



**ZONING BOARD OF REVIEW MEETING MINUTES
TOWN OF FOSTER**

**Benjamin Eddy Building, 6 South Killingly Road, Foster, RI
Wednesday: July 10, 2013 AT 7:00 p.m.**

A. Call to Order

Meeting was called to order at 7:03 p.m. by Paula Mottshaw, Secretary

B. Roll Call

Present from the board were Paula Mottshaw, Secretary; members Heidi Colwell, Maureen McEntee, John Esposito, and Tom Diraimo. Joe Walsh, Chair and William Gibb, Vice Chair were excused. Also present were Ann-Marie Ignasher, Town Planner, Peter Scorpio, Building Official and Carole Malaga, Stenographer.

C. Approval of Minutes

May 08, 2013

Heidi Colwell moved to approve the minutes of May 08, 2013; seconded by Maureen McEntee. Motion carried unanimously 5 – 0.

D. Correspondence and Communications

E. Decisions – Review /Adoption - Ratification

Discussion / Action

Hearing #13-05-01-Z Applicant John & Bertha Hawkins, Old Plainfield Pike and T. Parker Road (formerly Whippoorwill Campground), Foster, RI Tax Assessor's Plat 06 Lot 38, 39

Heidi Colwell moved to approve the Hawkins Decision; seconded by Maureen McEntee. Motion carried unanimously 5 – 0.

F. Public Hearings

Discussion / Action

Hearing #13-07-10-Z

Applicant, David Constant, 58 Howard Hill Road, Foster, RI Tax Assessor's Plat 02, Lot 55A, is requesting a Dimensional Variance (1); Zoning Ordinance Article IV; Zone Regulations; Section 13; Dimensional Regulations; Subsection A; Agricultural/Residential District; minimum side yard depth of 50 feet, change to minimum of 35 feet; thereby requesting relief of 15 feet. Also requesting a Dimensional Variance (2); Zoning Ordinance Article VI; Supplementary Regulations; Section 18, Historic Cemeteries, No construction within 35 feet of a cemetery, change to minimum of 18 feet, thereby requesting relief of 17 feet.

At the beginning of the hearing the Town Planner, Ann-Marie Ignasher read the procedures for hearing into the record. Then the Zoning Board Secretary, Paula Mottshaw read the application into the record. It was noted that there were items that should be marked as Exhibits and they were done so as follows:

Exhibits:

Exhibit "A" – site plan drawn by the applicant on a previously recorded plan

Exhibit "B" – pictometry photo showing aerial view of the property and cemetery

Exhibit "C" – comments written by the applicant regarding this application

Exhibit "D" – copy of deed showing ownership of the real estate in question

Mr. Constant was sworn in and gave testimony that he wants to build a garage next to his house and to explain why he wanted to build the garage in that particular location

Maureen McEntee made a motion to remove the request for the setback from a historical cemetery as it is needed, seconded by John Esposito. Motion carried unanimously 5 – 0.

There were no issues or concerns with the board.

The Board found that the Applicant met its burden of proof with respect to the application and therefore;

Maureen McEntee made a motion to APPROVE application number 13-07-10-Z, for David J. Constant, for that real estate located at 58 Howard Hill Road, Foster, RI 02825, also known as tax assessor's plat number 2, lot number 0055A. For 1) dimensional variance – Article IV, Section 13,

"The public is welcome to any meeting of the Zoning Board. If communication assistance (readers/interpreters/captions) is needed or any other accommodation to ensure equal participation, please contact the Town Clerk's Office (392-9200) at least two (2) business days prior to the meeting."

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Subsection A – requesting relief of 15 feet from the minimum side yard depth of 50 feet down to 35 feet. The granting of said request will allow the construction of a 24foot x 36 foot garage.

Zoning Board Member John Esposito seconded the motion.
There was no further discussion.

Members voting to approve: John Esposito, Tom DiRaimo, Maureen McEntee, Paula Mottshaw, and Heidi Colwell.

Members voting against: None

Members recusing themselves: None

Members absent: William Gibb and Joseph Walsh were absent / excused.

Motion passed: 5 to 0.

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

H. Old Business

I. New Business

J. Future Agenda Items

K. Adjournment

Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Paula Mottshaw, Secretary