

ZONING BOARD OF REVIEW

Barrington, Rhode Island

APRIL 15, 2010

APPLICATION: #3566, 3567 & 3568

MINUTES OF THE MEETING:

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

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

At 7:04 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. Peter Dennehy arrived at 7:22 p.m. and participated in the matters heard after that time. At 8:23 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 #3566, Michael LaFlamme Construction, 19 Robbins Drive, Barrington, RI 02806, applicant, Richard and Carol Derienzo, 15 Quincy Adams Road, Barrington, RI 02809, owners, for permission to remove existing sunroom and construct new sunroom, reduce the size of existing deck, replace deck boards and remove exterior shower enclosure; Assessor's Plat 26, Lot 269, R-25 District, 15 Quincy Adams Road, Barrington, RI 02806, requiring relief for being within 100' of wetlands and the wetlands overlay district.

Present: Michael LaFlamme, 19 Robbins Drive, Barrington, RI
Richard Derienzo, 15 Quincy Adams Road, Barrington, RI

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

Before this matter began, Mr. Kraig disclosed that he was an abutter, although he could not see the subject house from his house; he stated that he would not be at all affected by the proposed changes and believed that he could render an objective opinion. Mr. Freel disclosed that his office had a professional connection to the applicant; however, he felt that it would not create a conflict.

The applicants explained that they are seeking to remove the existing sunroom and construct a 12' x 20' enclosed sunroom. They are seeking to raise the windows, whose level is such that presently, from the living room, the headers are in the line of sight, which necessitates raising the roof. They will be utilizing the existing foundation and thus will be within the same footprint. The new construction will go no closer to the wetlands than the existing structure and the overall lot coverage will be slightly reduced due to the removal of an exterior shower.

Mr. Kraig read into the record the favorable recommendation from the Conservation Commission.

MOTION:

Mr. Blasbalg moved to grant the application with the following conditions:
➤ Erosion controls during construction of the sunroom and adjacent patio
➤ Patio to be constructed of non-mortared pavers, stones, or other pervious construction methods
Mr. Feel 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 proposed altered structure will remain within the existing footprint
➤ The addition will go no closer to the wetlands than the current structure
➤ The total lot coverage will be reduced
➤ The proposal will allow the homeowners better use and enjoyment of their property

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 #3567, Paul and Denise Languirand, 10 Starbrook Drive, Barrington, RI 02806, applicants and owners, for permission to construct a south side 15.9' x 24' addition connecting to rear 28' x 12' addition, and a 5' x 24' garage addition, 31' x 22' second-story addition above the garage; Assessor's Plat 32, Lot 371, R-25 District, 10 Starbrook Drive, Barrington, RI 02806, requiring dimensional relief for exceeding lot coverage and side yard setback.

Present: Paul and Denise Languirand, 10 Starbrook Drive, Barrington, RI

In the audience:

Robert Burns, 7 Starbrook Drive, Barrington, RI
Tracy Boothman, 200 New Meadow Road, Barrington, RI

The applicants explained that they have lived at 10 Starbrook Drive for 10 years and their family has outgrown their home; therefore, they are seeking to construct additions to both their house and garage. The garage addition would increase the overall size of the garage to a width of 18.5 feet, allowing enough space for one car and storage space to the side.

There would be a mudroom/laundry room addition between the redone garage and the main body of the house as well as new kitchen and living room space. The final addition would be a master bedroom/bathroom over the garage. It was noted that the rear additions did not need zoning relief; the applicants were seeking relief for lot coverage and side yard setback. The applicants also noted that there was a 10' Town-owned right-of-way between their property line and the next property.

The Board discussed with the applicants the need for a garage as wide as proposed, and particularly, why the garage could not be made deeper rather than wider, to provide the storage space needed. The applicants explained that they had items such as canoes suspended from the rafters of the garage, and it would be very difficult to access such suspended items if they were behind a car in the garage, as opposed to alongside the car as they proposed.

Mr. Kraig read into the record a letter of support from Fran and Allen Shepperton of 5 Starbrook Drive. Mr. Burns also spoke in support of the application.

Ms. Boothman voiced concerns with the potential impact of the additions on her back yard, which abuts the Languirand's rear yard, as well as the possible loss of trees and the possibility of the applicant moving their fence. The Languirands assured Ms. Boothman that they had no intention of moving their fence, nor do they plan to remove the existing trees along the property line. Ms. Boothman also reviewed the proposed site plan and realized that it would not have the impact on her property that she had originally anticipated, although she stated that she still opposed granting the zoning relief sought.

MOTION: Mr. Freel moved to approve the application. Mr. Venuti 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 family of five has outgrown their 1700 square-foot space
- The right-of-way will minimize the impact on the abutting neighbor where the relief has been requested
- There were two neighbors who spoke in support of the application
- The objector's concerns were irrelevant to the relief requested; those concerns that were relevant had been addressed

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 #3568, Saffron's Restaurant, LLC, 308 County Road, Barrington, RI 02806, applicant and lessee, Barrington Construction Company, 306 County Road, Barrington, RI 02806, owner, for permission to add outdoor seating with six tables, seating 12-24 patrons; Assessor's Plat 23, Lots 13 and 292, Business District, 308 County Road, Barrington, RI 02806, requiring a Special Use Permit.

Present: Bob and Denise Dillion, 59 Sowams Road, Barrington, RI

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

Mr. and Mrs. Dillion, owners of Chiazza Restaurant, explained that their patrons have been requesting outdoor seating for some time and since their attendance declines over the warmer months, they would like to offer some outdoor seating to attract more customers during that season. They are seeking to place six four-seat tables in front of the building. There are planters to provide a buffer between the seating area and the parking lot, handicap access (which is currently available at either end of the plaza sidewalk) will be provided in front of the restaurant. There is adequate on-site parking available for the plaza.

The Board reviewed the standards in §185-107 with the applicants and found the proposal to be in compliance with those standards. There was some concern expressed by the members of the Board regarding the fact that pedestrian access through the table area would be somewhat difficult; however, the fact that there are multiple access points to and from the sidewalks, and to the various businesses in the plaza, helped mitigate the issue. The Board also acknowledged the fact that there would need to be adequate access for wait-staff to service the tables. The applicant advised that the screening of the seating area would meet the requirements of the standard, and there are two litter barrels in the area. It was also established that there is existing lighting that does not project beyond the property, and there will be no music or entertainment outside or transmitted to the outside area.

The Board then reviewed the standards in §185-108 with the applicants. Mr. Dillion felt that he would be able to comply with those requirements, acknowledging that he understood that the tables would need to be cleared of patrons by 7:00 p.m. and if he wishes to extend those hours and/or his liquor license to the outdoor tables he would need to petition the Town Council.

MOTION: Mr. Freel moved to approve the application with the following condition:
➤ A handicap ramp must be install at the entrance to the restaurant
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 would create additional activity in the downtown area
- The proposed use is an appropriate use of the site
- The walkway is a private walkway, not a public thorough-fare

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-107 have been met. That: A) Outdoor seating or display shall not block handicapped or pedestrian access, B) Outdoor seating areas shall be distinguished from parking areas by solid, uninterrupted concrete or granite curbs and landscaping which physically separates the outdoor seating area from parking, C) There shall be at least one parking space for each four seats beyond the parking spaces required for the indoor seating, D) There shall be at least one readily visible litter barrel for every 12 seats, E) The outdoor seating area shall be screened from parking, sidewalks and/or street by a landscaping strip, plants or fencing at least four feet in height and not more than six feet in height. All such screening materials must be secured so as not to create a hazard and F) All exterior elements shall be uniform and complement the colors and architecture of the adjacent buildings.

The Board also found that the standards in Section 185-108 have also been met. That: A). Employees will clear tables and monitor adjacent areas for litter on a regular schedule, B) Hours of operation will be limited to the periods from 9:00 a.m. until 7:00 p.m., Monday through Saturday, and from 12:00 noon until 7:00 p.m. on Sunday, C). All lighting shall be focused directly onto the seating area and away from abutting properties, D) No music or entertainment, live or transmitted, shall be permitted, E) No advertising or promotional materials shall be applied or attached to, or otherwise included in, any exterior elements, including table umbrellas.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Venuti and seconded by Mr. Rizzolo to accept the March 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 8:58 P.M. Mr. Venuti seconded the motion and the meeting was adjourned.

Respectfully submitted,

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