



**ZONING BOARD OF REVIEW
MINUTES OF THE FEBRUARY 13, 2008 MEETING
TOWN OF FOSTER**

A. Call to Order

The February 13, 2008 meeting of the Foster Zoning Board of Review came to order at 7:04 pm in the Benjamin Eddy Building. The following members were present:

B. Roll Call

Present were Carl Saccoccio, Chairman; William Gibb, Vice Chairman; Heidi Colwell; Scott Pollard; Paula Mottshaw, Secretary; Robert Fallon, Building Official.

Absent were Joseph Walsh, Alternate; John J. Bevilacqua, Town Solicitor; Stenographer.

C. Approval of Minutes

January minutes were approved with one correction.

D. Correspondence and Review

None.

E. Hearings

08-02

Mr. John Shekarchi, attorney for Alan and Natalie MacDonald, Burgess Road. the applicant is requesting relief from the setbacks put forth in Article VI, Section 6, Sewage Disposal Setbacks, of the Foster Zoning Ordinances. The applicant requests a 50 ft. dimensional variance from the front property line and a 90 ft. dimensional variance from the southern property line.

This property has been owned since 1986. Mr. and Mrs. MacDonald; they received approval from DEM, which has run out. We are seeking permission to build 2-bedroom Colonial home with a 2-car garage. No merger of this lot has ever taken place. The town Planner asked that the applicant submit documentation showing 200' radius from proposed septic system. Documentation shows that no septic systems or wells were observed within 200' of the proposed septic system.

Expert witness: Scott Rabideau, wetlands scientist, Natural Resources Services, Inc. The Board has accepted Mr. Rabideau as an expert witness, since Mr. Rabideau has appeared before the board on previous occasions. Mr. Rabideau did wetland delineations on this property. Brooks and rivers are well away from proposed development site. All activity on the site (house, system) is outside of DEM's 50' perimeter wetland and outside of the 100' riverbank wetlands. DEM said that this project isn't in their jurisdiction. The ISDS is located 200' from the limit of biological wetland. Under the old ISDS rules that is the separation that they want. The town's (Foster) watershed would not be harmed by this request

Question from Carl Saccoccio (CS): The intermittent stream – is it the culvert that goes under the road? Response from Mr. Rabideau is that the ISDS is well in access of 200' (it's about 270').

Expert witness: Angelo Mike Raimondi, RI professional land surveyor, expert in septic system design. The Board has accepted Mr. Raimondi as an expert witness, since Mr. Raimondi has appeared before the board on previous occasions. Mr. Raimondi did the topo, percolation test and ISDS design. He submitted a design to the state and they required that the system be moved to where it is now. Better water tables are in that corner. Because of the sensitivity of the area and adherence to the 200' separation distance, we went with the bottomless sand filter.

Question from CS: Does the owner need to sign an agreement for 2 years? Response from Mr. Raimondi is that as the designer, he has to inspect the system. And, prior to submitting certification of completion to the state, he needs to get from the owner, recorded in the town hall that shows that there will be contracted maintenance for a 2-year period. This (bottomless sand filter) isn't a maintenance-free system.

This request is being made due to the unique characteristics of the land and is not as a result of anything done by the owner and is not for financial gain. There is no other reasonable alternative for placement of the system.

Expert: Edward Pimentel, certified planner, expert in land use. The Board has accepted Mr. Pimentel as an expert witness, since Mr. Pimentel has appeared before the board on previous occasions. Mr. Pimentel did an analysis of surrounding homes. The unique characteristics and qualities of neighborhood show that all lots are constrained by some degree. We want to balance placement of the home and system to be in compliance with regulatory requirements. Constraints were not created by owner. Constraints that exist are why the ISDS is placed where it is. We want to achieve the least amount of relief necessary. In his professional opinion, Mr. Pimentel stated that this request would not alter characteristics of the land.

Expert: Robert Degregorio, real estate expert. The Board accepts Mr. Degregorio as an expert. Mr. Degregorio did a real estate summary and concluded that this request would not detract from neighborhood property values and that this new home fits within the character of the neighborhood.

Robert Fallon, Foster Zoning Official, stated that the proposed site for the ISDS system is the best spot on the property. The selected site is "high and dry." A property line marker would be required (for measurement purposes).

Exhibits:

A – Deed

B – Old DEM Approval

C – Property Report Card Summary

D – Report from Edward Pimentel, certified planner, expert in land use

E – Real Estate Summary from Robert Degregorio, including resume

Discussion. Any approval would be contingent on a property survey. Scott Pollard (SP) asked if the board would be setting a precedent by approving this request. The board would take each request individually and review each request on a case-by-case basis. For this request, given the characteristics of the land, the chosen site is the least offensive. And, abutters must not have a concern because no abutters are present at this meeting.

Bill Gibb made a motion to approve and SP 2nd the motion to approve the 50 ft dimensional variance from the front property line (Burgess Road) and the 90 ft dimensional variance from the southern property line.

Carl Saccoccio - approve

Bill Gibb - approve

Heidi Colwell - approve

Scott Pollard - approve

Paula Mottshaw – approve

F. Adjournment

William Gibb moved to adjourn (seconded by Heidi Colwell) the February 13, 2008 Foster Zoning Board of Review meeting at 7:53 pm.

Respectfully submitted by: /s/Paula Mottshaw

Paula Mottshaw, Secretary

Original signed copy in Book Foster Zoning Board of Review on Page 286 - 287