



Town Administrator's Office

343 Highland Road, Tiverton, Rhode Island 02878 (401) 625-6710

Memorandum

Date: September 8, 2015

To: LUPI Committee

From: Matt Wojcik

RE: August 20, 2015 Meeting Minutes

The August meeting of the Land Use Procedure Improvement (LUPI) ad hoc committee was called to order at 6:42 PM on Thursday, August 20, 2015 in the Tiverton Town Hall Town Council chamber. A quorum consisting of the Town Administrator (the chair), Councilman Brett Pelletier, Code Enforcement Official Neil Hall and Town Solicitor Peter Skwirz was noted as present.

Councilman Pelletier moved the adoption of the minutes of the prior meeting, seconded by Mr. Hall and approved 4-0.

The first substantive item on the agenda was an update on the materials to be posted to the Town website by the Building Official to explain various procedures and answer frequently posed questions. At the prior meeting, Mr. Hall had suggested following the template used by the Town of Falmouth, Massachusetts. This evening he presented written examples taken from the Falmouth website (copies attached). Mr. Hall offered that some of the useful areas that should be posted on Tiverton's website include: swimming pool regulations, construction standards in high wind / storm zones and a general guide to building permit requirements and regulations.

After a brief introduction to the materials, Mr. Hall asked Attorney Skwirz whether the form and content were at an appropriate level of detail to provide guidance without creating any form of legal liability or confusion. A general discussion ensued; Councilman Pelletier noted that to be useful the material must make processes straightforward. Additional questions/answers were suggested for any potential "FAQ" web page, including three that Mr. Hall noted are frequently posed by realtors and homeowners:

1. Is this lot buildable?
2. Are the owners' rights regarding a certain lot "grandfathered?"
3. Can a certain residence be made into a legally conforming 2 family dwelling?

Discussion followed regarding the process for obtaining, and the putative value of, zoning certificates. It was noted that financial institutions are more and more frequently asking for a zoning certificate when dealing with commercial properties. Mr. Hall noted he has provided 10-12 zoning certificates since becoming Code Enforcement Official for the Town.

The pros and cons of zoning certificates under RI case law were discussed. The notion of posting zoning certificates to the Zoning Board's consent agenda (which would publicize them but not unduly delay them given that most would be accepted without comment) was subject of conversation. The thought was that posting certificates for consent agenda approval could trigger abutter notice and provide people with some idea of what is going on in their neighborhood. It was noted that, at one time, the Town posted all building permits. While discussed extensively, no action was taken on any specific recommendations.

Discussion turned to the tent & event checklist suggested as a possible website item by the Planning Department. A copy of the checklist is attached to these minutes. Councilman Pelletier asked that the checklist include guidance regarding entertainment permits issued by the Clerk and Town Council.

There was a brief conversation regarding the use of farm land for weddings, and the general ability of the Town to enforce various Farm Program guidelines.

The meeting concluded with a discussion of Onsite Wastewater Treatment System regulations and necessary permits. There was conversation regarding the approach taken by the Building Official, and whether he should be checking to be sure OWTS permits are in place before issuing building permits. The committee was advised by a member of the audience to review septic system requirements in Jamestown, New Shoreham and other South County communities that have regulations above and beyond those put in place by the State of Rhode Island.

The Committee determined that its next meeting would be Thursday, September 17, 2015 at 6:30 PM at Town Hall.

At 8:15 PM Councilman Pelletier moved adjournment, seconded by the Chair, unanimous.