



**ZONING BOARD OF REVIEW MEETING MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road, Foster, RI
Wednesday: November 18, 2009 at 7:00 p.m.**

A. Call to Order

Meeting was called to order at 7:03 p.m. by Carl Saccoccio, Chair

B. Roll Call.

Zoning Board Members: Carl Saccoccio, Chair, William Gibb, Vice-Chair, Joseph Walsh, Heidi Colwell, Thomas Beargeon, Alternate, Maureen McEntee, Alternate.
Paula Mottshaw, Secretary was excused. Also present were Carl Riccio, Building / Zoning Official, John Bevilacqua, Esq., Town Solicitor, Carole Malaga, Stenographer.

C. Approval of Minutes

No meeting in October, 2009 therefore, no need to approve minutes.

D. Correspondence and Communications

None

Discussion / action

E. Decisions – Review and Adoption

None

Discussion / action

F. Public Hearings

Chairman Carl Saccoccio read the procedures of the hearings of the applications to the applicants and the general public.

Application: #09-11
Applicant: Sherri Snyder and Marguerite Roche
Landowner: Sherri Snyder and Marguerite Roche
Subject Property: 25A Mount Hygeia Road, Foster, RI
Assessor's Info.: Plat 14 Lot 0079
Requesting: Special Use Permit: Article IV Section 7(2) – gift shop, specialty shop; and Article IV Section 7(13) – fruit and vegetable stand; one building to occupy the same lot as the residence of the owner, in a building less than 1000 square feet.
NOTE: Under Article IV, Section 1(5) they are already allowed to sell produce raised on the premises.

Application: The application was read into the record by Heidi Colwell, acting secretary. The application fee of \$100.00 was paid, the abutters were notified by certified mail, and the certified receipts were returned. Sherri Snyder, the applicant, submitted an explanatory letter with the application. The planning board submitted an advisory opinion in support of the application with some recommended conditions. Also, the zoning board also received one letter from Mr. Fred Stern. All letters and opinions were read into the record.

Sharon Snyder, landowner and applicant explained that the proposed building will be 12' x 16' with an additional porch measuring 5' x 16'. The intent is to sell fruits and vegetables grown on their own property, as well as handmade craft items. Sherri is a watercolor artist and plans to sell her watercolors along with other craft items she makes, such as rugs that she weaves.

Interested Parties: An Attorney representing Betsy Thompson and Helen and Fred Stern, abutters to the subject real estate, stated his clients were against the special use permit because, according to the application there would be a grocery store at the location, and they do not want that type of business in their area. Another abutter, Dorothy Deuble spoke against the application for the same reason. A Mr. Thompson also spoke against the application for the same reason. Mr. Freestone, who lives on Mt. Hygeia Road, but is not an abutter, said that he was not allowed to have "retail shop" at his pottery shop. Aside from the applicant, no one spoke in favor of the application.

Ms. Snyder spoke once again to explain to the board and the abutters that her intent was to have a seasonal fruit and vegetable stand, and to sell only her watercolors and hand crafted items. It is not, and never was her intent to open a “grocery store”. After some discussion with the board and the town solicitor, Ms. Snyder agreed to remove the section regarding the grocery store from her application; Ms. Snyder came forward to the zoning board table to correct her application so it accurately reflected her intentions and she initialed the change removing the grocery store from her request.

Board Questions and Discussion: There was some concern regarding the required set backs from the front and side yards. Ms. Snyder said she would verify all set backs with the building and zoning official prior to actual construction of the building. There was discussion surrounding the existing driveway, if it could handle the ingress and egress and if it had enough parking area. Ms. Snyder agreed to supply the building / zoning official with a completed site plan with consideration noted to expanding the existing driveway if necessary to accommodate ingress, egress and parking issues, if any.

No further questions from the board.

Motion to Approve: William Gibb made a motion to approve the application #09-11 by Sherri Snyder and Marguerite Roach, for 25A Mount Hygeia Road, Foster, RI, also known as Assessor’s Plat 14 lot 0079, for a special use permit under Article IV, Section 7(2) for a gift shop, specialty shop and Article IV Section 7(13) fruit and vegetable stand, to construct one building to occupy the same lot as the residence of the owner, and said building to be less then 1000 square feet. Said stand to be used for the sale of home grown fruits and vegetables and / or hand made items manufactured on site only with the following conditions:

Conditions of approval: The items to be sold must be either grown or made on site; they are not allowed to sell items that were grown or manufactured off site. The applicant must supply the building inspector with a completed site plan with consideration noted to expanding the existing driveway if necessary in the opinion of the building inspector to alleviate any ingress, egress, parking, or safety concerns.

1) The board finds that it has jurisdiction to hear and consider this matter under Article VII, Sections 1 and 2 – Issuance of Variances and Special Use Permits under the zoning ordinance for the Town of Foster, RI.

2) That the use requested a fruit and vegetable stand, gift and specialty shop, are allowed uses, as special use permits in an agricultural residential zoned area, provided that the building is located upon the same lot as the applicants’ residence and is under 1000 square feet. The application presented to the board requests a building 12’ x 16’, with a porch of 5’ x 16’, and the building will be constructed on the same lot as the applicants’ residence.

3) That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance or the comprehensive plan of the Town. Under Article IV Section 1(5) the applicants have the right to sell produce raised on the premises. The reason the applicants are before the board is to be allowed to sell from a building constructed for those purposes.

4) The zoning board finds that the application was reviewed by the planning board and found to be consistent with the general goals and purposes of the comprehensive plan and is in accordance with the general rural character of the town.

Heidi Colwell seconded the above motion.

No further discussion.

Members Voting to Approve: Tom Bargeon, Joseph Walsh, William Gibb, Heidi Colwell, and Carl Saccocio.

Members Voting Against: None.

Members Abstaining: None

Motion Passes: 5 to 0

G. Zoning Board of Appeals will convene to hear the following appeals

None

H. New Business

None

I. Future Agenda Items

J. Adjournment

Heidi Colwell motioned to adjourn seconded by William Gibb.

Meeting adjourned at 8:10 p.m.

Respectfully Submitted:

Heidi Colwell, Acting Secretary

Date