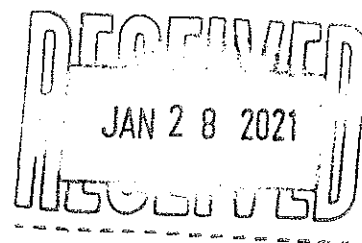


January 27, 2021



Town Of Hopkinton
One Town House Rd.
Hopkinton, RI 02833

Honorable Town Councilors,

I hope the attached documents assist you in understanding why I proposed an amendment to Chapter 250.

The document from the RI Division of Planning, Office of Strategic Planning, Notice of Determination, sets forth conditions the town has been required to accomplish.

Along with the Environmental Review, the Notice of Determination was my water line blue print at the time. Specifically, condition number 2 required no net increase in wastewater loadings. The propose amendment will meet this condition.

Kevin J. Nelson, the Review Coordinator wrote:

“The concern is that an abundant supply of public water could lead to increased population growth in Hope Valley and increased water usage by current residents. This would further overburden the town’s individual septic disposal systems and could lead to contamination of groundwater and the nearby Wood River. The general opinion was that a public water supply, in conjunction with water conservation measures, a septic system maintenance plan, a septic system rehabilitation plan, **and controls on development**”.

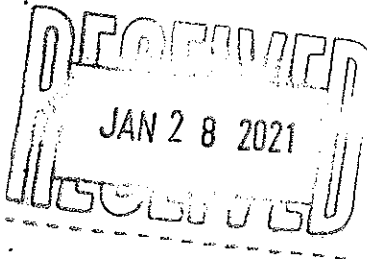
This amendment will not stop or limit any redevelopment, rebuilding or renovations. Instead, it will prohibit any increase in development beyond the property’s current approved septic system.

Should this amendment pass I would ask the final version be communicated to the Director of DEM and request she pass it along to the appropriate departments.

From my point of view, limiting any expansion of individual septic systems within the water line district protects everyone’s properties and the Wood River from contamination.

Respectfully Submitted,

Sylvia K. Thompson
Hopkinton, RI
401-377-4912



RECEIVED

MAR 10 2016

TOWN MANAGERS OFFICE

RHODE ISLAND DIVISION OF PLANNING
OFFICE OF STRATEGIC PLANNING

One Capitol Hill

Providence, Rhode Island 02908-5871
(401) 277-2093

From
Sylvia
Thompson
3-7-16

INTERGOVERNMENTAL REVIEW PROCESS: NOTICE OF DETERMINATION

To: Marge Friel
Town of Hopkinton
Town Hall - 1 Town House Road
Hopkinton, RI 02893

Date 4/6/90 S.A.I. HOP-90-01

Project: Hopkinton Water Line Extension

This is to notify you that the review of your above identified application has been completed. Staff review and public comment resulted in the following finding and recommendations by the state Single Point of Contact:

This proposed project generated a substantial amount of interest and some controversy. Most of the parties solicited for comments did not object to the extension of a water line into Hope Valley per se. However, there was a persistent thread of opposition based on the fact that the town has a severe and long-standing problem with individual septic disposal systems (ISDS). The concern is that an abundant supply of public water could lead to increased population growth in Hope Valley and increased water usage by current residents. This would further overburden the town's individual septic disposal systems and could lead to contamination of groundwater and the nearby Wood River. The general opinion was that a public water supply, in conjunction with water conservation measures, a septic system maintenance plan, a septic system rehabilitation plan, and controls on development, would be in the best interest of both the Town and the State. It should be noted that some commentators were opposed to abandoning private wells in favor of a public water supply unless a health threat exists.

In light of the above, the State Single Point of Contact recommends that the federal financial assistance being sought by the Town of Hopkinton be approved provided that the Town comply with the following stipulations:

Ked
4-12-90

1. The Town will take all reasonable and legally possible actions to insure that all abutters in the area will tie in to the water line, such as charging a fee equal to the cost of tie in, or a change in ordinances. A description of those courses of action explored and implemented will be provided by the Town to the R.I. Department of Environmental Management (R.I.D.E.M.). This is not intended to encourage the total abandonment of existing wells. Where possible, existing wells should be maintained for non potable water uses such as gardening.
2. Hopkinton will assure that no net increase in wastewater loadings to groundwater or surface water beyond that maximum loading provided for by current zoning will be permitted, pending the outcome of the septic system rehabilitation survey and planning study. This will involve developing baseline data on current loading and predicted maximum loading under current (4/90) zoning and developing a procedure for enforcing this condition. Baseline data and enforcement procedure should be submitted to the R.I. Department of Environmental Management and the R.I. Division of Planning for review, preferably before tie-ins to the water line begins.
3. Hopkinton will assure, preferably by ordinance, that no commercial/industrial tie-in (other than those discussed in the current Environmental Assessment), or any variance or zoning change (e.g. conversion of residential to commercial or industrial), or any tie-in from outside the service area, as presently proposed, will be permitted until the Town's Municipal Comprehensive Plan is completed and a thorough study of environmental consequences by preparation of an environmental assessment or Environmental Review Team Report is completed. R.I.D.E.M. wishes to be involved with any such study.
4. Within twelve months of start-up, the Town will provide to R.I.D.E.M. and the R.I. Division of Planning the results of the Town's septic system and well survey.
5. The Town will consult with, and get the approval of, the Governor's Water Resources Coordinating Council and the R.I. Department of Administration, Division of Planning for a comprehensive and detailed Water Conservation Plan. The Town will adopt a detailed ISDS Maintenance Plan and a detailed ISDS Rehabilitation Plan. In furtherance of these latter two plans, the Town will create a Waste Water Management District (a model ordinance is attached as "Appendix B"). The Waste Water Management District will submit an annual report to R.I.D.E.M.
6. A letter from the Town of Richmond must be provided which documents that Richmond currently has sufficient water to supply Hopkinton and that they are willing to do so.

4-12-90
-m. Friel

This action has been taken in accordance with the rules and regulations governing the Intergovernmental Review Process adopted by the State Planning Council pursuant to Presidential Executive Order 12372.

Attachments to this Form

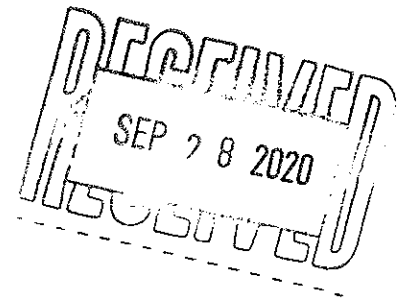
- a. Copies of substantive comments X b. Other

The application, the state process determination, and all supporting documentation are available at the offices of the Rhode Island Department of Administration, Division of Planning.

Kevin J. Nelson
Kevin J. Nelson
Review Coordinator

DOP-018 (1/90)

To: Town Council, Manager, Solicitor, Town Clerk, Planner
From: Councilor S. Thompson
Date: September 27, 2020
Re: Zoning Amendment Request



I am requesting an amendment to Chapter 250, Hope Valley Waterline Distribution System Ordinance.

Prohibited Activities

Add the following:

G. Every property within the district may not increase development beyond the lot's current RI Department of Environment Management (DEM)approved onsite wastewater treatment system (OWTS)

I understand this request needs to be vetted or modified to achieve the result I am trying to obtain. I would like to have this on the agenda to set a hearing date for the 2nd Council meeting in October. I of course understand the next elected council will conduct the hearing and the Town will be required to send return receipt mailings to all the property owners within the Hope Valley Waterline District.

Below, are a few of the excerpts from our comprehensive plan supporting this amendment. Also, the Environmental Review of the waterline area also noted there are increased development pressures after public waterlines are introduced into an area.

LAND USE

p. 86

The Town has several concerns regarding increasing development within Hope Valley due to poor soils, high water table and failing septic systems (See Public Services and Facilities chapter). Hopkinton does not plan to install public sewers anywhere in town although the town does provide assistance to upgrade existing septic systems. Additionally, water service to Hope Valley from the Town of Richmond extends only to Spring Street although, in April of 2016, the town issued a request for proposal for engineering services to conduct a feasibility study of an expanded system. Due to the lack of infrastructure and significant resource constraints, Hope Valley is presently built beyond carrying capacity. Therefore, any future development within these and the other villages of Hopkinton should be within the capacity of environmental constraints associated with soils, floodplain and wastewater management.

PUBLIC SERVICES and FACILITIES

P. 36

WASTEWATER

The Town of Hopkinton does not presently have a sewer system or wastewater management district. Wastewater is managed by individual homeowners with Onsite Wastewater Disposal Systems (OWTS). Conformance with *Land Use 2025* encourages development within the established Urban Services Boundary, a general boundary of areas where public services support urban development or

will through 2025. Focusing growth in already-developed village centers will maintain the Town's rural character. However, these areas need to be able to accommodate that growth. Hope Valley is found within this boundary and, at present, it cannot.

P. 37

Because of the failing systems, treating wastewater is also a concern for the Town in Hope Valley. Currently, while wastewater is treated by OWTS, the soils conditions in and around Hope Valley are generally not suitable for these types of systems. The maps above show the soils of Hope Valley characterized by the Natural Resource Conservation Service (NRCS). They indicate very severe for suitability for on-site septic absorption fields and due to poor filter characteristics, soils further restrict the support of these types of systems.

GOAL PSF 3 To provide a safe, high quality and sufficient drinking water supply to the town along with effective wastewater management and solid waste disposal/reduction which is sensitive to environmental concerns and growth management.

RECREATION CONSERVATION and OPEN SPACE

RECOMMENDATION 11

P. 19

- Control potentially polluting land uses through local regulations.
- Revise Zoning Regulations regarding permitted uses over aquifers
 - Revise local ordinances as needed to improve aquifer protection

Responsibility: Town Council / Planning Board

Time Frame: Short-term (1-2 years)

TOWN OF HOPKINTON, RI
Chapter 250

The Town Council of the Town of Hopkinton does hereby ordain the following:

**HOPE VALLEY WATERLINE DISTRIBUTION SYSTEM
ORDINANCE**

INDEX

<u>SECTION #</u>	<u>TITLE</u>
_____	Introduction
_____	Definitions
_____	Administration of water distribution system
_____	Town's responsibilities
_____	Owner responsibilities
_____	Restrictions on water use
_____	Existing water service accounts
_____	New water service accounts
_____	New water service connections
_____	Backflow and cross-connection prevention
_____	Disconnection of water service
_____	Prohibited activities
_____	Rates

INTRODUCTION

The Town of Hopkinton maintains an agreement with the Town of Richmond to obtain water for the use of its residents and commercial businesses in the village of Hope Valley. Hopkinton is obligated to pay Richmond for water and services provided for the benefit of waterline customers in Hopkinton. It is necessary for the Town of Hopkinton to insure that customers making use of water obtained from Richmond fully understand their obligations with respect to receiving such water. It is also necessary that the Town insure that it is properly protected in the event certain issues arise concerning water provided to the customers, including but not limited to, nonpayment by waterline customers.

DEFINITIONS

The words and terms listed below shall have the following meaning when used in this Chapter:

- Curb stop --- A valve installed on the service pipe at the property line.
- Customer --- A person, business, association, or governmental or quasi-governmental entity to which the distribution system supplies water.
- Manager --- The person who maintains the waterline distribution system on a day-to-day basis.
- Owner --- The proprietor of record of real property or a building or portion of a building to which water is supplied.
- Properties --- A building, group of buildings, portion of a building, residence or parcel of land that has a water service connection.
- Service pipe -- The pipe from the property line to the meter.
- Water main -- The primary water pipe that transports water from the source to water service pipes.
- Water system - The water distribution infrastructure operated by the Town of Hopkinton.

ADMINISTRATION OF WATER DISTRIBUTION SYSTEM

- A. The Town's water distribution system shall be operated as an enterprise system monitored on an as needed basis by its Water Manager, who shall be supervised by the Town's Finance Director who, in turn, shall be supervised by the Town Manager.
- B. The Finance Department shall deposit all water system revenue into a restricted account and shall make all expenditures from such fund. The Finance Director shall oversee the operation of the restricted waterline account.
- C. The Town Clerk's Office shall serve as the central repository for all waterline service applications.
- D. The Tax Collector's Office shall be responsible for notifying the Finance Director of any transfers of ownership for properties on the waterline.

TOWN'S RESPONSIBILITIES

- A. The Town will make all reasonable efforts to insure the availability of water obtained from the Town of Richmond, but does not, under any circumstances, guarantee that water

shall always be available. The Town shall not be responsible for any loss, personal injury or property damage resulting from the failure to supply water or water pressure.

- B. The Town shall have the right to stop water service temporarily, without notice, for repairs, emergencies, system maintenance or any other reason, at any time. If the Town determines that an interruption of service is necessary, the Town shall make a reasonable effort to notify affected customers, in advance, and will endeavor to provide an estimate, if possible, as to how long the service will be interrupted. No customer shall be entitled to damages or a refund of any payment for any stoppage of water supply.
- C. The Town will exercise reasonable diligence in providing a continuous and adequate supply of water to its customers.

OWNER RESPONSIBILITIES

- A. Water bills shall be promptly paid when due.
- B. Effective July 1st, 2017, the Town shall issue water bills on a quarterly basis, as follows:
 - 1. During October for the months of July, August and September;
 - 2. During January for the months of October, November and December;
 - 3. During April for the months of January, February and March; and
 - 4. During July for the months of April, May and June.
- C. Payment by owners shall be due thirty (30) days from the date of invoice. Interest of one percent (1%), per month, shall accrue on unpaid balances and owners shall pay to the Town all costs of collection of the overdue amounts, including any legal fees incurred. Failure to receive an invoice does not relieve the owner of the responsibility to pay for water and services.
- D. All consumption fees and any other charges for water and services, as well as costs of collection including legal fees, shall be a lien on the real property to which the water is delivered in the same manner that municipal taxes are a lien on the property, and shall be collected in the same manner that overdue municipal taxes are collected.
- E. Property owners whose checks are returned for insufficient funds shall pay a thirty dollar (\$30.00) returned check fee.
- F. Property owners who transfer ownership shall notify the Finance Director at least three (3) working days before the conveyance or transfer to obtain a final meter reading and account closing statement for payment. Any outstanding charges against the account shall remain collectable. Property owners shall be liable for the payment of all charges incurred, until the Town receives proper notice of the transfer of property ownership. Failure to receive an invoice sent to a previous address does not relieve the owner of the obligation to pay such invoice.

- G. Property owners shall allow a representative of the Town access to the premises, during reasonable hours, to examine service pipes and fixtures, to install or replace a meter and for any other reason related to water service.
- H. Property owners shall allow a representative of the Town access to the premises, at any time, in the event of an emergency situation related to water service.

RESTRICTIONS ON WATER USE

- A. If the Town of Richmond notifies the Town of Hopkinton that water supplies are inadequate because of weather conditions, the Town has the authority to declare a water emergency and require water conservation measures, including but not limited, to prohibition of water use for watering non-agricultural gardens and lawns, washing motor vehicles, and filling swimming pools. Before such a restriction takes effect, the Town shall make every effort to notify customers of the reason and nature of the restriction, and its effective date.
- B. Commercial irrigation systems operated by agricultural operations, as defined in Rhode Island General Laws § 2-23-4(a) shall not be connected to the water system.

EXISTING WATER SERVICE ACCOUNTS

- A. Property owners shall promptly pay any outstanding water balances, prior to the conveyance or transfer of ownership.
- B. Property owners shall pay any past due balance on their water bills that accrued prior to the effective date of this Ordinance.
- C. During the 2016-17 replacement period, the cost for removal and installation of water meters shall be financed through the Town's restricted waterline account.
- D. After the 2016-17 replacement period, the cost for removal and installation of water meters shall be borne by the property owner, under the jurisdiction of the Town.

NEW WATER SERVICE ACCOUNTS

- A. All applications for Town water service connections shall be made on an *Application for a New Waterline Service Connection Form* which may be obtained at the Town Clerk's Office. The owner shall complete the application form, have the septic system pumped, inspected and determined to be functioning and adequate by a licensed septic hauler, consistent with the provisions of Chapter 121-14 of the Town of Hopkinton's Waste Water Management Ordinance.

- B. A check for \$100.00, made payable to the Town of Hopkinton, must accompany the application.
- C. The Town's approval of the owner's signed application shall constitute a binding agreement between the owner and the Town that obligates the owner to pay all applicable rates and charges.
- D. The Town's Finance Director shall have the authority to require a deposit against future charges if the owner is not able to establish credit to the satisfaction of the Finance Director.

NEW WATER SERVICE CONNECTIONS

- A. New water services may be connected only after the Finance Department certifies, in writing, that the *Application for New Waterline Service Connection* is complete.
- B. Water service connection requests from properties not listed in Exhibit A of the Agreement by and between the Towns of Richmond and Hopkinton, dated July 9th, 1991, shall be referred to the Richmond Town Council for consideration. If approved, requests shall then be considered by the Hopkinton Town Council for final approval.
- C. Installation of a service pipe shall be performed by a licensed contractor, at the owner's expense, and inspected by the Water Manager.
- D. Connection of the service pipe to the curb stop shall be performed by a state-licensed master plumber, and inspected by the Water Manager.
- E. Maintenance and repair of the service pipe from the curb stop to the owner's property shall be the owner's responsibility.
- F. Purchase and installation of new water meters shall be performed by a master plumber, at the owner's expense, and inspected by the Water Manager, under the jurisdiction of the Town.

BACKFLOW AND CROSS-CONNECTION PREVENTION

- A. Property owners shall be responsible for preventing the backflow of water or other fluids from sources, other than the approved water source, that could contaminate or pollute the public water distribution system.
- B. Backflow prevention device required by the Rhode Island Building Code shall be installed at every new property and connected to the water system by a state-licensed master plumber.
- C. Property owners shall be responsible for maintaining backflow prevention devices in good working condition and shall repair or replace malfunctioning devices.

- D. Installation of a by-pass device around any backflow prevention device is prohibited, unless a backflow prevention device of the same type is installed on the by-pass. If the property owner's water supply cannot be shut down for testing of the backflow prevention device, the owner must install, at the owner's expense, another backflow prevention device of the same type on a by-pass to enable testing and repair to take place.
- E. If property served by the water distribution system has a well, the owner shall ensure that the well is not cross-connected to the water distribution system. An air gap shall be maintained between the well and the system.
- F. Air conditioning systems that use water from the water distribution system shall be equipped with a check valve to prevent entry of used water into the system's water main.
- G. If the Water Manager determines that a cross-contamination hazard exists, the owner shall correct the hazard within ten (10) days. However, the Water Manager shall have the authority to grant extensions of time for such corrections for reasonable cause, but in no event shall the time for such corrections exceed forty-five (45) days.
- H. The Building and Zoning Official shall notify the Water Manager of every plumbing and/or building permit application for a property owner who seeks to be connected to the water distribution system.
- I. Each temporary water service connection shall be fitted with a shut-off valve and a backflow prevention device.
- J. Cross-connection prevention devices shall be installed in every commercial building, industrial building, or residence containing four or more dwelling units.

DISCONNECTION OF WATER SERVICE

- A. Owners who wish to have their water service disconnected shall notify the Town at least thirty (30) days before the scheduled disconnection date. Such disconnection shall be performed by Town's Water Manager.
- B. The Town shall have the authority to disconnect service to properties whose owners are in arrears for six (6) months or more; however, at that time, the Town shall then formally notify the property owners, in writing, that they have an additional sixty (60) days to pay their water bills before the Town disconnects their service.
- C. Water service may be disconnected, without notice, to property owners for the following reasons:
 - 1. If the Town determines that an imminent hazard exists to the public health, safety, and welfare of residents and business owners.

2. If the property owner uses equipment in a manner that adversely impacts the water system equipment or service to other customers.
3. If the Town has evidence that the owner is obtaining water service by fraudulent means, is diverting water for an unauthorized use, or is obtaining water that is improperly metered.
4. If the property owner tampers with water equipment owned by the Town.
5. If the property owner fails to provide access, a suitable location or any other condition required by the Town.
6. If the property owner is allowing leakage to occur.

PROHIBITED ACTIVITIES

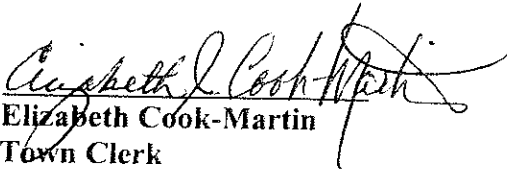
- A. No person or persons shall cause a physical connection to be made between the water distribution system and any other water supply for any purpose at any time.
- B. No person shall connect a pump to the water main or to a service pipe for the purpose of increasing water pressure, without express written approval of Town officials.
- C. No person shall insert any object, material or substance that may cause damage or pollution into any water pipe or main that is part of the water distribution system, discontinue the flow of water in any pipe or main, tap into any main or service pipe, or tamper with or alter any service pipe, or tamper, remove, or install any meter without the approval of the Town.
- D. No person, other than authorized fire company personnel, shall open, close, or tamper with a hydrant valve.
- E. No person shall obstruct access to a fire hydrant.
- F. All damage to water mains, service pipes, hydrants, or other parts of the water system that occur during any construction shall be the responsibility of the property owner for whom the work is being performed.

RATES

- A. Charges for water usage rates, service charges, debt service or other fees shall be set from time to time by the Hopkinton Town Council.

This act shall take effect upon its passage.

Adopted: January 17, 2017

ATTEST: 
Elizabeth Cook-Martin
Town Clerk