

Minutes of a special session of the Town Council held on August 11th, AD 2011 at 7:00 o'clock PM in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI. Members present: Charles N. Appleton, Jr.; Fred M. Bodington, III; Paul J. Golembeske (arriving at 7:08 PM), Gary S. Mataronas and Robert L. Mushen.

The Planning Board posted to have a quorum and participated in the discussion that follows. Planning Board Members present: Mark Cady, David DeSouza, Robert Green, Patrice Hagan, Sal Marinosci, Michael Steers and Helen Woodhouse.

This informational session was opened by Council President Mushen. He explained that the Council is the appointing authority of the members of the Planning Board, who are charged with implementing and reviewing the needs of the Town's Comprehensive Plan. In that review the Planning Board has recommended this conservation development proposal. Having received the proposal the Town Council wishes to allow all who would want to be heard on the subject to have a voice. During these sessions they also have been supplied with data on the subject from other towns who have implemented similar ordinances. The comments and data gathering will allow the Council to make an informed decision when the time is right.

Mr. Arthur Goldstone was given the opportunity to address those present to explain why he chose to assist in sponsoring this

proposal. Mr. Goldstone noted the following in explanation:

- He was among several town residents to attend a workshop held on conservation development sponsored by RI Dept. of Environmental Management in 2003.**
- Several Planning Board Members and other town officials were also in attendance during the workshop.**
- In 2007 he was approached by the Planning Board Chair and asked if he may consider assisting the Town in funding a consultant to research and draft a proposal for Little Compton. Consultant fee was \$10,000: \$2,000 to be contributed by the Town with \$8,000 remaining.**
- He sought out the assistance of another local resident, Letitia Carter, to help cover the shortfall. \$4,000 was contributed by each.**
- Both he and Ms. Carter are strong supporters of conserving land and resources, both are home owners within Little Compton and have no intentions to create developments or benefit in any way from this proposal should it be adopted.**

Mr. Mushen reminded those present that this discussion is regarding the local conservation development proposal before the Council and not any amendment recently proposed on a state level on related zoning matters.

A brief PowerPoint presentation was given to review the proposal.

Questions and/or comments during the session (with the addressee

noted if a name was given):

- **Arsen Shamshoian – How will supplement or guarantee wetland preservation? Ans. 50% of the lot will need to be preserved.**
- **Existing ordinances have no requirement for preservation this would give the land owners an option**
- **Maybe the Town should be pursuing the issue of wetlands preservation in the existing ordinances before implementing this proposal**
- **Mimi Johnson Carlson – Used a soils map to show the type of soil known to exist in Newport County and compared our soils to those on Aquidneck Island who have town water and sewer lines. Mrs. Carlson also supplied the town with the following documents:**
 - * **RI Statewide Planning Program – Report No. 257 – Jan. 1986 -regarding protection of drinking water.**
 - * **EPA Extramural Research Article entitled: Septic System Effluent, an Unconstrained Source for Pharmaceuticals and Personal Care Products (PPCPs) in Ground and Surface Water**
 - * **Article entitled: Pharmaceuticals and Endocrine Disruptors in Rivers and on Tap**
 - * **Article entitled: Wastewater-Contaminated Groundwater as a Source of Endogenous Hormones and Pharmaceuticals to Surface Water Ecosystems**
 - * **Article entitled: Viruses in groundwater**
 - * **Zoning Ordinance from the Town Of Hopkinton, RI**

- Mrs. Carlson asked to be supplied with any documentation and notices of final drafts for this proposal when it is to be considered (assuming it would be finalized in the winter when she will be at her winter residence in Hopkinton) She is very much opposed to this proposal and strongly suggests the town review the Hopkinton Compound ordinance that eliminate all wetlands, slopes and flood plans before calculating any developable area for housing units
- Bonnie Phinney – Was any of the data supplied by Mrs. Carlson known of, or considered during the drafting of this proposal?
- Mike Steers stated no, but sees the data as having value to review
- Suzanne Arceolo – feels this will require more town services, expansion of infrastructure due to an increase in development
- Councilor Mushen – stressed there will be no increase to the number of units allowed. Must first determine # of units that would be allowed in conventional subdivision, then is limited to that number in conservation development resulting in no additional units.
- Recognized that potentially the septic load could be concentrated in the area where the housing units are located.
- Malcolm McGeoch – South Kingstown proved that the potential is there for a surge in development as the homes may be more economically viable to an individual who would not potentially be able to afford the cost of a home in a conventional development
- Mrs. McGeoch – concerned that residents will utilize filtration systems, but not realize that viruses can not be filtered and therefore are still potentially present in the water
- A few individuals expressed concern that drinking waters with

varied contaminants (metals, viruses, pharmaceuticals) could be connected to increased cancer rates

- Richard Ross – if we are concerned with conserving wetlands why are we not pursuing a plan that has that as its primary goal? He asked if the town would consider increasing the lot size to 5 acres as a means of conserving land in general.
- Larry Anderson gave a statement in support of the proposal. He also noted that “cluster zoning” appears in two elements of the Town’s Comprehensive Plan, Land Use and Housing. The existing Planning Board did not pull this proposal out of thin air, but rather from the goals set in the Comprehensive Plan. Current zoning does not protect land in perpetuity, but this proposal would offer that option to residents.
- Andrew Moore feels this may increase the development within town and expressed a desire to slow development not increase it.
- David Doern who was a former member of the Planning Board supports the proposal. He noted that it has been discussed for many years and does not see how it would increase the development in town.
- David Borden asked if ISDS regulations change under this proposal. The answer was no. He supports the concept but not specifics for this proposal.
- John Carlson – concerned that state law does not allow deed restrictions to exceed 30 years. He was informed that there is a state law that specifically allows a restriction to be in perpetuity which is sited in the proposal.

- **Malcolm McGeoch** concerned that a cluster of home could be developed adjacent to his property and he would have no mechanism of preventing it should this be adopted.
- **Michael Saks** noted that this proposed minimum upland of 30,625 sq. ft. where 80,000 sq. ft. is needed to properly leach pollutants out of drinking water. He believes Leukemia is directly related to metals in drinking water and wishes the data supplied by Mrs. Carlson to be considered.
- **David DeSouza** stated that he hears the fears expressed and assures the attendees that they take those comments into consideration when they have reviewed the proposal.
- **Miscellaneous concerns** repeated by attendees.
- **Confusion** prevalent concerning the appearance of the housing units being allowed to be closer together. It was clear that the math shows the units can not be any closer together than what existing regulations allow. The appearance is that the units will be closer simply because they will be together in one cluster rather than the traditional single dwelling on a larger lot.
- **Surveyors** are required to flag the wetlands when conducting a survey of a tract of land.
- **Victoria McGeoch** asked for the town to look at the big picture.
- **Mrs. McGeoch** asked for ten (10) properties to be tested for soil samples to determine if there are contaminants in the soils. **Mr. Mushen** stated that the notes of this meeting would reflect that request.
- **John Berg** noted that a resident who may consider developing a

tract of land would have several options, one the conventional with the full complement of units capable of being developed with 2 acre zoning, two an option to develop under conventional subdivision but with larger lots than required, or three develop with the full complement allowed under conventional but in the conservation format, which could also be proposed with some lower value of housing units.

- Councilor Golembeske wants to be prepared with some proposal should the state decide to mandate something in the future.
- Carolyn Montgomery worried that a trial to allow a single conservation development will only lead to a court challenge and a mandate to allow anyone who wishes to utilize this type of zoning.
- Dee Osborne concerned over wetlands.
- Richard Ross – found in the proposal where it allows a waiver to be granted regarding open land. Mike Steers had previously stated that could not be done.
- Stephen O'Connor – if it is true that the Comprehensive Plan sets a goal of cluster zoning then maybe we should be discussing amendments to the Comprehensive Plan.
- Mr. Shamshoian stated that the drawings used as examples do not accurately reflect how the majority of lots look in Little Compton.
- Larry Anderson – urged the Town to review the Comprehensive Plan, many goals listed with only a few pursued.

Councilor Mushen thanked all who were present and noted that the subject will be placed on the August 18th Town Council meeting

agenda. This will allow the Council to discuss and consider how to proceed. Options could be to table, table with research or move for a full public hearing.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adjourn at 9:12 PM.

Carol A Wordell

Town Clerk