

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

**APPLICATIONS: #3443, 3445, 3450, 3451, 3453, 3454 and 3455**

**MINUTES OF THE MEETING:**

At the call of the Chairman, Thomas Kraig, the Board met with Lawrence Bacher, Mark Freel and Gale Gennaro. Ian Ridlon arrived at 7:20.

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

At 7:05 P.M. Mr. Kraig opened the meeting, and a quorum was reached at 7:20 P.M., at which time the Board proceeded to hear the following matters. At 7:20 P.M. the Board temporarily adjourned in order to hear an appeal of a Planning Board decision; the Board resumed its hearing at 7:25 P.M. At 8:20 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.

Mr. Freel moved to nominate Mr. Kraig as Chairman of the Board for 2008. Mr. Ridlon seconded the motion and it carried unanimously (5-0).

**Continuation of application #3443, Michael and Michelle McGuill, 86 Markwood Drive, Barrington, RI 02806, applicants and owners, for permission to construct a second story addition and connect the main house to the shed; Assessor's Plat 23, Lot 267, R-10 District, 86 Markwood Drive, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback, and for being within 100' of a wetlands/water body.**

Present: Michael McGuill, 86 Markwood Drive, Barrington, RI

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

Before Mr. McGuill began, Mr. Kraig explained that due to reoccurring quorum issues, this application would be presented from the beginning, and all prior testimony would be disregarded.

Mr. McGuill explained that he was seeking to add a second floor addition, a deck, and a structure that would bridge the existing garage (also described as "shed" in the application) to the body of the house. They want the additional space because of their growing family and feel that the proposal would be the most efficient was to provide this space while minimizing the impact upon the neighbors. It was noted that the lot was uniquely shaped and the house was located where it was, close to the left sideline and the street. The second floor bump out would not infringe excessively on the setbacks and the bump out closest to the lot line would overlook arborvitaes and not the neighbor's yard. Mr. Kraig also noted that the Conservation Commission was in support of approving the application and that the proposed changes / additions would not come closer to the wetlands than the existing structure.

**VOTE:** Ms. Gennaro moved to approve 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 family needs the additional space
- The lot is oddly shaped
- The design is in character with the other houses in the neighborhood
- There are hedges at the edge of the lot where the house will be closest to the abutting property
- If the addition did not have the bump outs, it would present as a solid wall of 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.

**Continuation of application #3445, Sam Abram, 15 Bowden Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a deck; Assessor's Plat 33, Lot 111, R-10 District, 15 Bowden Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback and for being within 100' of a wetlands/water body.**

Mr. Kraig noted that there had not been a quorum present at the previous Conservation Commission meeting; therefore they had not submitted their recommendation regarding this matter. He recommended that this matter be continued to the February 21, 2008 meeting.

**VOTE:** Mr. Freel moved to continue this application to the February 21, 2008 meeting. Mr. Ridlon seconded the motion and it carried unanimously (5-0).

**Continuation of application #3450, R. Bruce Morris, 101 Narragansett Avenue, Barrington, RI 02806, applicant, St. Luke's Parish, 110 Washington Road, Barrington, RI 02806, owners, for permission to construct a 20' x 12' deck; Assessor's Plat 17, Lot 19, R10 and R-25 District, 110 Washington Road, Barrington, RI 02806, requiring a special use permit for special exception use.**

Present: R. Bruce Morris, 101 Narragansett Avenue, Barrington, RI

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

Mr. Morris explained that they were seeking to construct a 22' x 12' deck, which would be large enough for the patio furniture and a grille. The deck would extend to an existing fence, which is located wholly in their property. The deck would not be visible from the street and will have no impact on the surrounding properties.

**VOTE:** Mr. Bacher moved to approve the application. Mr. Ridlon 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 would be no impact on the surrounding neighborhood

**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 #3451, Anthony Cunha, 10 Carriage Trail, Barrington, RI 02806, applicant and owner, for permission to construct an in-ground swimming pool; Assessor's Plat 14, Lot 391, R-25 District, 10 Carriage Trail, Barrington, RI 02806, requiring variances for rear yard setback and for being within 100' of a wetlands/waterbody and for being within 100' of the wetlands overlay district.**

Mr. Kraig noted that he was in receipt of a letter requesting the matter be continued to the February 21, 2008 meeting.

**VOTE:** Mr. Ridlon moved to continue this application to the January 17, 2008 meeting. Mr. Freel seconded the motion and it carried unanimously (5-0).

**Application #3453, Leigh Anne Cappello, 21 Hampden Street, Barrington, RI 02806 applicant, Michael and Leigh Anne Cappello, 21 Hampden Street, Barrington, RI 02806 owners, for permission to construct a 8'x 12' shed; Assessor's Plat 21, Lot 7, R-25 District, 21 Hampden Street, Barrington, RI 02806, requiring a dimensional variance for side yard setback.**

Present: Leigh Anne Cappello, 21 Hampden Street, Barrington, RI

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

Ms. Cappello began by stating that they were seeking to construct a boat shed in the rear of their property. They have been approved for a dock by CRMC; however, they have not yet constructed the

dock. The shed needs to be built in its proposed location so as not to be directly behind the house, and because of a sewer easement along that side of the property, there is substantial permanently open space beyond their property line at that location; locating the shed on the opposite side of the property would not be an efficient location for a boat shed in relation to the dock. The shed would be no closer to the property line than the existing house is.

Mr. Kraig read into the record a letter of support from Eugene Healey, an abutting neighbor.

**VOTE:** Upon a motion by Mr. Freel, with a second by Mr. Ridlon, the Board voted unanimously (5-0) to approve the application.

**DISCUSSION:**

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

- The proposed location is necessary in order to provide access to the water for the boats
- The adjacent property is vacant and there is a sewer easement on the other side of the property line
- There is vegetative screening available at this 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 #3454, L. Dale Webster, 1 Valentine Drive, Barrington, RI 02806, applicant and owner, for permission to install a 8' x 8' shed, Assessor's Plat 20, Lot 144, R-25 District, 1 Valentine Drive, Barrington, RI 02806, requiring a dimensional variance for side yard setback and set back from Lincoln Avenue.**

Present: Dale Webster, 1 Valentine Drive, Barrington, RI

In the audience:

Anthony Arico, 166 Lincoln Avenue, Barrington, RI

Mr. Webster stated that he had chosen this location for his shed based on the open space that exists among existing hemlock trees, which he does not desire to remove. The shed is seven feet from the side yard line, and 28 feet from the street property line.

Mr. Arico stated that he was in support of the application.

**VOTE:** Mr. Ridlon moved to approve 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:

- There are existing trees that will screen the shed from view

**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 #3455, William and Susan Hayhurst, 19 Old River Road, Barrington, RI 02806, applicants and owners, for permission to construct a single-family home; Assessor's Plat 16, Lots 19A and 189, R-25 District, 19 Old River Road, Barrington, RI 02806, requiring dimensional relief for insufficient frontage.**

Present: Bruce Cox, Sleprow, Sleprow & Associates, East Providence, RI  
David Stanley, Stanley Engineering, East Providence, RI  
William and Susan Hayhurst, 19 Old River Road, Barrington, RI

In the audience:

John Stabach, 26 Old River Road, Barrington, RI

Mr. Cox explained that the two lots had been two separate, irregularly shaped, lots since the 1950's; however, because of wetlands, one lot would be undevelopable unless the lots were reoriented. An Administrative Subdivision could be granted to essentially rotate the property line 90 degrees providing frontage and access for the undeveloped lot without wetland intrusion. However, in order to have a building envelope outside of the wetlands setback, the property would be 1-foot short of the required frontage. The property would still not be within the suggestion for generally rectangular lots, with a given length-to-width ratio, but would be less irregular than the existing lots. In addition, the proposal would avoid having access from heavily traveled Wampanoag Trail. The Planning Board has found that denial of the proposal would create a hardship for the property owner and they have granted approval of the Administrative Subdivision contingent upon the Zoning Board granted relief for the frontage.

Mr. Stabach stated that he was in support of the application overall; however, he had some concern regarding the potential loss of a tree near an existing shed.

**VOTE:** Mr. Freel, with a second from Mr. Ridlon, moved to approve the application. The motion carried unanimously (5-0).

**DISCUSSION:**

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

- The lots are currently oddly shaped
- There are wetlands located nearby, and granting the requested relief would allow for building outset the wetland setback
- There would be no ingress or egress to the Wampanoag Trail
- The neighbors are in support of the application

**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.

**Review of proposed revised Zoning Board application.**

This matter was continued to the March 20, 2008 meeting.

**MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Ms. Gennaro and seconded by Mr. Ridlon to accept the December 20, 2007 Zoning Board of Review minutes with changes. The motion carried unanimously (5-0). Mr. Freel then made a motion to approve the Planning Board of Appeals minutes as written. Mr. Ridlon seconded the motion and it carried unanimously (5-0).

**ADJOURN:**

There being no other business, Mr. Freel moved to adjourn at 8:55 P.M. Mr. Ridlon seconded the motion and the meeting was adjourned.

Respectfully submitted,

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