

# **ZONING BOARD OF REVIEW**

**Barrington, Rhode Island**

**August 22, 2011**

**APPLICATIONS: #3626, 3628, 3632 and 3633**

## **MINUTES OF THE MEETING:**

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

**Also present was solicitor Nancy Letendre and Building Official Robert Speaker.**

**At 7:02 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 8:48 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 #3626, R.J. Plante II, 540 Matunuck Beach Road, South Kingstown, RI 02879, applicant, Francine Soldi, 27 Half Mile Road, Barrington, RI 02806, owner, for permission to create a library addition; Assessor's Plat 24, Lot 172, R-25 District, 27 Half Mile**

**Road, Barrington, RI 02806, requiring relief for being within 100' of a wetlands/waterbody.**

**Present: Anthony DeSisto, attorney for the applicant, 450 Veterans Memorial Parkway, Suite 103,  
East Providence, RI**

**Francine Soldi, 27 Half Mile Road, Barrington, RI**

**Scott Rabideau, wetlands biologist, Natural Resource Services, Inc.**

**In the audience:**

**Cyndee Fuller, Barrington Conservation Commission**

**Andy Reich, 21 Half Mile Road, Barrington, RI**

**The following item was submitted as an exhibit:**

**&#61656; CV for Scott Rabideau**

**Mr. DeSisto opened by explaining that the applicants are seeking to create a library/study addition to their home. There is no setback relief being requested and Mr. DeSisto asserted that the addition would not have an impact on the wetlands due to the proposed storm water treatment as well as the fact that there would be no additional cars or people in the home.**

**Mr. Rabideau reviewed the revised site plan, denoting the wetlands edge and reviewing the storm water management plan. The plan included vegetative screening, swales and/or rain gardens. It was**

noted that the rain gardens must be at least fifty feet from the wetlands edge. Mr. Kraig then read into the record the recommendation of the Conservation Commission. Ms. Fuller explained that under the Conservation Commission's regulations, they view the proposed drainage as an improvement to the site.

The Board brought up concerns regarding how the proposal meets the standard of 'least relief necessary', due to the overall scope of the proposal. Additionally, they also asked Mr. DeSisto if he could demonstrate the hardship that would be suffered by the owner, without relief, that would amount to more than a mere inconvenience. Mr. DeSisto countered that the proposal was the least relief necessary because of the proposed overall improvement to the wetlands runoff. Mr. DeSisto also asserted that inasmuch as the only element of the Zoning Ordinance that the applicant was seeking relief from was the wetlands setback, and since both the applicant's expert and the Conservation Commission had concluded that the net effect of the applicant's plan would be to improve the situation vis-à-vis the wetlands, the Board could not consider other standards such as least relief necessary. Members of the Board disagreed with this reading of the ordinance and its application to this matter.

After some consideration of the concerns of the Board, Mr. DeSisto asked that the matter be continued to allow for further contemplation of the proposal.

**MOTION: Mr. Freel moved to continue the application to the October 27, 2011 meeting, noting that any revised plans would be due to the Secretary by September 15, 2011. Mr. Venuti seconded the motion and it carried unanimously (5-0).**

**Continuation of application #3628, Katherine Morse, 20 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.**

**The applicants were not present to speak for the application. Due to the fact that this was the second month that the applicants were not present, the Board determined that it would not continue the application again.**

**MOTION: Mr. Freel moved to deny the application without prejudice. Mr. Venuti seconded the motion and it carried unanimously (5-0).**

**Continuation of application #3632, Thomas Siedzik, 14 Edwin Street, Barrington, RI 02806, applicant and owner, for permission to renovate and enlarge existing porch, create a mudroom addition and a half-bath addition: Assessor's Plat 1, Lot 110, R-10 District, 14 Edwin Street, Barrington, RI 02806, requiring dimensional relief for front and side setbacks, as well as being within 100' of wetlands/waterbody.**

**Present: Thomas Siedzik, 14 Edwin Street, Barrington, RI**

**The following item was submitted as an exhibit:**

**&#61656; Photo of existing conditions**

**Mr. Siedzik explained that his proposal has two parts. The first is to create a 145 square foot single-story addition in order to create a bathroom on the first floor, as there is no first floor bathroom currently. The addition would have no basement and it would be built to match the current house height.**

**The second part of the proposal is to remove the mudroom from its existing location on the front of the house and place it on the rear, moving it farther away from the water and creating better flow for the home. The porch would be enlarged and rebuilt in essentially its current location, but it would be closer to the front property line and the waterbody; it would be in line with the setbacks of the adjacent houses. The new mudroom would be over 90 feet from the costal feature. Both proposals would total far less than 20% of the home's value as well as improve the quality and safety of the home.**

**Mr. Kraig read into the record the recommendation of the Conservation Commission recommending approval of the application with conditions.**

**MOTION: Mr. Venuti moved to grant this application with the**

**following conditions:**

**&#61656; The addition will be no closer to the water than the adjacent house to the south**

**&#61656; Adequate erosion controls must be installed prior to any ground-disturbing work and remain in place and functional until all ground-disturbing work is finished**

**Mr. Freel 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:**

**&#61656; The home will be more structurally sound with the proposed changes**

**&#61656; The homeowner needs a first-floor bathroom**

**&#61656; The access to the home will be greatly improved**

**&#61656; The home will be in character with the other homes in the neighborhood**

#### **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 #3633, Thomas and Laurie Lennon, 28 Highland Avenue, Barrington, RI 02806, applicants and owners, for permission to create a master bathroom addition over existing sun porch; Assessor's Plat 9, Lot 99, R-10 District, 28 Highland Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback.

Present: Thomas Lennon, 28 Highland Avenue, Barrington, RI

Mr. Lennon explained that he is seeking to build a master bathroom addition over the existing garage. Currently there is one bathroom on the first floor and one on the second, which is insufficient for his family's needs. It was noted that the proposed changes would be no closer to the lot line than the existing garage.

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

## **DISCUSSION:**

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

• The relief request is minimal

• The lot is a corner lot, creating two front yard setback requirements for the owners

## **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. Venuti and seconded by Mr. Freel to

**accept the July 20, 2011 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 9:03  
P.M. Mr. Venuti seconded the motion and the meeting was adjourned.**

**Respectfully submitted,**

**Valerie Carroll, Secretary**

**Thomas Kraig, Chairman**

**cc: Andrew Teitz, Solicitor**