

ZONING BOARD OF REVIEW

Barrington, Rhode Island

May 21, 2015

APPLICATIONS #3803, #3804, #3805

MINUTES OF THE MEETING:

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

Also present were Solicitor Andy Teitz, Building Official Bob Speaker and secretary Mary Ann Rosenlof.

At 7:00 P.M., Mr. Kraig called the meeting to order.

MINUTES OF THE PREVIOUS MEETING:

MOTION: Mr. Rizzolo made a motion to approve the April 16, 2015 minutes as written. Mr. Freel seconded the motion and it carried unanimously (5-0).

Application #3803, Meridian Custom Homes, Inc., 1 Richmond Sq., Suite 117C, Providence, RI, applicant and owner, for permission to tear down existing single family home and rebuild a 2-story single family home, Assessor's Plat 26, Lot 252, R-25 District, 7 Blount Circle, Barrington, RI, requiring dimensional relief for exceeding lot coverage.

Present: Alex Mitchell, Meridian Custom Homes, Inc.
Anthony DeSisto, Anthony DeSisto Law Associates, 450 Veterans Memorial Parkway, Ste. 103, East Providence, RI

In the audience: James Pious, 18 Briarfield Road, Barrington, RI
Jozef Van Vollenhoven, 16 Briarfield Road, Barrington, RI

Prior to hearing this application, Mr. Blasbalg asked for clarification from Solicitor Teitz regarding §185-69-B which states in part: "that the hardship ... does not result primarily from the desire of the applicant to realize greater financial gain". Solicitor Teitz explained that hardship runs with the land and structure and not with the people. There should be a reasonable use and the Board should determine if this application is for a reasonable use.

Mr. DeSisto explained that the existing home is not in compliance with flood zone and Town zoning regulations; the proposed new structure would correct that.

Mr. Mitchell stated that he has built over 20 homes in Barrington and has a very good idea of what families are looking for in a home. The existing home is poorly built, has had flood issues, and the dirt

crawl space is damp. He has personally spoken to at least 11 abutters, all of whom favor seeing this house demolished. The current house has 3 setback issues and exceeds the lot coverage standards.

The Board questioned the need for a house this large, indicating that the Board applies a fairly strict standard when relief is requested for a tear-down, where there is freedom in designing and sitting a house. Does this proposal meet the “least relief necessary” standard?

Mr. Mitchell said that the home is just over 3,700 square feet; the mechanicals (HV A/C) will be in the attic – because of flood zone requirements, there will not be a useable basement. Without an attic or basement area for storage, families would need additional space to store their belongings and items that they accumulate, and so the house has to be larger. The Board questioned the applicant with respect to the height of the roof line and whether there is the potential for usable space in the attic.

Mr. DeSisto cited § 185-69-C which states: “that the granting of the requested variance will not alter the general character of the surrounding area” and said that the proposed house is an appropriate house that fits this neighborhood.

The Board indicated that while it is not necessarily against the granting of some measure of coverage relief, there does not appear to be adequate evidence to support the amount of relief the applicant is seeking, and suggested that the applicant might wish to withdraw the application and revisit its plans. The applicant requested withdrawal of the application.

Prior to action on the withdrawal, the Board heard from Mr. Pious and Mr. Van Vollenhoven, each expressed concerns regarding water runoff onto their properties and asked that this issue be addressed before the applicant returns with new plans. Mr. Mitchell said that he has hired an engineer to be sure that the issue with water runoff is addressed.

MOTION: Mr. Freel made a motion to allow the applicant to withdraw the application without prejudice. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

Application #3804, David and Lilla Winsor, PO Box 323, Barrington, RI, applicants and owners, for permission to build a second bathroom, enlarge kitchen area and reconfigure garage. Assessor’s Plat 2, Lot 25, R-25 District, 21 Pleasant St., Barrington, RI, requiring dimensional relief for side yard setback and for 100’ setback from wetlands/water bodies and a special use permit for proposed construction within 100’ of Wetlands Overlay District.

Present: David and Lilla Winsor, applicants and owners

Mr. Winsor explained that after they purchased this former beach cottage in 2006, they wanted to make it more functional but hadn’t realized that 60% of the lot and a fair portion of the structure were located in a conservation zone. The proposed project consists of a 372 SF addition of a 2nd bathroom and enlarged kitchen area. Due to recent FEMA FIRM standards, a portion of the existing structure - a corner of the garage - is now within the VE (velocity) Zone. Having this portion of the garage in the VE Zone places the entire residence in that zone. They propose to remove that portion – 235 SF – of the garage, but in order to maintain its functionality, they would like to add a net 205 SF to the reconstructed garage. The new construction will go no closer to the side lot line than the existing garage.

While the total of the garage and house additions is 577 SF, the removal of a portion of the existing garage and building the garage addition over an area of pavement will result in a net increase in impervious surface of 342 SF. The proposed plan also addresses the existing and proposed rain water management issues by capturing all storm water runoff from the portion of the structure facing the wetland by means of subsurface leaders and dry wells. The Conservation Commission has approved this application with conditions.

At 8:33 p.m., the public participation portion of the hearing was closed.

DISCUSSION:

- The Board noted that the garage addition will be no closer to the side line than the existing garage is
- The Conservation Commission has approved this application, and it will have no impact on the wetlands / waterbody.
- In addition, the proposed additions will have no impact on the wetlands overlay district.

MOTION: Mr. Rizzolo made a motion to approve the dimensional variance portion of this application subject to the conditions set forth in the Conservation Commission approval were met. Mr. Freel seconded the motion and it carried unanimously (5-0).

REASON FOR DECISION:

It was the judgment of the Board that the standards in § 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.

MOTION: Mr. Rizzolo made a motion to approve the special use portion of this application. Mr. Freel seconded the motion and it carried unanimously (5-0).

REASON FOR DECISION:

It was the judgment of the Board that the standards in § 185-73 have been met: A) that the public convenience and welfare will be substantially served; there will be no negative impact on the public; 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; D) that it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

The Board further found that the standards in § 185-174 have been met, taking into full consideration the report of the Conservation Commission, that the application minimizes, to the degree possible, any negative impacts to the wetlands values described in § 185-170, and meets the following development standards: A) All new structures and expansions, paved areas and land disturbances will be set back at least 100 feet from the wetland edge; B) The project will actually remove an obstruction from the

floodway and it will increase the net capacity of the site and adjoining properties to retain floodwaters; C) The proposed project will not cause any sedimentation of wetlands, and will include all necessary and appropriate erosion and sediment control measures; D) The proposed project will not reduce the capacity of any wetland to absorb pollutants; E) The proposed project will not directly or indirectly degrade the water quality in any wetland or water body; F) The proposed project will not reduce the capacity of any wetland to recharge groundwater; G) The proposed project will not degrade the value of any wetland as a spawning ground or nursery for fish and shellfish or habitat for wildlife or wildfowl.

Application #3805, Doris Hackett, 15 Standish Ave., Barrington, RI, applicant and owner, for permission to increase the size of existing bathroom on upper level to add a bedroom with closet. Assessor's Plat 17, Lot 528, R-10 District, 15 Standish Ave., Barrington, RI, requiring dimensional relief for rear yard setback.

Present: Doris Hackett, applicant and owner

Ms. Hackett stated that she would like to change the huge upstairs bathroom into a master bedroom / bathroom combination by bumping it out to the end of the house. The existing footprint will not change and the bump-out will go no closer to the rear and side yard property lines than they already are.

Ms. Hackett spoke with the closest neighbor behind her and showed her the inside area of the home where the proposed changes would take place. The neighbor had no objection to the proposal.

At 8:57 p.m., the public participation portion of the hearing was closed.

DISCUSSION:

- The Board noted that the applicant is staying wholly within the existing footprint, and the proposed addition / change will not be so high as to alter the character of the surrounding area.

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

REASON FOR DECISION:

It was the judgment of the Board that the standards in § 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. Kraig moved to adjourn at 9:00 p.m. and the meeting was adjourned.

Respectfully submitted,

Mary Ann Rosenlof, secretary
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor, Amy Goins, Assistant Solicitor