

ZONING BOARD OF REVIEW
Barrington, Rhode Island
April 17, 2008

APPLICATIONS: The Appeal of Peter Erickson, #3457, 3451, 3462, 3469, 3470, 3471, 3472, 3473 and 3474

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Margaret Carlotto, Mark Freel, and Ian Ridlon. Lawrence Bacher arrived at 7:15 and Neal Personeus arrived at 8:15.

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

At 7:05 P.M. Mr. Kraig opened the meeting and at 7:15 P.M. the Board proceeded to hear the following matters. At 9:00 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 the Appeal of Peter Erickson, 44 Woodland Road, Barrington, RI, from a decision of the Building Official to issue a permit for a fence; Assessor's Plat 24, Lot 82, R-25 District, 44 Woodland Road, Barrington, RI 02806.

Mr. Kraig noted that Matthew Oliverio had not yet provided the Board with the decision; therefore, this matter would need to be continued to the next meeting.

VOTE: Upon a motion by Mr. Freel, with a second by Ms. Carlotto, the Board voted unanimously (5-0) to continue the matter to the May 15, 2008 meeting.

Continuation of application #3457, Claudia Traub-Cooper, 59 Blanding Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a 6' x 8' deck; Assessor's Plat 1, Lot 312, R-10 District, 59 Blanding Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback, and exceeding lot coverage.

There was no one to speak for this application. Due to the fact that the applicant had repeatedly failed to appear for her application, the Board denied the application.

VOTE: Mr. Freel moved to deny the application without prejudice. Ms. Carlotto seconded the motion and it carried unanimously (5-0).

Continuation of 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.

Mr. Kraig read into the record a letter from the applicant's attorney requesting this matter be withdrawn.

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

Continuation of application #3462, Elizabeth Clement, 47 Old Redding Road, Weston, CT 06883 and Martina Clement, 13 Vandeventer Avenue, Princeton, NJ 08542, applicants and owners, for permission to unmerge lots; Assessor's Plat 26, Lots 37 & 36, R-25 District, Libby Lane, Barrington, RI 02806, requiring a Special Use Permit.

Mr. Freel disclosed that he would not be able to vote on this matter, due to the fact that his office was representing one of the abutters. Bruce Cox, attorney for the applicant, requested the matter be continued to the next meeting, as there was not then a quorum of voting members available, and it appeared unlikely that a quorum could be achieved at the meeting.

VOTE: Ms. Carlotto moved to continue the matter to the May 15, 2008 meeting. Mr. Ridlon seconded the motion and it carried unanimously (5-0).

Application #3469, David Cousins and Sabina Gellrich, 12 John Street, Barrington, RI 02806, applicants and owners, for permission to construct a wind turbine; Assessor's Plat 12, Lot 94, R-10 District, 12 John Street, Barrington, RI 02806, requiring relief for use not listed in Use Table.

Present: David Cousins and Sabina Gellrich, 12 John Street, Barrington, RI
Scott Milnes and Tim Hetland, engineers

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

The applicants explained that they were seeking to install a vertical wind turbine at their home and they were proposing two different, alternate designs. One is more compact and would have less impact on the area than the other but would produce less electricity. They explained that the turbine would produce a portion of the electricity needed on an average month, approximately 200 kilowatts per month; however, if there were any excess electricity produced, it would be bought by the utility company.

The Board discussed whether it had jurisdiction over this matter. The Board noted that there is not currently any ordinance in place regarding wind turbines; therefore, the Board does not have any standards to apply. The Board suggested that the applicants approach the Town Council to have the zoning ordinance amended to address wind turbines, and then return to the Zoning Board if necessary.

The applicants asked to withdraw their application.

VOTE: Mr. Freel moved to allow the applicant to withdraw the application. Mr. Ridlon seconded the motion and it carried unanimously (5-0).

Application #3470, Jean Asaro, 13 Rustwood Drive, Barrington, RI 02806, applicant and owner, for permission to extend existing garage; Assessor's Plat 31, Lot 246, R-10 District, 13 Rustwood Drive, Barrington, RI 02806, requiring relief for being within 100 feet of the wetlands/waterbody and for being within the wetlands overlay district.

Present: Jean Asaro, 13 Rustwood Drive, Barrington, RI

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

Ms. Asaro explained that she was seeking to expand the existing garage, as they have expanded the living area into the garage space and now need a to enlarge the garage to again make it a two-car garage. She is seeking relief because of the proximity to the wetlands; however, the proposed garage addition would be no closer to the wetlands than the existing structure.

Mr. Kraig noted that the Conservation Commission has recommended approving the application with conditions.

VOTE: Mr. Freel moved to grant the application with the following conditions:

- Appropriate erosion controls are to be established prior to and during construction
- All construction equipment and materials are to staged along the street side of the property

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 location is the only logical location for the structure
- The proposal is for a modest, two-car garage
- The garage will be no closer to the wetlands than the existing house

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 #3471, Albert Bilodeau, 92 Orchard Avenue, Barrington, RI 02806, applicant and owner, for permission to construct second floor with porch; Assessor's Plat 28, Lot 43, R-10 District, 92 Orchard Avenue, Barrington, RI 02806, requiring relief for being within 100 feet of the wetlands/waterbody.

Present: Albert Bilodeau, 92 Orchard Avenue, Barrington, RI

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

The applicant explained that he was seeking to raise the walls on the second floor in order to create more space and improve the view to the water. The addition will remain within the house's existing footprint.

Mr. Kraig noted that the Conservation Commission has recommended approving the application with conditions.

VOTE: Ms. Carlotto moved to grant the application with the following conditions:
➤ Appropriate erosion controls are to be established prior to and during construction
➤ All construction equipment and materials are to be staged along the street side of the property
Mr. Freel 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 applicant needs more headroom in the existing space
- The house is where it is and the applicant is remaining within its footprint
- The addition will be no closer to the wetlands than the existing house

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 #3472, Gregory Snider, 217 Angell Street, Providence, RI 02906, applicant, David and Julie Beitle, 55 E Nayatt Point Court, Barrington, RI 02806, owners, for permission to partially demolish and rebuild garage, and add porches and a partial second floor; Assessor's Plat 5, Lot 65, R-40 District, 55 E Nayatt Point Court, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback and for being within 100 feet of a wetlands/waterbody.

Present: Bruce Cox - attorney, Slepko, Slepko & Slepko, East Providence, RI
Gregory Snider - architect, 217 Angell Street, Providence, RI
David and Julie Beitle, 55 E Nayatt Point Court, Barrington, RI

In the audience:

Anthony DeSisto – attorney, DeSisto & Federoff, One Turks Head Place, Providence, RI

Mr. Cox explained that they were seeking to repair and rebuild the garage as well as create additional second floor living space. They desire to build a three-car garage; however, it would be set on the lot at an angle in order to minimize the impact on the neighborhood and create a more appealing lot. In order to place the garage there they will need setback relief as well as relief for lot coverage due to the larger size of the garage.

Mr. DeSisto, representing the abutting neighbors Paul and Joyce Killmartin, stated that his clients had no objection to the proposal.

Mr. Kraig noted that the Conservation Commission has recommended approving the application with conditions.

VOTE: Mr. Bacher moved to grant the application with the following conditions:

- Appropriate erosion controls are to be established prior to and during construction
- New additions will have dry wells (or similar) for roof runoff control where practical
- All construction equipment and materials are to staged along the street side of the property

Mr. Freel 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 garage has been designed to minimize its impact on the neighborhood; the lot is an interior lot and the three-car garage will not have any impact from the street
- The proposal will enhance the character of the neighborhood
- The abutting neighbor supports the proposal

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 #3473, R. Bruce Morris, 101 Narragansett Avenue, Barrington, RI 02806, applicant, Dianne Hutton, 88 Boyce Avenue, Barrington, RI 02806, owner, for permission to removes existing house and construct a 2140 square foot house; Assessor's Plat 34, Lot 47, R-10 District, 101 Boyce Avenue, Barrington, RI 02806, requiring relief for side yard setback, rear yard setback, exceeding lot coverage, as well as being within 100 feet of the wetlands/waterbody.

Present: R. Bruce Morris – architect, 101 Narragansett Avenue, Barrington, RI
Gordon and Dianne Hutton, 88 Boyce Avenue, Barrington, RI

In the audience:

Jay Romano, Barrington Conservation Commission
Phil Axelson, 97 Boyce Avenue, Barrington, RI

Mr. Morris explained that the Hutton's need to increase their living space; however, the existing foundation is in disrepair. Therefore they wish to remove the existing house and begin from scratch. They are seeking to construct a two-story house with two, two-car garages, one on each side of the house.

Mr. Romano noted that the Conservation Commission had no objection to the application, noting that they did not consider the deck to have an appreciable impact on the wetlands. Mr. Axelson stated that he was in favor of the proposal.

The Board struggled with the overall size of the proposal, feeling that it did not fit within the standard of "least relief necessary", noting that because the applicants would be removing the existing structure and starting from scratch, they have the flexibility to create a plan that complies with the setback requirements.

Mr. Morris requested to withdraw the application so that they may reevaluate the proposal.

VOTE: Mr. Freel moved to allow the applicant to withdraw the application. Upon a second from Ms. Carlotto the Board voted unanimously (5-0) to withdraw.

Application #3474, Gregory W. Beers, 23 Beaver Road, Barrington, RI 02806, applicant and owner, for permission to construct an attached garage; Assessor's Plat 14, Lot 102, R-10 District, 23 Beaver Road, Barrington, RI 02806, requiring dimensional relief for rear yard setback.

Present: Gregory Beers, 23 Beaver Road, Barrington, RI

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

Mr. Beers stated that currently there is no garage on his property; therefore, he desires to construct a two-car garage and a mudroom connecting the garage to the house and providing access to the kitchen without having to go through the garage, together with a deck, all in order to provide more space for his growing family. The proposed location coordinates with the existing driveway and is the only logical location for a garage. The applicant owns a large truck and needs the garage to be large enough to house it. Mr. Beers also noted that five years ago the Board had approved a similar proposal; however, the then owners had never begun construction.

VOTE: Upon a motion by Mr. Freel, with a second by Ms. Carlotto, the Board voted unanimously (5-0) to grant this application.

DISCUSSION:

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

- The property is a corner lot, therefore, they must deal with multiple front yard setbacks
- The proposed garage fits within the current standards for new garages
- The proposed location is the only logical location for the garage

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.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Ridlon and seconded by Ms. Carlotto to accept the March 20, 2008 Zoning Board of Review minutes with changes. The motion carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Bacher moved to adjourn at 9:40 P.M. Mr. Freel seconded the motion and the meeting was adjourned.

Respectfully submitted,

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