



## **Natural Resource Services, Inc.**

Response to Section 1.1.7  
Variance Criteria  
For  
Proposed Single Family Dwelling  
A.P. 32, Lot 491; Puritan Avenue  
Barrington, Rhode Island



Prepared for:

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## Proposed Project

The applicant, Edward Lundgren, is seeking permission to construct a single family dwelling on an undeveloped lot situated on the southeast side of Puritan Avenue in the Town of Barrington. The parcel is 0.859 acres (37,432 square feet) in size and has access to both municipal sewer and water services. In fact, the Town of Barrington maintains an active sewer line within a 25 foot easement along the lot's entire north/northeast property boundary. The entirety of the lot falls within 200 feet of a regulated physiographic feature.

Natural Resource Services, Inc. (NRS) was originally retained by the applicant to delineate the limit of any wetlands on the property. The wetland flagging depicted on the submitted site development plan represents the limit of a contiguous freshwater wetland associated with the Barrington River. This section of the Barrington River is classified as Type 2 Waters under the RI Coastal Resources Management Program (CRMP). The outer limit of this wetland consists of a monoculture of common reed (*Phragmites australis*), a state listed invasive plant species. Pursuant to Section 1.1.11 of the CRMP, this undeveloped lot requires a 75 foot buffer zone. The setback standard for any proposed construction is 100 feet.

The coastal wetland and 75 foot buffer zone encompass a significant portion of the total land area within the lot. The town's sewer easement, which is outside of the 75 foot buffer zone, further reduces the area available for construction of a home. Due to these specific site limitations, the applicant finds that relief from the CRMP buffer zone and setback standards are required in order to allow for the construction of the dwelling.

## Response to Section 1.1.7(A) - Variances

This section of the CRMP states that any applicant seeking a variance from a Program standard shall make the request in writing and also address in writing each of the six (6) variance criteria listed the section. The following represents the applicant's written response to this CRMP requirement.

## Variance Request

Since originally submitting the application to the Coastal Resources Management Council (CRMC), the applicant has reduced the structural lot coverage (SLC) of the proposed dwelling and sought relief from the front yard setback requirement from the Town of Barrington.

The applicant is seeking permission to construct a 1,496 square foot single family dwelling in the north corner of the lot. This location provides the greatest separation distance from the coastal wetland which encompasses the south corner of the lot. The existing 25 foot wide sewer easement along the northeast property boundary restricts the lateral movement of the structure in that direction as grading and excavation for the foundation cannot occur within the easement area.



The Barrington Zoning Board granted setback relief to the applicant. The local zoning requires a 30 foot front yard setback. The Board granted relief to 27.3 feet for one house corner and 25 feet for a second corner.

The applicant is seeking a buffer zone reduction of 25 feet from the required 75 foot standard (33 percent variance). A similar 25 foot reduction from the 100 foot setback standard is also being requested (25 percent variance).

It should be noted that the required buffer zone and setback relief is along a limited section of the buffer zone. The majority of the 75 foot buffer shall remain intact. When examined from an area as opposed to a linear perspective, the area of the required buffer zone on this lot equals 18,267 square feet. If the variance is approved, that number is reduced to 16,395 square feet, a 10 percent reduction. This represents the applicant's attempt to minimize buffer zone loss resulting from the project.

#### Response to Variance Criteria

1. *The proposed alteration conforms with applicable goals and policies of the Coastal Resources Management Program.*

The applicant is seeking permission to construct a 1,496 square foot structure on a residentially zoned parcel in Barrington. This size structure is modest in comparison to the homes in the surrounding neighborhood. The lot is adjacent to Type 2 Waters. According to the CRMP, "Type 2 waters are adjacent to predominantly residential areas" (Section 1.2.1(A)). The construction of a single family dwelling on a 0.859 acre residentially zoned lot is consistent with the Program's anticipated shoreline development adjacent to this water type.

2. *The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.*

The applicant has made an effort by reducing the size of the dwelling and securing zoning relief to minimize the area of buffer zone impacted by the project. The full 75 foot buffer zone equals 18,267 square feet of area. This would be reduced to 16,395 square feet should the variance request be granted. This 10 percent reduction in the available buffer zone area was a minimization strategy to demonstrate that the project would not result in a significant adverse environmental impact.

3. *Due to conditions at the site in question, the applicable standard(s) cannot be met.*

The parcel is rectangular in shape with the coastal wetland encompassing approximately 25 percent of the southern corner. The 75 foot arc drawn from the





edge of the wetland takes up the available upland in the middle of the lot. This pushes any proposed development to the north corner butting up against the 25 foot sewer easement. Therefore it is the unique location of the wetland and the pre-existing sewer easement which create a condition where a buffer zone and setback variance are required in order to construct the proposed single family dwelling.

4. *The modification requested by the applicant is the minimum variance to the applicable standard(s) necessary to allow a reasonable alteration or use of the site.*

This applicant is seeking the buffer zone and setback variance in order to construct a single family dwelling with 1,496 square feet of SLC. Due to the location of the coastal wetland within this rectangular shaped lot, it is necessary to request a 33 percent variance to the buffer zone standard in order to construct the house and maintain a 25 foot setback from the reduced buffer zone. Overall however, only 10 percent of the buffer zone area within the parcel would be permanently impacted from the project.

The buffer zone and setback variance sought by the applicant, in conjunction with the relief granted by the Barrington Zoning Board, is necessary in order to construct a modest home on this residentially zoned parcel. It is the minimum relief needed to allow for this intended use of the property. The applicant would be faced with an undue hardship should the relief not be granted.

5. *The requested variance to the applicable standard(s) is not due to any prior action of the applicant or the applicant's predecessors in title. With respect to subdivisions, the Council will consider the factors as set forth in § 1.1.7(B) of this Part below in determining the prior action of the applicant.*

The applicant purchased this pre-existing lot of record with the express purpose of constructing a residential dwelling for his family. The predecessor in title did own an adjacent but separate pre-existing lot of record. However, neither party subdivided or merged the parcels in a way which would be in conflict with Section 1.1.7(B) of the CRMP. The parcels are now in separate ownerships as allowed by both local and state standards.

6. *Due to the conditions of the site in question, the standard(s) will cause the applicant an undue hardship. In order to receive relief from an undue hardship an applicant must demonstrate inter alia the nature of the hardship and that the hardship is shown to be unique or particular to the site. Mere economic diminution, economic advantage, or inconvenience does not constitute a showing of undue hardship that will support the granting of a variance.*

As explained previously, the lot is 0.859 acres in size and rectangular in shape. A contiguous freshwater wetland, or regulated coastal wetland, encompasses roughly 25 percent of the southern corner of the property. The arc of the required 75 foot buffer zone envelops the developable upland area in the mid-section of the lot. The only space available for residential construction outside of the 75 foot buffer zone is in the north corner along the Puritan Avenue frontage. The available non-buffer area is reduced due to a 25 foot sewer easement along the northeast property line. These are conditions within the property which create an undue hardship on the applicant relative to his ability to construct a modest single family dwelling.

The applicant's request for a 25 foot reduction in the 75 foot buffer zone standard is the minimum needed to relieve this hardship. The applicant has attempted to minimize the buffer zone impacts by limiting the encroachment to a narrow stretch of the regulated area. The project results in a minimum 10 percent loss of available buffer zone on this lot.

