

ZONING BOARD OF REVIEW
Barrington, Rhode Island
February 21, 2008

APPLICATIONS: #3445, 3451, 3456, 3457, 3458, 3459, 3460 and 3461

MINUTES OF THE MEETING:

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

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

At 7:03 P.M. Mr. Kraig opened the meeting, and a quorum was reached at 7:15 P.M., at which time the Board proceeded to hear the following matters. At 11:00 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 application #3445, Sam Abram, 15 Bowden Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a deck; Assessor's Plat 33, Lot 111, R-10 District, 15 Bowden Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback and for being within 100' of a wetlands/water body.

Present: Sam Abram, 15 Bowden Avenue, Barrington, RI

In the audience:

Cyndee Fuller, Barrington Conservation Commission

Mr. Abram explained that he was seeking to construct a deck on the rear of his home in order to enjoy his backyard; however, he needs relief because of its proximity to the wetlands. He has submitted plans outlining where he believes the wetlands edge to be. Ms. Fuller noted that while the Conservation Commission did not object to this proposal because it will have minimal impact on the wetlands, overall the application was not sufficient and they would prefer to see better-detailed information from future applications.

VOTE:

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

- Standard erosions controls must be in place during construction

Mr. Personeus seconded the motion and 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 project will have minimal impact on the wetlands
- The proposed deck is small in size
- The proposed location is the only logical location for the 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.

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.

Joelle Sylvia, attorney for the applicant, explained that they have secured a wetlands biologist to review the property; therefore, they requested the matter be continued to the March 20, 2008 meeting.

VOTE: Mr. Ridlon moved to continue this application to the March 20, 2008 meeting. Mr. Personeus seconded the motion and it carried unanimously (5-0).

Application #3456, Lisa Marderosian, 32 Columbus Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a farmer's porch on the front of the house; Assessor's Plat 30, Lots 168 & 171, R-10 District, 32 Columbus Avenue, Barrington, RI 02806, requiring a dimensional variance for front yard setback.

Present: Lisa Marderosian, 32 Columbus Avenue, Barrington, RI

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

Before testimony began, Mr. Bacher disclosed that he was an abutter to the property. Ms. Marderosian stated that she had no objection to Mr. Bacher voting on the matter.

Ms. Marderosian explained that they are in the process of building an addition, and they desire to put a farmer's porch on the front of the house. This will add visual interest to the house and it will make the addition seamless. The encroachment on the front yard setback will be minimal; the porch itself would be 21' from the property line, and with the roof overhang, it would be 20' from the property line, requiring five feet of zoning relief.

VOTE: Mr. Personeus moved to grant the five feet of relief from the front yard setback the applicant is requesting. Upon a second by Ms. Carlotto, the Board unanimously (5-0) approved the application.

DISCUSSION:

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

- The porch would break up the large, flat facade of the house, creating more visual interest
- The proposal is consistent with the characteristics of the surrounding neighborhood
- The relief request is minimal
- The lot is oddly shaped, being very wide but not very deep

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 #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.

Mr. Kraig noted that he was in receipt of a letter requesting the matter be continued to the April 17, 2008 meeting.

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

Application #3458, Pools by Richard, 33 Stamp Farm Road, Cranston, RI, 02921, applicant, Stephen Edwards, 10 Strawberry Lane, Barrington, RI 02806 owner, for permission to install an in-ground 16' x 32' swimming pool; Assessor's Plat 11, Lot 93, R-40 District, 10 Strawberry Lane, Barrington, RI 02806, requiring dimensional relief for rear yard setback.

Present: Theodore Richard, Pools by Richard, 33 Stamp Farm Road, Cranston, RI

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

Mr. Richard explained that they are seeking a variance in order to install an in-ground swimming pool that would be parallel to the house and therefore at an angle to the back property line; this would result in a five-foot encroachment on the back setback line. The house is set very far back on the property, resulting in a backyard that is not very deep. The proposed location is the most logical position for the pool because of the existing porch and tree. In addition, the backyard slopes up as you go to the right, as viewed from the house, and the proposed location is the most level portion of the back yard.

VOTE: Mr. Personeus moved to grant the application with the following condition:
➤ There will be no discharge of water from the pool to the street or public storm drains
Ms. Carlotto seconded the motion and it carried 4-1, with Mr. Bacher dissenting.

DISCUSSION:

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

- The house has a very large front yard setback
- The applicant would like to preserve a large existing tree
- The proposed location is the most logical location and will be in line with the house
- The pool will not be visible from the street
- The neighbors do not object to the proposal
- Another location would create significant grading issues

Mr. Bacher was opposed to the application for the following reasons:

- The applicant has the ability to alter the location or size of the pool in order to conform to setback requirements

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 #3459, Wade Cordy and Vered Bar, 55 Anawamscutt Road, Barrington, RI 02806, applicants and owners, for permission to construct a mixed-use building to be utilized as a veterinarian clinic and a two-bedroom apartment, Assessor's Plat 19, Lot 51, Neighborhood Business Zone, 496 Maple Avenue, Barrington, RI 02806, requiring a Special Use Permit.

Present: Joelle Sylvia, attorney for the applicant, DeSisto & Federoff, Providence, RI
Jay Litman, project architect, Littman Architecture, Barrington, RI
Derick Hug, traffic engineer, Fuss & O'Neil, Providence, RI
Shawn Martin, site engineer, Fuss & O'Neil, Providence, RI
Wade Cordy & Vered Bar, 55 Anawamscutt Road, Barrington, RI

In the audience:

Robert Andreozzi, 511 Maple Avenue, Barrington, RI
Vincent Andreozzi, 15 Church Street, Barrington, RI
Susan Mitnik, 540 Maple Avenue, Barrington, RI
Aracklo Pezzillo, 27 Barrington Avenue, Barrington, RI
Joyce Honeycutt, 490 Maple Avenue, Barrington, RI

The following exhibits were submitted:

- Revised plans
- Memorandum from Derek Hug re: Parking evaluation
- Petition from neighbors in opposition to the proposal
- Letter from Jeffrey & Jessica Fontes in opposition to the proposal

Ms. Sylvia introduced Mr. Litman, who reviewed the project, explaining that they are seeking to build a new building for Harbor Animal Hospital, which is currently located in a leased space within the Maple Avenue Plaza. The proposed site is at the end of the Neighborhood Business district, so they have sought to design a building in keeping with the residential character of the area.

The proposal calls for the removal of an existing one-story ranch-style house in order to construct a two-story building with a veterinary clinic on the first floor. The second floor will have office space for the veterinary clinic as well as a 1,400 square foot apartment. The site would have a vegetative buffer as well as a stockade fence, which was requested by a neighbor, and the existing shed will be removed. A detention pond has been proposed to the rear of the parking lot, within the 100-foot wetland buffer, and a sidewalk and curb will be installed in the front of the building. The project originally had proposed 19 parking spaces. On the advice of the TRC they reduced the number of spaces to 12 in the proposal reviewed by the Planning Board. They have revisited the parking since the Planning Board meeting on January 8th and have revised the site plan to increase the parking to 16 spaces, and have also reduced the overall square footage of the building.

Ms. Bar reviewed the operation of the clinic. She noted that it is an established, two-doctor practice with a focus on quality of care vs. quantity. They book half-hour appointments for each client and schedule a maximum of four surgeries a day. The surgical drop off is in the morning between 8-9 A.M., and the pick-ups are staggered throughout the afternoon. There will be no overnight kenneling of animals; any animal that requires overnight care will be sent to a larger facility, such as the one in Swansea. They will not be offering boarding services, nor will there be any outdoor dog runs. Deliveries of supplies are by trucks of the size of UPS trucks.

There will be a maximum of four employees per shift and the clinic will be open 8-6 Monday through Friday and 8-2 on Saturday. The site will be checked daily for animal waste and once a week a professional cleaning service will come in to clean the property. All medical waste will be disposed of according to medical regulations.

Mr. Hug explained that according to his evaluation, the 12 parking spaces that were proposed prior to the recent revision would be more than sufficient for the site, noting that with the appointment schedule that is proposed, the 12 spaces would easily accommodate the parking needs, even at peak usage. The addition of four more spaces would provide a further margin for unusual demand. In addition, he indicated that their traffic study showed that the proposal would have no appreciable impact on traffic on Maple Avenue. There would be no access provided to the facility from the Bike Path. The driveway width would permit entering and exiting vehicles at the same time.

Mr. Martin reviewed the drainage plan. He explained that they would be bringing the runoff into a detention basin and the basin size was based on the worst-case scenario for the site. Mr. Personous asked if they had considered a subsurface drainage system and Mr. Martin replied that they had not due to the fact that the cost would be excessive.

There were several neighbors who spoke in opposition to the proposal, citing the following concerns:

- Insufficient parking
- Increase of traffic
- Incoming delivery vehicles
- Retail use of space
- Height and scale of the building
- Insufficient fencing
- Potentially offensive smells
- Potential for loose dogs
- Noise from the animals
- Driveway width
- Clients accessing the clinic via the Bike Path
- Hazardous/toxic waste pick up
- Dumpster pick up

Additionally the Mr. Andreozzi submitted a petition in opposition to the proposal as well as a letter from a neighbor who was unable to attend the meeting.

VOTE:

Mr. Bacher moved to grant the special use permit, as shown on the plans A01, dated 1/26/08, reflecting 16 parking spaces, with the following conditions:

- The applicant shall return to the Planning Board for review and approval of the final drainage plan; the project shall meet all storm water management requirements including zero net increase in runoff
- All site improvements, including landscaping, drainage and parking, as shown on the approved plans, shall be completed prior to issuance of a certificate of occupancy for the building
- The use of the basement level shall be limited to storage and mechanical use only
- The use shall be limited to a residence and/or a veterinary clinic. No more than two vets can be working in the clinic at a time
- The second floor office shall be associated with the veterinary clinic
- The applicant shall remove all existing improvements within the wetlands setback area, including sheds, walkways and berms
- A vegetative screening shall be implemented across the 50-foot perimeter wetlands with signage indicating the wetlands
- New fencing shall be installed along the western property line to prevent animals from leaving the property
- Business hours shall be limited to 8am - 6pm Monday through Friday and 8am - 2pm Saturday
- There shall be no overnight boarding of animals at this location

Ms. Carlotto seconded the motion and it carried 4-1, with Mr. Personeus dissenting.

DISCUSSION:

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

- The proposal is a good use for the Neighborhood Business district
- There will be no substantial impact on the surrounding neighborhood
- The proposed structure is an improvement to the site
- It has been shown that there will be a minimal impact on the traffic to the neighborhood
- The applicants will be installing a landscape buffer as well as a sidewalk
- 16 spaces will be adequate for this use

Additionally, the Board addressed the concerns raised by the neighbors:

- Delivery vehicles – The applicants explained that deliveries would come via UPS once a day
- Noise/Traffic impact - The noise & traffic would not be significantly different than those produced by any of the permitted uses for that space
- Boarding – Overnight boarding will not be permitted
- Height of the house – The structure is within the zoning regulations for the area
- Existing fence insufficient – The applicant has agreed to install a more appropriate fence
- Odors from animal waste – Waste is being handled by the applicant and not expected to accumulate
- Entrance/Exit from the same driveway – 20-foot wide driveway will be sufficient
- Dumpster pick-up – Will be limited to once a month
- Retail use of the space – Limited to pet food and prescriptions and will not have any significant impact on the traffic
- Noise from the dogs – will be minimal due to the fact that there will be no overnight boarding of dogs and the windows will be closed with the building climate controlled

Mr. Personeus stated that he was opposed to the application for the following reason:

- The drainage plan had not yet been approved by the Planning Board

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.

Additionally, the standards in §185-75 have been met: A) That, based upon projected use and level of activity for a given development proposal, strict application of the parking and/or loading requirements would be excessive; B) That, as a result of such relief, the proposed development will be enhanced either in terms of visual appearance or through the provision of additional amenities, such as landscaping and buffering, walkways, bicycle racks and/or street furniture; or that there is some clear public or environmental benefit; C) That the safe and proper operation of the business will in no way be compromised.

Application #3460, Lynne Carter, 165 Mathewson Road, Barrington, RI 02806 and Beth Davis, 7 Wedgewood Lane, Barrington, RI 02806 applicants and owners, for permission to construct a 12' x 14' addition to the front structure (52A) and relocate the second structure (52) and construct an 8'x 8' addition; Assessor's Plat 27, Lot 65, 52 & 52A County Road, Barrington, RI 02806, requiring a Special Use Permit.

Present: Lynne Carter, 165 Mathewson Road, Barrington, RI
Beth Davis, 7 Wedgewood Lane, Barrington, RI

In the audience:
John Raponi, 58 County Road, Barrington, RI

The following exhibits were submitted:

- Revised building elevation plans

The applicants explained the property currently has two structures on it. They are seeking to move the existing white house (house "A") to a site across from the yellow house (house "B"), farther from the property line and farther back in the property. They propose to add a utility room to house "A" and construct an addition and a small porch to house "B".

Mr. Raponi spoke in support of the application, noting that it would be an improvement to the property.

VOTE: Mr. Bacher moved to approve the application. Mr. Ridlon 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 create two more separate buildings
- The proposal would bring the property more in conformance to the current standards
- The neighbor supports 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. Additionally the standards in §185-74 have 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 #3462, Elizabeth Clement, 47 Old Redding Road, Weston, CT 06883 and Martina Clement, 13 Vandevanter 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.

Bruce Cox, attorney for the applicant, noted that there had been some concern expressed by the abutting neighbors that had been brought to his attention, and because of this he requested a continuance to the March meeting in order to provide expert testimony to support his case. It was noted that Anthony DeSisto was present representing one of the abutting neighbors and there were several additional abutting neighbors present to speak in opposition to the application. It was the determination of the Board that the matter would not be able to be heard in its entirety at this meeting, creating a challenge with having a quorum of the same members at the next meeting; therefore it would be in everyone's best interest to continue the matter.

VOTE: Mr. Bacher moved to continue this application to the March 20, 2008 meeting.
Mr. Personeus seconded the motion and it carried unanimously (5-0).

Advisory Opinion – Cove Haven Marina Modification of Marina Perimeter and Reconfiguration of Docks.

Present: Anthony DeSisto, attorney for the applicant, DeSisto & Federoff, Providence, RI

Mr. DeSisto explained that Cove Haven is seeking to expand its marina perimeter limit south 38 feet, which will bring it within 10 feet of the extension of Allen Avenue. Coastal Resource Management requires a letter of No Objection from the abutter, which in this case is the Town of Barrington. Various boards, including the Zoning Board, have been asked to review the proposal and make a recommendation to the Town Council. The Board had no questions or objections to the proposal and upon a motion by Mr. Kraig voted unanimously (5-0) to recommend approval to the Town Council.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Bacher and seconded by Mr. Ridlon to accept the January 17, 2008 Zoning Board of Review minutes as written. The motion carried unanimously (5-0). Mr. Bacher then made a motion to approve the Planning Board of Appeals minutes as written. Mr. Ridlon also seconded the motion and it carried unanimously (5-0) as well.

ADJOURN:

There being no other business, Mr. Ridlon moved to adjourn at 11:55 P.M. Mr. Bacher seconded the motion and the meeting was adjourned.

Respectfully submitted,

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