

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

**Minutes of Regular Meeting  
Wednesday, June 11, 2014**

Note: (Meeting was held at the Charlestown Police Station, Old Post Road, Charlestown, RI. 02813)

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

2. **ROLL CALL:**

Present: Commissioners Mr. Peter Ogle, Ms. Barbara Lutzel, Ms. Elizabeth Richardson. Mr. Bob Frost arrived at 6:03 pm. Mr. Tom Ferrio was absent from the meeting.

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

Ms. Richardson made a motion to move items 6a and 6b to here in the meeting. Mr. Ogle seconded this motion. VOTE: Mr. Ogle – aye, Mr. Frost – aye, Ms. Lutzel – aye, Ms. Richardson – aye.

The motion passed with four (4) concurring votes.

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

Minutes were reviewed and approved as written. VOTE: Mr. Ogle – aye, Ms. Lutzel – aye, Ms. Richardson – aye, Mr. Frost – aye. All in favor. The motion passed with four (4) concurring votes.

4. **COMMUNICATIONS AND REPORTS:**

(a) **Solicitor's Report:** Discussion ensued regarding prosecuting cases in Municipal Court. Mr. Brochu explained his position in the enforcement process and how he and Mr. Dowling are able to prioritize the cases, and use their discretion in looking at the properties that pose the most threat. Mr. Brochu updated the commission members on the McCabe case, stating that a judgment was issued on May 23, 2014 in favor of the Town. Mr. McCabe is now being fined by Superior Court, one hundred dollars per day. Mr. Brochu explained to the commission that he and Mr. Dowling have been discussing a simpler, easier way to process the court cases, particularly those that involve outstanding septic inspections, since most of the defendants have the septic inspections completed prior to their court date. Mr. Brochu wants to streamline the process so that more notices can go out, with less paperwork involved, and more properties can come into compliance. He stated that he wants to be fair about it and at the same time have a (monetary) fine level that the administration feels comfortable with. This process will be ongoing as the Municipal Court process unfolds.

(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.** No word on this. Mr. Ogle stated that he will contact Marie Esten, who is filling in for Lorraine Joubert while Lorraine is on vacation.

## **6. NEW BUSINESS:**

**(a) Cesspool Temporary Hardship Waiver Application Hearing – HAMMOND CINDY R, 335 ROSS HILL ROAD, Zone 5 (May 2014) WAIVER REQUEST # CWZ5-14-03** Mr. Dowling read the applicant's waiver request out loud. The applicant was present for the meeting and was sworn in by Mr. Brochu, the Town Solicitor. Magan Hammond, Ms. Hammond's daughter-in-law presented the information to the commission.

The findings of the Wastewater Management Commission are as follows:

- The property contains a single family dwelling with five people living in it.
- The property utilizes a cesspool which is out of compliance with the Town ordinance.
- The cesspool is located in Zone 5 of the Charlestown Cesspool Phase-out Overlay District and should have been replaced by May 31, 2014.
- Recent records indicate that the cesspool was last pumped on June 11, 2014 and is currently in compliance.
- The applicant presented the hardship waiver application based on a financial hardship and a review of the financial records indicates that the applicants *do* meet the HUD guidelines for low income.
- The Wastewater Management Commission has determined that the owner has demonstrated an undue hardship.

Ms. Richardson made a motion to grant the Temporary Hardship Waiver for one and one half (1½) years due to demonstration of undue financial hardship. The waiver is applicable exclusively to the applicant, is not transferable and does not run with the land. Mr. Ogle added that because the lot is quite large, it does not present a health hazard to the neighbors. The records indicate that the cesspool is not overflowing and does not appear to be an imminent health hazard. The applicant will have to pump the cesspool in one year per the ordinance. This motion was seconded by Mr. Frost. VOTE: Mr. Ogle – aye, Mr. Frost – aye, Ms. Lutzel – aye, Ms. Richardson – aye. The motion passed with four (4) concurring votes.

**(b) Cesspool Temporary hardship Waiver Application Hearing – DURFEE, CARL F SR + ELIZABETH M, 114 OLD SHANNOCK ROAD, Zone 5 (May 2014) WAIVER REQUEST #CWZ5-14-04** Mr. Dowling read the applicant's waiver request out loud. The applicant was present for the meeting and was sworn in by Mr. Brochu, the Town Solicitor. Elizabeth Durfee presented the information to the commission.

The findings of the Wastewater Management Commission are as follows:

- The property contains a single family dwelling that is owned by the applicant.
- The property utilizes a cesspool to manage the wastewater.
- The cesspool is located in Zone 5 of the Charlestown Cesspool Phase-out Overlay District and should have been replaced by May 31, 2014.
- Records indicate that the cesspool was last pumped and inspected in October 2013 and is currently in compliance.
- The applicant has presented the hardship waiver application based on financial hardship and health issues and a review of the financial records indicates that the applicants *do* meet the HUD guidelines for low income.

- The Wastewater Management Commission has determined that the owner has demonstrated an undue hardship based on the homeowner's extremely limited financial resources and health issues.

Ms. Richardson made a motion to grant the Temporary Hardship Waiver for three (3) years due to the homeowner's extremely limited financial resources and health issues. The waiver is applicable exclusively to the applicant, is not transferable and does not run with the land. The applicant will be required to stay in compliance with regard to inspections and annual pumping of the cesspool. The applicant should work with Mr. Dowling to learn how the low interest loan process works and come up with a plan for remedying the situation. This motion was seconded by Ms. Lutzel. VOTE: Mr. Ogle – aye, Mr. Frost – aye, Ms. Lutzel – aye, Ms. Richardson – aye. All in favor. The motion passed with four (4) concurring votes.

**(c) Discussion relating to Required Point of Sale OWTS Inspections (Frost)**

Mr. Frost stated that there are people who have not been authorized as inspectors doing inspections and submitting Point of Sale inspections. Mr. Frost explained that an approved septic inspector has taken the course at URI and is certified as an inspector. He went on to explain the Point of Sale inspection process. Mr. Dowling explained his understanding of the flow test process. Mr. Dowling stated that he sent out a letter to the Kent Washington Association of Realtors regarding the Point of Sale Septic System Inspection Requirements in April 2014 as an outreach tool.

**(d) Discussion relating to potential proposed ordinance revision to Charlestown Town Ordinance Chapter 210**

A "Special Meeting" was set for Wednesday, July 2, 2014 at 6:00 pm to discuss revisions to Ordinance Chapter 210.

**(e) Election of Officers**

Mr. Ogle nominated Mr. Ferrio for Commission Chairman. This nomination was seconded by Ms. Richardson. VOTE: Mr. Ogle – aye, Mr. Frost – aye, Ms. Lutzel – aye, Ms. Richardson – aye. All in favor. Mr. Ferrio is elected as Wastewater Management Commission Chairman. Mr. Frost nominated Ms. Richardson for Commission Vice Chairman. This nomination was seconded by Mr. Ogle. VOTE: Mr. Ogle – aye, Mr. Frost – aye, Ms. Lutzel – aye, Ms. Richardson – aye. All in favor. Ms. Richardson is elected as Wastewater Management Commission Vice Chairman.

7. **PUBLIC COMMENTS:** None

8. **ADJOURNMENT:** Motion made by Mr. Ogle to adjourn. Meeting adjourned at 7:45 pm.