

TOWN OF WESTERLY
COMPREHENSIVE PLAN CITIZENS' ADVISORY COMMITTEE

Regular Meeting – February 8, 2017 – 6:00 p.m.
Development Services Conference Room – Town Hall

A. 6:00 P.M. CALL TO ORDER

Members Present: Gail Mallard, Chair
Joseph T. MacAndrew, Vice Chair
Faith Bessette-Zito
Stuart Blackburn

Members Absent: James J. Federico, III
Gina T. Fuller (entered 6:10 p.m.)
Nancy N. Richmond (entered 6:00 p.m.)

Liaisons Present: Catherine DeNoia, Planning Board

Staff Present: Jason Parker, Town Planner
Benjamin Delaney, Recording Secretary

B. 6:00 P.M. APPROVAL OF MINUTES

A motion to approve the minutes of January 25, 2017 was made by Mr. MacAndrew and seconded by Ms. Bessette-Zito. By a unanimous vote, the motion was **CARRIED**.
(Ms. Richmond entered)

C. 6:00 P.M. DISCUSSION FUTURE MEETINGS

Mr. Parker noted a scheduling conflict on February 22, 2017 due to a special meeting of the Zoning Board of Review at 7:00 p.m.

The committee was in consensus to meet on February 22, 2017 from 5:30 p.m. to 6:55 p.m.

Ms. Mallard stated she would forward an email containing responses from Mason & Associates, Inc. to questions posed by the committee at its previous meeting.
(Ms. Fuller entered)

D. 6:09 P.M. DRAFT PLAN - REVIEW DISCUSSION

Appendix I – Natural Resources

4.3 Stressors

Ms. Mallard recommended "...by reducing the quality of pollutants that..." be revised as "...by reducing the quantity of pollutants that..."

Ms. Bessette-Zito recommended "Implementation of the... began in 2004." be revised.

Mr. Parker stated he would confirm whether the sentence should be updated or revised to say the process was ongoing with the Engineering Department.

The committee was in consensus to suspend its draft review and move forward public comment.

E. 6:12 P.M. PUBLIC COMMENT

Hatsy Moore, 32 Yosemite Valley Road, stated she had previously sent comments to Ms. Mallard and Ms. Fuller regarding Westerly State Airport. She noted the judge assigned to a legal case regarding Westerly State Airport would be ruling on February 15, 2017 whether to maintain a restraining order. She stated the 2010 Comprehensive Plan was the first local comprehensive plan to discuss the economic potential of the airport and questioned where the discussion and supporting information came from. She stated her concern regarding limited spaces between airport runways and surrounding structures and noted state law required the airport to conform with local zoning regulations. She provided an overview of the airport's history and stated her concerns regarding the effect of the Rhode Island Airport Corporation (RIAC)'s actions on public safety and property values.

Mr. Parker clarified for Ms. Moore the map generated for the proposed airport protection overlay district used geographic information system (GIS) data provided by RIAC.

Ms. Moore stated she did not believe the airport had the right to have precision instrument approaches and stated their removal would limit air traffic activity and aircraft types. She noted concerns about increased airport activity and its use of eminent domain. She also noted LifeStar emergency service flights no longer took place from Block Island State Airport to Westerly State Airport. She recommended the committee review and revise text regarding the airport and related zoning carefully. She noted the Town was currently seeking to establish an Airport Advisory Committee.

Ms. Fuller stated the Town had not addressed the airport and related zoning adequately in the past and noted the Town was limited to zoning around the airport. She stated the zoning surrounding the airport had not protected residents strongly enough.

Ms. Moore stated the only runway protection zone free from development was the runway which faced towards Winnapaug. She noted her concern regarding the 2010 Comprehensive Plan's and the draft plan's text regarding the relationship between the airport and economic development.

Mr. MacAndrew stated the intent of the relevant text included in the 2010 Comprehensive Plan was to take advantage of transport facilities as they existed and not to expand the airport. He noted the committee had not yet reviewed text on the airport included in the appendices and the committee appeared to be in consensus that text regarding the airport should not support its expansion.

Ms. Mallard noted for Mr. Parker the committee had obtained data on the airport.

Ms. Moore stated for Mr. Parker she believed data sourced from RIAC contained inaccuracies.

Ms. Richmond stated the airport data was provided by Quonset State Airport.

Ms. Mallard recommended the draft plan be revised to state the Town should maintain a continued effort to monitor the airport's use with available data.

Discussion was held regarding the Town's ability to monitor the airport's use.

Ms. Moore, upon request from Ms. Mallard, confirmed she would provide the committee with information she collected regarding the Town's ability to control airport activity.

(Ms. Moore exited at 6:41 p.m.)

Paula Ruisi, 3 Shepherds Run, stated her agreement with Ms. Moore's concerns. She stated there were several cases in which the Rhode Island Coastal Resources Management Council (CRMC) and Rhode Island Department of Environmental Management (RIDEM) were not addressing violations adequately and cited an example of a new homeowner recently tearing out thickets which was the

subject of a recently published letter in *The Westerly Sun*. She cited a separate example where a homeowner had improperly torn out phragmites with approval from CRMC. She noted the phragmites were located by a pond in Watch Hill and stated all ponds in Watch Hill were designated historic by a national trust.

Mr. Parker noted the Town had not established protections for historic resources.

Ms. Ruisi stated the Watch Hill Fire District did not have the right to limit what property owners were allowed to do to their property and noted three historic homes were recently demolished.

Ms. Mallard noted the 2010 Comprehensive Plan and draft plan contained text supporting the protection of natural resources. She stated the Comprehensive Plan could not prevent actions approved by RIDEM or CRMC.

Ms. Ruisi noted a legal case in which the City of Warwick successfully cited text in its Comprehensive Plan to prevent the Carpionato Group from developing a site.

Ms. Mallard noted any private citizen had the right to sue RIDEM or CRMC and could cite the Comprehensive Plan in their argument.

Mr. Parker questioned what mechanism(s) could be implemented or strengthened to better protect natural resources. He noted wetlands GIS data from a 1997 national inventory was poor and the Town could consider contracting with a vendor to generate a more accurate layer to support a policy for wetlands protection. He noted the Town could also consider establishing local historic districts and a historic district commission.

Mr. MacAndrew confirmed for Ms. Richmond phragmites were invasive species.

Ms. Fuller noted removing phragmites by tearing out was not the best method for removal.

Ms. Ruisi noted a previous owner had closed off saltwater ponds.

(Ms. Ruisi exited at 6:57 p.m.)

D. P.M. DRAFT PLAN - REVIEW DISCUSSION

Discussion was held regarding the possibility of seeking local regulations for historic preservation and how the draft plan should address historic preservation.

Mr. MacAndrew stated his belief a recent condominium development off of Shore Road should not have occurred.

Ms. Mallard stated her belief the Ocean House was an asset to the community.

Mr. MacAndrew stated his belief the Weekapaug Inn was an asset to the community.

Ms. Bessette-Zito noted Watch Hill was a historic district listed on the National Register of Historic Places (NRHP) and an overlay zoning district included specific requirements in support of historic preservation.

Mr. Parker stated historic preservation should be more prevalent in the Zoning Ordinance if historic preservation was a goal of the Comprehensive Plan.

Mr. MacAndrew recommended an action be inserted to prevent non-arbitrary increases in density through zoning.

Ms. Richmond noted the condominiums off of Shore Road were originally intended to be assisted living units.

Appendix I – Natural Resources

4.3 Stressors

Mr. Parker recommended “Details of stormwater... must be included.” be eliminated. He recommended an action be inserted to reference the Community Rating System (CRS). He noted for each class rating increase, residents would receive a five percent (5%) discount on their flood insurance. He stated his belief the community could receive a better class rating than its current Class 8.

Ms. Bessette-Zito, citing “These resources have... in October 2016,” questioned the status of the project.

Mr. Parker confirmed the project was not completed.

Ms. Mallard recommended “This project is... in October 2016.” be eliminated.

Ms. Fuller questioned if the total maximum daily load (TMDL) locations were accurate.

Mr. Parker noted the draft plan referenced the locations were included in the draft 2014 List of Impaired Waters.

Ms. Mallard recommended “...been awarded a NEWIPCC Grant to create a TMDL-IP and a new...” be clarified as “...been awarded a New England Interstate Water Pollution Control Commission (NEIWPCC) grant to create TMDL Implementation Plan (TMDL-IP) and a new...”

Discussion was held regarding whether the discussion of Chapman Pond was up-to-date.

4.3.1 Quality of Surface Waters

Ms. Mallard questioned how recently the Pawcatuck River and its tributaries were monitored.

Ms. DeNoia recalled the monitoring was conducted about two years ago.

Ms. Fuller questioned if the draft plan should note the Town was working to address fecal coliform and non-point source contamination of the Pawcatuck River.

Mr. Parker stated he would seek a specific assessment for reference with David Prescott, Save the Bay.

Mr. MacAndrew recommended “This blanket of... oysters and scallops.” be eliminated.

Mr. Parker recommended “...gives off a rotten-egg smell when exposed to...” be revised as “...gives off a foul odor when exposed to...”

Ms. Mallard recommended “...in a thick microalgal (sometimes referred to...” be revised as “...in a thick microalgal mat (sometimes referred to...”

Ms. Fuller, citing “The *Town of*... in the pond,” stated the water quality of Maschaug Pond is threatened by the abutting golf course.

Mr. MacAndrew recommended “However, there are... support this assessment.” be eliminated.

4.3.2 Quality of Groundwater

Mr. MacAndrew recommended “The Town of... White Rock Wells.” be revised to state there are six wells split between two fields off of White Rock Road.

Mr. Parker stated he would request the Utilities Division’s most recent report to ensure the draft plan reflected the report accurately.

Ms. Mallard recommended “...found 26 state LUST sites in the...” be revised as “...found 26 state leaking underground storage tank (LUST) sites in the...”

Mr. Parker noted the 26 sites experienced various levels of impact and most were likely cleaned up. He recommended an action be inserted into the draft plan to assess existing LUST sites located in

aquifer/wellhead protections area. He also recommended "Elevated levels of... in the system" be revised as "Elevated levels of... in the water supply area."

4.4.1 Watershed Level

Mr. Parker recommended other entities managing and protecting surface waters should be included if the draft plan cited the Rhode Island Rivers Council.

4.4.2 Coastal Waters and Salt Ponds

Ms. Fuller recommended an action be inserted for the Town to review and enforce the Salt Ponds Region Special Area Management Plan (SAMP).

Mr. Parker and noted the SAMP related to wetlands guidelines and stated for Ms. Mallard, who cited "The approved five-year... use regulatory review)," that the Zoning Ordinance included a Salt Pond Overlay District.

Ms. Mallard recommended "The approved five-year... use regulatory review)." be revised.

Mr. Parker stated he would verify the Salt Pond Overlay District was consistent with the SAMP.

Ms. Fuller noted local regulations could be more stringent than CRMC regulations.

4.5.1 Source Water Protection Strategies

Ms. Fuller, citing "The final... completed by Westerly." and "Westerly's ordinance does not include performance measures," recommended actions be inserted to address each.

Ms. Bessette-Zito noted the source of the Summary of Water Quality, Management and Protection by Resource table was not identified.

Ms. Fuller recommended the table be sourced from the most recent List of Impaired Waters.

Mr. MacAndrew questioned if the Potter Hill Mill retention pond should be included as a stressor on the Pawcatuck River.

Mr. Parker noted there was no pond at the Potter Hill Mill.

Mr. MacAndrew stated the former Bradford Dyeing Association sewage treatment facility was no longer active but was still a stressor on the Pawcatuck River.

4.6.1 Agriculture and Farmland Soils

Ms. Fuller noted the draft plan did not mention Bradford Preserve as the sole municipally-owned property containing prime farmland soils. She questioned if Silver Farm grew hay for Beriah Lewis Farm (North Stonington, Connecticut).

Ms. Mallard noted the Westerly Municipal Land Trust holds a conservation easement on Hillandale Farm. She recommended "Two of the... active farming use." be revised as "Three of the farms in Westerly, Everbreeze Farm, Hillandale Farm and Ocean Breeze Farm, are... A fourth area... in active farming use."

4.6.2 Aquaculture

Ms. Mallard questioned if the economic activity of local aquaculture was a significant enough to be considered important.

Mr. Blackburn recommended "Aquaculture is another important local economic activity." be

eliminated.

Ms. Fuller recommended “Westerly needs to... potential recreational losses.” be eliminated. She noted permits were issued by CRMC.

Ms. Mallard stated CRMC considered the findings and opinions of municipalities in its permit process.

4.6.3 Wetlands

Ms. Fuller recommended an action to accurately identify wetlands in the town be inserted into the draft plan.

F. 8:03 P.M. ADJOURNMENT

A motion to adjourn was made by Mr. MacAndrew and seconded by Ms. Bessette-Zito. By a unanimous vote, the motion was **CARRIED**.

Minutes for the February 8, 2017 regular meeting submitted by:

A handwritten signature in blue ink that reads "Benjamin Delaney". The signature is written in a cursive style and is positioned above the printed name.

Benjamin Delaney