance (Balcom Road) to install a septic system under Article VI, Section 6 of the Foster Zoning Ordinance was read.

No one spoke in favor or in opposition of the application.

Kimberly J. Waltz, having power of attorney for her parents, spoke in behalf of her parents. Thomas Grabbert asked why there were changes in the ISDS application and if these changes were made before or after the approval. She stated that they were made before the ISDS was approved.

Mr. Fallon, Building & Zoning Official, stated the area closest to the road was the driest and the wet part of the property is flagged. He also stated that this was the best location for the septic system which will be an Advantex system.

Decision:

Mr. Gibb moved, Mrs. Colwell seconded and it was so voted to approve application #06-04 for Fred Waltz for a 39' front lot line variance to Balcom Road for a BSF w/Advantex septic system

under Article VI, Section 6, of the Foster Zoning Ordinance. This system will be 21' from Balcom Road. The Board finds that based on the facts presented and its own knowledge of the property that granting a front lot line variance to the road for a septic system 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:

Lori Mahailides, Approve
Renee Bevilacqua, Disapprove
Heidi Colwell, Approve
William Gibb, Approve
Martin Helfgott, Approve

Hearing #06-07 Keith A. LaFazia

Application #06-07 for Keith A. LaFazia, 2 Gold Mine Road, Plat 4, Lot 74 for a special use permit for the purpose of applying for a Federal Firearms License for the acquisition of firearms for resale to law enforcement, family and friends. This special use permit was applied for under Article VII, Section 2. Upon the request of the board Mr. LaFazia changed the provision of the application from Article VII, Section 2 to Article IV, Section 12, footnote.

Mr. LaFazia presented a letter to the board stating the purpose for applying for a Federal Firearms License. The letter stated the permit is for the acquisition of firearms for resale to law enforcement, family and friends. The business will be special order only. He will abide by all Town, State & Federal laws pertaining to the sale of firearms. He will not maintain a storefront on his property. He will not alter his property or home for this business. There will be no test firing of guns on the property at any time. All sales of firearms will be filed as per Alcohol, Tobacco and Firearms regulations and by the Foster Police Chief as required by law. He will not sell any automatic weapons.

Mr. LaFazia said that in order for the Town Council to approve a Firearms permit for him to sell firearms from his property he must first have approval from the Zoning Board of Review as required by law.

No one spoke in favor or in opposition of the application.

Decision:

Mr. Gibbs moved, Mrs. Mahailides second the motion and it was so voted to approve application #06-07 for a Special Use Permit for Keith LaFazia, 2 Gold Mine Road, to sell firearms on his property as outlined in his letter to the board under Article IV, Section 12 footnote. All sales of firearms shall be filed as per Alcohol, Tobacco and Fire Arms Regulations and the Foster Police Chief as required by law.

The Board finds that based on the facts presented and its own knowledge of the property that granting a Special Use Permit 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:

Lori Mahailides, Approve
Renee Bevilacqua, Approve
Heidi Colwell, Approve
William Gibb, Approve
Martin Helfgott, Approve

Hearing #06-08 William G. & Tracy A. Dixon

Application #06-08 for William G. & Tracy A. Dixon, 45A Old Danielson Pike, Plat 21, Lot 18 for a 25' variance from Old Danielson Pike and a 15' east side lot line variance for a 12' x 16' garden /storage shed under Article IV, Section 13A of the Foster Zoning Ordinance was read.

Zoning Board member William Gibb, abutting property owner, recused himself from the hearing.

Mr. Gibb spoke in favor of the application. He stated that since the bridge over the Ponagansett River is closed and since it probably will not be reopened there isn't much traffic on the road.

Mr. Fallon, Building and Zoning Official said the chosen location is the best place for the shed as most of the property is along the Ponagansett River and floods when the river rises. If the shed was built in back of the house there would be times when it would be in the flood zone.

Decision:

Mrs. Colwell moved, Mr. Grabbert seconded the motion and it was so voted to approve a 25' dimensional variance from the road (Old Danielson Pike) and a 15' east side lot line variance for a garden/storage shed under Article IV, Section 13A of the Foster Zoning Ordinance.

The Board finds that based on the facts presented and its own knowledge of the property that the front lot line variance to the road and the east side lot 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. 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:

Lori Mahailides, Approve
Thomas Grabbert, Alternate, Approve
Renee Bevilacqua, Approve
Heidi Colwell, Approve
Martin Helfgott, Approve

The meeting adjourned at 8:PM

Attest:

Heidi A. Colwell
Secretary

