

ZONING BOARD OF REVIEW
Minutes
January 8, 2014
Coventry Town Hall
1670 Flat River Road
Work Session & Regular Meeting
7:00 p.m.

Meeting started at 7:00 p.m.

Members in Attendance: Robert Crowe, Virginia Soucy, Russell Lacaillade, Jeanne Kostyla, Denise DeGraide and John Studley.

Mr. Crowe: Let the record reflect we have six members sitting tonight so we have a full Board. The fire exits are to your rear, the exits to my rear take you into the building. We have a Work Session in the beginning, to go over the Old Business then we go right to New Business. Has everybody had a chance to review the Minutes from the last meeting?

Mr. Lacaillade: Motion to approve as presented.

Ms. Kostyla: Second.

Mr. Crowe: Motion made and seconded, all those in favor say Aye?

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

OLD BUSINESS

Applicant:	Loretta & Steven Clark
Owner:	Same
Location of Property:	AP 315 Lot 86.5; 5656 Flat River Road
Zone:	RR-5
Existing Use:	Single Family Residence
Proposed Use:	Same with kennel

Applicant is seeking a Special Use Permit to operate a kennel to board 15 dogs and breed 3 personal dogs

Mr. Crowe: At one time there could be 18 adult dogs plus puppies. The applicant has been advised that if the application is approved the property will be taxed commercially. I went out and took a look; I reviewed the 52x24 garage with a work shop. It's made out of steel with a full foundation underneath; it looks like a very good garage. The property to me looked in excellent condition. The garage is located at the far rear of the property and it's very close to the neighbors. There is a fence. The size of the property with this many dogs I don't feel that there is enough land there to support this type of activity. Also the parking is there but would have to be created. Backing out is tough, I could do it but if there were two more cars dropping off dogs I think it would need work. The individuals stated

concerns about the waste. He compared it to horse waste and a horse has much greater waste. I looked at other kennels in the state and most commercial kennels are cinderblocks so they are easier to wash out. I felt there should be much more professional work done to this design concept before it was brought to us. I am not totally for the whole thing. It would require signage; I don't feel there is ample parking, the health, safety and welfare of the community. Many people spoke with concerns about the noise and I didn't understand the conditions of the safety of the dogs.

Ms. Kostyla: Can I add something to that?

Mr. Crowe: Please.

Ms. Kostyla: I was concerned myself. I spoke to my daughter who is a veterinarian and she had several concerns. If they were going to breed their own dogs that would be ample. With standard poodles, they aren't big barkers and with their own dogs they would be able to keep up with the waste. With kennels you need an isolation room, there are DEM regulations you have to get a license from the state and they will tell you what you need. The urine from the dogs is also a big concern, not with just odor but with that many dogs there is a possibility of disease. This is from a veterinary standpoint. Most of the kennels have separate dog kennels so they can run themselves. Most kennels and shelters have to be licensed. I don't think the size of the facilities they have would pass muster with DEM. There are also insurance regulations and someone has to be there at all times and that doesn't seem to be the case either.

Mr. Crowe: The utilities are already there, the garage has heat. As far as screening and buffering I am concerned with the noise and I don't believe the screening and buffering of the whole area is possible. General compatibility to the area I don't believe it fits there either. Granting this petition will result in condition that may contribute to lack of public safety, morals and welfare of the area. Russ?

Mr. Lacaillade: Did you receive anything from the Western Coventry Fire Department with regards to the petition?

Mr. Peabody: We did not.

Mr. Lacaillade: We had a question last month with regards to the fire safety for the animals and whether they had to have a fire alarm system, exit signs and fire extinguishers which I am pretty sure are required that was my main concern and you touched upon others already.

Ms. Soucy: Certainly there is the noise. There is no comparison between horse manure and dog feces. When horse manure is piled up it becomes composted and then has many different uses including mulching and gardening.

Ms. DeGraide: As far as egress and ingress to the lot I didn't have a problem with that, parking its tough but not everyone will be there at the same time dropping and picking up animals. I am concerned about the waste and what will happen with that. I don't believe there is enough buffering there to shield the neighbors from the noise which I don't think will be tolerable. Utilities I don't see a problem with. The

structure appeared to be heated. I do think that I am concerned about the waste and urine. You have problems with possible disease and I do think this is not compatible with the general health, safety and welfare of the neighborhood especially with wells.

Mr. Studley: Everyone pretty much topped off everything on the list. You do have a smell issue and the parking issue.

Mr. Crowe: Any other Board Members have anything else on this application? Okay I hear none.

Applicant: Loretta & Steven Clark
Owner: Same
Location of Property: AP 315 Lot 86.5; 5656 Flat River Road
Zone: RR-5
Existing Use: Single Family Residence
Proposed Use: Same with kennel

Applicant is seeking a Special Use Permit to operate a kennel to board 15 dogs and breed 3 personal dogs.

Ms. DeGraide: Reject
Mr. Crowe: Reject
Ms. Soucy: Reject
Ms. Kostyla: Reject
Mr. Lacaillade: Reject

NEW BUSINESS

Mr. Crowe: Before I start the New Business I am going to turn it over the Solicitor at this time.

Applicant: Mike's Professional Tree Service, Inc.
Owner: Same
Location of Property: AP 44 Lot 1; 75 Airport Road, Unit 3
Zone: Industrial I-1
Proposed Use: Operate a commercial wood lot with firewood sales and storage

Applicant is seeking reconsideration of his Special Use Permit application to store, process and sell fire wood.

Solicitor: The application of Mike's Professional Tree Service is going to be administratively continued until February 5, 2014. The reason for that is Mr. D'Onofrio is not currently present and Mr. Studley and Mr. Crowe have conflicts that will not allow their participation in the hearing so there is no quorum. There will be no requirement for re-notice since it is being continued. That will be a hearing for reconsideration.

Mr. Crowe: Any Board members have any questions? Anybody that is here for that it will be heard on February 5, 2014.

once a week the truck can back in and pull out. We have an ISDS approved by the State for a restaurant which had a capacity of 1120 gallons per day with approximately 65 people of both the staff and children DEM's control is 10 gallons per day per person so that would give you 650 approximately we still have approximately 5-600 over capacity on it. The building is 40x80. You have 4 classrooms; there is an office to see the children in and its one way in one way out for control purposes. Obviously there are emergency exits, everyone enters and exits through the front. We have four classrooms which the State has really reduced the numbers of capacity per classroom. They came out with new regulations to allow x number of students per classroom. I do not see any adverse affect on the neighborhood; I think the only adverse affect you are looking at is on the children being protected. A Special Use permit as you know and instructed by your Solicitor is providing that it is not going to be harmful, to the health, safety and welfare. I have the two principals that run the other day cares.

Ms. DeGraide: They will be required to park and bring their children in?

Mr. Brunero: Yes.

Ms. DeGraide: They won't be able to stop along the front and let the children out?

Mr. Brunero: No, our procedure is they will have to park and physically bring the children into the building and same on pick up.

Mr. Crowe: You are going to have the solid pipes to block off the play area?

Mr. Brunero: Yes, those are all solid so that no one can inadvertently back in.

Mr. Crowe: So the playground area will go all the way to the back so there is no way anyone come in or go out through Mapleroot Road?

Mr. Brunero: No. Originally we did have parking on the side and we reconfigured it so that this is blocked off. There will be a barricade.

Mr. Crowe: So Mapleroot Road would not get any traffic whatsoever from this operation?

Mr. Brunero: None whatsoever.

Ms. DeGraide: Is that play area fenced in?

Mr. Brunero: Yes, the entire area will have to be fenced in by State law.

Ms. Soucy: Chain link?

Ms. Duffy: It could be or stockade, vinyl. Any place where cars could have access you have to have poles or something. Even behind the dumpster area you would have to put poles there, that's State regulations.

Mr. Crowe: Playground area is going to be constructed of?

Ms. Duffy: According to DCYF you have to separate that playground area into three. The infants would have grass or Astroturf, the pre-schoolers DCYF would like to have different surfaces: one would be grass; another cement for ride on toys, in the middle will be a play structure which you have to have in order to get approved. To have a play structure you have to have at least 10 inches of sand, play ground safety mulch, something that would ease a fall. But that's all stuff when DCYF comes if we don't have, we can't open. We have to show DCYF our plans.

Mr. Crowe: Hours of operation?

Ms. Duffy: Open at 7:00 a.m. to 6:00 p.m. My staff will probably get there 20 minutes early to open the building to put heat on and turn on lights.

Mr. Crowe: Any overnights?

Ms. Duffy: No.

Mr. Crowe: What type of lighting?

Ms. Duffy: Florescent.

Mr. Crowe: Outside?

Ms. Duffy: I believe there is outside lighting on the overhand already. There will have to be flood lights but in the winter when it gets cold and when the sun goes down we wouldn't be outside anyway.

Mr. Crowe: We just don't want the lights to shine on the neighbors; the lights have to come toward the structure.

Ms. Duffy: If it's not light out they aren't going outside.

Mr. Peabody: So our concern with the lights in the back, we don't want them shining towards the neighbors on Mapleroot.

Mr. Crowe: I want to make sure the parking area is lit.

Ms. Kostyla: Are you going to have a sign?

Ms. Duffy: There is a sign constructed on the corner and we will be using that one.

Mr. Crowe: Buffer between proposed drop off area and the highway?

Ms. Duffy: I will probably be adding a couple of more rocks. With DCYF coming to look at this they will look at it and say what can and can't be done. If we want to keep it natural we will have to add more boulders here or poles into the ground.

Mr. Brunero: The problem with landscaping is there are 800000 pounds of salt put down every time it snows.

Ms. Duffy: My other locations that are close to the street we do rocks.

Mr. Crowe: Anything else you would like to present? Any other questions from the Board on this?

Mr. Lacaillade: Have you talked to the fire department at all in regards to being accessible from Mapleroot Road side? Part of their pre-plans may involve apparatus trying to come into that. I am not telling you to put gates there but make sure you check because it was an existing lot and had a 360 degree turn. For the fire service it was a very beneficial use. I would caution you to check with the fire marshal before you erect a fence without a gate. I think the easiest way out of it would be with a gate so in the event of an emergency the fire apparatus could get around the back of it without doing a lot of damage. The facility will have to pertain to the present day codes. There may be city water but I am not sure.

Mr. Brunero: There is city water. We can check with the Chief. Again before we put in a cement post this may be a good place for a gate with a key.

Mr. Lacaillade: The bollards are everywhere and now we carry a bollard wrench on our apparatus so you can take one out.

Mr. Studley: I think it's a great plan.

Ms. DeGraide: I'm good.

Ms. Soucy: What ages are the children?

Ms. Duffy: 6 weeks to 6 years.

Ms. DeGraide: You also have to work under the offices of the Department of Education?

Ms. Duffy: Only if you have a kindergarten. We will not have a kindergarten right now actually this facility isn't big enough. We have it set up as one room is an infant room which is 6 weeks to 18 months, 18 months to 3 years old next will be 3 to young 4s and 5-6. There is not room to expand but it's a quality center.

Mr. Crowe: No other Board members have any questions? Can you please take a seat? Is there anyone here who has any questions or wants to speak on this application?

Mr. Bryans: Jackie Bryans, 28 Mapleroot Road.

SWORN IN

**JACKIE BRYANS
28 MAPLEROOT ROAD
COVENTRY, RI**

Mr. Bryans: I am glad they won't use the little road that has been a problem since we have lived there, it's still a problem. We don't need more traffic, there is a lake across the street from this that's part of the Flat River Reservoir and you are talking about putting 2000 lbs of ice on that parking lot after we have already spent 10,000 of our own money to clean it up. The noise is another problem we don't want it, with 56 kids that's worse than having a dog kennel.

Ms. Bryans: Diane Bryans, 28 Mapleroot Road.

SWORN IN

**DIANE BRYANS
28 MAPLEROOT ROAD
COVENTRY, RI**

Ms. Bryans: Is this going to be a stockade fence? Because that would cut down on the noise.

Ms. Duffy: It could be, I would rather it be a stockade fence because we don't want predators looking into the children.

Ms. Bryans: Is there a particular time of day that children are let out?

Ms. Duffy: Each class has a schedule as to what time they can go out. We do close at 6 so there wouldn't be anyone after that. DCYF will not let all 56 children out at once. At any given time because the playground area will be divided into three you only get 75 square feet per child so the most is 18 at any given time. Each class has two outside times and each time is 20 minutes a day. Infants won't make any noise at all; toddlers may make a little noise.

Ms. Bryans: Will you have slides....

Ms. Duffy: No, the infants have really nothing at all except maybe a chair for the adults, they put blankets down. The toddler area may have an area that would have mulch underneath with a small plastic structure. This other area would have a larger structure like a jungle gym. We don't have swings, bars. There may be a track around the edge.

Mr. Cote: Gary Cote, 29 Pettine Street. I appreciate the opportunity to speak.

SWORN IN

**GARY COTE
29 PETTINE STREET
COVENTRY, RI**

Mr. Cote: I can't speak about the Munchkin Land Preschool or the people that own it; I can tell you that this is a commercial zoned business. We need to utilize as much of our commercial property as we can because that's the only way to stabilize

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Applicant: Thomas Borawski
Owner: Same
Location of Property: AP 24 Lot 30; 31 Old North Road
Zone: R-20
Existing Use: Single Family Residence
Proposed Use: Same with shed

Applicant is seeking a Dimensional Variance in construct a shed 5 feet from the rear and side property line where 10 feet is required

Mr. Borawski: Thomas Borawski, 28 Old North Road.

SWORN IN **THOMAS BORAWSKI**
 31 OLD NORTH ROAD
 COVENTRY, RI

Mr. Borawski: I would like to place a shed on the back right corner of my property. Because 10 feet from the property line is required the shed would end up being in the middle of my yard losing full use of the yard. The property is undersized.

Mr. Crowe: You can stake this out where the shed is going to go for us so we can see it?

Mr. Borawski: Yes.

Mr. Crowe: The size of the shed is?

Mr. Borawski: 10x15.

Mr. Crowe: I understand your problem.

Mr. Lacaillade: Are you going to build it or?

Mr. Borawski: It's pre-constructed.

Mr. Lacaillade: On a deck not on concrete?

Mr. Borawski: Yes, on a deck.

Ms. Kostyla: Will it have electricity?

Mr. Borawski: At this time I don't plan for it.

Mr. Crowe: Any other questions from the Board?

Mr. Studley: What is on the right side of your yard?

Mr. Peabody: This is the access to his lot; it's a funny shaped lot.

Ms. DeGraide: Was there a shed previously?

Mr. Borawski: No, it's a new construction.

Ms. DeGraide: How old is the house?

Mr. Borawski: 8 months.

Mr. Peabody: These houses all have just been built. They were existing lots of record but just got built. Our regulations have been set up for 20,000 square foot lots and these lots are 10,000. On a 20,000 foot lot it wouldn't be an issue.

Ms. DeGraide: You can't just go administratively for this?

Mr. Peabody: I could if you gave me permission to but currently the Ordinance does allow me to. Its 50% I can go up to 25% administratively.

Mr. Crowe: Is there anybody here who would like to speak on this application? Either for or against? Or have a question? I see no one here to speak on this application and the applicant has nothing further to say at this time here...

Ms. DeGraide: Mr. Chairman, I'll make a motion that we take this matter under advisement and render a decision within a reasonable amount of time.

Mr. Lacaillade: Second.

Mr. Crowe: Motion made and seconded, all those in favor say Aye?

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Ms. DeGraide: Motion to adjourn.

Mr. Lacaillade: Second.

Mr. Crowe: Motion made and seconded, all those in favor say Aye?

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Meeting adjourned at 8:05 p.m.