

# ZONING BOARD OF REVIEW

## Barrington, Rhode Island

**December 16, 2010**

**APPLICATION: #3584, 3605, 3608, 3609, 3610, 3611 and 3612**

### MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Peter Dennehy, Mark Freel and David Rizzolo.

Also present was solicitor Andrew Teitz and Building Official Robert Speaker.

At 7:04 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 9:08 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on those applications it had heard that had not been continued.

**Continuation of Application #3584, YMCA of Greater Providence, 371 Pine Street, Providence, RI 02903, applicant and owner as to lots 206 & 243, (Town of Barrington, 283 County Road, Barrington, RI 02806, owner as to lot 96) for permission to renovate and expand existing building and create an additional building; Assessor's Plat 27, Lots 96, 206 and 243, OS-A District, 70 West Street, Barrington, RI 02806, requiring a special use permit as well as dimensional relief for front yard setback, side yard setback and lot coverage.**

Present: Joshua Berlinsky, attorney for the YMCA, Darrow Everett, One Turks Head Place, Suite 1200, Providence, RI  
Steven Ameroso, Vision 3 Architects  
David Taglianetti, VHB

There was no one in the audience to speak for or against this application. It was noted that the Secretary had informed Mr. Zawatsky via e-mail of the meeting date and Mr. Berlinsky had sent Mr. Zawatsky a copy of his memorandum dated December 3, 2010 along with the revised site plan.

Before the presentation began, Mr. Kraig gave a brief overview of the history of the application as it relates to the Zoning Board.

Mr. Berlinsky opened by reviewing the engineering and design updates noted on the site plans dated November 10, 2010; these changes were in part the result of a continuing design process, and in part in response to concerns expressed by the Zoning Board and by the abutter, Mr. Zawatsky. These updates include:

- The footprint of the building has been altered
- A dumpster location pad is shown
- The emergency vehicle access route has been modified
- The parking has been changed from angled parking to 90° parking
- All three of the existing pavilions will be removed
- The north elevation was adjusted

Mr. Berlinsky explained that the footprint has been altered, removing 16' from the pool building but squaring off the main building; the overall square footage of the building would be approximately 32,100 square feet. The lot coverage calculation was also corrected to reflect only property owned by the YMCA, which reflects total lot coverage of 18.8%.

In regard to the roadways, it was noted that West Street is not being shortened - the right-of-way remains the same, only the edge of its pavement has been reduced by five feet, which is necessary for traffic flow. The applicants will need to appear before the Town Council in order to gain approval to change a portion of West Street into a one-way roadway.

**MOTION #1:** Mr. Freel moved to grant the request for a Special Use Permit. Mr. Blasbalg seconded the motion and it carried unanimously (5-0).

**DISCUSSION:**

The Board members stated they were in favor of approving the Special Use Permit request for the following reasons:

- The proposal is an improvement over existing conditions
- The parking plan has been improved
- The proposal will have a positive impact on the community
- The proposal is consistent with the Comprehensive Community Plan

**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 and D). It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

**MOTION #2:** Mr. Freel moved to grant the request for a dimensional relief. Upon a second by Mr. Blasbalg the Board voted unanimously (5-0) to approve the request.

**DISCUSSION:**

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

- The side yard relief is needed for existing conditions
- The property is uniquely configured
- The lot coverage has been reduced from what was originally proposed
- The proposal is consistent with the Comprehensive Community Plan
- The YMCA has grown greatly since the building was originally built

**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 #3605, David Stanley, 33 Alexander Avenue, East Providence, RI 02914, applicant, Elson Stanley, et. al., 245 Sowams Road, Barrington, RI 02806, owner, for permission to subdivide land into two lots; Assessor's Plat 30, Lot 263, R-25 and Conservation Districts, 249 Sowams Road, Barrington, RI 02806, requiring relief for lot width and frontage.**

Before this matter began, Mr. Rizzolo disclosed that his firm has had a prior business relationship with Mr. Stanley; however he did not feel that it would impact his decision on this matter.

Present: David Stanley, 33 Alexander Avenue, East Providence, RI

In the audience:

Michael West, 7 River Oak Road, Barrington, RI

Mr. Stanley began by explaining that his family owns the property at 245 Sowams Road and they are seeking to subdivide the land into two parcels; parcel #2 would consist of the existing house and garage, while parcel #1 would encompass the remaining 10+ acres. Parcel #1 would remain 'farm and forest' land and it was noted that there is Conservation land towards the rear of the property. There are no immediate plans to develop this land; however, the proposed subdivision includes a 40-foot strip of land which connects the property with Sowams Road and allows for potential development in the future. It was noted that any further development would require Board review and public hearings. The Planning Board has granted Master Plan approval for the project, pending the approval of the required zoning relief.

Mr. West spoke in opposition to the proposal, noting concerns about the potential for future development and its impact on the neighborhood. Mr. West hoped that any possible development proposals could be stayed until the neighborhood and/or the Land Trust could acquire funds to purchase the land. Mr. Kraig explained that it was not within the Board's power to place restrictions of that type on the applicant.

**MOTION:** Mr. Freel moved to grant the application. Mr. Dennehy seconded the motion and it carried 4-1, with Mr. Blasbalg dissenting.

**DISCUSSION:**

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

- The owners have an unusual situation with a small house on an 11-acre property
- The proposed changes will not primarily lead to greater financial gain
- The proposal is the least relief necessary from the prospective of parcel #2

Mr. Blasbalg stated h was opposed to approving the application for the following reason:

- The proposed changes will lead to greater financial gain

**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 #3608, Steven Hodosh, 23 Appian Way, Barrington, RI 02806, applicant and owner, for permission to construct a decorative trellis canopy; Assessor's Plat 4, Lot 73, R-25 District, 23 Appian Way, Barrington, RI 02806, requiring dimensional relief for front yard setback.**

Present: Steven Hodosh, 23 Appian Way, Barrington, RI  
Patrick Dougherty, attorney for the applicant  
Jose Vargus, architect/designer

In the audience:  
Fred Mello, 15 Appian Way, Barrington, RI

The following item was submitted as an exhibit:

- Letter of support from Mr. & Mrs. Opton

Mr. Dougherty stated that Mr. Hodosh has been in the process of remodeling his home, which was done with the appropriate Building Permits; however, he had not realized that he would need a permit for the decorative trellis. Upon realizing this, it was discovered that the trellis encroached on the front yard setback by approximately 1.5 feet. Mr. Vargus explained that the trellis was designed to create a unique effect with sunlight and shadows, and if the trellis were to be reduced by 1.5 feet it would have a dramatically negative impact on the effect.

Mr. Kraig read into the record a letter from Mr. Mello supporting the proposal. Mr. Mello also spoke in support of the application, noting the positive visual impact the trellis has on the neighborhood.

**MOTION:** Upon a motion by Mr. Blasbalg, with a second by Mr. Freel, the Board unanimously (5-0) granted the application.

**DISCUSSION:**

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

- The structure is of a unique artistic design
- The trellis has a positive impact on the neighborhood
- There is minimal encroachment on the setback
- There is neighborhood support for the structure

**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 #3609, Joseph and Karen Blount, 14 Prospect Street, Barrington, RI, applicants and owners, for permission to remove existing front entrance, platform and stairs and construct new larger platform and stairs as well as a cover over the front entrance; Assessor's Plat 17, Lot 281, R-10 District, 14 Prospect Street, Barrington, RI 02806, requiring dimensional relief for front yard setback.**

Present: Joseph Blount, 14 Prospect Street, Barrington, RI

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

Mr. Blount explained that his existing front steps are not up to current code standards and have begun to rot. He would like to replace them with new steps that will create a safer step down from the door as well as widen the platform in order to provide adequate space to swing the door open. He is also seeking to construct a small roof over the entryway to provide shelter from the elements while entering and exiting the house.

**MOTION:** Mr. Blasbalg moved to approve the application. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

**DISCUSSION:**

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

- The proposal will improve the safety and convenience of the steps
- There will be no major impact on the surrounding neighborhood
- The proposal is in line with the surrounding homes

**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 #3610, John Bettencourt, 21 Wallis Avenue, Barrington, RI 02806, applicant and owner, for permission to construct an in-law apartment and deck on second floor of existing garage; Assessor's Plat 29, Lot 132, R-10 District, 21 Wallis Avenue, Barrington, RI 02806; requiring a Special Use Permit.**

Present: John Bettencourt, 21 Wallis Avenue, Barrington, RI  
Gary Chandler, contractor

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

Mr. Bettencourt began by explaining that he and his daughter have recently moved in with his mother. They are seeking to create an auxiliary apartment to create more space for the family. As the Board began to hear the application it was determined that they would not be able to provide relief via a Special Use Permit. A Use Variance would in fact be required since the proposal does not meet the requirements of the ordinance with respect to in-law apartments. The Board advised that if Mr. Bettencourt were to construct an addition, rather than an in-law apartment, no variance would be needed. Mr. Bettencourt asked to withdraw his application.

**MOTION:** Upon a motion by Mr. Freel, with a second by Mr. Blasbalg, the Board voted unanimously (5-0) to withdraw the application.

**Application #3611, Christopher Hall, 11 Opeechee Drive, Barrington, RI 02806, applicant and owner, for permission to remove existing dormer and replace with new, construct bump out addition and construct covered porch; Assessor's Plat 32, Lot 114, R-10 District, 11 Opeechee Drive, Barrington, RI 02806, requiring relief for being within 100 feet of a wetlands/waterbody.**

Present: Christopher Hall, 11 Opeechee Drive, Barrington, RI

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

Mr. Hall explained that he is seeking to expand his kitchen with a bump-out addition in order to align it with an existing wall, construct a front porch, and remove an existing second floor dormer and construct a 19' x 19' dormer within the existing footprint. It was noted that there was no dimensional variance required for this application; the only variance needed is due to the property's proximity to the wetlands. Mr. Kraig read into the record the Conservation Commission's favorable recommendation.

**MOTION:** Mr. Freel moved to approve the application with the following conditions:

- Standard erosion controls during construction.
- All construction material to be stored on street side of property, not on water side.

Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

**DISCUSSION:**

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

- The proposal will be no closer to the water than the existing structure
- The modifications are modest in scale

**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 #3612, Geoffrey Allen and Michelle Forcier, 88 Bay Road, Barrington, RI 02806, applicants, Harry and Bertha Snady, c/o McCoy, 5 Oyster Shell Lane, Barrington, RI 02806, owners, for permission to construct a second floor addition, renovate existing second floor bedrooms, and construct a balcony porch addition; Assessor's Plat 10, Lot 69, R-10 District, 72 Lorraine Street, Barrington, RI 02806, requiring a dimensional variance for front yard setback, side yard setback, rear yard setback as well as lot coverage relief.**

Present:           Geoffrey Allen, 88 Bay Road, Barrington, RI  
                      Mary Brewster, architect, Brewster Thornton Group, 150 Chestnut Street, Providence, RI  
                      Pat Connors, architect, Brewster Thornton Group, 150 Chestnut Street, Providence, RI

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

The following items were submitted as exhibits:

- Updated site plan reflecting survey
- Letter of support from Teresa Sarli
- Letter of support from Valerie Peterson

The applicants explained that they are seeking to renovate and create addition space on the second floor to create space for an 11' x 10' bedroom, a 9' x 20' bedroom and a half-bath. They are also seeking to create a balcony porch addition to add visual interest and keep the house within the coastal feel of the neighborhood. The existing house is marginal in its utility for year-round living.

Additionally they would like to increase the height of the garage in order to provide better access to the cars as well as some additional storage space.

**MOTION:**    Mr. Rizzolo moved to grant the application. Upon a second by Mr. Blasbalg, the Board unanimously (5-0) voted to grant the application.

**DISCUSSION:**

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

- The lot is very small and the proposed changes remain within the footprint
- The design was created to be in keeping with the neighborhood
- The existing house is very small; more space is needed to accommodate the family

**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. Freel and seconded by Mr. Rizzolo to accept the November 18, 2010 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

**ADJOURN:**

There being no other business, Mr. Freel moved to adjourn at 10:08 P.M. Mr. Dennehy seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary  
Thomas Kraig, Chairman  
cc: Andrew Teitz, Solicitor