

ZONING BOARD OF REVIEW
Minutes
May 6, 2015
Coventry Town Hall
1670 Flat River Road
Work Session & Regular Meeting
7:00 p.m.

Meeting started at 7:02 p.m.

Members in Attendance: Bob Crowe, Denise DeGraide, Jeanne Kostyla, John D’Onofrio, Russell Lacaillade and John Studley.

Mr. Crowe: Fire exits are to your rear, the exits behind us take you into the building.

Mr. D’Onofrio: Mr. Chairman, I make a motion that we approve the Minutes from last month’s meeting.

Mr. Lacaillade: Second.

Mr. Crowe: Motion made and seconded all those in favor say aye.

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

OLD BUSINESS

Applicant:	Michael Saccoccia
Owner:	Dante Real Estate, LLC
Location of Property:	AP 65 Lot 15.002; 2289 Flat River Road
Zone:	VRC
Existing Use:	Commercial Building
Proposed Use:	Same with addition

Applicant is seeking to construct an addition that will be 10 feet from the rear property line where 25 feet is required.

Adoption of Decision

Ms. Assalone: Having reviewed the Decision in your package, if you feel it’s correct, we ask you to ratify the Decision tonight.

Ms. DeGraide: Mr. Chairman, I make a motion that we adopt this Decision.

Mr. Lacaillade: Second.

Mr. Crowe: Motion made and seconded all those in favor say aye.

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Secretary: I would like to state for the record that the following application is requesting to be continued until June 3, 2015.

Applicant: New Apostolic Church USA
Owner: Tiogue Ave Realty, LLC
Location of Property: AP 27 Lot 119.002; 1193 Tiogue Avenue
Zone: General Business
Existing Use: Business offices
Proposed Use: Same with place of worship

Applicant is seeking a Special Use Permit which is required for place of worship in a General Business Zone.

NEW BUSINESS

Mr. Crowe: I am letting the Vice-Chair take over; I am an owner within 200 feet and a member of the Condo Association.

Applicant: Robert and Lynne Poll celli
Owner: Same
Location of Property: AP 57 Lot 4; 13 Raymond's Point Road
Zone: RR-2
Existing Use: Single Family Residence
Proposed Use: Same

Applicants are seeking a Special Use Permit to construct a three bedroom single family dwelling 38'x22' approximately 27' tall and demolish the existing dwelling upon issuance of Certificate of Occupancy.

SWORN IN

**LOU BALDI
445 BUDLONG ROAD
CRANSTON, RI**

Mr. Baldi: I am representing Robert and Lynne Pollicelli. As Mr. Crowe indicated there are two aspects to this project, the first one is to get a Special Use Permit and the second building the house. Inside the Zoning Ordinance a Special Use Permit is granted under about 13 conditions. Of those the first two have to do with parking. Since its residential parking will be off-street and any cars that visit the house would be in the existing gravel driveway on the plans. The other requirement is trash storage and delivery. We have our own trash container on the property. There is no receptacles at the house that are left outside. The screening and buffering is natural. They may take some trees down but there won't be any fences put up because in the Condo Association we don't allow property owners to define their property lines. There are not going to be any signs, there is open space. The ones that are particular to this that we have to meet is general capability with lots in the same or abutting zoning district which we do, it's all residential down there. The use will not result in or create conditions that will exceed industrial standards. The

general compatibility with the Comprehensive Plan, it does that. The condominium was declared and put on record. The granting will not result in conditions inimical to public, health, safety, morals & welfare. The interesting part of this project is that what the Pollicelli's want to do is, the structure they are going to build is known as a factory manufactured dwelling. In this scenario they order the house from the builder, once that house is built, it's trucked into the property. The house is then picked up by cranes and set on a foundation. Once that is done, the only thing they have to do after that is plug the house in, get water hooked up and hook up to the septic. Once that is completed, the Coventry Building Inspector will go down and do his inspections. All those inspections will be final and at that point he can issue a Certificate of Occupancy. There is an existing dwelling there now, that they live in. What they are asking for is that once that Certificate of Occupancy is issued, they will move from the existing home into the new house and demolish the old structure and haul it away. They have to knock the house down because it goes against zoning, inside zoning you can't have two dwellings on one lot and it blocks their view of the pond. We are asking for a Special Use Permit and asking that a Certificate of Occupancy be issued when the dwelling is complete and passes all its inspections and also we are asking that they be allowed to stay in that house while all this is going on.

Mr. D'Onofrio: The reason they need a Special Use Permit is because it's non-conforming?

Mr. Peabody: Correct.

Mr. Baldi: We have a Covenace Committee also; it tweaks all these projects before we present them to Zoning. We go through everything. We just don't let anything go down.

Mr. D'Onofrio: What's the size of the existing structure?

Mr. Baldi: The one that exists is 26x22 the new one will be 38x22 and it meets DEM. They had to move the house back to meet the 50 foot buffer.

Ms. DeGraide: It this its own septic?

Mr. Baldi: Correct. They probably have a communal well that they will hook up to. All the utilities that are there have been there.

Ms. Kostyla: Why does it say the property has a well but the septic has been approved by DEM but not installed?

Mr. Baldi: That is where it's going to go. They will bring the property up to Code.

Ms. DeGraide: The septic that is proposed there seems to straddle what you would consider a lot line.

Mr. Baldi: They all do. It's not where we wanted them it's where they had to go. Everyone signed off that if there was an encroachment that it was fine.

Mr. D'Onofrio: I have a question for our Solicitor; under Section 840-844 ...non-conforming use shall not be moved in whole or in part to any portion of the land

other than that occupied by such use at the time of adoption of this Ordinance so they are moving it to another part of land.

Ms. Assalone: That is a matter of interpretation and discretion. You could decide that that is the case or you could decide it is being placed on the same allotted space so I don't think you would be prohibited from approving their application.

Mr. Lacaillade: I have a question, have we done this in the past where we have allowed them to build and keep the original building first? Don't they usually tear it down...?

Mr. Peabody: We do it fairly regularly in other parts of Town, but not in Raymond's Point this way.

Mr. Baldi: I have an affidavit that the Pollicelli's signed mapping that out. Once they get their Certificate of Occupancy the house will come down. It has to.

Ms. DeGraide: What's the time frame from when the new house is finished til they tear down the old one?

Mr. Baldi: I'm thinking within 20 days. In order for them to complete the deck, they have to get the house out of there; they want to do it in one fluid motion.

Mr. Peabody: To go back to John, whether you have legal grounds to vote on this. A non-conforming residential structure in a residential zone shall not be enlarged, extended or altered to increase non-conforming unless a Special Use Permit is issued. It specifically states they can't change a non-conforming structure unless they get a Special Use Permit.

Mr. D'Onofrio: This talks about extending or enlarging, this is different, this is talking about re-building on a different part of the land. If we can find the legal grounds to say this is really going to be on the same part of the land, we have to have it correct.

Ms. Assalone: To get back to Denise and John's, it's perfectly acceptable for the Board to impose reasonable stipulations regarding the time frame of knocking down the current home.

Mr. Baldi: We welcome that. The conditional approval is fine by us that the front structure has to come down.

Mr. Lacaillade: Could you hold the CO until the old house is taken down?

Mr. Baldi: The Building Inspector can give a Temporary or Conditional CO that its conditional upon it comes into effect when that building is knocked down. The condo association will not allow it. They are thinking of putting the foundation in within the next month. I talked to the builder and the delivery date is July 30. Once the foundation is in it will take one day to set that house up and probably another 10 days to plug it in and give it a septic system.

Mr. Lacaillade: As far as the demo of the old house, will they be able to get that stuff out around the new house without...

Mr. Baldi: Yes, it won't be big pieces.

Mr. Peabody: The staff's two biggest concerns is room, you will have a dumpster on the property, crane, workers' vehicles, is there going to be enough room to accommodate this on that one lot?

Ms. DeGraide: If what he says is true, the crane won't be there that long. There may be parking problems for a day or two not all summer.

Mr. Baldi: It will be there a day.

Mr. Lacaillade: Are they going to be able to go over Trestle Trail?

Mr. Baldi: They have engineered it, and done due diligence. The truckers have come down and have measured the roads.

Mr. Peabody: The other concern we have is drainage. Right now this is the low part and that is where the house is going, they will be building up that area and possibly shed the water onto the neighbor's property, we request the Board require them make a swale to bring the water next to their house towards the water so it does not flow to the neighbor's house.

Ms. DeGraide: Is there anybody here that has any questions about this application? For or against?

Mr. D'Onofrio: Madam Chair, I make a motion that we vote on this tonight.

Mr. Lacaillade: Second.

Ms. DeGraide: Motion made and seconded, all those in favor say Aye.

Board: Aye.

Ms. DeGraide: Nays? Ayes have it.

Ms. Assalone: You can add any stipulation you want but some are conditional. That the land shall be graded to drain away using swales from the house towards the water and not neighboring houses, that the existing home will come down in xx days the Certificate of Occupancy is issued, those are suggested ones.

Ms. DeGraide: What is a reasonable time frame for that house to come down?

Mr. Baldi: After the CO is issued. 30 days is good.

Mr. Peabody: The other suggested stipulation was that the applicant have a dumpster for their construction debris.

Mr. Baldi: We will have it anyway.

Mr. Lacaillade: Approve*

Ms. Kostyla: Approve*

Mr. Studley: Approve*

Mr. D’Onofrio: Approve*

Ms. DeGraide: Approve*

***Stipulations- That the land shall be graded to drain away using swales from the house towards to the water and not neighboring houses, that the existing home will come down within 30 days of the Certificate of Occupancy being issued and a dumpster be kept on site during all phases.**

Applicant: Joseph Yammine
Owner: Same
Location of Property: AP 310 Lot 33; 182 Log Bridge Road
Zone: RR-5
Existing Use: Two Single Family Residences
Proposed Use: Same

Applicant is seeking a Dimensional Variance to conduct minor lot subdivision so each house has its own lot. To complete this subdivision it will require variances for side setbacks and frontage.

**SWORN IN SAMUEL SUORSA
COVENTRY SURVEY CO.**

**SWORN IN JOE YAMMIE
240 SHADY VALLEY ROAD
COVENTRY, RI**

Mr. Suorsa: At this point it has two houses on one lot and we are proposing to give each house its own lot. The way the houses are situated, it will force one of the lots to have shorter frontage than required. Also we will need side setbacks on both lots.

Mr. Crowe: So you have one lot now and are proposing to make two.

Mr. Suorsa: Correct.

Mr. Crowe: How many square feet is the first lot.

Mr. Suorsa: Parcel A is going 7.69 acres.

Mr. Crowe: You have two houses and a bunch of barns. Entrance for Parcel A is going to be to the left and Parcel B you will provide a new entrance onto Log Bridge?

Mr. Suorsa: Yes.

Mr. Crowe: And the house you will leave it the way it is?

Mr. Yammie: We will build a new house in the future and tear that one down.

Mr. Peabody: They received Preliminary Approval from Planning with a positive recommendation to Zoning.

Ms. DeGraide: How did we get two houses on one lot?

Mr. Peabody: I don't know, they're old. They were built in the 1800s.

Ms. Kostyla: I am concerned about the old house is there is a cesspool.

Mr. Suorsa: There will be a new septic when they build a new house.

Mr. Crowe: The well is...

Mr. Yammie: There will be a new well on the property. Right now they are using an easement. There are two wells but when we split the property both wells are on the first lot.

Mr. Crowe: Then when the new house is built there will be a new well and septic.

Mr. Yammie: Yes.

Mr. Crowe: Each lot will have how many acres?

Mr. Suorsa: Parcel A 7.69 Parcel B 8.95.

Mr. Crowe: We also noticed the old trailer. That might be a stipulation that it will be removed before it's subdivided.

Mr. Peabody: Old trailer, some tires and junk.

Mr. Yammie: That's fine.

Mr. Lacaillade: I noticed there is a sign out front that you can rent a garage. That's not a problem?

Mr. Peabody: As long as it's being used residentially.

SWORN IN

**ROSE DESILUS
1429 VICTORY HIGHWAY
COVENTRY, RI**

Ms. DeSilus: I live right in back of them. Are they planning on renting these houses out, how many are they going to be allowed to put? And the entrance will be where?

Mr. Crowe: Only two, one on each lot and access will be on Log Bridge.

Mr. Crowe: I would like a motion to vote on this tonight or wait for further information. It's been before Planning and I think it's self-explanatory.

Mr. Peabody: We are supportive of you voting on this tonight. It's straightforward.

Mr. Lacaillade: I make a motion to vote on this tonight.

Mr. D'Onofrio: Second.

Mr. Crowe: The stipulations will be removing the trailer, cleaning the odds and ends; the entrance for the new lot will be on Log Bridge Road and one residential structure per lot.

Mr. Lacaillade: Approve*

Ms. Kostyla: Approve*

Mr. Crowe: Approve*

Mr. D'Onofrio: Approve*

Ms. DeGraide: Approve*

***Stipulations- Remove the trailer, cleaning the odds and ends, the entrance for the new lot will be on Log Bridge Road and one residential structure per lot.**

Applicant:	John & Jennifer Preiss
Owner:	Same
Location of Property:	AP 27 Lot 41; 1 Red Maple Road
Zone:	R-20
Existing Use:	Single Family Residence
Proposed Use:	Same

Applicant is seeking a Special Use Permit to construct an in-law apartment.

**SWORN IN JOHN PREISS
 1 RED MAPLE ROAD
 COVENTRY, RI**

**SWORN IN MIKE JACKSON
 29 OLD DANIELSON PIKE
 FOSTER, RI**

Mr. Jackson: My wife and I are 71 years old. We have a large lot in Foster and want to downsize. My wife is ill and we wanted to ensure care for her. It's a long term

thing. My daughter Jennifer suggested we move in with them. I think it's a win win situation for all of us. I believe we met all of the code requirements for it. We are not planning on renting; we will be there til we go. The existing building will be remodeled. A four season room will replace the deck. The existing garage will be attached to the house where there is a bath set up with a kitchenette.

Mr. Crowe: You will add the season room and also in that area will be a kitchenette?

Mr. Preiss: Yes.

Mr. Crowe: Access to this is how?

Mr. Preiss: The back door to the house will be connected to that.

Mr. Crowe: So the person that occupies this will have to come in through your house?

Mr. Preiss: It will be direct access from the main house.

Mr. Crowe: And an elevator from the garage?

Mr. Jackson: Yes, as an access point on the outside I guess you need two exits or entrances. Given the dimensions and distance we could either put a stairway or an elevator. That is an issue with my wife's health factor. If we put a stairway in it would have to be enclosed and install a stair lift.

Mr. D'Onofrio: Is there a way to get outside without using the elevator, so if you lost power you wouldn't be stuck?

Mr. Preiss: Yes.

Mr. Jackson: That would be through the new addition, through the main house. Basically the addition would come out to the deck from the back door to the garage.

Mr. D'Onofrio: So from the street you probably wouldn't even notice it.

Mr. Jackson: You won't see anything.

Ms. DeGraide: So the sleeping quarters are basically going to be a big bedroom, small kitchenette and the season room will basically be a family room?

Mr. Jackson: Yes.

Ms. DeGraide: With the small kitchenette, I assume most meals will be taken with the family?

Mr. Jackson: Yes.

Mr. Crowe: I normally would be concerned above a garage but due to the landscaping and also the way it's set up is nicely done.

Mr. D’Onofrio: What about adequate parking for cars?

Mr. Preiss: There is plenty of parking including in the garage.

Mr. Crowe: Is there anybody here that would like to speak on this application? Have any questions? Hearing none.

Mr. D’Onofrio: Mr. Chairman, I make a motion that we vote on this tonight.

Mr. Lacaillade: Second.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Mr. Studley: Approve*

Ms. Kostyla: Approve*

Mr. Crowe: Approve*

Mr. D’Onofrio: Approve*

Ms. DeGraide: Approve*

***Stipulation-Revert back to single family when the individual no longer owns that structure & gets a review in three years, then five after that.**

Applicant:	Jody Barna
Owner:	Jody Barna & Christopher Shaw
Location of Property:	AP 40 Lot 36; 4 Sooner Lane
Zone:	R-20
Existing Use:	Single Family Residence
Proposed Use:	Same

Applicant is seeking a Special Use Permit to utilize existing 12x18 spare room as art studio/classroom for up to 6 students.

SWORN IN **JODY BARNA**
 4 SOONER LANE
 COVENTRY, RI

Ms. Barna: I am a local artist I have been teaching for 15 years in Rhode Island and I would like to combine that with my own design works under J. Barna Studios and work out of my home and be able to teach mostly private lesson and some group lessons up to 6 children/young adults out of an existing room.

Mr. Crowe: You won’t do any structural changes?

Ms. Barna: No.

Mr. Crowe: You will have people come and drop their children off?

Ms. Barna: Drop off and pick up.

Mr. Crowe: Looking at the parking lot, it's not big enough. I would like to see the parking lot enlarged.

Mr. Peabody: She does meet the standard for this application but it sounds good to me.

Mr. Crowe: Outside lights, you are just keep your normal?

Ms. Barna: Yes.

Mr. Crowe: Will you require any signs?

Ms. Barna: Not at this time, if I was to do signage, it would be small.

Mr. Crowe: No bigger than 3x2?

Ms. Barna: Yes.

Mr. Crowe: Is that the standard residential sign?

Mr. Peabody: We do like to have them residentially so people aren't looking for them.

Mr. Crowe: You may get taxed commercially.

Ms. Barna: I did talk to the tax assessor and as of this time he doesn't think this will apply to me but he did take my information.

Mr. Peabody: They are actually changing the rules and allowing for partial taxation.

Mr. D'Onofrio: Are these going to be daily classes you are going to hold?

Ms. Barna: No, I have a full time job it would be part time classes and would want to offer more classes in the summer.

Mr. D'Onofrio: What are the hours of the day?

Ms. Barna: Thursdays and during the duration of the summer morning and afternoon and off season early evening classes.

Mr. D'Onofrio: Will there be six students there are one time?

Ms. Barna: Mostly likely not, I would like that option for the summer. I do mostly private lessons.

Mr. Peabody: Six is the maximum you can allow under our regulations any more than that she has to go commercial. If you are going to require expansion of the parking what do you want to see?

Mr. Crowe: A whole another vehicle length wider and deeper.

Mr. Crowe: Is there anybody here that would like to speak on this application? Have any questions? Hearing none I would like a motion to vote on this tonight.

Ms. DeGraide: So moved.

Mr. D'Onofrio: Second.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Mr. Lacaillade: Approve*

Ms. Kostyla: Approve*

Mr. Crowe: Approve*

Mr. D'Onofrio: Approve*

Ms. DeGraide: Approve*

***Stipulation-Expansion of parking one vehicle length and width.**

Applicant:	Jamie MacMillan
Owner:	Same
Location of Property:	AP 311 Lot 79; 1472 Harkney Hill Road
Zone:	RR-3
Existing Use:	Single Family Residence
Proposed Use:	Same

Applicant is seeking a Special Use Permit for a kennel to keep eight (8) personal dogs.

SWORN IN **JAMIE MACMILLAN**
1472 HARKNEY HILL ROAD
COVENTRY, RI

SWORN IN **JAMES GOULET**
1472 HARKNEY HILL ROAD
COVENTRY, RI

Ms. MacMillan: We purchased a foreclosed house less than two years ago and have 5 dogs. We are not looking for a kennel license but when we moved in and went to register our dogs we were advised that legally you can only own 3. We were told we had to get a kennel Special Use Permit. We are not looking to open a company. We have 36 acres, my fiancé is a hunter, we have three hunting beagles and I have a shepherd and a Doberman. It's not a business and they said we would save money. In order to maintain our five current dogs and if in the future we wanted to get another dog or two we might want to over allow for the amount we have. They stay within the home; we have a dog fence that encompasses 1.5 acre. I also have two runs in the front of the property. We have one male beagle which we had a complaint about that does not mind the underground fence. He goes on the dog run. Normally they stay in the home they're pets. There are no kennels, outside structures; they have their own habitat in the house. The Doberman is older, was given to me by my sister, he is about 11 years old.

Mr. Crowe: This is a unique situation. You aren't proposing to build a kennel to keep the dogs in. The dogs you have now, what I saw, are house dogs. You also have a pony and two goats?

Ms. MacMillan: Yes.

Mr. Crowe: The problem we have is we have had some complaints and a bite problem.

Ms. MacMillan: The bite incident was I had a cleaning company I had hired. They sent five girls out to the house. I work 60 hours a week, he is on the road 60 hours a week. My older son was home, he is 21; we put all of the dogs in the garage because I didn't want to have an issue with the dogs and 5 people in the house cleaning. One of the girls said she loves shepherds can I see him. My youngest son opened the garage door, they got excited and she got bit on the hand. I called the cleaning company and said why would you have a woman asking to look at a dog that's obviously locked up because...The dog officer called and said anytime there is a bite we have to make a phone call and fill out a report. Everyone is up on their shots. We attempted to register everyone, we maintain an impeccable household with dogs included. That is why there was a bite report.

Mr. Crowe: How many acres are there altogether?

Ms. MacMillan: 36. We are looking to expand our dog run beyond the house. There is no backyard so that's the only reason we haven't extended the dog fence going back.

Mr. Crowe: The problem I have with the dog fence is as you said it doesn't work.

Ms. MacMillan: That's why we have the two runs in the front.

Mr. Crowe: Could you put a fenced in run in the back of the house someplace?

Mr. Goulet: We have a logging company. We are in the Federal Forestry Program and they are doing some cutting. We are half way done and once they are done we are going to expand everything in the back.

Ms. MacMillan: Right behind the barn which is wooded is gone, the reason we can't push things back yet is because they aren't done. Runs will go in the back of the house once the logging company is done.

Ms. DeGraide: You have three beagles?

Mr. Goulet: One male, two females.

Ms. DeGraide: Do you breed them?

Mr. Goulet: No.

Ms. DeGraide: Do you run beagles?

Mr. Goulet: Yes, I like to hunt.

Ms. MacMillan: It's the male beagle that got loose once or twice, then we put the runs up.

Ms. DeGraide: Can you turn up the charge?

Ms. MacMillan: We put two collars on him.

Ms. DeGraide: Is he neutered?

Ms. MacMillan: No.

Mr. Crowe: Is there anybody here that would like to speak on this application?

SWORN IN

**TERRY RYAN
1524 HARKNEY HILL ROAD
COVENTRY, RI**

Mr. Ryan: I live to the left. The beagles since they moved in, the first day they were at my house at 5:30 in the morning right under my bedroom window. I drove up there at 5:30 and woke him up with my car horn. His dogs are consistently in my yard. For him to say once or twice is a lie. When I came out just before this meeting, they weren't in my yard but I could hear them howling. It's ridiculous. They howl at 2:00 a.m., they woke me at 4:30 a.m. 8 dogs? No way. He doesn't take care of the dogs he has now. They both just told you they work 60 hours a week, what time does that leave to take care of 5-8 dogs. Other neighbors here will tell you the same. I have two grandchildren. I am outside constantly playing with them in the yard, if one ever comes in my yard and makes an aggressive move towards my grandson I am going to shoot it. I am against this 150%.

Ms. DeGraide: Can you recall approximately how many occurrences these dogs were on your property in the middle of the night?

Mr. Ryan: Multiple times, more than 5 less than 20.

SWORN IN

**ERIN WRIGHT
1470 HARKNEY HILL ROAD
COVENTRY, RI**

Ms. Wright: I don't want to have an objection but I also have been aware of those dogs coming over in our yard and they bark a lot. I don't have so much of problem with that; the problem is the Doberman has been over my house. He has been in my garage, growling at my ex-husband, wouldn't let him out of the house, he has been in my back yard growling at me so I can't get off my deck. We have seen three of their dogs chained together roaming through the backyard on several occasions. I am worried especially for my children. It's the Doberman that comes over. I would like to know if they have a plan to improve the barking and the dogs being able run.

Mr. Crowe: Do you hear the barking now?

Ms. Wright: I do. It's when they're coming into my yard and growling, he wouldn't let me off my back deck. It makes me nervous.

SWORN IN

**PETER HEALY
1538 HARKNEY HILL ROAD
COVENTRY, RI**

Mr. Healy: My problem is it's not a farm. The number of animals up there is my problem is the waste. How is it affecting the wells?

Mr. Peabody: Our regulations allow for basically one large farm animal per acre, they aren't even close. We have never had a problem with this number of animals polluting a well.

SWORN IN

**JEAN SALVAS
1497 HARKNEY HILL ROAD
COVENTRY, RI**

Ms. Salvas: I live across the street and I have two dogs. I let them out and they come back in. Those dogs are constantly barking. They never stop. 11:00 at night those dogs are barking. There is a fox den in that wall and they go crazy. It just doesn't stop. Mostly its beagles, the shepherd was in my yard once. It's annoying.

SWORN IN

**CHRIS GOULETTE
1455 HARKNEY HILL ROAD
COVENTRY, RI**

Ms. Goulette: My question is if they moved in two years ago and were told to file for a variance two years ago, why we are addressing this now.

Mr. Peabody: We didn't know about this one until the application was sent to us.

Ms. Goulette: To me it talks about responsibility, if you have known for 2 years I am curious as to the delay. We do hear the dogs all the time. If someone is working 60 hours a week, I would like to know if there are any plans for the noise.

Mr. Crowe: This is a unique circumstance. She doesn't have a commercial interest. They are asking for 8, they currently have 5.

Mr. Peabody: You can approve it, deny or make stipulations.

Ms. MacMillan: I have a few things. We moved in short of two years. We moved from North Kingstown, we wanted to move to the woods so we wouldn't have to deal with this. Here is the issue, once we moved in, the licenses we currently had with North Kingstown for all four dogs, we adopted one. When we went to renew the licenses, that's when we started the process. It has been 9 months in the making. We followed what we were told. The Dobie has never scared anyone he is not an issue. The only one we have an issue with is the male beagle. I bought him a muzzle. Once the logging is done we will put the run behind the house and that should diminish the barking. There is also other barking in the neighborhood. The fox screams because it has puppies everywhere.

Mr. D'Onofrio: How do you address the issue of your neighbor who has a dog howling at his window?

Ms. MacMillan: That happened maybe twice.

Mr. Goulet: I put a metal collar on him and it hasn't happened since. I called to apologize. I believe I rectified it since then.

Mr. D'Onofrio: Being you work 60 hours a week, when you aren't home are the dogs outside?

Ms. MacMillan: No, they stay locked up. We have a 21 year old son and a 14 year old son.

Mr. D'Onofrio: If you are home and the dogs are barking, do you let them in?

Ms. MacMillan: Yes, they are never locked outside for extended periods of time.

Mr. D'Onofrio: You have neighbors that are listening to them bark, and others that live in fear. I heard testimony from a neighbor that the Doberman was in her garage.

Ms. MacMillan: That was one incident.

Ms. DeGraide: Have you considered getting rid of him?

Ms. MacMillan: It was his 40th birthday present.

Mr. D'Onofrio: I would have concerns at this point getting more dogs.

Ms. MacMillan: We don't want to expand, we were advised if going forward, if we wanted to adopt another dog or two, to come and get the Special Use Permit. The Doberman is older.

Mr. Goulet: Tank is 11, he has several growths on him, if you say when he passes we go to four, I don't have a problem.

Ms. DeGraide: How old is the shepherd?

Ms. MacMillan: Two.

Ms. DeGraide: Beagles?

Ms. MacMillan: Bella is 7, Charlie is 4 and Lily is 2.

Ms. DeGraide: With both of you working 60 hours a week, how many children do you have?

Ms. MacMillan: Two 21 and 14.

Ms. DeGraide: Are they both at home?

Mr. Goulet: Yes.

Ms. MacMillan: We rotate shifts.

Ms. DeGraide: So at one point someone is always there?

Ms. MacMillan: Yes, someone is always home.

Ms. DeGraide: Why did the younger child open the door for the cleaning lady?

Ms. MacMillan: It was actually the oldest. She said she loved shepherds and wanted to see the dog.

Ms. DeGraide: Why did the child open the door?

Ms. MacMillan: He was a child.

Ms. DeGraide: He is 21.

Mr. Goulet: He shouldn't have.

Mr. D'Onofrio: I want to talk about the plan to mitigate the barking.

Mr. Goulet: We are in the middle of logging; I can't give you an exact date.

Mr. D'Onofrio: Ball park.

Mr. Goulet: Two months?

Ms. MacMillan: We are trying to expand because we have no yard. They are half way through.

Mr. Goulet: I can't do anything until they are done.

Ms. MacMillan: They are in and out and we can't do anything right now. They were supposed to start cutting in October/November but with the winter they couldn't log.

Mr. D'Onofrio: So you are thinking by middle of the summer?

Mr. Goulet: Yes.

Ms. DeGraide: What is the plan to put behind there when they are done?

Ms. MacMillan: We are going to take the existing dog fence that we have currently and push it behind the house.

Ms. DeGraide: If the other dogs are obeying the fence and Charlie is on a run, isn't that going to make him crazy bark.

Ms. MacMillan: No. It's the cars driving in and out for logging and the foxes that are driving him crazy.

Mr. D'Onofrio: So if the dogs are barking do you bring them in or let them bark?

Ms. MacMillan: Bring them in but they still bark.

Mr. D'Onofrio: I am looking for a situation that works for everybody. You have dogs that are howling and barking. I have a neighbor whose dog barks and it drives me crazy. How are you going to fix it and I want to put a time limit on this? If we do grant this is there a trial time to revisit this.

Ms. MacMillan: I tried a bark collar.

Mr. D'Onofrio: I would like you to try more methods. How about a pen?

Mr. Goulet: I think it will be worse.

Mr. D'Onofrio: What assurances can you give your neighbor that they won't have a dog in their garage growling at them?

Ms. MacMillan: They haven't had a dog in their garage in about a year. It's the beagle yapping. What are you going to do?

Mr. D'Onofrio: Citronella Bark Collar.

Mr. Goulet: I will try that.

Ms. MacMillan: The one beagle is the problem; it's not the four others.

Ms. Goulette: I know they are annoyed, I am pretty sure everyone would be happy if they could mitigate it, so if you could approve with stipulations of some kind to keep it quiet people will be happy.

Mr. Ryan: The space between our houses is a pretty steep hill, if they can keep the dogs off that hill; I wouldn't hear them half as much. They are always under my window.

Ms. DeGraide: I am not inclined to do 8 dogs with the way the situation is now. Five seems to be a handful. I am also really not inclined to grant a kennel license for five dogs because that means they can keep five dogs all the time.

Ms. Assalone: Can we make some suggestions? Some of the stipulations you might consider imposing is that it is a limited license for these five existing dogs with the stipulation that some of the neighbors have suggested controlling and mitigating the noise, making specific efforts to do that, as the dogs naturally come down to the number of three, the kennel license expires. Its just to these specific registered dogs with the Town for that limited purpose only. Once it comes to three it is limited to three like everybody else and the kennel license is revoked. You are able to do something like that so that the existing dogs, only if they mitigate the noise and the nuisance to the neighbors are allowed to stayed so that they aren't forced to get rid of any of the dogs but only with those specific conditions and its revoked upon these dogs naturally expiring.

Mr. D'Onofrio: Can we have a review period? I would like to give them time to get this done.

Ms. Assalone: Yes, you can even do 6 months or a year.

Mr. Crowe: I would like the dogs to go behind the barn. The other problem is these are house pets they aren't going to dump them outside at the barn.

Mr. D'Onofrio: I would like the stipulations of no more than what's there now and by natural attrition to take it down to the three and also review this after one year.

Ms. DeGraide: I vote to go 6 months.

Mr. D'Onofrio: How about 9 months to get everything set up?

Mr. Crowe: I agree.

Mr. Crowe: Motion to vote on this tonight with stipulations.

Ms. DeGraide: Yes.

Mr. D'Onofrio: Second.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Mr. Studley: Approve*

Ms. Kostyla: Approve*

Ms. Crowe: Approve*

Mr. D'Onofrio: Approve*

Ms. DeGraide: Approve*

***Stipulations~** Conditional license, attrition of the pack down to the three, review in 9 months with reapplication.

Mr. Lacaillade: Motion to adjourn.

Mr. D'Onofrio: Second.

Ms. DeGraide: Motion made and seconded all those in favor say aye?

Board: Aye.

Ms. DeGraide: Nays? Ayes have it.

Meeting adjourned at 9:12 p.m.