

**TOWN OF CHARLESTOWN
WASTEWATER MANAGEMENT COMMISSION
4540 South County Trail
Charlestown, RI 02813**

**Minutes of Regular Meeting
Wednesday, April 9, 2014**

1. **CALL TO ORDER:** Mr. Ferrio called the meeting to order at 6:00 pm.

2. **ROLL CALL:**

Present: Commissioners Mr. Tom Ferrio, Ms. Barbara Lutzel, Ms. Elizabeth Richardson, Mr. Robert Frost

Absent: Commissioner Mr. Pete Ogle

Also Present: Solicitor Wyatt Brochu, Wastewater Manager Matthew Dowling, Recording Secretary Bonnie Langlois

Motion made by Ms. Richardson to move Item #6a to here in meeting. Motion approved, all in favor.

3. **REVIEW AND APPROVAL OF MINUTES:**

Motion made by Ms. Richardson to approve March 7, 2014 DRAFT Special Meeting minutes with stated modifications. Mr. Ferrio seconded the motion. March 7, 2014 Special Meeting minutes approved. All in favor.

Motion made by Ms. Richardson to approve March 12, 2014 DRAFT Minutes of Regular Meeting with modifications if such are brought forth. Ms. Lutzel seconded the motion. March 12, 2014 minutes of Regular Meeting approved. All in favor.

Motion made by Ms. Richardson to approve March 20, 2014 DRAFT Special Meeting minutes with modifications if such are brought forth. Ms. Lutzel seconded the motion. March 20, 2014 Special Meeting minutes approved. All in favor.

4. **COMMUNICATIONS AND REPORTS:**

(a) Solicitor's Report: One matter pending in Washington County Superior Court is an appeal of a Municipal Court decision regarding a failed system and failure to replace the cesspool. (McCabe) The defendant was found in violation of the two charges and the defendant appealed to Superior Court. That matter is scheduled for trial on April 24, 2014. The court did indicate to the defendant that he may want to consider going back to Municipal Court to resolve this. The Wastewater Management Office offered the defendant a hardship waiver hearing before the Wastewater Management Commission. Mr. Brochu stated that he offered the property owner the opportunity to come back to Municipal Court and enter into a consent order with a timeline for him to replace his system and for the court to reconsider the fines imposed. The defendant decided not to pursue this and instead has chosen a trial in Superior Court. Mr. Brochu will update the commission next month on what happens at the trial.

Regarding hearings and standards of review, open meetings and the publishing of the agenda, Mr. Brochu wanted to comment on this for the members of the commission to keep in mind that they are also bound by the ethics rules dealing with conflicts of interest, ruling on matters that they may have a

personal conflict with, whether financial, family members, or some other consideration, and to just let Mr. Brochu know if the members could benefit from any instructional workshop on this.

(b) **Wastewater Management Office – Matt Dowling**: See attached report

5. OLD BUSINESS:

(a) **Review, discussion and potential action pertaining to the siting of on-site wastewater treatment systems relating to the Planning Commission’s proposed Zoning Ordinance revisions.**

Mr. Dowling stated that all the information has been provided to Lorraine Joubert and she has been crunching GIS data for the last month. Mr. Dowling has not heard anything from her office, which probably means she is very busy. Ms. Richardson asked Mr. Dowling if he would have any time to work on re-writing the Wastewater Ordinance. Mr. Ferrio asked if Mr. Dowling could send to the commission members the proposed Wastewater Ordinance revisions thus far and to put this item on the agenda for next month for discussion. Mr. Ferrio stated that he would also like to have on the agenda for next month, a discussion of adjacent spaces in town government, for example water quality, where there are areas of town interest that do not have a commission or any assigned staff, except informally, doing anything about it. Mr. Ferrio thinks this may be important for the Town Council to understand.

(b) **Discussion and potential action relating to implementation of Office of Wastewater Management program for collection and analysis of potable groundwater relating to bacteria and nutrients and OWTS in the Salt Ponds Area.**

No new information has been obtained regarding this for this month. Mr. Dowling will get the financial information regarding this budget line item and Mr. Ferrio will try to get some names of residents who would like to participate. (Five Seasons target area).

6. NEW BUSINESS:

(a) **Cesspool Temporary Hardship Waiver EXTENSION Application Hearing – West Beach Road, LLC – Lisa Urso, 23 West Beach Road, AP 04-069, Zone 3 (May 2013) #CWZ3-13-005.**

Ms. Lisa Urso was present for the hearing. RIDEM application for alteration has been obtained by the applicant and approved by RIDEM and the property continues to be unoccupied and the water shut off. Plans to redesign the dwelling are being prepared and will be presented to CRMC this summer. The applicant has applied for a waiver for additional time to complete permitting and design and to implement the construction activities. Ms. Richardson asked if the cesspool has been pumped during the past year. Mr. Dowling stated that it was pumped and inspected last year and that he has not required it to be done again because the property has been unoccupied.

Ms. Urso was sworn in by Solicitor Brochu. She stated that the house is not occupied and she has no intention of living there at least for a year, maybe two. She is not renting it out and she is not letting anyone stay there. She is requesting a year extension to replace the cesspool. She hopes to start building soon, contingent on selling her other house.

The Wastewater Management Commission, hearing the applicant’s testimony, and the report of the Onsite Wastewater Manager, in the application for an extension of the Temporary Hardship Waiver granted April 17, 2013 for replacement of the cesspool at subject address makes the following findings:

(a) the property contains a single family dwelling

(b) the property utilizes a cesspool to manage wastewater from the applicant’s dwelling

(c) the cesspool is located in Zone 3 of the Charlestown Cesspool Phase-Out Prioritization Overlay and is required by Town Ordinance to be removed and replaced with an Onsite Wastewater Treatment System (OWTS) suitable for the Wastewater Management District by June 1, 2013.

(d) the property was granted a 12 month temporary hardship waiver at the April 17, 2013 meeting of the Charlestown Wastewater Management Commission. Town records indicate the cesspool was last pumped and inspected in March 2013 and that the dwelling has not been occupied since the original Hardship Waiver was granted.

(g) the owner presented her hardship case based on plans to substantially remodel and expand the existing dwelling, design a new wastewater treatment system in conjunction with that construction, leaving the dwelling unoccupied until that construction is completed.

The Wastewater Management Commission makes the following determination in this case:

(a) the owner has demonstrated an undue hardship

(b) the hardship is undue because the owner does not plan to occupy the dwelling until reconstruction is complete and the new wastewater system installed now will not be used until the reconstruction is complete

(c) the Wastewater Management Commission grants the extension request for one additional year until two years from the required replacement date or June 1, 2015

(d) the Wastewater Management Commission directs the Charlestown On-site wastewater manager to periodically inspect the subject property to confirm non-occupation. Evidence of use of the cesspool on the property will immediately terminate this waiver. If the cesspool remains after June 1, 2015 or the conditions of this waiver are not met, a Notice of Violation will be issued and the matter will be addressed through the Charlestown Municipal Court

(e) Carry over previous conditions from waiver granted April 17, 2013

(f) This waiver is applicable exclusively to the West Beach Farm LLC for the property located at 23 West Beach Road pursuant to the demonstrated undue hardship, is non-transferable and does not run with the land.

This motion made by Mr. Ferrio, seconded by Ms. Richardson. No discussion. All in favor. VOTE: Mr. Ferrio – aye, Mr. Frost – aye, Ms. Richardson – aye, Ms. Lutzel – aye. Motion passed with four (4) concurring votes.

(b) Election of Officers

Motion made by Ms. Richardson to put off 6b until the May meeting, table this item until May. Ms. Lutzel seconded the motion. All in favor. VOTE: Mr. Ferrio – aye, Mr. Frost – aye, Ms. Lutzel – aye, Ms. Richardson. Motion passed with four (4) concurring votes.

7. PUBLIC COMMENTS:

8. ADJOURNMENT: Ms. Richardson made a motion to adjourn, seconded by Ms. Lutzel. Meeting adjourned at 7:14 pm.

