

**TOWN OF TIVERTON
ZONING BOARD OF REVIEW**

APPLICATION OF: DANIEL & CLAUDIA MULLANE
FOR PROPERTY LOCATED AT: 12 POINT VIEW DRIVE
AP 802, LOT 121 ZONE R-80
Zoning Board Hearing: June 7, 2017

DECISION

This matter came before the Town of Tiverton Zoning Board of Review (hereinafter referred to as the "Board") on June 7, 2017 on the application of Daniel and Claudia Mullane (hereinafter referred to as the "Applicant") for a special use permit in order to remove an existing on-site wastewater treatment system (OWTS) and install a modern, state-of-the-art OWTS located farther from the shoreline than the existing system but within the minimum 125 foot setback requirement.

Attorney Joelle Rocha appeared before the Board representing the petitioner. She stated that they have the approval from DEM already regarding the new proposed state of the art septic system in which her client wishes to install in order to replace a very old outdated system.

Jason Clough from Diprete Engineering also appeared and explained that the current septic system is a tank which discharges into a single stone trench. It's located on the southern side of the home He stated that they could not find any record of this system, which means it probably pre-dates such records.

He stated that the petitioners want to rehab their existing cottage and in order to do that, they need to replace the old system with a new updated system. They will be using an AdvanTex AX20 system. This system actually is used to pretreat the waste water prior to

discharge to a pressurized shallow narrow drain field. This system will be placed in the same general area as the current old system. They had to locate this system in this particular place in order to abide by setbacks of existing wells on adjacent lots. They also propose to add a new well on the lot.

Mr. Clough also stated that the only variance that they asked for and received from DEM was for the distance to the coastal feature. All other setback requirements to wells, from the petitioner's well to other septic systems, all of other components meet the state requirements. He stated the new system will be approximately 29.1 feet to the top of the bank. There is an additional distance to the water's edge. The old system is 19 feet from the top of the bank. Mr. Clough did a measurement and stated it is 63 feet from the mean high water to the closest corner of the leaching field.

No one spoke for or against.

Motion was made by Member Taylor-Humphrey, seconded by Member Alzaibak, to approve the requested special use permit for a septic system within 125 feet of the water line. The motion was based upon the following findings of fact:

- (1) The public convenience and welfare will be served.
- (2) It will not be detrimental to the public health, safety, morals and welfare.
- (3) The granting of the application will be compatible with neighboring uses.
- (4) It will not create a nuisance in the neighborhood.
- (5) There are adequate provisions made so that it is compatible with the comprehensive community plan.
- (6) In addition, they also addressed the additional requirements of the ISDS system in that it will not degrade the quality of the ground water, it will not obstruct flood ways, it will not

cause any sedimentation of wetland, it will not reduce the capacity of wetland to absorb pollutants, it will not degrade the research value, it will not reduce the capacity of the wetland to recharge groundwater, and it will not degrade the value of any wetland or water body. It has also been made clear that the system is state-of-the-art and approved by the DEM.

All in favor to approve this application.

Voting to Approve: Ms. Gescheidt Mr. Collins Mr. Jackson Ms. Taylor-Humphrey Mr. Alzaiback Voting to Deny: None
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7/28/17
Date

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