

# ZONING BOARD OF REVIEW

## Barrington, Rhode Island

**October 20, 2010**

**APPLICATION: #3584, 3589, 3597, 3598 and 3599**

### **MINUTES OF THE MEETING:**

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

Also present was solicitor Andrew Teitz.

At 7:07 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 8:53 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.**

Before this matter began, Mr. Ridlon recused himself.

Present: Joshua Berlinsky, attorney for the YMCA, Darrow Everett, One Turks Head Place, Suite 1200, Providence, RI

Mr. Berlinsky requested this application be continued.

**MOTION:** Upon a motion by Mr. Freel, with a second by Mr. Dennehy, this matter was unanimously (5-0) continued to the December 16, 2010 meeting.

**Continuation of application #3589, Chris and Jennifer Wiseman, 11 Boxwood Court, Barrington, RI 02806, applicants and owners, for permission to construct a 20' x 30' two-story garage addition; Assessor's Plat 24, Lot 245, R-25 District, 11 Boxwood Court, Barrington, RI 02806, requiring relief for being within 100' of a wetlands/waterbody.**

Present: Ron Eaton, contractor, Capitol Building & Design, Swansea, MA

In the audience: Ed Ionata, Barrington Conservation Commission

Mr. Eaton explained that in response to questions raised at the August Zoning Board meeting, he has had a wetlands biologist delineate the wetland on the property. In addition, he has revised the proposal, shifting the addition further away from the wetland area. Mr. Eaton provided revised plans noting the wetlands, the new proposed addition and the requested floor plans and elevations.

The Board asked why the applicant needed the additional space. Mr. Eaton explained that the basement has a maximum height of 5 feet, less than that under ducts and beams; therefore, the space cannot be used for living space and the house has very little storage. Additionally, when the house was constructed, the chimney was placed such that it juts into the garage, making it difficult to open the doors of a car parked there, and limiting the ability to store items in the space.

Mr. Kraig read into the record the Conservation Commission's revised recommendation for approval. Mr. Ionata also noted that Mr. Eaton has provided the Conservation Commission with the requested Wetland Delineation.

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

- Adequate erosion controls must be implemented before and during soil disturbance activities
- Grass must be restored after construction is complete
- Applicant must provide copy of wetland delineation report to Conservation Commission for the record

Mr. Ridlon 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 height of the basement limits its usefulness; therefore, there is a need for additional storage in the home
- The applicants have revised their plans in order to move the proposal as far from the wetlands as possible

**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 # 3597, Eileen Eklund, 1 Edgewood Drive, Barrington, RI 02806, applicant and owner, for permission to allow six cars on premises; Assessor's Plat 16, Lot 123, R-25 District, 1 Edgewood Drive, Barrington, RI 02806, requiring a Special Use Permit.**

Present: Eileen Eklund, 1 Edgewood Drive, Barrington, RI

In the audience:

Roberta Thompson, 21 Fredrick Drive, Barrington, RI  
Mark Hanchar, 25 Frederick Drive, Barrington, RI  
Peter & Rosemary Graham, 6 Edgewood Drive, Barrington, RI  
Sue Axelrod, Barrington, RI  
Steven Rondo, 17 Edgewood Drive, Barrington, RI

The following items were submitted as exhibits:

- Photos of conditions on Edgewood Drive
- Photos of conditions on Frederick Drive

Ms. Eklund opened by reading a letter she had written and included with her application, highlighting why she was seeking relief. She had recently purchased the house and is a single mother with four children - two working adults and two in college. In total they own six cars. She has made an effort to clear out one of the garage stalls, and once the school year began she has made sure none of the cars are parked on the street. Ms. Eklund stated that this would not be a long-term situation, as she anticipates her adult children will be moving out when possible. Therefore, she would be amenable to any time-limit conditions proposed by the Board.

Mr. Kraig read into the record two letters in opposition to the proposal. In addition, several abutting neighbors spoke in opposition to the proposal, citing the following concerns:

- The overall safety of the plat – there are 54 homes in the neighborhood and with cars parked on the road at the top of the hill, it can create difficulty with vision clearance
- Cars parked along the street have created a hazard in the past, leading to accidents
- Excessive cars and cars parked on the grass change the overall character of the neighborhood and may have a negative impact on the value of the homes
- Where will the excess cars will be parked when there is snow on the ground

Ms. Eklund replied that her family no longer parks on the street, nor on the lawn. She presented photos of the neighborhood showing various other cars parked on the street.

Mr. Teitz stated that he had some concern with Mr. Speaker's interpretation of the ordinance and would like to speak with Mr. Speaker before proceeding further. Mr. Kraig advised the applicant that the matter would need to be continued; however, he recommended Ms. Eklund gather the following information prior to the next meeting:

- Clear picture of the house with the driveway, showing accurate measurements of the size and length of the driveway
- Consideration of how the parking and snow removal will be handled during storm events

**MOTION:** Mr. Freel moved to continue this matter to the November 18, 2010 meeting.  
Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

**Application #3598, Roland Ohsberg, 42 Aberdeen Road, Riverside, RI 02915, applicant, Ken and Constance Klein, 19 Bicknell Avenue, Barrington, RI 02806, owners, for permission to raise roof and increase size of bathroom and bedrooms; Assessor's Plat 1, Lot 181, R-10 District, 19 Bicknell Avenue, Barrington, RI 02806, requiring relief for setback from Spring Avenue as well as existing non-conforming lot coverage.**

Present: Roland Ohsberg, 42 Aberdeen Road, Riverside, RI

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

Mr. Ohsberg explained that the owners are seeking to expand the second story of their house. Currently, the second floor has knee-walls with pronounced angles, limiting the overall functionality of the space. They would like to raise the roof in order to construct straight walls. The house currently does not conform to the setback or lot coverage requirements; the proposal will not increase either nonconformance.

Mr. Rizzolo expressed concern about the overall scale of the house in relation to the surrounding homes, as well as the proposal to include in the project unfinished space and the limited number of windows. Mr. Ohsberg explained that the owners are seeking only to create two bedrooms at this time; the unfinished space will be used for storage. He also replied that he is limited in his ability to alter the design of the second floor as he is utilizing the existing structure. He did, however, note that the owners have requested that additional windows be placed on the second floor.

**MOTION:** Mr. Ridlon moved to approve the application. Mr. Freel seconded the motion and it was approved 4-1, with Mr. Rizzolo dissenting.

**DISCUSSION:**

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

- The proposal will go no closer to the lot lines than the existing structure, nor will the lot coverage increase
- There will be no significant impact on the surrounding neighborhood

Mr. Rizzolo stated he was opposed to the application for the following reasons:

- The proposal will alter the general characteristic of the surrounding neighborhood
- The request is not the least relief necessary

**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 #3599, Wendy Lin, 39 South Eagle Nest Drive, Lincoln, RI 02865, applicant, S.T.A. Associated, Inc., John St. Angelo, 33H Kent Street, Barrington, RI 02806, owner, for permission to open a take-out restaurant; Assessor's Plat 23, Lot 109, Business district, 1 Waseca Avenue, Barrington, RI, 02806, requiring a Special Use Permit.**

Present: Wendy Lin, 39 South Eagle Nest Drive, Lincoln, RI

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

Ms. Lin explained that she is seeking to open a take-out Asian food restaurant in the building at 1 Waseca Avenue. There will be no table service; however, there will be places for customers to sit while waiting for their orders to be prepared. Ms. Lin proposed to utilize the existing dumpster and the Building Official has stated that the parking is adequate for a take-out restaurant. The proposed hours would be approximately 10:30 a.m. to 9:30 p.m., seven days a week.

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

**DISCUSSION:**

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

- The proposal is consistent with the intent of the Comprehensive Community Plan
- The parking is adequate and the peak hours of the proposed business are different from the hours of the existing businesses in the plaza
- The traffic flow is adequate for the proposal

**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.

**MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Mr. Freel and seconded by Mr. Venuti to accept the September 16, 2010 Zoning Board of Review minutes with changes. The motion carried unanimously (5-0).

**ADJOURN:**

There being no other business, Mr. Freel moved to adjourn at 9:35 P.M. Mr. Rizzolo seconded the motion and the meeting was adjourned.

Respectfully submitted,

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