

ZONING BOARD OF REVIEW
Barrington, Rhode Island
December 20, 2007

APPLICATIONS: #3443, 3446, 3347, 3349, 3450, 3451 and 3452

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Lawrence Bacher, Margaret Carlotto, Neal Personeus and Ian Ridlon.

Also present were solicitor Nancy Letendre and Robert Speaker, Building Official.

At 7:05 P.M. Mr. Kraig opened the meeting, which proceeded to hear the following matters. At 7:07 P.M. the Board temporarily adjourned in order to hear an appeal of a Planning Board decision; the Board resumed its hearing at 7:10 P.M. At 8:05 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on the applications it had heard.

Continuation of application #3443, Michael and Michelle McGuill, 86 Markwood Drive, Barrington, RI 02806, applicants and owners, for permission to construct a second story addition and connect the main house to the shed; Assessor's Plat 23, Lot 267, R-10 District, 86 Markwood Drive, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback, and for being within 100' of a wetlands/water body.

Mr. Kraig noted that there was not a quorum present of Board members who had been at the prior meeting; therefore, this matter would need to be continued to the January 17, 2008 meeting.

VOTE: Mr. Ridlon moved to continue this application to the January 17, 2008 meeting. Mr. Personeus seconded the motion and it carried unanimously (5-0).

Application #3446, Alicia and Adam Hamblett, 28 Alfred Drowne Road, Barrington, RI 02806, applicants and owners, for permission to construct a masonry fireplace; Assessor's Plat 2, Lot 152, R-25 District, 28 Alfred Drowne Road, Barrington, RI 02806, requiring a dimensional variance for side yard setback.

Present: Adam Hamblett, 28 Alfred Drowne Road, Barrington, RI
Scott Weymouth - architect, 79 Alfred Drowne Road, Barrington, RI

There was no one in the audience to speak for or against this application.

Mr. Hamblett explained that he has been in the process of restoring the original carriage house and he is seeking to place a masonry chimney on the exterior to serve a fireplace in the proposed playroom. The fireplace would exist only on the first floor, not the second. The proposed location is the only

logical location for the chimney and it would create an additional 2-foot encroachment on the setback, decreasing the setback from 9'6" to 7'6". It was also noted that the chimney would be abutting the driveway.

VOTE: Mr. Bacher moved to approve the application. Mr. Personeus seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated that they were in favor of approving the application for the following reasons:

- The proposal would not negatively impact the neighborhood
- The proposed location is the only logical location for the fireplace

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) 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 an economic disability of the applicant; B) that 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; C) that 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; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3447, Peter and Donna Williams, 97 Martin Avenue, Barrington, RI 02806, applicants and owners, for permission to repair and expand deck; Assessor's Plat 32, Lot 87, R-25 District, 97 Martin Avenue, Barrington, RI 02806, requiring a variance for a legal non-conforming use.

Present: Peter Williams, 97 Martin Avenue, Barrington, RI

There was no one in the audience to speak for or against this application.

Mr. Williams told the Board that he is seeking to repair and expand his deck. He plans to complete repairs, add handrails and create an additional 6' x 17' deck. Member of the Board expressed some concern about the proximity of the expanded deck to the second house on the property. Mr. Williams advised that the new deck will not have any effect on the second house on the property, and will not be any closer to the second house than the existing deck is.

VOTE: Ms. Carlotto, with a second from Mr. Personeus, moved to approve the application. The application was unanimously (5-0) approved.

DISCUSSION:

The Board members stated that they were in favor of approving the application for the following reasons:

- The proposal would not be before the Board if not for the other house on the property
- There will be no impact on the second house
- There is no impact on the neighborhood, the deck will not be seen from the street

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-73 have been met: A) The public convenience and welfare will be substantially served; B) It will be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan; C) It will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community; D) It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Application #3449, David Taylor, 12 Bernard Avenue, Barrington, RI 02806, applicant, Cozette Cuppett and David Taylor, 12 Bernard Avenue, Barrington, RI 02806, owners, for permission to construct a two-story addition; Assessor’s Plat 18, Lot 216, R-10 District, 12 Bernard Avenue, Barrington, RI 02806, requiring a variance for front yard setback.

Present: David Taylor and Cozette Cuppett, 12 Bernard Avenue, Barrington, RI

There was no one in the audience to speak for or against this application.

The applicants explained that due to their expanding family they are seeking to construct a two-story addition to the front of their house. The existing house is a cape with a rear shed dormer. The existing dormer, a basement bulkhead and the desire to retain the trees and play space in the rear yard dictates the proposed location as the only logical location for the addition.

The applicants noted that the prior owners had received a variance to construct a garage; however, that garage has never been built.

VOTE: Mr. Bacher moved to approve the application. Ms. Carlotto seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated that they were in favor of approving the application for the following reasons:

- The proposal will be an improvement to the site
- The proposed location is the best, most logical location
- The proposed location will allow children to play safely in the rear yard
- There will be no visual impairment to Bernard Avenue

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) 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 an economic disability of the applicant; B) that 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; C) that 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; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3450, R. Bruce Morris, 101 Narragansett Avenue, Barrington, RI 02806, applicant, St. Luke's Parish, 110 Washington Road, Barrington, RI 02806, owners, for permission to construct a 20' x 12' deck; Assessor's Plat 17, Lot 19, R10 and R-25 District, 110 Washington Road, Barrington, RI 02806, requiring a special use permit for special exception use.

There was no one present to speak for this application. Mr. Kraig directed the secretary to send a letter notifying the applicant that he must be present at the next meeting.

VOTE: Mr. Personeus moved to continue the application to the January 17, 2008 meeting. Upon a second from Ms. Carlotto, the Board unanimously (5-0) continued the matter.

Application #3451, Anthony Cunha, 10 Carriage Trail, Barrington, RI 02806, applicant and owner, for permission to construct an in-ground swimming pool; Assessor's Plat 14, Lot 391, R-25 District, 10 Carriage Trail, Barrington, RI 02806, requiring variances for rear yard setback and for being within 100' of a wetlands/waterbody and for being within 100' of the wetlands overlay district.

Present: Joelle Sylvia, DeSisto & Federoff, One Turks Head Place, Providence, RI 02903

There was no one in the audience to speak for or against this application.

Ms. Sylvia stated that the applicant is seeking a continuance in order to better delineate the wetlands on his property.

VOTE: Mr. Ridlon moved to continue the application to the January 17, 2008 meeting. Upon a second from Ms. Carlotto, the Board unanimously (5-0) continued the matter.

Application #3452, Montessori Centre of Barrington, 303 Sowams Road, Barrington, RI 02806, applicant and lessee, Robert Andreozzi, 32 Barton Avenue, Barrington, RI 02806 and Sam Butterfield, 9 Highview Avenue, Barrington RI 02806, owners, for permission to open a daycare center; Assessor's Plat 2, lots 101, 138, and 135, Neighborhood Business District, 60 Bay Spring Avenue, Barrington, RI 02806, requiring a special use permit.

Before this matter began Mr. Ridlon disclosed that he had a family member who was an abutter to the property, but that that would have no bearing on his decision. Mr. Ridlon subsequently completed the State Ethics form and continued to participate in the discussion.

Present: Joelle Sylvia - DeSisto & Federoff, One Turks Head Place, Providence, RI
Rae Ann Garcia-Mills – Montessori Centre, 303 Sowams Road, Barrington, RI
Skyler Mills – Montessori Centre, 303 Sowams Road, Barrington, RI

There was no one in the audience to speak for or against this application.

The following exhibit was submitted to the Board:

- Site sketch defining proposed play area

Ms. Sylvia opened by explaining that the Montessori Centre of Barrington was seeking to open a day care center in the Bay Spring Village property located on Lot 101. As part of the requirement for a daycare, a 30' x 30' outdoor play yard, enclosed with a four-foot fence, would be constructed on the adjacent property located on Lot 138. The center would service up to twelve children between the ages of 18 months and three years, and it will serve as day care only - there would be no school use. The play yard will be utilized for half an hour in the morning and half an hour in the afternoon.

The front door, adjacent to the loading zone, would be utilized for drop off and pick up, while the rear door would be used to access the play area. Mr. Mills noted the traffic flow on the plans for the Board members.

VOTE:

Ms. Carlotto moved to approve the application with the following conditions:

- The approval is limited to the tenancy of this applicant only, and shall automatically end upon the termination of the applicant's tenancy
- Access to the playground from Lot 101 to Lot 135 shall be made barrier-free as long as the playground lease is in effect.
- A grass/landscaped buffer of 20 feet shall be maintained around the playground to minimize conflicts between the use of the playground and the warehouse operations and associated parking.
- Submittal of sign details and approval by the TRC shall be required prior to installation of signage on the building for the Montessori Centre.

Mr. Bacher seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated that they were in favor of approving the application for the following reasons:

- The community is in need of additional day care
- The proposed use is allowed in this district

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-73 have been met: A) The public convenience and welfare will be substantially served; B) It will be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan; C) It will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the

community; D) It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Review of proposed revised Zoning Board Application form.

This matter was continued to the January 17, 2008 meeting.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Personeus and seconded by Ms. Carlotto to accept the November 15, 2007 Zoning Board of Review minutes with changes The motion was carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Bacher moved to adjourn at 8:35 P.M. Ms. Carlotto seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary
Thomas Kraig, Chairman
cc: N. Letendre, Solicitor