

**WARREN PLANNING BOARD  
MINUTES  
January 28, 2013**

The regular meeting of the Warren Planning Board began at 7:08 PM. Present were F. Massie, J. Piepowski, C. Thibaudeau, M. Heald, D. Kalfelz, and R. Mello, and B. Heckert. Absent were R. Silva, and M. Rousseau. Also present were Town Building Official W. Nash, Town Planner Caroline Wells, and Attorney S. Federico.

New Planning Board member Brandt Heckert was introduced and welcomed by Chairman F. Massie. There is a quorum for this meeting.

**Approval of Minutes:**

On a motion by R. Mello, seconded by J. Piepowski, the minutes for the regular scheduled meeting on Nov. 19, 2012 were approved as read. The minutes for the special meeting held on January 7, 2013 were approved with date corrected.

**Public Hearing:** Chairman Massie opened the Public Hearing.

**New Business:**

Proposed zoning ordinance amendment to 32-89 – Setback from Wetlands and Water Bodies. Proposal is to modify existing language relative to setbacks from wetlands. **Recommendation** to the Warren Town Council.

In her Memorandum, provided to Board members for review prior to the meeting (copies of which were also made available to members of the public attending the meeting), and in her presentation before the Board and the public at the meeting, Town Planner Caroline Wells presented an overview and explanation of the two changes proposed within Zoning Ordinance 32-89, noting the goals to protect the Town's water resources from development-based pollutants, protecting public health, habitats, and the many local businesses relying on clean water.

- 1) The first proposed change is to increase the distance of development setbacks from wetlands, water bodies, coastal features, streams or drinking water supplies from the current 50 feet to 100 feet. Caroline provided information indicating expected pollution reductions due to this increase in the setback distance, based on current Best Management Practices, as required by the Town's Comprehensive Plan. Among the four maps Caroline provided, one outlined the difference between the current 50-foot setback and the proposed 100-foot setback, and the effect of this increase on developable land in Warren. *Appeal Process:* An individual may request a special use permit for relief from this setback. To receive a special use permit, the proposed development must be: a) compatible with nearby properties; b) pose no nuisance hazard; c) fit within the goals and recommendations of the Town's Comprehensive Plan; and d) further the public convenience and welfare.
- 2) The second proposed change mandates the replacement, alternation and repair of Onsite Wastewater Treatment Systems (OWTS) with nitrogen-reducing OWTS technology within 100 feet of any wetlands, water bodies, coastal features, streams or drinking water supplies. Currently, traditional OWTS (standard box and leach field septic systems) may be used within 150 feet of the above. *Appeal Process:* If the homeowner can demonstrate that the OWTS will not adversely impact the waters above, a special use permit may be applied for through first DEM and then the Warren Zoning Board.

Caroline noted that the proposed changes are supported and encouraged by DEM and are considered key to obtaining DEM acceptance of the Town's Design Flow Report and the Town's Onsite Wastewater Management District (OWMC) ordinances which, in part, allow residents to apply for low-interest loans and potentially grants for OWTS replacements. The Rhode Island Department of Environmental Management (DEM) seeks to shift responsibility to local communities addressing and reducing wastewater.

Chairman Massie noted the Board's intent to protect the Town's environment, drinking water supplies, surface waters and wildlife habitat while working to ensure these protections do not unnecessarily negatively impact reasonable economic development or property owners whose land may be subject to the proposed ordinance. Discussion centered on adopting a more balanced and clarified approach to the appeals process in Section A of the proposed ordinance. Specifically, the Board reviewed the range of land definitions that fall within the term "wetlands", and the fact that some wetlands are more sensitive and critical to filtering pollutants and as wildlife habitat than others. Given this, the Board believes there may be a means by which the proposed ordinance change regarding the increased development setback could address these differences through a revised appeal, allowing a more expedited process. *Chairman's Note:* The Rhode Island DEM has such an expedited process in place statewide.

After the Board discussion, the meeting was opened for public comments. Representatives from the Kickemuit River Council spoke in favor of the proposed changes. Several residents provided testimony against the proposed changes fearing the proposed increase in the setbacks would potentially reduce the development value of their property and/or lead

to limitations in what they could do on their property. Some residents claimed that some pollution in Warren surface waters is coming from Massachusetts. Chairman Massie noted that while Massachusetts pollution is certainly a contributing factor, it is not an excuse for Warren not to do its best to reduce pollution coming from the Town. Some residents spoke in favor of the proposal, but noted they believed further revisions were necessary. One resident noted that the unfiltered outflow pipes carrying stormwater run-off from the Town's streets and land are a significant contributor to surface water pollution within the Town's borders and beyond. While this is a major source of pollution, which is also recognized in DEM studies, this matter does not fit within the proposed ordinance changes under discussion. However, this matter must be addressed in the new Comprehensive Plan, and there are existing ordinances addressing these outflows, so this matter will be included on the next Planning Board meeting agenda for discussion

Given the Board's and the public concerns about the proposed appeal process relative to the wetlands setback increase from 50 to 100 feet, on the advice of the Town's Attorney Stephanie Federico, and as proposed by Chairman Massie the Board voted not to recommend the ordinance to the Town Council. Instead, the Board asked the Town Planner, Building Inspector and Attorney to revise the language of the development setback appeal process and, after running a draft by the Planning Board members for review and comment, submit the proposed and revised ordinance changes for consideration at the next Planning Board meeting on February 25<sup>th</sup> with the goal of providing a recommendation to the Warren Town Council after that February meeting. A motion in support of the proposal was made by J. Piepowski, seconded by C. Thibaudeau and approved unanimously.

The meeting was adjourned at 9:30 PM.

Respectfully submitted,

Catherine Gresh  
Recording Secretary