

Council opposes ISDS plan for home in Shores

By Dotti Farrington

Town Councilors recently voted 3-0 to send a technical report to state officials to oppose an individual sewage disposal system plan for a proposed new house in the Jamestown Shores.

Council President David Long was absent, and Councilor Barbara Szepatowski was opposed but did not vote because of a possible conflict of interest.

State Department of Environmental Management officials are reviewing the ISDS plan and expect to make a final decision on the application soon, possibly this week. Involved is a lot on Seaside Drive and Frigate Street owned by David and Marina Thurston of Saunderstown.

The Jamestown Shores Association is opposed to the Thurston plan because of multiple groundwater issues affecting the relatively small lots in the Shores over the years. The Shores development is considered a particularly environmentally fragile area, and some officials and residents believe the area is already over-developed.

The Thurston lot is about 7,000 square feet on which they want to build a two-bedroom house. The engineering for the system puts part of it within the footprint of the house and this factor was a significant concern among the councilors who spoke before the Jan. 22 vote was taken. The ISDS for the lot was called a bottomless sand filter septic system.

Abutter opposed

The Thurstons are seeking 12 variances, including distances from wells on their lot and an abutting lot. Joan and Joseph Regan, the abutters, and Kelly Whalen, their engineer, filed a 14-page letter of objections with the DEM, and submitted a copy to the council.

The Regans object to all 12 variances the Thurstons are asking for.

The Thurstons contend that their well would be 85 feet from the Thurstons' septic tank if the application was approved. State law requires at least 100 feet. The Regans also said the septic field would be 5 feet from their front yard.

The Regans gave reasons, variance by variance, that the application, if approved, would affect them adversely, and would impact other properties in the area, including the town beach and the West Passage of the bay.

The Thurstons' lot is classified as unbuildable and that was the reason they bought it for \$24,000 about five years ago, and it has been assessed and taxed as unbuildable, according to the Regans.

Town role

A year ago, the Thurstons won a court ruling blocking the town from opposing their plans for variances for the wetland on their lot. The court ruled against the town because of a procedural error the town made about notice of the town's schedule for considering action on that plan. The wetland application is pending, subject to decisions on the variances.

Town Solicitor J. William W. Harsch said that the town could take action on the septic system variances even though it could not comment on the wetlands issues.

Town Engineer Michael Gray and environmental scientist Justin Jobin prepared a seven-page review of the Thurstons' application. Gray told the council that there were a number of concerns on which the town could base its opposition to the plan. Those concerns focus on regulations geared to protect the public health, Gray and Tobin said. The council voted to submit the report to the DEM to detail its opposition to the variances.

Town officials incorrectly reported early last month that the DEM

had denied the Thurston application. The DEM had issued an advisory that the application was subject to denial if certain additional variances were not sought and approved.

Town and Shores leaders are working to update the town's groundwater protection ordinance that deals with ISDS installations. They are also working with state officials, including Senator Teresa Paiva Weed and Representative Bruce Long to strengthen state rules that impact ground water.

Long, giving an update at the council meeting on several state legislative matters, referred to the Thurston case as an example of "why we need regulations and changes" at the state level.

Applicants attend

The Thurstons attended the council meeting in response to a notice they received about pending action. David Thurston questioned the town's failure to give him notice about the written report the councilors adopted.

The Thurstons have been seeking a number of variances since 2001, according to DEM records. The original application was deemed unacceptable by the DEM, but the Thurstons continued to submit variance proposals. The current application has been pending for about a year. Several Shores residents said the Thurstons tried to sidestep opposition by proceeding with the application process in December when officials and residents might have been distracted by holiday activities.

The Jamestown Shores Association, currently under the leadership of Charlotte and F. John Zarlengo, has monitored the state's involvement and alerted town officials when they believed town actions

and objections to the application were needed.

In December, the Zarlengos updated the council on the need for the town to file objections again. They said it would be "unconscionable" that the Thurston proposal continue when the Shores area is experiencing so many environmental problems.

The Thurstons' engineer, Joseph Frisella, "submitted supporting data justifying the need for the variances and demonstrating why granting each variance will not interfere with the proper operation of the proposed ISDS."

The Regans claimed the Thurstons and their engineer did not provide any of the required technical evidence to justify their application.

The Regans said the documents for the application represented arguments and not fact.

Councilor position

Councilor Szepatowski did not recuse herself from discussion of the Thurston case, but she did not vote because, she said, she had been an environmental consultant to a previous owner of the Thurstons' lot. She supported town purchase of unbuildable lots, and she believed that reliable engineers such as Frisella could be trusted to design safe systems for fragile properties, Szepatowski said. She said it angered her that some owners of land that might have been questionable were able to build on their lots but now want to block others from doing so.

Maxwell gets all of his pet supplies at Jamestown Hardware!






5 Narragansett Avenue • 423-2722

WINE & DINE

your Valentine



"Seaworthy Fare"

Blue Plate Specials!
Sunday thru Thursday!

\$10⁹⁵ - \$12⁹⁵

Home Made Soups Daily!

Prime Rib Friday & Saturday after 5:30

40 Narragansett Avenue • 423-1020
Open 7 Days for Lunch & Dinner

Grapes & Gourmet

Weekdays 'til 9 • Fri. & Sat. 'til 10 • Sunday Noon 'til 6

9 Ferry Wharf • Jamestown • 423.0070 • www.grapesandgourmet.com

WEEKLY SPECIALS

♥ BUD OR BUD LIGHT - 30 Pack Cans	\$27.00
♥ COORS LIGHT - 12 Pack Cans	\$8.75
♥ CLOS DU BOIS CHARDONNAY - 750ml	\$9.75
♥ MOET AND CHANDON WHITE STAR - 750ml	\$33.50
♥ PARROT BAY RUM - 750ml	\$13.75
♥ JACK DANIELS - 750ml	\$19.75







Unique and Yummy Valentine's Gifts

clip & mail 

Jamestown Telephone Directory

The Jamestown Women's Club
in conjunction with The Jamestown Press
will publish the 2007 local directory this spring.

Listings are taken directly from the Newport Verizon Directory. If you are not listed in that directory, are listed incorrectly, or would like to add a spouse's name, cell phone or fax number, etc., please fill out the form below and mail corrections to the:

Jamestown Women's Club
P.O. Box 412
Jamestown, RI 0283

Additional Information & Corrections must be submitted by February 27th.

If you have previously only been listed in the Jamestown book and not the Newport book, you need to notify us again. We do not save updates from previous books and you will not be included in the 2007 issue unless you inform us.

Name: _____

Address: _____

Phone Number: _____

Updates: _____
