

ZONING BOARD OF REVIEW

Barrington, Rhode Island

November 21, 2013

APPLICATIONS: #3731, #3734, #3735 and #3736; #3562

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 were Solicitor Andy Teitz, Building Official Robert Speaker, and secretary Audra Raleigh.

At 7:08 P.M. Mr. Kraig called the meeting to order.

MINUTES OF EARLIER MEETING:

MOTION: Mr. Rizzolo made a motion to approve the minutes for the September 19th meeting. Mr. Freel seconded the motion and it carried unanimously (6-0).

Continuation of application #3731, Allyson Meyer, 50 Park Row W230, Providence, RI 02903, applicant and Richard Toshack, P.O. Box 61, Center Moriches, NY 11934, owner, for permission to add a two car garage to the existing single family dwelling at 34 Bowden Avenue, Barrington, RI 02806; Assessor's Plat 33, Lot 59, R-10 District, 34 Bowden Avenue and King Philip Avenue (at the corner of County Road and New Meadow Road), Barrington, RI 02806, requiring dimensional relief for side yard setback from King Philip Avenue.

The applicant has requested a continuance to the December 19 meeting.

MOTION: Mr. Blasbalg made a motion to continue this application to the December 19 meeting. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Application #3734, Suriyont Mujjalinktrakool, 8 Joy Street, Barrington, RI 02806, applicant, and Benet Mainella, 105 Ferry Lane, Barrington, RI 02806, owner, for permission to install a handicap ramp and bathroom to meet ADA accessibility code and to expand parking spaces into a residential zone at 60 Maple Avenue; Assessor's Plat 23, Lot 9, Business and R-10 District, 60 Maple Avenue, Barrington, RI 02806, requiring special use permit for commercial parking spaces expanding into a residential zone and dimensional relief for side yard setback for ramp.

Present: Suriyont Mujjalinktrakool, 8 Joy Street, Barrington, RI 02806
Benet Mainella, landlord, 105 Ferry Lane, Barrington, RI

Mr. Mujjalinktrakool advised the Board that he and his wife planned to open a crepe restaurant which will seat about 20 people. He desires to create more parking in the rear of the building and add a handicap ramp along the side of the building. The ramp will service as handicap access and will free up some space to configure the required number of parking spaces. The ramp is intended to enter into the café part of the restaurant; a ramp to the back of the building would have the ramp entering into the kitchen, which will not work for restaurant patrons. This building is on a through lot which would allow for entering and exiting the parking lot.

Mr. Mainella noted that snow removal won't be an issue because there is a separate lot in the back where snow is put when it is cleared. He also informed the Board that while the plans submitted to the Board showed the ramp off the bump-out on the side of the building, plans are not finalized and it is possible the ramp would be closer to the building; in discussion with the Board it became evident that it is not clear how close the ramp would be to the lot line.

The Board said that it needed plans showing the actual location of the ramp and the amount of side yard relief required in order to render a decision on this application and suggested the applicant ask for a continuance, which they did.

MOTION: Mr. Freel made a motion to continue this application to the December 19 meeting. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Application #3735, Lisa Browning, 16 Oyster Point Road, Warren, RI 02885, applicant and Barrington Congregational Church, UCC, 461 County Road, Barrington, RI 02806, owner, for permission to install a church carillon system and play songs twice a day, at noon and 6pm; Assessor's Plat 21, Lots 012 & 013, R-25 District, 461 County Road, Barrington, RI 02806, requiring special use permit.

Present: Lisa Browning, 16 Oyster Point Road, Warren, RI 02885
Pat Stoddard, Music Committee, Barrington Congregational Church

Ms. Browning explained to the Board that her late father-in-law had left a donation to the Barrington Congregational Church and the family had decided that the installation of a church carillon system would be an appropriate memorial. Ms. Browning expressed her (and the church's) desire to have the new computerized system play hymns twice each day, at noon and at 6:00 PM, for a period of approximately five minutes; during subsequent discussion with the Board, the time of the music was qualified as 2-3 minutes and it was represented that the music would be at the same volume as the current church bells.

There were three neighbors of the church who all spoke in opposition to the application.

Matt Rocheleau, 468 County Road, Barrington, RI

Mr. Rocheleau stated his opposition to the hymns playing 730 times per year (2 times per day every day); music playing that often and at that volume was disturbing. He felt that this application also did not meet the standards set forth in the following ordinances: §185-73A & C, §185-41D, §185-74.

Steven Partridge, 464 County Road, Barrington, RI

Mr. Partridge expressed his opposition to this application. He feels that the “normal” church bells on Sunday or for weddings are nice, but does not understand for whom the carillon would be ringing? There are not many neighbors – other than those objecting - who would hear the hymns at the proposed volume – the church is not in an area where people generally walk.

Valerie Partridge, 464 County Road, Barrington, RI

Mrs. Partridge noted that the current church bell rings on Sunday for less than a minute and she enjoys it. She does not understand what purpose the proposed carillon would serve.

Ms. Browning responded to the questions raised. The intent of the carillon system is to be an extension of the bells that already play. She feels like the white church is a landmark and has a life of its own. However, she does not wish to negatively impact the neighbors.

At 8:23pm, the public portion of the hearing was closed.

DISCUSSION:

The Board’s discussion of this application noted:

- While some feel that the ringing of church bells is a pleasant sound, the neighbors consider the church bells to be “noise” which is unwanted sound
- The neighbors stated that the ringing of the carillon would intrude upon their daily lives, sounding at length, twice a day, every day
- This church is not in Town Center where people walk and something like a carillon might be expected
- Who will this benefit? Who will it harm? The benefit appears small and diffuse, while the negative impact upon the affected neighbors would be substantial and focused

MOTION: Mr. Venuti made a motion to approve the application with the condition that the music be played only once a day at noon, only for duration of up to two minutes and at a volume no greater than that of the current bells. Mr. Dennehy seconded the motion; Mr. Venuti and Mr. Dennehy voted in favor of the motion, while Mr. Freel, Mr. Rizzolo and Mr. Kraig voted in opposition; accordingly, the motion failed, (2-3) and the application was denied.

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-73 have not been met: A) that the public convenience and welfare will not be substantially served; B) that it will not be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan; C) that it will result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community; and D) that it will substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Applicant #3736, Atria Mgmt Co., LLC, 401 S. 4th Street, Suite 1900, Louisville, KY 40202, applicant, and VTR Bay Spring, LLC, 401 S. 4th Street, Suite 1900, Louisville, KY, 40202, owner, for permission to add a third sign at 147 Bay Spring Avenue; Assessor’s Plat 1, Lot 36, EH District, 147 Bay Spring Avenue, requiring a special use permit for additional signage on the property.

Present: Christine D'Orsi Fitta, attorney, Higgins, Cavanagh & Cooney, LLP, 123 Dyer Street,
Providence, RI
Mr. Rivera, Application Manager, Atria Management Company

Mr. Rivera and Ms. D'Orsi Fitta explained to the Board that the existing signage for the facility is on Narragansett Avenue. It has been noted by emergency vehicles as well as other service vehicles that it is confusing as to where the entrance to the building is when entering the parking lot due to the lack of signage. Mr. Rivera said that people visiting the building have difficulty finding their way inside.

Ms. D'Orsi Fitta stated that they had already been to the Technical Review Committee and that all changes that were suggested by the committee have been made and the committee has approved their application. She also noted that the purpose of Atria is service for the elderly and that the building needs to be easily identifiable by all people (including rescue vehicles). Their website directs visitors to a building that has no sign directing traffic to it.

Although this application has apparently met all the requirements and has been approved by the Technical Review Board, those approval papers were not available to the Board at the meeting. Therefore, the applicant requested a continuance to the January 16, 2013 meeting.

There were two people in the audience to speak in opposition to this application.

Chris Stevens, 145 Bay Spring Avenue, Barrington, RI

Mr. Stevens owns the property abutting the Atria facility. He opposes any additional signage, especially the proposed sign because of where it will be placed – in the only bit of green he sees from his window. He feels the sign will impact his property value due to greater traffic at this entrance. Initially, he was told this entrance was only supposed to be a service entrance, and he now views it is a “regular thoroughway”. His view from his house now consists of constant flow of trucks, a dumpster and many parked cars.

David Buck, 164 Bay Spring Avenue, Barrington, RI

Mr. Buck supports Mr. Stevens' opposition to this application for the same reasons.

MOTION: Mr. Freel made a motion to continue this application to the January 16 meeting, directing the applicant to bring their approval letter from the Technical Review Committee. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Continued deliberation and voting on application #3562, Ernest E. Ryden, Jr., 22 Spicer Lane, Osterville, MA 02655, applicant and owner, on remand from the Rhode Island Superior Court to complete proceedings from April 8, 2010; subject property located at Assessor's Plat 32, Lot 237, R-10 District, Arvin Avenue, Barrington, RI 02806. Although deliberation and voting will take place, the public hearing was closed in 2010 and remains closed. Thus comments cannot be accepted from the public.

MOTION: Mr. Freel made a motion to adopt as the Board's decision the draft decision prepared by the solicitor. Mr. Venuti seconded the motion and it carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Venuti moved to adjourn at 9:15 P.M. Mr. Blasbalg seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor