

ZONING BOARD OF REVIEW

Sitting as the

ZONING BOARD OF APPEALS

Barrington, Rhode Island

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. Since Mr. Freel had not participated in the original, May 17, hearing, he did not participate in the consideration of the decision.

Also present was Mark Hadden, specially retained as counsel for the Board.

At 7:04 P.M., Mr. Kraig opened the hearing, noting that the public participation portion of the meeting had been closed at the May 17, 2012 meeting. The purpose of this meeting was to deliberate and adopt the decision drafted by Mr. Hadden as directed by the Board at the May 17th meeting.

Appeal of 251 Rumstick Road, LLC, 251 Rumstick Road, Barrington, RI 02806, from a Decision of the Building Official, Assessor's Plat 10, Lots 76 and 118, 247 Rumstick Road and 35 Fessenden Road, Barrington, RI 02806, holding that the two lots have not been merged.

Upon review of the decision drafted by Mr. Hadden, it was noted that the only necessary change was grammatical, changing "Appellant" to "Appellee" on page 2, paragraph 2, second sentence.

MOTION: Mr. Venuti moved to accept and adopt the decision to deny the appeal with the noted change. Mr. Ridlon seconded the motion and it carried unanimously (5-0).

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Venuti and seconded by Mr. Dennehy to accept the May 17, 2012 Zoning Board of Appeals minutes with changes. The motion carried unanimously (5-0).

ADJOURN:

At 7:20 P.M. Mr. Venuti moved to adjourn the meeting. Upon a second from Mr. Ridlon the meeting was unanimously (5-0) adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

cc: Mark Hadden

ZONING BOARD OF REVIEW

Barrington, Rhode Island

June 21, 2012

APPLICATIONS: #3671, 3673, 3674 & 3675

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 as well as Building Official Robert Speaker.

At 7:02 P.M. Mr. Kraig opened the meeting. At 7:04 the Board of Review temporarily adjourned in order to meet as the Zoning Board of Appeals. At 7:22 the Board of Review meeting was reopened and the Board proceeded to hear the following matters. At 7:44 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.

Continuation of application #3671, Carol Bell, 39 Shore Drive, Barrington, RI 02806, applicant and owner, for permission to raise garage roof and add a small connection between current residence and proposed modification; Assessor's Plat 1, Lot 281, R-10 District,

296 Narragansett Avenue, Barrington, RI 02806, requiring dimensional relief for side yard setback, rear yard setback, exceeding lot coverage as well as for being within 100 feet of a wetlands/waterbody.

Mr. Kraig read into the record a request from the applicant to withdraw this matter without prejudice.

MOTION: Upon a motion by Mr. Freel, with a second by Mr. Venuti, the Board voted unanimously (5-0) to withdraw this application without prejudice.

Application #3673, Judy Chong, 41 Miller Street, Barrington, RI 02806, applicant and owner, for permission to replace existing fence with a six-foot fence; Assessor's Plat 29, Lot 75, R-10 District, 41 Miller Street, Barrington, RI 02806, requiring dimensional relief for fence height.

Present: Judy Chong, 41 Miller Street, Barrington, RI

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

Ms. Chong explained that she has recently installed a pool in her yard and the Town requires 5-foot fence protection around swimming pools. She is seeking a six-foot fence in order to provide greater security for the pool as well as privacy for those utilizing the pool and

yard. She asserted that the proposed fence would not impact the sight lines as it is well back from the corner - nor will it impair her neighbor's front-yard view.

MOTION: Mr. Freel moved to grant 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 home is located on a corner lot and due to its configuration, the fence would have a minimal impact on the neighborhood

„« The need for privacy and security is better served by a six-foot fence rather than a five-foot fence.

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 #3674, John and Susan Wood, 23 Brook Street, Barrington, RI 02806, applicants and owners, for permission to build a new front porch; Assessor's Plat 12, Lot 287, R-10 District, 23 Brook Street, Barrington, RI 02806, requiring dimensional relief for setback from Hope Court.

Present: John and Susan Wood, 23 Brook Street, Barrington, RI

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

The applicants explained that they are seeking to construct a front porch within the existing space in front of their kitchen. While the proposed porch will be 17'6" from Hope Court, it was noted that the existing garage is 5'5" from Hope Court; therefore, the porch will not have a great impact.

MOTION: Upon a motion by Mr. Venuti, with a second by Mr. Freel, 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 proposal is modest in scale and is designed to fit within an existing space

„« The proposed porch will not be closer to the setback than the existing structure

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 #3675, Amy and John Tomasi, 63 Lamson Road,

Barrington, RI 02806, applicants and owners, for permission to construct second story and mudroom additions; Assessor's Plat 34, Lot 150, R-10 District, 63 Lamson Road, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback and for construction within 100' of a wetlands/waterbody.

**Present: Amy and John Tomasi, 63 Lamson Road, Barrington, RI
Scott Weymouth, architect, 14 Imperial Place, Providence, RI**

In the audience:

Cyndee Fuller, Barrington Conservation Commission

The applicants explained that they are seeking to expand their home, as their family has grown and the existing space is limited. They are proposing to build a mudroom as well as a second floor addition over the existing structure. Mr. Kraig read into the record the favorable recommendation of the Conservation Commission. There were no further comments from the audience.

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

„« Adequate erosion control measures must be established between house & water prior to and during all exterior work

„« All construction materials and staging must be placed street-side

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 proposal is modest in scale and will not be closer to the wetlands than the existing house

„« The homeowners need the additional space for their growing family

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. Ridlon and seconded by Mr. Dennehy to accept the May 17, 2012 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

A motion was made by Mr. Freel and seconded by Mr. Ridlon to accept the May 31, 2012 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Ridlon moved to adjourn at 7:59 P.M. Mr. Venuti seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

cc: Andrew Teitz, solicitor