

Foster Zoning Board of Review Minutes of the November 14, 2007 Meeting

Chairman Carl A. Saccocio called November 14, 2007 meeting of the Foster Zoning Board of Review to order at 7PM in the Benjamin Eddy Building. The following members were present:

Carl Saccocio, Chairman

William Gibb, Vice Chairman was absent

Lori Mihailides, Secretary

Heidi Colwell

Scott Pollard

Joseph Walsh, Alternate

Paula Mottshaw, Alternate

John J. Bevilaqua, Town Solicitor and Robert Fallon, Building Official were also present

Minutes:

Heidi Colwell moved, Scott Pollard seconded the motion and it was voted to approve the minutes of the September, 2007 and October 2007 meeting as published.

Decisions:

Hearing #07-12, Donald and Diane Soucie, Plat 10 Lot 23, Danielson Pike decision for a 6ft dimensional variance from the western property line to put an addition onto their home was approved as published.

Hearing #07-13, Barbara Fell, Plat 14 Lot 56:

Hearing #07-13 Barbara Fell, Plat 14 Lot 35A, 45 Willoughby Young Road, applicant is requesting a 35ft dimensional variance from the front property line, 75ft dimensional variance from the rear property line in order to build a garage under Article 4 Section 13 of the Foster Zoning Ordinance.

Heidi Colwell pointed out that not all the abutters had been notified.

After careful consideration of The Board and Mr. Bevilaqua it was determined that all abutters were not notified.

Heidi Colwell moved, Scott Pollard seconded the motion to continue this Hearing #07-13 Barbara Fell, Plat 14 Lot 56 for a dimensional variance until all abutters have been notified.

Hearing #07-14 Kevin Round, Plat 12, Lot 56 Round Hill Road

Hearing #07-14 Kevin Round, Plat 12, Lot 56, Round Hill Road, applicant is requesting relief from dimensional regulations due to the fact this his lot is a substandard lot of record, having no road frontage, only an existing right of way. He is making this request in order to construct a single family residence.

Kevin Round spoke in favor of his application.

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Town planner submits as an exhibit, recorded minor subdivision plan of map, Plat 12 Lot 55A of Round Hill Road Foster, RI, recorded on March 27, 2007 Book 6 Page 38.

Kathy Mack an abutter of 31 Round Hill Road also spoke in favor of the application.

Brian Carpenter tried to represent abutter of property Brian Monfils, who could not attend the meeting because of an injury, speaking against this application. The town planner stated that she did receive a call from Mr. Monfils stating his objection to this application. The town planner did make it clear that she would need something in writing.

Mr. Bevilacqua states that Mr. Carpenter would need a letter from Mr. Monfil Mr. Monfils stating that he would have Mr. Carpenter speak on his behalf.

Mr. Pollard states Mr. Carpenter is a known commodity in the town of Foster and should be able to speak, just not on Mr. Monfils behalf.

Mr. Carpenter states that he is familiar with property because he had sold it to Mr. Rounds in the 80s as 1026 ft. frontage on Central Pike and access right of way off of Round Hill Road after that point and time lines were struck to create a 7.34, 6.16 a 7 acre piece and a 15.62 acre parcel which included Scituate and Foster. States he could not find any records in Scituate, was granted a building permit in the town of Scituate. Opinion is that this is one lot of record accessed by a right of way, used to have frontage but now has no road frontage.

Mr. Carpenter states that his opinion is that this is not a substandard lot of record. This was created with no road frontage.

Mr. Bevilacqua states that Mr. Carpenter can not testify as an expert. Also states that this parcel has been taxed by the town as a separate build able lot. We have a number of other parcels that exist in the state of Connecticut that this board denied dimensional variance which was identified as a Foster parcel and nothing to do with the Connecticut portion.

Mr. Fallon states that he had spoken to Ann Carlson and she stated that this was a taxed as a separate parcel.

Mr. Saccocio states that he does not have the certification that this is a substandard lot of record. Also states that we are looking at the lot in Foster, and this is a substandard lot according to testimony.

Mr. Bevilaqua states that the record is quite clear that this parcel in the Town of Foster has been in existence since 1945. It is a separate parcel recorded in the town of Foster and has been taxed in the Town of Foster, it has always been a substandard lot of record by definition and by matter of fact in law.

Mr. Carpenter states that he disagrees, he has a copy of the deed where it was deeded to the Rounds, where it included a 38 acre parcel of land partly in the town of Scituate and Foster.

Mr. Bevilaqua states that the portion that existed in the Town of Scituate had to be recorded in Scituate and the portion that exists in the Town of Foster had to be recorded in the Town of Foster. They are two separate jurisdictional pieces of property.

Mr. Walsh questions the right of way, expecting some sort of dimension. Mr. Bevilaqua states that the right of way refers to vehicle use, no dimensions.

Mr. Pollard moves Heidi Colwell on Hearing # #07-14 Kevin Round, Plat 12, Lot 56, Round Hill Road, to approve this application requesting relief from dimensional regulations due to the fact this his lot is a substandard lot of record based on the fact that the hardship has been given unique characteristic of the subject land and is not result of any prior action of the applicant and is not due to any economic disability of the applicant, will not alter the general character of the area and granting the least relief necessary. In support of the motion we would offer the recorded plan and testimony by both the building inspector and the town planner.

Joseph Walsh- Approved

Scott Pollard- Approved

Heidi Colwell-Approved

Lori Mihailides-Approved

Carl Saccocio-Approved

Mr. Saccocio requests that he has the substandard lot certification filled out and filed.

Heidi Colwell moves Scott Pollard seconds to adjourn this November 14, 2007 meeting at 7:50pm.

Attest

Lori Mihailides

Secretary

For informational purposes only, see Book Foster Zoning Board of Review on Page 282 - 283