

# ZONING BOARD OF REVIEW

Barrington, Rhode Island

May 15, 2014

**APPLICATION #3746, 3751, 3757, 3758, 3759, 3760, 3761, 3762, 3763 & 3764**

## **MINUTES OF THE MEETING:**

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

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

At 7:05 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 April 3<sup>rd</sup> meeting. Ms. Henderson seconded the motion and it carried unanimously (6-0).

**MOTION:** Mr. Rizzolo made a motion to approve the minutes of the April 17<sup>th</sup> meeting. Mr. Dennehy seconded the motion and it carried unanimously (6-0).

**Continuation of application #3746, Christopher & Heather Crosby, 48 South Meadow Lane, Barrington, RI 02806, applicant, and 277 Rumstick, LLC., One West Exchange Street, 4<sup>th</sup> Floor, Providence, RI 02903, owner, for permission to demolish the existing house, merge the two lots into one lot, and build a new house, Assessor's Plat 10, Lots 105 & 97, R-40 District, (vacant lot) on Hoffman Lane and 277 Rumstick Road, Barrington, RI 02806, requiring dimensional relief for the new house on the combined lot from the front yard setback from Hoffman Lane.**

*Mr. Rizzolo recused himself from this application.*

Present: Christopher Crosby, 48 South Meadow Lane, Barrington, RI  
Bruce Cox, attorney, 1481 Wampanoag Trail, East Providence, RI 02915  
Mark Sousa, Waterman Engineering, 46 Sutton Ave, East Providence, RI 02914

Mr. Cox explained to the Board that there are two lots: lot 97, on which the existing house stands, and lot 105, which is referred to as the "lower lot" and has no structure on it. They want to combine the lots, demolish the existing house and build a new home, centered on the property, which will fit nicely with the natural grade of the land, will allow a 30' buffer from neighbors, and will preserve views from neighbor's properties. The combined lot is a corner lot – with primary frontage on Rumstick Road, but also frontage on Hoffman Lane – which has only one other house on it and is more like a driveway than a road. But their proposed location will be too close to Hoffman Lane, since this is an R-40 area.

The proposed plan would also allow the house to take advantage of the typography (natural grading) of the lots; otherwise, they would have to move a lot of soil. Moving the location of the proposed house allows them to avoid having to go to CRMC, creates a larger buffer from coastal features and takes them out of the flood zone.

There were three people in the audience in favor of the application:

- Chandler Willett, 2 Hoffman Lane, Barrington
- John Anderson, 295 Rumstick Road, Barrington
- Yahmin Zhang, 25 Rumstick Road, Barrington

Additionally, there were two letter sent in favor of the application from Chandler Willett and Mr. & Mrs. John Anderson.

There was no one in the audience who opposed the application.

The public portion of the hearing was closed at 7:37 p.m.

**MOTION:** Ms. Henderson made a motion to approve this 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:

- The frontage is smaller than typical in this area.
- The applicant is reducing the environmental impact.
- The side street is a nominal street, with very little traffic.

**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.

**Continuation of application #3751, Joel & Samantha Messier, 120 Roffee Street, Barrington, RI 02806, applicants and owners, for permission to add a single car garage with storage, Assessor's Plat 22, Lot 191, R-10 District, 120 Roffee Street, Barrington, RI 02806, requiring dimensional relief for side yard setback.**

*Mr. Blasbalg recused himself from this application.*

Mr. Messier stated that he would like to add a garage. He noted that the house's chimney would protrude into the proposed garage, which is why they are asking for a width of 13.5 ft. They are requesting that the garage be 3 feet from the neighbor's property line, as they have tried to find a way

to fit it elsewhere on the property with no success.

There were two letters from neighbors submitted in favor of this application:

- Mr. & Mrs. Coutu, 113 Roffee Street, Barrington
- Mr. & Mrs. Codyer, 130 Roffee Street, Barrington

There was no one in the audience who was in favor of or opposed to the application.

The public portion of the hearing was closed at 7:51 p.m.

**MOTION:** Mr. Rizzolo made a motion to approve this 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 opposition from the neighbor regarding the proximity of the garage to their lot line.
- The proposal meets the general characteristics of the neighborhood.

**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.

*Mr. Venuti exited the meeting at 7:55 p.m. The Board expressed its appreciation, and that of the Town, for Mr. Venuti's service.*

**Application #3757, John Cumming III, 28 Jenny's Lane, Barrington, RI 02806, applicant and owner, for permission to remove existing stone terrace, flagstone terrace, small brick walk, lawn area and replant all disturbed areas with native shrubs/perennials. Replace stone terrace with 636 square foot wood deck and install four drywells at corners of existing house for down leaders, Assessor's Plat 25, Lot 251, R-25 District, 17 Riverside Drive, Barrington, RI 02806, requiring relief for being within 200 feet of wetlands/waterbody.**

Present: Don Leighton, SVP, Beta Engineering Group, Lincoln, RI  
Lois Cumming, 28 Jenny's Lane, Barrington, RI

Mr. Leighton would like to remove the stone terrace and build a deck. Under the deck will be 6" of crushed stone to allow for better storm water drainage. The applicant wants the deck to have outdoor use of the property that overlooks the Barrington River. The proposed deck will permit just one step down from main level of the house, and three steps down to a terrace. The applicant's choice of a deck

instead of terrace will allow 272 sf. of ground water drainage and maintain the existing grade (as required by CRMC). The compacted soil under a terrace would not absorb ground/storm water runoff as well. The deck layout and size is designed to create a circulation pattern by placing a table outside of the kitchen door. In addition, the applicant is creating a rain garden in the front yard to absorb water and has removed 170sf. of hardscape.

One letter from a neighbor, Laura Barton, 23 Riverside Drive, Barrington was submitted in favor of the application.

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

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

**MOTION:** Mr. Rizzolo made a motion to approve this application with the conditions set forth by the Conservation Commission as follows: establishment of effective erosion control measures between the work area and river prior to and during all soil disturbance; any construction materials and any stockpiled soil/fill must be stored on “street side” of the property, (i.e., away from the river); and any soil piles must be properly covered if stored overnight. 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:

- The applicant is doing upgrades which offer environmental improvement in ground/storm water drainage.
- The proposal is aesthetically pleasing.
- The applicant is agreeable to the recommendations set forth 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 #3758, Paul & Louise Mainella, 32 New Meadow Road, Barrington, RI 02806, applicants and owners, for permission to build attached two stall garage and mudroom, Assessor’s Plat 27, Lot 075, R-25 District, 32 New Meadow Road, Barrington, RI 02806, requiring dimensional relief from front yard setback.**

Present: Peter Skwirz, Associate, DeSisto Law Associates, East Providence, RI  
Paul Mainella, 32 New Meadow Road, Barrington, RI

Mr. Mainella stated that although the existing garage appears to be a 2 car garage from the outside, the previous owner extended the kitchen into the garage so the existing garage is only 16'x20'. The applicant drives an Escalade and it will not fit in the garage. The placement of the proposed garage is so as not to obstruct the neighbor's view (placing it on the opposite side would do so). Additionally, placement is there because applicant does not want to have to back out onto the main road and another placement would require much more asphalt for the driveway and the removal of several trees. The applicant is seeking 5 feet of relief from the front yard setback.

Following discussion with the applicant, the Board did not believe that the applicant had demonstrated that the plan, as presented, represented the least relief necessary; therefore, the applicant asked to withdraw the application without prejudice.

**MOTION:** Mr. Blasbalg made a motion to accept the applicant's withdrawal of this application without prejudice. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

**Application #3759, M&C Enterprise, LLC., 21 Jenny's Lane, Barrington, RI 02806, applicant and owner, and Foundation Performance, 545 Pawtucket Avenue, Pawtucket, RI 02860, Lessee, for permission to change from residential to business, add extra stairs and accessible lift at Assessor's Plat 23, Lot 185, NB District, 47 Wood Avenue, Barrington, RI 02806, requiring dimensional relief for side and rear yard setbacks, exceeding lot coverage and requiring special use permits for off-street parking for specific use, site improvements and loading space requirements.**

The Board received a letter from Foundation Performance asking to withdraw their application without prejudice.

**MOTION:** Mr. Dennehy made a motion to accept the withdrawal of this application without prejudice. Ms. Henderson seconded the motion and it carried unanimously (5-0).

**Application #3760, Megan & Craig Baillie, 55 Chachapacassett Road, Barrington, RI 02806, applicants and owners, for permission to demolish existing house and build a new house and new garage, Assessor's Plat 8, Lot 39, R-10 District, 1 Bay Avenue (corner of Bay Avenue, Bay Road, and Governor Bradford Drive), Barrington, RI 02806, requiring dimensional relief from side, and rear yard setbacks, and exceeding lot coverage.**

Present: Paul Attemann, architect, Union Studios, 140 Union Street, Providence, RI 02903  
Craig & Megan Baillie, 55 Chachapacassett Road, Barrington, RI

These applicants were before the Board previously and withdrew their application without prejudice. They have returned with revised plans in which they have reduced the lot coverage and eliminated one of the previous setback relief requests. Mrs. Baillie explained the various changes to the previous plans for this property, which is on a double corner lot and has three front yard setback requirements. The applicant indicated that the proposed house, with the revisions presented, is the absolute minimum space – and zoning relief requested – that would still provide a livable house, designed to permit the applicants to continue to live there as they age. There were three letters in support of this application submitted: Susan Howell, 5 Bay Avenue, Mary Jane Begin, 30 Bay Road, and Stephen Perry, 26 Bay Road.

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

The public portion of the hearing was closed at 9:12 p.m.

**MOTION:** Mr. Blasbalg made a motion to approve this application with the condition that the height would not substantially change from the plans as provided at this meeting. 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 is on a small, double corner lot and therefore must meet many setbacks.
- The proposed new house is preserving the character of the neighborhood.
- The neighbors were in favor of the proposed plans.
- Every effort was made by the applicants to create a modest home and also keep the cottage feel of the neighborhood.

**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 #3761, Bridget Johnson, 68 Chachapacasset Road, Barrington, RI 02806, applicant and owner, for permission to extend existing deck by nine feet in width, Assessor's Plat 10, Lot 51, R-10 District, 68 Chachapacasset Road, Barrington, RI 02806, requiring dimensional relief from front yard setback from Talcott Street.**

Present: Bridget Johnson, 68 Chachapacasset Road, Barrington

Ms. Johnson stated that she just moved to Barrington and purchased a very small (900 s.f.) home and would like to extend her deck to give her more outdoor space to use. Currently, the stairs comes to the middle of the deck; in order not to have to tear up the existing brick walkway - which she wishes to keep - the proposed new stairs would come two feet closer to the street than the existing stairs do.

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

The public portion of the hearing was closed at 9:35 p.m.

**MOTION:** Mr. Blasbalg made a motion to approve this application with the condition that the Talcott Street side of the deck will remain in line with the line of the existing deck and house, and that the stairs on the Talcott Street side will come no closer than 16 feet from the lot line. Ms. Henderson 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 has a very small home and the extension of the deck will increase her living space.
- The Talcott Street side of the deck will remain in line with the existing building and the stairs will be no closer than 16 feet to the lot line.

**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 #3762, Rui Pereira, 52 Cove Avenue, Barrington, RI 02806, applicant and owner, for permission to build a 24' x 24.2' garage with a bedroom above, Assessor's Plat 35, Lot 42, R-25 District, 52 Cove Avenue, Barrington, RI 02806, requiring dimensional relief from front yard setback and for exceeding lot coverage.**

Present: Lisa Pereira, 52 Cove Avenue, Barrington, RI

The applicant has a small house with no room for storage. The current bedroom has no closet and can only fit a bed and one dresser. The house has no basement or garage, only a small shed which is 60' from the house and is used primarily to store a snow blower. The applicant is requesting an average size garage with a bedroom above it. The garage can be no smaller than 24' x 24', since the stairs to the upstairs bedroom protrude into the garage space; they are therefore requesting 2' 1.5" of relief from the front yard setback and a small amount of lot coverage relief. It was also noted that all lots on this street are 7,000-8,000 square feet, but it is zoned R-25.

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

The public portion of the hearing was closed at 9:50 p.m.

**MOTION:** Mr. Rizzolo made a motion to approve this 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:

- The applicant is asking for a standard size garage - it needs to be this somewhat larger size to have stairs to the second floor bedroom.
- If the area were zoned R-10, this applicant would not need to seek relief from the Board.

**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 #3763, Palco, Inc., 8 Pond View Court, West Greenwich, RI 02817, applicant, and ACP Shopping Center Assoc. LP, 76 Dorrance Street, Providence, RI 02903, owner, for permission to install three signs on tower, two signs on awning and one bronze plaque, Assessor's Plat 24, Lot 107, Commercial 2 District, 180 County Road, Barrington, RI 02806, requiring special use permit for exceeding the number of signs and for the size of the signs.**

Present: Alex Antoninich, Palco, Inc., 8 Pond View Court, West Greenwich, RI

Mr. Antoninich is the sign contractor for the new JoS. A. Banks store opening at 186 County Road, Barrington. The applicant has already been before the Technical Review Board, where he received approval for the proposed signage with several conditions. During that meeting, the Technical Review Board understood that the store would occupy more than 5,000 square feet. However, upon the Board's request, the Building Official investigated his records and advised the Board that the proposed store was less than 5,000 square feet – just over 4,000 square feet - which brings into play different zoning regulations regarding the size of permitted signage. Therefore, the Board suggested and the applicant requested a continuance to the June 2014 meeting.

**MOTION:** Mr. Blasbalg made a motion to continue this application to the June 2014 meeting. Ms. Henderson seconded the motion and it carried unanimously (5-0).

**Application #3764, Brian Hunt, 34 Walter Street, Barrington, RI 02806, applicant and owner, for permission to build shed dormer across 2<sup>nd</sup> floor rear side of building and full bathroom addition & closets for existing bedroom, Assessor's Plat 22, Lot 234, R-10 District, 34 Walter Street, requiring dimensional variance for rear yard setback, front yard setback from Whipple Avenue and Walter Street and for presently exceeding lot coverage.**

Present: Brian Hunt, 34 Walter Street, Barrington, RI

Mr. Hunt stated that he would like to add a bathroom and a closet on the second floor of his house. The bedroom is on the second floor and the only bathroom is on the first floor; there are currently no closets. He noted that he is not changing setbacks, footprint or lot coverage; he is only asking for a dormer due to the limited space in his house.

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

The public portion of the hearing was closed at 10:23 p.m.

**MOTION:** Ms. Henderson made a motion to approve this 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:

- The applicant is seeking relief only for a dormer due to the limited space in his house.
- The applicant is remaining within the existing footprint of the 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.

**ADJOURN:**

There being no other business, Mr. Rizzolo moved to adjourn at 10:30 P.M. Mr. Blasbalg seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary  
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor