



Town of Barrington

PLANNING, BUILDING AND RESILIENCE DEPARTMENT
Barrington Town Hall | 283 County Road | Barrington, RI 02806

MEMORANDUM

TO: Barrington Town Council
CC: Phil Hervey, Town Manager
Meredith J. DeSisto, Town Clerk
Roni Phipps, Chair, Barrington Planning Board
Patrick J. Majewski, President, Bay Spring Crossing Condominium Assoc.
FROM: Herbert A. Durfee, III, Director, Planning, Building & Resiliency 
DATE: December 30, 2024
SUBJECT: Request for Zoning Ordinance Amendment – Bay Spring Crossing Condominium Assoc.

ISSUE:

The issue is to discuss and act on procedural matters only regarding a proposal to amend the Barrington Zoning Ordinance submitted by the Bay Spring Crossing Condominium Association, pursuant to § 185-47, et seq of the Barrington Town Code (Zoning Ordinance)

During a subsequent meeting(s), to be determined, the Town Council will discuss and act on the proposal to amend the Zoning Ordinance.

BACKGROUND:

On December 23, 2024, the Town (via e-mail) received an “application” requesting amendment to the Zoning Ordinance so that the area involving the Bay Spring Crossing Condominium Association land use designation and related regulatory text is reclassified from Residential-Business Flex (RBF) to a Residential (R) district with allowance for Multi-Family Dwellings. Please refer to the attached 12/23/24 e-mail from Patrick Majewski, President of Bay Spring Crossing Condominium Association to Herbert Durfee, III.

On December 26, 2024 a \$1,250 check covering the required application fee for text and map-related amendment was received. With receipt of the fee, two “clocks” were triggered:





Town of Barrington
Planning, Building & Resiliency Department
283 County Road
Barrington, RI 02806

Memorandum to the Town Council

RE: Request Zoning Ordinance Amendment – Bay Spring Crossing Condominium Association

December 30, 2024

1. Pursuant to § 185-48, the Town Council is required to hold a public hearing within 65-days' receipt of the application to amend the Zoning Ordinance. With the public hearing clock triggered on 11/26/24, the Town Council should hold its public hearing no later than 02/24/24. But the public hearing is recommended to be scheduled for March 3, 2025. An explanation is offered under the Discussion section of this memorandum.
2. Pursuant to § 185-50, the Planning Board is required to submit to the Town Council within 45-days' receipt of the proposed zoning amendment its findings and recommendations, including the proposed amendment's general consistency with the Comprehensive Plan and consideration of the Zoning Ordinance's purposes (refer to § 185-3). Again, using the 12/26/24 date of receipt, the Planning Board should submit its findings and recommendations no later than 02/09/25. As explained in the Discussion section below, the Planning Board should be able to meet its 45-day requirement.

DISCUSSION:

For now, essentially all the Town Council needs to do is acknowledge receipt of the proposed zoning amendment, schedule a public hearing on the matter, and refer the proposal to the Planning Board (and any other Town committee the Town Council wishes) for its findings and recommendations.

The Planning Board, due to its “full” January agenda, will discuss and act on their proposed findings and recommendations at their February 4, 2025 meeting. Thereafter, their recommendations will be forwarded to the Town Council. The earliest regular meeting of the Town Council after the Planning Board’s meeting is Monday, March 3, 2025. So, it’s recommended that the public hearing be scheduled for that meeting even though March 3 exceeds the 65-day deadline for holding the public hearing. Scheduling the public hearing on March 3, 2025 will provide staff with sufficient time to warn the public hearing, provide the Planning Board’s recommendations to the Town Council, and adhere to meeting packet deadlines of both the Town Council.

Please note that Mr. Majewski’s consent is necessary to hold the public hearing beyond the 65-day requirement. (§ 185-48 A.) However, there is no statutory or Town “penalty” imposed on either the Planning Board or the Town Council in consideration of their 45-day and 65-day requirements, respectively. Though scheduling the public hearing shortly after the 65-day deadline is recommended, it will protect the integrity of the intended public participation process/procedure and the timeliness necessary to receive recommendation from the Planning Board.

Attachments:



Town of Barrington
Planning, Building & Resiliency Department
283 County Road
Barrington, RI 02806

Memorandum to the Town Council

RE: Request Zoning Ordinance Amendment – Bay Spring Crossing Condominium Association

December 30, 2024

- 12/23/24 e-mail from Patrick J. Majewski, President, Bay Spring Crossing Condominium Assoc. to Herbert Durfee, III.
- Amendment procedure for the Zoning Ordinance is attached.
- Abutter's Information:
 - Aerial imagery showing abutting properties within 200' of the condominium parcel (two images).
 - List of abutting properties within 200' of the condominium parcel (5 pages).
- Aerial image showing 60 Bay Spring Ave (Bay Spring Crossing Condominiums, Bldgs A, B, & C)
- Excerpt image showing the existing zoning for the condominiums and the surrounding area in general.
- Excerpt of the Zoning Ordinance – Article III – generally describing existing zoning districts.
- Excerpt of the Zoning Use Table (Residential Uses) – i.e., what residential uses are/are not allowed in each of the existing zoning districts.

RECOMMENDED MOTION:

Unless the following is included as part of the Town Council's Consent Agenda, it is recommended that the Town Council entertain a motion to:

1. Acknowledge December 26, 2024 as the date of receipt of Bay Spring Crossing Condominium Association's request to amend the Zoning Ordinance.
2. Ask Mr. Majewski, on behalf of the condominium association, to consent to allowing the Town Council to exceed the 65-day public hearing deadline so the Town Council can hold the public hearing on March 3, 2025.
3. Assuming Mr. Majewski's consent, schedule a public hearing to be held during the Council's regular meeting on Monday, March 3, 2025 beginning at 7:00 pm in the Council Chambers and to ask the Town Clerk in collaboration with the Director of Planning, Building & Resiliency to duly warn the public hearing according to § 185-48 and 49 of the Town Code.
4. Refer the proposed zoning amendment to the Planning Board asking for its written findings and recommendations to be provided to the Town Clerk no later than the deadline for the Town Council's March 3, 2025 meeting packet distribution.
5. Identify any other Town agency, board, or committee and refer the proposed zoning amendment to those entities where the Town Council feels that an advisory opinion is warranted.



Request for Zoning Amendment Change from RBF to R Multifamily

From Patrick Majewski <crestcomne@aol.com>

Date Mon 12/23/2024 11:35 AM

To Herbert Durfee III <hdurfee@barrington.ri.gov>

Cc Patrick Majewski <prne17@aol.com>; Evelyn Blum <evalineblum@gmail.com>; Linda James <lindahjames@hotmail.com>; A. 6 Katrina Mark Etherridge <trendy়spizzeria@gmail.com>; Mel North <mel3321@gmail.com>

You don't often get email from crestcomne@aol.com. [Learn why this is important](#)

Dear Herb Durfee,

As President of the Bay Spring Crossing Condominium Association at 60 Bay Spring Avenue, Barrington, R.I., I would like to formally request moving forward with an application to change our zoning status from ~~RBF~~ to R Multi-Family.

The request to change is in line with the current and future character of our community. As an RBF

the original intend of the developer in 2009 was to have two, two story buildings with six residential units on the second floor and six small business units on the first floor of each building.

The reality of the plan failed to materialize from the start as the residential units sold out, the small business unit sales were slow. What small business sold then experienced turnover and conversion into more residential units. More recently, by 2020 there existed five business and today there are only two businesses operating out of the 36 condo units. Two years ago, a third building was completed with all twelve units sold as residential units.

The Town of Barrington describes the RBF zone as a residential community that allows a small business to co-exist in the likeness 'meant to be in character and scale with, and appropriate to, proximate residential uses ... intended to provide areas for commercial activities which do not generate the traffic, glare, noise or larger parking areas.' We believe harmony existed over the years with the business units that remain.

Recently the Town and our residential community are being asked to allow one of the business units to breach our mutual commitment by using a little-known or used Federal statute that treats our RBF zoning as a mix-use zone similar to a medical building and will allow a business front. After twelve years of harmony, to establish a business front will steal the use of reserved and visitor parking for our residents for no practical business reason other than better exposure and personal gain. We have facts of the business needs as used over the past twelve years to be no more than two visitor spaces and one accessible parking space for the one-person business office which proved to work well.

Please accept our request as the first step to maintain our residential communities' character as intended by the Town.

Patrick J. Majewski, President
Bay Spring Crossing Condominium Association

60 Bay Spring Avenue, A10
Barrington, Ri 02806

*Town of Barrington, RI
Monday, December 30, 2024*

Chapter 185. Zoning

Article XI. Amendments

§ 185-47. Procedure for amendment.

- A. This chapter may be amended by the Town Council on its own initiative or by application of any person, group of persons, corporation or agency. All applications for amendment shall be filed at the office of the Town Clerk and shall be accompanied by a complete description of the proposed amendment and the portion of the ordinance proposed for amendment.
- B. Where the application is for a change in the boundary of a zoning district, the application shall be accompanied by an accurately drawn map showing the following:
 - (1) The boundaries of the property proposed for change with appropriate plat, lot and street numbers, and the dimensions and area of the proposed change.
 - (2) All properties within 200 feet of the perimeter of the property proposed for change, including those outside of municipal and state boundaries, together with plat and lot numbers and the names and mailing addresses of the owners of record of all said properties.
 - (3) The present zoning district boundaries in the area, as determined from the official Zoning Map.
- C. Except for action initiated by the Town Council or a Town agency or official, all applications for amendment shall be accompanied by a filing fee in an amount set from time to time by the Town Council,^[1] payable to the Town of Barrington and returnable only in the event that the application is withdrawn prior to the publication of notification of the public hearing.

[1] *Editor's Note: See Ch. A225, Fee and Fine Schedule.*

§ 185-48. Public hearing and notice requirements.

- A. Within 65 days of receipt of an application for amendment, the Town Council shall schedule a public hearing at which all interested parties shall be given an opportunity to be heard. The Town Council shall render a decision within 45 days after the date of completion of the public hearing. These deadlines shall not be construed to apply to any extensions consented to by an applicant.
- B. Notice of such hearing shall be published in a newspaper of local circulation in the Town of Barrington once a week for three successive weeks prior to the date of the hearing. The same notice shall be posted in the Town Clerk's office and one other municipal building in the Town, and the Town must make the notice accessible on the homepage of the website at least 14 days prior to the hearing. The cost of newspaper notice shall be borne by the applicant. The notice shall include:
[Amended 12-4-2023 by Ord. No. 2023-12]
 - (1) The date, time and place of the hearing.
 - (2) A statement that amendment of the zoning ordinance is under consideration.

- (3) A statement of the proposed amendment in its entirety, or a summary of the matter under consideration.
- (4) The location where and times when a copy of the proposed amendment may be obtained, or examined or copied.
- (5) A statement that the proposed amendment may be altered or further amended prior to the close of the public hearing without further advertising, as a result of further study or because of views expressed at the public hearing; and that any alteration or amendment must be presented for comment at the public hearing.

§ 185-49. Written notice requirements.

[Amended 9-9-2019 by Ord. No. 2019-18; 12-4-2023 by Ord. No. 2023-12]

Written notice, which may be a copy of the newspaper notice, or otherwise gives the date, time and place of the public hearing, and the nature and purpose thereof, shall be sent at least two weeks in advance of the public hearing date to the applicant, and to the following. The cost of mailings shall be borne by the applicant.

- A. Owners of all property, including that in any adjacent community, which is located in or within not less than 200 feet of the perimeter of a proposed map amendment, where the proposed amendment includes a specific change to the Zoning Map, by registered, certified, or first-class mail to the property address and the last known address of the owners, as shown on the current real estate tax assessment records of the Town of Barrington; for any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. Such written notice shall include a copy of the map required in § 185-47.
- B. The Town or city council of any adjacent community, by first class mail, to which either of the following pertain:
 - (1) Which is located in or within not less than 200 feet of the boundary of the area proposed for change.
 - (2) Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, which lies within 2,000 feet of any area which may be affected by the proposed amendment.
- C. The governing body of any state or municipal water department or agency, special water district or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within 2,000 feet of any area which may be affected by the proposed amendment, by first class mail; provided, however, that such governing body has filed with the Building Official a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.
- D. Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the Town. The notice shall be given by first-class mail at least two weeks prior to the hearing at which the text amendment is to be considered, with the content required by Subsection A. The notice shall include reference to the merger clause and the impacts of common ownership of nonconforming lots.
- E. There is hereby established a public notice registry allowing any person or entity to register for electronic notice of any changes to the zoning ordinance. The Director shall maintain the public notice registry and shall provide public notice annually of the existence of the electronic registry by publication of notice in a newspaper of general circulation within the Town.

- (1) Notice pursuant to a public notice registry as per this subsection does not alone qualify a person or entity on the public notice registry as an "aggrieved party" under § 185-5.

§ 185-50. Review by Planning Board and other Town agencies.

- A. Upon receipt of an application for amendment of this chapter, said application shall be referred to the Barrington Planning Board. The Planning Board shall report to the Town Council within 45 days after the receipt of the application, with its findings and recommendations, including:
 - (1) A statement on the general consistency of the proposal with the Comprehensive Plan, including the goals and policies statements, the implementation program and all other applicable elements.
[Amended 12-4-2023 by Ord. No. 2023-12]
 - (2) A consideration of the applicable purposes of this chapter, as presented in § 185-3.
- B. The Town Council may also refer any application for amendment to any other Town agency, board or committee where the Council feels that an advisory opinion may assist in arriving at a proper decision.

§ 185-51. Decision of the Town Council.

- A. Within 45 days following the completion of the public hearing, the Town Council shall render a decision on the proposed amendment and shall notify the applicant, the Building Official, the Zoning Board of Review, the Planning Board and the Town Clerk of such decision.
- B. In granting an amendment to this chapter, the Town Council may limit the change to one of the permitted uses in the district to which the subject land is rezoned and impose such conditions and restrictions as it deems necessary, including, without limitation:
 - (1) Requiring the applicant to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use which are the subject of the zoning change.
 - (2) Those relating to the effectiveness or continued effectiveness of the zoning change.
 - (3) Those relating to the use of the land.
- C. Such conditions or restrictions shall be clearly noted on the Zoning Map and recorded in the land evidence records of the Town of Barrington; provided, however, that in the case of a conditional zone change, the conditions or restrictions shall not be noted on the Zoning Map until the zone change has become effective.
- D. If the permitted use for which the land has been rezoned is abandoned, or if the land is not used for the requested purpose for a period of two years or more after the zone change becomes effective, the Town Council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before the application was filed.
- E. Where the Town Council denies or grants leave to withdraw to an applicant for amendment of this chapter, the council shall not consider another application for the same amendment for a period of one year from the date of such denial or withdrawal. This period of time may be waived if the subsequent application is accompanied by an affidavit presenting facts, to the satisfaction of the Town Council, demonstrating that a substantial change in the factual circumstances exists, justifying a rehearing of the proposed amendment.

§ 185-52. (Reserved)

[1] *Editor's Note: Former § 185-52, Protest by property owners, was repealed 1-13-1997 by Ord. No. 96-14.*

§ 185-53. Recording of an amendment.

Within five days after the enactment of an amendment, the Town Clerk shall make copies of such amendment available to the public and shall append copies of such amendment to the record copy of the zoning ordinance. Where the amendment changes the Zoning Map, the record copy of said map shall be amended within 90 days of the authorized change, and a notation shall be made thereon, giving the date of amendment and the appropriate reference into Town Council records.



200' Abutter's - AP 23, Lot 147

Town of Barrington, RI

1 inch = 563 Feet

December 26, 2024



CAI Technologies
Precision Mapping. Geospatial Solutions.

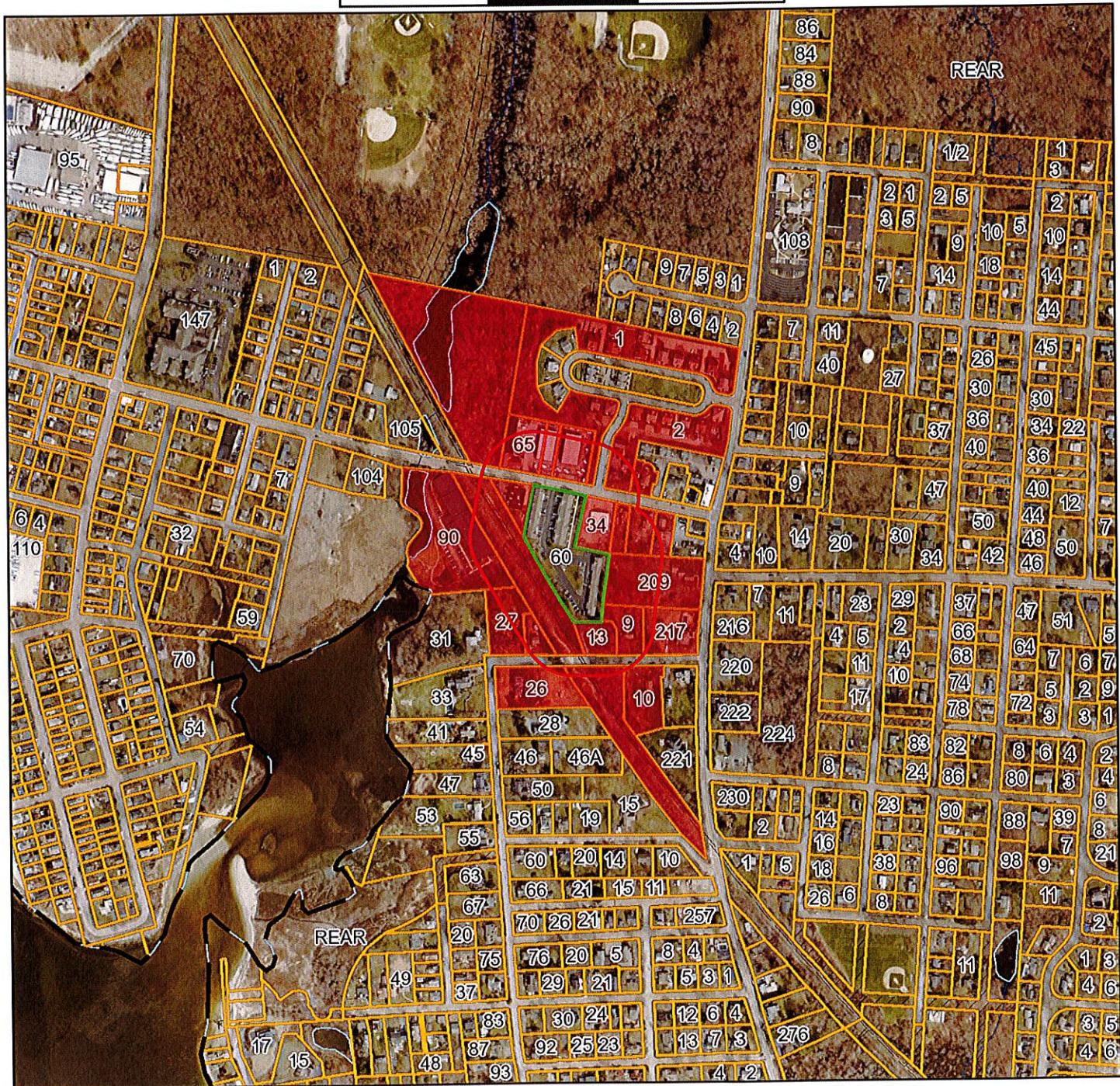
www.cai-tech.com

0

563

1126

1689



— CAI Town Line	— Public Road	—— Paper Streets
Parcel Address Label	<input type="checkbox"/>	Cemetery
— Private Road	<input type="checkbox"/>	Right of Way
— Property Line	—	WaterLines
	—	Water-poly
	—	Property Hook

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Town of Barrington, RI

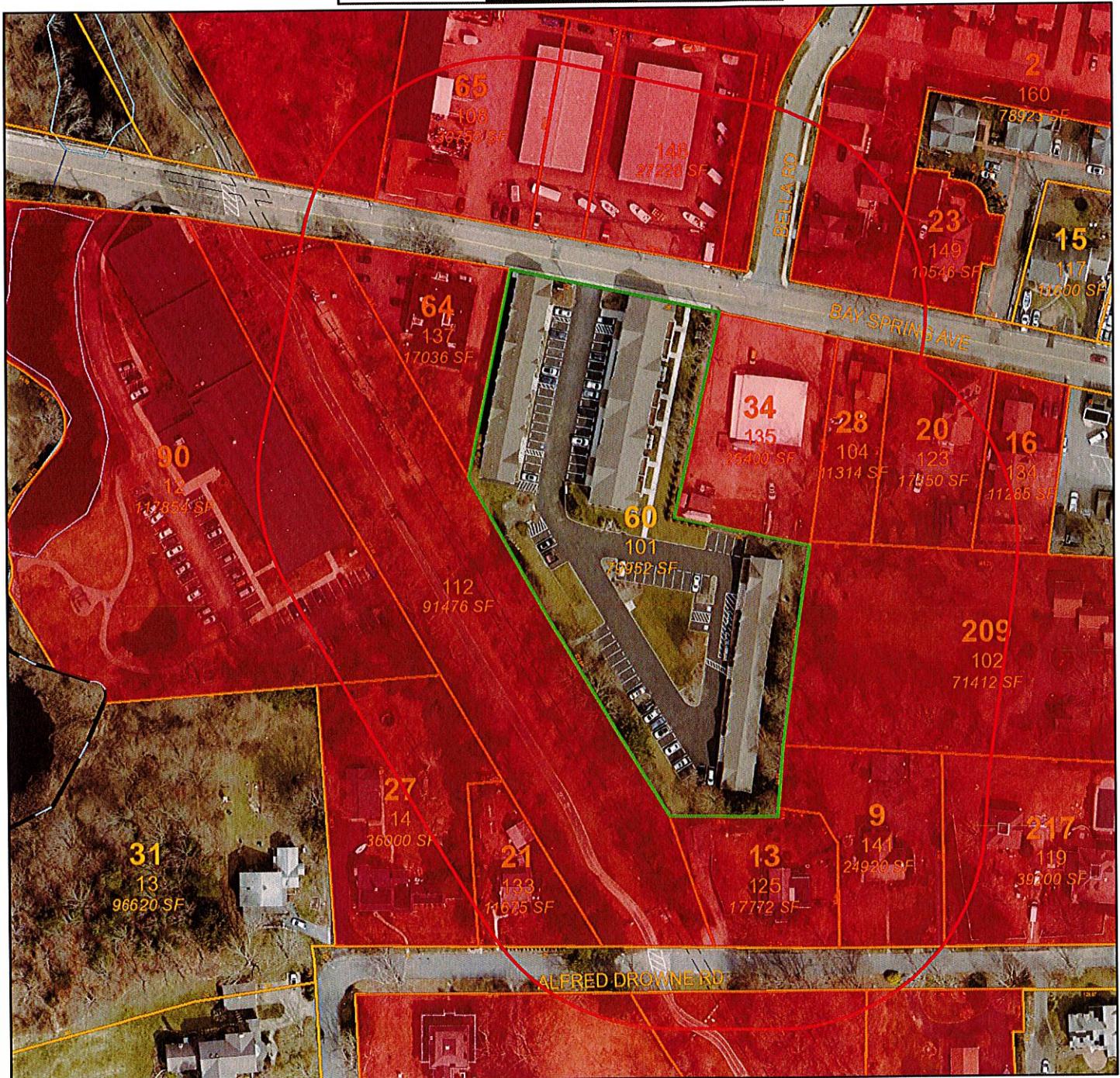
1 inch = 141 Feet

December 26, 2024

0 141 282 423

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— CAI Town Line	— Right of Way
— Property Line	— WaterLines
— Public Road	Parcel labels

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200 feet Abutters List Report

Barrington, RI
December 26, 2024

Subject Properties:

Parcel Number: 02-101
CAMA Number: 02-101-10A
Property Address: 60 BAY SPRING AVE 10A

Mailing Address: MAJEWSKI PATRICK JOSEPH
MAJEWSKI PAMELA JEAN
60 BAY SPRING AVENUE UNIT #10A
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-10B
Property Address: 60 BAY SPRING AVE 10B

Mailing Address: BRENNAN LAUREN M.
60 BAY SPRING AVENUE #10B
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-11A
Property Address: 60 BAY SPRING AVE 11A

Mailing Address: SMITH RYAN
60 BAY SPRING AVENUE #11A
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-11B
Property Address: 60 BAY SPRING AVE 11B

Mailing Address: WONG SHARE YUEN YU YANFANG
60 BAY SPRING AVENUE #11B
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-12A
Property Address: 60 BAY SPRING AVE 12A

Mailing Address: DE WAH RUIZ JOSEFINA L. WAH-FITTA
MARIA E.
60 BAY SPRING AVENUE #12A
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-12B
Property Address: 60 BAY SPRING AVE 12B

Mailing Address: JAMES LINDA H (TRUST)
60 BAY SPRING AVENUE #12B
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-1A
Property Address: 60 BAY SPRING AVE 1A

Mailing Address: BOYER DENNIS BOYER ANNIE MAE
60 BAY SPRING AVENUE #1A
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-1B
Property Address: 60 BAY SPRING AVE 1B

Mailing Address: BLUM EVELYN
60 BAY SPRING AVE. B1
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-2A
Property Address: 60 BAY SPRING AVE 2A

Mailing Address: KMS REALTY, LLC
60 BAY SPRING AVENUE 2A
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-2B
Property Address: 60 BAY SPRING AVE 2B

Mailing Address: BAY SPRING ASSOCIATES LLP
60 BAY SPRING AVENUE #3B
BARRINGTON, RI 02806



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200 feet Abutters List Report

Barrington, RI
December 26, 2024

Parcel Number: 02-101
CAMA Number: 02-101-3A
Property Address: 60 BAY SPRING AVE 3A

Mailing Address: SCAGLIOLA REMEDIOS
60 BAY SPRING AVENUE UNIT 3A
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-3B
Property Address: 60 BAY SPRING AVE 3B

Mailing Address: BAY SPRING ASSOCIATES LLP
60 BAY SPRING AVENUE #3B
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-4A
Property Address: 60 BAY SPRING AVE 4A

Mailing Address: FRANKIAN DOROTHY
60 BAY SPRING AVENUE #A4
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-4B
Property Address: 60 BAY SPRING AVE 4B

Mailing Address: DAVLYN PROPERTIES, LLC
2605 DIVISION ROAD
EAST GREENWICH, RI 02818

Parcel Number: 02-101
CAMA Number: 02-101-5A
Property Address: 60 BAY SPRING AVE 5A

Mailing Address: ADAMS DONNA J ADAMS JOSEPH A
19 HEDLEY CIRCLE
EAST PROVIDENCE, RI 02914

Parcel Number: 02-101
CAMA Number: 02-101-5B
Property Address: 60 BAY SPRING AVE 5B

Mailing Address: DAVYLN PROPERTIES. LLC
2605 DIVISION ROAD
EAST GREENWICH, RI 02818

Parcel Number: 02-101
CAMA Number: 02-101-6A
Property Address: 60 BAY SPRING AVE 6A

Mailing Address: ETHERIDGE KARINA E. ETHERIDGE
MARK
60 BAY SPRING AVENUE #A6
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-6B
Property Address: 60 BAY SPRING AVE 6B

Mailing Address: NORTH MELISSA
60 BAY SPRING AVENUE #B6
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-7A
Property Address: 60 BAY SPRING AVE 7A

Mailing Address: FITZPATRICK JENNIFER
60 BAY SPRING AVENUE, Unit 7A
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-7B
Property Address: 60 BAY SPRING AVE 7B

Mailing Address: MARR RAYMOND JR.
60 BAY SPRING AVENUE #7B
BARRINGTON, RI 02806



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200 feet Abutters List Report

Barrington, RI
December 26, 2024

Parcel Number: 02-101
CAMA Number: 02-101-8A
Property Address: 60 BAY SPRING AVE 8A

Mailing Address: ALTIN CAGDAS ALTIN YILDIZFER
KEMALOGLU
60 BAY SPRING AVENUE #8A
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-8B
Property Address: 60 BAY SPRING AVE 8B

Mailing Address: ENES ANA T.
547 WILLETT AVE
RIVERSIDE, RI 02915

Parcel Number: 02-101
CAMA Number: 02-101-9A
Property Address: 60 BAY SPRING AVE 9A

Mailing Address: DESMOND MAYA OLIVIA DESMOND
KEVIN HAROLD
60 BAY SPRING AVENUE UNIT #A9
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-9B
Property Address: 60 BAY SPRING AVE 9B

Mailing Address: ALVES REBECCA
60 BAY SPRING AVENUE #9B
BARRINGTON, RI 02806

Parcel Number: 02-101
CAMA Number: 02-101-MAIN
Property Address: 60 BAY SPRING AVE MAIN

Mailing Address: BAY SPRING ASSOCIATES LLP
60 BAY SPRING AVENUE #3B
BARRINGTON, RI 02806

Abutters:

Parcel Number: 02-012
CAMA Number: 02-012
Property Address: 90 BAY SPRING AVE

Mailing Address: BARRINGTON COVE LIMITED
PARTNERSHIP
120 FORBES BLVD
MANSFIELD, MA 02048

Parcel Number: 02-014
CAMA Number: 02-014
Property Address: 27 ALFRED DROWN RD

Mailing Address: PAUTZ ADAM R. PAUTZ ANNA
BJURMAN
27 ALFRED DROWN ROAD
BARRINGTON, RI 02806

Parcel Number: 02-099
CAMA Number: 02-099
Property Address: 26 ALFRED DROWN RD

Mailing Address: VALTIERRA ROBERT D VALTIERRA
SERENA M
26 ALFRED DROWN
BARRINGTON, RI 02806

Parcel Number: 02-102
CAMA Number: 02-102
Property Address: 209 WASHINGTON RD

Mailing Address: BLOUNT MINDY JONES
209 WASHINGTON ROAD
BARRINGTON, RI 02806

Parcel Number: 02-104
CAMA Number: 02-104
Property Address: 28 BAY SPRING AVE

Mailing Address: GAZERYAN ARMAN GAZERYAN
VERONICA
28 BAY SPRING AVENUE
BARRINGTON, RI 02806



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200 feet Abutters List Report

Barrington, RI

December 26, 2024

Parcel Number: 02-107
CAMA Number: 02-107
Property Address: BAY SPRING AVE

Mailing Address: BARRINGTON LUMBER SUPPLIES INC.
(SELF STORAGE FACI
65 BAY SPRING AVENUE
BARRINGTON, RI 02806

Parcel Number: 02-108
CAMA Number: 02-108
Property Address: 65 BAY SPRING AVE

Mailing Address: BARRINGTON LUMBER SUPPLIES INC.
(MAIN BUILDING)
65 BAY SPRING AVENUE
BARRINGTON, RI 02806

Parcel Number: 02-109
CAMA Number: 02-109
Property Address: BAY SPRING AVE

Mailing Address: BAY SPRING REALTY COMPANY
909 NORTH MAIN STREET
PROVIDENCE, RI 02904

Parcel Number: 02-111
CAMA Number: 02-111
Property Address: EAST BAY BIKE PATH

Mailing Address: STATE OF RHODE ISLAND - BIKE PATH
DEPT OF TRANSPORTATION
2 CAPITOL HILL
PROVIDENCE, RI 02903

Parcel Number: 02-112
CAMA Number: 02-112
Property Address: EAST BAY BIKE PATH

Mailing Address: STATE OF RHODE ISLAND - BIKE PATH
2 CAPITOL HILL
PROVIDENCE, RI 02903

Parcel Number: 02-119
CAMA Number: 02-119
Property Address: 217 WASHINGTON RD

Mailing Address: MCCARTHY KAITLIN MCCARTHY COLM
217 WASHINGTON ROAD
BARRINGTON, RI 02806

Parcel Number: 02-123
CAMA Number: 02-123
Property Address: 20 BAY SPRING AVE

Mailing Address: GOWER FAMILY (TRUST)
20 BAY SPRING AVENUE
BARRINGTON, RI 02806

Parcel Number: 02-125
CAMA Number: 02-125
Property Address: 13 ALFRED DROWN RD

Mailing Address: KLUGE MATTHEW FRAME ALISSA
13 ALFRED DROWN ROAD
BARRINGTON, RI 02806

Parcel Number: 02-133
CAMA Number: 02-133
Property Address: 21 ALFRED DROWN RD

Mailing Address: MADDEN III JOHN W. MADDEN MEGAN
21 ALFRED DROWN
BARRINGTON, RI 02806

Parcel Number: 02-134
CAMA Number: 02-134
Property Address: 16 BAY SPRING AVE

Mailing Address: PETER GERARD ROGERS LIV TRUST
PETER GERARD ROGERS SR
(TRUSTEE)
58 CLARKE ROAD
BARRINGTON, RI 02806

Parcel Number: 02-135
CAMA Number: 02-135
Property Address: 34 BAY SPRING AVE

Mailing Address: BUTTERFIELD PROPERTIES, LLC
24 ERNEST ST
BARRINGTON, RI 02806

Parcel Number: 02-137
CAMA Number: 02-137
Property Address: 64 BAY SPRING AVE

Mailing Address: BEAR REALTY, LLC.
200 MIDDLE HIGHWAY UNIT #108
BARRINGTON, RI 02806



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200 feet Abutters List Report

Barrington, RI
December 26, 2024

Parcel Number: 02-141
CAMA Number: 02-141
Property Address: 9 ALFRED DROWN RD

Mailing Address: RAIA MICHAEL J. RAIA KRISTEN E.
9 ALFRED DROWN ROAD
BARRINGTON, RI 02806

Parcel Number: 02-146
CAMA Number: 02-146
Property Address: BAY SPRING AVE

Mailing Address: BARRINGTON LUMBER SUPPLIES INC.
(SELF STORAGE FACI
65 BAY SPRING AVENUE
BARRINGTON, RI 02806

Parcel Number: 02-149
CAMA Number: 02-149
Property Address: 23 BAY SPRING AVE

Mailing Address: DIMATTEO JOSEPH, A.
4 HALF MILE ROAD
BARRINGTON, RI 02806

Parcel Number: 02-151
CAMA Number: 02-151
Property Address: 10 ALFRED DROWN RD

Mailing Address: WOOD MICHAEL (TRUST) WOOD INSA
(TRUST)
10 ALFRED DROWN ROAD
BARRINGTON, RI 02806

Parcel Number: 02-158
CAMA Number: 02-158
Property Address: 13 SWEETBRIAR RD

Mailing Address: SWEETBRIAR LP
160 FRANKLIN STREET
BRISTOL, RI 02809

Parcel Number: 02-160
CAMA Number: 02-160
Property Address: 24 SWEETBRIAR RD

Mailing Address: SWEETBRIAR LP
160 FRANKLIN STREET
BRISTOL, RI 02809

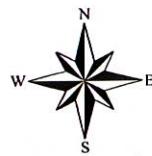


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60 Bay Spring Ave - Bay Spring Crossing Condominiums



Town of Barrington, RI

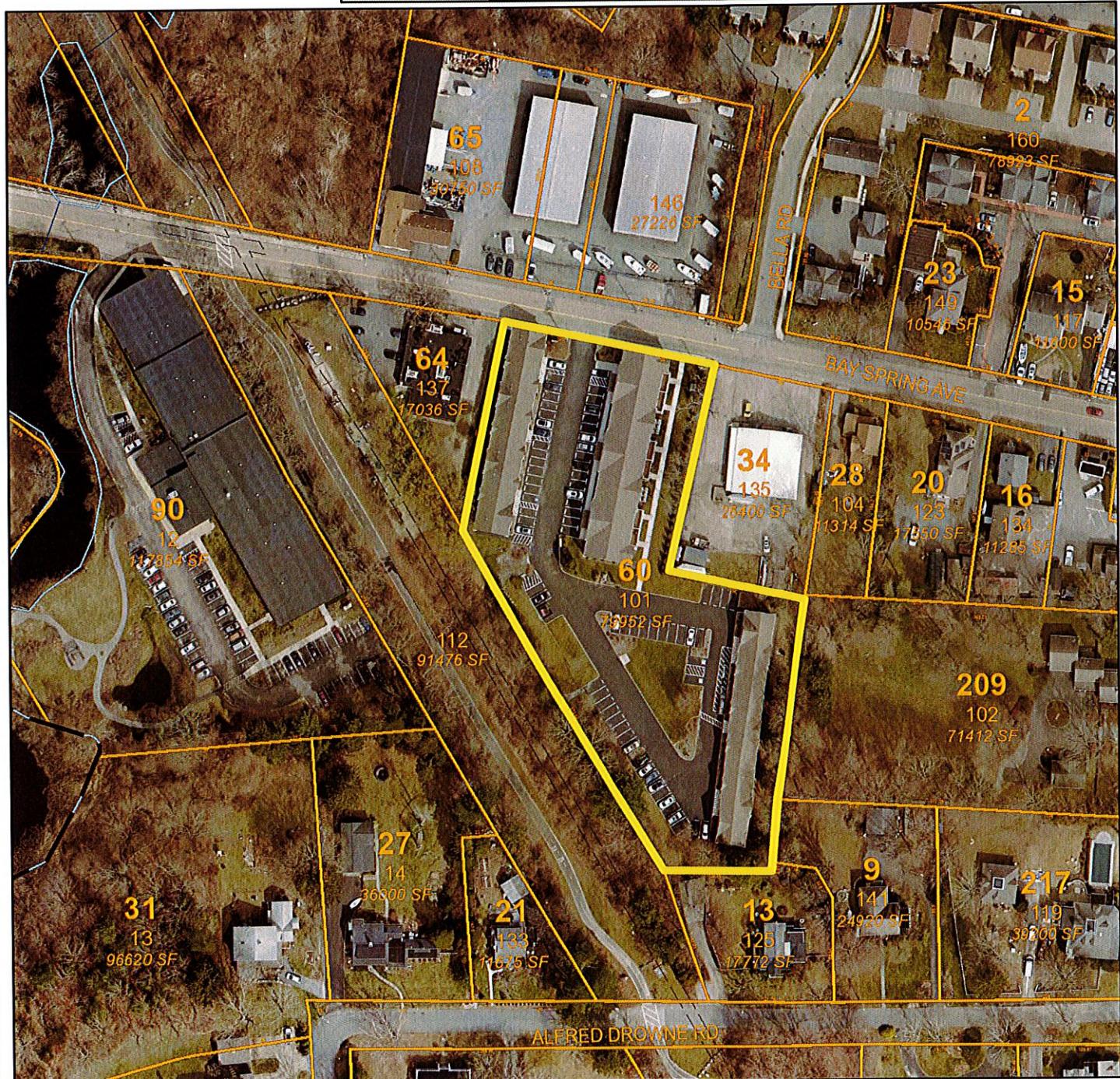
CAI Technologies
Precision Mapping. Geospatial Solutions.

1 inch = 141 Feet

December 30, 2024

0 141 282 423

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— CAI Town Line [] Right of Way [] Parcel labels
— Property Line — WaterLines [] Water-poly
— Public Road

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60 Bay Spring Ave - Bay Spring Crossing Condominiums

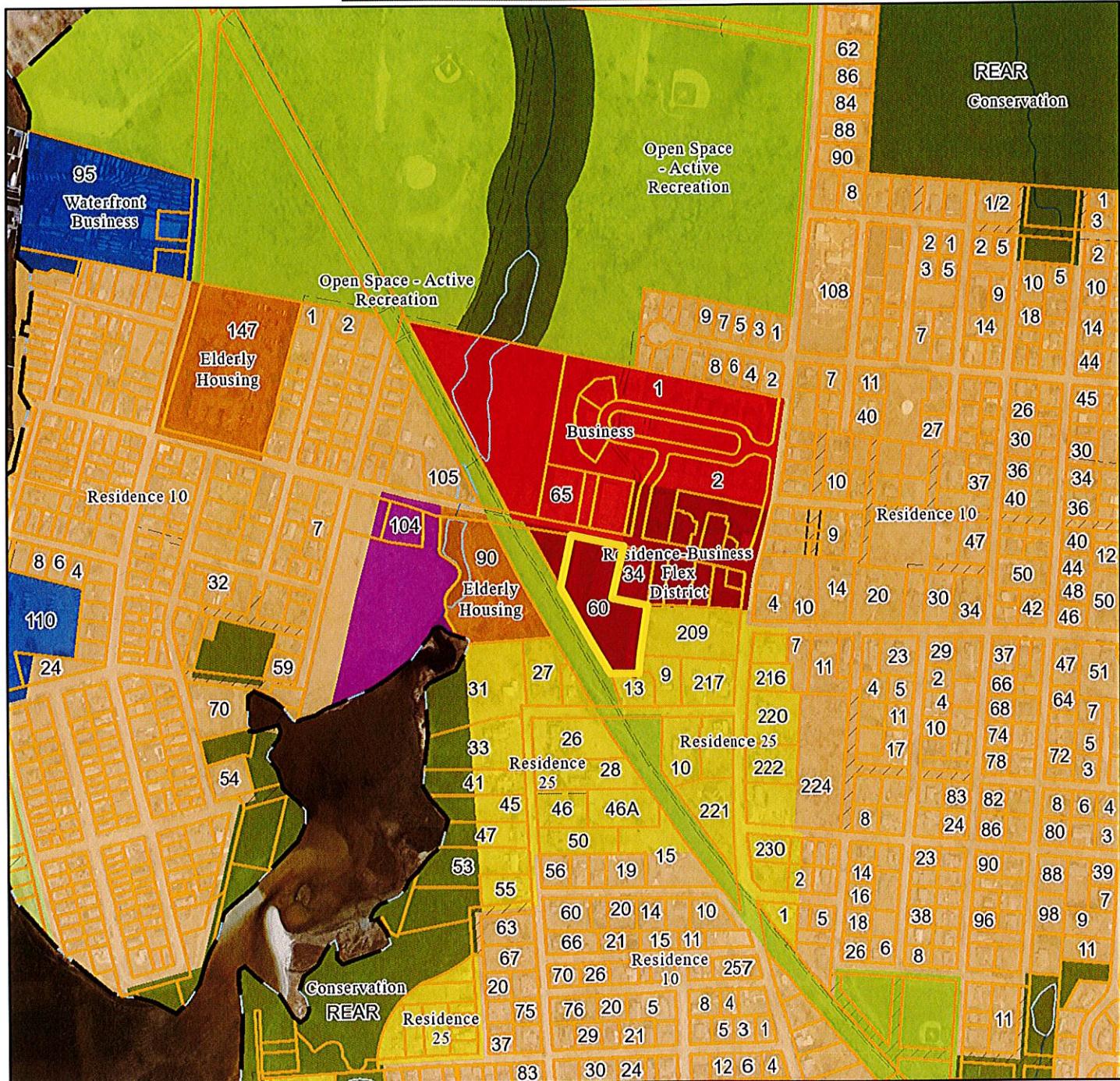
Town of Barrington, RI

1 inch = 563 Feet

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December 30, 2024



Large Scale		Cemetery		Residence-Business Flex District		Residence 25
CAI Town Line		Right of Way		Business		Open Space - Active Recreation
Parcel Address Label		Property Hook		Limited Manufacturing		Open Space - Passive Recreation
Private Road		Paper Streets		Waterfront Business		Conservation
Property Line		WaterLines		Elderly Housing		
Public Road		Water-poly		Residence 10		

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Town of Barrington, RI
Monday, December 30, 2024

Chapter 185. Zoning

Article III. Zoning Districts and Zoning Map

§ 185-6. Zoning Districts.

For the purposes of this chapter, the Town of Barrington is hereby divided into the following use districts:

- A. Wildlife Refuge District (WR). This district includes land that is being preserved and managed for the specific purpose of protecting an important animal species habitat area; it includes both Town-owned land and land held by private organizations whose stated goal is the preservation of significant natural areas, including wildlife habitat areas.
- B. Conservation District (C). This district includes freshwater and coastal wetlands, and other environmentally sensitive land or natural areas which are in public ownership, or owned by a private organization for the purpose of maintaining it in its natural condition and/or protecting a plant or animal habitat area. It includes undeveloped areas of the Town which contribute to open space as set forth in the Barrington Comprehensive Plan.
[Amended 12-4-2023 by Ord. No. 2023-12]
- C. Open Space - Passive Recreation District (OS-P). This district includes land which is either publicly owned open space which is being maintained for nonintensive recreational uses and activities, or privately owned open space which is not suited for further development. It includes undeveloped areas of the Town which contribute to open space as set forth in the Barrington Comprehensive Plan.
[Amended 12-4-2023 by Ord. No. 2023-12]
- D. Open Space - Active Recreation District (OS-A). This district contains areas of the community which are being maintained for active public use, including all permitted types of active outdoor recreation, schools, government and municipal uses and cultural uses and activities.
- E. Agriculture-Rural District (AR). This district contains where agriculture is the primary land use but also includes residential use. The future land use intent is to preserve rural character, prime farmland and open spaces through larger minimum lot sizes, and other land conservation strategies; the extension of infrastructure such as public water or sewer lines shall not be permitted.
[Added 12-2-2019 by Ord. No. 2019-17^[1]]
[1] *Editor's Note: This ordinance also provided for the redesignation of former Subsections D through I as Subsections F through J, respectively.*
- F. Recreation and Education District (RE). This district contains privately owned areas of the community which are used for permitted private educational institutions and active private recreational activities.
- G. Residence 40 District (R-40). This district contains areas of the community which are partially or fully developed at an approximate density of one dwelling unit per acre, and areas for which this density of development is considered appropriate.
- H. Residence 25 District (R-25). This district contains areas of the community which are partially or fully developed at an approximate density of two dwelling units per acre, and areas which are

planned for future development at this density.

I. Residence 10 District (R-10). This district contains development areas of the community which are developed at densities in excess of two dwelling units per acre, and areas which are planned for future development at approximately four dwelling units per acre.

J. [2] Residence 40 and Residence 25 Cluster Districts (R-40C, R-25C). These districts contain those areas of R-40 and R-25 Districts rezoned pursuant to Article **XX** of this chapter by the Town Council to Residence 40 Cluster (R-40C) and Residence 25 Cluster (R-25C) Districts, respectively, to permit construction of clustered housing.

[2] *Editor's Note: Former Subsection J, Residence 40 Conservation Development District (R-40CD), added 2-6-2012 by Ord. No. 2012-1, was repealed 12-2-2019 by Ord. No. I 2019-17.*

K. Neighborhood Business District (NB). This district contains areas of the community in which business uses are permitted which are in character and scale with, and appropriate to, proximate residential uses. It is intended to provide areas for commercial and retail activities which do not generate the traffic, glare, noise or larger parking areas associated with more intensive business uses allowed in the Business District.

L. Business District (B). This district includes areas of the community suitable and intended for intensive business and commercial activity and uses.

[Added 12-4-2023 by Ord. No. 2023-12^[3]]

[3] *Editor's Note: This ordinance also redesignated former Subsections L through Q as Subsections **M** through **R**, respectively.*

M. **Residence-Business Flex District (RBF).** This district, considered a Business District, contains areas of the community in which residence and business uses are permitted to intermingle within the district and within mixed-use buildings in the district. Business and mixed-use buildings are meant to be in character and scale with, and appropriate to, proximate residential uses. Similar to the Neighborhood Business District (NB), it is intended to provide areas for commercial and retail activities which do not generate the traffic, glare, noise or larger parking areas associated with more intensive business uses allowed in the Business District. Unlike the NB, the RBF allows first floor residential in mixed-use buildings so long as the first-floors of such buildings are designed to readily convert to business uses or live-work spaces in the future.

[Amended 9-11-2017 by Ord. No. 2017-13]

N. Waterfront Business District (WB). This district contains areas of the community which are now used or are planned for future use of business enterprises requiring or appropriate for waterfront or shoreline locations.

O. Limited Manufacturing District (LM). This district contains land currently in light manufacturing and related uses, and areas which are considered suitable for future development of manufacturing uses.

P. Elderly Housing District (EH). This district contains those areas of Business or Manufacturing Districts rezoned pursuant to Article **XXI** of this chapter by the Town Council to an Elderly Housing (EH) District to permit construction of multi-unit housing for persons 62 years or older, or for persons with disabilities.

Q. Government and Institutional (GI). This district includes properties that contain governmental buildings of the Town, state and federal government or their agencies. The purpose of this district is to recognize the extent of public land with governmental buildings and to provide guidance as to utilization of these lands. Per § 185-4, Town buildings and properties are exempt from provisions of this chapter.

[Added 2-6-2012 by Ord. No. 2012-1]

R. Senior Residential Village (SRV). This district contains those areas rezoned for senior residential village use pursuant to Article **XXXI** of this chapter.

[Added 3-7-2016 by Ord. No. 2016-1]

§ 185-7. Zoning Map.

The boundaries of the zoning districts described in § 185-6 are hereby established on a map entitled "Barrington Zoning Map," filed at the office of the Town Clerk,^[1] with a true and accurate copy to be maintained in the office of the Building Official, and shown on a set of reproductions of the Barrington Assessor's Plats numbered one to 37. Said map is hereby adopted as part of this chapter. The scales of the various zoning plat sheets are as shown on the individual plats contained in said set. In interpreting these zoning plat maps, the following criteria shall be applied:

- A. Zoning district lines which are located within the boundary of a street, right-of-way, railroad, stream or water body shall be interpreted as following the center line of said feature.
- B. Zoning district lines which are located along shorelines shall be construed as following the mean high tide water mark, and where any alteration of the shoreline, either natural or artificial, is made, the zoning district line shall be interpreted as relocating to the new shoreline location.
- C. Where a zoning district line is located approximately parallel to, in extension of or following a lot line or other mapped feature, it shall be so construed.
- D. Where a lot or parcel of land is divided by a zoning district boundary, the regulations for either district may be applied for a maximum of 50 feet into the other district, following the granting of a special use permit pursuant to the provisions of Article XIV.
- E. Distances not specified on the Zoning Map shall be determined by use of the scale indicated on the zoning plat sheet.
- F. Where clarification of any feature of the Zoning Map is required, the interpretation of the Building Official shall govern, subject to the right of appeal as provided in § 185-58.

[1] *Editor's Note: A copy of the Zoning Map is included at the end of this chapter.*

	WR	C	OS-P	OS-A	RE	AR	R-40	R-25	R-10	RBF	B	WB	LM	EH	GI	SRV
Single-family detached dwelling	N	N	N	N	P	P	P	P	N	N	N	N	N	N	N	N
Two-family dwelling	N	N	N	N	N	N	S	S	N	N	N	P	N	N	N	N
Conversion of single-family dwellings lawfully existing as of 1/1/2012 to two-family dwellings	N	N	N	N	N	S	S	S	N	N	N	N	N	N	N	N
Mixed-use commercial	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Mixed-use residential	N	N	N	N	N	N	S	S	S	N	S	S	N	N	N	P
Senior residential community	N	N	N	N	N	N	N	N	N	S ²	P ²	N	N	P	N	N
Multifamily dwelling ¹	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N
Affordable accessory dwelling unit	N	N	N	N	N	N	S	S	S	S	S	N	N	N	N	N
Accessory dwelling unit	N	N	N	N	N	N	P ³	P ³	P ³	P ³	N	N	N	N	N	N
Affordable accessory family dwelling unit	N	N	N	N	N	N	S	S	S	S	S	N	N	N	N	P ⁴
Accessory family dwelling unit	N	N	N	N	N	N	P	P	N	N	N	N	N	P	N	N
Accessory living quarters or guest house	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	P
Community residence	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N
Dormitory for a permitted use	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	N
Motel or hotel ¹	N	N	N	N	N	N	N	N	N	N	S	N	S	N	N	N
Tourist home or lodging house	N	N	N	N	N	N	P	P	P	P	P	N	N	P	N	N
Home occupation	N	N	N	N	N	P	P	P	P	P	P	N	N	P	N	N
Professional home office	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P
Keeping of customary household pets	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P
Satellite receiving antenna over 2 feet in diameter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

NOTES:

¹ [Added 7-25-1994]

² As part of a mixed use commercial development.

³ Must meet the accessory apartment meets the affordability standards in § 185-143F.

4

From: Herbert Durfee III <hdurfee@barrington.ri.gov>
Sent: Monday, January 6, 2025 6:27 PM
To: Merrie DeSisto; Philip Hervey
Subject: Fw: 60 Bay Spring Avenue - Zoning Ordinance Amendment Request; NBF to NB

Below please find more "specificity" on what the Bay Spring Crossing Condo Assoc is requesting for the zoning amendment. I would suggest including Patrick's e-mail sent today (Jan 6) at 4:42 pm in the Council's packet.

Herb
Herbert A. Durfee, III, Director
Planning, Building, and Resilience
Town of Barrington
283 County Road
Barrington, RI 02806
(401)247-1900 ext 347 (direct)
(401)342-9636 (cell)
hdurfee@barrington.ri.gov

From: Patrick Majewski
Sent: Monday, January 6, 2025 4:42 PM
To: Herbert Durfee III
Subject: 60 Bay Spring Avenue - Zoning Ordinance Amendment Request; NBF to NB

January 6, 2025

Dear Members of the Barrington Town Council, Zoning Board of Review and Building and Zoning Office,

The Bay Spring Crossing Condominium Association, representing the owners of 60 Bay Spring Avenue, Plat 2, Lot 101, request an amendment to change from our zoning ordinance as stated in Town records reprinted below as recorded in the Barrington Code of Zoning Districts 185-6 letter M. RBF:

M.

Residence-Business Flex District (RBF). This district, considered a Business District, contains areas of the community in which residence and business uses are permitted to intermingle within the district and within mixed-use buildings in the district. Business and mixed-use buildings are meant to be in character and scale with, and appropriate to, proximate residential uses. Similar to

the Neighborhood Business District (NB), it is intended to provide areas for commercial and retail activities which do not generate the traffic, glare, noise or larger parking areas associated with more intensive business uses allowed in the Business District. Unlike the NB, the RBF allows first floor residential in mixed-use buildings so long as the first-floors of such buildings are designed to readily convert to business uses or live work spaces in the future. [**Amended 9-11-2017 by Ord. No. 2017-13**]

The RBF zoning as written became outdated shortly after the B Building, first of three buildings, were completed for sale starting in 2009. The buildings each have twelve condo units, initially intended to be six residential units upstairs and six business office condo units on the first floor. Today only one business is open in the B Building.

The A Building residential condo's sold within 15 months with one held by the developer as rental property. Only one office condo sold in 2010, closed in 2020, converted to residential and sold in February, 2023. Five years later a second office condo sold in July, 2015 and remains open along side the eleven residential families.

The C Building across from the A Building is recorded in Barrington's tax records as NB, yet all twelve units were build as residential condos and sold within 9 months by May, 2022.

Our appeal for amendment was triggered because our residential community within the A and C parking area of 23 residential families including 13 children, is being threatened by the one office condo owner who is challenging the Town of Barrington parking code. Since the RBF zoning code language includes 'mixed-use', and under the one-size fits all policy within the ADA guidelines we are being treated as a medical building with a

physical therapist office present. The Governor's Commission on Disabilities (GCD) states they cannot offer an opinion on removing the 'mixed-use' language, they can only explain the letter of the law as it now reads, not the spirit of the law. ADA 202.2 states a medical office is entitled to three Accessible Parking spaces regardless of need. The developer, Robert Andreozzi, stated at a pre-hearing in the Commission's Board room he never had a claim of discrimination from anyone with disabilities nor has the Association since it was established in March of 2022, we have had false claims dismissed.

Regardless of indifferences between the Association and business owner, amending our zoning district from Residential-Business Flex District to **Neighborhood Business District** as it appears in the Barrington Code of Zoning Districts 185-6 K. and below is long overdue for 60 Bay Spring Avenue.

K. Neighborhood Business District (NB). This district contains areas of the community in which business uses are permitted which are in character and scale with, and appropriate to, proximate residential uses. It is intended to provide areas for commercial and retail activities which do not generate the traffic, glare, noise or larger parking areas associated with more intensive business uses allowed in the Business District.

Thank you for your time and consideration.

Sincerely,
Patrick Majewski, President
Bay Spring Crossing Condominium Association
60 Bay Spring Avenue, A10
Barrington, R.I. 02806

REC'D 12/23/24



HAB

Request for Zoning Amendment Change from RBF to R Multifamily

From Patrick Majewski <crestcomne@aol.com>

Date Mon 12/23/2024 11:35 AM

To Herbert Durfee III <hdurfee@barrington.ri.gov>

Cc Patrick Majewski <prne17@aol.com>; Evelyn Blum <evalineblum@gmail.com>; Linda James <lindahjames@hotmail.com>; A. 6 Katrina Mark Etherridge <trendysizzeria@gmail.com>; Mel North <mel3321@gmail.com>

You don't often get email from crestcomne@aol.com. [Learn why this is important](#)

Dear Herb Durfee,

As President of the Bay Spring Crossing Condominium Association at 60 Bay Spring Avenue, Barrington, R.I., I would like to formally request moving forward with an application to change our zoning status from ~~RBF~~ to R Multi-Family.

~~RBF~~

The request to change is in line with the current and future character of our community. As an RBF

the original intend of the developer in 2009 was to have two, two story buildings with six residential units on the second floor and six small business units on the first floor of each building.

The reality of the plan failed to materialize from the start as the residential units sold out, the small business unit sales were slow. What small business sold then experienced turnover and conversion into more residential units. More recently, by 2020 there existed five business and today there are only two businesses operating out of the 36 condo units. Two years ago, a third building was completed with all twelve units sold as residential units.

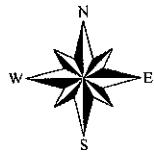
The Town of Barrington describes the RBF zone as a residential community that allows a small business to co-exist in the likeness 'meant to be in character and scale with, and appropriate to, proximate residential uses ... intended to provide areas for commercial activities which do not generate the traffic, glare, noise or larger parking areas.' We believe harmony existed over the years with the business units that remain.

Recently the Town and our residential community are being asked to allow one of the business units to breach our mutual commitment by using a little-known or used Federal statute that treats our RBF zoning as a mix-use zone similar to a medical building and will allow a business front. After twelve years of harmony, to establish a business front will steal the use of reserved and visitor parking for our residents for no practical business reason other than better exposure and personal gain. We have facts of the business needs as used over the past twelve years to be no more than two visitor spaces and one accessible parking space for the one-person business office which proved to work well.

Please accept our request as the first step to maintain our residential communities' character as intended by the Town.

Patrick J. Majewski, President
Bay Spring Crossing Condominium Association

60 Bay Spring Avenue, A10
Barrington, Ri 02806



60 Bay Spring; Bldg B

Town of Barrington, RI, Spring 2024

1 inch = 18 Feet

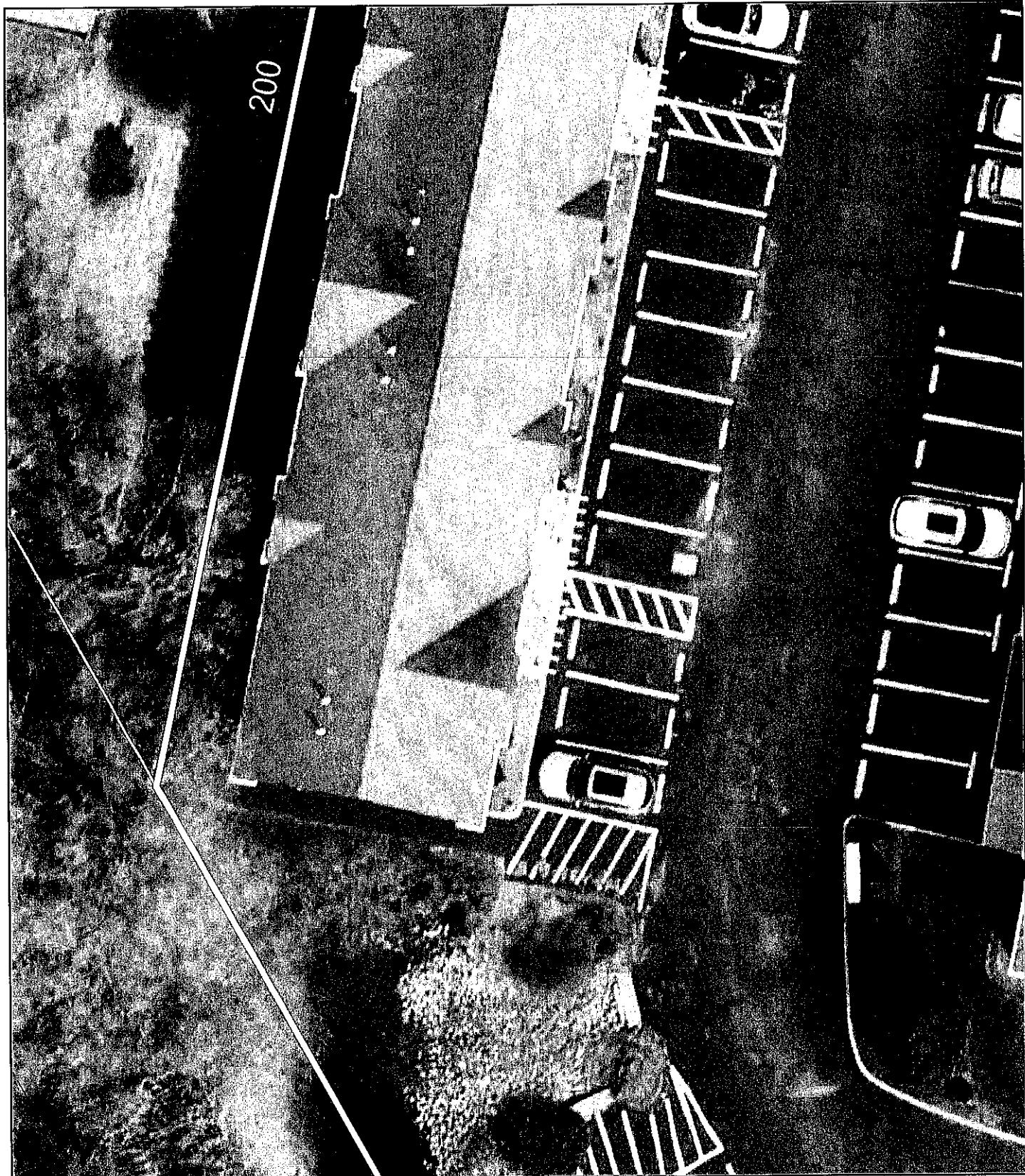
December 23, 2024

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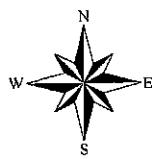


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60 Bay Spring Ave; Bldg B

Town of Barrington, RI, Spring 2023

1 inch = 18 Feet

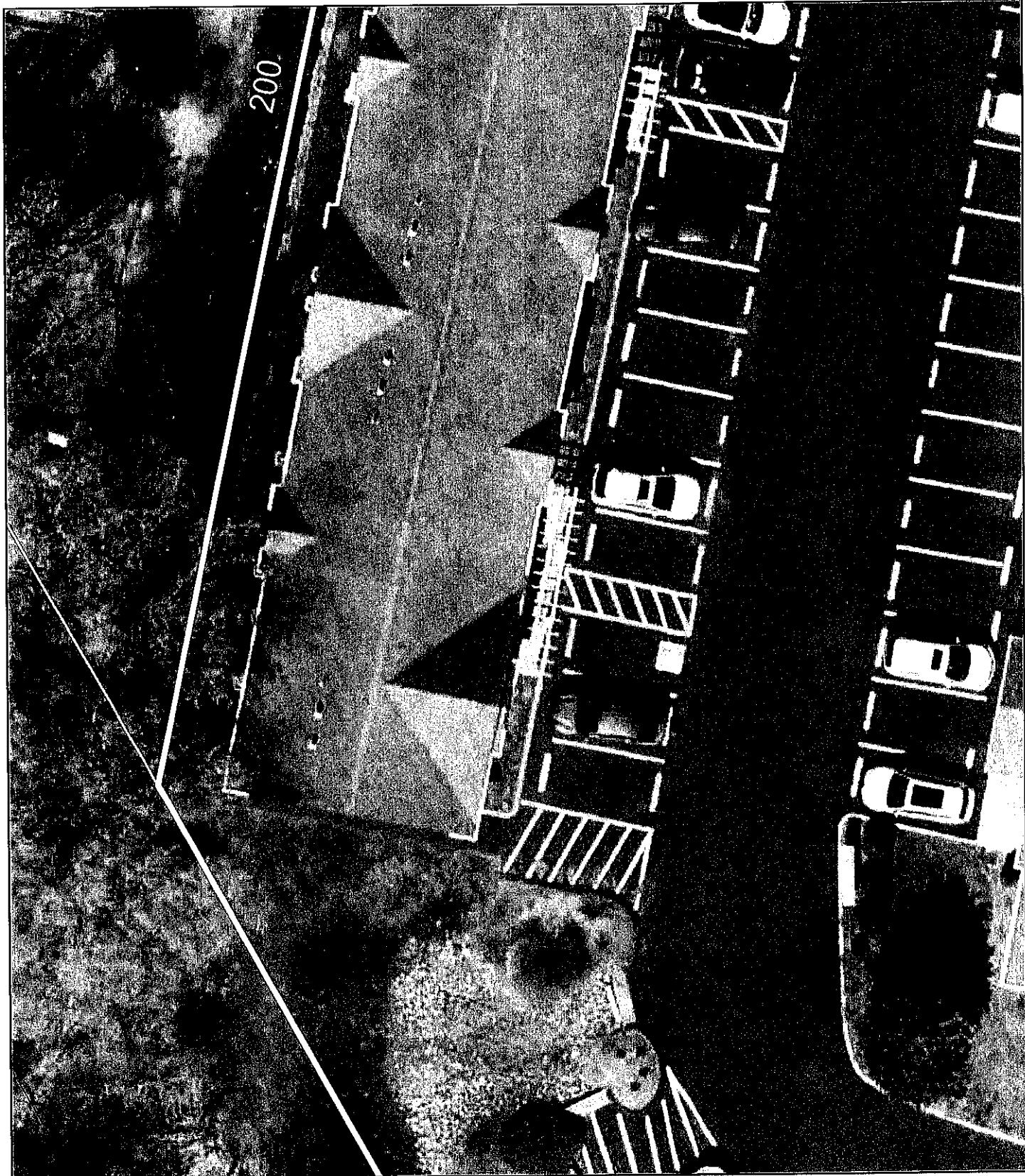
December 23, 2024



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Town of Barrington, RI
Friday, December 20, 2024

Chapter 185. Zoning

Article XI. Amendments

§ 185-47. Procedure for amendment.

- A. This chapter may be amended by the Town Council on its own initiative or by application of any person, group of persons, corporation or agency. All applications for amendment shall be filed at the office of the Town Clerk and shall be accompanied by a complete description of the proposed amendment and the portion of the ordinance proposed for amendment.
- B. Where the application is for a change in the boundary of a zoning district, the application shall be accompanied by an accurately drawn map showing the following:
 - (1) The boundaries of the property proposed for change with appropriate plat, lot and street numbers, and the dimensions and area of the proposed change.
 - (2) All properties within 200 feet of the perimeter of the property proposed for change, including those outside of municipal and state boundaries, together with plat and lot numbers and the names and mailing addresses of the owners of record of all said properties.
 - (3) The present zoning district boundaries in the area, as determined from the official Zoning Map.
- C. Except for action initiated by the Town Council or a Town agency or official, all applications for amendment shall be accompanied by a filing fee in an amount set from time to time by the Town Council,^[1] payable to the Town of Barrington and returnable only in the event that the application is withdrawn prior to the publication of notification of the public hearing.

[1] *Editor's Note: See Ch. A225, Fee and Fine Schedule.*

§ 185-48. Public hearing and notice requirements.

- A. Within 65 days of receipt of an application for amendment, the Town Council shall schedule a public hearing at which all interested parties shall be given an opportunity to be heard. The Town Council shall render a decision within 45 days after the date of completion of the public hearing. These deadlines shall not be construed to apply to any extensions consented to by an applicant.
- B. Notice of such hearing shall be published in a newspaper of local circulation in the Town of Barrington once a week for three successive weeks prior to the date of the hearing. The same notice shall be posted in the Town Clerk's office and one other municipal building in the Town, and the Town must make the notice accessible on the homepage of the website at least 14 days prior to the hearing. The cost of newspaper notice shall be borne by the applicant. The notice shall include:
[Amended 12-4-2023 by Ord. No. 2023-12]
 - (1) The date, time and place of the hearing.
 - (2) A statement that amendment of the zoning ordinance is under consideration.

- (3) A statement of the proposed amendment in its entirety, or a summary of the matter under consideration.
- (4) The location where and times when a copy of the proposed amendment may be obtained, or examined or copied.
- (5) A statement that the proposed amendment may be altered or further amended prior to the close of the public hearing without further advertising, as a result of further study or because of views expressed at the public hearing; and that any alteration or amendment must be presented for comment at the public hearing.

§ 185-49. Written notice requirements.

[Amended 9-9-2019 by Ord. No. 2019-18; 12-4-2023 by Ord. No. 2023-12]

Written notice, which may be a copy of the newspaper notice, or otherwise gives the date, time and place of the public hearing, and the nature and purpose thereof, shall be sent at least two weeks in advance of the public hearing date to the applicant, and to the following. The cost of mailings shall be borne by the applicant.

- A. Owners of all property, including that in any adjacent community, which is located in or within not less than 200 feet of the perimeter of a proposed map amendment, where the proposed amendment includes a specific change to the Zoning Map, by registered, certified, or first-class mail to the property address and the last known address of the owners, as shown on the current real estate tax assessment records of the Town of Barrington; for any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. Such written notice shall include a copy of the map required in § 185-47.
- B. The Town or city council of any adjacent community, by first class mail, to which either of the following pertain:
 - (1) Which is located in or within not less than 200 feet of the boundary of the area proposed for change.
 - (2) Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, which lies within 2,000 feet of any area which may be affected by the proposed amendment.
- C. The governing body of any state or municipal water department or agency, special water district or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within 2,000 feet of any area which may be affected by the proposed amendment, by first class mail; provided, however, that such governing body has filed with the Building Official a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.
- D. Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the Town. The notice shall be given by first-class mail at least two weeks prior to the hearing at which the text amendment is to be considered, with the content required by Subsection A. The notice shall include reference to the merger clause and the impacts of common ownership of nonconforming lots.
- E. There is hereby established a public notice registry allowing any person or entity to register for electronic notice of any changes to the zoning ordinance. The Director shall maintain the public notice registry and shall provide public notice annually of the existence of the electronic registry by publication of notice in a newspaper of general circulation within the Town.

(1) Notice pursuant to a public notice registry as per this subsection does not alone qualify a person or entity on the public notice registry as an "aggrieved party" under § 185-5.

§ 185-50. Review by Planning Board and other Town agencies.



A. Upon receipt of an application for amendment of this chapter, said application shall be referred to the Barrington Planning Board. The Planning Board shall report to the Town Council within 45 days after the receipt of the application, with its findings and recommendations, including:

(1) A statement on the general consistency of the proposal with the Comprehensive Plan, including the goals and policies statements, the implementation program and all other applicable elements.
[Amended 12-4-2023 by Ord. No. 2023-12]

(2) A consideration of the applicable purposes of this chapter, as presented in § 185-3.

B. The Town Council may also refer any application for amendment to any other Town agency, board or committee where the Council feels that an advisory opinion may assist in arriving at a proper decision.

§ 185-51. Decision of the Town Council.

A. Within 45 days following the completion of the public hearing, the Town Council shall render a decision on the proposed amendment and shall notify the applicant, the Building Official, the Zoning Board of Review, the Planning Board and the Town Clerk of such decision.

B. In granting an amendment to this chapter, the Town Council may limit the change to one of the permitted uses in the district to which the subject land is rezoned and impose such conditions and restrictions as it deems necessary, including, without limitation:

(1) Requiring the applicant to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use which are the subject of the zoning change.

(2) Those relating to the effectiveness or continued effectiveness of the zoning change.

(3) Those relating to the use of the land.

C. Such conditions or restrictions shall be clearly noted on the Zoning Map and recorded in the land evidence records of the Town of Barrington; provided, however, that in the case of a conditional zone change, the conditions or restrictions shall not be noted on the Zoning Map until the zone change has become effective.

D. If the permitted use for which the land has been rezoned is abandoned, or if the land is not used for the requested purpose for a period of two years or more after the zone change becomes effective, the Town Council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before the application was filed.

E. Where the Town Council denies or grants leave to withdraw to an applicant for amendment of this chapter, the council shall not consider another application for the same amendment for a period of one year from the date of such denial or withdrawal. This period of time may be waived if the subsequent application is accompanied by an affidavit presenting facts, to the satisfaction of the Town Council, demonstrating that a substantial change in the factual circumstances exists, justifying a rehearing of the proposed amendment.

§ 185-52. (Reserved)

[1] *Editor's Note: Former § 185-52, Protest by property owners, was repealed 1-13-1997 by Ord. No. 96-14.*

§ 185-53. Recording of an amendment.

Within five days after the enactment of an amendment, the Town Clerk shall make copies of such amendment available to the public and shall append copies of such amendment to the record copy of the zoning ordinance. Where the amendment changes the Zoning Map, the record copy of said map shall be amended within 90 days of the authorized change, and a notation shall be made thereon, giving the date of amendment and the appropriate reference into Town Council records.

From: Patrick Majewski <crestcomne@aol.com>
Sent: Tuesday, January 7, 2025 4:36 PM
To: Herbert Durfee III <hdurfee@barrington.ri.gov>
Subject: Barrington Town Council Zoning District Amendment Request

Dear Members of the Barrington Town Council,

The Bay Spring Crossing Condominium Association, of 60 Bay Spring Avenue, Plat 2, Lot 101, requests an amendment to change our zoning district classification. Currently listed as Residence-Business Flex (RBF), as defined in the Barrington Code of Zoning Districts at 185-6 M. Since the first two buildings at 60 Bay Spring Avenue were approved for six office condos on the first floor and six residential condos on the upper floor around 2008, the RBF District was properly chosen.

What was created is a residential community. The reality of Building B condo sales started in 2009 and A in 2010, both were a great success for residential sales. Office condo sales in the A Building totaled one in 2010 which then converted to residential, and a second sale in 2015. The B Building has one business operating. The A Building also has one business and eleven residents. Our third Building C was constructed as twelve residential condo units and sold out in 9 months by May, 2022, tax records indicate the Zone as NB.

Out of 36 units there are only two businesses open. Entering our driveway opens to a shared parking area of the A and C buildings where 23 residential condos include fourteen children. We believe 'residential' and 'neighborhood' are good descriptors for our community.

Our amendment request to be reclassified as a Neighborhood Business District (NB) is to enable our community to better preserve our residential community's attributes.

Specifically, amending our Zoning District to a Neighborhood Business District (NB) as it appears defined in the Barrington Code of Zoning District 185-6 K. states we will comply to:

K. Neighborhood Business District (NB). This district contains areas of the community in which business uses are permitted which are in character and scale with, and appropriate to, proximate residential uses. It is intended to provide areas for commercial and retail activities which do not generate the traffic, glare, noise, or larger parking areas associated with more intensive business uses allowed in the Business District.

Thank you for your time and consideration.

Sincerely,

Patrick Majewski, President
Bay Spring Crossing Condominium Association
60 Bay Spring Avenue, A10
Barrington, R.I. 02806