



**ZONING BOARD OF REVIEW
MINUTES OF THE MAY 14, 2008 MEETING
TOWN OF FOSTER**

A. Call to Order

The May 14, 2008 meeting of the Foster Zoning Board of Review came to order at 7:04 pm in the Benjamin Eddy Building.

B. Roll Call

Present were Carl Saccoccio, Chairman; Heidi Colwell; Scott Pollard; Paula Mottshaw, Secretary; John J. Bevilacqua, Town Solicitor; Robert Fallon, Building Official; Stenographer.

Absent were William (Bill) Gibb, Vice Chairman

C. Approval of Minutes

April minutes were approved (moved and seconded).

D. Decisions – Approval

08-03

Motion to accept the decision: Hearing 08-03: Michael & Kathy Hassell, 72 Gene Allen Road, for a 13 foot dimensional variance from their northern property line. Motion was made by Scott Pollard and seconded by Joe Walsh.

E. Correspondence and Review

None.

F. Hearings

08-04

Tom & Sally Freestone of Whitleyville, TN, as applicants, and Christopher & Wendy (DeLuca) Taillon, as owners of property, located at 84 Mt Hygeia Road, listed as Lot 0099 on Assessor's Plat 17 are seeking a (1) special use permit and (2) dimensional variance.

Sally Freestone. Applicant.

She had a pottery studio in Tiverton (RI) four corners. For the past 23 years, she has had an established business in Tennessee on 25 acres of land. She and her husband, Tom, want to continue to downsize their business (starting 5 years ago). They will reduce kilns to 2 and continue to deliver pottery nationally. They have chosen to come back to RI to be closer to family.

On the proposed RI property, they will use pre-existing buildings. The garage would be used for the creation of pottery, whereas the shed will store packing materials.

The United States Postal Service would pick up any packages on an already-established route. No UPS or other delivery trucks would be utilized.

The pottery process uses clay to form something solid (sand + heat=pottery). No harmful materials will be used in the creation of pottery.

The only noise would consist of an exhaust fan, which produces less noise than a small air conditioner.

Ann Marie Ignasher, Foster Town Planner.

Provided the Zoning Board with an update of Planning Board Meeting activities. The applicant appeared before the planning board on April 16, 2008. One negative aspect that was discussed related to (increased) traffic and parking. A pottery studio fits within the Town's comprehensive plan. To provide education to school children, the Freestones will go out into the community to educate, no school buses will be arriving at the studio.

Mildred Sawyer, a neighbor speaking against the application.

Her concern was about parking as she needs to have good "clearance" in order for her to drive her car from her property in a safe manner. She has concerns about traffic and noise.

Carol Shippee, a neighbor speaking against the application.

She is concerned about the number of accidents that have occurred during the past year and doesn't want to see an increase. School buses would not be able to load/unload passengers safely. Her concern is related to traffic and the potential for an increase in the number of accidents.

Eileen D'Angelo, a neighbor speaking against the application.

She moved here for the rural quality of the town. She doesn't want school buses or church groups to arrive at the studio.

Sally Freestone stated that no school buses would be invited to the studio. She and her husband will leave their studio and go out into the community to provide education to different groups.

The studio will hang a sign that is within the town regulations.

Discussion

The existing circular driveway could be widened, if necessary.

The exhaust fan should be installed on the side of the garage that is facing away from the property line to minimize the noise as much as possible.

Does this request meet our zoning requirements? Yes, the applicants applied under Article IV, Section 11. The Town of Foster has had many potters in town. The fan doesn't make much noise; an air conditioner makes more noise.

There are 2 buildings, with a total of 660 square feet.

The pottery will be manufactured in the garage (the manufacturing structure), with a total of 400 square feet. No kilns will be located in the storage shed.

A motion was made by Scott Pollard:

He made a motion to approve the special use permit applied for at hearing 08-04 to use the premises located at 48 Mt Hygeia Road, Plat 17, Lot 99, for the use of two kilns for making of handcrafted stoneware as the special use is authorized by the Foster Zoning Ordinance Section 11, Subsection 1, for the manufacture of pottery/ceramics. The use meets all criteria set forth in ordinance. It will not change the character of the surrounding land or conflict with the comprehensive plan, as testified by the Foster Town Planner.

The motion was seconded by Heidi Colwell.

Voting:

Carl Saccoccio - approve
 Joe Walsh - approve
 Heidi Colwell - approve
 Scott Pollard - approve
 Paula Mottshaw – approve

The motion carries.

Hearing #08-04 also included a request for a dimensional variance. The applicant was requesting relief from the rear and side set backs of the 100 feet, as required under Article IV, Section 11, Subsection 1 and Article IV, Section 13, Subsection A, Other permitted Uses. The variances are requested as the existing garage and shed are both within the 100 foot set back requirements.

Renee Vander Yacht presented the request to the Board. The request is being made because the structures were in existence, prior to zoning ordinances.

The garage is structurally sound. She shed is okay but needs a bit of TLC (tender loving care).

Christopher Taillon, present owner of the property, testified that he did not alter the structures on the property. No additions had been made.

Scott Pollard made a motion:

To approve hearing #08-04 for a 90 foot set back on the north side of the property line and a 50 foot set back variance and that it would be considered a change in use for any entrance on the north side.

The applicant requested a withdrawal of the request for a special use permit under Article IV, Section 7, Subsection 2, to run a specialty show (pottery showroom) on the site for pottery manufactured on site & variance for a show room. The withdrawal was accepted by the Board.

The motion was seconded by Joe Walsh.

Voting:

Carl Saccoccio - approve
 Joe Walsh - approve
 Heidi Colwell - approve
 Scott Pollard - approve
 Paula Mottshaw – approve

G. Adjournment

Meeting adjourned.

Respectfully submitted by: /s/ Paula Mottshaw

Paula Mottshaw, Secretary