

ZONING BOARD OF REVIEW

Barrington, Rhode Island

May 17, 2007

APPLICATIONS: #3404, 3407, 3411, 3377(extension), 3415, 3416, 3417, 3418, 3419, 3421, & 3422

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Lawrence Bacher, Gale Gennaro, Mark Freel and Ian Ridlon.

Also present were solicitor Andrew Teitz and Robert Speaker, Building Official.

At 7:03 P.M. Mr. Kraig opened the meeting, which proceeded to hear the following matters. At 8:40 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.

Continuance of application #3407, Jeffrey Freeman and Lynn Kearns, 8 Joy Street, Barrington, RI 02806, applicants and owners, for permission to add a room above the existing garage, replace existing fence and deck, and add a sun deck; Assessor's Plat 22, Lot 549, Neighborhood Business District, 8 Joy Street, Barrington, RI 02806, requiring dimensional variances for front yard setback, rear yard setback, and side yard setbacks.

Mr. Kraig read into the record a letter from the applicant requesting that the application be withdrawn.

Continuation of application #3404, William Conley, 76 Maple Street, Warren, RI 02885, applicant, Jim Mancini, Warren, RI 02804, lessee, for permission to erect additional signage; Assessor's Plat 23, Lot 306, Business District, 280 County Road, Barrington, RI 02806, requiring relief for exceeding the allowable number of signs.

Present: William Conley, 76 Maple Street, Warren, RI
Tony DePoto - Signs by Tony, Warren, RI

The Board noted that at the last meeting the Board had specified several items that needed to be brought into zoning compliance before the May meeting. Mr. Conley explained that he had removed the additional signage and would be enclosing the dumpster area with the next month. The Board pointed out that he had committed to having that project completed prior to this meeting, and that he was also to comply with the conditions concerning display of furniture and other items outdoors – to be limited to furniture and items of an “outdoor” nature – set forth in his zoning approval in 2006. Several Board members went on to explain that they would have difficulty approving an additional

zoning request when he currently had unresolved zoning violations. Mr. Conley requested a one-month continuance in order to bring his property into compliance.

VOTE: Mr. Freel moved to continue this matter to the June 21, 2007 meeting with the condition that all zoning violations must be corrected by that date. Mr. Bacher seconded the motion and it carried 4-1, with Mr. Ridlon dissenting.

Continuation of application #3411, Capitol Building & Design, 585 Milford Road, Swansea, MA 02777, applicant, David and Denise Smith, 241 Rumstick Road, Barrington, RI 02806, owners, for permission to demolish existing garage, construct new barn and new screen porch; Assessor's Plat 10, Lot 12, R-40 District, 241 Rumstick Road, Barrington, RI 02806, requiring dimensional relief for side yard setback and for the height of the barn.

David Smith, property owner, requested the matter be withdrawn.

Stephen J. Carlotti, President, Rhode Island Country Club, 150 Nayatt Road, Barrington, RI 02806, requesting an extension of the approval granted to application #3377; Assessor's Plat 6, Lot 1, RE District, 150 Nayatt Road, Barrington, RI 02806.

Mr. Kraig read a letter from the applicant requesting a one-year extension of approval. Mr. Bacher noted that he had originally voted again approving the application.

VOTE: Mr. Freel moved to grant a one-year extension to August 17, 2008. Ms. Gennaro seconded the motion and it carried 4-1, with Mr. Bacher dissenting.

Application #3415, Christopher A. Soutter, 20 Briarfield Road, Barrington, RI 02806, applicant and owner, for permission to construct detached garage/workshop; Assessor's Plat 26, Lot 321, R-25 District, 20 Briarfield Road, Barrington, RI 02806, requiring a dimensional variance for side yard setback.

Present: Christopher A. Soutter, 20 Briarfield Road, Barrington, RI

In the audience:

Lynn Caesar, 3 Blount Circle, Barrington, RI
Ruth Ann Sanders, 7 Blount Circle, Barrington, RI

Mr. Soutter explained that he had located a garage/workshop within what he had believed to be the proper setbacks, until an inspection from the Building Official revealed that the structure was two feet closer to the side yard line than permitted. He had located the structure in such a way as to create a play space for his children in the back yard, and to locate it farther from the side yard line would interrupt this area. He also noted that there was established growth that would screen the structure from the road. He plans to use the space for storage as well as a small workshop.

Two abutting neighbors spoke in support of the application,

VOTE: Ms. Gennaro moved to grant this application. Upon a second by Mr. Ridlon, 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 lot shape was unique; it narrows where the portion facing Briarfield Road joins the portion abutting Blount Circle
- Grant of relief for a setback of 2'5" fits within the least relief necessary requirement
- The neighbor most affected was supportive of the application

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 #3416, Amit and Kathryn Basu, 11 John Street, Barrington, RI 02806, applicants and owners, for permission to construct a two-story addition, relocate deck stairs, and demolish and remove shed; Assessor's Plat 12, Lot 86, R-10 District, 11 John Street, Barrington, RI 02806, requiring dimensional variances for front yard setback, side yard setback, rear yard setback, and exceeding lot coverage.

Present: Amit and Kathryn Basu, 11 John Street, Barrington, RI

In the audience:

Michelle Adams, 12 Williams Street, Barrington, RI

The applicants explained that they would like to remove their existing shed, create a dormer on the rear of the house, improve the entryway and create storage space and a mudroom, as well as adding a second floor bedroom. The rear addition will be an increase in height, remaining within the existing footprint. The lot coverage will increase from 31% to 34%.

The Board asked if the applicants had considered utilizing any of the existing deck space for the addition, and they explained that with the French windows and stairs it would be difficult to convert the space. They also noted that they plan on continuing the hedge line, in order to create more visual detail. The applicants have spoken to the neighbors in the immediate vicinity, and they have no objections. Ms. Adams, a neighbor to the rear, came forward to speak in support of the application.

VOTE: Upon a motion by Mr. Bacher, and a second by Mr. Freel, the Board voted unanimously (5-0) to grant the application.

DISCUSSION:

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

- The proposal was modest
- The lot is very small and the house is located closer than permitted to the rear lot line
- The family is growing, creating a need for additional space
- The bulk of the addition will not be visible from the street

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 #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.

Mr. Kraig read into the record a letter from the applicant requesting the matter be continued to the July meeting.

VOTE: Mr. Bacher moved to continue this matter to the July 19, 2007 meeting. Mr. Freel seconded the motion and it carried unanimously (5-0).

Application #3418, Flora and David Stewart, 39 Hawthorne Avenue, Barrington, RI 02806, applicants and owners, for permission to construct a new garage and auxiliary apartment; Assessor's Plat 25, Lot 352, R-25 District, 39 Hawthorne Avenue, Barrington, RI 02806, requiring a dimensional variance for front yard setback and a special use permit for the auxiliary apartment.

Present: Flora and David Stewart, 39 Hawthorne Avenue, Barrington, RI

In the audience:

Bob Mallard, 17 Mattewson Lane, Barrington, RI
Jane Donley, 37 Hawthorne Avenue, Barrington, RI

The applicants explained that as they age, they would like a first-floor bedroom; in addition, they would like to offer the main body of the house to their daughter and her two children while retaining an auxiliary apartment for themselves. They would like to convert the existing garage into a bedroom and create a new garage to the south. This would also correct a blind driveway problem by creating a

new, safer driveway entrance/exit. The applicants noted that they have strived to create an atheistically pleasing modification that complies with the Zoning Ordinance requirements for an auxiliary apartment.

Both abutting neighbors spoke in support of the addition.

VOTE: Mr. Freel moved to grant the application. Ms. Gennaro 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:

- This is an irregularly shaped corner lot, and the site for the proposed garage is the result of the lot shape and the siting of the existing house
- The proposal will eliminate a dangerous blind driveway
- The proposal complies with the regulations for an auxiliary apartment
- The proposal will enable three generations of a family to stay together
- The neighbors are supportive of the proposal

REASON FOR DECISION:

It was the judgment of the Board that the request for the dimensional variance, 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.

With respect to the request for the Special Use Permit for the auxiliary apartment, the standards in Section §185-143 have been met: A) the auxiliary apartment would be located entirely within or attached to an owner-occupied single-family dwelling, and the dwelling contains no less than 2,000 square feet of living space. The auxiliary apartment would occupy no more than 40% of the total living space of the dwelling, exclusive of the basement, and would contain no less than 450 square feet, and no more than 900 square feet of living space. The residence qualifying for the auxiliary apartment would have no more than one such apartment, B) the auxiliary apartment would not be located above the second floor, and the auxiliary apartment would have at least two means of egress, C) the auxiliary apartment would be designed for year-round occupancy for family members as defined in § 185-5, D) the lot or parcel of land on which the residence containing the auxiliary apartment sits would have the minimum area and setbacks prescribed for the district in which the dwelling is located; E) The auxiliary apartment would be connected to the sewer system of the Town of Barrington, and to the water system of the Bristol County Water Authority, or the successor thereto, F) One parking space for each bedroom in the auxiliary apartment would be provided in addition to the minimum required for the original dwelling, G) Exterior alteration of the existing dwelling structure would conform to all zoning regulations, including setback and height restrictions, and H) the auxiliary apartment and the

original dwelling would fully comply with all applicable state and local codes, ordinances and regulations.

Additionally, the applicant has satisfied the requirements of a special use permit as contained in § 185-73: 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, and D) it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Application #3419, Mattissa, LLC, 17 Willow Way, Barrington, RI 02806, applicant and owner, for permission to construct a two-story addition; Assessor's Plat 3, Lot 96, R-25 District, 17 Willow Way, Barrington, RI 02806, requiring relief for being within 100' of a wetlands overlay district.

Mr. Kraig read into the record a letter from the applicant requesting the matter be continued to the June meeting. Ed Ionata of the Barrington Conservation Commission explained that there were questions regarding the wetlands edge and the applicant was working with the Conservation Commission to determine the correct information.

VOTE: Mr. Freel moved to continue this matter to the June 21, 2007 meeting. Mr. Bacher seconded the motion and it carried unanimously (5-0).

Application #3421, Pools by Richard, Inc, 33 Stamp Farm Road, Cranston, RI 02921, applicant, Ian Parsons and Jane Ritson-Parsons, 343A Rumstick Road, Unit 1, Barrington, RI 02806, owners, Thomas and Carol Tanury, 343 Rumstick Road, Unit 2, Barrington, RI 02806, owner, for permission to construct in-ground pool and deck; Assessor's Plat 11, Lot 3, Unit 1, R-40 District, 343A Rumstick Road, Barrington, RI 02806, requiring a special use permit for expansion of a legal non-conforming use.

Present: Ted Richard, Pools by Richard, Inc, 33 Stamp Farm Road, Cranston, RI
David Provonsil, engineer, 40 Spruce Valley Drive, North Scituate, RI 02857

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

The following items were submitted as exhibits:

- Professional engineer license for David Provonsil
- Aerial photograph of site and surrounding area
- Photos of existing site

The applicants explained that the property is unique in that it has two single-family residences on one lot. The Parsons, who reside at 343A Rumstick Road, would like to install an in-ground pool. The pool will be located at least 100 feet from the wetlands / water body, and will meet the required setbacks. Additionally the applicants will be enlarging an existing deck, which will include a small enclosure under the deck, which will be used as a changing room.

It was noted that the proposed changes will not interfere with the public use of the bay and the pool will comply with all DEM regulations for pool drainage.

VOTE: Mr. Bacher moved to approve the application. Mr. Freel seconded the motion and the Board voted unanimously (5-0) to grant the request.

DISCUSSION:

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

- The pool will comply with all DEM regulations
- The modification will be consistent with the character of the neighborhood
- The pool will not be visible from the street or the bay

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-73 have been met. That 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. Additionally the standards in §185-74 have also been met: A) that it will not result in the creation of or increase in any undesirable impacts related to the use, such as excessive noise, traffic and waste generation, B) that the general visual appearance of the nonconforming use shall not be altered in a way so as to heighten or make more apparent its nonconformity and, where possible, shall be improved so as to be more consistent with the surrounding area, C) That it will not have a negative impact on the natural environment or on any historic or cultural resource, D) That the resulting nonconforming use will be a beneficial use to the community.

Application #3422, John Franchi, 311 Maple Avenue, Barrington, RI 02806, applicant, U.S. Bank National, Trustee, 425 Walnut Street, Cincinnati, Ohio 45202, owner, for permission to change a mixed use building to a two-family residence; Assessor's Plat 22, Lot 619, Neighborhood Business District, 311 Maple Avenue, Barrington, RI 02806, requiring a special use permit for a two-family residence.

Due to the fact that there was no one to speak in regard to this application, it was the Board's decision to continue the matter. The Board also requested that the Board's secretary contact and send a letter to the applicants advising them of the Board's action and that the matter had been placed on the June agenda.

VOTE: Mr. Freel moved to continue this matter to the June 21, 2007 meeting. Mr. Bacher seconded the motion and it carried unanimously (5-0).

Advisory Review: Comprehensive Permit Application "Haines Park Village", Assessor's Plat 2, Lots 105, 118 and 124 Construction of 11 dwelling units (three affordable); relief from certain Zoning Ordinance requirements requested, referred by Planning Board.

Mr. Kraig read into the record a letter from the applicant requesting the matter be continued to the June meeting in order to allow the applicant to revise its plans.

VOTE: Mr. Ridlon moved to continue this matter to the June 21, 2007 meeting. Mr. Freel seconded the motion and it carried unanimously (5-0).

Advisory Review: Zoning Ordinance Revision – Definition of Side Lot Line, Through and Corner Lot Dimensional Requirements, referred by the Town Planner.

Mr. Teitz explained the proposed revision to the Zoning Ordinance, and how it will relate to new development. The Board members felt that while it was a bit heavy-handed, and may create some administrative difficulties down the road; they were overall not opposed to the revision. Mr. Kraig expressed concern that the change not be interpreted as permitting new developments to be placed closer to existing structures than had previously been permitted.

Town Council Update

Mr. Freel then voted to add an agenda item, an update from Kate Weymouth regarding the Executive Session held on May 7, 2007. Mr. Ridlon seconded the motion and it carried unanimously.

Ms. Weymouth explained that at that time she could not elaborate on the Executive Session until after the meeting records have been unsealed. The Board members expressed their concern regarding the procedure in which the Montessori matter was settled with the Town, and Ms. Weymouth took their concerns under advisement. The matter was continued to the next meeting.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Freel and seconded by Mr. Bacher to accept the April 19, 2007 Zoning Board of Review minutes as written. The motion was carried unanimously.

ADJOURN:

There being no other business, Mr. Ridlon moved to adjourn at 9:58 P.M. Ms. Gennaro seconded the motion and the meeting adjourned.

Respectfully submitted,

Valerie Carroll, Secretary
Thomas Kraig, Chairman
cc: A. Teitz, Solicitor