



Planning Commission Minutes of May 25, 2016 Meeting

1670 Flat River Road
Coventry, RI 02816

Meeting Called to order at 7:03 pm by Chairman Russell Crossman.

Members Present: Chairman Crossman, Vice-Chairman Nunes, Mr. Crowe, Mr. Bouchard, Mr. Kalunian, Mr. Mattson and Ms. Fagan-Perry

Members Absent: Secretary Mr. Flynn, Mr. Osenkowski

Also Present: Planning Director Paul Sprague; Attorney Veronica Assalone and Attorney Dianne Izzo

Mr. Crossman reviewed the exits in the room in case of an emergency.

Approval of Minutes:
April 27, 2016

Ms. Fagan-Perry made a motion to approve the meeting minutes. Mr. Nunes seconded. All members were in favor. Motion passed.

NEW BUSINESS

The first item of new business was:

Pre-Application: “**Summit 55 Housing Project**”; Summit General Store LTD
10 Proposed Age Restricted Units (+55) Consisting of 5 Buildings, Each with Two, 2-Bedroom Units
AP 316, Lot 27; Zone VRC
28 Old Summit Road

Mr. Crossman explained that the applicant for the “**Summit 55 Housing Project**” called for a one month postponement. They phoned Mr. Sprague for a continuance until the June meeting, which was granted. There was no discussion regarding this application.

Mr. Crossman explained that due to certain applicant’s time constraints for the evening he was going to change the agenda around.

The next item was:

Pre-Application/Recommendation to Zoning: “**Raptakis Plat**”; Leonidas Raptakis

Proposed Minor 2-Lot Subdivision
AP 10, Lot 37; Zone R20
2080 Nooseneck Hill Road

Mr. Crossman asked if anyone would be representing the applicant. Leonidas Raptakis of 2080 Nooseneck Hill Road and Samuel Suorsa of Coventry Survey came forward representing the applicant. Mr. Crossman indicated that there had been a sitewalk of this property and he asked Mr. Kalunian to give a synopsis of the sitewalk.

Mr. Kalunian stated that Mr. Raptakis and Mr. Suorsa attended the site walk on May 7, and two points made were the width of the easement for the waterline and the ingress/egress to the lot in the back. Everything else aligned accurately with what is in the Planning Director's report. The lot in front is around 30, 000 square feet and that should afford ample parking for the restaurant.

The applicant agreed to waterline concession and to changes of the plan. There is now access on both sides and have widened the width on the water easement.

Ms. Fagan inquired if the house and restaurant were cesspool or septic?
The house has a septic. The restaurant is a cesspool which has DEM approval. The applicant stated that since the state has mandated the elimination of cesspools that they will readily tie the restaurant into the town's sewer line when it extends it in 2017 or 2018. Either way they will comply.

Mr. Crossman stated that they will have to go before the zoning board. He asked Mr. Suorsa for what would they be going before Zoning?

The lot is a GB1 Zone. Parcel B has no frontage so they need relief of 200 feet. Parcel A needs relief for .27 acres and relief for 18 parking spaces.

Lot coverage for Parcel A may be another request for relief. Mr. Crossman inquired if the applicant needed to also ask for relief of the residential use of the lot in the rear as it has been a non-conforming use since 1962. Mr. Sprague concurred and Mr. Crossman suggested that they should ask the zoning board for relief of the existing non-conforming use because they are subdividing the property. Mr. Sprague and Crossman agreed that they request a dimensional or USE variance so that the existing non-conforming use be allowed to continue.

Mr. Raptakis pointed out that they probably would not be able to prepare for a June meeting and would need to meet in July. Mr. Crossman then stated that he felt that the PC could not currently make a recommendation to Zoning because Mr. Sprague did state in his report that he felt a recommendation at this point would be premature. Mr. Crossman went on to read about state law directly from page 8 of Planning Director's Staff Report:

State law provides,

*“(1) Where an applicant seeks both a variance from the local zoning ordinance and planning board, the applicant shall first obtain an advisory recommendation from the planning board, as well as **conditional planning board approval for the first approval stage...**”*

Mr. Crossman continued that in this application, the first approval stage would be the Master Plan Public Hearing and they do not have that yet. Mr. Sprague suggested that they could do the Preliminary in June. Mr. Crossman agreed that for them to come back for a Preliminary Public Hearing on this project in June, they should submit the application to Zoning prior to coming back to planning because the applicant will run out of time. Mr. Crossman suggested that the PC would approve this project conditionally upon the Zoning Approval. Mr. Sprague offered that they should apply simultaneously for June 22, and everything needs to be submitted by June 8. Mr. Sprague told the applicant to call him so that they could be sure of deadline dates and move forward.

The next item was:

Pre-Application: **“Barber Street”**; S & S, LLC.

2 Lot Proposed Minor Residential Subdivision

AP 37 Lot 20; Zone R20

Barber Street, Carr Street & Lambert Street

Mr. Crossman asked if anyone present would be representing the applicant. Mike Saccoccia of 405 Tiogue Ave of and John Studley 47 Indian Trail came forward.

Mr. Kalunian started with telling about the site walk. The perimeter of the property is pretty much bounded by unimproved roadways. The town has allowed a home to be built adjacent to one of the unimproved roadways which is now being used as a driveway. There is a similar situation at the last portion of Lambert Street and a similar situation on Barber Street. Carr St. is for the most part improved up to a point, but when it turns a 90 degree angle where it runs perpendicular to Lambert Street it is also unimproved and encroached upon by the neighbor. Inquiries about street abandonments were made to no end. It looked like a lot had been split in order to make one conforming. Mr. Kalunian added it is unclear what the status of the public water supply is there.

Mr. Crossman asked if they had had an opportunity to speak with any of the neighbors and Mr. Saccoccia offered that they spoke with three of the neighbors on Lambert Street. One of the homeowners at the top of Barber St. and the corner of Lambert St. is in a nursing home. Where Lambert makes a turns into Barber St., the road does not exist. Carr Street does not exist from Lambert St.

Mr. Crossman clarified that Lambert becomes a driveway for ranch house lot. Barber is improved only to a point. Most of the houses on the left of Lambert St. encompass the roadway and some of one driveway and front yard are in the town right of way. One neighbor had asked the town to abandon a wooded portion of Carr St. as she maintained the property, grass and driveway.

The applicant indicated to the neighbors that they would be inclined to ask the town for relief by abandoning Lambert and Carr St. He said everybody seems to get along and all three neighbors were supportive of the proposed house and secondary lot and feel this would clean up the neighborhood. The applicant then inquired about the steps they need to take.

Mr. Sprague and Mr. Crossman suggested that they would have to petition the TC to abandon portions of the streets because lots are short sq. footage.

Ms. Fagan questioned whether there would be wells on the property and would that cause a problem. Discussion regarding the wells followed. In Coventry there are to be no wells on lots less than one acre, so they are going to need public water.

Mr. Saccocia indicated that there is already an existing well on the property, but there is no home on that lot. Mr. Crossman asked if the applicant had reached out to Kent County Water Authority (KCWA) and he replied that there has been no word back yet from KCWA. He does know that there is a water line on Lambert St, but it only services the ranch house at the top. Discussion followed regarding KCWA waterlines, pressure regulations and booster pumps for the project. The applicant agreed with adding booster pumps if necessary.

Mr. Crossman stated that he felt if the applicant got roads abandoned and Kent County Water there was a good chance the PC would approve the pre application. Mr. Nunes and Ms. Fagan agreed with abandoning roads and getting water. Mr. Kalunian added that it be made clear to the neighbors exactly how much property would be turned over to any and all if the town does abandon the property. There was no further discussion.

The next item:

Pre-Application: “Hope View Highlands”; Coventry Land Company, LLC c/o Robert DeBlois
Proposed 3-Lot Minor Cluster Subdivision w/Alternative 4-Lot Subdivision w/Street Creation.
AP 97, Lot 7, Zone RR2
Hope Furnace Road

Mr. Crossman asked if anyone present would be representing the applicant. Mr. Samuel Suorsa of Coventry Survey and Robert DeBlois of 15 Dale Hill Drive Saunderstown came forward.

Mr. Crossman asked Mr. Mattson to review the site walk. The minimum acres in an RR 2 Zone is 10 acres and this application is 8.8 acres so the applicant is looking for a waiver/dimensional variance for a 3 lot cluster development. The applicant has added a 4th lot in an alternate plan. The other concern was that there is a 200 foot site view. The PC reviewed a copy of the 4 lot subdivision and indicated that they prefer a 3 lot.

Mr. Crossman asked about the abutting Picerne Property that has received PC approval for a 35 lot subdivision for which the PC had many concerns about site distances and the curve on Hope Furnace Road. Discussion followed regarding site distance and the speed limits and the location of driveways. Mr. DeBlois asked for guidance about having a clearing plan to improve the site distance. Mr. Crossman suggested creating a clear zone. Safe stopping distances will need to be determined and the PC suggested that there will be a need for a site distance of 200 feet. Mr. Crossman asked the PC how they felt about having the applicant put in a frontage road especially as Ms. Fagan pointed out, there is a hill involved. Discussion followed regarding the lots and driveways and the applicant’s options involving a clearing plan and signage. Mr. Kalunian made clear that there should not be any driveway situations where drivers would be backing out onto the roadway.

Mr. Crossman clarified that the applicant needs a waiver from the PC because he only has 8.8 of the required 10 acres for such a project.

As this is a pre - application there will be no vote at this time. Mr. Crossman explained to the applicant that since it is a minor there will only be one preliminary public hearing for which they will need to be fully prepared. The next time they come before the board they will need to have an engineer present and subdivision suitability approval from RIDEM at least submitted. In the meantime they should also contact the Picerne parcel about a clearing plan. When they return to the PC they will need counsel representation when they ask for waiver.

The next item on the agenda:

Recommendation to the Town Council: Change in Article VI DISTRICT USE REGULATIONS, Section G. subsection 1 “COMMERCIAL OUTDOOR RECREATION” and Section G. Subsection 5 “OUTDOOR RECREATION OPERATED BY NON-PROFIT ORGANIZATIONS”

Mr. Crossman asked Mr. Sprague to please give an overview of the next item. This matter is recommendation to add provisions to the Zoning Ordinances prohibiting the use of motorcycle or ATV race/ride courses. This riding would be limited to personal use. This is an amendment which the TC has referred to the PC for recommendation as to whether the provisions are consistent with the Towns Comprehensive Plan and Zoning Ordinances with respect to OUTDOOR RECREATION and the protection of the ecosystem.

Mr. Crossman started with asking Mr. Sprague the town’s current procedure to putting on a motorcycle/ATV race event. Currently, any entity has to go before the TC and request a onetime special use permit as shown on the zoning table. Mr. Sprague informed the PC that the Rhody Rovers have held events on Mr. Brown’s property in Greene and there were events on the Marsocci property. Mr. Crossman and Mr. Sprague made clear to the public that the PC has no authority to pass the ordinance and have simply been asked by the TC to make a recommendation. It’s totally outside the PC’s jurisdiction.

Mr. Kalunian inquired as to how the current zoning table interprets this sort of recreation. Mr. Sprague replied that it is “silent.” Mr. Nunes summed up that in essence if in zoning it is “silent,” then this sort of recreation is ok so long as the event is granted a special use by the TC.

Discussion followed as to whether one would go before the TC or the zoning board for the special use permits. Mr. Crossman asked if this ordinance passes would anyone still be able to still request a special permit for motorcycle/ATV race event. No, because it would eliminate the opportunity to ask for a special use permit. Further discussion of the zoning use table followed as to primary use of property. The assumption is that the primary use of residential property is to inhabit it as a primary residence; therefore Mr. Brown’s primary use is living on the property.

Ms. Fagan inquired if any of these events held on private property have been paid for the use of the land for the event. Discussion followed as to how a commercial or non-profit designation involving payment would be considered.

At this time Mr. Crossman informed all present that this is not a public hearing. Having said that he then went on to say that he would permit the public to express their views. At this time Mr. Crossman asked a member of the public to come forward to inform the PC of the Rhody Rovers events that take place on Mr. Brown's property.

Mr. Peter Tanner of 387 Tanner Road came forward and stated that he is a member of the Rhody Rovers (RR) Motorcycle Club. He stated that Tom Brown receives no payment from RR for use of his property. All of the proceeds go toward payment for emergency services and college scholarship which they fund at Exeter West Greenwich and Coventry High Schools

Mr. Kalunian stated that the language of the ordinance has to be carefully selected so not to limit or prohibit future businesses or events that might take place in a different zone use. Ms. Fagan suggested adding that this type of recreation could be limited to use in an industrial zone. Discussion followed about the current wording of the ordinance and that as such it would deny people the right to ask the TC for permission to have the event. The PC members voiced their concern that the public should have the right to ask, yet that residents who live out in bucolic Greene are adverse to this type of event is justifiable as well. Moreover, it is not within the PC's purview to make such a recommendation.

Mr. Crossman went on to discuss the Rhody Rover's races in West Greenwich and community giving. RR gives scholarships to Coventry High School students and Police Chief Volpe spoke on behalf of the RR and supporting the event at Tom Brown's at the 9/28/15 TC meeting.

Mr. Kalunian feels that the present special use permit from the TC works on a case by case basis and that whether the PC recommends this provision or not the TC can pass this ordinance anyway. Only the TC has the power to make zone changes.

Mr. Crossman again reiterated the fact that this was not a public hearing but simply an opportunity for public comment. He asked people to be concise and not to repeat what others have said but to feel free to say that they agreed with previous comments.

First comes William Newcomb of 671 Washington St. He came forward to speak against the ordinance and to urge the PC not to recommend it to the TC because in his opinion it is ill conceived government regulation. He feels the motivation behind this proposal is personal bias and the proposal discriminates against the motorcycle club and its one weekend fundraising event held on private property. The club is in good standing and has been putting on charity events for more than 20 years. In West Greenwich they have distributed over \$40,000.00 in scholarships. Mr. Newcomb is a member of the Rhody Rovers and the RR wish to have events in Coventry so that they may distribute scholarships in Coventry, as well. In 2014 they had a one weekend charity event at Tom Brown's property and it was a success which received support and approval from the Coventry TC, Police, fire, and the neighborhood. The event received no official complaints, however, one neighbor complained. This neighbor made no attempt to reach out to the club or to any authority to state a problem. They learned of the problem when they applied for their permit for the 2015 event. He stated that Zoning Dept. assures the RR that there is no zoning issue. Has no problem with RR. He went on to say that the town has plenty of regulations already in place.

They have a signed petition by the neighbors supporting the event.

Nevertheless, there is now a misleading on line petition that groups the motorcycle club with illegal riders. He feels the amendment has nothing to do with the town plan and requested that the PC does not recommend its adoption.

Mr. Peter Tanner returned to state his agreement with Mr. Newcomb. As a member of the Rhody Rovers he would like the Rhody Rovers to be outstanding members of the Coventry community as they are in West Greenwich.

Next came Linda Ferri of 6109 Flat River Road. She has lived in Greene for 40 years and she stated that she is neighbor to whom Mr. Newcomb referred to as to being the lone objector. She offered that she too spoke at the TC meeting at which Chief Volpe supported the Rhody Rovers, and pointed out that Chief Volpe does not live out in Greene where the event takes place. She had submitted an informational packet to the PC for their review. She is an abutter to Mr. Brown. They have cherished living in the country and cherished the zoning that is there to protect the rural environment. She has experienced noise pollution and pollution from the exhaust of this high impact recreation. The current zoning supports agricultural uses and low intensity recreation to preserve the rural character and environmentally sensitive land. Organized high impact dirt bike racing threatens the environment and puts it at risk. Her experience with her family over the years has been caring for many different animals, growing plants and bushes, enjoying Buckshorn Brook and beaver dams. She prefers to respect nature and obey the law. She feels she has suffered harassment and bullying because she spoken out publicly against the Rhody Rover's event. There are other activities to do as an alternative to bike racing. Responsible government should respect the Greene community and enforce the zoning and support this new provision. She displayed a sign that has been placed facing her property since her complaint. The sign read "REMEMBER The TOES You Step On Today May Be Attached To The ASS You Will Have To Kiss Tomorrow". She feels good government should not dismiss this.

Next came Patricia Cerelli 480 Cahoone Road. She is a neighbor of Mr. Brown and raises her kids well. She has lived in Coventry for over 30 and has nothing to do with the Rhody Rovers or bike racing but feels that because of the lack of things to do growing up in Coventry, off road motor biking is great for kids. She feels everyone should have the right to be able to come before the town to ask for the special use permit.

Next came Steven Slezak of 79 Nicholas Road. He extended an offer to the entire PC to visit Nicholas Road so that he can show the impact that dirt bikes and ATVs have on the environment of the Nicholas Farm Management Area. These machines are capable of noticeable deterioration of the land. He said it takes place on state and private property and signs are ignored. Counsel asked for specific details and he offered pathways have been dug up by spinning tires, fields torn up by riders spinning doughnuts, erosion when it rains, and basic destruction and abuse of the land by these machines.

Next came Tom George of 763 Carrs Trail. Mr. George loves Coventry and riding ATV's and has lived here for 45 years. He rides with his daughter and thinks it's a great hobby. He owns 28 acres and is an abutter of Tom Brown. He has been approached three times by the trail bosses to

open his property to the event so that they could extend the race. What bothers Mr. George is that all three times that he was asked to open his property he was told that he would be compensated like Mr. Brown would be. (*Two members of the audience called out "That's a lie!"*) He declined because he did not want that on his property and he did not want to upset his neighbors. The people who live in Greene should have the most say. Mr. George then played audio of a dirt bike race as he spoke about the noise the people who dwell in Greene endure during these events; the trial runs, the practices, multiple events. Mr. George was not compelled to speak out against the event until he heard about the bullying. He heard threats, M-80's going off, and saw threatening signage. With the bullying, he came forward and then was shocked to hear the account that that there had been no payment for the use of the land.

Next came Paul Boodof of 375 City Road Mr. Boodof gestured that all the kids in audience would be racing over the next weekend. They have fun. He lives in Greene and supports motorcycle and ATV racing. Unfortunately, the kids riding illegally ruin it for the good kids who wear their helmets and safety equipment. The Rhody Rover kids follow the rules, compete all over New England and are great kids having a blast. After the races at Tom Brown's, Rhody Rovers fill in any holes and rake out all the berms.

Next came Nicole Richards of 655 Cahoone Road agrees with both the neighbors and Rhody Rovers Club. There is a lot of riding going on but those are illegal riders. She does not like the illegal riders on her property or on the road ways creating a safety hazard. Her children ride with the Rhody Rovers. She feels that there has been misinformation. The RR put on a two day event. They follow rules and safety procedures. The kids and parents bond and she hopes that the permission to ask to hold the event remains unaltered.

Next came Sean Doyle of 411 Carrs Trail. He had just come to listen and had not intended to speak, particularly since the PC can only make a recommendation. He feels that there are two conversations going on. One about good ordinance, the other about good behavior. He is not sure how the good ordinance is going to work out but he can tell you that there has not been good behavior. He lives more than $\frac{3}{4}$ of a mile from the event and he can hear the noise. With the event comes more riders on the road. He does not like to be told that if he doesn't like it to shut his windows. The main reason he came forward is that Linda Ferri was singled out as the one complaining neighbor and that is not true. She is not alone. She is not the only person concerned.

Next came Mr. Newcomb of 671 Washington St. He wanted to comment about some of what has been said. Mr. Newcomb stated that he is the trail boss and Mr. George is a liar. He said that Mr. George approached him to offer his property for the event and Mr. George told him that he does not like Tom Brown. He told Mr. George that they are a charity organization and they do not pay anyone for property use. He said he was not singling out Linda Ferri, he was simply stating that she has been the only person who expressed to the club that she had any concerns about the event. All the neighbors he spoke to understood that RR are trying to fix the problem of illegal riding.

Next came Dorothy Jackvony of 552 Carr's Trail. She suggested speaking with the neighbors and walk around the area to get a sense of what is going on.

Mr. Crossman interjected that the PC is not the governing body in this case. They are simply there to make a recommendation. They do appreciate her thought but they also do have information from the neighbors.

Next came Pat Zabel of 6285 Flat River Road in Greene. Ms. Zabel stated that her property abuts Mr. Brown and she has never been asked by the Rhody Rovers. She saw that it was going to happen from somewhere in town. There has been an increase in the volume, so perhaps Rhody Rovers could help patrol the property because it does happen before and after the event. If they could help patrol then they could curb the illegal riders who are giving RR a bad name. She did point out that the reason people choose to live out in Greene really is for the peace and quiet and in doing so pay significant taxes for that peace and quiet. She reached out to have the Rhody Rovers work with the neighbors to patrol the area. She could accept a simple two days a year, but it happens more than 2 days per year.

Mr. Crossman suggested that she should approach the RR about working together as good neighbors. Ms. Zabel was tentative about that considering the posters that had been circulating. Mr. Crossman agreed that the posters were totally unacceptable but he could not be sure who put them up. She agreed, one could not be sure. Mr. Crossman offered that maybe the TC could stipulate that the RR work with the neighbors patrolling the event and riding before and after.

Next came Cheryl Robbio of 5461 Flat River. She has lived in Greene since she was 6. Her perspective is that further down the road will this event set a precedent for future events. If so, will it turn into constant stream of motorcycle events? She likes living out in the country and having to drive 7 miles and all that the rural landscape provides. She does not like the noise and once it started it never stopped. She would like everyone to consider where this is going to lead once club gets permission. And consider that it takes 15 minutes to get the police out to Greene so illegal riders take off before the police get there. The kids who ride up and down 117 are a safety hazard. She asked that they not only protect the nature but also the lifestyle and nature of the people who live there.

Next came Tom Brown of 510 Cahoon Road. Mr. Brown stated that he does not get any compensation in any way, shape, or form for hosting this event. He researched the RR before connecting with them and heard from the West Greenwich people about what a great group they are. When they met they walked the land and discussed what they could and could not do. The event was a success. He can't believe people are so down on kids being outside with friends and families. He received so many compliments from out of state people who attended the event. They appreciated having a place to ride. He owns the farm and it is a working farm on which he cuts logs and has hayfield. Being outside riding the trails is great for the kids and he loves to see the smiles. It a great alternative to the kids who don't like football, or baseball but want to get outside and it's better than sitting on a computer all day.

Next came Helena Bouthiette of 176 Hopkins Hollow Road. She supports the RR and enjoys riding ATV with her friends and brothers and always wear safety gear. She does not support illegal riding. She is a straight A student.

Mr. Crossman asked if there was any further comment or discussion. As there was none, Mr. Crossman said that he will entertain a motion from the PC.

