

ZONING BOARD OF REVIEW
Minutes
December 2, 2015
Coventry Town Hall
1670 Flat River Road
Work Session & Regular Meeting
7:00 p.m.

Meeting started at 7:05 p.m.

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

Mr. Crowe: I would like to note that fire exits are to your rear the exits behind me take you into the building.

Mr. Crowe: I would like to have an approval on the Minutes from last month’s meeting.

Mr. Lacaillade: 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.

Re: Appeal of Zoning Official’s Determination
Location of Property: AP 324 Lot 22; Peckham Lane
Zone: RR-2

Appeal of Zoning Official’s Decision regarding the use of three (3) mobile homes and one (1) stick built home on a single lot.

Mr. Crowe: I would like to put out to the Board that we continue to next month.

Ms. Soucy: 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.

COVENTRY ZONING BOARD OF APPEALS

December 2, 2015

Town Council Chambers
1670 Flat River Road
Work Session & Regular Meeting
7:00 p.m.

Re: Appeal of Suzanne Colwell

Location of Property: AP 324 Lot 20; Peckham Lane

Zone: RR-2

This case is on appeal in the Rhode Island Superior Court, where the Court has directed the Zoning Board to make sufficient findings of fact to support its decision that the relocation of fifteen campsites and accompanying construction did not constitute an illegal expansion or alteration of a legal non-conforming use.

Re: Appeal of Thomas Forcier

Location of Property: AP 324 Lot 20; Peckham Lane

Zone: RR-2

This case is on appeal in the Rhode Island Superior Court, where the Court has directed the Zoning Board to make sufficient findings of fact to support its decision that the relocation of fifteen campsites and accompanying construction did not constitute an illegal expansion or alteration of a legal non-conforming use.

See Stenographer Transcript

Mr. Crowe: I would like to reflect on the record Ms. Soucy is not feeling well and she left. We still have a full Board with six members.

NEW BUSINESS

Applicant:	Palamidi, LLC
Owner:	Same
Location of Property:	AP 46 Lot 43; 15 Sandy Bottom Road
Zone:	General Business (GB)
Existing Use:	Commercial
Proposed Use:	Same with additional apartments

Applicant is seeking a Special Use Permit for having residential units in a General Business Zone. Applicant is also seeking a Dimensional Variance for having over 50% residential area compared to commercial floor area.

SWORN IN

**ARTHUR CAPALDI
1035 MAIN STREET
COVENTRY, RI 02816**

Mr. Capaldi: I would not handle any applicant that has any zoning violations pending before my court. Mr. Melanis has been a 25 year client. Mr. Melanis is the owner of Palamidi. Mr. Melanis owns a shopping center that is a two story building and the left section above the commercial that is white is vacant. Mr. Melanis has been trying to rent that for several years, he is unable to do so. The bottom portion of that building is rented, commercial all the way down to Sandy Bottom. The units above the commercial are residential and they are 800 square feet. The commercial underneath is 810 square feet. Mr. Melanis is interested in developing residential units in the white area. There will be two. One will be 1800 square feet one will be 1500 square feet. There will be two bedrooms possibly a three bedroom if you wanted to use one of the rooms that is designated as an office. Minimum of two bedroom maximum of three. I have represented the Coventry Housing Authority for 35 years. These types of residential units are really in need in the Town. I asked Mr. Melanis what he needs to invest in order to develop these units and it's approximately \$60,000 per unit. We are asking for the Special Permit Use to build these units and we also are asking for the variance because the law requires it to be double the commercial space than residential space. It is possible for him to do inasmuch as it's not a new building; the commercial is already there and has been for over 35 years. It's not in violation of the Comprehensive Plan and it's in keeping with the property that he has now.

Mr. Crowe: Jake, this is for a variance?

Mr. Peabody: Both, Special Use Permit and Variance.

Mr. Crowe: Mr. Capaldi, the hardship which the applicant is seeking relief is due to the unique characteristics of the subject land and structure and not the general characteristics of the surrounding area. It is not due to the physical economic disability of the applicant?

Mr. Capaldi: That's correct. Mr. Melanis bought the property as is, he didn't change anything.

Mr. Crowe: You are adding on to the existing.

Mr. Capaldi: Yes.

Mr. Peabody: He did this addition in 2006. I would consider the hardship that he is not able to rent out these units for anything since 2006. These are completely vacant. His hardship is he has been trying to rent them out but he hasn't been able to and that's his hardship.

Mr. Crowe: I would say due to the unique characteristics of it because they are on the second floor.

Ms. DeGraide: No ADA access.

Mr. D'Onofrio: That's being taxed commercially?

Mr. Peabody: Yes and it will still be taxed commercially. The value will go up.

Mr. Crowe: This result is not due to any prior action of the applicant. And is not a result primarily from the desire of the applicant to realize a greater financial gain.

Mr. Capaldi: Well he is not. What he is doing is utilizing property that's vacant. The rent for upstairs is about \$800.00; he gets more than that from the commercial.

Ms. Drew: Is this something he will be applying for federal funding, reduced income, low income, for a 1500 square foot apartment that seems reasonable.

Mr. Capaldi: Actually the Meadows which is a housing development gets \$800.00 for their rents. The housing we usually do is low and moderate income.

Ms. Drew: That won't be the case in this property?

Mr. Capaldi: No. I suppose if he wanted to go into Section 8 and apply but that's not his plan at this time.

Ms. Drew: What about the rear of the building is there adequate lighting, are there plans for adequate lighting?

Mr. Capaldi: If the Building Inspector feels he needs better lighting, he will do that.

Mr. Peabody: That's one thing I would like. I think it should be well lit to make it safe for everyone.

Mr. Crowe: That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Coventry Comprehensive Plan.

Mr. Capaldi: It's not changing.

Mr. Crowe: How can you demonstrate that granting this request will not alter the characteristics of the surrounding areas?

Mr. Capaldi: Surrounding areas are the same and will be the same after it's developed. The surrounding areas are not being impacted at all. It's all been the same for 40 years.

Mr. Crowe: This relief being granted is it the least relief necessary?

Mr. Capaldi: Yes.

Mr. Crowe: In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience.

Mr. Capaldi: It's more than a mere inconvenience. That property would continue to be wasted.

Mr. Crowe: Egress, the proposed structure is already there. The finding on this here is are you going to add additional parking?

Mr. Capaldi: All the parking is there. Everything that is required under that Section already exists.

Mr. Peabody: The parking requirements for this property for total usage is 67 spaces and he has 87 provided. That includes all the stores and the restaurant.

Mr. Crowe: Off-street parking and loading areas which is required, will there be a glare or odor?

Mr. Capaldi: The signage won't change.

Mr. Crowe: Noise?

Mr. Capaldi: No.

Ms. DeGraide: He will have a dumpster in the back for the residents?

Mr. Capaldi: Yes.

Mr. Crowe: Trash and storage has been set up and designated?

Mr. Lacaillade: I would say on the left side of the building.

Ms. DeGraide: I am assuming there is a dumpster there already?

Mr. Capaldi: There is one close to Sandy Bottom and one on the other side.

Ms. DeGraide: Will these residents use the same dumpster that the commercial people are using?

Mr. Capaldi: I would think so.

Mr. Crowe: What type of utilities are you going to have? Individual or paid by the landlord?

Mr. Capaldi: Individual.

Mr. Crowe: Screening buffering?

Mr. Capaldi: Whatever we needed is there.

Mr. Peabody: There is none required.

Mr. Crowe: No signs, exterior lighting will be taken care of and coordinated with the Zoning Officer.

Mr. Capaldi: There will be no need for a sign.

Mr. Crowe: Required yard and open space?

Mr. Peabody: None required.

Mr. Crowe: General compatibility with the lots in the same abutting zoning district?

Ms. DeGraide: I think it's compatible.

Mr. Capaldi: You have residential and commercial so it's compatible.

Mr. Crowe: Will this use not result in creating conditions that would exceed the industrial performance standards in Article 7.

Mr. Peabody: That doesn't apply to this application.

Mr. Crowe: This is generally compatible with the Coventry Comprehensive Plan? I believe it is. In granting this it will not result in the inimical public, health safety and welfare and morals?

Mr. Capaldi: It will not.

Mr. Crowe: I have no further questions.

Mr. D'Onofrio: I wouldn't want to see any BBQ grills in the walkway. They all share the same walk way. If someone in the middle sets up a grill how does the person on the end get back to their apartment.

Mr. Capaldi: You can put that as a condition. I will recommend he puts it in the lease agreement.

Mr. Lacaillade: I don't think you can police that and it's beyond our bounds. Is there any electricity or fire alarm?

Mr. Peabody: It's just studs.

Mr. Lacaillade: My concern is it follows the building code and the fire marshal stamps off on it.

Mr. Crowe: Any questions? Anyone here to ask questions, speak in favor or against?

Mr. Lacaillade: Can we vote on this tonight? Motion to vote tonight?

Mr. D'Onofrio: Second.

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

Board: Aye.

Mr. Crowe: Ayes have it.

Mr. D'Onofrio: Vote with the stipulation that added to the lease agreement no grilling and not allowed to have accessories on walkway.

Mr. Lacaillade: The Fire Marshall will dictate the ingress/egress. Fire Marshall's recommendation.

Mr. Lacaillade: Approve*

Ms. Kostyla: Approve*

Ms. Drew: Approve*

Ms. DeGraide: Approve*

Mr. D'Onofrio: Approve*

Stipulation: Porch area to be clear of all obstacles and conform to the Rhode Island State Fire Code.

Mr. Crowe: At this time here I will recuse myself from this application.

Applicant:	Gerald DeNuccio
Owner:	Gerald and Geraldine DeNuccio
Location of Property:	AP 37 Lot 59; 34-36 Stone Street
Zone:	R-20
Existing Use:	Multi-family residence
Proposed Use:	Same

Applicants are seeking a Dimensional Variance to keep a 4x6x4 dumpster in the front yard.

**SWORN IN GERALD DENUCCIO
 150 POTTER ROAD
 GREENE, RI**

Mr. DeNuccio: I was notified by Mr. Peabody by a letter that stated that the dumpster on the property which is on the corner of Princess and Stone Street is in violation of the Ordinances of the Town. He was requesting that it be moved. In my conversations with him about the property being so unique which is that the location of the dumpster right now is the only possible location on the property in order to place it. The reason for that is it's surrounded by hedges on the front and side, the other side abuts a neighbor, Lot 58 with a fence with no access. The only place of access for the dumpster trash truck is exactly where it is located now. The driveway is not accessible because the septic system is under the driveway. The truck can't at all drive onto that without possibly damaging the septic system. What I suggested that I would do which is a requirement in the Ordinance is to surround it with a stockade fence barrier to enclose it. It will get it out of view and leave it accessible for the trash truck when it comes once a week to empty it.

Ms. DeGraide: How long have you owned this property?

Mr. DeNuccio: About 14 years.

Ms. DeGraide: Has there always been a dumpster on the property?

Mr. DeNuccio: It was there before I purchased the property in the same location.

Ms. DeGraide: It's been there for 14 years that you know of?

Mr. DeNuccio: Yes.

Ms. DeGraide: So what circumstances has changed that you have an issue with this dumpster? Is there any angry neighbor?

Mr. DeNuccio: I believe there is because he has had words with me about the dumpster. The property to the right hand side, he approached me about a month ago, he has lived there a year or two.

Ms. DeGraide: It's a fairly new resident.

Mr. DeNuccio: Yes, I had never met him. I don't live here. My daughter lives on the first floor and I rent out the other floor. He approached me and flat out told me he does not want that dumpster there and wants me to move it.

Mr. D'Onofrio: What about the new trash program? He would be allowed to have two trash and two recycle bins.

Ms. Drew: The neighbor that complained, was it a specific complaint and what is at the top of that dumpster, is it rubber or...

Mr. DeNuccio: A vinyl plastic. There are two. They flip back and open up. With the dumpster being enclosed by a stockade fence that would help to alleviate that situation, if that were a problem.

Ms. Drew: It's not metal that is slamming down.

Mr. DeNuccio: No.

Ms. Drew: The stockade fence, it's just going to go around the dumpster or the side of the property?

Mr. DeNuccio: Go right around the dumpster. I will save a foot on each side of the dumpster so he can come in and pick it up.

Ms. Drew: Is the driveway gravel? Do vehicles park in the driveway?

Mr. DeNuccio: Crushed stone and yes about 4 vehicles.

Ms. DeGraide: Does that dumpster get turned or does he come in on an angle?

Mr. DeNuccio: He comes in on a sharp angle from the road without going onto the driveway.

Mr. D'Onofrio: What time of day does he come?

Mr. DeNuccio: 10-11:00 Tuesday mornings, every Tuesday.

Mr. D'Onofrio: Any issues with rodents?

Mr. DeNuccio: No, never.

Mr. D'Onofrio: Odor?

Mr. DeNuccio: No.

Ms. DeGraide: Have you considered putting a stockade fence down the property line?

Mr. DeNuccio: When I bought the property there was a chain link fence that had been there for 40 years. It was my chain link fence and I dismantled it and took it down. I put up a stockade fence you see at the end to give some privacy. It would be quite expensive for me to put one down the side of the property. And there is really no need as far as I am concerned.

Ms. DeGraide: The neighbor that asked you to move it, has he given you specific reasons as to why he doesn't want it there?

Mr. DeNuccio: He doesn't like it there.

Mr. D'Onofrio: So talking about the enclosure, what would it be made out of?

Mr. DeNuccio: Stockade fence.

Mr. D'Onofrio: So rather than run it down the whole property you will fence the dumpster in?

Mr. DeNuccio: Yes. Even if I put a fence down the property line I would still be required to have an enclosure around the dumpster.

Mr. D'Onofrio: If you were to get rid of the dumpster and use the Town's trash program and have four containers would you have a place to put them instead of a dumpster?

Mr. Peabody: The Town will not pick up his garbage.

Ms. DeGraide: The issue here is the location of where it is because it's not behind the house?

Mr. Peabody: Correct.

Ms. DeGraide: And it can't be behind the house because the truck can't drive over the septic system.

Mr. Dias: I live in it. The trash truck turns around in my driveway numerous times. He has the dumpster on wheels so the dumpster is 8 inches higher than it's supposed to be. If he puts a 5 foot fence up it won't cover the dumpster.

Ms. Drew: How long have you lived there?

Mr. Dias: Over a year, we have owned the property since '58.

Ms. Drew: I think Mr. DeNuccio testified the dumpster has always been there?

Mr. Dias: That's not a fact. My grandfather bought the house in '58. When he bought the house that's when the dumpster came on the property.

Ms. Drew: When you moved into the house the dumpster was there?

Mr. Dias: Yes.

Ms. Drew: Did you notice it prior to moving in?

Mr. Dias: Yes.

Ms. DeGraide: Did your parents live there before?

Mr. Dias: My father did.

Ms. DeGraide: When did they move out?

Mr. Dias: Maybe 40 years.

Ms. DeGraide: So when Mr. DeNuccio says he bought the property 14 years ago and the dumpster was there prior to him moving in its possible it came in after your dad left the area?

Mr. Dias: No, because my grandfather owned the property.

Ms. DeGraide: He owned this since '58 but he hasn't lived there in 40 years.

Mr. Dias: My grandfather died in 2004 I believe my father purchased the property in 2005-2006. I believe the dumpster was there around the time he bought the place in 2001-2002.

Ms. DeGraide: Okay.

Witness submits pictures to Board Members

Mr. D'Onofrio: If there was a fence that was high enough to cover it and the covers were closed all the time, does that dissolve your concerns?

Mr. Dias: Except for the odor.

Mr. D'Onofrio: If the covers were closed I think it would alleviate it.

Mr. Dias: It does leak out. There are black spots on his property.

Ms. DeGraide: Are you the neighbor that spoke with Mr. DeNuccio:

Mr. Dias: No.

Ms. DeGraide: Can we keep the pictures for the record?

Mr. Dias: Yes.

SWORN IN

**SHAWN CORCORAN
38 STONE STREET
COVENTRY, RI**

Mr. Corcoran: My issue with that dumpster I keep getting trash in my front yard from it. The drainage from the dumpster leaks to my front yard. When they pick it up, they drop it and push it into my yard. Right now nobody knows where the property line is. I called a surveyor and he can't find the pin for the property line. I want to know where the property line is before he fences it in.

Ms. DeGraide: When the truck comes to pick it up to empty it how is it with the railroad tie there how is it pushed into your yard?

Mr. Corcoran: It's not pinned into the ground. It's loose. There has been a pile of gravel into my yard too. I am not having it paid to survey.

Ms. DeGraide: Okay.

Mr. Lacaillade: When the trash and liquids come out to your yard have you notified the police?

Mr. Corcoran: I have.

Mr. Lacaillade: And they have taken reports?

Mr. Corcoran: Yes.

Ms. DeGraide: Mr. DeNuccio, can you come back up.

Mr. D'Onofrio: Is that the original dumpster?

Mr. DeNuccio: No. I have had two or three.

Mr. D'Onofrio: There may be a leaking issue. First thing, make sure your dumpster isn't leaking. I would also suggest you inquire about the 4 cans like everyone else and have a waste hauler pick them up. It may be cheaper. And you can keep the barrels in the back.

Mr. DeNuccio: I have thought about it. This is only in the last month. It costs me \$80.00 a month to have that dumpster. I am willing to do it for my tenants and not have a bunch of trash cans all over the place, get tipped over and spilled, animals getting in it. It's not a viable solution.

Mr. D'Onofrio: I am just asking you to look into it. These cans are not easy to tip over and animals have a hard time getting into them as well. It may work better for you, you have heard your neighbor's complaints about the trash and there are pictures of the cover being open. I just suggest you call your waste hauler to make sure it's not leaking and maybe is there a cheaper and better alternative for you.

Mr. DeNuccio: I do police the area.

Ms. DeGraide: I would like to continue this till next month because I would like Mr. DeNuccio to take up Mr. D'Onofrio's suggestion, call your waste hauler, see if they have the option of switching out the dumpster to canisters that can be kept closer to the building and on trash day wheel them out to the side of the road.

Mr. D'Onofrio: They may come back and say it will cost double and then it would obviously be a hardship. Before we can grant a variance you have to show us there are no other alternatives.

Ms. DeGraide: In the meantime I would speak to your tenants and ask that they keep the lids closed, at least to a courtesy to the neighbors.

Mr. DeNuccio: Yes.

Ms. Drew: With regard to addressing your concerns with the waste hauler. One of the gentleman testified the truck turned around in his driveway, I think as a point...

Mr. DeNuccio: Not true, he drives down the road here and turns in that little side street.

Ms. Drew: I am saying to please speak with your waste hauler so they are not pulling into your neighbor's driveway.

Mr. Lacaillade: And another point seeing Princess Street is right there, the fact he has to back the truck up one way or the other he can just come in dump the dumpster back up on Stone Street and make a left hand turn onto Princess and go back to Manor. That would alleviate turning around in your neighbor's driveway.

Mr. D'Onofrio: We are not trying to put a burden on you and make sure your neighbor's concerns are addressed. The idea is to compromise so it works for everybody.

Mr. DeNuccio: If you are not voting on this tonight and not rule for another month we are not going to be able to put in that stockade fence because the ground will be frozen.

property. These are her animals, she does not intend on running a commercial boarding program.

Mr. Crowe: The reason you are in front of us is for a kennel permit because you have what type of animals and how many?

Ms. Cook: I have 16 dogs.

Mr. Crowe: How long have you had 16 dogs?

Ms. Cook: For approximately this year. I am breeding New Foundlands, Native American Indian dogs and German Shepherds.

Mr. Crowe: 16 dogs for two years, three years...

Ms. Cook: This year I got 4 extra dogs.

Mr. Crowe: So you had 14 dogs for how long?

Ms. Cook: 14 dogs for 5 years.

Ms. DeGraide: Did you know having more than three dogs required a kennel license?

Ms. Cook: No.

Mr. Crowe: What else do you have?

Ms. Cook: I have 3 horses, 2 donkeys, 3 house cats, an African Grey Parrot and one rabbit.

Mr. Crowe: How long have you owned the house?

Ms. Cook: I bought the house in '07.

Mr. Crowe: You had all 14 dogs, 3 horses, 2 donkeys, 3 house cats, an African Grey Parrot and one rabbit...

Ms. Cook: I started out with two dogs, then had 3 and two got together and I had puppies. By chance I placed them and everyone loved them. They are like family, they come in the house at night, well trained, I also have 7 acres of invisible fence to make sure they stay on my property and not bother my neighbors. I am a teacher so they go out during the day, the pens are huge, 30x40 they have houses and they are near the barn.

Mr. Crowe: So you go to work during the day and who watches the animals while you are at work?

Ms. Cook: They are in the pens; they have enclosures, shelter, water.

Mr. Crowe: You are taking care of these animals by yourself, there is nobody else...

Ms. Cook: I have a yard man that helps me part-time and someone that helps fix fences. I have two men that help me part-time. There is a big demand for breeding and I love animals. I am a trainer, I have a Bachelor's in Equine Business Management, I am a horse trainer and riding instructor and have transferred that to my dogs. It's easy for me. They obey me, they're house broken and they aren't bred every time. I give them a rest. The puppies help generate income so I can feed the horses.

Mr. Anderson: Property to the north and south are State and Audubon land.

Mr. Crowe: Anything else you would like to present?

Mr. Anderson: Due to the properties location and size it's well suited for this particular use.

Mr. Crowe: Anybody here who wants to speak in favor or opposition?

SWORN IN

**PAUL LAVOIE
210 GREENHOUSE ROAD
GREENE, RI**

Mr. Lavoie: I live next door, I got a lot of land, I can't see how she can do it with all those animals. You can listen to those dogs.

Mr. Crowe: Can you hear the dogs?

Mr. Lavoie: Yes.

Mr. Crowe: So the biggest problem is the dogs not the horses?

Mr. Lavoie: Adding more than what they have now is unneeded.

Mr. Crowe: You think they have too many dogs now?

Mr. Lavoie: I think they have too many.

SWORN IN

**CLAUDE G. LAVOIE
210 GREENHOUSE ROAD
GREENE, RI**

Mr. Lavoie: I am here on my mother's behalf. She has a hard time sleeping because of the noise at night with these animals. At times they are quiet, but when they go at it and it can be for three quarters of an hour before she finally gets them calmed down. She has to scream at them. This is repeatedly every day. The noise is unbearable, even with the window shut. Another thing they're worried about is if the kennel license gets approved what will that do to property value. The road is only a one lane road, can fit two cars but it's a gravel road.

Mr. Crowe: So you think 16 is way too many.

Mr. Lavoie: I am not here to say 16 is too many, it depends on how the person takes care of the dogs and if they can keep them quiet. I tolerate it.

Mr. Crowe: The rule states after three dogs she needs a kennel license, if she had 4 dogs she would need a kennel license. So we are trying to figure out how many dogs are too many and how do you handle it.

Mr. Lavoie: I don't think it's feasible with the way the houses are and the driveways. We hear everything that goes on.

Mr. Crowe: When did you notice the noise to be difficult? Now you say it's unbearable.

Mr. Lavoie: We noticed. We let a lot of things go. It's been unbearable for a while. 2-3 years.

Ms. Drew: Is your concern that the granting of the kennel license will make the situation worse?

Mr. Lavoie: I think the kennel license will open a can of worms. What does a kennel license involve? Cats, dogs or any kind of animals...

Ms. Drew: The kennel license is because she has more than three dogs. Initially, I thought a boarding kennel, an overnight kennel which as a neighbor I would have a problem with. For clarification I just want to know if you think this is what it will be.

Mr. Lavoie: I think it will create more of a nuisance. How far is this going to go?

Ms. Drew: Do you have an issue with animals coming onto your property?

Mr. Lavoie: Every once and a while a dog may. She is good about that, we call her and say hey your dog is out here. She comes right over. She does take care of them and I can't say she is a bad neighbor.

Ms. Drew: I thought you think it may turn into a business or...

Mr. Lavoie: I don't know what this will turn out to be. It scares me because we have Audubon property across the street, state property behind us. We live in a peaceful area. Both my parents are disabled, they are trying to rest.

Mr. Lacaillade: I have some questions for the applicant. We have been provided a copy of some paper work from the police department with regards to an ongoing investigation at your place and several photos and I am concerned with the dogs wellbeing as well as yours, I see there appears to be pens all over the place and newspapers all over the floor with regard to I can only assume they are there for a reason. Do we have, you have a letter from the vet saying you do a good job taking care of the animals, what system you have in place to take care of the waste from the dogs.

Ms. Cook: I am going to get a dumpster because the trash policies have changed. The existing containers are too small. I use newspapers because some of the dogs

are puppies and they are in training when they come in at night I put the papers in the kennel and I clean them in the morning. Sometimes there is a little extra paper on the kitchen floor. I always clean it on the weekends. Every night the crates get soiled they get cleaned. They never come into a dirty crate.

Mr. Lacaillade: The police report says that when the officers came in it was obvious the house was overridden by animals there was feces and urine smells. If this was granted do you have a plan to put them in an outside facility to not keep them in your house?

Ms. Cook: I have a hard time with that because I feel bad leaving them out when it's real cold at night. When its warm out it would be easier but I am afraid they would bother my neighbors and I always bring them in. If there are predators that come by they do bark. In the summer they do come in later and on a work night it's earlier because I get up early.

Mr. Crowe: What Russ is saying is that you will need a kennel.

Mr. Lacaillade: I don't believe that you could actually keep that many animals in your house. It seems to me there is some type of violation with the building inspector or minimum housing or something along the lines of that. I would suggest you would need to have a kennel and your house is not a kennel. That many dogs there may even be a fire code violation in regards to that. Animals have rights too with regards to fire safety. I am concerned with that. I see this puppy profile that we have a copy of and you get a few dollars for a puppy and I realize there are a lot of expenses but I would be more willing to be acceptable to a smaller number of dogs in an outside kennel. I think that is something you should think about. From a health standpoint I can't believe it's healthy to have that many animals in your house. I am concerned about the waste that is produced by your dogs and your horses. When you have a lot of animals in regards to that, there are all kinds of policies in place. One of our concerns is waste water runoff into watersheds, wells and ground water. They need to be addressed.

Mr. Anderson: In this case, there is a second layer and that is licensing before the Town Council in order to get the kennel license itself. I believe many of those issues would have to be addressed at that point. Here we have to show the Town Council we are permitted to use this use in this area. I believe those issues will and have to be addressed at the next stage of this application. Also I would like to address the issue of expansion. Both people that spoke negatively voiced concerns this would expand to something else. There is no intent to expand beyond the number that is presently there and perhaps be less.

Mr. D'Onofrio: My question is how much is too much.

Ms. DeGraide: There is no guarantee of that.

Ms. Cook: I don't want anymore.

Ms. DeGraide: You don't want any more but the ones you have you are breeding so there will be more.

Ms. Cook: The ones I am breeding they are on reserve. I have some dogs that are old pets that I won't dump them. The house may smell more now because there was a litter of puppies that are all going to be placed within the next week. Puppies make a lot of mess.

Mr. Lacaillade: How many puppies?

Ms. Cook: 10 puppies.

Ms. DeGraide: 10 puppies in addition to the 16 dogs you have?

Ms. Cook: Yes but they are already placed.

Ms. DeGraide: True but now we are talking 26 dogs. There is always going to be more than 16 dogs. In the event they all don't get placed now you have gone from 16 to however many don't get placed is going to be added to your total.

Ms. Cook: There is always a waiting list. I have no intention of having more dogs than I have now. I am doing it to breed them or else I wouldn't have that many and there are times when there are puppies and people come and the puppies get placed and they are gone.

Mr. D'Onofrio: Are there always puppies?

Ms. Cook: No.

Mr. D'Onofrio: How many months of the year are there puppies?

Ms. Cook: It would depend, this year I had three litters.

Mr. D'Onofrio: So 6 months of the year?

Ms. Cook: No, three months. They are only there for 8 weeks for the most, 6 weeks.

Mr. D'Onofrio: Do the litters overlap?

Ms. Cook: There has been some overlap?

Mr. D'Onofrio: So sometimes you could have 36 dogs?

Ms. Cook: No, I won't allow that.

Mr. Peabody: Do you have a second litter on the way right now?

Ms. Cook: No.

Mr. Peabody: There isn't a Lab about to give birth?

Ms. Cook: The Lab is a neutered male. Native American dog had a couple of puppies but they are already placed.

Mr. Peabody: They are still there but on the way out.

Mr. Lacaillade: That's Emma?

Ms. Cook: Yes.

Ms. DeGraide: According to the report, we have 16 instances of failure to license the dogs. You have 16 dogs that are not licensed? 16 base dogs?

Ms. Cook: I didn't realize I had to get licensed.

Ms. DeGraide: Ms. Cook please, you didn't realize that the dog has to have a license?

Ms. Cook: Because I live there I thought I really...

Ms. DeGraide: I don't buy that for a minute. You have lived here since '07. I don't believe it. 16 unlicensed dogs continued breeding this is a disaster waiting to happen and your neighbors have been putting up with it for years. If I were to vote right now this would be a no.

Ms. Assalone: You don't have a license to kennel or sell dogs. I think she is also asking about all of the dogs you testified that you are placing and selling. You don't have a license to sell those dogs do you?

Mr. Anderson: The issue is we want to move forward. That's why we are here starting the process to get what we need to move forward. I think we are at a catch 22. The place to start was here.

Ms. Assalone: (Inaudible) that she can't get a license to sell dogs until she gets a kennel license, because I don't believe that's accurate.

Mr. Anderson: I am not offering testimony with regard to that. I am not offering an opinion on that at all. I am simply stating we are here trying to rectify these problems going forward. This is where we are starting to get the kennel license. The idea is to come in compliance with these things.

Mr. Crowe: The kennel license isn't just for the 16 dogs it's for her to get her license to sell dogs that she raises.

Mr. Anderson: And she admitted in her statement that her intention was to breed dogs. That was the point of having them. Some are pets that are neutered and aren't capable of breeding, there are other dogs whose sole purpose is to breed.

Ms. Drew: You mentioned you are employed full time in East Providence?

Ms. Cook: Yes.

Ms. Drew: How many hours a day are you out of the house during the work week?

Ms. Cook: We work 6-7 hours a day and the commute time is about 50 minutes.

Ms. Drew: So that's about 10 hours a day you are not at home.

Ms. Cook: Mmhmm.

Ms. DeGraide: Do you live alone?

Ms. Cook: I have a friend that does yard work for me and he is there all the time and I have a friend that does fence work for me.

Mr. Crowe: How have you been selling these dogs without a license?

Ms. DeGraide: Permit to make sales.

Ms. Cook: The dogs come with a health guarantee from my vet and I also guarantee the puppies for a year. Breeders don't have a license.

Mr. Anderson: I think the difference is between the retail sales permit and the license of selling dogs, I am not sure there is one.

Mr. Crowe: How do I know I am buying a dog that's healthy unless it's a licensed breeder?

Ms. Cook: They don't have licenses. We offer a health guarantee. I could give you 20 names of customers that I have supplied over the years.

Mr. D'Onofrio: You are selling these puppies, getting \$1200.00 a piece do you claim that on your taxes?

Ms. Cook: I have not yet because of expenses. It's just been a hobby.

Mr. D'Onofrio: If you're selling 10 puppies at a time that's 12 grand.

Ms. Cook: That's not all the time, that's one month out of the year.

Mr. D'Onofrio: How many puppies do you sell a year?

Ms. Cook: I just got started last year.

Ms. Assalone: I thought there was just testimony that you have customers from the last 20 years.

Ms. Cook: No, I didn't say 20 years. I just started breeding them last year. Last year I had three litters.

Ms. Kostyla: You work full time and you take care of all these animals yourself?

Ms. Cook: I do.

Mr. D'Onofrio: For this to go forward, there needs to be a reduction of animals, proper licenses are needed, to me it's out of control.

Ms. Cook: It's not out of control.

Ms. DeGraide: The Animal Welfare Act...requires that the following breeders or dealers obtain USDA licenses. 1. People who breed dogs or cats that are used as pets or for other purposes and sell them sight unseen at the retail level and 2. The wholesale dealers who supply these animals to pet stores, brokers or research facilities. So the USDA...

Ms. Cook: I do not do any of things. I object.

Mr. Peabody: You do retail sales.

Ms. DeGraide: You sell to people.

Ms. Cook: Not to pet shops. I do it as a hobby.

Ms. DeGraide: It's not a hobby, it's a business. You are trying to establish a business and you are going about it the wrong way.

Ms. Assalone: Ms. Vice-Chair, could you please give me the name of the Act you quoted.

Ms. DeGraide: Animal Welfare Act.

Mr. Crowe: Anything else you want to add?

Mr. Anderson: We have witnesses here who would like the opportunity to speak.

Ms. Drew: Have you look into what the requirements are tax wise to do this legally? You have a duty to do things on the up and up and where those dogs are concerned. You are gone 10 hours a day.

Ms. Cook: They have pens and dog houses. In the summer they have doggie pools, shade trees, fresh water. I pick up poop in those pens every day. I have a routine.

Mr. D'Onofrio: My question is how many is too many and you were to reduce this down to attrition I am not saying get rid of your old dogs, where would you like to be regarding base dogs.

Ms. Cook: Probably 12 dogs.

Mr. D'Onofrio: So if a limit is put on of no more than 12 base dogs through attrition, max of 12 is that something you would consider?

Ms. Cook: Yes.

Ms. DeGraide: So you are going to have 2 or 3 dogs that are going to have litters.

Ms. Drew: They are only present for 8 weeks.

Mr. Crowe: The 90x30 pen and 60x40, does the 90x30 have the 16 dogs in there?

Ms. Cook: No, that has 3 Newfies. 60x40 has four dogs with one big dog house. 10x20 has 2. 40x15 it has 2-3 and the rest stay in the house.

Ms. Drew: Didn't you just tell me all the dogs were outside all day?

Ms. Cook: Yes. I have a Lab that's getting older and he wants to stay in.

Ms. Drew: It's very important here that your testimony is clear. Its concerning to me that a couple of times we had to call you back on things that you said. This vet has known you since 2011 and your numerous animals since 2011 and you said it just started taking off last year 2014.

Ms. Cook: The puppies just took off last year. I had one litter back when I was in Webster in 2011 which was when I had the first litter. Then I just had big dogs. I could keep in the 90x30 five dogs and another...I do change things. Right now there is a mother in the house with her puppies.

Mr. Crowe: How many is that?

Ms. Cook: There are two litters in the house and I have the Lab that stays in the house and another Newfie that wants to stay in the house.

Ms. Assalone: How many in each litter?

Ms. Cook: 10 in the New Foundland and...

Ms. Assalone: That's 11 dogs plus 3 dogs plus another 3 in your house?

Mr. Crowe: You have a litter of 10 and what else?

Ms. Cook: Litter of 10 and the Native American had 6.

Mr. Crowe: You have 30 dogs at this time.

Ms. DeGraide: I am gathering this whole thing started because the police went to your home to do a well visit on you because you didn't come to work and when they arrived at your home it appears that they found you asleep at the table and when they were able to rouse you and you came to the door to talk with them they thought you were under the influence of some sort of adult beverage. Does that happen on a regular basis?

Ms. Cook: No, but that doesn't have to do with the zoning.

Ms. DeGraide: It has everything to do with your ability to care for a kennel with as many as 30 dogs if not more. So my question is does that kind of thing happen on a regular basis?

Ms. Cook: No.

Ms. DeGraide: Can you tell me what happened that it occurred that day?

Ms. Cook: I was told we were all going to get lay-off notices. Emma was having trouble having her puppies, I was up all night with her, I got really tired, I tried putting in ASOB (on-line absences) it didn't go through so I was sitting at the table on my computer, I was going to call work but it was too early. I was uptight about the layoff notice, that night I had too much to drink, was overtired. The police came, knocked on the door as hard as he could with his flash light, he terrified me. He said your work called, and I was like oh my God I don't want to lose my job I am a new teacher. I said I wanted to die and I didn't mean it literally, he came to the door; he said you're hysterical; I was really upset about work. I was extremely upset. Officer Pacheco came to the door and said I was not right. I was really upset. The next thing I know he bashed the door open, shoved me on the rug, handcuffed me and forced me to leave and put me in Kent for the day, I cried all the way and said don't take me I have to take care of my dogs, they need water. I was truly upset. I am in the rescue, I am very upset, Kent County will not let me leave, I had to stay the whole day. I called work, my nephew. They called animal control, and this is against the law went back into my house after I was gone and took pictures. They took advantage of me.

Ms. DeGraide: I can understand you being upset about the layoff notice. You said during that night you had a dog that was having trouble delivering and you love your animals and your animal is having trouble delivering her puppies and you decided to drink that night. That's counterintuitive to what you are telling me about your animals.

Ms. Cook: I made a mistake. I have paid for it and I am paying for it here, at work. She had the puppies and was fine. I am organized and clean...

Ms. DeGraide: I will say that animal control did note that all the kennels were all clean and well cared for.

Mr. D'Onofrio: This is a situation we want to get under control but we have to figure out the definition of control and make sure everything is done properly. There has to be limits set, proper licenses have to be put in place. I would like to find a resolution to this.

Mr. Peabody: I know you said you have part-time employees, how often are they there and what are their hours and what exactly do they do?

Ms. Cook: They are not employees, the yard guy gets paid but he does a lot of extras, his name is Roger Costa and he is a friend.

Mr. Peabody: I would feel more comfortable with this operation if he was an employee....

Ms. Cook: I struggle to make ends meet. As a teacher I can't afford to stay there.

Mr. D'Onofrio: Going forward with this amount of work, it would be easier for you to do the right stuff. Get the right licenses...

Mr. Anderson: And that is why we are really here tonight. We have to start somewhere and frankly a lot of the issues you bring up have to be addressed but we can't even get there until we have the right of use on the land and I appreciate the concerns but those concerns get addressed in another form and that's why we are here, we have to start somewhere. This is the smallest concern to deal with. It is what is the proper acceptable use of the land, does it work on the land.

Ms. DeGraide: We are in a position now because we have gone so far and so big...

Mr. Anderson: There has been a perception that this has been ongoing. The Town dog license has been an issue going on for a long time, that's an issue, this part is just routine. Should a retail sales permit been pulled, yes, but again we are talking about a year that was missing. These things will get fixed going forward. I don't want to leave the impression is been going on for 10 years, it hasn't.

Ms. Cook: I love them, I agree it's too many and I want to downsize and I am going to.

SWORN IN

**HENRY EBERLE
270 GREENHOUSE ROAD
GREENE, RI**

Mr. Eberle: I am the neighbor to the west of Jen. I am in support of her and she is a good person. From the discussion of what I just heard I think we are in agreement that she has a lot of balls in the air and is somewhat over her head. There has to be some sort of compromise but again as a neighbor and friend she does care very much for the animals. I would trust her 100% with what she does with the animals.

Mr. Crowe: You can hear the dogs barking from your house?

Mr. Eberle: I am on the other side so I am away far enough where I don't hear it. I do hear them periodically but I don't have the same level of noise coming in my direction that Claude has. Noise is a non-issue.

Mr. Crowe: What you expressed is what you exactly said, she has an interest and great love and as you also expressed she is over her head. 30 dogs that she has now is way beyond her capabilities, that's my opinion and also taking care of the donkeys, horses plus working is humanely not possible.

Mr. Eberle: For her it is. That's what she does and she has been doing it.

Mr. Crowe: When we are maxed out we are maxed. We have to come up with something. I myself and the Board members will go out and take a look. Ms. Cook what days do you teach? And what hours?

Ms. Cook: Monday-Friday. This Friday I have to take a half personal day because a new propane company is coming in so if that would work for anyone you are more than welcome to come on Friday afternoon.

Mr. D'Onofrio: I may be able to make it.

Mr. Crowe: We can't go all at once.

Mr. Peabody: You can but you have to post it.

Mr. Crowe: Then you are there Saturday and Sunday?

Ms. Cook: Saturday and Sunday and I can get home earliest 3:30.

Mr. Crowe: I will probably do two trips. One when you are at work and one when you are there. The other Board members will do it when they see fit.

Mr. D'Onofrio: It sounds like where the Board is now is not opposition to a kennel license but the size of the kennel.

Mr. Crowe: You haven't come up with how many dogs you actually want. Just 16? That shuts you off from breeding. If you want a license for 16 dogs you can't breed. That's why I was trying to get a number out of you.

Ms. Cook: If I can give you a base number but the puppies, I can't guarantee how many she will have in a litter.

Mr. Crowe: We still need a max number.

Ms. Cook: For all the puppies and base?

Mr. Crowe: Everything.

Mr. D'Onofrio: Putting a max on the puppies would limit how often you could breed.

Ms. Drew: She can't predict how many puppies she will have so perhaps what we would do instead of putting a number on how many puppies we could put a number on how many litters until like you mentioned attrition with the older dogs and at that point she could come back either before Zoning or Town Council and request permission to have two litters a year. I understand the dogs are transient but it's a lot for one person to handle. If we can come up with a plan and she will stick to it eventually I think it will go away because the older dogs will go and she won't be replacing them and you will always have the dogs you breed. If we can have a base number of dogs and then maybe one litter a year until things come under control.

Mr. Crowe: I consider your base dogs you breed. The other dogs not your base. If you are going to run this like a business I believe you are going to have to cut down what you call your base...way down in order to maintain this. This is my opinion. You are not going to have 3-4 breeders and 10 other running around. It doesn't

make sense financially, for the neighbors or anywhere. I have not seen where you have proven the point that that's required. Anybody else want to speak?

Ms. DeGraide: I make a motion that we take this matter under advisement and render a decision within reasonable time.

Mr. D'Onofrio: 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. D'Onofrio: Second.

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

Board: Aye.

Mr. Crowe: Nays? Ayes have it

Meeting adjourned at 10:32 p.m.