

**TIVERTON PLANNING BOARD
MINUTES OF MEETING
May 6, 2014**

Chairman Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:00 P.M. at the Town Hall, 343 Highland Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Carol Guimond, David Holmes, Peter Moniz and David Saurette. Peter Corr was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud and attorney Wyatt Brochu substituting for the Planning Board's Solicitor, Peter Ruggiero, Esq.

1. Maria G. Moreira – 990 Stafford Road – Tiverton, RI 02878 – Two (2) Lot Minor Subdivision (No Road Required) – Zoning Board Approval Required – Plat 213 / Lot 136 – 988 Stafford Road & 990 Stafford Road – R-60 Zoning District / Watershed Protection Overlay District – MN02-14 – Time Clock May 15, 2014 (65 Days) – Continued from April 1 Owner / applicant Maria Moreira were present on behalf of the petition. A letter had been submitted by the project engineer / surveyor, Donald Medeiros of Able Engineering, requesting a continuance to the June meeting and time clock waiver. The letter was read aloud by the Chairman. The Chairman asked Mrs. Moreira if this was her request and she replied in the affirmative.

Ms. Eva made a motion to continue this petition to the June 3rd meeting and to waive the time clock. Mr. Holmes seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

2. Wastewater Management Commission – Town of Tiverton – 343 Highland Road – Tiverton, RI 02878 – Intergovernmental Review of Wastewater District Request for Federal Funding in Accordance with Guidelines – Review and Comment to Department of Administration / Division of Planning – Due by May 9, 2014 Wastewater Management Superintendent John Lincourt was present on behalf of the petition and stated that he would make a brief presentation, and noted that the information distributed by Statewide Planning was self-explanatory. "Project Notification and Review System dated April 18, 2014; Subject: Tiverton Wastewater District Sewer Extensions – Bay Street, Riverside Drive & Robert Gray Areas; State Application Identifier: TWD: TWD-14-02."

Mr. Lincourt stated that a report prepared several years ago by Camp, Dresser and McGee had recommended sewers in the north end of Tiverton. When that report was updated by the Louis Berger Group the same recommendation was repeated. Mr. Lincourt reviewed the reasons behind the recommendation, including:

- Dense population,
- Special site conditions including high ground water and a large number of aging septic systems, and
- The State's Cesspool Phase Out Act, which was started in 2012 with a focus on properties within 200 feet of the shoreline. Mr. Lincourt noted that septic system compliance for some parcels would cost between \$50,000 and \$70,000. He also noted that a number of properties on Riverside Drive are currently utilizing tight tanks.

Mr. Lincourt noted that phasing would be based on need, with the shoreline areas receiving first priority. He stated that financing could include federal funding. Priority areas include:

- Approximately ½ to ¾ of the Bay Street area,
- The area of Old Colony Terrace and Summerfield Lane and
- The area from the Villages on Mt. Hope Bay south to the intersections of Riverside Drive and Main Road.

Mr. Hughes asked if an application would be filed again next year for federal funds. Mr. Lincourt replied that an application would be filed every year. He noted that the State of Rhode Island receives approximate \$6 million from the USDA (United States Department of Agriculture), and only \$2 million of those funds had been committed. He stated that the Town of Tiverton could access the remaining \$4 million, plus another \$500,000.

Mr. Hardy asked if residents within the district would need to vote. Mr. Lincourt replied in the affirmative, stating that each area would vote separately if one area rejected the idea, the funds would be redistributed to the areas that vote in favor.

Ms. Eva noted that the narrative excerpt (Page 1, AECOM Technical Services, Inc. 2/27/14) received by the Board seemed to describe the extension of the sewer line to Stone Bridge, with commercial storefronts and a small café not the intersection of Riverside Drive and Main Road as Mr. Lincourt had stated. She suggested that this should be clarified in the application. Mr. Lincourt replied that the “Riverside Drive Area” would continue to just past Stone Bridge. She asked Cumberland Farms / Narragansett Avenue? Mr. Lincourt replied in the affirmative.

Mr. Hardy asked when a vote would take place. Mr. Lincourt replied that the target was this summer, but it would depend upon the legislation required to form the district. He noted that if the legislation is not voted down, the plan would not proceed.

The Chairman asked if those residents/property owners with new septic systems would be exempt from the tie-in requirement. Mr. Lincourt replied that the details had not been determined, but that there would be some delay allowed for those with new systems. (“New” had not been defined yet.) The Chairman asked if Wastewater Management had the age of septic systems documented. Mr. Lincourt replied that this would be done in the future.

Mr. Holmes asked if the vote would be determined by the majority of those who vote or the majority of property owners. Mr. Lincourt replied that he was not sure, but that he thought it would be the majority of those who voted. Ms. Eva asked who was acting as their legal counsel. Mr. Lincourt replied that it was Town Solicitor Andrew Teitz, but that the district once formed would need to obtain its own legal counsel. Mr. Saurette asked who would be responsible to pay for any over budgeted costs. Mr. Lincourt replied that work coming in over budget would require reductions in other areas. He added that there was always a contingency in place. Mr. Saurette asked if the Bay Street budget included allowances for the contaminated soil. Mr. Lincourt replied that the Town has money set aside, and that a premium for OSHA certified contractors had been included.

Mr. Hughes reviewed the criteria for the Planning Board’s review, as stated in the cover letter from Statewide Planning. He asked if there was any other sewer work currently underway in the Town. Mr. Lincourt replied that CDBG (Community Development Block Grant) funds were being used to install sewers in the Shove Street area. He stated that this year a small portion of State Avenue and Shove Street would be installed, then the sewer line would be extended down Shove Street to Hooper Street and up Hooper Street to Main Road. A brief discussion ensued regarding force mains and gravity sewers.

Ms. Cote asked if there were any plans to extend sewers south of Bulgarmarsh Road. Mr. Lincourt replied in the negative, noting that it would be cost prohibitive. Ms. Eva noted that the narrative excerpt did discuss a study for Delano’s Island (Lawrence Court) which was south of Bulgarmarsh Road. Mr. Lincourt replied that sewers were not proposed for that area, but some sort of Wastewater Management plan would need to be considered in that area.

Mr. Hardy stated that the proposed project was very important for water quality and urged the Planning Board to recommend the project without objections and provide a narrative as to why the project is so important. Mr. Hardy made a motion to that effect. The motion was seconded by Ms. Cote.

Ms. Eva stated that she would like to see a more definitive outline of the boundaries of the project. She expressed her concern about the discussion regarding Delano’s Island. Mr. Holmes asked if Shove Street would be within the new district. Mr. Lincourt replied in the affirmative noting that the work was being completed with separate funds. He described the district (of which there would be one) and the sub-districts (of which there would be several).

Ms. Guimond asked if sewers currently existed on Fish Road. Mr. Lincourt replied in the negative. He added that the Bourne Mill was tied into a pump station at the corner of Mill Street and Canonicus Street, which then pumps to State Avenue and Shove Street. Ms. Eva inquired about the sewer line that goes up Souza Road to the Industrial Park. Mr. Lincourt replied that only the Police Department, DPW and Viti were tied into that line.. A discussion ensued regarding existing tie-ins to the Souza Road force main. Mr. Lincourt stated that since Viti had been allowed to tie in, others would be allowed as well.

Ms. Guimond inquired about the tie in and user fees. Mr. Lincourt replied that currently, the City of Fall River charges \$550 per bedroom to tie in. He stated that Wastewater Management is in negotiations with Fall River regarding that fee. He stated that Fall River was in need of additional flow. Mr. Lincourt stated that the betterment charge would be based on the costs of sewers and the amount of grants and loans received. He estimated the cost at \$10,000 - \$16,000 (per house) depending upon location. He stated that the user fees include an annual fee of \$150 / unit (residential) plus \$6.34 per HCF (748 gallons), for a total of \$500 - \$700 per year.

Mr. Moniz asked if the whole road would be repaved or patched. Mr. Lincourt replied that the plan was to repave the whole road in partnership with the gas company, water districts and DPW. Mr. Saurette asked if stubs would be installed for undeveloped parcels. Mr. Lincourt replied in the affirmative, stating that service connections would be provided at each property line.

Hearing no more questions or comments, the Board voted unanimously to approve Mr. Hardy's motion. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

3. Town Planner & Administrative Officer

A. Administrative Officer's Report The April AO report was distributed that day.

B. Construction Update: Ms. Paiva was not present. Ms. Michaud noted that Commonwealth was continuing to inspect and provide written reports on progress of the following:

1. Stafford View Farm

2. Tiverton Public Library

3. Construction Specifications: Updates Recommended for Hearing Mr. Berlucchi and Ms. Paiva were not present to discuss this item. Mr. Moniz opined that the section on the Tree Warden should be amended or removed, since the Tree Warden cannot enter private property. He suggested that a landscape architect should be referenced instead. The Board agreed by consensus that this item should be continued until Mr. Berlucchi has had a chance to review and comment. Mr. Holmes suggested an acknowledgement line in the document, which would be signed by developers prior to beginning work.

C. Town Planner Items

1. Challenge Grant Project

a. Public Hearing Scheduled for June 9 There was no discussion of this item, only an announcement of the hearing date.

2. Update: Stone Bridge Abutment Repairs

The Stone Bridge plan was still under review by RIDOT.

3. Seaside Gas Update / RWU Community Partnership Center Ms. Michaud noted that the Town had been selected by the RWU CPC for a summer session course on Community Engaged Design. Work would kick off at the end of May and continue through July. More details would be available shortly.

D. Miscellaneous

1. Formal Recommendation to the Town Council Regarding Abandonment Petition for a Portion of Roy Street (See: Planning Board's 3/4/2014 Discussion – Michael Marc Jean) The Board

briefly discussed the petition for abandonment and the previous opinion issued by the Board that they could not comment based on the uncertain ownership of the road and the fact that it had been platted prior to the existence of a Planning Board.

Mr. Saurette made a motion not to offer an opinion or recommendation. Mr. Hardy seconded the motion. The motion passed 7-0-1. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Holmes and Mr. Saurette voted in favor of the motion. Mr. Moniz abstained.

2. **Grow Smart RI Land Use Training – Wednesday, May 28 Town Hall – 5:30-9:00 P.M. – Pre-Registration Required** Ms. Michaud stated that she could provide registration forms to anyone who needed one.

4. Tiverton Planning Board

A. Solicitor’s Report (Site Ready Appeal) The Chairman reviewed the most recent meeting of the Zoning Board acting as the Planning Board’s Board of Appeals regarding the Site Ready appeal. A written decision would be voted upon at the May 13th meeting.

B. Earth Removal – Draft Revisions to Town Code Chapter 38 – Status/Hearing Date Pending The Planning Board’s draft amendments had been submitted to the Town Council. A hearing date had not yet been set. The Tiverton Conservation Commission had requested that the Town Council seek the opinion of a hydro geologist in order to adequately protect groundwater. The Town Council had indicated approval of the concept and more details would be forthcoming.

C. Quarry Licenses – Status of Applications No applications had been filed.

D. Correspondence There was no correspondence.

E. Miscellaneous

1. Comprehensive Community Plan Update – Summary of Upcoming Meetings and Open House Dates A list of upcoming meetings was distributed. Ms. Michaud noted that the first and third Thursdays had been reserved at Town Hall for CPAC meetings.

2. Wind Energy Generation Facilities – Update from Subcommittee There was no update.

3. Watershed Protection Overlay District Update: Conservation Commission Subcommittee It was noted that Ms. Eva and Mr. Hardy are working as the Planning Board’s delegates to the Conservation Commission’s subcommittee. Mr. Hardy noted that Lorraine Joubert of the NEMO program would probably be present at their next meeting. Ms. Eva stated that the group was working on streamlining the current process and that they were trying to obtain some student involvement from URI.

4. Street Committee Ms. Eva noted that the Street Committee had recently made a recommendation to the Town Council regarding Lawrence Court. Also under discussion were Beech Tree Hill, Winterberry Woods, and Daniel T. Church subdivisions, all of which were lacking functional Homeowners Associations established as per their recorded documents. Further recommendations by the committee to the Town Council would be upcoming.

F. Approval of Minutes:

April 1, 2014 This item was continued to the June 6th meeting.

G. Adjournment: Mr. Holmes made a motion to adjourn. The motion was seconded by Ms. Cote. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion. The meeting adjourned at 8:45 P.M.

(Italicized words represent corrections made on the approved date.)

Submitted by: _____
Kate Michaud, Clerk

Approval Date: July 15, 2014