



Ms. Tracy Silvia, Sr. Env. Scientist
CRMC
4808 Tower Hill Road
Wakefield, RI 02879
401-783-3370

June 5, 2021

Dear Ms. Silvia,

Thank you for speaking with me on the phone on May 10th regarding my application to CRMC. Enclosed is the transcript of my meeting with the Barrington Zoning Board on January 21, 2021 seeking relief of the 100' wetlands setback. Please note I had already been before the Barrington Conservation Commission three times. After the third design iteration of footprint reduction, design location, front & side yard setbacks and house orientation I was granted the approval at 51.2 feet from wetlands. That approved design was based on an impervious lot coverage of 2,768 sq ft with a 2,100 sq ft footprint house.

After meeting with Scott Rabideau of Natural Resource Services, Inc. he explained to me that in addition to the 51.2 foot setback from wetlands flagging granted by the Conservation Commission, CMRC wants a construction buffer zone. So once again I reduced the size of my proposed house to a two bedroom home with a footprint of 1,820 sq ft. Also please note that the house is right on the front setback line and moved as close to the sewer easement as safely possible. If one were to draw a line thru the lot both horizontally and longitudinally it is completely in the one quadrant furthest away from the wetlands edge. In the eight years I have lived here (I live next door at 33 Meadowbrook Drive) I have never seen water anywhere near the wetland edge markers, the river is 500' to the south.

In reading thru the Zoning Board transcript please note on page 9 Mr. Lipsitz of Waterman Engineering comments regarding the confirmation that the wetland flagging has not changed or the topography of the lot has not been altered. Those were wild, unfounded accusations from a neighbor who does not want to see the construction next to him.

On the last page of the application for state assent, Waterman Engineering Company states that the total impervious coverage for the construction would be 2,768 sq ft. That number is incorrect. Scott Rabideau suggested to me that the driveway and walkway be constructed with a pervious material which would be ¾" crushed blue

stone or similar material, reducing the impervious area by 948 sq ft and I agreed to do that as stated in the zoning transcript.

Also enclosed for your review is the application for Appeal of Property Taxes that I filed in 2019. Whereas the town assessor basically tells me that they are not reducing the property taxes because the lot is a buildable lot. With the taxes at approximately \$4,500 per year on a vacant lot I decided to build a new, smaller, more energy efficient home for myself.

Also enclosed is the MLS sales sheet for the property which shows the clearing had already been done by the seller. This brochure is dated 12/3/16 which is 22 months before I bought the property. I was told by Waterman Engineering that the limit of clearing markers/flags which is a requirement of CRMC to show what could be cleared and what was to be untouched was never flagged by them.

In response to Mr. Brown's allegation on page 9 that he had seen dumpsters on the property full of brush and debris, he is correct. After I purchased the property I went there with my skid steer and two helpers and we picked up all the brush and debris left by Mr. Gaebe's cutting crew. I then hired someone to hydro seed the property, no additional clearing was done, no fill, loam or any other material was put on that property.

I have informed Laura Migual of CRMC that a professional landscaper did do the restoration of the property with the approved planting in May.

If you need any additional information in order to approve my project, or you would like to discuss anything I have presented, please feel free to contact me at 401-323-7005. I am also available to meet with you at the property if you would like.

Thank you.

Ned Lundgren
33 Meadowbrook Drive
Barrington, RI 02806



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

The Zoning Board at its meeting on 01/21/2021 heard the petition from:

APPLICATION #4006

Applicant: Edward Lundgren
33 Meadowbrook Drive
Barrington, RI 02806

Owners: Edward Lundgren
33 Meadowbrook Drive
Barrington, RI 02806

Address: 0 Puritan Avenue, Plat 32, Lot 491, R-25 District

Proposal: Application #4006, Edward Lundgren, 33 Meadowbrook Drive, Barrington, RI, applicant and owner, for permission to construct single family home. Assessor's Plat 32, Lot 491, R-25 District, 0 Puritan Avenue, Barrington, RI, requiring dimensional relief for 100' wetlands setback as well as a special use permit for development 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. Freel made a motion to approve the dimensional variance, allowing 51.2 feet to the nearest structure from the wetlands, subject to the conditions in the Conservation Commission recommendations. Mr. Meyer seconded the motion and it carried (5-0).

Members

Paul Blasbalg
Mark Freel

aye

X
X

nay



morals and general welfare of the community – none of these factors, such as traffic or safety, would be impacted by the addition of a home on this lot; D) it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district – notwithstanding the angle at which the house is to be set, that is not enough to substantially or permanently injure the appropriate use of the property. 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 Section § 185-174 have been satisfied.

<u>Members</u>	<u>aye</u>	<u>nay</u>
Paul Blasbalg	X	
Mark Freel	X	
Thomas Kraig	X	
Ladd Meyer	X	
David Rizzolo	X	

Signed: Thomas Kraig
Thomas Kraig, Zoning Board Chairman

Date: 03/12/21

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,

3rd application unanimously at the November 16, 2020 meeting. Mr. Lundgren noted that if he moved the house farther from the waterbody / wetland, he would need additional dimensional relief for a front and/or side-yard setback, and that this is the best solution possible, resulting in the least relief necessary. Mr. Lundgren also commented on other aspects of the project he worked on with the Conservation Commission, including developing the driveway configuration with a pervious surface, and the construction of the rain garden with the gutters to be directed to it. He noted that the proposed house is not large - just over 2,100 square feet; in response to a question from the Board, he clarified that that is the entire living space of the house, and that the first floor would essentially be a slab. Although the house's position is not where Mr. Lundgren initially wanted it, he said that the location results in the least relief necessary.

The Board asked if the slab configuration of the first floor is because the property is in the A flood zone and the house needs to be "floodable"; Mr. Lundgren responded yes, the first-floor area needs to be at a 12-foot elevation. Mr. Lundgren noted he does not have a full set of plans due to the controversy surrounding his proposed project, and does not yet know if CRMC will allow him to build a house that large.

Mr. Lundgren explained his reason for his desired footprint and dimension. He wants to build a low-maintenance house including solar panels, windows which flip in to easily wash, foam insulation, and a limited number of stories. He reiterated that he still needs to go before CRMC for approval of his project. Mr. Lundgren noted that, in terms of the relief being requested from the Board, approximately 80 percent of the house is 80 feet away from the edge of the wetlands delineation, that the hardship is not caused by any action he took on the lot or any other zoning issues, the hardship comes from the unique characteristic of the lot given the wetlands and the buffer, and how the house he is proposing is a modest house and fits in with the neighborhood. Mr. Lundgren added that he went to the Town's Tax Assessor about two years ago, when he bought the house, and noted that he paid a lot less for the house than its assessed value, and he was told that the only way Mr. Lundgren could reduce the assessed value was to combine the lot with his current lot at 33 Meadowbrook Drive, because it is a buildable lot. He said that he simply wants to build on his buildable lot and asked the Board if they had further questions for him.

Mr. Freel clarified that the application covered both a dimensional variance and a special-use permit; Mr. Skwirz confirmed that that was correct. The Chair asked the Solicitor if the report from the Conservation Commission, regarding the wetlands, is considered expert opinion for the Board to use for purposes of §185-174. The Solicitor responded that that was correct; however, the Commission is technically only advisory, leaving the final decision to the Board and allowing the Board to weigh the Conservation Commission's recommendation as it sees fit.

In response to a request from Mr. Blasbalg, Mr. Rizzolo read the comments section of the recommendation report provided by the Conservation Commission and clarified that they did unanimously approve the application.

Mr. Rizzolo asked Mr. Lundgren if the house location could be moved toward the northern property line. Mr. Lundgren responded that he and his engineer had angled the house to get it farther away from the wetlands, and if they moved the garage, it would place the back corner closer to the wetlands area. Mr. Lipsitz added that moving the property northward could



upland than wetland, and so that is why that is the hardship that this applicant has created. Mr. Ryan referred to Mr. Lundgren's comment in his testimony regarding how it is still undetermined whether CRMC will allow Mr. Lundgren to build on the lot. Mr. Ryan's point was that if the application were postponed or denied, Mr. Lundgren could still come back to the Board if he were able to build a house, but Mr. Ryan believes Mr. Lundgren has created his own hardship. Mr. Ryan also stated that Mr. Gaebe, if he knew the lot was buildable, would have built on it, but at that time - about two years ago - he was advised that the lot was not buildable.

Mr. Blasbalg clarified for the record that the Chair had asked the question about what this alleged filling, clearing, and tree cutting had to do with a dimensional variance, and it seems that Mr. Ryan's response was that the fill changed the topography enough that it affected and changed the flagging and what is wetlands and what is not wetlands. Mr. Blasbalg commented how that was a serious allegation and something for the Board to consider.

Mr. Rizzolo agreed that the profile line of the two extents of flagging appeared to be different, comparing the CRMC-stamped approved drawing dated June 20, 2016, which showed the wetland flagging as of that date, and the current drawing from Waterman engineering; however, he did not view the flagging as being radically different or as changing the buildability of the site, and did not believe the profile of constructability had changed to a high degree in the context of a large lot like Lot 491. Mr. Ryan replied that the issue was not the size of the lot, but the proximity of the building site to the wetlands. Mr. Rizzolo said that in comparing the flagged wetland edge on the CRMC and Waterman Engineering drawings, the locations are similar.

Mr. Freel asked Mr. Ryan, if the change were not "radically" different, how much different is the change. Mr. Ryan replied that there was a difference of several feet, but noted that he is not an engineer. Mr. Ryan commented that the one expert that he had contacted had had no ability to access Mr. Lundgren's property to conduct a soil and topographical evaluation. Mr. Freel commented that, even assuming Mr. Ryan were right - although Mr. Freel said he did not know enough to know one way or another - the application before the Board is based upon the existing conditions and measurements, and he was not sure how the Board could begin to take the issue presented by Mr. Ryan into account in denying the application. The Board, Mr. Freel commented, could go either way based on the merits of it as presented, but not based upon an allegation about a prior set of circumstances. Mr. Ryan stated that between 2018 and today, the current applicant altered the lot, which is why the Board has the current conditions before it. Mr. Ryan said that if the applicant had not altered the lot, it would appear dramatically different both to the Conservation Commission and the Board.

Mr. Blasbalg responded to Mr. Freel's comment, explaining how he could see the difference as being substantive. If the change in the flagged area is not de minimis, the Board is looking at a survey of existing conditions and would rule on those existing conditions. However, in this case, there is a potential issue with CRMC: if CRMC were to rule against the applicant and forced them to return the lot to its original condition, the Board would have voted on a set of circumstances which do not exist. Mr. Blasbalg saw some relevance to Mr. Ryan's point, where if the wetlands were moved back into its original condition after the Board acted, the Board would have acted on an issue that was in dispute. Mr. Blasbalg noted how the Board can do that where they do have a certified site survey, but he saw the point where if CRMC returned the land to its original condition, the situation would be changed entirely.

the value of the abutting properties. Mr. Brown added that he believes that Mr. Ryan's exhibits to the Board have one stating that CRMC put a lien on development of this property. Mr. Freel clarified with Mr. Brown that Mr. Ryan is his attorney and asked if what he is expressing is additional information; Mr. Brown responded that that was correct. Mr. Rizzolo asked if the lien information would be relevant to the Zoning Board since he understands that a lien would fall under CRMC action. Mr. Ryan referred to Laura Miguel's email, referred to as "Objector A1", where Mrs. Miguel wrote to Mr. Ryan that there is a lien on the property.

The Chair closed the hearing to public comment.

Mr. Lipsitz responded to the issues raised by the public comments. The wetland flags shown on the Waterman engineering survey are the same flags as those shown on Mr. Gaebe's and Carver Realty's application to CRMC. Mr. Gaebe hired Waterman Engineering in October of 2012 and had a professional flag the wetlands. On the survey, note 8 stated "the coastal feature flags delineated in January of 2013 by Natural Resource Services," and then "field located by Waterman Engineering". Mr. Lipsitz stated that, based upon that information, the wetlands have not changed since they were flagged in 2013. Mr. Lipsitz noted that Waterman Engineering worked with Mr. Gaebe over several years, and that he obtained CRMC approval to clear the lot up to the coastal buffer as measured from the wetland flags, and Waterman Engineering has worked with other people who have looked at this lot; there is nothing on the lot that has changed on the lot since 2012 when Waterman Engineering first surveyed it. Mr. Lundgren requested that the survey be updated in the summer of 2020 when the project started; that update found that the topography and wetlands were not different from the original marking. Although there were trees cleared, they were cleared by February 2018, which is approximately 8 months before Mr. Lundgren bought the lot, showing that the hardship was preexisting prior to the applicant buying the property. CRMC ordered Mr. Lundgren to restore the tree buffer because he is the current landowner, which Mr. Lundgren planned to do and had plans for that landscaping to take place by June 2021, and that Mr. Lundgren has been in communication with Mrs. Miguel from CRMC regarding this plan. Mr. Lipsitz stated that they cannot go for CRMC building and restoration approval until there is zoning approval. Mr. Lipsitz concluded by stating there has been no fill on the property since 2012, unless it happened after Waterman Engineering updated the survey at the end of last summer.

Mr. Brown expressed objection to Mr. Lipsitz's testimony, and stated that, as an abutter for 24 years, he had witnessed the topography change. Mr. Brown commented how he has seen dumpsters on Lot 491 full of brush and debris which Mr. Lundgren filled with his skid-steer loader, and Mr. Brown noted that he submitted photos of this. He reiterated his objection to Mr. Lipsitz's statement. The Chair reminded Mr. Brown how this is, again, a CRMC matter rather than a Zoning Board matter.

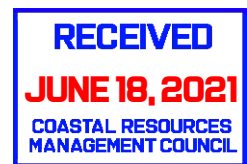
Mr. Joseph Roberts, a member of the Conservation Commission, commented that the Commission would have the same concerns that had been discussed about any changes to the site that might be substantial and might move the wetland edge closer to the construction site, but from the sounds of it that would happen regardless, depending on what CRMC does. He added that the Commission would want to review the application if CRMC wants to see remediation work before construction.

MOTION: Mr. Freel made a motion to approve the special-use permit associated with the wetlands overlay district, subject to conditions in the Conservation Commission recommendation and the 51.2 dimension noted on the most recent plans. Mr. Meyer seconded the motion and it carried (5-0).

<u>Members</u>	<u>aye</u>	<u>nay</u>
Paul Blasbalg	X	
Mark Freel	X	
Thomas Kraig	X	
Ladd Meyer	X	
David Rizzolo	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 –this is simply the addition of a modest home on a 37,000 square foot lot, which would not in and of itself have any adverse impact on the public convenience and welfare; B) it will be in harmony with the general purpose of this chapter ,and with the Comprehensive Plan – it is in a residential zone and is a modest-sized home; 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 – none of these factors, such as traffic or safety, would be impacted by the addition of a home on this lot; D) it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district – notwithstanding the angle at which the house is to be set, that is not enough to substantially or permanently injure the appropriate use of the property. 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 Section § 185-174 have been satisfied.



RECEIVED FOR RECORD
Feb 16, 2021 09:30A
Barrington, R.I.
Meredith J. DeSisto
TOWN CLERK

Vacant Land - MLS # 1109268**Active****0 PURITAN DR****HAMDEN MEADOWS
Barrington, RI 02806**

Area: Plat: 32 Lot: 491
Zoning: Block:
Assessment: \$ 352300.00
Real Estate \$ 6430.00
Tax Year: 2015
Fire District Tax: \$ 0.00
Asn Fee: Asn Fee Per:



Sold Price:
List Price: \$ 349,000
Original Price: \$ 379,000

Aprox Lot SF: 55,179 SqFt
Aprox Acres: 1.267 Acres
Frontage: 300

Internet / Address Display: Y/Y
IDX / Address Display: Y/Y
RILiving.com / Address Y/Y
Realtor.com / Address Display Y/Y

Allow AVM / Comments: Y/Y
Send to ListHub: Y

Open House:Days On Market: 431

Type: Residential Potential Lot(s): Estimated % of Woods: 100 % REO/Lender Owned: N
Sub-Division Approved: Y Approved Lot(s): 1 Estimated % of Field: 0 % Short Sale: N
Apvls Not Obtained:

2 LOTS 491 & 494 . TOTAL 1-1/4 ACRE LOT AT END OF PURITAN DRIVE. ABUTS PRIVATE BEACH, RECREATION AREA, WETLANDS. 1 BUILDABLE LOT.

Best Use: Single Family

Building: None

Have Available: Boundary Survey, Engineering Study

Location: Suburban

Lot: Corner, Paved

Near: Public School, Recreational Facility, Swimming

Land Status: Finished Lot

Road: Municipal

Soil: Sandy

Subject To: Flood Plain

Topography: Level, Wetlands

Underground Tank Type: Unknown

Underground Tank Size: Unknown

Utilities: Sanitary Sewers, Municipal Water, Electric, Telephone

Utilities in the Area: Electric, Sewer

Visibility:

Water Amenities: Saltwater View, Walk To Water, Access

Water Supply: Available

Will:

Zoning: Residential



Listing Agent: 2736
David Coleman
david.coleman@mottandchace.com
401-245-3050

Listing Office: MOCH05
Mott & Chace Sotheby's Intl.
401-245-3050

Showing Agent: 13923
Beth Davis
BDAVIS@COLEMANREALTORS.COM
401-282-8876

List Date: Entry Only: N Limited Service: N Occupancy: Negotiable Lockbox / #:
Exp Date: Photo: F RE Lic Owner: N List Contract: Exclusive Right to Sell Sign on Property: Y
Show Instr: Call Beth Davis 282-8876 or Dave Coleman 529-1600

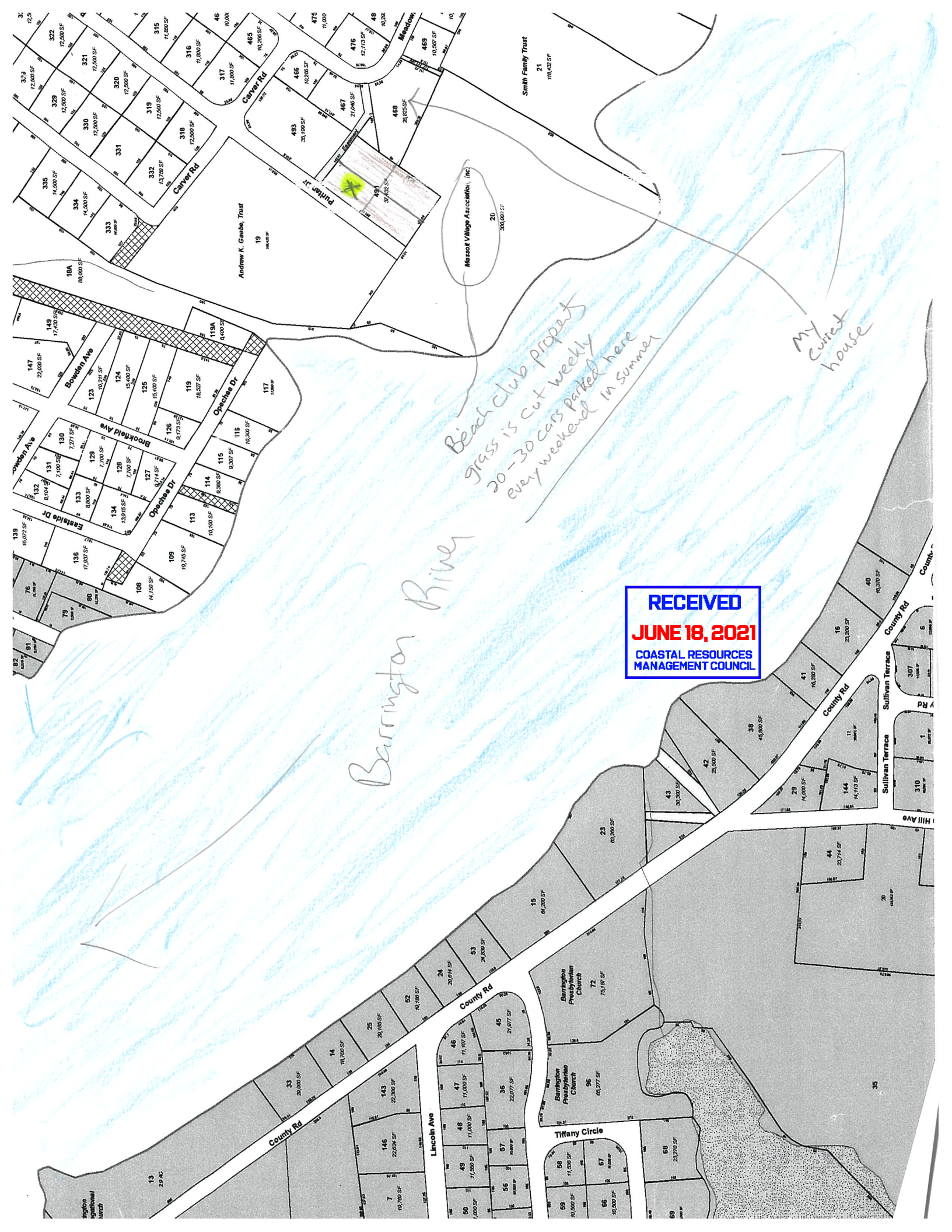
Comp to Coop Broker: 2.5NS

Comp Comments:

Terms (Available):

Type of sale:

Off Mkt date: Closed Date: List Price: \$ 349,000 Seller 2nd:
Contract date: FinanceType: Sold Price: Seller Pays CC: Seller Paid:
Pertinent Sale Data: Days on Market: 431
Coop Ofc: Coop Agent:



Beach club property
grass is cut weekly
20-30 cars parked here
every weekend in summer

My current house

Barrington River

RECEIVED
JUNE 18, 2021
COASTAL RESOURCES
MANAGEMENT COUNCIL

Smith Family Trust
21
118,432 SF

Mason Village Association, Inc.
20
300,000 SF

Andrew K. Grabe, Trust
19
118,432 SF

Tiffany Circle

Lincoln Ave

County Rd

County Rd

Sullivan Terrace

County Rd

Hill Ave

Barrington Presbyterian Church

Barrington Presbyterian Church

St. John's Episcopal Church



C/O: BARRINGTON TOWN HALL
283 COUNTY ROAD
BARRINGTON, RI 02806

DATE: December 13, 2019

APPLICANT(S): Edward F. & Eihun Lundgren
CARE OF: _____
33 Meadowbrook Road
Barrington, RI 02806



PROPERTY APPEALED: Vacant Lot on Puritan Avenue
PLAT-LOT: 32-491
ACCOUNT #: R - 070399
ASSESSMENT: \$158,000 L B

The Assessor's Office has reviewed your Application For Appeal Of Property Tax which was filed on December 12, 2019 and have come to the following conclusion(s):

The value of this lot has been reduced by 50% on the primary land (the first 25,000-sf) for wetland issues brought to this office from the prior owner and the residual land (12,432-sf) reduced by 90% also for said wetland issues. Your appeal states that "I only bought it because it abuts my property". If you wish to merge your house lot with this land then it would significantly reduce the value of the land, possibly even below the purchase price of \$115,000. This type of merger would have to be completed prior to 12/31/2019 to be reflected on next year's tax bill. Despite the long marketing time, the sale of this lot (along with the sale of the abutting lot on the same day) do not appear to reflect market value as of December 31, 2018 and the appeal is therefore denied.

APPEALING THE DECISION OF THE TAX ASSESSOR

If you disagree with the Tax Assessor's decision, your next step would be to appeal your assessment to Barrington's Board of Assessment Review (the Board). Appeals to the Board must be filed within thirty (30) days of the Tax Assessor's decision.

The last day to appeal the assessor's decision is **January 12, 2020**

INSTRUCTIONS FOR APPEALS TO THE BOARD

Your appeal to the Board must be completed on a separate application. You must provide seven (7) copies with your appeal application (if you are providing color photographs, please include original photographs for all seven (7) copies). Claims of wetlands must be accompanied with a letter from a Wetlands Biologist and a recent survey specifically showing just how much of the land is deemed wetlands. Incomplete applications will be returned to you.

M. R. Minardi

Michael R. Minardi
Assessor, Town of Barrington RI

50% preconsumer content



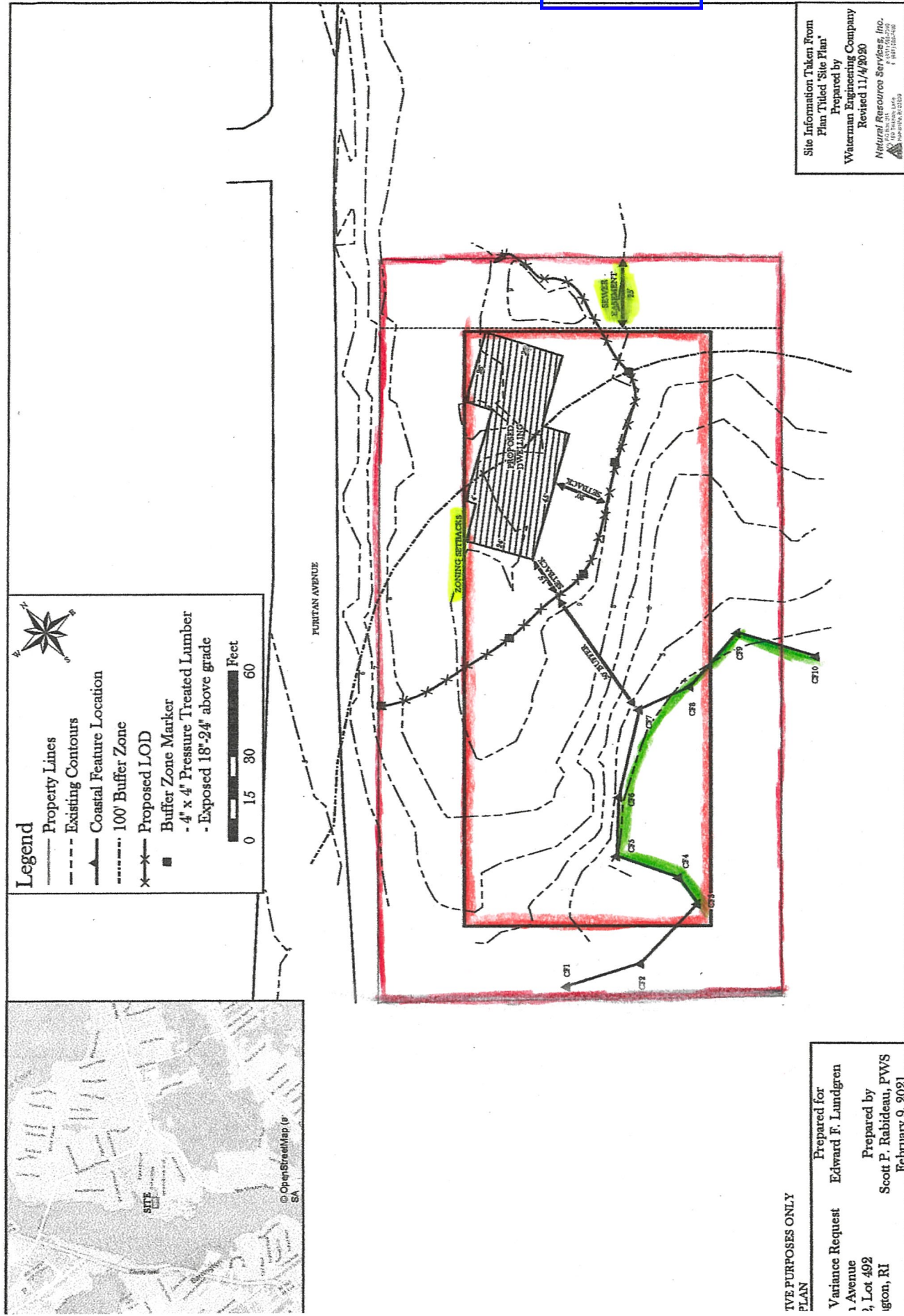
10% postconsumer content

PRINTED ON RECYCLED PAPER

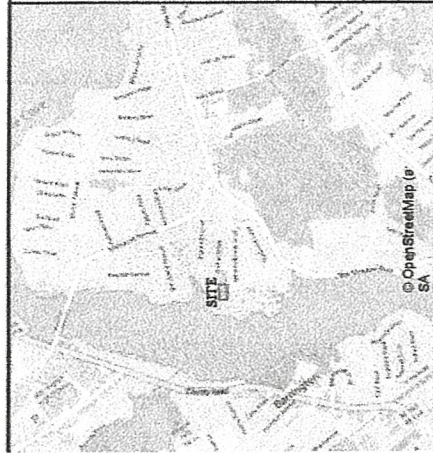
TEL (401) 247-1900

FAX (401) 247-3765

RECEIVED
JUNE 18, 2021
 COASTAL RESOURCES
 MANAGEMENT COUNCIL



Site Information Taken From
 Plan Titled 'Site Plan'
 Prepared by
 Waterman Engineering Company
 Revised 11/4/2020
 Natural Resource Services, Inc.
 100 Main Street
 Westport, MA 01886
 Tel: 978-326-7777
 Fax: 978-326-7778



FOR
 PLANNING
 PURPOSES ONLY

Prepared for
 Edward F. Lundgren
 Variance Request
 1 Avenue
 2, Lot 492
 Weymouth, RI
 Prepared by
 Scott P. Rabideau, PWS
 February 9, 2021