

# AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS  
180 HIGH STREET  
WAKEFIELD, RI

TUESDAY, AUGUST 13, 2013

**NOTE:** Individuals requesting interpreter services for the hearing impaired must call 792-9642 (TDD) or 789-9331 seventy-two (72) hours in advance of the meeting date.

DATE POSTED: 8/8/2013

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- 1. A. **WORK SESSION – 6:45 PM**  
All items listed on Town Council agenda are subject to discussion.

- B. **REGULAR SESSION – 7:30 PM**

- 2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

- 3. **ROLL CALL**

- 4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

- A. **Work Session – July 22, 2013**

- B. **Regular Session – July 22, 2013**

- C. **Closed Executive Session – July 22, 2013**

- 5. **CONSENT AGENDA**

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- I. Rule 10A. for the conduct of the meetings of the South Kingstown Town Council for the Term 2012 through 2014: Members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment, once, for a period of five minutes, or longer at the discretion of the President, and at other times when invited to do so by the President. The public shall address their comments to the question under debate as indicated on the agenda. Pursuant to RI General Laws §42-46-6(b), public comment regarding subject matter not on the agenda but received during the public participation portion of a meeting shall be for information purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.

- II. Rule 11: No item of business other than that of adjournment may be brought before the Town Council at any meeting unless such an item is introduced before 11:00 PM; provided, however, that this rule may be suspended by an affirmative vote of a majority of members present.

- III. Rule 13: All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

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**6. LICENSES**

- (CA) A.** A resolution granting a Miscellaneous Permit to conduct the WKBC 5K Race/Walk on Saturday, September 21, 2013 at 10 a.m. to the WEST KINGSTON BAPTIST CHURCH, 263 Waites Corner Road, West Kingston, RI 02892 subject to the execution of a hold harmless agreement indemnifying the Town, issuance of a Certificate of Insurance naming the Town as an additional insured in the amounts specified by the Risk Manager, and approval by the Traffic and Transportation Review Committee. Proceeds to benefit the Providence Rescue Mission. Application by Pastor Keith Mlyniec, 277 Waites Corner Road, West Kingston, RI 02892; Renewal.

**7. PUBLIC HEARINGS**

- A.** A Public Hearing relative to proposed amendments to the Town Code that would replace Chapter 21 Floodplain Management in its entirety to comply with the Federal Emergency Management Agency's new Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM), as shown on Exhibit 1 attached hereto.
- B.** A Public Hearing relative to the filing of an application for the Small Cities Community Development Block Grant (CDBG) funds allocated for Hurricane Sandy Disaster Recovery. This grant program has been made available for the purpose of undertaking recovery or mitigation activities related to Hurricane Sandy that meet one or more of the following three named national objectives:
1. Urgent needs.
  2. Prevention/elimination of slums or blight.
  3. Activities benefiting low/moderate income persons.

**8. COMMUNICATIONS**

- (CA) A.** A communication dated July 22, 2013 from Jean Johnson expressing her appreciation of the Town's Affordable Housing Collaborative Committee and indicating she does not wish to be considered for reappointment to that committee is received and placed on file. (7/25/2013 Interim, Item C.)

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- B. A communication dated August 6, 2013 from Jon and Gerralyn Perry relative to adopting an amendment to the Town Code similar to other municipal noise ordinances that specify “other animals” rather than just dogs is received, placed on file, and the Town Council further directs \_\_\_\_\_ . (8/8/2013 Miscellaneous, Item II D.)
  
- (CA) C. Any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

**9. COMMENTS FROM INTERESTED CITIZENS**

**10. TOWN MANAGER’S REPORT**

**11. TOWN SOLICITOR’S REPORT**

**12. APPOINTMENTS**

- A. A resolution appointing \_\_\_\_\_ to the \_\_\_\_\_ Board/Committee/Commission for a term to expire in \_\_\_\_\_. (See Attachment A for Boards and Commissions Appointments Report)

**13. NEW BUSINESS**

- A. A resolution affirming a proclamation presented on August 11, 2013 to Colin Graham Murphy for attaining the Eagle Scout Award, as follows:

**COLIN GRAHAM MURPHY**

**WHEREAS, COLIN GRAHAM MURPHY** is a graduate of Bishop Hendricken High School who will attend George Washington University in the fall and plans on pursuing international studies. He is a member of Troop #1 in Kingston and has devoted his time and his energy to complete the requirements of and participate in such a worthwhile organization as the Boy Scouts of America, and

**WHEREAS, for COLIN'S** final Eagle Project he built and installed a "sensory trail", with generous donations from Arnold's Lumber and Damon's Hardware, at the Fisherville Brook wildlife refuge in Exeter, Rhode Island, and

**WHEREAS, COLIN'S** project was designed to benefit school, camp and scout groups who visit the Audubon refuge and want to explore the use of their senses other than sight. It consisted of a trail of twelve wooden boxes set on posts that were connected by a guide rope. Each box contained an object to feel, smell, hear or taste and a clue for the activity leader to read to the participant. The trail can be used by visually impaired children, or sighted children using a blindfold, and

**WHEREAS, he** has attained the highest, most prestigious award in Boy Scouting, the Eagle Scout Award, bringing pride to himself and honor to Troop #1 Kingston, his family, and to his community; may this be a prelude of his future dedication to a purpose and service, until he accomplishes the goal he is seeking.

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

- (CA) B.** A resolution adopting a proclamation in honor of the 80<sup>th</sup> Anniversary of the Theatre By The Sea on August 7, 2013, as follows:

**THEATRE BY THE SEA**

**WHEREAS**, the **THEATRE BY THE SEA**, one of the few remaining old barn theatres in the country which has provided opportunities for hundreds of young aspiring actors, actresses and theatre technicians and greatly enhanced culture in the Town of South Kingstown and the State of Rhode Island, is celebrating its 80<sup>th</sup> Anniversary, and

**WHEREAS**, the **THEATRE BY THE SEA** has presented outstanding productions throughout its history starring such talents as Marlon Brando, Carol Channing, Jackie Gleason, Art Carney, Gig Young, Bea Lillie, Groucho Marx, Walter Matthau, Burgess Meredith, Mae West and Barbara Eden, and

**WHEREAS**, this 220 year old barn, converted to a theatre in 1933 has gone through some bad times such as losing its roof in the 1954 hurricane, not being used for several years because of a decrease in interest in barn theatres, and also the danger of being razed for residential construction, was included in the National Register of Historic Places in 1980 through the efforts of Tommy Brent who ran the theatre for twenty-two seasons, when FourQuest Entertainment, consisting of Laura Harris, Renny Serre and Richard Erikson came on board, doing extensive renovation and continuing to produce high quality summer theatre until 2003, and

**WHEREAS**, the curtain went down and the theatre was dark until 2007, when entrepreneur Bill Hanney purchased the property where he continues the outstanding producing legacy **THEATRE BY THE SEA** has been known for throughout its history.

**NOW THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend congratulations to the **THEATRE BY THE SEA** on its eightieth year operating as a summer theatre in the Town and wish Bill Hanney and his management team success in their future endeavors.

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- (CA) C.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to proposed amendments to the Town Code, as follows:

Chapter 12 Offenses and Miscellaneous Provisions

Section 12-11. Public consumption prohibited; possession by persons under twenty-one years of age prohibited.

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ADD:

The possession of an open container of alcohol by any person will be considered prima facie evidence that the alcohol is being consumed in violation of this ordinance. The penalty for any violation is a fine of \$50.00.

- (CA) D.** A resolution that a Civil Action filed in Washington County Superior Court by Christopher E. Fay, Esquire on behalf of his client, Griselda Nunez relative to an incident that occurred on or about September 30, 2010 is referred to the Town Solicitor and the Town's insurance carrier.
- (CA) E.** A resolution that a claim filed by Michael P. Lynch, Esquire on behalf of his client, Anna Marie Davis relative to an incident that occurred on or about June 9, 2013 is referred to the Town Solicitor and the Town's insurance carrier.
- F.** A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$12,346.26, as shown on Tax Abatement Request No. 494.
- G.** A resolution authorizing the Town Manager to execute individual Payment in Lieu of Tax (PILOT) Agreements for FY2013-2014 with The South Kingstown Land Trust, Welcome House of South County and The Jewish Children's Home of Rhode Island (Camp JORI) in accordance with the Town Code, Chapter 17 Taxation, Article IV. Property Tax Exemptions and Payment in Lieu of Tax Agreements for Charitable Organizations, Section 17-45. Authorization; and to affirm the guidelines described in a memorandum from the Town Manager to the Town Council dated August 5, 2013 and entitled: "PILOT Program FY 2013-2014."

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- H. A resolution authorizing an award of bid to R.I. Analytical Laboratories, 41 Illinois Avenue, Warwick, RI 02888 for analytical laboratory testing services in a total annual amount not to exceed \$14,234, including a \$3,000 contingency; and as further described in a memorandum from the Public Services Director to the Town Manager dated August 5, 2013 and entitled “Bid Recommendation – Analytical Laboratory Testing Services; Bid Reference #SK0003WO.”
  
- I. A resolution authorizing the amendment of an award to bid originally granted on June 24, 2013 to D’Ambra Construction Co., Inc., 800 Jefferson Boulevard, Warwick, RI 02887 for the Pavement Overlay Program from an amount not to exceed \$1,743,043, including a \$195,000 contingency, to an amount not to exceed \$1,837,429, with additional funding sources as follows: \$60,000 from the Public Works Improvement Fund and \$34,386 from the Water Enterprise Fund; and as further described in a memorandum from the Public Services Director to the Town Manager dated August 5, 2013 and entitled “Bid Recommendation Amendment – Pavement Overlay Program, Bid Reference Number: SK0010PS.”
  
- (CA) J. A resolution granting the joint petition of National Grid and Verizon for the use of the public ways named for the purposes stated in said petition, and that the work be done subject to the supervision of the Director of Public Services, as follows:  
  
To relocate Pole #15 and set a new pole (Pole # 0-50) on Gooseberry Road as described in Joint Petition #14541549, conditioned upon the removal of all existing double poles along the entire length of Gooseberry Road prior to new pole(s) placement; and any new double poles created as part of this request be removed within sixty (60) calendar days of new pole(s) placement, and subject to notification to the Town for municipal utility mark-out prior to pole setting. Said petition is further described in a memorandum from the Public Services Director to the Town Manager dated August 6, 2013 and entitled “National Grid Pole Setting Request – Gooseberry Road.”

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- (CA) K.** Any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --...  
“Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

**PROPOSED AMENDMENTS TO THE TOWN CODE**

**CHAPTER 21 FLOODPLAIN MANAGEMENT**

Delete existing regulations in their entirety, and replace with the following:

**Sec. 21-1 Statement of Purpose.**

The purpose of this ordinance is to ensure public safety; minimize hazards to persons and property from flooding, to protect watercourses from encroachment, and to maintain the capability of floodplains to retain and carry off floodwaters. The Town of South Kingstown elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

**Sect. 21-2. – Applicability.**

The Special Flood Hazard Areas are herein established as a floodplain overlay district. The District includes all special flood hazard areas within the Town of South Kingstown designated as Zone A, AE, AH, AO, A99, V, or VE on the Washington County Flood Insurance Rate Map (FIRM) and Digital FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Washington County FIRM that are wholly or partially within the Town of South Kingstown are panel numbers 44009C0090H, 44009C0093H, 44009C0094H, 44009C0178H, 44009C0179H, 44009C0180H, 44009C0185H, 44009C0186H, 44009C0187H, 44009C0191H, and 44009C201H dated October 19, 2010; and 44009C0114J, 44009C0184J, 44009C0188J, 44009C0189J, 44009C0192J, 44009C0193J, 44009C0194J, 44009C0202J, 44009C0203J, 44009C0204J, 44009C0211J, 44009C0282J, 44009C0301J, 44009C0302J and 44009C0306J dated October 16, 2013. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Washington County Flood Insurance Study (FIS) report dated October 16, 2013. The office of the Building Official is responsible for floodplain management. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and are on file with the Planning Department and Building Official.

**Section 21-3. Administrative provisions.**

- (a) *Permit required.* All proposed construction or other development within a special flood hazard area shall require a permit under this chapter. Even if the development within a special flood hazard area is not covered by a building or other approved permit application, a flood hazard development permit shall be

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required. The application for a flood hazard development permit shall be submitted to the building official and shall include:

- (1) The name and address of the applicant;
- (2) An address or a map indicating the location of the construction site;
- (3) A site plan showing location of existing and proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot;
- (4) A statement of the intended use of the structure;
- (5) A statement as to the type of sewage system proposed;
- (6) Specification of dimensions of the proposed structures;
- (7) The specific datum used for all elevations;
- (8) The elevation (in relation to mean sea level) of the lowest floor, including basement, and if the lowest floor is below grade on one or more sides, the elevation of the floor immediately above;
- (9) Base flood elevation data for all new, relocated or substantially improved structures;
- (10) The elevation (in relation to mean sea level) to which the structure will be floodproofed;
- (11) The description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

The National Flood Insurance Program Special Flood Hazard Area requires permits for all projects that meet the definition of development, not just “building” projects. Development projects include any filling, grading, excavation, mining, drilling, storage of materials, temporary stream crossings. If the construction or other development within a Special Flood Hazard Area is not covered by a building permit, all other non-structural activities shall be permitted by either the Rhode Island Coastal Resources Management Council and/or the Rhode Island Department of Environmental Management as applicable. Therefore if another State agency issues a permit, the local building official must have the opportunity for input and keep a copy of the respective permit in their files.

Prior to the issuance of a building or development permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by federal or state law. A permit fee (based on the cost of the construction) may be required to be paid to the Town of South Kingstown and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the code enforcement officer and/or board of appeals needs the assistance of a professional engineer. *Disclaimer of liability.* The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

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- (b) *Severability.* If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.
- (c) *Abrogation and Greater Restriction.* This ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall control.
- (d) *Enforcement.* The building official shall enforce all provisions as applicable in reference to RIGL § 23-27.3-108.1 and Sec. 1-9 of the Town Code.
- (e) *Penalties.* Every person who shall violate any provision of this code shall be subject to penalties put forth in RIGL § 23-27.3-122.3.

### **Sec. 21-4. – Notification of watercourse alteration.**

In a riverine situation, the Building Official shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator  
Rhode Island Emergency Management Agency  
645 New London Avenue  
Cranston, RI 02920
- Risk Analysis Branch  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

The carrying capacity of the altered or relocated watercourse shall be maintained.

### **Sec. 21-5. – Use regulations.**

- (a) *Reference to existing regulations.* The Special Flood Hazard Areas are established as a floodplain overlay district. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:
  - Rhode Island State Building Code (As established under Rhode Island General Law § 23-27.3);
  - Coastal Resources Management Act, Rhode Island Coastal Resources Management Council (RIGL § 46-23)

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- Endangered Species Act, Rhode Island Department of Environmental Management (RIGL § 20-1-2)
- Freshwater Wetlands Act, Rhode Island Department of Environmental Management (RIGL § 2-1-18)
- Minimum Standards Related to Individual Sewage Disposal Systems, Rhode Island Department of Environmental Management (RIGL §, 5-56, 5-56.1, 23-19.15, 23-19.5, 23-24.3, 42-17.1, and 46-13.2)
- Water Quality Regulations, Rhode Island Department of Environmental Management (RIGL§ 42-17.1 and 42-17.6 and 46-12)

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(b) *Other use regulations.*

- 1) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- 2) Within Zones AO on the FIRM, new and substantially improved residential structures shall have the top of the lowest floor at least as high as the FIRM's depth number above the highest adjacent grade and non-residential structures shall be elevated or flood-proofed above the highest adjacent grade to at least as high as the depth number on the FIRM. On FIRMs without a depth number for the AO Zone, structures shall be elevated or floodproofed to at least two feet above the highest adjacent grade.
- 3) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Washington County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 4) All subdivision proposals must be designed to assure that:
  - a.) such proposals minimize flood damage;
  - b.) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  - c.) adequate drainage is provided to reduce exposure to flood hazards.
- 5) Detached accessory structures in Zones A, AE, A1-30, AO, and AH (i.e., garages, sheds) do not have to meet the elevation or dry flood-proofing requirement if the following standards are met:
  - a.) The structure has a value less than \$1,000.
  - b.) The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.
  - c.) The structure is not in the floodway.

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- d.) The structure is not used for storage of hazardous materials.
  - e.) The structure is used solely for parking of vehicles and/or limited storage.
  - f.) The accessory must be wet floodproofed and designed to allow for the automatic entry and exit of flood water.
  - g.) The accessory structure shall be firmly anchored to prevent flotation, collapse and lateral movement.
  - h.) Service facilities such as electrical, mechanical and heating equipment must be elevated or floodproofed to or above the base flood elevation.
  - i.) The structure must not increase the flood levels in the floodway.
- 6) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
  - 7) No person shall change from business/commercial to residential use of any structure or property located in the floodway of a Special Flood Hazard Area so as to result in a use or expansion that could increase the risk to the occupants.
  - 8) The space below the lowest floor:
    - a.) Free of obstructions as described in FEMA Technical Bulletin 5 "Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Area in Accordance with the National Flood Insurance Program", or
    - b.) Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
    - c.) Designed with an enclosed area less than 300 square feet that is constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
- (c) *Base flood elevation and floodway data.*
- 1) *Floodway data.* In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - 2) *Base flood elevation data.* Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or 5 acres, whichever is the lesser, within unnumbered A zones.
  - 3) *Base flood elevations in A zones.* In the absence of FEMA BFE data and floodway data, the best available Federal, State, local, or other BFE or floodway data shall be used as the basis for elevating residential and non-residential structures to or above the base flood level and for floodproofing non-residential structures to or above the base flood level.

**Sec. 21-6. – Definitions.**

Unless specifically defined below, words and phrases used in this ordinance pertain to floodplain management, have the same meaning as they have in common usage and give this ordinance its most reasonable application.

*Accessory structure* – A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

*Area of shallow flooding* - A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of Special Flood Hazard* – see definition for “Special Flood Hazard Area”.

*Base Flood* – The flood having a one (1) percent chance of being equaled or exceeded in any given year.

*Base Flood Elevation (BFE)* – The elevation of the crest of the base flood or 100-year flood. The height, as established in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

*Basement* – Any area of a building having its floor subgrade (below ground level) on all sides.

*Building* – See definition for “Structure”.

*Coastal A zone* – Area within a special flood hazard area, landward of a V Zone or landward of an open coast without mapped V Zones. The principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave heights shall be greater than or equal to 1.5 feet.

*Cost* – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall *include*, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures,

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including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, costs to correct code violations subsequent to a violation notice, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

*Development* – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Existing manufactured home park or manufactured home subdivision* – A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or existing manufactured home subdivision* – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Federal Emergency Management Agency (FEMA)* - The federal agency that administers the National Flood Insurance Program (NFIP).

*Flood or flooding* – A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

*Flood Insurance Rate Map (FIRM)* – The official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

*Flood Insurance Study (FIS)* – The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide

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both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

*Flood proofing* – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway* – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

*Freeboard* – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

*Functionally dependent use or facility* – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities.

*Highest Adjacent Grade (HAG)* – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic Structure* – Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

*Limit of Moderate Wave Action (LiMWA)* – An advisory line indicating the limit of the 1.5-foot wave height during the base flood.

## **Exhibit 1**

*Lowest floor* – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; *Provided*, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 60.3.

*Manufactured home* – A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

*Manufactured home park or manufactured home subdivision* – A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

*Market value* – Market value is the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's Actual Cash Value.

*New Construction* – Structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or manufactured home subdivision* – A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by the community.

*Recreational vehicle* – A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

*Regulatory floodway* – See definition for “Floodway”.

*Sheet flow area* – See definition for “Area of Shallow Flooding”.

## **Exhibit 1**

*Special Flood Hazard Area (SFHA)* – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30 ,AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

*Start of construction* – For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* – For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
2. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure, built on permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

For the latter purpose, “structure” does not mean recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

## **Exhibit 1**

*Substantial damage* – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* – Any reconstruction, rehabilitation, addition or other improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include:

1. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of the “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

*Variance* – A grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

*Violation* – Failure of a structure or other development to be fully compliant with the community’s floodplain management ordinance. Construction or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**Boards and Commissions Appointments Report**

The following information reflects the status of those Town boards, commissions and committees which have vacancies, members whose terms are expiring and are eligible for reappointment, and/or applications filed for consideration of appointment. The Town Council may make appointments at any meeting.

**Affordable Housing Collaborative Committee (7 members/3 year term)**

Vacancy: one term expires August 2013 (John Virgilio resigned July 2011)

Applicants: Patrick S. Jones (applied 11/15/2012; interviewed 12/10/2012); Kenneth John Burke (applied 8/5/2013)

Reappointments for terms expiring August 2013: Cheryl Hartnett wishes to be reappointed; Jean Johnson does not wish to be reappointed; awaiting response from John Taylor Ellis. It is reported that Ms. Hartnett attended 19 and Mr. Ellis attended 21 of 22 meetings held during the current term.

**Board of Trustees of the South Kingstown Library (7 members/3 year term)**

No vacancies

Applicants: Jeffrey J. Mead (applied 8/27/2012; interviewed 9/10/2012); Betty J. Cotter (applied 3/13/2013; interviewed 4/22/2013)

**Conservation Commission (7 members/3 year term)**

Two vacancies: one term expires September 2013, one term expires September 2015 (Paul Johnson did not wish to be reappointed; Jeanne Wettlaufer resigned Feb. 2013)

Applicants: Lucille M. Dickinson (applied 11/1/2012; did not attend interview 7/8/2013); Andrew Martinez (applied 7/26/2013); Timothy A. Ulmschneider (applied 7/29/2013)

Reappointments for terms expiring September 2013: Dorian Boardman and Peter Duhamel wish to be reappointed. It is reported that Ms. Boardman attended 26 and Mr. Duhamel attended 25 of 29 meetings held during the current term.

**Economic Development Committee (11 members/3 year term)**

Five vacancies: 2 terms expire March 2014, 3 terms expire March 2016 (Alexander Mohr resigned October 2008; Teresa Tanzi resigned December 2010; Deedra Durocher and Robert Kermes resigned December 2011; Dennis Moffitt was not reappointed)

Applicants: Roland J. Fiore (applied 8/2/2013); Kenneth John Burke (applied 8/5/2013)

**Historic District Commission (7 members/3 year term)**

Three vacancies: one term expires December 2013, one term expires December 2014, one term expires December 2015 (William Sheffield deceased June 2013; Eric Creamer resigned January 2012; Lois Hamblet did not wish to be reappointed)

Applicant: Karen M. daSilva (applied 8/6/2013)

## Attachment A

### **Partnership for Prevention (7 members/3 year term)**

One member vacancy: term expires June 2015; one Ex-Officio Law Enforcement vacancy (Captain Allen resigned); two Ex-Officio student vacancies  
Reappointment for term expired June 2013: awaiting response from Celeste Corcoran.

### **Planning Board (7 members/3 year term)**

No vacancies  
Applicant: Frank H. Heppner (applied 5/10/2013)

### **Recreation Commission (5 members/3 year term)**

No vacancies  
Applicant: Andrew Martinez (applied 7/26/2013)

### **Route 138 Reconstruction Project Area Committee (11 members/2 year term)**

Four vacancies: one term expires May 2015 (William Sheffield deceased June 2013)  
three terms expire May 2015 (Randall Carnahan was not reappointed; Nevan Hanumara and Joseph Paolino did not wish to be reappointed)  
Applicant: Susan E. Spranger Axelrod (applied 6/10/2013; interviewed 7/22/2013)

### **Trustees of the South Kingstown School Funds (5 members/5 year term)**

Vacancy: one term expires June 2018 (Claire Wilcox moved out of state)

### **Waterfront Advisory Commission (7 members/3 year term)**

Vacancy: one term expires June 2016 (Anne E. Heffron did not wish to be reappointed)  
Applicants: Timothy A. Ulmschneider (applied 7/29/2013); Timothy P. O'Neill (applied 8/2/2013)

### **Zoning Board of Review (5 members/2 alternates/3 year term)**

No vacancies  
Applicant: Jeffrey J. Mead (applied 8/27/2012; interviewed 9/10/2012)