

ZONING BOARD BOARD OF REVIEW MINUTES

TOWN OF FOSTER

Benjamin Eddy Building, 6 South Killingly Rd

Wednesday, January 10, 2024 @ 7:00 PM

A: CALL TO ORDER; 7:31 PM

B: ROLL CALL: Present: Timothy Dannenfelser,
Barbara Fell,
Manny Timoteo,
Robert Moreau(Vice Chair/Secretary)

Absent: Rudolph DiCenzo,
Jason Simmons,
Manny Linhares

Staff and Applicants present:

Grant MacGregor – Planner
Joanna Achille – Solicitor
Karen Dalton – Applicant
Randal Dalton - Applicant
Atty. Damon Burnley (for applicant)
Atty. Nicholas Gorham (Objector)
Cindy Tangney (transcriptionist)

C: CONTINUATION PUBLIC HEARING: SPECIAL USE PERMIT. OWNER / AP KAREN DALTON: DARE TO DREAM RANCH INC. RANDALL LAVELLE BAGWELL
12 SNAGWOOD RD Plat 13- Lot 36

Applicant proposes to construct a 768 sq. ft Gift Shop on the premises pursuant to Sec. 38-191 (Business Use #2) at 12 Snagwood Road Plat 13-Lot 36. Pursuant to Sec.38-191(Business Use #2) of the Foster Code of Ordinances, gift shops require a Special Use Permit in an AR District with the condition that the gift shop must occupy the same lot as the residence of the property owner.

Applicant received a positive recommendation from the Planning Board at the 10/4/2023 regular Planning Board Meeting.

Robert Moreau (VC) opened meeting.

Counsel for Applicant (Damen Bunley Atty) submitted testimony based on additional survey that the landlocked lot 37 is not impeded by the building of the gift shop.

Additional Survey placed on record .

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Atty. Nicolas Gorham agrees that building does not impede on the right of way and withdraws the Objection. He requested that the surveys be placed in evidence. Bob Moreau stated this was already added into evidence along with plans.
Public Meeting Closed / Board in Recess to discuss.

Motion (Timothy Dannenfelser) :

I make a 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 special-use permit is granted.

Special-use permit for Business Use #2, "Antique shop, gift shop, florist shop, pet shop, and similar specialty shops"; Section 38-191 of the Foster Zoning Ordinance. Evidence of the following standards, pursuant to Rhode Island General Law 45-24-42 and Town of Foster Zoning Ordinance 38-323(a)(1-6) and 38-324(d)(2) has been entered into the record of proceedings:

The use will comply with all applicable requirements and development and performance standards set forth in articles VI and IX of this chapter; The use will be in Harmony with the general purpose and intent of this chapter and the Comprehensive plan of the town; and the granting of the special use permit will substantially serve the public convenience and welfare; and the use will not result in or create conditions inimical to the public health, safety, morals and general welfare; and it will not substantially or permanently injure the appropriate use of the surrounding property.

Motion Second (Barbara Fell)

Roll Call of Members: Unanimous in Favor - Motion Passed

D Motion to Approve Minutes of November 8, 2023, by Timothy Dannenfelser

Second; Manny Timoteo

Roll Call: Unanimous Approved

Motion to Adjourn: Timothy Dannenfelser

Second: Barbara Fell

Unanimous approved

Adjourned 8:25 PM

Respectfully,

Robert Moreau