

ZONING BOARD OF REVIEW
Barrington, Rhode Island
June 19, 2008

APPLICATIONS: #3481, 3482, 3483, 3484, 3485, & 3486

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Larry Bacher, Margaret Carlotto, Mark Freel, Gale Gennaro, and Neal Personeus.

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

At 7:05 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 8:30 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.

Application #3481, Paul and Jennifer Oristaglio, 955 County Road, Barrington, RI 02806, applicants and owners, for permission to replace existing 4-foot fence with a 6-foot fence; Assessor's Plat 14, Lots 7 and 410, R-25 District, 955 County Road, Barrington, RI 02806, requiring a dimensional variance for the height of the fence along County Road.

Present: Paul and Jennifer Oristaglio, 955 County Road, Barrington, RI

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

The applicants explained that they are seeking to replace an existing fence that has been recently damaged by a windstorm. They wish to place a 6-foot fence for approximately 75 feet in the back corner of the property (along County Road, nearest Riverside Plaza) in order to provide privacy from the shopping plaza and prevent trash from the plaza and passersby on County Road from entering their yard. The remainder of the fence will be four feet in height and will be placed in the same footprint as the current fence. While this portion of the fence will merely replace the prior fence, and be in the same location, the section nearest of corner of County Road and Albert Avenue requires dimensional relief to be 4' high.

VOTE: Mr. Bacher 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 fence would have no new impact on the neighborhood, it is being replaced in kind
- The owners are seeking to prevent trash from entering their property – there will be no financial gain from the proposal

- There will be no visual impairment for drivers exiting from Albert Avenue due to the height of the fence – County Road is one-way at this location, so there is no traffic coming from the side where the fence is 4 feet high

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 #3482, Joseph Lomastro, Sign-A-Rama, 6855 Post Road, North Kingstown, RI 02852, applicant, Atria Management Company, LLC, 401 South Fourth Street, Suite 1900, Louisville, KY, owner, for permission to add a 4' x 6' sign; Assessor's Plat 1, Lot 36, EH District, 147 Bay Spring Avenue, Barrington, RI 02806, requiring a variance for exceeding the number of signs.

Present: Joseph Lomastro, Sign-A-Rama, 6855 Post Road, North Kingstown, RI

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

Mr. Lomastro began by explaining that the Atria Bay Spring Village facility was located on the corner of Narragansett and Bay Spring Avenue. However, all of the existing signage is on Narragansett Avenue, and a visitor coming down Bay Spring Avenue may not know how to find the facility. They are seeking to install a freestanding sign near the driveway on Bay Spring Avenue better to identify the building. Mr. Lomastro noted that the building has a Bay Spring Avenue address and the signage will be helpful for people using a GPS system to find the building. He also noted that there would be no illumination for the sign and the TRC has approved the design.

Mr. Bacher noted that when the plan for Bay Spring Village had originally been approved by the Planning Board and the Town Council, there had been a great deal of concern about the impact of the development on the residential neighborhood. The goal was to have the entrance and exit on Narragansett Avenue, not Bay Spring Avenue. He felt that the new signage would encourage the use of the Bay Spring driveway. The Board was also concerned about the impact of the sign on the overall neighborhood, adding to clutter in a mixed-use area, and the Board felt that the proposal called for site plan review by the Planning Board in order to explore these issues more thoroughly.

VOTE: Ms. Carlotto moved to deny the application without prejudice, recommending that the applicant go to the Planning Board for site plan review prior to returning to the Zoning Board. Mr. Personeus seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated that they were denying the application for the following reasons:

- The Planning Board should complete a site plan review prior to the Zoning Board's review
- The proposal could be a disruption to the surrounding neighborhood
- The applicant would not suffer any hardship as a result of the denial

REASON FOR DECISION:

It was the judgment of the Board that the applicant has not demonstrated that the standards in Section §185-73 have been met: A) The applicant has not demonstrated that the public convenience and welfare will be substantially served; B) The applicant has not demonstrated that it will be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan; C) The applicant has not demonstrated that 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) The applicant has not demonstrated that it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Application #3483, Brian O'Connell, 25 Apple Tree Lane, Barrington, RI 02806, applicant and owner, for permission to construct fence along road; Assessor's Plat 11, Lot 29, R-40 District, 25 Apple Tree Lane, Barrington, RI 02806, requiring a variance for the height of the fence and for vision clearance on the corner.

Present: Steven Boyajiam, 18 Orchard Ave, Barrington, RI, attorney for the applicant

Mr. Boyajiam asked to continue this application to the July meeting to allow for further review by the applicant.

VOTE: Ms. Carlotto moved to continue the application to the July 17, 2008 meeting. Upon a second by Mr. Freel the Board voted unanimously (5-0) to continue the application.

Application #3484, Vincent McCarthy c/o W.G. Carr, 6867 Elm Street, McLain, VA 22101, applicant, William Carr, 6867 Elm Street, McLain, VA 22101, owner, for permission to construct additions; Assessor's Plat 5, Lot 108, R-40 District, 93 Nayatt Drive, Barrington, RI 02806, requiring a dimensional variance for rear yard setback.

Before this matter began, Mr. Freel recused himself.

Present: Mr. & Mrs. W.G. Carr, 6867 Elm Street, McLain, VA
Christine Engustian, One Grove Avenue, East Providence RI, attorney for the applicant
Edward Pimentel, 26 Avon Road, Cranston, RI, AICP
Vincent McCarthy, Narragansett, RI - contractor for the Carr's

In the audience:
Sam Chase, 97 Nayatt Drive, Barrington

The following items were submitted as exhibits:

- Color rendering of the south view of the proposed house
- Color rendering of the west view of the proposed house
- Professional resume for Edward Pimentel

The applicants explained that they are seeking to convert the existing modern style home to a more traditional New England coastal style home. They desire to leave as much of the interior structures and materials in place in order to reduce the impact on the environment and the neighborhood. The proposal includes an octagonal structure on the southeast corner of the existing structure that encroaches 5.5 feet at its deepest point into what is the backyard setback. The existing house already encroaches 2-3 feet on the setback.

The applicant explained the location of the house and the proposed octagonal addition in relation to the neighboring houses. The house closest on the east side – where the rear setback is – is farther up the hill, away from the Bay, and is over 250' away. The house to the rear – on the land side – is distant and at a much higher elevation.

It was noted by the applicants that the lot is unique in that it is far wider than it is long, and when designing the project the architect had assumed that the side yard facing the Bay was the rear yard. The placement of the structure where it is proposed is the most logical location as it utilizes the existing bedroom and bath plumbing connections, and that is where those rooms are located.

Ms. Engustain introduced Mr. Pimental, who reviewed the standards for dimensional relief and outlined how the proposal complied with those standards. It was noted that the changes would be beneficial to the character of the neighborhood, and the development was the most sensitive for the property, as any development to the west would require tree removal and create the need for substantial renovations. Mr. McCarthy explained that any attempt to make the octagonal addition smaller in cross-section – so as to lessen the encroachment into the setback – would adversely affect the way the various segments of the octagon fit together, and the way each segment would be laid out.

Mr. Chase, an abutting neighbor, stated that he supports the application and feel it would be an improvement to the area.

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 existing house is already encroaching on the setback
- If the applicants were to reduce the size of the octagon, it would adversely affect the various segments that make up the octagon, and it would still encroach on the setback
- The proposal will have minimal impact on the surrounding area
- The proposal will bring the property more in character with the neighborhood

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 #3485, Paul and Cheryl Hamel, 48 Wagon Road, Walpole, MA 02081, applicant and owner, for permission to renovate and add addition; Assessor's Plat 11, Lot 34, R-40 District, 371 Rumstick Road, Barrington, RI 02806, requiring relief for being within 100 feet of a wetland/waterbody.

Present: Bruce Cox, Sleprow, Sleprow & Associated, East Providence, RI - attorney for the applicant

Mr. Cox asked to have the matter continued in order to appear before the Conservation Commission; due to a miscommunication, the applicant was not present when the Commission considered the matter.

VOTE: Upon a motion by Mr. Personeus, with a second by Mr. Freel, this matter was unanimously (5-0) continued to the July 17, 2008 meeting.

Application #3486, Pauline Stiness, 40 Appian Way, Barrington, RI 02806 applicant and owner, for permission to unmerge lots; Assessor's Plat 4, Lots 50 and 53, R-10 District, 40 Appian Way, Barrington, RI 02806, requiring permission to unmerge lots.

Present: William Landry, Blish & Cavanaugh, Providence, RI – attorney for the applicant

Mr. Landry requested the matter be continued to the July meeting in order to allow time to determine if the matter would need to be reviewed by the Planning Boards.

VOTE: Mr. Personeus moved to continue the matter to the July 17, 2008 meeting. Mr. Freel seconded the motion and it carried unanimously (5-0).

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Freel and seconded by Mr. Personeus to accept the May 15, 2008 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Bacher moved to adjourn at 9:08 P.M. Ms. Carlotto seconded the motion and the meeting was adjourned.

Respectfully submitted,

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