

‘TOWN OF WESTERLY
COMPREHENSIVE PLAN CITIZENS’ ADVISORY COMMITTEE

Regular Meeting – February 22, 2017 – 5:30 p.m.
Development Services Conference Room – Town Hall

A. 5:30 P.M. CALL TO ORDER

Members Present: Gail Mallard, Chair
Joe MacAndrew, Vice Chair
Faith Bessette-Zito
Jim Federico
Nancy Richmond

Members Absent: Gina Fuller (entered 5:34 p.m.)
Stuart Blackburn

Liaisons Present: Catherine DeNoia, Planning Board

Staff Present: Jay Parker, Town Planner
Benjamin Delaney, Planning Associate

B. 5:30 P.M. APPROVAL OF MINUTES

A motion to approve the minutes of February 8, 2017 with the amendment that “...the Potter Hill Mill dam should be included...” be revised as “...the Potter Hill Mill retention pond should be included...” was made by Mr. MacAndrew and seconded by Ms. Richmond. By a unanimous vote, the motion was **CARRIED**.

C. 5:31 P.M. DISCUSSION – FUTURE MEETINGS

The committee was in consensus to schedule its next meeting on March 8, 2017 at 6:00 p.m.

D. 5:32 P.M. DISCUSSION – DRAFT REVIEW

Appendix I – Natural Resources

4.6.3 Wetlands

Mr. Parker stated, citing “Legislation to protect... levels of government,” that legislative protections for wetlands were predominantly at the federal and state levels of government following a recent change to state law.

Mr. MacAndrew, citing “Westerly does not... RIDEM [Rhode Island Department of Environmental Management] and CRMC [Rhode Island Coastal Resources Management Council],” questioned if an implementation action should be added to the draft Comprehensive Plan to support adopting local wetland regulations or requirements.

Mr. Parker stated a general action would be to develop policies and procedures to ensure relevant projects were reviewed by RIDEM.

Ms. Mallard recalled previous discussion on the matter and questioned if there was a comment citing a proposed implementation action.

(Ms. Fuller entered)

Ms. Bessette-Zito, citing "This RIDEM program... next five years," questioned the current status of the program.

Mr. Parker confirmed he would check the status of the program.

4.6.4 Buffer Zones

Mr. Parker confirmed he would review the draft text and state law to ensure consistency.

Ms. Mallard, citing "In September 2005... *and Assessment Plan*," noted the sentence was similar to "This RIDEM program... next five years."

Mr. Parker suggested "hopefully" be eliminated from "This RIDEM program... and shoreline buffers." He confirmed for Ms. Richmond coastal access and riparian access to the coast were separate matters.

Ms. DeNoia noted the following sentence referenced a five-year plan.

Ms. Mallard recommended "In September 2005... next five years" be eliminated.

Mr. Parker stated he would combine the two paragraphs.

Mr. MacAndrew stated "land conservation and acquisition" appeared to be a sub-bullet and should follow the bullet item "Private land owners the following programs:" on a separate line. He noted a similar case in the bullet item "Provide tax incentives... Open Space Act."

Ms. Mallard recommended "Private land owners... conservation and acquisition" be revised as "Private land owners... riparian areas through such programs as land conservation and acquisition." She noted a similar issue with conservation development strategies.

Mr. Parker stated for Ms. Fuller he would confirm what the Town's efforts had been in accomplishing the bulleted items.

Ms. DeNoia stated her understanding the program referenced was being continued through different methods.

Ms. Mallard questioned the implications of "Designation by municipalities... Open Space Act" and if an undeveloped lot adjacent to wetlands would be designated as open space.

Mr. Parker clarified 50 feet was a regulatory area and the riparian buffer corridor varied in width. He stated his understanding the text referred to undeveloped areas containing a portion of the riparian buffer corridor and the opportunities to designate them as open space.

Ms. Fuller questioned if the act also applied to private properties.

Mr. Parker clarified his understanding that if a riparian buffer corridor was designated, there would be a greater probability of protection if grant funding was available.

Ms. Mallard stated her expectation the costs incurred to find and designate all riparian buffers in the town would be cumbersome.

Mr. Parker stated his interpretation the riparian buffers would be designated through zoning.

Ms. Fuller stated identifying riparian buffers could be completed through a simple Geographic Information System (GIS) exercise and private properties could be offered protection through the Farm, Forest and Open Space Act. She noted protective covenants could be terminated by property owners after ten years.

Ms. Mallard stated there were few, if any, properties large enough to meet the criteria of a minimum five acres of land or ten acres, if designated as a farm. She stated her agreement with the aim

of designating riparian buffers and her belief existing state regulations and requirements were adequate protections.

Ms. Fuller stated her belief designating riparian buffers was a means for the municipality to ensure protection.

4.6.5 Terrestrial Habitat

Mr. MacAndrew recommended Bradford Preserve be added to “Forested conservation areas... Hill Management Area.” as the preserve was mostly forested.

Mr. Federico noted there were no restrictions on Bradford Preserve; the neighboring Lucey properties could only be used for passive recreation.

Ms. Fuller clarified for Mr. Federico that Riverwood was located off of Boy Scout Drive.

4.6.6 Coastal Features

Ms. Fuller clarified for Mr. MacAndrew the Shoreline Change Special Area Management Plan (SAMP) was a new SAMP developed after Hurricane Sandy and was now called the Beach SAMP.

Ms. Mallard stated the main topic of the section was to enumerate coastal features.

Ms. Fuller stated her understanding the SAMP was not yet completed.

Ms. Mallard recommended the text be revised to state the Beach SAMP was in development.

Mr. Federico stated for Mr. MacAndrew Dunes Park was located next to Seaside Beach Club.

Ms. Fuller stated her belief Dunes Park offered beach access by fee.

4.6.1 Rare Species and Unique Habitats

Mr. MacAndrew stated “... of Rhode Island’s globally rare (generally found at...” should be revised as “... of Rhode Island’s globally rare species (generally found at...”

4.6.6 Coastal Features

Ms. Richmond questioned if the paragraph “Sandy Point is... Weekapaug Fire District” should also cite Rhode Island Mobile Sportfishermen (RIMS).

Ms. Mallard clarified RIMS did not manage the land it owned by Quonochontaug Pond.

Mr. Parker noted RIMS controlled a gate which controlled access.

Ms. Fuller stated there was a right to public access through the area and the draft Comprehensive Plan should not state certain organizations had control over the area during certain times.

Mr. MacAndrew recommended the draft Comprehensive Plan should include a discussion on public right-of-ways.

Ms. Fuller questioned why Sand Trail was called Weekapaug Fire District Road on the Town’s online GIS. She also cited Shell Drive was a public right-of-way.

Ms. Mallard stated the right-of-way was accessible but there was no parking for automobiles.

Mr. MacAndrew stated the right-of-way was not accessible because of the absence of parking for automobiles. He stated, citing “These species include... of brook trout,” that bluefish was neither an anadromous nor a catadromous species. He suggested an implementation action be added that “The Town will support the Wood Pawcatuck Watershed Association’s efforts to designate the Pawcatuck

River as a national Wild and Scenic river.” He noted the river had not yet been designated and the Town had not been involved in the designation process to-date.

Ms. Fuller stated a presentation was made several years ago and noted her concern of the impacts of restrictions resulting from the designation on the downtown area.

Mr. MacAndrew stated the designation would allow millions of dollars in federal funding for improvements to the river and clarified not all portions of the river would be designated Wild and Scenic.

Ms. Mallard recommended support for the designation should also consider the possible impacts noted by Ms. Fuller.

Mr. MacAndrew confirmed for Ms. Fuller he would provide additional information on the designation when available.

4.6.7 Habitat Protection

Ms. Mallard, citing “Constructions of breachways... and flushing characteristics,” stated there would be no water flushing if there were no breachways.

Mr. Parker stated the build-up of sand restricted flushing, which was an altering of flushing characteristics.

Ms. Fuller recommended the sentence be revised as “Construction of breachways and lack of associated dredging... and flushing characteristics.”

Mr. Parker suggested the sentence be revised to include qualifying text.

Ms. Fuller noted additional breaches would exist if coastal roads were not maintained.

Mr. Parker suggested the sentence “The lack of routine dredging of these areas has caused the channels to fill.

Mr. MacAndrew noted Winnapaug Pond had breached during Hurricane Sandy across from Town Beach as it was the location where Winnapaug Pond was closest to the coastline and stated the pond would breach naturally if there was no constructed breachway due to the freshwater flow.

Ms. Fuller recommended an implementation action be added for the Town to continue pursuing dredging of the breachway.

Mr. MacAndrew stated the breachway needed to be maintained.

Ms. Mallard noted a sand flat occurring in Quonochontaug Pond could no longer be dredged as it was designated a wildlife habitat by RIDEM. She stated her support for an implementation action regarding the dredging of breachways to be added.

Appendix I – Infrastructure and Energy

Mr. MacAndrew recommended an implementation action be added regarding the Federal Railroad Administration’s Northeast Corridor (NEC) Future proposal.

Ms. Mallard clarified the NEC was discussed in Appendix I – Transportation Network.

5.2 Water System

Ms. Mallard requested confirmation “Westerly’s drinking water... distributed for use.” was accurate.

Mr. MacAndrew recommended “Generally, the quality... form of disinfection.” should be

expanded to cite the Hendel gas station leak and other non-bacterial stressors.

Mr. Parker stated his belief the sentence was included to lead to the next paragraph which discussed the Town's success with the Mixed-Oxidants disinfection system.

Mr. MacAndrew stated the first use of "MGD" should clarify the initialism as millions of gallons per day. He noted, citing "The Town has... Board Grant program," the Water Resources Board had not provided funding for acquisitions of land on Springbrook Road or the Lucey properties. He requested to know what properties were acquired through funding from the Water Resources Board and summarized why matching funds for the Springbrook Road property had not yet been provided. He questioned, citing "Westerly also owns... about one MGD," if the Town still owned the property in the Town of North Stonington.

Mr. Parker clarified the sentence stated the Town owned water rights on the land and stated he would confirm the sentence was accurate.

Ms. Fuller recommended an implementation action on stronger fines and enforcement of water use during drought be added to the plan.

Mr. Federico noted fines would be issued after a second warning during the most recent drought.

Mr. MacAndrew stated his belief places such as golf courses were charged higher rates during droughts.

Ms. DeNoia stated some properties did not use the municipal water system.

Ms. Richmond suggested a moratorium on all water use be established during drought conditions.

Ms. Fuller recommended "Strengthen penalties and enforcement for water consumption violations during drought conditions." be added as an implementation action.

Mr. MacAndrew requested confirmation polyvinyl chloride (PVC) was used as a piping material and noted potable water should be piped through high-density polyethylene (HDPE) piping.

Ms. Fuller stated she had seen the Utilities Division installing blue piping marked for water use.

Mr. MacAndrew questioned if a date should be cited in "Improvement projects have... Rock Transmission Main."

Mr. Parker suggested the sentence be revised as "Improvement projects have historically included..."

Ms. Fuller questioned if any larger projects had been undertaken or completed since the 2010 Comprehensive Plan was adopted.

Mr. MacAndrew recommended the bulleted item "Had studies done for the Bradford and White Rock aquifer" clarify the studies were GeoInsight reports.

Mr. Parker, citing a recommendation by Mr. MacAndrew, suggested the bulleted item "Had studies done for the Bradford and White Rock aquifer" be revised as "Contracted GeoInsight to complete studies on the Bradford and White Rock aquifers." He questioned if other projections or actions had been completed.

Ms. Denoia stated the two future projects cited in "Future projects include... into the future." were completed.

Ms. Mallard suggested "Future projects include... into the future." be eliminated.

Mr. Parker stated he would request Paul Corina, Director of Public Works, to review the draft

text.

E. 6:44 P.M. PUBLIC COMMENT

None

F. 6:44 P.M. ADJOURNMENT

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

Minutes for the February 22, 2017 submitted by:



Benjamin Delaney