

TOWN OF SOUTH KINGSTOWN CONSERVATION COMMISSION MINUTES

A regular meeting of the South Kingstown Conservation Commission was held on September 1, 2010 at 7:00 p.m. in the Town Council Chambers.

Boardman – present
Wettlaufer – present
Dickinson – present

Flanders – present
Gates – present

Johnson – present
Loomis – present

B. Approval of Minutes of August 4, 2010 Meeting

Flanders moved, Loomis seconded; motion carried: “To approve the minutes of August 4, 2010 as presented.”

VOTE: Flanders – aye Gates – aye Johnson – aye
 Loomis – abstain Dickinson – aye Wettlaufer – aye

Mr. Nickerson informed members that Laura Pointek, Town Recycling Coordinator, was in attendance as requested by the Commission at a prior meeting. He suggested the agenda be modified by moving item H. to the next order of business.

Flanders moved, Loomis seconded; motion carried: “To move item H. next on the agenda.”

VOTE: Wettlaufer – aye Dickinson – aye Gates – aye
 Johnson – aye Loomis – aye Flanders – aye

H. Other Matters / Comments

Ms. Laura Pointek, Town Recycling Coordinator, was present and discussed the Town Recycling Program as provided in the handout of a comprehensive power point.

Ms. Pointek noted that in 2008 the Town passed a mandatory separation of certain recyclable materials by residential users. She stated South Kingstown residents have the option of either bringing recyclables to the Rose Hill Transfer Station or having curb side collection by private haulers.

She noted all haulers must be properly licensed to operate in Town. At present there are four licensed haulers and two additional haulers have submitted applications to the Town for a license.

Ms. Pointek informed members that, records to date, indicate the Town has a 34% diversion rate which is higher than the 32% Statewide rate. She also noted that the average American generates four and a half pounds of waste per day.

Members discussed the benefits and shortcomings of the various recycling totes available for residents.

Ms. Pointek reviewed various on-going recycling programs including the Parks & Recreation Department and School Department efforts to recycle materials at various Town parks and facilities.

Ms. Pointek reviewed a list of typical household hazardous waste products and the proper disposal of those materials. Members were in agreement that the eco-depot program should be expanded to provide more opportunity for residents to get rid of hazardous waste.

Lengthy discussion ensued regarding recycling of plastics. Ms. Pointek informed members that, at present, RIRRC only accepts #1 and #2 bottles and jugs for recycling. She noted that the State facility does not recycle #3 through #7 plastics because there is not a private market for those products at this time.

C. Special Items

1. Zoning Ordinance Revisions (Section 504)

Mr. Nickerson provided a brief chronology of most recent reviews of the draft changes including vetting by the Conservation Commission, Planning Board and Planning Department staff.

Mr. Nickerson commented that recent revisions to the State OWTS regulations dated July 2010 detail the process by which a property owner may artificially lower the ground water table. The proposed amendments to Section 504 would prohibit such practices in South Kingstown. He has communicated with Special Legal Counsel regarding this apparent conflict. It is Ms. Letendre's opinion that the State regulations provide minimum standards. As such, the Town may incorporate more stringent standards in its regulations. Therefore the proposed prohibition on subsurface drains used to lower the ground water table in South Kingstown is valid and defensible.

Mr. Nickerson noted that Sections 504.K and L appear to be the most problematic for some board/commission members and/or staff. Mr. Loomis stated that he would not want to see both K and L removed from the Section 504 draft amendments. He is concerned that without either subsection K or L the Town would have no effective tool to address those wet lots and difficult sites, such as those the Commission has reviewed in the Biscuit City Rd. area of Kingston. He noted that at some point there has to be recognition that certain sites are not capable of supporting both a dwelling and OWTS, regardless of their assessed property value.

Mr. Loomis stated that he could give on the total allowable living area restriction, but is adamant that the maximum impervious lot coverage limitation be kept in the proposed amendments to Section 504.

Discussion ensued regarding whether subsection K or L would constitute a “taking”. Mr. Loomis noted that there is probably better scientific evidence available that supports the limitation on total allowable impervious cover.

Mr. Flanders noted that many Commission members feel the proposed 8% limit on impervious cover is preferred to a larger limit, say, 10% to 15%.

Mr. Johnson inquired as to whether any other Rhode Island communities have regulations that limit impervious cover area. Mr. Loomis stated that the Town of Jamestown has such a regulation and it has not been challenged in court.

Members directed the Principal Planner to research the Jamestown regulations and forward that information to the Commission.

Mr. Nickerson will also contact Special Legal Counsel regarding tonight’s discussion concerning items K and L.

There was a consensus of the Commission that the proposed revisions need additional work but that the amendments represent an improvement of the existing regulations. Most noteworthy being the addition of language that prohibits an applicant for a Special Use Permit from seeking dimensional setback relief from the Zoning Ordinance.

D. Renewable Energy Resources

There were no items.

E. Tree Board

There were no items.

F. Wastewater Management

There were no items.

G. Correspondence

The Principal Planner summarized the following correspondence: announcement of the NRICD and SRICD annual dinner meeting scheduled for September 9, 2010; an e-mail from Hope Lesson, dated 8/26/10 concerning Japanese stiltgrass colonies growing along town roadways; a DEM news lease of 8/20/10 regarding the upcoming Asian Longhorned

Beetle survey in Providence, and; a letter from Atty. Hogan to Jon Schock, dated July 30, 2010 providing an update of OWTS installation at Roy Carpenter's Beach.

I. Adjournment

Johnson moved, Flanders seconded; motion carried: "To Adjourn".

The meeting adjourned at 8:51 p.m.