

ZONING BOARD OF REVIEW

Barrington, Rhode Island

March 19, 2015

APPLICATIONS #3793, 3794

MINUTES OF THE MEETING:

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

Also present were Assistant Solicitor Amy Goins, Building Official Bob Speaker and secretary Mary Ann Rosenlof.

At 7:04 P.M., Mr. Kraig called the meeting to order.

ELECTION OF OFFICERS:

Nomination and election of Zoning Board Officers for 2015:

Nomination made by Mr. Freel to elect Mr. Kraig as Chairman. Mr. Dennehy seconded the nomination and it carried unanimously (5-0).

Nomination made by Mr. Kraig to elect Mr. Freel as Vice Chairman. Ms. Henderson seconded the nomination and it carried unanimously (5-0).

MINUTES OF THE PREVIOUS MEETING:

The February minutes were approved with the following change proposed by the Chairman:

In the DISCUSSION section of application #3792 on page 5, the paragraph was changed to read: "The prior application demonstrated that a house could be designed for this property that was more in conformance with the town's zoning ordinance and a better fit in with the general character and scale of the neighborhood. Since this would be a teardown/rebuild, the applicants have full leeway in designing a more conforming house". The last sentence of the paragraph remains the same.

MOTION: Ms. Henderson made a motion to approve the February 19, 2015 minutes with the above noted change and the motion carried unanimously (5-0).

Application #3793, Mark J. Butler, Jr., 40 Brookwood Road, Wakefield, RI 02879, applicant, and Stewart Baker and Anne Baker, 9701 Fringe Tree Road, Great Falls, VA 22066, owners, for permission to build a 10'x10' deck with a single set of steps, drywell installation to manage storm water runoff from roof, and replace window with sliding glass door to access deck. Assessor's Plat 2, Lot 36, R-25 District, 19 Pleasant Street, Barrington, RI 02806, requiring dimensional relief for deck within 100' of wetlands/water bodies (100' required; 38'3" existing; 34'11"

proposed), within 30' of front yard property line (30' required; 19'7" requested), and requiring a special use permit for proposed construction within 100' of Wetlands Overlay District (100' required; 38'3" existing; 34'11" proposed).

Present: Mark Butler, applicant

In the audience: Leslie Weeden, Barrington Conservation Commission

Mr. Butler explained that a proposal on a much greater scale was denied in October 2014. They returned in December 2014, pursuant to § 185-65, with a plan that would meet their objectives but was smaller in scale. The Board agreed that it was different enough to be heard at a future hearing.

Mr. Butler stated that they have the approval of the Conservation Commission. Ms. Weeden spoke in favor of this proposal, noting that the applicant made a good faith effort to change their plans.

There was discussion about whether the deck could be made any smaller and still serve its purpose, and whether it could be located elsewhere with less impact on the environment; the Board concluded that no change could be made that would be practicable – the grading of the land substantially dictates where a deck could be built. The drywell installation will improve drainage.

At 7:15 p.m., the public participation portion of the hearing was closed.

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

DISCUSSION:

The Board members stated they were in favor of approving the dimensional variance for the following reasons:

- > This applicant responded to the Board's concerns expressed at the October 2014 hearing
- > Any impact on the environment will be de minimus
- > Putting the deck on the west side of the house is the only location that is workable

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

DISCUSSION:

The Board relied on the facts noted during the dimensional variance discussion.

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 in that it has taken into consideration the report of the Conservation Commission; and that the application minimizes to the degree possible any negative impacts on the wetlands.

Application #3794, Paul Mainella and Louise Mainella, 32 New Meadow Road, Barrington, RI 02806, applicants and owners, for permission to build an attached three stall garage and storage. Assessor's Plat 27, Lot 75, R-25 District, 32 New Meadow Road, Barrington, RI 02806, requiring dimensional relief for side yard setback on the north side of the property (24.65' required; 22.9' requested).

Present: Anthony DeSisto, attorney, 450 Veterans Memorial Parkway, East Providence, RI
Paul and Louis Mainella, applicants and owners

Mr. DeSisto explained that a prior application in April 2014 was withdrawn after the Board suggested that the applicants consider a location other than the south side of the property to build a garage. This application proposes a two-car garage on the north side of the house, requiring 21 inches of relief. This is required due to the unique size of this lot: with a frontage of 246.5', a side yard setback of 24.7' is required compared to the minimum of 15' required for the R-25 zone. Mr. DeSisto noted that the relief that they are seeking is minimal and will not alter the character of the neighborhood. The proposed two-car garage is standard in width but quite large in depth. The proposed lot coverage would be 9%. Mr. DeSisto stated that the applicant's proposal is appropriate for a lot of this size.

Mr. Mainella presented Exhibit A to the Board which shows the existing one stall garage. Although this garage has two garage doors; the kitchen was extended several feet into the garage some years ago, and the remaining garage is one stall. It will continue to be used as a garage / storage.

An opposing letter from neighbors Peter & Susan Plumb, 25 New Meadow Road, received prior to this hearing was presented to the applicants and to Mr. DeSisto. Ms. Mainella stated that was inaccurate, and she had received positive feedback from other neighbors regarding this proposal.

The Board discussed the very large size of the garage – 48' in depth, but concluded that the depth had no appreciable impact on the relief requested.

At 7:35 p.m., the public participation portion of the hearing was closed.

MOTION: Mr. Freel made a motion to approve this application. Mr. Meyers seconded the motion and it carried (4-1).

DISCUSSION:

- The 21 inch side yard setback relief is minimal and is required only because of the very large lot frontage.
- The garage is of a standard width – the dimension that affects the side yard setback, and this is the least relief necessary to construct a garage of that size.

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.

OTHER BUSINESS:

Pursuant to § 185-65, the Zoning Board will consider an affidavit regarding a subsequent application for a dimensional variance for property located at 117 Highland Avenue, Barrington, RI. On February 19, 2015, the Zoning Board denied an application for a dimensional variance to demolish an existing single-family residence and detached garage and construct a two-story single family residence with an attached garage. The Zoning Board will determine whether the affidavit shows that a substantial change in the factual circumstances exists to justify a rehearing. If the Board Accepts the application, the application will be considered at a future hearing and notice will be provided to abutters.

Present: Anthony DeSisto, attorney, 450 Veterans Memorial Parkway, East Providence, RI,
Jenny and Thomas Flanagan, owners, 117 Highland Avenue, Barrington, RI

DISCUSSION:

In addition to the affidavit from the applicants, the Board entered Exhibit A (original application and plans) into the record for comparison. The Board found that the new plans were sufficiently different from the prior plans to meet the standards for a new application to be heard at the next Zoning Board meeting on April 16, 2015.

MOTION: Ms. Henderson made a motion to accept this affidavit for a subsequent application. Mr. Dennehy seconded the motion and it carried (5-0).

REASON FOR DECISION:

- The Board found that a substantial change in the factual circumstances exists, justifying a rehearing.

ADJOURN:

There being no other business, Mr. Freel moved to adjourn at 8:17 P.M. The motion carried and the meeting was adjourned.

Respectfully submitted,

Mary Ann Rosenlof, secretary

Thomas Kraig, Chairman

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