

ZONING BOARD OF REVIEW

Barrington, Rhode Island

February 20, 2014

APPLICATIONS: #3728, #3743, #3744

MINUTES OF THE MEETING:

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

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

At 7:06 P.M. Mr. Kraig called the meeting to order.

MINUTES OF THE PREVIOUS MEETING:

MOTION: Mr. Rizzolo made a motion to approve the minutes of the January 16th meeting. Mr. Venuti seconded the motion and it carried unanimously (5-0).

Continuation of 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. Speaker, Building Official, stated that he visited the home of Stephen & Jane Mainella, as requested by the Zoning Board. The Mainella's had all of the relevant bills of sale for all the boats on their property; however, they have two boats that are over 26 feet long and only one of this size is permitted by the current zoning ordinance (§185-82). Mr. Speaker stated that he found no violations aside from the one listed above.

The applicants are amenable to the conditions set forth by the Conservation Commission as well as the condition of having only one boat over 26 feet long on their property prior to the issuance of a building permit for their proposed deck.

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

At 7:29 p.m., the public portion of this hearing was closed.

MOTION: Mr. Freel made a motion to approve this application with the following conditions: (1) prior to the issuance of a building permit and thereafter that the applicants have only have one boat over 26 feet on the property; (2) that they continue to be in ongoing compliance with the Consent Order and Judgment of 1983 (attached) and (3) that they meet all the conditions recommended by the Conservation Commission (attached). Mr. Rizzolo 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:

- The applicant stated that the proposed deck is for personal use only, and given the location of the existing house on the property, there are limited options to place the deck.
- The applicants were amenable to all conditions set forth by the Board and the Conservation Commission.
- The applicants were able to produce bills of sale for all boats on the property.

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 #3743, Thomas & E. Jenny Flanagan, 117 Highland Avenue, Barrington, RI 02806, applicants and owners, for permission to tear down existing single family residence and rebuild a two-story single family residence (existing detached garage will not be affected); Assessor's Plat 8, Lot 50, R-10 District, 117 Highland Avenue, Barrington, RI 02806, requiring relief for front yard setback on Highland Avenue of 16 feet and front yard setback on Water Way of 16 feet.

Present: Jenny Flanagan, 117 Highland Avenue, Barrington, RI
Thomas Flanagan, 117 Highland Avenue, Barrington, RI

Ms. Flanagan stated that their current residence is poorly constructed, aesthetically not pleasing, and there is no foundation; restoration is not an option, based upon the way it is built. They would like to demolish the existing house and build a new house that is in line with the other houses on the street and configured to accommodate the applicants as they age. The proposed house will be set back 16 feet, one foot more than the present house is. The front steps will be within the 16 foot setback. They are trying to maximize the back yard; if they make the house narrower, it will need to be deeper. In addition, achieving closer compliance to set back requirements would result in an unattractive house with little architectural detail. They have designed the new house using universal design, as they plan to retire here. They are on a 63 foot wide corner lot which leaves a very limited building envelope. The portion of the house that comes closest to the Water Way side is the stairs to the upstairs, which cannot reasonably be placed elsewhere.

There was nobody in the audience in favor or opposition to this

At 7:58 p.m., the public portion of this hearing was closed.

MOTION: Mr. Freel made a motion to approve the application. Mr. Venuti 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:

- Due to the size and shape of the lot, they are working within tight constraints.
- The applicants are keeping the proposed house in character with the rest of the neighborhood, and are moving the new house back a foot to continue the streetscape line.
- Applicants are using universal design, as they plan to retire in this house.

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 #3744, St. Andrew's School, 63 Federal Road, Barrington, RI 02806, applicant and owner, for permission to provide rehabilitation to existing dormitory building and 5170 square feet proposed addition with associated grading, driveway, parking, storm water systems and utility expansion, Assessor's Plat 16, Lot 2, RE District, 63 Federal Road, Barrington, RI 02806, requiring relief for being within 100 feet of wetlands/waterbody.

Present: Sam Bradner, Birchwood Design Group, 46 Dike St, Providence, RI
Jim Meehan, CFO, St. Andrew's School, 63 Federal Road, Barrington, RI
Paul Carlson, architect, InSite Engineering Services, 1539 Fall River Ave, Seekonk, MA

Mr. Freel recused himself from this application.

Mr. Bradner noted that the St. Andrew's team had been before the Technical Review Committee, the Conservation Committee, and the Planning Board and had been part of a site visit by the Planning Board prior to coming before the Zoning Board, all of whom gave their approval to the "Bill's House" plan. He noted that the plan will project the addition ten feet into the 100 foot buffer of the wetlands. They have explored construction in other areas on the property over the three year planning process, but there are wetland areas throughout the property. They pushed the building back to maximize daylight and number of beds.

Cynthia Fuller, Chair of the Conservation Commission was present. She spoke to the Board to say that she had been working with Alan Nunes of St. Andrew's School to address the landscaping issue on the

property as requested by the Town Council.

There were two written documents entered into the record. The first was a memo from Cynthia Fuller to Phil Hervey, Town Planner, stating that although the Conservation Commission did not have a quorum last month and therefore could not vote on the St. Andrew's application, she felt comfortable in noting that it had been discussed at length within the Committee and there were no objections to it. The second was a letter from Arlene Violet which addressed the landscaping problem on another part of the property that is well away from this proposed addition. The landscaping plan was reviewed by Alan Corvi, DPW and approved by the Planning Board.

The public portion of the hearing closed at 8:21 p.m.

Members of the Board have not seen the decision from the Planning Board, nor have they received an actual recommendation from the Conservation Commission. They feel these two items are important in terms of conditions that may be set forth and do not feel comfortable approving this application until these see those two items. Therefore, they suggested that the application be continued to a special meeting to be held on March 6, 2013. Ms. Fuller noted that she would attempt to plan and hold a Conservation Commission meeting prior to then solely on this application, due to St. Andrew's strong frustration at having to wait another month to be approved when the issue was an internal one.

MOTION: Mr. Rizzolo made a motion to continue this application to a special meeting scheduled for March 6th. Ms. Henderson seconded the motion and it carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Venuti moved to adjourn at 8:52 P.M. Mr. Rizzolo seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor