



Town of Foster

Est. 1781

ZONING RELIEF - HEARING PROCEDURES

1. Any person who wishes to speak will sign in with his or her name and address, and will be placed under oath. All questions and statements must be addressed to the Board. There will be no cross-talk in the audience.
2. Once the application is read the Chair will hear from the applicant first. It is the applicant's burden to present evidence supporting his or her request. The presentation must be clear and to the point.
3. After the applicant has completed his or her presentation, any abutter in favor of the application will have a reasonable time to speak. After all abutters in favor of the application have spoken, any abutter opposed to the application will have a reasonable time to speak.
4. After all abutters have spoken, any other interested member of the audience may, at the discretion of the Chair, speak for no more than 5 minutes. No person shall speak twice until all interested parties have spoken.
5. Once all testimony is heard, the Board will recess in place for discussion. No further testimony will be taken from the floor once the Board is in recess.
6. The Board will then come out of recess: the Chair will accept any motion, and it is the Board's procedure that each motion must be in the affirmative- this does not imply an acceptance of the application.
7. Four (4) active members, which may include alternates, are necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall recuse himself or herself, shall not sit as an active member, and shall take no part in the conduct of the hearing. A maximum of five (5) active members, which may include alternates, are entitled to vote on any issue.
8. The concurring vote of a majority of members of the zoning board of review sitting at a hearing is necessary to reverse any order, requirement, decision, or determination of any zoning administrative officer from whom an appeal was taken; and The concurring vote of a majority of members of the zoning board of review sitting at a hearing is required to decide in favor of an applicant on any matter within the discretion of the board upon which it is required to pass under the ordinance, including variances and special-use permits.
9. Following the public hearing, the Board shall render a decision within fifteen (15) days. The decision shall be recorded and filed in the office of the town clerk within thirty (30) days from the date the decision was rendered, and is a public record. The decision will be mailed within one (1) business day of recording to the applicant, to any objector who has filed a written request for notice with the Zoning Enforcement Officer, and to the Zoning Enforcement Officer. (See Rhode Island General Laws Section 45-24-61). No building permit can be issued before the decision is finalized and recorded.

10. If your hearing is denied, you have the right to appeal to Superior Court within twenty (20) days after such decision is recorded.

11. The Board reserves the right to postpone a decision until the next regularly scheduled meeting on any hearing.



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ZONING RELIEF - APPLICATION PROCEDURE

1. Applications must include all necessary information and be filed **on or before** the first of the month prior to the meeting. A fee of \$100.00 is required with the application. Other fees will apply for Advertising, Court Stenography, and Recording Fees.

2. Applications must include all requested information, including a complete abutters list and radius map, a site plan, a copy of ISDS when required, and proof of ownership: a copy of the deed, a notarized letter of authorization, or a copy of the sales agreement. When the deed is in more than one name, signatures of all parties are required and all signatures on the application **must** be notarized. **Failure to supply needed information or incorrect information will result in a postponement.** If information is added after the initial application has been processed, your hearing will automatically be postponed until the next meeting.

3. A maximum of three (3) applications will be scheduled for the meeting. Applications are accepted on a first come, first scheduled basis and are contingent upon **all** information being supplied. Applications lacking the needed information will be rejected.

4. It is the responsibility of the applicant to mail certified letters, return receipt requested, of the hearing notice. The notice will be provided to you by the Planning Department when your hearing is scheduled. Certified letters must be mailed and receipts returned to the Planning Department prior to the hearing. If this is not done, and receipts are not returned, the hearing will automatically be postponed to the next month.

5. In accordance with Rhode Island General Laws 45-24-61, all decisions of the Zoning Board of Review must be recorded and filed in the office of the Town Clerk within thirty (30) days from the date the decision is rendered. Any decision evidencing the granting of a variance, modification, or special use must be recorded in the land evidence records of the Town.

6. If this is for a Variance or a Special Use permit the following standards must be met:

Variance - In granting a variance, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

1. That 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, excepting those physical disabilities addressed in RIGL 45-24-30(a)(16);

2. That the hardship is not the result of any prior action of the applicant; and
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which the Ordinance is based;
4. The permitting authority shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
 - a. In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and,
 - b. in granting a dimensional variance, 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 the relief is granted shall not be grounds for relief.

Special Use Permit - In granting a special use permit, the Zoning Board of Review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

1. That the special use is specifically authorized by the Zoning Ordinance;
2. That the special use meets all of the criteria set forth in the sections of this Ordinance authorizing such special use; and,
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 the Zoning Ordinance.
4. The permitting authority may not extend or enlarge a special use permit except by granting a new special use permit except in review of a special-use permit application for an accessory use to a principal use which requires a special-use permit in the district which the lot is located. In such instances, the accessory use shall be added as a condition to the special-use permit for the principal use.

Special Conditions

In granting a variance or special use permit, or in making any determination upon which it is required to pass after public hearing under this chapter, the board may apply such special conditions that may, in the opinion of the board, be required to promote the intent and purposes of the Zoning Ordinance. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, shall be incorporated into the decision, and may include, but are not limited to, provisions for:

- (1) Minimizing adverse impact of the development upon other land, including the type, intensity, design and performance of activities;
- (2) Controlling the sequence of development, including when it must be commenced and completed;

- (3) Controlling the duration of use or development and the time within which any temporary structure must be removed;
- (4) Ensuring satisfactory installation and maintenance of required public improvements;
- (5) Designating the exact location and nature of development; and
- (6) Establishing detailed records by submission of drawings, maps, plats or specifications.



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181 Howard Hill Road · Foster, RI 02825
Phone: (401)392-9200 · Fax: (401)702-5010

ZONING RELIEF - AFFIDAVIT OF NOTICE

The undersigned, under the penalties of perjury, hereby certifies that I have caused the hearing notification, provided by the Town of Foster Planning Department and scheduled for the Zoning Board of Review/Planning Board on _____, to be mailed to the individuals and entities on the attached list who reside or own real property located within a 200 foot radius of the subject property (as directed by R.I.G.L. § 45-24-53) and to the Planning Department, in addition to being published in the newspaper of general circulation. The notice requirement is evidenced by the attached certified mail receipts and by a copy of the newspaper ad.

Print Name: _____

Signature: _____

Sworn to and subscribed before me on:

Date: _____

Notary Public: _____

Commission Expires: _____

Phone: (401) 392-9200 – Fax: (401) 702-5010

DATE: _____ CONTACT NUMBER(S) _____
 APPLICANT: _____ OWNERS NAME: _____ PLAT _____ LOT _____
 (If Different than Applicant)
 PROPERTY ADDRESS: _____

[illegible]

APPLICANT INITIALS _____



Town of Foster

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ZONING RELIEF - APPLICATION

DATE: _____ PHONE #: _____

HEARING DATE SET FOR: _____ PLAT: _____ LOT: _____

APPLICANT NAME: _____

ADDRESS: _____

OWNER NAME (IF DIFFERENT): _____

ADDRESS (IF DIFFERENT): _____

Appeal # _____ Hearing # _____

FOR INTERNAL USE ONLY

WAS THE APPLICATION FEE OF \$ 100.00 PAID?	YES	NO
WERE THE ABBUTTERS NOTIFIED BY CERTIFIED MAIL?	YES	NO
WERE CERTIFIED RECEIPTS RETURNED?	YES	NO

(For official use only)

VOTING MEMBERS

_____	APPROVE	REJECT
(printed name)		
_____	APPROVE	REJECT
(printed name)		
_____	APPROVE	REJECT
(printed name)		
_____	APPROVE	REJECT
(printed name)		
_____	APPROVE	REJECT
(printed name)		



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ZONING RELIEF – APPLICATION

THE UNDERSIGNED HEREBY APPLIES TO THE ZONING BOARD OF
REVIEW/PLANNING BOARD FOR A:

SPECIAL USE PERMIT _____ VARIANCE _____ APPEAL _____

LOCATION OF PREMISES:

PLAT: _____ LOT _____ ROAD ADDRESS _____ POLE # _____

DIMENSIONS OF LOT: _____ AREA OF LOT: _____

IS THIS A SUBSTANDARD LOT OF RECORD? YES NO

• *If yes, please attach certificate*

ZONING DISTRICT IN WHICH PREMISES IS LOCATED:

AR _____ **GB** _____ **HC2** _____ **M** _____
Agricultural/Residential General Business Highway Commercial Municipal

WATERSHED IN WHICH PREMISES IS LOCATED: _____

(SCITUATE, HEADWATERS SOUTH BRANCH PAWTUXET RIVER, UPPER MOOSUP RIVER, BARDEN
RESERVOIR/PONAGANSET RIVER, LOWER FIVEMILE RIVER, or QUADUCK BROOK)

HAS THERE BEEN AN OFFICIAL DEM WETLANDS DETERMINATION? YES NO

• *If yes, please attach certificate*

ANY PREVIOUS ZONING HEARINGS ON THIS PROPERTY? YES NO

• *If yes, please give date(s) _____ Hearing number(s) _____*

• **Please attach Zoning Decison**

ANY UNRESOLVED ZONING VIOLATIONS ON THIS PROPERTY? YES NO

• *If yes, please explain*

(Please use the back of this application if more room is needed)

WERE THERE ANY PREVIOUS ZONING VIOLATIONS ON THIS PROPERTY? YES NO

• *If yes, please attach notice of violation*

APPLICANT INITIALS_____



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ZONING RELIEF - APPLICATION

PLEASE FILL OUT THIS SECTION FOR SEPTIC SYSTEMS!!!

**YOU MUST ALSO ATTACH A COPY OF THE APPROVED ISDS FROM THE
STATE OF RHODE ISLAND.**

ISDS APPLICATION NUMBER: _____ APPLICATION DATE: _____

HOW LONG HAVE YOU OWNED/LEASED PREMISES: _____

IS THERE A BUILDING ON THE PREMISES AT PRESENT? YES NO

• If yes, please give dimensions _____

GIVE DIMENSIONS OF PROPOSED BUILDING:

Height _____ Width _____ Length _____

PRESENT USE OF PREMISES: _____

HOW LONG USED FOR PRESENT USE: _____

PROPOSED USE OF PREMISES: _____

DIMENSIONS OF PROPOSED ALTERATIONS:

Height _____ Width _____ Length _____

DESCRIPTION OF ALTERATIONS: _____

NUMBER OF NEW BEDROOMS: _____

ZONING ORDINANCE PROVISION OF APPLICATION : _____

STATE GROUNDS FOR SPECIAL USE, VARIANCE OR APPEAL:

APPLICANT INITIALS_____



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ZONING RELIEF – APPLICATION

IMPORTANT: APPLICANT MUST COMPLETE, READ, AND SIGN

DATE: _____ PHONE #: _____
HEARING DATE SET FOR: _____ PLAT: _____ LOT: _____
(Will be provided by Planning Department)

APPLICANT NAME:

ADDRESS:

OWNER NAME (IF DIFFERENT):

ADDRESS (IF DIFFERENT):

The applicant will be solely responsible for the expense of notifying all abutters within a **200-foot radius** of the subject property, and the Town of Foster Planning Department, by certified mail, return receipt requested. The applicant shall be solely responsible for the expense of publishing the notification in the newspaper of general circulation.

The Town of Foster will not be liable for property owners that are not properly notified.

Applications must include the following requested information:

- Site Plan based on a Class I Boundary Survey on State Plane Coordinates for a Dimensional Variance or when Dimensional Relief is in question, OR a Site Plan prepared by a registered professional for a Use Variance or Special Use Permit when Dimensional Relief is not in question. The Zoning Board of Review assumes no responsibility for the location of structures show on submitted site plans.
- Drawings of all Existing Buildings on Property to scale with Dimensions when required
- Complete abutters list and 200' radius map
- When the deed/sales agreement is in more than one name, signatures of all parties are required. All signatures on the application **must** be notarized.

- Copy of Proof of Ownership ie; deed, a notarized letter of authorization or a copy of the sales agreement.

APPLICANT SIGNATURE: _____ DATE: _____

OWNER SIGNATURE: _____ DATE: _____

Sworn to and subscribed before me on this _____ day of _____, _____

Notary Public _____

Commission Expires _____