



**CITY OF WARWICK**  
**ZONING BOARD OF REVIEW**  
**WARWICK, RHODE ISLAND 02886**  
**(401) 921-9534**

**WARWICK ZONING BOARD OF APPEALS**  
**MINUTES OF THE JULY 13, 2021 MEETING**

A special hearing of the Warwick Zoning Board of Appeals was held on Tuesday, July 13, 2021 at 7:00 P.M. via Zoom Webinar. The meeting was called to order by Vice-Chairman Everett O'Donnell.

The Secretary called the roll and noted the following members present:

Present:                      Everett O'Donnell – Vice-Chairman  
                                    Salvatore Deluise  
                                    Paul DePetrillo  
                                    Robert DeGregorio  
                                    George Shuster – Alternate  
                                    Julie Finn – Alternate

Also present:                David Petrarca, Esq., City Solicitor  
                                    Daniel Geagan, Warwick Planning Department  
                                    Mary Ellen Hall - Stenographer  
                                    Amy Cota, Secretary

Appeal #10723

Ward 4

86 Grassmere Street

Kelley McClafferty, 86 Grassmere St., Warwick, RI, requests an appeal to a zoning violation for raising of livestock (Pig). Assessor's Plat 318, Lot 210, zoned Residential A-7.

Kelley McClafferty, Appellant, was present and sworn in by the Vice-Chairman.

The Vice-Chairman, Everett O'Donnell asked the City Solicitor what the rule is regarding raising livestock in a residential area.

Attorney David Petrarca stated they are here on an appeal from the Zoning Official's determination that the appellant was keeping livestock in violation of the Use Table, as outlined in his violation letter dated May 27, 2021. In that capacity, you stand in the

shoes of the Zoning Official, which means you get to decide whether that violation occurred, or didn't, and what fine, if any, is applicable or not, and any other form of relief within that narrow restriction. From the violation later dated May 27, 2021, the Zoning Official determined that the property owner was raising livestock (a pig) #204 of Table 1 Use Regulations, of the Warwick Zoning Ordinance. You now can take testimony from the applicant. The Zoning Official is present and can give his reasoning for reaching the conclusion he has reached, and he, the solicitor, will supplement and guide the Board along the way as necessary.

The Vice-Chairman stated he would now like to hear from the Zoning Official, Alfred DeCorte as far as the Ordinance, and the Building Department's objection to this livestock in a residential area.

Mr. DeCorte stated Attorney Petrarca is correct in citing the violation letter dated May 27, 2021. We received a complaint from Warwick Animal Control Officer Eric Brewster, regarding keeping of livestock in a residential zone. He stated the applicant has the opportunity to come before the Board to seek a Special Use Permit but under footnote #5, it requires that keeping and raising of animals and livestock shall consist of an owner-occupied property, consisting of a minimum of five contiguous acres in the same ownership. The current property is listed on the Tax Assessor's field card as 7,750 sq. ft. To obtain a special use permit and a dimensional variance, the requested relief can't exceed a 50% deviation from the required dimensional standards, or the Board cannot hear the application.

Mr. DeCorte stated we received a letter, dated July 13, 2021 in opposition from a few of the abutting neighbors. They were hesitant to appear at the meeting and wished to remain anonymous due to fear of retaliation by the owners of the pig. The letter was read into the record, and marked as Objector's Exhibit #1.

George Shuster had a few questions for Mr. DeCorte about the definition of keeping of animals and livestock. He stated not all animals fall under this category, such as dogs and cats. Mr. DeCorte stated dogs and cats fall under a different category, they have their own rules and regulations. The pig falls under #204 of the Table 1 Use Regulations.

The appellant stated the pig is a pot belly pig, they've had him for about three years. He sleeps indoors. She stated pot belly pigs are not regulated by the FDA, they are not used for food. He is a family pet, and her youngest son has autism, so they have two dogs and the pig. She doesn't want to say he's a service animal, but more an emotional support animal.

Ms. McClafferty stated the rat problem got worse in the neighborhood after Governor Francis was dug up. She said they are clean people, she cleans up the yard after the animals twice a week. There is never food left outside, never feces in their yard, and she said she is very diligent about cleaning up. There is only one neighbor who can see in her backyard. Ms. McClafferty said she spoke with that neighbor, they had no issue and knew the pig had been there, they have never complained. She is here to ask the Board if she can keep the pig because he is a family pet.

The appellant stated she has friends in the Pilgrim area and all have said there has been a problem with rats since Governor Francis got dug up. They are not on good terms with all of their neighbors, and she is not sure why they fear retaliation from us, because they would never retaliate against them. They try to be peaceful and not speak to them.

Everett O'Donnell asked if they have anything from her sons doctor stating he is a service animal. Julie Finn said the ADA doesn't consider pigs to be service animals

Salvatore Deluise stated he went by the property prior to tonight's meeting, and he was wondering why they have four (4) disgusting mattresses out in front of their house in a trailer. He asked if the pig sleeps on them.

Ms. McClafferty stated her husband does construction, and he removed them from one of his customer's homes. He will be bringing them to the dump on Thursday.

The Vice-Chairman asked if there was anyone present to speak in opposition or in favor of the petition. There being none, George Shuster stated he spent a fair amount of time today, and is really surprised that the City of Warwick has no specific regulations about what pets can or can't be kept. There are a lot of rules on dogs and cats. There is also a regulation in the Code of Ordinance that states any pet that is a nuisance, of any type whatsoever, the Building Official can site that and the nuisance needs to be abated, but even that doesn't say that the pet cannot be kept. There is also a kenneling provision, that talks about what zones allow and don't allow kennels, and it doesn't define what pets are allowed.

Mr. Shuster stated we are left with this provision that he finds it hard to use that provision that talks about agricultural uses, and the raising & keeping of animals and livestock as a way of determining what pets can and can't be kept in this city. We just don't have those rules in the Zoning Board to tell us exactly which animals can be kept, and which animals can't be. So, on that basis the only thing he is left with, is whether the pig is agricultural or not. With all of these remarks I don't think it's whether the petitioner has five acres or not, or that she needs a special use permit because I don't feel she is keeping this animal for agricultural use.

Mr. Shuster stated he would certainly invite the City Council to weigh in on this, and make regulations on what pets can and can't be kept, and in what areas of the city, under what circumstances.

Mr. Shuster made a motion to overrule the Building/Zoning Officials determination in this case, because he can't find any rules in the Code of Ordinance to prevent this pig from being kept.

The Vice-Chairman asked if there was a second to the motion. There being none, Robert DeGregorio stated he fears this would open Pandora's Box, and he believes the City Council really needs to look at this. He stated they are working with an Ordinance that isn't clear.

Paul DePetrillo made a motion to uphold the Building/Zoning Official's violation, seconded by Robert DeGregorio and upheld by a 3-2 vote.  
(Robert DeGregorio voted yes, Salvatore Deluise voted yes, Paul DePetrillo voted yes, George Shuster voted no, Everett O'Donnell voted no).

There was further discussion about what the fine for the violation would be. The Building Official stated they are not here to impose a fine. George Shuster made a motion, seconded by Salvatore Deluise and passed unanimously by the Board that as long as the pig is removed from the property by August 31, 2021, there shall be no fine imposed.

A motion to adjourn was made by Salvatore Deluise, seconded by Robert DeGregorio, and passed unanimously by the Board that the special appeal meeting be adjourned at 8:00 p.m.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Everett O'Donnell, Vice-Chairman