

ZONING BOARD OF REVIEW

Barrington, Rhode Island

January 16, 2014

APPLICATIONS: #3728, #3739, #3740, #3741, and #3733

MINUTES OF THE MEETING:

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

Also present were Solicitor Andrew Teitz, Building Official Robert Speaker, and secretary Audra Raleigh.

At 7:07 P.M. Mr. Kraig called the meeting to order.

OTHER BUSINESS

Mr. Kraig called for nominations of Zoning Board Officers for 2014.

MOTION: Mr. Freel made a motion to nominate Tom Kraig for Chairman; Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

MOTION: Mr. Venuti made a motion to nominate Mark Freel for Vice Chairman; Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

MINUTES OF THE PREVIOUS MEETINGS:

MOTION: Mr. Venuti made a motion to approve the minutes of the November 21st meeting. Mr. Freel seconded the motion and it carried unanimously (5-0).

MOTION: Mr. Venuti made a motion to approve the minutes of the December 19th meeting. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Decision on Appeal #3733, by Matthew Medeiros, 11 Appian Way, Barrington, RI 02806, of the 10/1/2013 decision of the Zoning/Building Official to issue a Building Permit to Alfred and Margaret Mello for the rebuilding and renovation of an accessory building on property located at 15 Appian Way, Barrington, RI, shown as Plat 4, Lot 75, in an R-25 District. Although discussion and voting will take place, the public hearing was closed. Thus comments cannot be accepted from the public.

Mr. Blasbalg, although ill, arrived shortly after the commencement of the meeting to vote on the draft decision on the appeal, as it was necessary to finish the matter. He left the meeting immediately

following the vote.

At the hearing at which the appeal had been heard, following discussion, the Board had voted to direct the solicitor to draft a decision denying the appeal.

MOTION: Mr. Venuti made a motion to approve the decision drafted by the Solicitor to deny the appeal as presented to the Board. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Application #3728, Stephen & Jane Mainella, 81 County Road, Barrington, RI 02806, applicants and owners, for permission to construct a deck and extend the rear porch, Assessor's Plat 27, Lot 046, R-25 District, 81 County Road and New Meadow Road (at the corner of County Road and New Meadow Road), Barrington, RI 02806, requiring relief for being within 100 feet of wetlands/waterbody and amendment of previous Special Exception for boatyard.

Present: Stephen & Jane Mainella, 81 County Road, Barrington, RI

Mr. and Mrs. Mainella explained that they would like to construct a deck and extend their existing porch by six feet. They have not been able to enjoy their backyard previously due to years of ongoing construction. They are requesting the additional six feet so that it will be able to accommodate outdoor furniture, which the current porch cannot. They also currently have no way to get to their back yard. They indicated that they were agreeable to meeting all of the conditions noted in the recommendation from the Conservation Commission.

There was no one in the audience to speak in favor or opposition to this application.

Mr. Teitz raised an issue regarding the numerous stored boats visible on the Mainella's property from a satellite image, which may be contrary to the conditions set forth in the Consent Order and Judgment filed May 27, 1983 and applicable to their boatyard. The Mainella's stated that the boats on their property belong to them and therefore do not violate those conditions. Mr. Teitz suggested that the Board continue this application to the next Zoning Board meeting, and request an inspection by the Building Official of the Mainella's property, specifically the stored boats, and for the Mainella's to provide proof of ownership of the boats through registration, bills of sale or a certified statement to ensure the Mainella's compliance with the Consent Order and Judgment. Mr. Freel made a motion to that effect and Mr. Rizzolo seconded this motion and pointed out specifically that the Consent Order and Judgment states that they cannot expand their boatyard (Section 2). The Board voted unanimously to continue the application to the February 20 meeting. The Building Official will go to the property and inspect and report his findings to the Board at the February 20, 2014 meeting.

Application #3739, Ronald A. Russell, 15 Teed Avenue, Barrington, RI 02806, applicant and owner, for permission to add a 15' x 20' garage, Assessor's Plat 34, Lot 012, R-10 District, 15 Teed Avenue, Barrington, RI 02806, requiring relief for being within 100 feet of wetlands/waterbody, and dimensional relief for side yard setback and for exceeding lot coverage.

Present: Ron Russell, 15 Teed Avenue, Barrington, RI
Jim Caruso, 5 Teed Avenue, Barrington, RI

Mr. Russell explained that Teed Avenue has no parking on either side of the road. He currently has no garage, but would like to build one since he owns two antique cars that he would like to store inside. The cars currently are in a garage at a relative's home, but they are selling their house and therefore Mr. Russell has to find new storage for his antiques. Due to the placement of the dwelling on the property, the proposed location for the garage is the only possible place it will fit. The garage was designed to be the minimum size needed to fit the cars.

It was also noted that the Conservation Commission approved the application with the conditions as listed on their recommendation.

Jim Caruso, the neighbor closest to Mr. Russell's property, approves of the proposed garage and does not feel it will affect his property in any negative way.

At 7:57 p.m., the public portion of this hearing was closed.

MOTION: Mr. Rizzolo made a motion to approve the application. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

DISCUSSION:

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

- There is no other possible location for the garage, and the garage is of a reasonable size.
- There is no on-street parking to be utilized.
- His neighbor spoke in favor of the application.
- Applicant is amenable to the conditions recommended by the Conservation Commission.

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 #3740, William & Joann Slinko, 16 Wallis Avenue, Barrington, RI 02806 applicants and owners, and Filomena Marshall, owner, for permission to rebuild existing screened porch due to rot, and extend 3' in depth closer toward the street than the existing nonconforming porch, Assessor's Plat 29, Lot 99, R-10 District, requiring dimensional relief for front yard setback from Wallis Avenue.

Present: William & Joan Slinko, 16 Wallis Avenue, Barrington, RI
Scott Weymouth, architect, Arris Design Inc., 14 Imperial Place, Providence, RI

Mr. Slinko explained to the Board that his mother-in-law lives in the house and has lived there since 1939. She is in need of a wheelchair or walker to get around and cannot go anyplace other than the

porch, which is currently unsafe, and not wide enough for the walker. The applicants entered into the record 10 photos, showing the state of decay of the existing porch as well as a letter from the owner of the property, Filomena Marshall, who stated that she doesn't get out much and would like to have a deck she can enjoy at home, with ease of use of her walker.

Anne Sereno, 13 Wallis Avenue, Barrington, RI spoke in favor of the application.

The public portion of the hearing closed at 8:17 p.m.

MOTION: Mr. Venuti made a motion to approve this application. 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 existing porch is in a poor state of repair.
- The existing porch is not wide enough to allow the owner of the property to utilize the porch with her walker or have furniture for seating.
- The neighbors have no objection to the application.

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 #3741, Jennifer Trachtman, 4 George Street, Warren, RI 02885, applicant, and Kathleen Luther, 233 Waseca Avenue, Barrington, RI 02806, owner, for permission to open a veterinary clinic at 233 Waseca Avenue, Assessor's Plat 23, Lot 196, NB District, requiring a special use permit.

Present for the applicant:

Jennifer Tractman, veterinarian, 4 George Street, Warren, RI
Peter Brooks, husband of Jennifer Tractman
Kathleen Luther, owner, 233 Waseca Avenue
Emily Uddin-Alves, 7 Arvin Avenue, Barrington, RI (Ms. Tractman's business partner)

Ms. Tractman addressed the Board explaining that she is a vet and currently owns Bayside Mobile Vet Care. Her business runs out of a van and her client base has grown, so they would like to open a "hospital" to allow them to see more patients. The applicant explained the mission of their business and noted that they are not a high volume business, and although they may do surgery on premises, they do not intend to house any overnight patients or have any substantial surgical or dog waste. Ms. Tractman is planning to purchase the building contingent upon approval of the Board of the special use

permit.

Mr. Kraig noted that there is no parking in front of the building and inquired as to whether the proposed owner would be putting something in that open area to deter people from parking there. They did say that their intent was to provide some type of landscaping to fill the space while keeping the curb appeal. Mr. Freel asked if the proposed owner would be amenable to a condition of approval being doing something in the front open area to deter parking there. The current owner said she has been there twenty years and has never had an issue with people parking there; Ms. Tractman accepts that being a condition of approval.

Ms. Tractman explained that there are many compliance issues in owning her type of business and that they comply with all of them.

There were several people who spoke/wrote in favor to this application:

Jamie Triebwasser, in the audience, spoke in favor
Kerry Chaffer, via letter, in favor
Karen Andreozzi Lynch, via letter, in favor

There were several people who spoke/wrote in opposition to this application:

Arthur Hobson, attorney for Dr. Lynn Ann Evans, Hobson & Coutu Ltd., 222 Jefferson Blvd, Warwick, RI 02888
Dr. Lynn Ann Evans, owner, Barrington Veterinary Clinic, 260 Waseca Avenue, Barrington, RI
Jill Ramsten, Certified Veterinary Practice Manager
Patricia Schwartz, in audience, in opposition
Cindy Capra, via letter, in opposition

Both Mr. Hobson and Ms. Ramsten spoke about the negative economic impact of two veterinary clinics directly across the street from each other. Mr. Teitz advised the Board that a negative competitive impact on another business was not a valid factor to consider with respect to an application. Mr. Hobson and Ms. Ramsten spoke about client confusion and disruptive traffic patterns. Mr. Hobson stated that the applicant's request was inconsistent with the first standard in the Special Use Permit as well as the town's comprehensive plan.

The public portion of this hearing was closed at 9:19 p.m.

MOTION: Mr. Freel made a motion to approve this application with the conditions that the hours of operation remained as stated in the application, with no overnight pets, and that the applicant speak with the Town Planner regarding the design of the streetscape that is currently in process to do something to deter parking in the front of the building. 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:

- This is a low volume business and will therefore not have a significant impact on traffic patterns.
- The applicant was knowledgeable and amenable to current and suggested regulations and conditions.

- There is no reason to believe that opening a new clinic will cause confusion for existing customers at the other clinic.

REASON FOR DECISION:

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

ADJOURN:

There being no other business, Mr. Venuti moved to adjourn at 9:30 P.M. Mr. Freel seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor