

# **ZONING BOARD OF REVIEW**

## **Barrington, Rhode Island**

### **August 16, 2007**

**APPLICATIONS: #3417, 3420, 3426, 3427, 3428, 3430, 3431, 3432, 3433, 3434 & 3368 – extension of approval**

#### **MINUTES OF THE MEETING:**

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

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

At 7:02 P.M. Mr. Kraig opened the meeting, and proceeded to hear the following matters. At 7:10 P.M. the Board temporarily adjourned in order to hear an appeal of a Planning Board decision; the Board resumed its hearing at 8:38 P.M. At 9:42 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 #3417, Claudia Traub-Cooper, 59 Blanding Avenue, Barrington, RI 02806, applicant and owner, for permission to construct 6' x 8' deck; Assessor's Plat 1, Lot 312, R-10 District, 59 Blanding Avenue, Barrington, RI 02806, requiring dimensional variances for front yard setback, side yard setback, and exceeding lot coverage.**

There was no one to represent the applicant. The Secretary was directed to contact the applicant prior to the September meeting.

**VOTE:** Mr. Personeus moved to continue the application to the September 20, 2007 meeting. Ms. Carlotto seconded the motion and it carried unanimously (5-0).

**Continuation of Application #3420, Gary Beadreau, Dion Signs, 1075 High Street, Central Falls, RI 02863, applicant, John St. Angelo, 33H Kent Street, Barrington, RI 02806, owner, Brooks/Rite Aid Pharmacy, P.O. Box 3165, Harrisburg, PA 17101, lessee, for permission to replace existing signs with new signs with the new company name; Assessor's Plat 23, Lots 245, 246, 249 and 250, Business District, 236 County Road, Barrington, RI 02806, requiring relief for internally illuminated signs, exceeding the number of signs and exceeding the allowable size of signs.**

Present: Gary Beadreau, Dion Signs, 1075 High Street, Central Falls, RI

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

The following exhibits were submitted:

- March 8, 2007 Barrington Technical Review Committee Minutes
- April 6, 2007 Barrington Planning Board Minutes

Mr. Beadreau explained that Rite Aid has recently acquired the Brooks Pharmacy chain and they are in the process of re-branding their stores to the Rite-Aid name and logo. They are proposing a sign for sign exchange, removing the Drive-Thru Pharmacy instruction sign completely. Certain of the proposed replacement signs will be of lesser areas than the existing signs; the total sign square footage will therefore be reduced.

**VOTE:** Ms. Carlotto moved to approve the signs as presented in 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 change is necessary to properly identify the business
- The illuminated sign will be backlit, causing no problems with glare
- The resulting condition will become less nonconforming as the number and overall square footage of signage will be reduced

**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.

**Thomas Palangio, 116 Chestnut Street, Providence, RI 02903, applicant and owner, for one-year extension of approval granted to application #3368; Assessor's Plat 33, Lot 227, R-10 District, 43 Sunset Drive, Barrington, RI 02806.**

Mr. Kraig read into the record a letter from the Mr. Palangio requesting a 1-year extension of approval.

**VOTE:** Ms. Carlotto moved to continue the approval to July 20, 2007. Mr. Personeus seconded the motion and it carried unanimously (5-0).

**Application #3426, Catherine Boisseau, 76 Alfred Drowne Road, Barrington, RI 02806, applicant and owner, for permission to demolish existing garage and construct new garage; Assessor's Plat 2, Lot 68, R-10 District, 76 Alfred Drowne Road, Barrington, RI 02806, requiring dimensional relief for front yard setback.**

Present: Catherine Boisseau, 76 Alfred Drowne Road, Barrington, RI  
Scott Weymouth, architect, 79 Alfred Drowne Road, Barrington, RI

In the audience:

Mrs. Adams, 20 Second Street, Barrington, RI

The following exhibit was submitted:

- Letter of support from Lauren & Ira Holtz, 66 Alfred Drowne Road

The applicants stated that they are seeking to demolish and construct a new garage. Mr. Weymouth explained that if they were to move the garage to be within the zoning setback requirements, it would render the rear yard virtually unusable. The new garage would be located 8' further from the lot line than the existing garage, and would create a feel similar to other garages in the neighborhood. The driveway would allow for the driver to pull out, turn around, and then head out to the street, creating a much safer condition. It was also noted that this was a corner lot; therefore they had the additional burden of a two front yard setback requirement.

Mrs. Adams, an abutting neighbor, said that she was in support of the application.

**VOTE:** Ms. Gennaro, with a second by Mr. Personeus, moved to grant the application. The motion carried unanimously (5-0).

**DISCUSSION:**

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

- The proposal was characteristic of the surrounding properties
- The applicants had provided pictures of similar properties with like setbacks
- The proposal reflected changes suggested at a previous meeting and was a significant safety improvement
- The lot is a corner lot

**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 #3427, Dennis and Tanya Glass, 17 Pojac Point, North Kingston, RI 02852, applicants and owners, for permission to construct new roof over dining area, open atrium and foyer and add a front porch; Assessor's Plat 26, Lot 247, R-25 District, 8 Blount Circle, Barrington, RI 02806, requiring relief for being within 100' of a wetlands/waterbody.**

Present: Dennis and Tanya Glass, 17 Pojac Point, North Kingston, RI

In the audience:

Cyndee Fuller, Barrington Conservation Commission

It was noted that Conservation Commission has recommended approval of this application with no conditions.

The applicants explained that the home currently had an open atrium and they want to put a roof over that space and construct a front porch. All of the required setbacks are being met; the only relief they are seeking is due to their proximity to the wetlands. The applicants noted that they have spoken with two of their neighbors, and they support the proposal.

**VOTE:** Mr. Personeus moved to grant 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 is a better use of space
- The applicants are taking steps to insure no pollutants will be washed into the river

**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 #3428, Dana & Elizabeth Welshman, 470 Middle Highway, Barrington, RI 02806, applicants and owners, for permission to construct 18' x 18' deck; Assessor's Plat 24, Lot 48, R-25 District, 470 Middle Highway, Barrington, RI 02806, requiring relief for being within 100' of a wetlands/water body and within 100' of the wetlands overlay district.**

Present: Dana Welshman, 470 Middle Highway, Barrington, RI

In the audience:

Cyndee Fuller, Barrington Conservation Commission

Mr. Welshman explained that he would like to build an 18' x 18' deck on the rear of his house. He noted that the house had been constructed prior to the 100-foot setback from a wetlands/water body requirement. It was noted that the Conservation Commission was in favor of approving the application, with the condition that standard erosion controls be used during construction.

**VOTE:** Mr. Personeus moved to grant the application with the following condition:  
➤ Standard erosion controls must be used during construction  
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 proposed deck is modest in size
- The house, as it exists, is within the 100-foot setback

**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 #3430, Benjamin Appleyard, 11 Bowden Avenue, Barrington, RI 02806, applicant and owner, for permission to expand existing kitchen, add new second floor, add covered front porch and replace deck; Assessor's Plat 33, Lot 15, 11 Bowden Avenue, Barrington, RI, requiring relief for being within 100' of a wetlands/waterbody and within 100' of the wetlands overlay district.**

Present: Benjamin Appleyard, 11 Bowden Avenue, Barrington, RI

In the audience:

Cyndee Fuller, Barrington Conservation Commission

The following exhibit was submitted:

- Letter of support from two abutting neighbors

An updated application dated August 6, 2007 was presented. Mr. Appleyard explained that due to his growing family, additional space is needed in their home. He is proposing to expand the kitchen and add a second floor, which would create a third bedroom and a second bathroom. He had originally met with the Conservation Commission in July, and upon their recommendations, he has revised his plans. They will be removing an existing deck and the addition will not expand closer to the property line than the deck did.

Ms. Fuller explained that in July the Conservation Commission had expressed its concern regarding the potential encroachment on the wetlands. Mr. Appleyard returned in August with a revised plan. Unfortunately, a quorum could not be achieved at that meeting, so an official vote on the application could not take place. However, the members that were there reviewed the application and felt that the revised plan was consistent with the kind of changes they were looking for.

**VOTE:** Ms. Carlotto moved to approve this application based upon the revised plan dated August 6, 2007 with the following condition:  
➤ Standard erosion controls must be used during construction  
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:

- There was no place the applicant could add on to the home that would be able to comply with the setback requirements
- The applicant's family is growing and they are need of more space
- The proposed addition is modest
- The applicant has worked with the Conservation Commission to revise his plans
- The addition will be no closer to the wetlands than the existing deck

**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 #3431, Anthony Demers, 9 Hampden Street, Barrington, RI 02806, applicant and owner, for permission to add dormers and construct a new breezeway and garage; Assessor's Plat 29, Lot 143, R-10 District, 189 Sowams Road, Barrington, RI 02806, requiring dimensional relief for front yard setback.**

Present: Anthony Demers, 9 Hampden Street, Barrington, RI

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

Mr. Demers explained that the property he owns on 189 Sowams Road was in a state of disrepair. He wants to repair the property and construct a new breezeway and garage as well as add two dormers in order to provide a home for his aging parents.

**VOTE:** Upon a motion by Mr. Personeus, with a second by Ms. Carlotto, the board voted unanimously (5-0) to approve this application.

**DISCUSSION:**

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

- The dormers would remain within the existing footprint

- The existing home is not currently suitable for use as a single-family home
- The house is where it is - the proposed changes will not bring it any closer to the lot line
- The changes will be a marked improvement over the existing conditions

**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 #3432, Robert DeHart, 5 Anthony Road, Barrington, RI 02806, applicant, John Schieffelin and Esme DeVault, 35 Spring Avenue, Barrington, RI 02806, owners, for permission to construct an 8' x 12' front porch addition; Assessor's Plat 1, Lot 137, R-10 District, 35 Spring Avenue, Barrington, RI 02806, requiring dimensional relief for front yard and side yard setbacks.**

Present: Robert DeHart, 5 Anthony Road, Barrington, RI  
Esme DeVault, 35 Spring Avenue, Barrington, RI

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

The following exhibit was submitted:

- Photos of existing conditions

The applicants explained that they were seeking to expand their living space by creating a front porch large enough to house a small table and chairs. The proposed porch is located in the only logical space, the front of the house. The house is currently 13' 7" feet from the property line and the proposed porch would be 5' 7" from the line. It was noted, however, that the steps would then be 1' 11" from the property line. The Board members were not comfortable with the distance to lot line, and they asked the applicants if they would reconsider their proposal, potentially relocating the stairs or reducing the size of the porch. The applicants responded that there were other homes in the immediate area that had similar lot line encroachments. They also mentioned that they have spoken with two for the abutting neighbors who are in support of the proposal. Mr. Speaker noted that if there were a door there would be a three-foot landing requirement, thereby requiring the steps to move even closer to the lot line. The applicants requested this matter be continued in order to revise their proposal.

**VOTE:** Mr. Personeus moved to continue the application to the September 20, 2007 meeting.  
Ms. Carlotto seconded the motion and it carried unanimously (5-0).

**Application #3433, R. Bruce Morris, 101 Narragansett Avenue, Barrington, RI 02806, applicant, St. Luke's Parrish, 110 Washington Road, Barrington RI, 02806, owner, for permission to**

**construct a 22' x 38' garage and a driveway; Assessor's Plat 17, Lot 19, R-10 District, 110 Washington Road, Barrington, RI, 02806, requiring a special use permit.**

Present: Bruce Morris, 101 Narragansett Avenue, Barrington, RI

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

Mr. Morris explained that the proposed garage had originally been approved as part of an application approved in 1999; however, the church had been unable to construct the garage at that time due to budget constraints. They now want to convert the original garage to office space and construct a three-car garage in order to create enough space for the church's car, a vehicle for a visiting priest, and storage space. The building and roof will be similar in design to the existing structures on the property.

**VOTE:** Ms. Carlotto moved to approve the application. Upon a second by Mr. Personeus the Board voted unanimously (5-0) to approve the application.

**DISCUSSION:**

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

- The application had been approved in the past
- The proposal would enhance the property
- No third party will be affected by the proposal

**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 #3434, Cheryl Ouellette and Daniel Cloutier, 21 Walter Street, Barrington, RI 02806, applicants and owners, for permission to construct a shed; Assessor's Plat 22, Lot 58, R-10 District, 21 Walter Street, Barrington, RI 02806, requiring a dimensional variance for side yard setback and rear yard setback.**

Mr. Kraig read into the record a letter from Ms. Ouellette requesting the matter be continued to the September meeting.

**VOTE:** Mr. Bacher moved to continue the application to the September 20, 2007 meeting. Ms. Carlotto seconded the motion and it carried unanimously (5-0).

**Advisory Review: Proposed Amendments to the Barrington Zoning Ordinance: Groundwater Protection Overlay District, referred by Town Planner.**

Cyndee Fuller, Barrington Conservation Commission explained to the Board that she has recently met with the Planning Board regarding this matter, and it was determined that with the impending update to the Comprehensive Community Plan this proposal could change significantly. Ms. Fuller will be

working with the Natural Resources subcommittee to update the goals. The Board tabled the matter indefinitely.

**Review of proposed revised Zoning Board application.**

Ms. Letendre noted that upon input she has received, the application is being revised. Therefore, this matter was continued to the October 18, 2007 meeting in order to allow Ms. Letendre time to revise the form.

**MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Ms. Carlotto and seconded by Mr. Ridlon to accept the June 21, 2007 Zoning Board of Review minutes as written. The motion was carried unanimously.

**ADJOURN:**

There being no other business, Mr. Personeus moved to adjourn at 10:40 P.M. Mr. Ridlon seconded the motion and the meeting adjourned.

Respectfully submitted,

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