

**ZONING BOARD OF REVIEW**  
**Barrington, Rhode Island**  
**July 17, 2008**

**APPLICATIONS: #3462, 3483, 3485, 3486, 3488, 3489, 3491, 3492, 3493, & 3494**

**MINUTES OF THE MEETING:**

At the call of the Chairman, Thomas Kraig, the Board met with, Margaret Carlotto, Mark Freel, Gale Gennaro, Neal Personeus and Ian Ridlon.

Larry Bacher arrived at 7:15.

Also present were solicitor Nancy Letendre and Robert Speaker, Building Official.

At 7:05 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 7:20 P.M. the meeting was temporarily adjourned, reconvening at 9:20 P.M. At 10:15 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on the applications it had heard.

**Continuation of application #3462, Elizabeth Clement, 47 Old Redding Road, Weston, CT 06883 and Martina Clement, 13 Vandeventer Avenue, Princeton, NJ 08542, applicants and owners, for permission to unmerge lots; Assessor's Plat 26 Lots 37 & 36, R-25 District, Libby Lane, Barrington, RI 02806, requiring a Special Use Permit.**

Before this matter began, Mr. Freel recused himself.

Present: Bruce Cox, Sleprow Sleprow & Associates, Inc. East Providence, RI - attorney for the applicants

There was no one from the audience to speak for or against this application.

Mr. Cox requested the matter be withdrawn.

**VOTE:** Mr. Personeus moved to withdraw the application. Mr. Bacher seconded the motion and it carried unanimously (5-0).

**Continuation of application #3483, Brian O'Connell, 25 Apple Tree Lane, Barrington, RI 02806, applicant and owner, for permission to construct fence along road; Assessor's Plat 11, Lot 29, R-40 District, 25 Apple Tree Lane, Barrington, RI 02806, requiring a variance for the height of the fence and for vision clearance on the corner.**

Present: Brian O'Connell, 25 Apple Tree Lane, Barrington, RI  
Sergio Almeida, contractor, 2664 G.A.R. Highway, Swansea, MA

There was no one from the audience to speak for or against this application.

The following exhibit was submitted for the record:

- Petition in support of the variance request

The applicants explained that they are seeking to construct a stone wall with a fence on top in order to provide privacy and safety for his family. The height of the fence would be approximately four feet six inches, with the posts between the fence sections at approximately four feet ten inches. The neighborhood has several stone walls and Mr. O'Connell feels that the proposed fence will be in keeping with the neighborhood. It was noted that there were different styles shown in the proposal and Mr. O'Connell explained that they were still deciding on the exact style of fence. The Board asked if the applicant would accept a condition limiting him to one of the styles shown and he said that would be acceptable.

**VOTE:**

Mr. Freel moved to grant the application with the following condition:

- The fence must be consistent with the samples shown in the application

Mr. Personeus seconded the motion and it carried unanimously (5-0).

**DISCUSSION:**

The Board members stated that they were in favor of approving the application for the following reasons:

- There are several stone walls in the surrounding neighborhood
- The applicant is seeking privacy and safety for his young children

**REASON FOR DECISION:**

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

**Continuation of application #3485, Paul and Cheryl Hamel, 48 Wagon Road, Walpole, MA 02081, applicant and owner, for permission to renovate and add addition; Assessor's Plat 11, Lot 34, R-40 District, 371 Rumstick Road, Barrington, RI 02806, requiring relief for being within 100 feet of a wetland/waterbody.**

Present:

Paul Hamel, 48 Wagon Road, Walpole, MA

Bruce Cox, Sleprow Sleprow & Associates, Inc. East Providence, RI - attorney for the applicant

Gregory Snider, 217 Angell Street, Providence, RI

There was no one from the audience to speak for or against this application.

The applicants explained that they are returning to Barrington and they are renovating the house at 371 Rumstick Road in order to accommodate their needs. Mrs. Hamel has recently had an injury that requires her to engage in passive exercise; therefore they are seeking to install a 10' x 25' exercise pool. They will be converting the existing shed into a pool cabana. It was also noted that they would be unable to locate the pool on the opposite side of the house due to its proximity to the neighbor's and the lack of privacy available there.

Mr. Kraig noted that the Conservation Commission has recommended approving the application with conditions.

**VOTE:** Mr. Personeus moved to grant the application with the following conditions:

- Erosion control measures shall be used during construction, with no unmanaged stockpiling of soil
- Landscaping between house and seawall shall be maintained and/or improved with native vegetation
- There shall be no direct discharge of pool water to the bay
- Areas proposed with pervious cover shall be maintained as pervious into the future

Mr. Freel seconded the motion and it carried unanimously (5-0).

**DISCUSSION:**

The Board members stated that they were in favor of approving the application for the following reasons:

- The proposed location is the most logical location for the pool
- The pool will be utilized for therapeutic purposes
- The bay is where it is, they cannot affect the setback

**REASON FOR DECISION:**

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

**Continuation of application #3486, Pauline Stiness, 40 Appian Way, Barrington, RI 02806 applicant and owner, for permission to unmerge lots; Assessor's Plat 4, Lots 50 and 53, R-10 District, 40 Appian Way, Barrington, RI 02806, requiring permission to unmerge lots.**

Present: William Landry, Blish & Cavanaugh, Providence, RI – attorney for the applicant

There was no one from the audience to speak for or against this application.

Mr. Landry requested the matter be continued to the September meeting.

**VOTE:** Ms. Carlotto moved to continue the matter to the September 18, 2008 meeting. Upon a second from Mr. Bacher, the Board the motion was granted unanimously (5-0).

**Application #3488, Don and Ann Gralnek, 1661 Stone Pine Lane, Menlo Park, CA 94025, applicants, Gralnek Family Trust, One Lighthouse Lane, Barrington, RI 02806, owner, for permission to construct an auxiliary apartment; Assessor's Plat 5, Lot 134, R-40 District, One Lighthouse Lane, Barrington, RI 02806, requiring a Special Use Permit.**

Present: Ann Gralnek, 1661 Stone Pine Lane, Menlo Park, CA

There was no one from the audience to speak for or against this application.

Ms. Gralnek explained that they were seeking to install a cook top in their addition in order to allow their disabled adult daughter to have her own area where she could have some independence while still enabling the family to be close by if needed. It was noted that the addition met all required setbacks and the only relief needed was for the cook top. Ms. Gralnek reviewed her letter dated July 10, 2008, which outlined how the proposal met the standards set forth in §185-143 and §185-3.

**VOTE:** Mr. Freel moved to grant the application. Mr. Personeus seconded the motion and it was unanimously (5-0) granted.

**DISCUSSION:**

The Board members stated that they were in favor of approving the application for the following reasons:

- The applicant has a compelling and legitimate purpose for the secondary cook top
- The establishment of auxiliary apartments furthers the purposes set forth in §185-3 and responds to a need for alternate housing choices
- The proposal will neither create, nor create the appearance of, a two-family home

**REASON FOR DECISION:**

It was the judgment of the Board that in accordance with Section §185-141, in which an auxiliary apartment in a single-family dwelling located in an R-40, R-25, R-10 or NB District may be allowed by the Zoning Board of Review as a special use pursuant to the provisions of Article XIV, each of the standards and requirements contained in §185-143 have been met. That A) An auxiliary apartment shall be located entirely within or attached to an owner-occupied single-family dwelling, which dwelling contains no less than 2,000 square feet of living space. Any auxiliary apartment shall occupy no more than 40% of the total living space of the dwelling, exclusive of the basement, and shall contain no less than 450 square feet, and no more than 900 square feet of living space. Any residence qualifying for an auxiliary apartment shall have no more than one such apartment, B) No auxiliary apartment shall be located above the second floor, and all auxiliary apartments shall have at least two means of egress, C) The auxiliary apartment shall be designed for year-round occupancy for family members as defined in § 185-5, D) The lot or parcel of land on which the residence containing an auxiliary apartment sits shall have the minimum area and setbacks prescribed for the district in which the dwelling is located. The Zoning Board of Review may grant relief from this section; provided, however, that no lot, regardless of the district in which it is located, shall be less than 10,000 square feet, E) The auxiliary apartment shall be connected to the sewer system of the Town of Barrington, and to the water system of the Bristol County Water Authority, or the successor thereto, when accessible or available to the original dwelling, F) One parking space for each bedroom in the auxiliary apartment

shall be provided in addition to the minimum required for the original dwelling, G) Exterior alteration of an existing dwelling structure must conform to all zoning regulations, including setback and height restrictions and H) The auxiliary apartment and the original dwelling shall fully comply with all applicable state and local codes, ordinances and regulations.

Additionally, it was the judgment of the Board that the standards in Section §185-73 have been met: A) The public convenience and welfare will be substantially served; B) It will be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan; 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; D) It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

**Application #3489, Scott and Lori Wakeham, 4 Cove Avenue, Barrington, RI 02806, applicants and owners, for permission to construct deck; Assessor's Plat 35, Lot 33, R-25 District, 4 Cove Avenue, Barrington, RI 02806, requiring a dimensional variance for side yard setback.**

Present: Ed Araujo, 14 Beaver Road, Barrington, RI

There was no one from the audience to speak for or against this application.

The following exhibit was submitted for the record:

- Letter from Lori Wakeham granting Mr. Araujo permission to speak on her behalf at the meeting

Mr. Araujo explained that the applicants are seeking to construct a deck on the front of the home in order to complete the look of the recent addition. The deck will be in the nature of a platform - it will 1-foot off of the ground and will not have any railing. He also explained that the deck would not infringe on the setback any more than the existing house does.

Mr. Kraig noted that the Board was in receipt of a letter from Mr. Pesce, an abutting neighbor, in support of the application.

**VOTE:** Ms. Carlotto moved to grant the application. Mr. Freel seconded the motion and it carried unanimously (5-0).

**DISCUSSION:**

The Board members stated that they were in favor of approving the application for the following reasons:

- The proposal will improve the overall appearance of the home
- The proposal is modest in size
- The deck will be no closer to the setback than the existing house
- The infringement on the setback is minimal

**REASON FOR DECISION:**

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and

does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

**Application #3491, Cozette Cuppett, 12 Bernard Avenue, Barrington, RI 02806, applicant, David Taylor and Cozette Cuppett, 12 Bernard Avenue, Barrington, RI 02806, owners, for permission to construct a 6' x 6' shed; Assessor's Plat 18, Lot 216, R-10 District, 12 Bernard Avenue, Barrington, RI 02806, requiring a dimensional variance for the setback from Bradford Street.**

Present: David Taylor 12 Bernard Avenue, Barrington, RI

There was no one from the audience to speak for or against this application.

Mr. Taylor explained that they are seeking to construct a 6' x 6' shed in the rear of their yard, in the corner next to Bradford Street. He stated that they would like to place it in the proposed location due to the fact that there is a patio and mature gardens and trees on the other side of the property. Mr. Taylor felt that the fence and the trees would help obscure the shed from the neighbor's view.

The Board noted that they understood why the applicant desired the proposed location for the shed; however, they expressed concern with the impact of the shed on the neighborhood and whether the request met the standards of "least relief necessary".

**VOTE:** Mr. Bacher moved to deny the application. Upon a second by Ms. Carlotto the Board unanimously (5-0) denied the application.

**DISCUSSION:**

The Board members stated that they were denying the application for the following reasons:

- The proposal did not meet the standard that the request be for the least relief necessary
- There were other possible location for the shed that would not have the same impact on the surrounding neighborhood

**REASON FOR DECISION:**

It was the judgment of the Board that the following standard in Section §185-69 has NOT been met: D) that the relief to be granted is the least relief necessary.

**Application #3492, David and Gail Cheesman, 105 Massasoit Avenue, Barrington, RI 02806, applicants and owners, for permission to construct a second floor rear dormer; Assessor's Plat 32, Lot 1, R-25 District, 105 Massasoit Avenue, Barrington, RI 02806, requiring a dimensional variance for the setback from Sachem Road.**

Present: John Dietel, attorney for the applicant  
David Cheesman, 105 Massasoit Avenue, Barrington, RI

There was no one from the audience to speak for or against this application.

The applicants explained that they are seeking to construct a second-floor dormer in order to add a second bathroom. The addition will be entirely within the existing footprint of the home.

**VOTE:** Mr. Freel moved to grant the application. Mr. Personeus seconded the motion and it carried unanimously (5-0).

**DISCUSSION:**

The Board members stated that they were in favor of approving the application for the following reasons:

- The lot is oddly shaped, resulting in a very limited building envelope
- The addition will not be any closer to the lot line than the existing house

**REASON FOR DECISION:**

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

**Application #3493, Anthony Cunha, 10 Carriage Trail, Barrington, RI 02806, applicant and owner, for permission to install an in-ground pool; Assessor's Plat 14, Lot 391, R-25 District, 10 Carriage Trail, Barrington, RI 02806, requiring a dimensional variance for rear yard setback as well as being within 100' of the wetlands/waterbody and within the wetlands overlay district.**

Present: Anthony Cunha, 10 Carriage Trail, Barrington, RI  
Edward Pimentel, 26 Avon Road, Cranston, RI, AICP  
Joseph McCue, wetlands biologist, Natural Resources, Inc.

In the audience:

Cynthia Fuller, Barrington Conservation Commission  
Wajid Baig, 20 Great Road, Barrington, RI  
George Voutes, 2 Regal Point, Barrington, RI  
Robert Starr, 4 Carriage Trail, Barrington, RI  
Cynthia Anterni, 3 Carriage Trail, Barrington, RI

The following exhibit was submitted for the record:

- Professional resume for Edward Pimentel

The applicants are proposing an in-ground, salt-water filtration pool. They have shifted the location of the pool as far from the wetlands edge as possible while keeping the location within a clear line of sight from the house – the applicant desires to be able to observe children in the pool from the house. They are requesting a variance for approximately three feet, and it was noted that the Conservation Commission has recommended approval of the application.

Mr. Baig said that while he did not object to a pool being installed, he was concerned with the noise from the filtration system. The applicants explained that the filtration system will be located away from the neighbors and it will be screened.

Mr. Voutes stated that he has no objection to the pool, as long as it is located completely on the applicant's property. He did note that he was concerned with the potential for leakage and its impact on the wetlands. Mr. Voutes also stated that Mr. Cunha has a fence located on the common area that may hinder the ability to dredge the retention pond. Mr. Cunha replied that he would relocate the fence. There were additional neighbors who spoke in support of the proposal.

**VOTE:** Ms. Carlotto moved to approve the application with the following conditions:

- Erosion control measures shall be used during construction, with no unmanaged stockpiling of soil
- There shall be no direct discharge of water to the wetlands

Mr. Personeus seconded the motion and it carried unanimously (5-0).

**DISCUSSION:**

The Board members stated that they were in favor of approving the application for the following reasons:

- The applicant desires this location in order to keep an eye on the children in the pool
- There is neighborhood support for the application
- The variance requested is minimal
- There is a sewer easement that affects to pool location

**REASON FOR DECISION:**

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

**Application #3494, Carl and Kathleen Luther, 33 Stanley Avenue, Barrington, RI 02806, applicants and owners, for permission to construct a garage; Assessor's Plat 29, Lot 71, R-10 District, 33 Stanley Avenue, Barrington, RI 02806, requiring a dimensional variance for side yard setback.**

Present: Carl Luther, 33 Stanley Avenue, Barrington, RI

There was no one from the audience to speak for or against this application.

Mr. Luther stated that he would like to construct a single-story garage on the side of the house. The proposed location takes into account the walkout basement as well as the kitchen door. The requested relief is 1-foot at one corner of the proposed garage, increasing to 16 inches at the other.

**VOTE:** Upon a motion by Ms. Carlotto, with a second by Mr. Freel, the Board unanimously (5-0) granted the application.

**DISCUSSION:**

The Board members stated that they were in favor of approving the application for the following reasons:

- The relief request was minimal
- The proposed garage size is needed in order to allow room for stairs

**REASON FOR DECISION:**

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

**MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Ms. Carlotto and seconded by Mr. Freel to accept the June 19, 2008 Zoning Board of Review minutes with changes. The motion carried unanimously (5-0).

**ADJOURN:**

There being no other business, Mr. Freel moved to adjourn at 10:55 P.M. Mr. Personeus seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary  
Thomas Kraig, Chairman  
cc: N. Letendre, Solicitor