

**ZONING BOARD OF REVIEW DECISION  
TOWN OF BARRINGTON  
283 County Road  
Barrington, Rhode Island 02806**

**RECEIVED****AUGUST 15, 2022**COASTAL RESOURCES  
MANAGEMENT COUNCIL

The Zoning Board at its meeting on 4/14/2022 heard the petition from:

**APPLICATION #4094**

Applicant: Edward Lundgren  
33 Meadowbrook Drive  
Barrington, RI 02806

Owners: Same as applicant

Address: Puritan Avenue, Barrington, RI 02806; Assessor's Plat 32, Lot 419,  
R-25 District

Proposal: Application #4094, Edward Lundgren, 33 Meadowbrook Drive, owner and applicant, for permission to construct a single-family home. Assessor's Plat 32, Lot 491, R-25 District, 0 Puritan Avenue, requesting dimensional variance for front-yard setback and 100' wetland setback and a special-use permit for construction in the wetlands overlay district.

The Board made the following findings of fact:  
*See attached minutes containing findings of fact.*

Therefore, the Board voted:

  X   to approve this application

       to deny this application

for the following reason:

**MOTION:** Mr. Rizzolo moved to approve the dimensional variance portion of the application, including the conditions set forth by the Conservation Commission. Mrs. Pomeranz seconded the motion and it carried (5-0).

<u>Members</u>	<u>aye</u>	<u>nay</u>
Thomas Kraig	X	
Ladd Meyer	X	
Karen Pringle	X	
David Rizzolo	X	



Michelle Turgeon

X

**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 a physical or economic disability of the applicant – the hardship is due to the property abutting wetlands, and the applicant is being bookended between meeting the requirements and recommendations of both the Town's zoning ordinance and Coastal Management Resources Council (CRMC) requests; 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 – this is new construction as the parcel is undeveloped; 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 of the Comprehensive Plan – the application seeks to construct a single-family residence, which is what the area is zoned for; D) that the relief to be granted is the least relief necessary – the applicant has been before CRMC and adjusted the plans accordingly, and the changes have also been recommended by the Conservation Commission. Additionally, the standards for a dimensional variance set forth in §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 – absent relief, the house could not be built.

**MOTION:** Mr. Rizzolo moved to approve the special-use permit portion of the application with the conditions set forth by the Conservation Commission. Mr. Meyer seconded the motion and it carried (5-0).

Membersayenay

Thomas Kraig

X

Ladd Meyer

X

Karen Pringle

X

David Rizzolo

X

Michelle Turgeon

X

**REASON FOR DECISION:**

It was the judgment of the Board that the standards in §185-73 have been met: A) the public convenience and welfare will be substantially served – no adverse impact based on the testimony, Conservation Commission recommendation, or CRMC input; B) it will be in harmony with the general purpose of this chapter and with the Comprehensive Plan – this will be a single-family residence in a proper zone; C) it will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community – there is no testimony suggesting any such negative impact in the record, and the Conservation Commission also agrees that there is nothing to suggest any harm. In addition, the application has been vetted by CRMC; D) it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district – both the Conservation Commission and CRMC have reviewed and approved this application. Additionally, the Board is entitled to rely on the review and recommendation of the Conservation Commission when it comes to the standards for development in the wetlands overlay district and the Board concludes that the standards of §185-174 have been satisfied based on that report.

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MANAGEMENT COUNCIL**





INST:

1370 Bk: 1802 Pg:

65

Signed: Thomas Kraig  
Thomas Kraig, Zoning Board Chairman

Date: 08/19/22

Zoning Board of Review Decision

**ATTENTION:**

- a special use permit or variance shall expire one year from the date granted\* by the Board *(The Board may grant only one extension for one year. Requests must be in writing 30 days prior to expiration date and a \$25.00 filing fee is required.)*
- unless the applicant exercises the permission granted or receives a Building Permit so to do and commences construction, and diligently prosecutes the construction until completed.
- no re-application for a special use permit or variance shall be granted without a hearing as specified in the Zoning Ordinance.

**ATTENTION TO APPLICANT: This is not a Building Permit.**

- All applicants must obtain a Building Permit and comply with all other applicable regulations of the Town of Barrington and the State of Rhode Island,
- Including where applicable requirements of the Rhode Island Department of Environmental Management and the Rhode Island Coastal Resource Management Council, before commencing any work.
- Also, this decision may be appealed to the Superior Court of Rhode Island by an aggrieved party within twenty (20) days of the date it is filed with the Clerk of the Town.

**\*Please note: Special Use Permit from the requirements of the merger provisions of §185-29, as provided in §185-73 of this chapter - this relief shall not be subject to the one-year expiration from the date of granting by the board, as required in §185-66 of this chapter.**

**APPLICATION MINUTES**

**Application #4094, Edward Lundgren, 33 Meadowbrook Drive, owner and applicant, for permission to construct a single-family home. Assessor's Plat 32, Lot 491, R-25 District, 0**

**Puritan Avenue, requesting dimensional variance for front-yard setback and 100' wetland setback and a special-use permit for construction in the wetlands overlay district.**

*Present: Edward Lundgren, owner and applicant*

The applicant explained that he went before the Board for this project and received approval back in January 2021. The only difference between the former approval and the new application is the new application now seeks relief for the front-yard setback. Mr. Lundgren noted he is seeking the relief because Coastal Resources Management Council (CRMC) has requested that the applicant do so to be farther away from the adjacent wetland. Mr. Lundgren clarified that the construction will be over 70 feet away from nearest coastal feature and requested five feet of front-yard dimensional relief. Mr. Lundgren explained that he owns the abutting property but is looking to construct a smaller house with a two-car garage to the east, which is completely out of the wetlands.

The Board asked clarifying questions about the footprint and changes made after CRMC review, and the applicant described further context of the site. The Board asked about an alternative location - Mr. Lundgren read an excerpt from the January 20, 2021, meeting minutes discussing why that alternative location was not an option, based on prior testimony from Waterman Engineering.

The Board then asked the applicant about downsizing a two-car garage to a one car, and Mr. Lundgren noted that a two-car garage is what best suits his needs and believes is needed on the site.

*There was no one from the public to speak for or against the application.*

**MOTION:** Mr. Rizzolo moved to approve the dimensional variance portion of the application, including the conditions set forth by the Conservation Commission. Mrs. Pomeranz seconded the motion and it carried (5-0).

<u>Members</u>	<u>aye</u>	<u>nay</u>
Thomas Kraig	X	
Ladd Meyer	X	
Karen Pringle	X	
David Rizzolo	X	
Michelle Turgeon	X	



**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 a physical or economic disability of the applicant – the hardship is due to the property abutting wetlands, and the applicant is being bookended between meeting the requirements and recommendations of both the Town's zoning ordinance and Coastal Management Resources Council (CRMC) requests; 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 – this is new construction as the parcel is undeveloped; 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 of the Comprehensive Plan – the application seeks to construct a single-family residence, which is what the area is zoned for; D) that the relief to be granted is the least relief necessary – the applicant has been before CRMC and adjusted the plans accordingly, and the changes have also been recommended by the Conservation Commission. Additionally, the standards for a dimensional variance set forth in §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 – absent relief, the house could not be built.

**MOTION:** Mr. Rizzolo moved to approve the special-use permit portion of the application with the conditions set forth by the Conservation Commission. Mr. Meyer seconded the motion and it carried (5-0).

<u>Members</u>	<u>aye</u>	<u>nay</u>
Thomas Kraig	X	
Ladd Meyer	X	
Karen Pringle	X	
David Rizzolo	X	
Michelle Turgeon	X	

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**AUGUST 15, 2022**

COASTAL RESOURCES  
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RECEIVED FOR RECORD  
May 20, 2022 09:31A  
Barrington, R.I.  
Meredith J. DeSisto  
TOWN CLERK