

# **ZONING BOARD OF REVIEW**

**Barrington, Rhode Island**

**September 15, 2011**

**APPLICATIONS: #3629, 3635, 3636, 3637, 3638, 3639 and 3640**

## **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 and Building Official Robert Speaker.**

**At 7:06 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear applications 3629, 3635, 3636 and 3637. At 8:26 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on those applications.**

**At 9:17 P.M. the public participation portion of the meeting was re-opened so that the Board could hear applications 3638, 3639 and 3640. At 11:12 P.M. the public participation portion of the meeting was once again closed and the Board deliberated and voted on those applications that had not been continued.**

**Continuation of 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: Anthony DeSisto, attorney for the applicant, 450 Veterans Memorial Parkway,**

**Suite 103, East Providence, RI**

**Eugene Butterfield, 9 Highview Avenue, Barrington, RI**

**David Gardner, engineer, David Gardner & Associates, 200 Metro Center Blvd, Warwick, RI**

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

**The following items were submitted as exhibits:**

**„« Chain of title for Plat 14, Lot 18**

**„« Plat Map for Lindy Plat dated 9/1928**

**„« Plat Map for Vero Park Plate dated 5/17/1955**

**Mr. DeSisto opened by addressing the questions raised by an abutter and the Board at the July 2011 meeting. He stated that the lots were merged in 1998; however, his research did not uncover any other lots in the surrounding neighborhood that had been merged. The only**

other lot that had the potential to be split was a 26,000 square foot lot on the corner of High and Carlton streets, which could be divided via an Administrative Subdivision.

Mr. DeSisto noted that if the proposal were approved, it would create one conforming (if sideyard relief were granted for the garage), and one substandard lot; however, the smaller lot would only be 697 square feet short of the 10,000 square foot minimum required. The Board expressed concern with the fact that the proposed smaller lot would be non-conforming and it would be the smallest lot in the immediate vicinity. It was also noted that Section 185-27. B. references the Primrose Hill district as one with very little capacity for further development and with numerous substandard original lots which, without the merger requirement, would result in a degradation of the character of the neighborhood and an overloading of the public infrastructure thereof.

**MOTION:** Mr. Venuti moved to deny the application. Mr. Freel seconded the motion and it carried unanimously (5-0).

**DISCUSSION:**

The Board members stated they supported denying the application for the following reasons:

„« The proposal would not be in harmony with the lots in the surrounding area

„« The smaller lot would be smaller than any other lot in the

**immediate vicinity**

**REASON FOR DECISION:**

**It was the judgment of the Board that the standards in Section 185-73 have NOT been met: B) It will not be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan and D) It will substantially or permanently injure the appropriate use of the property in the surrounding area or district. In addition, the standard set forth in Section 185-29 has not been met in that the lots, as unmerged, will not be of a size generally in conformance with the size of developed lots in the immediate vicinity.**

**Application #3635, Amiee J. Shelton, 28 Walter Street, Barrington, RI 02806, applicant and owner, for permission to install an eight-foot fence; Assessor's Plat 22, Lot 144, R-10 District, 28 Walter Street, Barrington, RI 02806, requiring relief for fence height.**

**Present: Amiee J. Shelton, 28 Walter Street, Barrington, RI**

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

**Ms. Shelton explained that she is seeking to place a six-foot fence on top of a two-foot retaining wall along her rear yard. Both the wall and the fence are located on her property; however, her lot is set two feet**

lower than the rear neighbor's yard. Therefore, from the neighbor's perspective it would only appear to be a six-foot high fence. Ms Shelton also noted that earlier this year a similar fence had been approved for another home in the neighborhood.

**MOTION:** Upon a motion by Mr. Freel, with a second by Mr. Rizzolo, the Board unanimously

(5-0) moved to grant this application with the following condition:

„« The six-foot height must begin at least 12 feet from the property line on Roffee Street.

**DISCUSSION:**

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

„« Due to the grade change the fence will appear to be six feet

„« The fence works with the character of 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 #3636, Larry and Susan Ginsburg, 21 Knapton Street, Barrington, RI 02806, applicants and owners, for permission to construct a 21'9" x 11'11" bedroom addition; Assessor's Plat 35, Lot 178, R-25 District, 21 Knapton Road, Barrington, RI 02806, requiring relief for front yard setback as well as being within 100' of a wetlands/waterbody.

Present: Ron Eaton, builder, Capitol Building and Design, Swansea, MA

In the audience:

Cyndee Fuller, Barrington Conservation Commission

Before testimony began, Mr. Kraig read the recommendations from the Conservation Commission into the record supporting this proposal.

**Mr. Eaton, speaking on behalf of the homeowners, explained that they are seeking to create a bedroom addition to better accommodate the family's needs. They had originally considered placing the addition on the east side of the property, which would not have required setback relief, but would have had a greater impact on the wetlands as well as a negative impact on a popular water view for the neighborhood. Therefore, they would like to place the bedroom on the front of the house, which does require additional front setback relief but lessens the overall impact on the neighborhood and wetlands.**

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

**„« Erosion control measures (silt fence/hay bales) are to be in place around the work area prior to and during all soil disturbance activities, including along the eastern side of the house where land is open to the cove.**

**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 proposal preserves open space**

**„« The proposal is the best option for the surrounding neighborhood as well as the wetlands**

**„« There were no objectors to the proposal**

## **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 #3637, Geoffrey Allen and Michelle Forcier, 88 Bay Road, Barrington, RI 02806, applicants and owners, for permission to extend existing deck, relocate porch stoop and extend roof over second floor balcony; Assessor's Plat 10, Lot 69, R-10 District, 72 Lorraine Street, Barrington, RI 02806, requiring relief for front yard setback, side yard setback, rear yard setback and for exceeding lot coverage.**

**Present: Geoffrey Allen, 88 Bay Road, Barrington, 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 applicants explained that since their initial approval in December 2010, they have revised their plans. The changes include adding an airlock, reducing the size of the front porch, adding a back stoop and removing a cantilevered deck. The end result of the proposal will be a better fit for the neighborhood as well as safer conditions on the stairs. It was noted that Mr. Allen has spoken with his neighbors about the proposed changes, and no one had any objections.**

**MOTION: Mr. Ridlon, with a second by Mr. Rizzolo, moved to grant this application. The motion passed unanimously (5-0).**

**DISCUSSION:**

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

**„« The proposal was a revision of a prior approval, and an improvement to the site**

**„« The redesign is safer and a better fit for the neighborhood**

**„« There were no objectors to the proposal**

## **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 #3638, The Grapes of Wrath, Ltd. 75 Sowams Road, Barrington, RI 02806, applicant and lessee, Wild Flower Realty, 233 Waseca Avenue, Barrington, RI 02806, owner, for permission to create a Class A Liquor Store; Assessor's Plat 23, Lot 196, Neighborhood Business District, 233 Waseca Avenue, Barrington, RI 02806, requiring a Special Use Permit.**

**Present: Robert Healey, Jr. 75 Sowams Road, Barrington, RI**

**In the audience:**

**Leslie Feil, 260 Waseca Avenue, Barrington, RI**

**Duncan Maio, 115 Alfred Drown Road, Barrington, RI**

**Mr. Healy explained that he is seeking to open a Class A liquor establishment on Waseca Avenue, a Neighborhood Business zone. He would be utilizing an existing building, currently a flower shop and medical office, and he is not proposing any changes to the building. The site currently has 13 parking spaces as well as a loading zone. His planned hours of operation are 12:00 PM – 9:00 or 10:00 PM, Monday thru Saturday, but he may open Sunday if there is demand. Deliveries will be 8:00 a.m. – 4:00 p.m. in the rear of the building and trash will be handled via a dumpster on site. Mr. Healey explained that deliveries are essentially at the convenience of the suppliers and he will have limited ability to control the timing.**

**The driveway is 35 feet wide, except at the handicap parking space, which, together with a raised concrete area at the right front of the building, serves to reduce the width of the driveway. There is availability to exit from the other side of the property so long as there is not a delivery vehicle parked there. Mr. Healy plans on utilizing only the rear door for customers in order to better monitor his customers.**

**Mr. Healy asserted that his proposal is in harmony with the**

**Comprehensive Community Plan, specifically the Economic Development section, as it helps to create a business anchor for the Waseca area. He also noted that his proposed location is not a draw for teens, but it will help bring additional business to the surrounding establishments.**

**Ms. Feil expressed concern with the parking conditions and the ingress / egress provisions, noting that currently at the site patrons park in the front with the cars overlapping into the street. Mr. Maio spoke in support of the application, citing the Comp Plan and the need to shift to a more "walkable" town center.**

**The Board stated there were some serious concerns with the parking plan and traffic flow. As the proposal is currently presented, there are issues with the door locations, parking plan, and traffic flow. There may be a need to shift the handicapped parking spaces if the rear door is to be used and two-way traffic and turning radius behind the building may be difficult to achieve with the current proposed configuration.**

**MOTION: Mr. Venuti moved to continue the application to the October 27, 2011 meeting in order to allow the applicant time to reevaluate and revise his plans for door use, parking and traffic flow, with any revised materials due to the Secretary by October 13, 2011. Mr. Freel seconded the motion and it carried unanimously (5-0).**

**Application #3639, Giovanni D. Cicione, Esq., 282 County Road, Suite #2, Barrington, RI 02806, applicant, ACP Shopping Center Associates, LLP, 76 Dorrance Street, Providence, RI 02903, owners, Brickyard Wine & Spirits, 282 County Road, Barrington, RI 02806, lessee, for permission to create a Class A Liquor Store; Assessor's Plat 24, Lot 107, Business District, 180 County Road, Barrington, RI 02806, requiring a Special Use Permit.**

**Present: Giovanni D. Cicione, Esq., 282 County Road, Suite #2, Barrington, RI**

**In the audience:**

**Kay Chapin, Barrington, RI**

**Mr. Cicione stated that he is seeking to open a Class A liquor establishment in the shopping plaza at 180 County Road in the former AAA site. He has no significant changes proposed to the building, although he noted that he may change the door location. The hours of operation would be 10:00 a.m. to 10:00 p.m. seven days a week, with deliveries scheduled during slow periods. Mr. Cicione noted that he would be sharing a dedicated delivery zone as well as dumpsters with the CVS that shares the building. There is a 16-space parking requirement that is more than satisfied by the shared parking in the plaza and the impact on the plaza traffic will be minimal.**

**Ms. Chapin expressed concerns regarding the proposed location and its proximity to another proposed liquor establishment, as well as the potential impact of additional traffic on the corner.**

**MOTION: Mr. Ridlon moved to approve the request for a Special Use Permit. 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:**

**„« The proposed location is in an existing retail center**

**„« The proposal is in harmony with the Comprehensive Community Plan**

**„« There is adequate parking and traffic 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.**

**Application #3640, Mathew Amaral, 6 Broadview Drive, Barrington, RI 02806, applicant and lessee, Center Associates, P.O. Box 40101, Providence, RI 02940, owner, for permission to create a Class A Liquor Store; Assessor's Plat 24, Lot 182, Business District, 24 Bosworth Street, Barrington, RI 02806, requiring a Special Use Permit.**

**Present: Mathew Amaral, 6 Broadview Drive, Barrington, RI**

**Debbie Goldberg**

**Joseph Lombardo, planning consultant, 11 Grancera Drive, Hope Valley, RI**

**David Gardner, engineer, David Gardner & Associates, 200 Metro Center Blvd, Warwick, RI**

**Don Perron, property owner**

**In the audience:**

**Giovanni D. Cicione, Esq., 282 County Road, Suite #2, Barrington, RI**

**The following items were submitted as exhibits:**

**„« Survey Site Plan**

**„« CV for Joseph Lombardo**

**„« Memorandum review of proposal**

**The applicants reviewed their proposal, noting that the proposed site is currently retail and fitting for the proposed Class A liquor establishment, which is designed to be a boutique-style store occupying three of the units at 24 Bosworth Street. The applicant**

would plan to utilize one door for entry, one door as an exit, and the remaining door would remain locked, thus regulating consumer traffic. The proposed hours would be Monday ;V Thursday 10:00 a.m. ;V 8:00 p.m., Friday and Saturday 10:00 a.m. ;V 9:00 p.m., closed on Sundays.

In review of the current site survey it was noted that the building has 31 regular parking spaces and two handicapped parking spaces; however, it was noted that the handicapped spaces would need to be relocated closer to the entrance. There is a delivery area and the site will support the anticipated traffic via Bosworth Street and the adjacent shopping Plaza.

Mr. Cicione, speaking as the attorney for ACP Shopping Center, stated that his client objects to additional trucks traveling through the plaza and the impact it may have on the plaza traffic, and will take whatever steps it can take to prevent such use of its property.

Mr. Kraig read into the record a letter from Bob Rockwell, owner of Kumon of Barrington, which shares the 24 Bosworth Street building. He expressed concern about the impact of liquor sales next to an educational center. Mr. Amaral stated that he has since spoken to Mr. Rockwell and has offered to locate the locked doorway next to the Kumon building so as to reduce its impact on the center. Mr. Perron then stated that none of his tenants had expressed any concerns to him regarding this proposal.

**In closing, Mr. Lombardo reviewed his report outlining the proposal and its consistency and compliance with the Zoning ordinance as well as the Comprehensive Community Plan.**

**MOTION: Mr. Freel moved to grant the request for a Special Use Permit. 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 proposed location is within the Business District**

**„« The site has adequate parking and traffic flow**

**„« The proposal is in harmony 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.**

**MINUTES OF THE PREVIOUS MEETING:**

**A motion was made by Mr. Freel and seconded by Mr. Venuti to accept the August 22, 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 11:56 P.M. Mr. Venuti seconded the motion and the meeting was adjourned.**

**Respectfully submitted,**

**Valerie Carroll, Secretary**

**Thomas Kraig, Chairman**

**cc: Andrew Teitz, Solicitor**