

ZONING BOARD OF REVIEW
Minutes
August 5, 2015
Coventry Town Hall
1670 Flat River Road
Work Session & Regular Meeting
7:00 p.m.

Meeting started at 7:10 p.m.

Members in Attendance: Bob Crowe, Denise DeGraide, Jeanne Kostyla, John D’Onofrio, Russell Lacaillade, Virginia Soucy and Irene Drew.

Mr. Crowe: Let the record reflect we have a full Board present so we will be able to conduct business.

Mr. Crowe: We are going to approve the Minutes from last month.

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

Ms. DeGraide: Second.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

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

OLD BUSINESS

Applicant:	Liberalis, LLC
Owner:	Same
Location of Property:	AP 310 Lot 22; 160 Perry Hill Road
Zone:	RR-5
Existing Use:	Single Family Residence
Proposed Use:	Two lot subdivision

Applicant is seeking a Dimensional Variance to subdivide lot with less than the required area.

Adoption of Decision

Ms. Assalone: There is a typo on the Decision that we would ask the Board to correct, it should reflect the Decision ratify date be August 5, 2015.

Ms. DeGraide: Mr. Chairman, I make a motion that we accept the Decision of last

month.

Mr. D'Onofrio: Second.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

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's Special Use Permit application, on appeal in the Superior Court, is remanded to the Zoning Board of Review so that the January 2, 2014 and the December 17, 2013 correspondence of David A. Godin, Fire Marshall, may be reviewed and considered as evidence by the Board.

Mr. D'Onofrio: Mr. Chairman, I make a motion that we accept the Decision as presented.

Mr. Lacaillade: Second.

Ms. DeGraide: I think we need change the Decision ratify date to August 5.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

NEW BUSINESS

Applicant:	Antonio Angelino
Owner:	Same
Location of Property:	AP 104 Lot 85; 562 Main Street
Zone:	R-20
Existing Use:	Single Family Home
Proposed Use:	Same with In-law

Applicant is seeking a Special Use Permit for in-law apartment.

**SWORN IN ANTONIO ANGELINO
562 MAIN STREET
COVENTRY, RI**

Mr. Angelino: Antonio Angelino, 562 Main Street, Coventry, RI 02816.

Mr. Crowe: Please explain your application.

Mr. Angelino: I rebuilt my house and I did an in-law apartment for my sister in-law and I submitted a plan on graph paper; it's a pretty house that I keep clean.

Mr. Crowe: You built this, you got a permit when?

Mr. Peabody: 2009.

Mr. Angelino: 2009.

Mr. Crowe: You got a building permit in 2009 to put on the addition?

Mr. Angelino: Yes sir.

Mr. Crowe: So you had all the framing and everything inspected when you did it?

Mr. Angelino: Correct, everything is up to code and done by electrical and plumbing

Mr. Crowe: I am asking you if it was inspected. Electrical, Building...

Mr. Angelino: Yes. Mr. Pizzi inspected it, the plumbing we pulled a permit. It's all up to date.

Mr. Crowe: You can pull all these permits? Do you have them?

Mr. Peabody: The permits have been pulled but no final inspections have been done.

Mr. Angelino: I did ask her...

Mr. Peabody: Based on the submission what's on there now isn't true...

Mr. Angelino: I thought I clarified it.

Mr. Crowe: Do you have a driver's license on you?

Mr. Angelino: Yes.

Mr. Crowe: What is the address on the license?

Mr. Angelino: 1791 Flat River Avenue I mean Road that is where I keep my equipment. I have a construction company.

Mr. Crowe: I am reminding you you are under oath. I went up there today and the gentleman told me he was renting from you.

Mr. Angelino: Yes, he is renting a room from me.

Mr. Crowe: How long ago did that start?

Mr. Angelino: Been there about 8 months. I work at CCRI; I have a contractor's license.

Mr. Crowe: Do you have a lease with him now?

Mr. Angelino: What lease? He lives with me.

Mr. Crowe: From what I understand from him he was renting from you and taking that whole side of the building.

Mr. Angelino: I live there. I gave him a roof over his head, he pays room and board.

Mr. Crowe: Looking at your plans, it can be rented out easily. Where you are right now I don't think a duplex is out of the question?

Mr. Peabody: There are quite a few duplexes in that area.

Mr. Angelino: I don't really need a duplex.

Mr. Crowe: This is a situation where the septic has to be updated.

Ms. DeGraide: When you pulled the permits to do this, did you tell them you were adding an in-law?

Mr. Angelino: No.

Mr. Crowe: The Building Inspector saw two kitchens and he approved all this?

Mr. Angelino: The other part wasn't finished yet.

Mr. Crowe: If it wasn't finished then you couldn't have gotten your permits.

Mr. Peabody: There is no signed approval from the Building Inspector yet.

Ms. Soucy: He didn't get a CO?

Mr. Peabody: No, no final inspection has been done. If they get an approval from us then they will be able to get final approval but as of right now it does not have final approval from the Building Inspectors.

Mr. Angelino: The reason I am here is to go through the correct process.

Mr. Crowe: At this time here I would like to see an application from DEM and permission to upgrade the septic system and also like to see all the building permits and I would like to have a motion that we table this and bring it back to next month.

Ms. Assalone: Mr. Chairman, would you like to see a license that reflects his actual address/residence?

Mr. Crowe: Correct.

Mr. Angelino: My license is where my business is located but I will show you my application and my insurance for my business goes to that address.

Ms. Assalone: Perhaps you could get a statement from DMV that allows for a driver's license and your business address instead of your residence because I am not aware of that and also an affidavit from his alleged renter.

Mr. Crowe: You are a registered voter here in Coventry?

Mr. Angelino: Yes.

Mr. Crowe: Would you please provide those affidavits to our Zoning Enforcement Officer?

Mr. Angelino: Absolutely

Mr. Peabody: The only connection points between the two units is through the basement, is everyone clear on that? Would you even consider that an in-law or have him re-apply as a duplex?

Mr. Crowe: I don't even think that's a connection.

Mr. Lacaillade: This is clearly not an in-law. He would be better to go for a duplex.

Mr. D'Onofrio: An in-law has to revert back to single use when it is no longer used as an in-law so this is definitely a different situation.

Mr. Angelino: So the Board is suggesting to me to apply for a Duplex? I have no problem doing that. I am a licensed contractor.

Ms. Kostyla: You are a licensed contractor?

Mr. Angelino: Yes, I am a licensed contractor, I am with the Board of Contractors, my license and insurance is all up to date as of today.

Ms. Kostyla: As a contractor you weren't....

Mr. Crowe: That is for the safety of you and the occupants.

Mr. Angelino: I am not a slumlord, I will do what needs to be done, my sister in-law lives there, I live there...

Ms. Drew: You said your license gives a Flat River Road address?

Mr. Angelino: Correct. The reason I have that is I have equipment and I register them on Flat River Road.

Ms. Drew: I thought you said you live with the guy who is living there now.

Mr. Angelino: Correct.

Mr. Crowe: Is there anybody that would like to speak on this tonight, for or against the application?

Ms. DeGraide: I make a motion that we table this hearing until next month so the applicant can provide the requested documentation.

Mr. Peabody: We are tabling as an in-law or having him re-apply for a duplex? I want to be clear.

Mr. Crowe: It's up to the applicant but I don't feel this is an in-law.

Mr. Peabody: We will have the applicant withdraw his application and re-apply as a duplex.

Ms. Assalone: Put the applicant on record to withdraw his application.

Mr. Crowe: I am asking you if you want to withdraw your application and re-apply, re-advertise, do everything all over again, you will need all of your permits corrected, septic system designed and approved for a duplex.

Mr. Peabody: Is that septic system subject to approval or...

Mr. Crowe: I would like to see a set of plans.

Mr. Angelino: All the permits updated?

Mr. Crowe: Yes.

Mr. D'Onofrio: We can still hear that without the approvals being final but we can't approve your application until it's approved by DEM so you will have to wait and come back in front of us.

Mr. Crowe: We don't need a vote on this application because the applicant has withdrawn.

Applicant:	Charles Chase
Owner:	Same
Location of Property:	AP 327 Lot 2; 124 Hall Road
Zone:	RR-5
Existing Use:	Vacant Land
Proposed Use:	Construction of three (3) Green Houses

Applicant is seeking a Special Use permit to construct three (3) 20'x96' greenhouses to grow vegetables.

SWORN IN

**CHARLES CHASE
10 GRANT DRIVE
COVENTRY, RI**

Mr. Chase: I want to be a farmer and grow vegetables.

Mr. Crowe: And you will need green houses and at this time you would like to put in how many greenhouses?

Mr. Chase: Three.

Mr. Crowe: And they are constructed of pole pipes?

Mr. Chase: Hoops, steel pipes.

Mr. Crowe: And grow vegetables.

Mr. Chase: Hydroponic vegetables.

Ms. DeGraide: Marijuana?

Mr. Chase: No.

Mr. Crowe: You have farming experience on this land?

Mr. Chase: Yup, Christmas trees, maple syrup, tomatoes.

Mr. Crowe: You have been on this property how many years?

Mr. Chase: My whole life.

Ms. DeGraide: Is that family property?

Mr. Chase: It was, the house recently got sold.

Ms. DeGraide: So someone else owns the acreage?

Mr. Chase: My mother's property where the Christmas tree farm was got sold. I bought abutting land out of high school.

Ms. DeGraide: So you still have your land?

Mr. Chase: I have 55 acres.

Mr. D'Onofrio: On the land as far as ingress and egress, will you be having trucks going in and out? Are you going to sell on the property?

Mr. Chase: Maybe.

Mr. D'Onofrio: So it requires trucks to bring stuff in?

Mr. Chase: Pickup trucks.

Mr. D'Onofrio: I don't see a situation where ingress and egress is an issue here.

Mr. Crowe: I don't either.

Mr. Lacaillade: Not for us either.

Mr. Crowe: At this time he doesn't see himself selling vegetables at this location but if it did happen he has every right to farm and sell on his property. It looks like a simple operation.

Ms. Drew: I noticed the notice was sent to Hazel, is this person aware that you are going to be installing greenhouses?

Mr. Chase: Yes.

Mr. Crowe: So the owner of that house has not been notified?

Mr. Chase: Word of mouth, I didn't send him a certified letter.

Mr. Crowe: I can't do this; I have to refer to counsel.

Mr. Chase: The Town provided with the list of who had to get notices. They just bought the house in December.

Mr. Peabody: The people have to have proper notice.

Ms. Soucy: She was there today when I went out so I know she knows.

Mr. Chase: I followed the directions I was given.

Ms. Drew: What do hydroponic vegetables require; electricity, lighting?

Mr. Chase: A little sump pump that runs 24 hours a day. I don't want to do lighting; we aren't even going to heat the greenhouse. The reason we are doing hydroponics is there are too many rocks in the fields, rabbits, deer...

Mr. Lacaillade: Mr. Chairman, point of reference, the date for the Abutter's List was June 30, 2015 and it's still showing Hazel as owning the property.

Mr. D'Onofrio: I am not opposed to continuing.

Mr. Crowe: Me neither, it will give them time to acknowledge this situation. Counsel says no.

Ms. Assalone: Perhaps because it would be a hardship on abutters, we could hear from who is here tonight, we could figure out where we went wrong in terms of that list, have the applicant come back next month with whatever corrected notice has to go out again, but perhaps to consider, through no fault of his own, hear most of the

application tonight in terms of what he has to provide this Board in order to make a decision, and continue the meeting open to next month and get to the bottom of the notice issue and correct it.

Mr. Crowe: I have no complaints on that. I would like you to take a seat Sir and see if there is anybody that came here tonight to speak on this.

SWORN IN JUNE STIMPSON
1 LESLIE LANE
COVENTRY, RI

Ms. Stimpson: My property abuts Charlie's I am concerned that what he is putting in will interrupt my family house.

Mr. Crowe: I don't think he will be doing an operation, I think he will just be growing and shipping the vegetables out. He has every right to grow plants on his property and sell them on his property.

Mr. Chase: That open field on the far right is just planted Sugar Maple trees that will stay that way for the next 50 years. We have some Christmas Trees planted in there but it's mostly Sugar Maple trees. We have no plans to do anything with that property but protect the trees.

Mr. Crowe: Are you going to put up any signs?

Mr. Chase: Nothing at this time. We will stay wholesale for at least a year.

Mr. Crowe: No spotlights operating at night?

Mr. Chase: No.

Mr. D'Onofrio: Are you going to need to wire utilities for these greenhouses?

Mr. Chase: To some extent.

Mr. Peabody: It will need a new electrical service.

Mr. Chase: Water will come from the pond. I wanted to put up a barn, I don't need a zoning permit but because I don't live there I may not be able to put up a barn to bring in the electrical service. It could be a catch 22.

Ms. DeGraide: We have put up accessory structures without somebody living there. Brian Bamford on Blackrock Road, he added an accessory structure.

Mr. Peabody: He will be able to get a barn if he wants to.

Mr. Crowe: I am going to leave that to you administratively because he isn't asking for a barn now. I think electricity service is standard.

Mr. D'Onofrio: I don't see a problem adding electricity as this application is presented.

Ms. DeGraide: He will need it to operate pumps.

Mr. Peabody: What type of trash will be produced by this business?

Mr. Chase: Compost.

Mr. Peabody: So you don't feel trash collection is an issue?

Mr. Chase: Yes.

Mr. D'Onofrio: At any time do you plan on bringing any animals in?

Mr. Chase: No.

Mr. Peabody: There is a lot of stuff on the property and I know it's all for farming.

Mr. Lacaillade: Any chance we can clean it up?

Mr. Chase: If I had greenhouses I could put them in the greenhouses.

Mr. Crowe: It would be helpful if the sugar buckets were organized and in one spot. Clean the whole area in general.

Mr. Lacaillade: From a safety point of view we would like to see it cleaned up better.

Ms. Drew: I just want to clarify there is nothing illegal growing in the greenhouses?

Mr. Chase: No, just lettuce.

Mr. Peabody: Does the Board feel there is any need for buffering between this and neighboring properties?

Mr. D'Onofrio: There is already a natural buffer there.

Mr. Peabody: As far as utilities, you are just going to have electricity at this time? Individual service on the greenhouses and to the sugar shack?

Mr. Chase: Yes.

Mr. Crowe: That will have to be approved by the Fire Department.

Mr. Lacaillade: You will just have to submit plans to Bobby and have them approved to make sure it's up to Code.

Mr. Chase: Okay.

Mr. D'Onofrio: How far away do you live from this property?

Mr. Chase: Twelve miles.

Mr. D'Onofrio: Are you there every day? If there is a problem and you are not there what happens? Who is watching the property?

Mr. Chase: The neighbor next door.

Mr. Crowe: But you will give all this information to the fire department so they know how to get ahold of you directly?

Mr. Chase: They call my house in Coventry.

Mr. D'Onofrio: Do you think there will be an issue like someone stealing vegetables?

Mr. Chase: I am not too worried about it. 30 years I never had an issue?

Mr. Peabody: Where is parking going to be, in the front?

Mr. Chase: Along the dirt road, I don't expect a lot of customers.

◇ The ingress and egress to this lot is acceptable for the proposed use.

-OR-

◇ The ingress and egress to this lot is not acceptable in the current proposal.

◇ The Zoning Ordinance does not address parking requirements of this use but what is existing should be adequate.

-OR-

◇ The property does not have adequate parking for the proposed use.

◇ Trash collection is not anticipated to be a problem with this development.

-OR-

◇ The applicant has not addressed how the waste from this use will be disposed of.

◇ No additional screening or buffering is required or necessary for this proposal.

-OR-

◇ An area must be created to screen the buckets from view

◇ The proposal does not have enough screening or buffering to protect the neighbors from the adverse visual nuisances of this property.

◇ Utilities should not be a problem for this development

-OR-

◇ Utilities will be a problem.

◇ This proposal has no required yard or open space requirement.

-OR-

◇ The proposal does not have the adequate yard or open space.

◇ The proposed use is in general compatibility with the area. The applicant has demonstrated that there will be no substantial negative effect on the surrounding properties.

-OR-

◇ This project is not compatible with the surrounding properties.

◇ This proposal will be well within the Industrial Performance Standards.

-OR-

◇ This proposal will exceed the Industrial Performance Standards in terms of

General compatibility with the Coventry Comprehensive Plan

◇ The proposed use is compatible with the Comprehensive Plan encourages agricultural uses in this section of Town.

-OR-

◇ The proposed use is not compatible with the Comprehensive plan insomuch as_____.

◇ The proposed use will not result in conditions inimical to the public health, safety, morals or welfare

-OR-

◇ The granting of this proposal will result in conditions inimical to public health, safety, morals and welfare.

Mr. Crowe: We will have to continue this because of the notice of the individual at 124 Hall Road.

**SWORN IN KAREN CARLSON
 422 WATERMAN HILL ROAD
 COVENTRY, RI**

Ms. Carlson: My question is the ingress and egress is on Hall Road?

Mr. Crowe: Correct.

Ms. Carlson: We have a lot of problems with traffic. I am asking that the trucks watch out for the neighbors and cars because that is a problem.

Mr. Chase: Roch's isn't picking up I am delivering it.

Ms. Stimpson: You raised a question about the fire. Charlie had a fire one time. Is there a way he can maintain what he is doing?

Mr. Crowe: That is the reason why he has to have that operation inspected by the fire department to make sure it's safe.

Mr. Lacaillade: The burning of the brush had nothing to do with the planting of the trees. He had a permit and everything was legal on our end.

Mr. Chase: The planting of the maple trees was done with a grant and the deadline for planting was closer than what I could get the land cleared for so I had some brush piled and I waited for a rainy day. I am sorry about the fire and it will never happen again.

Mr. Lacaillade: It really wasn't a big fire.

Mr. Peabody: Accessing and maintaining that fire road is a big thing in case it ever happens again.

Mr. Crowe: I would like a motion that we continue this until next month so we can get notice clarification.

Mr. Lacaillade: So moved.

Ms. DeGraide: Second.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Applicant:	Sally A. Smith
Owner:	Same
Location of Property:	AP 324 Lot 66; 48 Indian Trail
Zone:	RR-2
Existing Use:	Single Family Dwelling
Proposed Use:	Same

Applicant is seeking a Dimensional Variance to construct a 14'x24' two story addition 36' from property line where 50' is required.

SWORN IN

**JEFF BUTLER
48 INDIAN TRAIL
COVENTRY, RI**

SWORN IN

**SALLY SMITH
48 INDIAN TRAIL
COVENTRY, RI**

Mr. Butler: Jeff Butler, I am her husband. We are adding a 14x24 addition to the north side of the existing structure to extend the living room on the main floor that will result in a carport underneath on the lower level.

Mr. Crowe: I went and took a look at this. I don't see any garage on the plans.

Mr. Peabody: It's not attached.

Mr. Crowe: Why wouldn't it be on the plans?

Mr. Butler: We just put it up three or four years ago.

Mr. Crowe: It should be on the plans.

Mr. Butler: Since it didn't involve that side I didn't think it mattered.

Ms. Soucy: Did you come to us for the garage?

Mr. Butler: Yes.

Mr. Crowe: You came in front of Zoning for the garage?

Mr. Butler: No.

Ms. Drew: Is the carport open?

Mr. Butler: Right now, it's open.

Mr. Crowe: You don't have any finished plans on this?

Mr. Butler: No, we haven't decided what we are going to do out there.

Ms. Soucy: How big will the room be?

Mr. Butler: It doesn't offer much more description that I gave you but I just don't know yet.

Mr. D'Onofrio: I am trying to get a handle on this. It needs 50' for the side setback, what will he have with the addition?

Mr. Peabody: 36 I believe. They will maintain the same distance in front of the house that is currently there.

Mr. D'Onofrio: Does the house meet the front setbacks?

Ms. Soucy: There are no dimensions on these plans.

Mr. Butler: That is what I turned in.

Mr. Crowe: I don't like that we don't have anything staked out, no plans, we don't see anything. The proposed drawing sent to us has a drawing for a little addition to the right side and that doesn't exist?

Mr. Butler: We may consider doing that in the future.

Mr. Peabody: That won't require a variance, that side setback is fine.

Ms. DeGraide: In this drawing that you gave us, it says existing living room, and the smaller room behind that is that a den, so this existing living room will open into the new addition?

Mr. Butler: Yes, we will have French doors going into that room extending the living room.

Mr. Crowe: We are going to need better plans.

Mr. Peabody: I agree.

Mr. Crowe: How does the Board feel about holding it over for better plans?

Ms. Soucy: Yes, I want to see each floor.

Mr. D'Onofrio: I agree on holding it over.

Ms. Assalone: We have some questions about statutory requirements. With respect to the lot, can you describe some of the unique characteristics that create this hardship and why you extend that way?

Mr. Butler: With reference to the aerial view, we actually extend toward the tree line and the cottage is probably 8 feet off the property line. Most of the people on the street meet the dimensional setbacks.

Ms. Smith: Our hardship is we own waterfront and would like to have a view. Mine is across the street.

Ms. Assalone: Would it be fair to say that you couldn't extend back because of the rock wall?

Mr. Butler: True.

Mr. Crowe: If you saw the contour of the land, the septic is in the back, the garage is on one side, this is the only place he could actually put it.

Ms. Smith: We don't have the final plans.

Mr. Crowe: We need something better. We have something here with a piece on it that doesn't belong. We don't have height information, sizes...This is what we need. Trash pick-up will be done by the Town.

Ms. Soucy: Each floor.

Ms. Assalone: This is not for greater financial gains. Why are you putting it in?

Mr. Butler: To extend living area and have a carport.

Ms. DeGraide: Is there an in-law downstairs?

Mr. Butler: Parents stay downstairs for the summer.

Mr. Peabody: Do they have a separate entrance?

Mr. Butler: There is a kitchen down there.

Mr. Peabody: Did you get a Special Use Permit?

Mr. Butler: It was done 22 years ago.

Ms. Assalone: With respect to relief requested being the least necessary what would the Board members want to ask about that?

Mr. D'Onofrio: We need final plans.

Mr. Crowe: Final plans are needed and I would like it staked out for next month's meeting, just where the additions are going.

Ms. Assalone: I think they should come back.

Mr. Butler: Are we postponing the decision?

Ms. DeGraide: We need a better set of plans.

Mr. Butler: What else do you need on the plans?

Mr. Peabody: Second floor, basement, everything.

Mr. Crowe: I would like a set of plans that you can give to the building inspector to review.

Mr. D'Onofrio: You need to show us the least relief necessary. Unless you know how you are going to use the addition, how do we know what is necessary?

Mr. Peabody: They have to verify the septic system; they want to be able to say the utilities are correct for what is presented.

Mr. Butler: So we need to draw a set of plans (inaudible)?

Mr. Peabody: Yes, it doesn't have to be professionally done but it has to be neat.

Mr. Crowe: Draw it out, give us the heights, where things are going to be and in order to get a permit, you should have those for us so we can actually see...I don't know what I am approving with these.

Mr. Crowe: Is there anybody here who wants to speak on this application? Hearing none I would like a motion on this application that we continue this until next month.

Ms. DeGraide: Second.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it.

Mr. D'Onofrio: Motion to adjourn.

Ms. DeGraide: Second.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it

Meeting adjourned at 8:21 p.m.