

# **ZONING BOARD OF REVIEW**

**Barrington, Rhode Island**

**April 26, 2012**

**APPLICATIONS: #3658, 3666 and 3667**

## **MINUTES OF THE MEETING:**

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

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

**At 7:09 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 7:45 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 that had not been continued.**

**Continuation of application #3658, Timothy and Jill Lukens, 291 Narragansett Avenue, Barrington, RI 02806, applicants and owners, for permission to construct an 8' x 8' shed and a 6' x 4'7" shed; Assessor's Plat 1, Lot 289, R-10 District, 291 Narragansett Avenue, Barrington, RI 02806, requiring a dimensional variance for a sheds within 5' of the primary structure, sheds within the side yard setback,**

as well as for exceeding lot coverage.

Mr. Kraig read into the record a request from Mr. Lukens to continue this matter to May.

**MOTION:** Upon a motion by Mr. Venuti, with a second by Mr. Freel, the Board voted unanimously (5-0) to continue this application to the May 17, 2012 meeting.

Application #3666, Todd M. Strunk, 41 Eagleville Road, Tiverton, RI 02878, applicant, Jeffrey Mascena, 15 Beach Road, Barrington, RI 02806, owner, for permission to renovate and create an addition to the front of the home; Assessor's Plat 10, Lot 59, R-10 District, 15 Beach Road, Barrington, RI 02806, requiring dimensional relief for construction within 100' of a wetlands/waterbody.

**Present:** Shawn Harris, contractor, Sixteen on Center, 41 Eagleville Road, Tiverton, RI

Jeffrey Mascena, 15 Beach Road, Barrington, RI

**In the audience:** Doug Materne, Barrington Conservation Commission

The following item was submitted as an exhibit:

„« Site plan and floor plans to clarify proposal

The applicants explained that the home was originally designed in the

1940's as a hunting shack. They are seeking to create a modest addition in order to provide better access to the home. Additionally, the existing garage has a pole in the center, making it impossible to put a car in the garage.

Mr. Kraig read into record the recommendation of the Conservation Commission. It was also noted that the wetlands are separated from the property by the street.

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

„« Adequate erosion control measures must be established around work areas on the site property and along the eastern side of Beach Road adjacent to the head of the slope to the water, paralleling the full frontage of the property, prior to and during all exterior project activities

„« Dry wells should be placed under new roof downspouts.

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 existing garage has a pole in the center

„« The lot is small in size and the house's location cannot be changes

„« The proposal is minimal

**„« There is a road separating the property from the wetlands**

**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 #3667, John Shaughnessy, 375 Rumstick Road, Barrington, RI 02806, applicant and owner, for permission to construct an addition with new garage and additional living space with three floors and add open porch at front door; Assessor's Plat 11, Lot 17, R-40 District, 375 Rumstick Road, Barrington, RI 02806, requiring dimensional relief for being within 100' of a wetlands/waterbody.**

**Present: Bruce Cox, attorney, Sleprow, Sleprow & Associates, East Providence, RI**

**John Shaughnessy, 375 Rumstick Road, Barrington, RI**

**Richard Lipsitz, engineer, Waterman Engineering, East Providence, RI**

**Marcus Gleysteen, architect, Gleysteen Design, Cambridge, MA**

**In the audience: Doug Materne, Barrington Conservation Commission**

**Before the matter began, Mr. Rizzolo disclosed that his employer has a professional relationship with Waterman Engineering which Mr. Rizzolo was confident would not affect his consideration of the matter.**

**Mr. Kraig read into the record a letter of support from abutting neighbor Paul Hamel. He also read into the record the Conservation Commission's letter in support of the proposal.**

**The applicants explained that they are seeking to expand their home. Currently the second floor bathroom is poorly insulated and there is very little storage due to the fact that they cannot have a full basement. The existing garage is too small to house two cars; therefore, that are seeking to create a 24' x 24' garage and mudroom addition as well as add an entry porch. The addition will be no closer to the wetlands than the existing house and it was noted that there was no other logical location for the addition.**

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

**„« Adequate erosion control measures must be established around work areas prior to and during all soil disturbance activities.**

**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 impact on the wetlands is minimal; the proposed changes will be no closer to the wetlands than the current structure**

**„« There is a need for additional storage as well as a need for a functional garage**

**„« The proposal is modest in scale**

**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. Rizzolo to accept the February 16, 2012 Zoning Board of Appeals minutes as written. The motion carried unanimously (5-0).

Mr. Venuti then moved to approve the February 16, 2012 Zoning Board of Review minutes as written. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

**ADJOURN:**

At 7:55 P.M. Mr. Freel moved to adjourn the meeting. Mr. Rizzolo seconded the motion and the meeting was unanimously (5-0) adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

**Thomas Kraig, Chairman**

**cc: Andrew Teitz; Nancy Letendre**