

## **ZONING BOARD MINUTES**

### **TOWN OF FOSTER**

Benjamin Eddy Building, 6 South Killingly Road

Wednesday October 11, 2023

A. Call to Order: 7:02 P.M.

B. Roll Call:

Members Present: Timothy Dannenfelser  
Manuel Timoteo  
Jason Simmons  
Robert Moreau (Secretary)

Excused: Manny Linhares  
Barbara Fell  
Rudolf DiCenzo

Staff: Planner: Grant McGregor  
Asst. Solicitor: JoAnne Achille

Applicant: Atty. David D'Agostino and  
Gary DeBlois representing ABID

C. Public Hearing: Dimensional Variance  
Address: 173 Danielson Pike, Plat 10 Lot 32  
Applicant/Owner: ABID

Application: Dimensional Variance application requesting relief from the required front yard setback amounting to approximately fifty-three (53) feet in a GBM district pursuant to Section 38-192(3) Of the Foster Code of Ordinances for the installation of two (2) new gasoline pump islands under a canopy.

Applicant received a positive Commercial Site Plan recommendation from the Planning Board at the 9/6/23 Planning Board Meeting. Property at 173 Danielson Pike, GBM (General Business Mixed Use)

Robert Moreau (Presiding): Addressed Rules of Public Hearing: Atty. David M. D'Agostino, Representing the Applicant, addressed the Board concerning the Hardship from which the applicant seeks relief due to the unique characteristics of the subject land and not to the general characteristics of the surrounding area, and not due to a physical or economic disability of the Applicant.

The Granting of the Variance will not alter the general character of the surrounding area or impair the intent of the Zoning Ordinance or the Comprehensive Plan.

The Hardship is not a result of any prior action of the Applicant who has only Improved the appearance and safe access to the site.

Atty. stated that the relief requested is the least relief necessary.

Gary DeBlois Senior Project Engineer from VERTEX representing the applicant spoke and took questions referring to the Narrative provided by VERTEX.

R. Moreau questioned the distance and height of the canopy from the other pumps.

J. Simmons questioned trash disposal and water runoff. Engineer referred to the narrative provided.

R. Moreau: NO other witnesses in favor

NO witnesses opposed

Board moved to Recess

Jason Simmons Motion: To approve the application under the authority granted to the Zoning Board of Review by RIGL 45-24-57 and by the Town of Foster Zoning Ordinance, sec 38-470. Specifically, the following dimensional variance is granted:

Rear yard variance for Business Use #8. Gasoline filling station (no major repairing); Section 38-191 of the Foster Zoning Ordinance in the amount of Fifty Three (53) Feet.

Evidence of the following standards, pursuant to RIGL 45-24-41 and the Town of Foster Zoning Ordinance 38-324 (d)(10), Has been entered into the record of proceedings:

The Hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant; The Hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; and

The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive plan upon which this chapter is based; and

The relief to be granted is the least relief necessary; and In addition to the above standards, the Zoning Board of Review shall require that evidence be entered into the record of the proceedings showing that:

The Hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after relief is granted shall not be grounds for relief.

Motion Seconded: Timothy Dannenfelser

Roll call vote: Tim Dennenfelser: Yes  
Jason Simmons: Yes  
Manuel Timoteo: Yes  
Robert Moreau: Yes

Motion Passed

D. Approval of minutes: June 14, 2023

Roll Call vote: Tim Dennenfelser: Yes  
Jason Simmons: Yes  
Manuel Timoteo: Yes  
Robert Moreau: Yes

Minutes approved

E. Planner Grant McGregor advised of change in State Law  
concerning Variance and Special-use Permits

F. Motion to adjourn: Manuel Timoteo  
Second: Jason Simmons  
Motion approved Unanimously

Respectfully submitted,

Robert Moreau, Secretary