

ZONING BOARD OF REVIEW

Barrington, Rhode Island

April 18, 2013

APPLICATIONS: #3707, 3708, 3710, 3711, 3712, 3713 & 3714

MINUTES OF THE MEETING:

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

Also present was Solicitor Nancy Letendre, Building Official Robert Speaker, and Secretary Audra Raleigh.

At 7:05 P.M. Mr. Kraig called the meeting to order.

The Board then proceeded to hear the following matters. At 11:00 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on the application it had heard that had not been continued.

Application #3707 Abby Klieman, 16 Mathewson Lane, Barrington, RI 02806, applicant; Abby Klieman and Lawrence Lasala, 16 Mathewson Lane, Barrington, RI 02806 owners, for permission to unmerge two non-conforming lots; Assessor's Plat 25, Lot 278, R-25 District, 16 Mathewson Lane, Barrington, RI, 02806, requiring a special use permit.

Mr. Freel recused himself prior to the reading of this application.

Present: Abby Klieman, 16 Mathewson Lane, Barrington, RI 02806
Anthony DeSisto, attorney
Alexander Mitchell, Meridian Custom Homes

Also present were:

Richard and Jane Donnelly, 37 Hawthorne Avenue, Barrington, RI 02806
Bob Millard, 17 Mathewson Lane, Barrington, RI 02806
Heidi Dolan, 5 Mathewson Lane, Barrington, RI 02806
Susan and Chip Hawkins, 67 Mathewson Lane, Barrington, RI 02806
Patricia Rok, 15 Owings Stone Drive, Barrington, RI 02806
David and Flora Stewart, 39 Hawthorne Avenue, Barrington, RI 02806
William LaPolla, 42 Hawthorne Avenue, Barrington, RI 02806

Mr. DeSisto passed out Exhibit A, which bore no mark indicating its origin, showing the current square footage to be 37,885, including 20' of abandoned Grove Hall Lane and 2,528 sq. ft. of Mathewson Lane, which the applicant claimed to be part of the parcel. However, the application itself contained a plot plan, indicated to be a survey dated Apr. 26, 2006, showing square footage of 34,639. Neither the applicant nor the Board was able to resolve this discrepancy. The Board indicated that for purposes of its consideration, it would assume the greater number.

Mr. DeSisto indicated that this is an older neighborhood, with mixed size lots. Of the 22 abutters, eight have less square footage than the smaller of the two proposed lots. The average lot size is 19,000 square feet. Mr. DeSisto referred to section 185-29 of the zoning ordinance and noted that it says in part that “the lots as unmerged will be of a size *generally* in conformance with the size of developed lots in the immediate vicinity”. Mr. DeSisto also referred to section 185-73 which states, in part, “it will not substantially injure the appropriate use of the property”, and said that the main effect is traffic and that one additional driveway will not have a significant impact on traffic, and will be in harmony with the area, and will not result in conditions inimical to public safety, thus meeting all criteria in this section.

Ms. Klieman testified that her intent is to live in the current house with her children, and sell the additional lot so she can afford to do so. Because of her current marital situation, she would not be able to continue at the house without the proceeds from sale of the unmerged lot.

Mr. DeSisto called upon Alex Mitchell, who works for Meridian Custom Homes and has been in business since 1986. Mr. Mitchell stated that it is possible to build a house on the proposed lot, with 2,400 square feet of living space and a two car garage, on two floors and with a 1,200 square feet footprint, without requiring additional zoning relief. The unmarked drawing submitted at the hearing, showing the square footage to be 37,885, depicts the buildable envelope that would exist on the smaller of the two unmerged lots, and it is this buildable envelope to which Mr. Mitchell was referring. It was noted in discussion between members of the Board and Mr. Speaker that the back yard set-back line would be somewhat closer to the front of the property, reducing the building area somewhat but not materially affecting its usability.

Members of the Board spoke of their personal experience with Mathewson Lane and how narrow it is, and that the corner adjacent to where the smaller unmerged lot would be already presents challenges in terms of visibility. They also expressed their concern that the unusual shape of the proposed smaller unmerged lot would create a lot that in fact appeared much smaller than the square footage indicated.

The Donnelly’s have lived here 35 years and feel that the neighborhood will be denser, and the proposed additional developed lot will decrease the value of their property and be inimical to the neighborhood. They had compiled and presented to the Board and the applicant a sheet showing lot sizes, using the 22 abutters as the definition of “neighborhood”. Their chart shows the average lot size to be 20,838 sq. ft., but shows eleven lots to be smaller than the smaller of the proposed unmerged lots, and twelve larger.

A number of additional abutters also spoke in opposition to the application, indicating among other matters:

- That there will be an adverse effect on the street, with traffic flow and safety, as it is located at the densest part of the street. There is already a bus stop there and it is a one way; visibility at the corner is challenged.
- Concern about grading of the land, and a severe adverse impact on property values and safety of the neighborhood.
- This is a charming, historic neighborhood and the applicant cannot control what will be built on the proposed new lot. It is a tough road for traffic. The proposed home would be on a high spot on the property and hover over neighboring property and lower its value and privacy.

- The proximate corner is so dangerous that the neighbors on the other side of Mathewson Land changed their driveway so that it opens onto Hawthorne Avenue.

MOTION: Mr. Venuti moved to have the solicitor draft a decision to deny the application. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

Continuation of application #3708 Justin Leland, 52 Derby Road, Berlin, MA 01503, applicant; Justin & Deborah Leland, 52 Derby Road, Berlin, MA 01503, owners, for permission to demolish two homes, merge two lots and construct a single-family residence; Assessor's Plat 1, Lots 260 and 261, R-10 District, 230-234 Narragansett Avenue, Barrington, RI 02806, requiring dimensional relief for height and front yard setback.

Present: Justin Leland, 52 Derby Road, Berlin, MA 01503

Mr. Leland restated that his purpose in requesting a variance for height is due to the FEMA guidelines for flood zone and an additional three feet to allow for lowered flood insurance rates. He maintains that he needs an attic for storage, as storage of personal items in the basement is not desirable due to being located in a flood zone. Mr. Leland stated that front yard setback relief is no longer needed.

The square footage of the first and second floors is about 1,760 each, excluding the 300 square foot deck, bringing the house to a total of approximately 3,500 square feet. The Board questioned if the applicant explored different roof pitches and ceiling heights to try to eliminate or reduce the variance he is seeking. He stated he did, but still needs the attic storage space.

The Board indicated that from the evidence presented it was not clear that adequate reason had been provided to justify the need for height relief, even with the submission of clearer drawings; the variance requested remains at four feet. The Board stated that additional height, added to the size of an already large house, would create an undue mass in that area and they are cautious about setting a precedent in terms of height when an open lot is available and an applicant is not circumscribed by the location or dimensions of an existing house. This neighborhood does not have tall houses and the Board felt the applicant should use design to solve the issue. After hearing these thoughts from the Board, the applicant requested a continuance to the May 16 meeting.

MOTION: Mr. Freel moved to continue the application to the May 16 zoning meeting, with new plans due to the Board by May 10, 2013. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

Continuation of application #3710 Jon Paul Couture, 12 Arnold Street, Providence, 02906, applicant; John and Andrea Dziuba, 7361 Southwest 165 Street, Miami, FL, 33157, owners, for permission to construct an addition to an existing single-family residence which is nonconforming by dimension; renovations will remove an existing shed and concrete patio, enlarge the existing front porch, add a second story addition and new deck for rear entry; Assessor's Plat 7, Lot 41, R-25 District, 15 Adelaide Avenue, Barrington, RI 02806, requiring dimensional relief for front and side yard setbacks and exceeding lot coverage.

Mr. Rizzolo recused himself prior to the reading of this application.

Present: Scott Paddington, attorney for applicant, offices at Mendon Road
Thomas Sweeney, 170 Westminster Street, Providence, RI
Jon Paul Couture, 12 Arnold Street, Providence, RI

Also present were:

Michelle Phaneuf, 30 Clarke Road, Barrington, RI 02806
Kevin and Alison Hickey, 11 Adelaide Avenue, Barrington, RI 02806
Timothy and Kathy Trafford, 17 Adelaide Avenue, Barrington, RI 02806

Mr. Paddington and Mr. Couture presented the plan to substantially maintain the footprint of the current house, expanding the second floor to be a livable space; currently it is a loft-like space. They explained that the lot coverage is currently at 33%, but will be brought down to 31.3% upon removal of the shed and 50 square feet of deck. They are requesting the variances because they feel they have looked at other options for the house and this is the least relief necessary for this 1,164 square foot house. The house is intended to be owner occupied, and will look like other houses in the neighborhood, thus being conforming. The proposed second floor will bring the combined square footage of the house to 1,600, with a full basement. They are working within the existing footprint. The house currently has no running water and is not livable in its current condition. When questioned by the Board, it was explained that this is not the primary residence of the applicant.

Those speaking in opposition to this application stated that the owner had gutted the house, and so the hardship claimed was self-created. The proposed structure does not align with the Comprehensive Plan - it would be the tallest house on the smallest lot on that side of the street. The house has been sitting empty for years and already had three bedrooms and two full baths, which is what the applicant is requesting now. A photo diagram of the street was handed out, showing each house and its position on the street for comparison purposes.

Those in opposition also stated that the adjacent houses are not two story houses, but either single story or 1.5 stories. They feel that the proposed second floor will make the house too dense and out of proportion for the neighborhood. An abutter claimed that their current house is 1,400 square feet with no basement and there is plenty of livable space.

Mr. Paddington then handed out field cards from the surrounding properties. Due to the late hour and the volume of information and opposition, the Board suggested the applicant be continued until the June meeting to allow adequate time for the applicant to consider re-working the plans.

MOTION: Mr. Freel moved to continue the application to the May 16 zoning meeting. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

The following applications were continued:

MOTION: Mr. Freel moved to continue application #3711 to the May 16 zoning meeting. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

MOTION: Mr. Freel moved to continue application #3712 to the May 16 zoning meeting. Mr. Blasbalg seconded the motion and it carried unanimously (5-0).

MOTION: Mr. Freel moved to continue application #3713 to the May 16 zoning meeting. Mr. Venuti seconded the motion and it carried unanimously (5-0).

MOTION: Mr. Freel moved to continue application #3714 to the May 16 zoning meeting. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Also noted was a request by the applicant of application #3713 to be heard first at the May meeting due to having a handicapped family member requiring care. The Board agreed.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Blasberg and seconded by Mr. Rizzolo to accept the March 21, 2013 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Blasbalg moved to adjourn at 12:22 A.M. Mr. Rizzolo seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary
Thomas Kraig, Chairman
cc: Andrew Teitz, Solicitor