

**Foster Zoning Board of Review
Minutes of the March 14, 2007 Meeting**

Vice Chairman William Gibb called the March 14, 2007 meeting of the Foster Zoning Board of Review to order at 7PM in the Benjamin Eddy Building. The following members were present:

William Gibb, Vice Chairman

Heidi Colwell, Secretary

Lori Mihailides

Carl Saccoccio

Scott Pollard

Alternates John Vorro and John Walsh were absent.

John J. Bevilacqua, Town Solicitor, Robert Fallon, Building Official and court stenographer Carole

Malaga were also present.

Minutes:

Carl Saccoccio moved, Lori Mihailides seconded the motion and it was voted to approve the minutes of the January 10, 2007 meeting as published. The February 2007 meeting was canceled.

Decisions:

Carl Saccoccio moved, Lori Mahailides seconded the motion and it was so voted to approve the following decisions as published:

1. Philip Hauser, Hearing #06-14, Plat 6, Lot 41, for a variance under Article V, Section 7 of the Foster Zoning Ordinance.
2. Deborah DeFazio (Applicant) & Blanch Rambone (Owner) Hearing #06-15, Plat 18, Lot 134, for a variance under Article IV, Section 13 of the Foster Zoning Ordinance.

New Board Member – Scott Pollard

The Board welcomed new member Scott Pollard to the board. He will fill the unexpired term left vacant by resignation of Renee Bevilacqua. The term expires December 2008.

Hearing #07-01 - Joseph T. Arruda, Jr. - Plat 3, Lot 20A-1 – T. Parker Road

Hearing #07-01 for Joseph T. Arruda, Jr., Plat 3, and Lot20A-1 for a 2'3" height variance for a house under Article 4, Section 13 of the Foster Zoning Ordinance was heard. The front of the house will be 37 ½ feet from the ground to the top of the hip roof.

Mrs. Donna Hudson, 14 T. Parker Road, an abutting property owner, spoke in favor of the application.

No one spoke in opposition.

Mr. Saccoccio moved, Mr. Pollard seconded the motion and it was so voted that a 2' 3" height variance under Article IV, Section 13 of the Foster Zoning Ordinance for Joseph T. Arruda, Jr., Plat 3, Lot 20A-1, on T. Parker Road, be granted as submitted with no change.

Hearing #07-02 - Ronald Roger and William Roger – Plat 1, Lot 5 - Pole 7 Cucumber Hill Road

Hearing #07-02 for Ronald and William Roger for a 10' property line variance for a septic tank under Article VI, Section VI of the Foster Zoning Ordinance was read. Mr. Rogers was represented by Attorney Joseph E. Rothemich, Jr., 1070 Main Street Coventry, R.I..

Bradford Gorham, 11 Cucumber Hill Road, an abutting property owner stated that this application has previously been before the board and that the doctrine that applies to a repeat

application for the same piece of land is called the doctrine of administrative formality, recognized by the law many many times by our Superior Court. He explained that the same application cannot be brought before the same board again and that this law applies to this case. This application will have to be taken to Superior Court if the applicants wish to pursue it.

Mr. Bevilacqua advised the board that we should not go any further if there is no significant difference from what was presented before as to what is being presented now. The issue is the dimensional variances, the application is pretty identical to the original application that was filed, there may have been some procedural request that were done but the board decided to make decision at that particular time. That decision should have been appealed and processed thru the Superior Court.

Mr. Gibb made the following motion, seconded by Carl Saccoccio and so voted: As the application before the board is in substance the same petition that was heard before the board for months prior to the July 12, 2006 and read into record as the decision on that date, that Mr. Rogers petition at this time be denied hearing before this board and recommend if it is his desire to pursue this appeal to Superior Court that this should be his next logical step.

Hearing #07-03 - Todd McGill – Plat 8, Lot 58 - 100 South Killingly Road

Hearing #07-03 for a 26' west side lot line variance to build a 54'x51 'shed to store equipment under Article IV, Section 13 under the Foster Zoning Ordinance was heard. Mr. McGill stated the reason for the variance was that he would be unable to build the shed in another location because of water problems on the property.

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

Mr. Saccoccio moved, Lori Mahailides seconded the motion and it was so moved that Todd McGill, 100 South Killingly Road, Plat 8, Lot 58, be granted a side line variance of 26 feet on the westerly side of the property line as submitted with building being used as stated and no animals to be sheltered in the shed. This was not a hardship as a result of any action of the owner but it was the main characteristic of the land that caused the hardship to existing land. .

Foster Planner:

Town Planner Ann-Marie Ignasher was introduced to the board.

Election of Officers:

Heidi Colwell moved, Scott Pollard seconded the motion and it was so voted to elect Carl A. Saccoccio as Chairman of the Zoning Board of Review for 2007.

Carl Saccoccio moved, Heidi Colwell seconded the motion and it was so voted to elect William Gibb as Vice Chairman of the Zoning Board of Review for 2007.

Carl Saccoccio moved, William Gibb seconded the motion as it was so voted to elect Lori Mahailides as Secretary of the Zoning Board of Review for 2007.

The meeting adjourned at 8:07PM

Attest:

Heidi A. Colwell
Secretary

