

ZONING BOARD OF REVIEW

Barrington, Rhode Island

June 16, 2011

APPLICATIONS: #3627, 3628, 3629, 3630 & 3631

MINUTES OF THE MEETING:

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

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

At 7:03 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 9:06 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.

Application #3627, Ralph Cardente, 11 Frederick Drive, Barrington, RI 02806, applicant, Margaret R. Cummings, 28 Beaver Road, Barrington, RI 02806, owner, for permission to construct a 18' x 12' family room addition and a 12' x 12' deck; Assessor's Plat 14, Lot 89, R-10 District, 28 Beaver Road, Barrington, RI 02806, requiring dimensional

relief for rear yard setback.

Present: Paul Cedergren, contractor, 11 Frederick Drive, Barrington, RI

Margaret R. Cummings, 28 Beaver Road, Barrington, RI

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

The applicants stated that they are seeking 2'6" of relief in order to build an 18' x 12' family room addition, with a 12' x 12' deck. The proposed location would allow the new construction to be accessed via the kitchen. Ms. Cummings explained that the space is needed for her two children to play, as the home is a very small, single-story house and space is quite limited.

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

DISCUSSION:

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

„« The request for relief is minimal

„« The house is located far back on the lot, leaving little space in the backyard

„« The existing layout is very restrictive

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 #3628, Katherine Morse, 10 Elm Lane, Barrington, RI 02806, applicant and owner, for permission to construct a 6' fence; Assessor's Plat 5, Lot 55 R-40 District, 20 Elm Lane, Barrington, RI 02806, requiring dimensional relief for fence height.

Present: Katherine Morse, 10 Elm Lane, Barrington, RI

Kevin Hennessey, Contractor,

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

Before the presentation began, Mr. Teitz stated that this application was not correctly noticed. He stated that the plan did not define where the proposed fence would be six feet and where it would be four feet; therefore, an interested party would not be sufficiently informed. Accordingly, this item would need to be continued and re-noticed, and the applicants would need to provide a site plan defining the fence height.

MOTION: Mr. Ridlon moved to continue the matter to the July 21, 2011 meeting. Mr. Freel seconded the motion and it carried unanimously (5-0).

Application #3629, Eugene C. and Judith Butterfield, 9 Highview Avenue, Barrington, RI 02806, applicants and owners, for permission to unmerge lots: Assessor's Plat 14, Lot 18, R-10 District, 9 Highview Avenue, Barrington, RI 02806, requiring relief for unmerging lots as well as side yard setback for existing garage.

**Present: Eugene Butterfield, 9 Highview Avenue, Barrington, RI
John Simone & Anthony DeSisto, attorneys for the applicant, 450
Veterans Memorial**

Parkway, Suite 103, East Providence, RI

David Gardner, surveyor, David D Gardner & Association Inc., 200

Metro Center Blvd,

Warwick, RI

In the audience:

Alice Fahey, 9 Elton Road, Barrington, RI

The applicants explained that 9 Highview Avenue had originally been two lots, lot 18 and lot 19. They had been merged by ordinance because lot 19 was a substandard lot under common ownership with lot 18. Currently Mr. Butterfield owns the property and there is a house and garage on lot 18. He is seeking to unmerge the lots in order to build a smaller house on lot 19, since he desires to downsize, but would like to remain in the neighborhood. Therefore, they are seeking a Special Use Permit in order to unmerge the lots and a side yard variance for the existing garage on lot 18.

The applicants sought to demonstrate that the proposal was in keeping with the Comprehensive Community Plan as well as the standards outlines in §185-26 and 29. The Board expressed concern that the smaller proposed lot was smaller than those in the surrounding 200' area. Mr. DeSisto countered that while not as large as the surrounding lots, it was generally in keeping with the character of the surrounding area.

Ms. Fahey spoke in opposition to the application, noting that previous owners had tried to unmerge the lots and they had been denied because the unmerged lot would be unbuildable. She also expressed

concern about the potential for a precedent being set, enabling many other lots in the area to be unmerged and generally overdevelop the area. However, Ms. Fahey was not able to explain in exactly what way the unmerged lot would be unbuildable, nor could she point to other lots in the area that could be unmerged. Mr. DeSisto noted that the area had previously been zoned R-25, but had become R-10 in 1986.

The Board stated that there are a number of unanswered questions and suggested the applicants return with the following information:

„« When were lots 18 and 19 originally merged?

„« Why were lots 18 and 19 originally merged?

„« Was there a previous application to unmerge these lots that was denied?

„« Are there other lots within the 200' radius that have the potential to be unmerged?

„« Have there been other lots within the 200' radius that have applied to be unmerged and have been approved or denied?

MOTION: Mr. Freel moved to continue the application to the September 15, 2011 meeting. Mr. Venuti seconded the motion and it carried unanimously (5-0).

Application #3630, Denyse Rourke, 220 Narragansett Avenue, Barrington, RI 02806, applicant and owner, for permission to add a 17 square foot deck and screen room: Assessor's Plat 1, Lot 453, 220 Narragansett Avenue, Barrington, RI 02806, requiring dimensional

relief for side yard setback as well as exceeding lot coverage.

**Present: Denyse Rourke, 220 Narragansett Avenue, Barrington, RI
Marilyn Netter, daughter of applicant**

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

Ms. Rourke stated that she currently has an 8.5' x 10' deck on her property; however, she would like to screen it in order better to enjoy her yard without interference from insects. Two feet would need to be added to the deck in order to accommodate the roof properly. It was noted that the proposed addition would be no closer to the lot line than the existing house.

MOTION: Mr. Venuti moved to approve this application. 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 relief requested is quite minor

„« The need for relief is reasonable

„« The impact on the surrounding area will be negligible

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 #3631, Meridian Custom Homes, 1 Richmond Square, Providence, RI 02906, application, Clive Watkins and C. Tasha Sprague, 1005/30 Konuiktsua, Prague, Czech Republic, owners, for permission to demolish the existing structure and create a new 28' x 46' single-family home with a 24' x 24' attached garage; Assessor's Plat 3, Lot 87, R-10 District, 61 Annawamscutt Road, Barrington, RI 02806, requiring relief for being within 100' of a wetlands/waterbody.

Present: Christopher Kelly, Meridian Custom Homes, 1 Richmond Square, Providence, RI

In the audience:

Jay Romano, Barrington Conservation Commission

The following item was submitted as an exhibit:

„« Site plan reflecting the re-delineated wetlands

Mr. Kelly explained that after meeting with the Conservation Commission they had the wetlands re-delineated. Upon doing so it was determined that the wetlands were closer to the proposed building envelope than originally envisioned, created a great potential impact on the wetlands setback. The applicants desire to move the building envelope forward in order to be outside the setback area. Therefore, zoning relief would no longer be required and they have requested the application be withdrawn.

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

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Freel and seconded by Mr. Dennehy to accept the May 19, 2011 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 9:18 P.M. Mr. Venuti seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor