



## Legislative Task Force

Meeting #1

**Thursday, September 26, 2013**  
**9:00 – 11:00 AM**

**Conference Room B, 2nd Floor**  
Department of Administration, Powers Building  
One Capitol Hill, Providence, RI

### Agenda

- 9:00** Welcome and Opening Remarks (5 minutes) – *Kevin Flynn, DOP*
- 9:05** Introduction of Task Force Members & Agency Staff (3 minutes) - *All*
- 9:08** Overview of Agenda (2 minutes) - *Kevin Flynn, DOP*
- 9:10** Task Force Legislative Intent and Purpose (50 minutes) - *Kevin Flynn, DOP & All*
  - A. 42-64.13-10, Statewide Standards for Wetlands and Septic Disposal
- 10:00** Subject Topics and Technical Presentations: (20 minutes)
  - B. Existing RI General Laws for Wetlands and Septic Disposal
    - a. DEM – Freshwater Wetlands /OWTS – Janet Coit or Carol Murphy, DEM
    - b. CRMC – Coastal Wetlands – Jeff Willis, CRMC
- 10:20** Questions & Discussion (30 minutes) – *All - moderated by Kevin Flynn, DOP*
- 10:50** Next Steps (10 minutes) – *Nancy Hess, DOP*
  - A. General Time line and Outline of Potential Future Topics
  - B. Technical Review Sub-Committee
- 11:00** Adjourn



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**Thursday, September 26, 2013**

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Department of Administration, Powers Building

One Capitol Hill, Providence, RI



Task Force members in attendance were: Jeff Willis (for Jim Boyd-CRMC), Joseph Casali (Civil Engineer Representative), Russell Chateaufneuf (Civil Engineering Representative), Janet Coit (DEM Director), Thomas D'Angelo (Builder's Trade Association), Gary Ezovski (Business Community Representative), Kevin Flynn (DOP-Associate Director), Ashley Hahn (Municipal Representative - Charlestown), Lorraine Joubert (Environmental Entity), Thomas Kravitz (Municipal Representative- Burrillville), Tom Kutcher (Wetlands Biologist), Scott Moorehead (Business Community Representative), Eric Prive (Licensed Designer/Environmental Engineer), Scott Rabideau (Business Community Representative), Leslie Taito (Office of Regulatory Reform).

The Division of Planning (DOP) and DEM also had several agency staff members present. From DEM, those present were Carol Murphy, Ernie Panciera, Terry Gray, and Nicole Pollock. Nancy Hess and Paul Gonsalves were on hand from DOP.

## Greetings and Introduction of Members

Kevin Flynn kicked off the meeting by welcoming the task force members and by giving a brief explanation of the purpose of the group. Members introduced themselves and explained their interest in participating on the Task Force.

## Task Force Legislative Intent and Purpose

Mr. Flynn began with discussion of the legislation that created the Task Force and the need to examine RIGL 42-64.13-10, which is the state legislation that sets the standards for wetlands and septic disposal. The current legislation is broad in scope. Some municipalities have taken the State standards a step further and have additional setback standards. There are currently believed to be 19 municipalities that have adopted their own standards. The local standards do not supersede the statewide standards, but are in addition to the DEM regulations. Director Coit then suggested that a chart or matrix be devised showing the municipal regulations.

Several in the group expressed more of a concern to examine setback issues as opposed to OWTS design standards. The sense around the table was that the Task Force charge was to look at

setback issues not OWTS design issues. However, some felt that OWTS regulations are of equal importance, and that it is sometimes difficult to separate design issues from setback issues. There may be topics that are identified as future work topics outside of the charge for this group. All agreed that science should be the key driver in setting standards. The one size fits all approach may not work as each municipality has a set of resources that should guide how their standards are set. The watershed for the Scituate Reservoir was used as an example.

In the case of permitting for homeowners, some in the group felt that the multiple layers of approvals are a time-consuming concern. The idea of “one-stop-shopping” was raised. This refers to including municipal regulations into DEM regulations. It was also noted that some local regulations pre-date the current state regulations.

In addition to thinking about wetlands and setbacks alone, it was suggested that the collective/cumulative effects from stormwater and other sources also be addressed. One member suggested a how-do-septic-systems function presentation and discussion. The difference between a “buffer” and a “setback” must be clearly defined. The jurisdictional areas that are considered wetlands with setbacks also need to be reviewed. Different jurisdictional areas will have different buffers in DEM Rules. Finally, the differences in how local ordinances apply to individual lots versus subdivisions needs review as well.

A clear, predictable, reliable process that is standardized across the state was also suggested. The process in RI was compared to that Attleboro, Massachusetts but it was thought that their process may even have more layers than ours. Massachusetts allows individual communities to set their own wetland setbacks with no uniformity. Although concerns with the wetlands permit process are very valid, this group’s primary focus is on setbacks. Director Coit then suggested that a brief “scope of work” be developed which will answer what we want to understand better, what science that the Task Force will look at and what are the desired outcomes. There was general agreement that changes in legislation are the reason for the group coming together.

#### Existing RI Gen. Laws for Wetlands and Septic Disposal (OWTS): DEM

Carol Murphy and Ernie Panciera, DEM staff, gave an overview of several aspects of current freshwater wetlands and onsite wastewater treatment systems laws. Carol summarized the RI Freshwater Wetlands Act as related to DEM. The Act was established in 1971 and was only the second such law in the Nation at the time. The Act established regulations aimed at protecting, preserving and documenting the freshwater wetland areas in the State. The difference between a swamp, marsh and a floodplain was discussed. Also, ponds, lakes, rivers, bogs and streams were defined.

Discussion by all reviewed past history on this topic. There was a proposed major revision of the Act in 1996, but it was unsuccessful. It was suggested that the failure of this effort may have been the impetus for communities establishing their own wetlands regulations. Members suggested that this new Task Force is good opportunity to pick up where the failed 1995 bill left off. It was suggested that the Task Force review the old report and the related 1996 bill. Members discussed the seemingly arbitrary nature of the setback numbers such as “50 feet, 100 feet, 200 feet etc.” Were these numbers based on any science? A synopsis of the most relevant wetland buffer science is a critical piece going

forward.

Ernie summarized the RI General Laws and the authority given to DEM to establish minimum standards for the operation of onsite wastewater treatment systems (OWTS). There are currently not many specific standards set for OWTS in State law but rather in the DEM regulations that are authorized by the Law. Several municipalities address OWTS. DEM commonly gives advice on local groundwater protection ordinances. Concern was expressed that some communities do not have the staff expertise to develop and defend extra standards.

As the municipal representatives weighed in, the group was introduced to the idea of much of the frustration having to do with the process, rather than the actual science involved. Tom Kravitz reminded everyone that most process issues involve working with people at different levels who make the process work.

The topic of sea level rise was introduced and suggested as a consideration for the Task Force as it relates to buffers and setbacks.

#### Existing RI Gen. Laws for Wetlands and Septic Disposal: CRMC (Coastal Wetlands)

A brief description of the CRMC Coastal Regulations was given by Jeff Willis. CRMC through their Special Area Management Plans (SAMP) regulations has jurisdiction in coastal areas. DEM and CRMC have areas of overlap, but dual jurisdiction is currently not the practice. Differences between proposed activities and location dictate CRMC's reviews. Jurisdictional maps are available on each agency web site.

#### Next Steps and next Meeting

Nancy Hess, DOP, reviewed the general timeline and potential future topics for the Task Force. It was agreed to reserve the last Thursday of the month for Task Force meetings. Members requested that the meetings be held earlier in the day. An 8:00 AM start time was set. The October meeting is scheduled for the 31<sup>st</sup>. *(This was subsequently rescheduled to Oct 24<sup>th</sup> at 8 AM.)*

November's meeting might coincide with an educational URI Workshop on wetlands and buffers the NEMO program. The Task Force will discuss in October.

Volunteers for a subcommittee to review technical /scientific literature were solicited. Scott Rabideau and Russell Chateauneuf volunteered.

#### Adjourn

11:00 AM



**Title 46 Chapter 23**  
**Rhode Island General Laws**  
**Coastal Resources Management Council**

**Section 6 – Powers and Duties**

**(2) Implementation**

(i) The council is *authorized to formulate policies and plans and to adopt regulations* necessary to implement its various management programs.....

(ii) (A) The council shall have exclusive *jurisdiction below mean high water* for all development, operations, and dredging, consistent with the requirements of chapter 6.1 of this title and except as necessary for the department of environmental management to exercise its powers and duties and to fulfill its responsibilities pursuant to §§ 42-17.1-2 and 42-17.1-24, and any person, firm, or governmental agency proposing any development or operation within, above, or beneath the tidal water below the mean high water mark, extending out to the extent of the state's jurisdiction in the territorial sea, shall be required to demonstrate that its proposal would not:

- (I) Conflict with any resources management plan or program;
- (II) Make any area unsuitable for any uses or activities to which it is allocated by a resources management plan or program adopted by the council; or
- (III) Significantly damage the environment of the coastal region.

(B) The council shall be authorized to approve, modify, set conditions for, or reject any such proposal.

(iii) The *authority of the council over land areas (those areas above the mean high water mark)* shall be limited to two hundred feet (200') from the coastal physiographic feature or to that necessary to carry out effective resources management programs. This shall be limited to the authority to approve, modify, set conditions for, or reject the design, location, construction, alteration, and operation of specified activities or land uses when these are related to a water area under the agency's jurisdiction, regardless of their actual location. The council's authority over these land uses and activities shall be limited to situations in which there is a reasonable probability of conflict with a plan or program for resources management or damage to the coastal environment. These uses and activities are:

- (A) Power generating over forty (40) megawatts and desalination plants.
- (B) Chemical or petroleum processing, transfer, or storage.
- (C) Minerals extraction.

(D) Shoreline protection facilities and physiographical features, and all directly associated contiguous areas which are necessary to preserve the integrity of the facility and/or features.

(E) **Coastal wetlands and all directly associated contiguous areas** which are necessary to preserve the integrity of the wetlands **including any freshwater wetlands located in the vicinity of the coast**. The actual determination of freshwater wetlands located in coastal vicinities and under the jurisdiction of the coastal resources management council shall be designated on such maps that are agreed to in writing and made available for public use by the coastal resources management council and the director, department of environmental management, within three (3) months of [August 6, 1996]. The CRMC shall have exclusive jurisdiction over the wetlands areas described in this section notwithstanding any provision of chapter 1, title 2 or any other provision, except as provided in subsection (iv) of this section. Within six (6) months of [August 6, 1996] the council in cooperation with the director shall develop rules and regulations for the management and protection of freshwater wetlands, affected by an aquaculture project, outside of those freshwater wetlands located in the vicinity of the coast and under the exclusive jurisdiction of the director of the department of environmental management.

For the purpose of this chapter, a "**coastal wetland**" shall mean any salt marsh bordering on the tidal waters of this state, whether or not the tidal waters reach the littoral areas through natural or artificial watercourses, **and those uplands directly associated and contiguous thereto** which are necessary to preserve the integrity of that marsh. Marshes shall include those areas upon which grow one or more of the following: smooth cordgrass (*Spartina alterniflora*), salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black rush (*Juncus gerardi*), saltworts (*Salicornia* spp.), sea lavender (*Limonium carolinianum*), saltmarsh bulrushes (*Scirpus* spp.), hightide bush (*Iva frutescens*), tall reed (*Phragmites communis*), tall cordgrass (*Spartina pectinata*), broadleaf cattail (*Typha latifolia*), narrowleaf cattail (*Typha angustifolia*), spike rush (*Eleocharis rostellata*), chairmaker's rush (*Scirpus americana*), creeping bentgrass (*Agrostis palustris*), sweet grass (*Hierochloa odorata*), and wild rye (*Elymus virginicus*).

(F) Sewage treatment and disposal and solid waste disposal facilities.

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**For Department of Administration Legislative Task Force meeting #1 on 9/26/13**

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Summary State of Rhode Island Freshwater Wetlands Act  
Title 2 Agriculture and Forestry  
Chapter 2-1 Agricultural Functions of the DEM  
Sections 2-1-18 through 2-1-25

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The RI Freshwater Wetlands Act was enacted in 1971. It was the second state freshwater wetland law in the country after the Massachusetts law.

The Act establishes *“the public policy of the state to preserve the purity and integrity of the swamps, marshes, and other freshwater wetlands of the state. The health, welfare, and general well-being of the populace and the protection of life and property require that the state restrict the uses of wetlands and, in the exercise of the police power those wetlands are to be regulated hereunder.”* (Section 2-1-19)

The Act Declaration of Intent identifies important functions that wetlands perform and the services they provide, including (Section 2-1-18):

- Reducing flood hazards by absorption and storage of floodwaters;
- Recharge of our vital ground water resource;
- Providing valuable wildlife habitat areas; and
- Providing high value recreation areas.

The Act recognizes that both wildlife habitat areas and high value recreation areas are essential to the well-being of people.

The definition of freshwater wetlands in the Act is purposefully broader than vegetated freshwater wetlands alone; e.g. swamps, marshes, and bogs, etc.

The definition includes flowing and standing surface waters as well as other areas of land adjacent to some of the vegetated wetlands and waters, which are considered wetlands for purposes of the Act.

Specifically, the Act defines freshwater wetlands to include, but not be limited to,

*“marshes, swamps, bogs, ponds, rivers, river and stream flood plains and banks, areas subject to flooding or storm flowage, emergent and submergent plant communities in any body of fresh water including rivers and streams, and that area of land within fifty feet (50’) of the edge of any bog, marsh, swamp or pond.”* (Section 2-1-20 (4))

The Act further defines some of the individual wetland types, i.e., bogs, marshes, swamps, ponds, rivers, riverbanks and floodplains. (Section 2-1-20)

The vegetated wetland types are defined by size, vegetation and by water regime:

A *bog* can be any size, with 50 percent of the ground or surface water covered by Sphagnum moss and other specific plants listed in the Act, and with water near or at the surface during the normal growing season.



Photo by Shawna Smith, RI DEM

A *freshwater marsh* is an area that is 1 acre or more in size, dominated primarily by herbaceous reeds and grasses in standing or running water during the growing season.

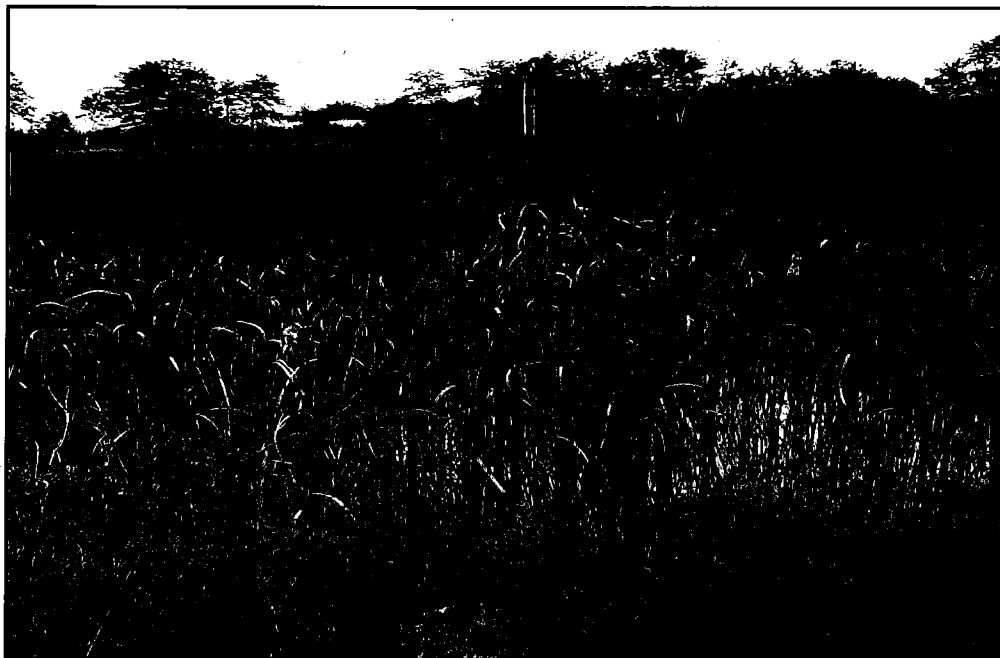


Photo by Bruce Ahern, RI DEM



A *swamp* is an area that is 3 acres or more in size, dominated by woody vegetation and where groundwater is near or at the surface of the ground for a significant part of the growing season.



Photo by Dan Kowal, RI DEM

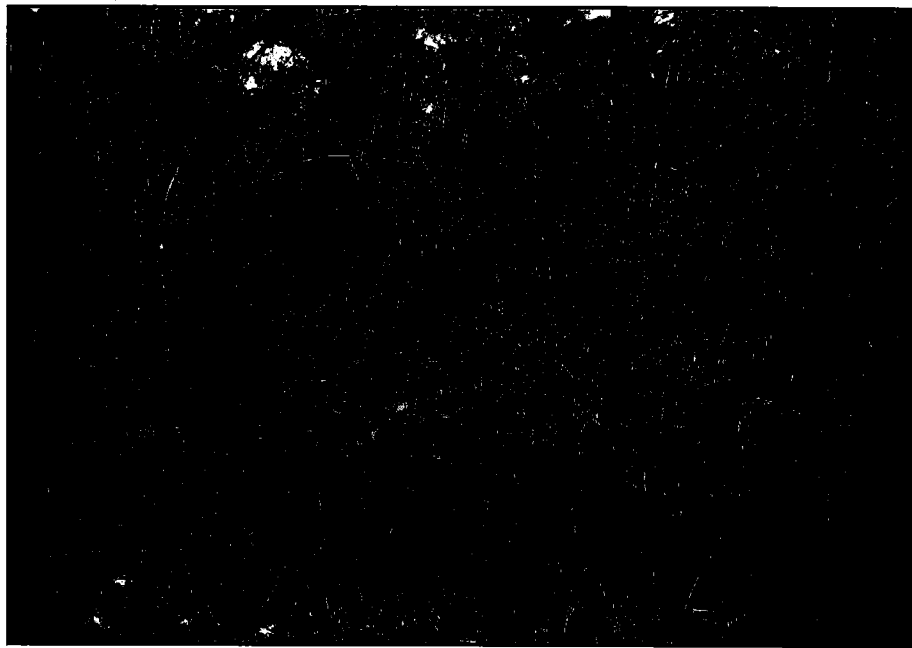


Photo by Kate McPherson, RI DEM

The definition of *pond* includes all ponds, whether natural or manmade, one-quarter acre or greater in size where open standing or slowly moving water is present for at least six months a year.

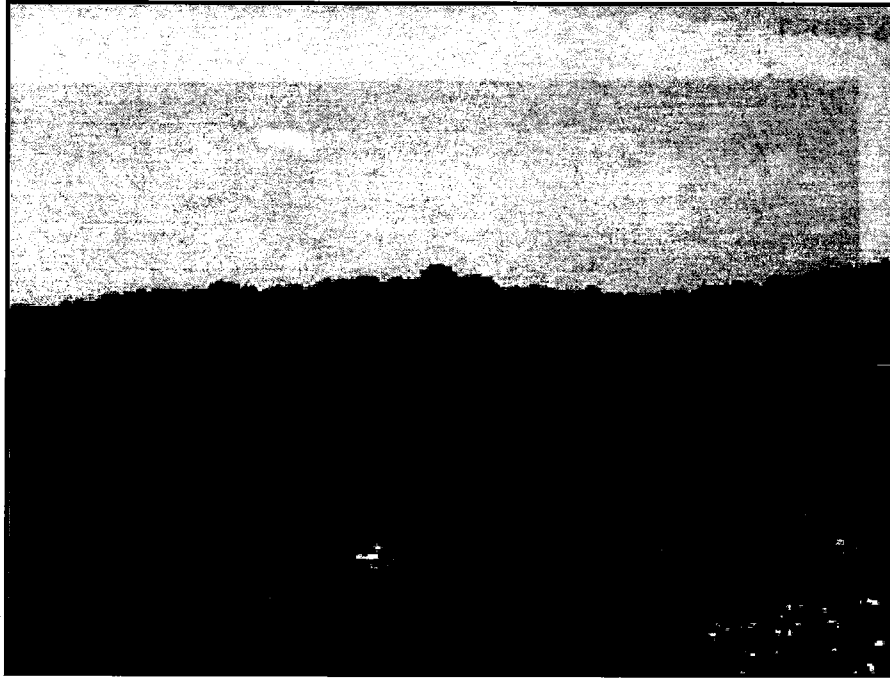


Photo by Katie DeGoosh, RI DEM

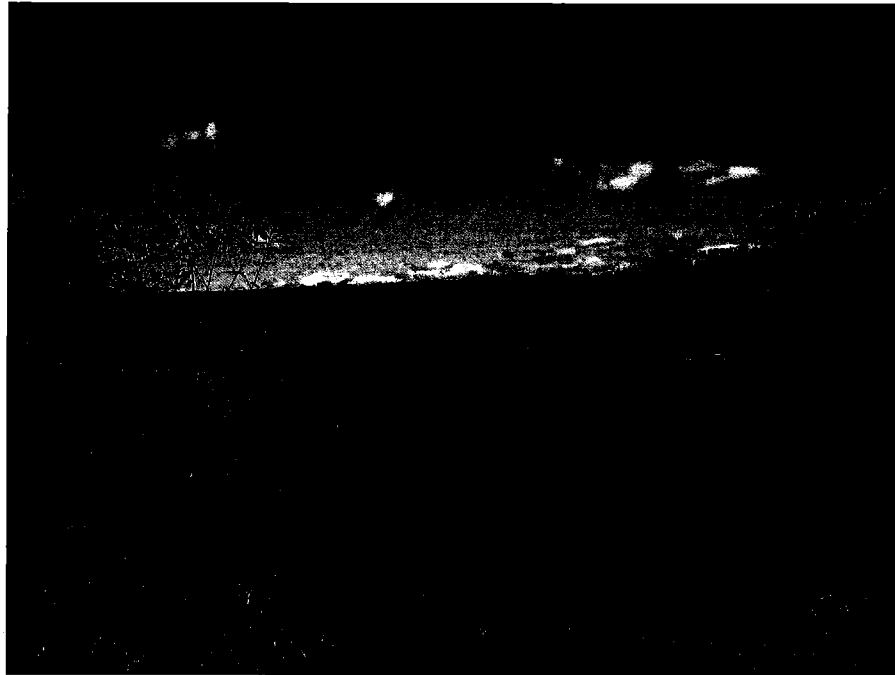


Photo by RIDEM

The definition of *river* specifies a body of water that is a perennial stream as indicated on the US topographic maps.

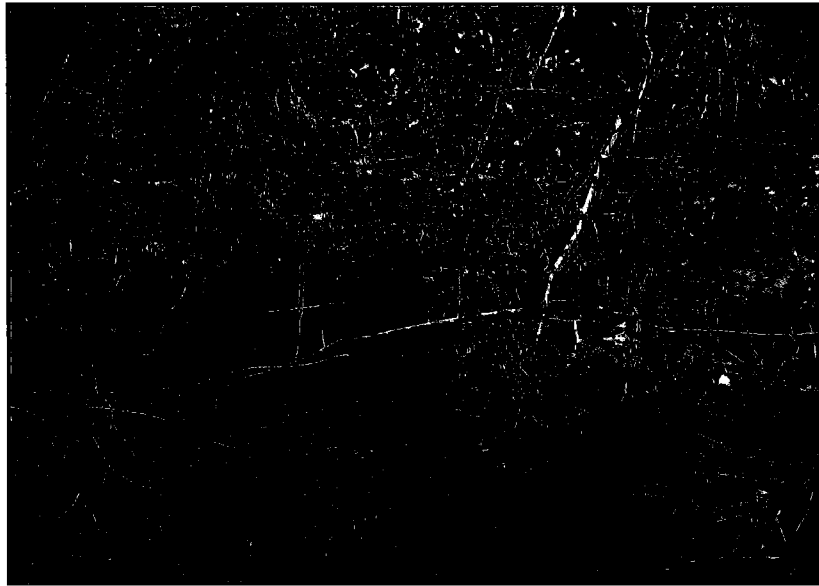


Photo by Kate McPherson, RI DEM



Photo by Fred Presley, prior RI DEM

For purposes of the Act, a portion of a river's bank is considered freshwater wetlands as well. Specifically,

- That area of land within 100 feet of either side of a river or stream less than 10 feet wide, and
- That area of land within 200 feet of either side of a river or stream 10 feet wide or more are defined as *riverbank*.



Photo by Dr. Frank Golet

⊗ → The Act does not provide specific definitions of the terms buffer zone or setback. However, the inclusion of riverbank and the area of land within 50 feet of a bog, marsh, swamp or pond as freshwater wetland does in effect designate these areas as lands intended to serve as buffers.

The Act states that *"No person, firm, industry, company, corporation, city, town, municipal or state agency, fire district, club, nonprofit agency, or other individual or group may excavate; drain; fill; place trash, garbage, sewage, highway runoff, drainage ditch effluents, earth, rock, borrow, gravel, sand, clay, peat, or other materials or effluents upon; divert water flows into or out of; dike; dam; divert; change; add to or take from or otherwise alter the character of any fresh water wetland ... without first obtaining the approval of the director of the department of environmental management."* (Section 2-1-21)

The remaining sections of the Act describe procedures for:

- Rules and regulations (2-1-20.1);
- Designation of wetlands (2-1-20.2);
- Inspections (2-1-20.3);
- Approvals of the director (2-1-21 and 2-1-22); and
- Violations and penalties (2-1-23 and 2-1-24).

It should be mentioned that in 1989 there was an amendment to the Act that exempted normal farming and ranching activities from the Act according to specified procedures.

Also, as a result of another amendment, since 1999 the authority to regulate *freshwater wetlands in the vicinity of the coast* was transferred to the RI Coastal Resources Management Council (CRMC) pursuant to state Chapter 46-23. DEM and CRMC developed a jurisdictional boundary and maps which designate each agency's jurisdiction. DEM continues to regulate about 93% percent of the state's freshwater wetlands landward of the boundary.

**Summary of Existing RI General Laws Regarding  
Onsite Wastewater Treatment Systems**

The state law that provides DEM authority to set standards for Onsite Wastewater Treatment Systems (OWTS) regarding the protection of wetlands and waters of the state is in Chapter 42-17.1-2, powers and duties of the director. Section 42-17.1-2(12) states that DEM has the authority:

“To establish minimum standards, subject to the approval of the environmental standards board, relating to the location, design, construction and maintenance of all sewage disposal systems.”

This is the complete text of DEM authority related to OWTS. This is the only state law regarding OWTS cited in 42-64.13-10 establishing this Legislative Task Force.

The only other state law that specifies standards for OWTS relative to water resources is Chapter 23-19.15 Rhode Island Cesspool Act of 2007, which requires the removal of cesspools within 200' of the coast, drinking water supply impoundment or public well.

Other state laws that address OWTS are listed below. However, none of these Chapters deal with the issues relevant to protection of wetlands and water resources that will be addressed by the Legislative Task Force:

Chapter 5-56 Installers of Individual Sewage Disposal Systems

Requires license for OWTS Installers.

Chapter 5-56.1 Designers of Individual Sewage Disposal Systems

Requires license for OWTS designers.

Chapter 23-19.5 Percolation Tests and Water Table Elevations

Requires percolation tests and water table determinations for land sold as buildable and provides standards for such tests.

Chapter 23-24.3 Substances or Compounds Used as Sewerage System Cleaners

Allows for the prohibition of OWTS cleaners that have toxic chemicals.

Prepared by Ernie Panciera / OWTS @ [ernie.panciera@dem.ri.gov](mailto:ernie.panciera@dem.ri.gov) or 222-4700, ext. 7603 and Carol Murphy / Wetlands @ [carol.murphy@dem.ri.gov](mailto:carol.murphy@dem.ri.gov) or 222-4700, ext. 7208.

Reviewed by Sue Kiernan and Marty Wencek, RI DEM.

09/25/13



Prepared by the Rhode Island Department of Environmental Management for the Department of Administration Legislative Task Force meeting #1 on 9/26/2013

FRESHWATER WETLAND TYPE		50 FOOT PERIMETER WETLAND	100 FOOT RIVERBANK WETLAND	200 FOOT RIVERBANK WETLAND	NO PERIMETER OR RIVERBANK
Regulatory Term	Applicable Size				
<b>Vegetated Wetlands</b>					
Swamp	3 or more acres	✓			
Forested Wetland (dominant veg. >20')	Less than 3 acres				✓
Shrub Wetland (dominant veg. <20')	Less than 3 acres				✓
Marsh	1 or more acres	✓			
Emergent Plant Community	Less than 1 acre				✓
Bog	Any size	✓			
<b>Flowing And Standing Water Wetlands</b>					
Pond	1/4 acre or larger	✓			
Submergent Plant Community	Less than 1/4 acre				✓
Special Aquatic Site (a vernal pool)					✓
Stream/Intermittent Stream	Less than 10 feet wide		✓		
Stream/Intermittent Stream	10 feet wide or greater			✓	
River	Less than 10 feet wide		✓		
River	10 feet wide or greater			✓	
Area Subject to Storm Flowage					✓
Area Subject to Flooding					✓
<b>Flood Plain Wetlands</b>					
Floodway					✓
Flood Plain					✓







### 2013 -2014 Legislative Task Force

Name	Representation
	* = Statutorily required
Kevin Flynn	DOP- Associate Director *
Janet Coit	DEM - Dir. or designee*
Janet Coit designee-Alicia Good	DEM designee
Leslie Taito	Office of Regulatory Reform - Dir. or Designee*
Grover Fugate designee - James Boyd	CRMC* -CRMC designee
Lorraine Joubert	Environmental Entity*
Thomas D'Angelo - RI Builders Association	Builder's Trade Association*
Ashley Hann- Morris - Charlestown	Municipal Representative 1*
Tom Kravitz - Burrillville	Municipal Representative 2*
Garry Ezovski	Business Community Representative 1*
Scott Rabideau	Business Community Representative 2*
Tom Kutchner - Save The Bay	Wetlands Biologist*
	** = Statutorily required as "either or"
Russell Chateauneuf	Civil Engineering Representative **
Eric Prive	Licensed designer/Environmental Engineer **
Joe Casali	Civil Engineer Representative
Scott Moorehead	Business Community Representative





# Legislative Task Force

## Membership Profile 2013 - 2014



Rhode Island Department of Administration  
Division of Planning  
One Capitol Hill  
Providence, RI 02908





## **Rhode Island Division of Planning Legislative Task Force**

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## Rhode Island Division of Planning Legislative Task Force

### Abstract

The Legislative Task Force was established by the General Assembly in 2013 by the respective bills, House 5425A and Senate 672A. The purpose of the Task Force is to solicit feedback from stakeholders with subject matter expertise related to Rhode Island's wetlands, water resources, onsite wastewater systems, and the business community. The Task Force will review technical topics presented to it and foster recommendations related to wetlands, water resources, and onsite wastewater systems for a final report to be submitted to the Legislature in December of 2014. Full copies of the bills creating the Task Force can be found at:

<http://webserver.rilin.state.ri.us/PublicLaws/law13/law13162.htm>

and

<http://webserver.rilin.state.ri.us/PublicLaws/law13/law13136.htm>

The Division of Planning (DOP) has assembled a Task Force of volunteers to work closely with the DOP, the Department of Environmental Management, and the Coastal Resources Management Council to gather the best available data and research findings for the final report. The names and a brief description of the backgrounds and experiences of each Task Force member are provided within this Profile for general information. More information on the Task Force as it is developed will be posted to the DOP website at:

[www.planning.ri.gov](http://www.planning.ri.gov)



**Rhode Island Division of Planning  
Legislative Task Force**

***Task Force Members***

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## Rhode Island Division of Planning Legislative Task Force

### **James Boyd**

Coastal Policy Analyst

### **Coastal Resources Management Council (CRMC)**

James' primary responsibility is the development and implementation of the Council's Coastal Resources Management Plan, including Special Area Management Plans. He emphasizes a science-based ecosystem approach to coastal planning and policy. His duties include developing policy and regulation to address coastal adaptation to climate change and sea level rise. In collaboration with a number of state partners, Mr. Boyd successfully obtained competitive federal funding and is the project manager for a statewide evaluation of saltmarsh migration in response to sea level rise. He is also a Senior Project Advisor on the CRMC Shoreline Change Special Area Management Plan (Beach SAMP) that is designed to identify vulnerable coastal areas at risk for coastal erosion, sea level rise, and flood inundation. It is expected that the Beach SAMP will result in adaptation strategies with state and local stakeholder engagement.

James is a CRMC designee on the RI Climate Commission Key Infrastructure and Built Environment and the Natural Resource and Habitat Working Groups. He is also the CRMC designee of the Narragansett Bay Estuary Program Management Committee. James obtained a graduate degree in Natural Resources Science from the University of Rhode Island with a focus on soil science, water pollution microbiology and watershed management. He has previously worked for the State of Vermont Environmental Board, the New England Onsite Wastewater Training Program at the University of Rhode Island, and as a Water Quality Specialist for the Rhode Island Department of Environmental Management. He has been employed with the CRMC for over 13 years, is a senior fellow at the University of Rhode Island Coastal Institute, and was a commercial fisherman on Narragansett Bay for over a decade.



## **Rhode Island Division of Planning Legislative Task Force**

**Joseph A. Casali, P.E.**  
Principal

**Joe Casali Engineering, Inc.**

Joe holds Civil Professional Engineering Licenses in 3 states; Rhode Island, Massachusetts, and Tennessee. He is a *Rhode Island Department of Environmental Management- Class II ISDS Designer*. He has memberships in the RI Society of Professional Engineers, The National Society of Professional Engineers, RI Public Works Association, Providence Engineering Society and the American Society of Civil Engineers. Joe also has a Master of Business Administration and Bachelor of Science in Civil Engineering from the University of Rhode Island.

For the last ten years Joe has had overall responsibilities for both management and design of various residential and commercial civil/site engineering projects for a small civil/site firm of eighteen employees, Joe Casali Engineering (JCE), Inc. This includes all aspects of operating including marketing, design, accounting, finance and management.

Joe Casali Engineering (JCE), Inc. was incorporated in Rhode Island in 2003, and provides civil and site engineering services for a wide variety of clients in both the public and private sector. As a multi-disciplined civil engineering company, JCE is organized to comprehensively develop and consult for clients at all stages of planning, design, construction and operations. Project experience ranges from complex drainage, utilities and roadway design, to land development improvements including commercial, industrial and residential projects. JCE is also experienced with site revitalization and community comprehensive permits as well as offering landscape architecture services.

JCE's staff is comprised of two Professional Engineers, two Engineers in Training, a Civil Designer, an Office Manager, a Marketing Specialist, and an intern. JCE is centrally located in the City of Warwick, Rhode Island.

Other positions Joe has held were Project Manager for Plexus Corporation in Cranston, RI, Project Engineer for Beta Group in Lincoln, RI, Assistant Town Engineer for the Town of Smithfield, RI and a Civil Engineer for LS transit Systems in Boston, MA.



## **Rhode Island Division of Planning Legislative Task Force**

### **Russell Chateaufneuf, P.E**

Chief of Groundwater & Wetlands Protection, DEM (Retired)

### **Civil Professional Engineer**

Russ has recently retired after more than thirty years of public service in Rhode Island. A RI Professional engineer since 1983, his last position was with the Department of Environmental Management (DEM) as the Chief of Groundwater & Wetlands Protection. As Chief he was responsible for managing the state's groundwater and wetlands protection regulatory programs and staff including: permitting of onsite wastewater treatment systems (OWTS), wetlands alterations, non-sanitary groundwater discharges, and private drinking water well variances; licensing of OWTS installers, OWTS designers, soil evaluators, and well drillers; managing the surface water quality certification program. He was also responsible for policy development, rule-making, implementation of applicable statutory mandates, updating of the Rhode Island Stormwater Design and Installation Standards Manual, non-point source pollution abatement planning, and groundwater quality and wellhead protection programs.

Prior positions with DEM were Chief of Permitting of the Office of Water Resources and Chief of the Division of Groundwater & ISDS. He was responsible for planning and administering statewide programs for: issuing licenses and permits related to wastewater treatment and disposal, water quality protection, wetlands conservation, facilities construction, private drinking water well installation; and for assessing overall permit compliance with various regulated activities affecting water resources of the state.

Russ holds a Bachelor of Science, Civil Engineering, from the University of Massachusetts, Amherst and is a member of the American Society of Civil Engineers. Other positions Russ has held in his long career were; Director of the Warwick Water and Public Works Department, in Warwick, RI, an Engineer for the RI Department of Transportation, and an Engineer for Camp, Dresser & McKee, Inc. in Boston, MA.





## Rhode Island Division of Planning Legislative Task Force

**Janet Coit**

Director

### **Department of Environmental Management**

Janet L. Coit has worked for over 20 years on environmental matters. Before coming to the Department of Environmental Management, she worked for 10 years at The Nature Conservancy, one of the world's leading environmental nonprofits. She most recently served as that organization's Rhode Island state director, where she oversaw some of Rhode Island's largest land conservation projects. Prior to joining The Nature Conservancy, she was counsel and environmental coordinator in the Providence office of the late Senator John Chafee and, subsequently, then-Senator Lincoln Chafee. She moved to Rhode Island in 1997, making a transition from her position as counsel to the US Senate Committee on the Environment and Public Works, where she worked on national environmental policy.

Director Coit has been a champion for the environment throughout her decades of environmental and legal service, including stints at the Department of the Interior, Department of Justice, and working for three U.S. Senators from New England. Clean water, clean air and our natural areas provide for an environment that supports Rhode Island's economic future, and Director Coit is dedicated to preserving the quality of our environment and protecting the natural systems critical to the health, safety and well-being of Rhode Islanders as she leads the Department.

A magna cum laude graduate of Dartmouth College, Director Coit holds a J.D. from Stanford Law School, where she was president of the Environmental Law Society and a member of the Environmental Law Journal. She enjoys spending time outdoors, learning about nature and from people, and exploring Rhode Island's waterways, historic sites, and wild places. She is married with two children and lives in the East Bay area.



## **Rhode Island Division of Planning Legislative Task Force**

### **Thomas D'Angelo**

Principal, Consultant, Broker

### **Progressive Realty Group /The Terry Lane Co.**

Thomas E. D'Angelo is the Principal of Terry Lane Company and Broker for Progressive Realty Group, its real estate division. The company has been in business since 1981 and Tom has been a licensed real estate broker since 1974. Tom has been actively involved in land use, septic designs and real estate for over 40 years and has served on many committees and boards regarding septic systems and land use. He holds the following licenses; Class I Designer #9 (Septic System Repairs), Class III Designer #3047 Angilly (Septic System – All types), Class IV Designer #3 (Soil Evaluator), Registered Septic Inspector #109908, Licensed ISDS Installer #649, Real Estate Broker #8527. Professional affiliations For Tom are; Rhode Island Builders Association, National Assoc. of Home Builders, Rhode Island Assoc. of Realtors, National Assoc. of Realtors, RI Commercial and Appraiser Board of Realtors. Tom has also worked for the Department of Environmental Management as an engineering technician who was responsible for the review of Individual Septic Disposal System designs, installation inspections, witnessing water table test holes and monitoring of wet season water table readings.

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## **Rhode Island Division of Planning Legislative Task Force**

**Garry Ezovski, P.E**

Owner

### **Lincoln Environmental Properties, LLC**

After graduation from URI with a BS in Civil Engineering, Gary Ezovski started his professional career in construction management of commercial buildings on locations from Maine to Florida and several states in the Mid-West. After 15 years of work in that field, he embraced the opportunity to lead and become an owner of Lincoln Environmental, Inc., a Rhode Island based engineering and environmental services firm, where he ultimately became the sole owner. During his construction and environmental experiences, he was an important part of initiatives to grow two small businesses in short periods of time. After 20 years of environmental engineering practice, he sold the assets of Lincoln Environmental, Inc. to a national environmental consulting firm. He remains active by managing real estate investments in Lincoln Environmental Properties, LLC, and Grand Banks Commerce Park, LLC. He continues to hold professional status as a RI Registered Professional Engineer. He has previously held registrations in MA as a Licensed Site Professional and Construction Supervisor, in CT as a Licensed Environmental Professional, and a RI OWTS Class III Designer.

He has served his home town of North Smithfield in multiple areas by serving on the Smithfield School Committee, as chair of the Town's Sewer Commission, as vice chairman on each of the town's Water Authority, Planning Board, and Fire Study Commission. He also has been an active member of school building needs assessment and building committees.

In 2001 he was chairman of the Board of the Northern RI Chamber of Commerce and continues his work with the chamber today as a delegate to the RI Chamber Coalition and as a member of the Chamber's Political Action Committee. Gary was previously a member of the RIPEC Board of Trustees and was co-chair of the RIDEM's Business Round Table with two former Directors of that department. Gary is a member of the Board of Directors at Freedom National Bank in Smithfield and a Trustee of Berkshire Financial Services of Lee, MA. He also currently serves as the chairman of the Regulations Subcommittee of the Annual RI SBA Economic Summit and is the RI member of the Small Business Administration Region 1 Regulatory Fairness Board. Gary is married to Doreen (Gauthier) Ezovski and they have one son Matthew.



## **Rhode Island Division of Planning Legislative Task Force**

**Kevin Flynn**

Associate Director

**RI Division of Planning**

Kevin Flynn has been the Associate Director of the State of Rhode Island Division of Planning since September of 2005. Prior to that he was the Director of Planning for the City of Cranston. He was an adjunct faculty member of the University Of Rhode Island Department Of Community Planning from 1989-2003. He currently serves on the Board of Rhode Island Housing and as a member of the Housing Resources Commission, the KeepSpace Advisory Committee and the Rhode Island Water Resources Board. He is a graduate of the University of Massachusetts (BA) and the University of Rhode Island (MCP).



## **Rhode Island Division of Planning Legislative Task Force**

### **Ashley Hann- Morris**

Town Planner

### **Town of Charlestown**

Ashley received an undergraduate degree in Marine and Coastal Policy and Management from the University of Rhode Island in 2002. She then received a Master's Degree in Community Planning, with a focus on Environmental Planning, from the University of Rhode Island in 2005. She was hired as the Hopkinton, RI Town Planner in 2005 and worked there until 2007. She was then hired as the Charlestown Town Planner in 2007 and continues to hold that position currently. She is an involved member of the RI Chapter of the American Planning Association and was recently approved as the organizations second legislative liaison. She was very active in the many land use and planning related bills that were discussed and passed during this past legislative session. Additionally, she is a Board member of the Women's Development Corporation. She has a specific interest in environmental and coastal planning issues and how they relate to a community's ability to grow and develop with the complexity that offers. Ashley lives in Warwick, RI with her husband and 2 ½ year old daughter.



## **Rhode Island Division of Planning Legislative Task Force**

### **Lorraine Joubert**

RI NEMO Program Director

### **University of RI, Cooperative Extension**

Lorraine Joubert is the Director of Nonpoint Education for Municipal Officials (NEMO), a University of Rhode Island Cooperative Extension program that provides training and technical assistance to communities on strategies they can use to protect water resources while accommodating growth. She has an MS in Water Resource Management from URI and more than 25 years of professional experience in environmental planning and impact assessment at both the state and local level. Since starting RI NEMO in 1993, she has developed educational materials and conducted numerous workshops on water resource management topics for local officials and environmental professionals. In partnership with RI HEALTH, she has been responsible for assessing pollution risks to drinking water supplies using GIS mapping and nutrient loading models to evaluate land use impacts. She has helped local boards use assessment results to support land use decisions, to update water resource protection ordinances focusing on wetland buffers and watershed overlay districts, and to establish onsite wastewater management programs that are recognized by the US EPA as models for the Chesapeake Bay watershed. Since 2005, she has overseen development of RI Stormwater Solutions, an award-winning statewide stormwater education project which is helping RI DOT and municipalities to achieve compliance with RIDEM Phase II Storm Water permit requirements for public education and outreach.



## **Rhode Island Division of Planning Legislative Task Force**

### **Thomas Kravitz**

Director of Planning & Economic Development

### **Town of Burrillville**

Tom has worked as the Director of Planning & Economic Development for the Town of Burrillville since 2001. Working under a Town Council / Appointed Manager form of government, he advises the Town on smart growth principles including affordable housing and mixed use development, redevelopment and village renewal. He is knowledgeable on Subdivision & Land Development Regulations, affordable housing and Comprehensive Community Plan requirements. He works to facilitate monthly meetings and provides technical assistance to the Town's Planning Board, Town Council and Redevelopment Agency on various policies, developments and redevelopment activities. He has authored numerous grants and obtaining approximately \$12 million in funds from various Federal, State entities and private agents and successfully implemented a HUD \$910,000 BEDI Grant / \$1.8 million 108 Loan for Stillwater Mill Complex revitalization /redevelopment.

Prior to Burrillville, Tom worked as a Research Analyst for the Rhode Island Economic Development Corporation, Substitute Science Teacher for Scituate High School in Scituate, and the Newport Concrete Form Company in Cumberland. He is A member of the American Planning Association, a member of the Housing Resource Commission, and Housing Works Rhode Island.



## Rhode Island Division of Planning Legislative Task Force

### **Tom Kutcher**

Bay Keeper

### **Save the Bay**

Tom Kutcher leads the Narragansett Baykeeper program, which is Save The Bay's on-the-water advocacy and watchdog presence. Save The Bay is Rhode Island's largest independent non-profit environmental organization, dedicated to the protection, restoration, and improvement of the ecological health of Narragansett Bay, its watershed, and adjacent coastal waters. The Narragansett Baykeeper is a licensed program of the Waterkeeper Alliance, a network of more than 200 similar programs worldwide.

Tom is a third-generation Rhode Islander living in Wickford with his wife and two children. He studied environmental science and management and advanced ecology at the University of Rhode Island, where his graduate research focused on developing biological indicators of freshwater wetland condition. Before being appointed as Narragansett Baykeeper, Kutcher worked as a wetlands scientist for the Rhode Island Natural History Survey, where he developed landscape, rapid, and biological wetland assessment methods for the State of Rhode Island. Prior to that, he served as a natural resources specialist and coastal ecologist for the Narragansett Bay National Estuarine Research Reserve (NOAA / RI DEM), where he planned and conducted research, management, and restoration in coastal and freshwater wetlands, and developed a nationally-implemented land cover classification scheme for the broader National Estuarine Research Reserve System.





## **Rhode Island Division of Planning Legislative Task Force**

**Scott Moorehead, P.E., P.L.S.**

Owner

**SFM Engineering Associates**

SFM Engineering was founded in 1986 as a small consulting civil engineering firm specializing in site planning, site design, utility design and permitting for residential and commercial development projects. In the past 26 years, they have completed the design and permitting for more than 800 development projects ranging in size from single family house lots to commercial and residential sites of several hundred acres. Scott is the primary client contact and responsible for project management, overall planning and design, project meetings and testimony at public hearings.

Scott has been actively involved in land use and septic designs and has served on many committees and boards regarding septic systems and land use. He was a member of the 2001 Wetland and 2002 ISDS Permit Streamlining Task Forces as well as the 1994 Governor's Blue Ribbon Commission on Wetlands and Septic Systems. He also serves as Chairman of the DEM OWTS Designer Licensing Review Panel. He has a B.S. in Civil Engineering from the Massachusetts Institute of Technology and holds the following licenses; Professional Engineer - Rhode Island, Professional Land Surveyor - Rhode Island , Professional Engineer – Connecticut, R.I.D.E.M. ISDS Cl. 3 and 4 Designer Licenses. Professional affiliations For Scott are; the Institute of Transportation Engineers, National Society of Land Surveyors, American Congress on Surveying & Mapping, Rhode Island Builders Association, and R.I. Society of Professional Land Surveyors. Scott has also served as Town engineer for the Town of Scituate, was a project Manager for Beta Engineering, Inc. of Pawtucket , RI and a Senior Project Engineer for Gordon R. Archibald, Inc., also in Pawtucket, RI.



## **Rhode Island Division of Planning Legislative Task Force**

**Eric Prive, P.E.**

Project Manager

**DiPrete Engineering**

Eric Prive is a registered professional engineer with a specialty in civil and environmental engineering. He graduated with a Bachelor of Science in Civil Engineering from the University of Rhode Island in 2001 and is currently a Project Manager at DiPrete Engineering in Cranston, RI. Mr. Prive is a RIDEM Class III OWTS Designer and has designed over 200 OWTS throughout the State including innovative and alternative (I/A) technologies. He also serves as the Chairman of the Attleboro (MA) Conservation Commission and has extensive stormwater and septic system regulatory experience. He specializes in groundwater, hydrology, and stormwater management control and has a broad knowledge of the Zoning Ordinances and Subdivision/Land Development Regulations of a majority of the cities and towns in Rhode Island.



## **Rhode Island Division of Planning Legislative Task Force**

### **Scott Rabideau**

President

### **Natural Resources, Inc.**

Scott Rabideau is the President of Natural Resource Services, Inc. (NRS), a company he started in 1988. He has a BS in Natural Resource Science from the University of Rhode Island (1982) and an MS in Management from Lesley University (1986). He is certified as a Professional Wetland Scientist (PWS) by the Society of Wetland Scientists. He is also a 25 year professional member of The Wildlife Society, where he sits on the society's Investment Review Committee. Scott has been a practicing wetland scientist in RI, MA and CT since 1986.

Scott served in the RI General Assembly as a state representative from the Town of Burrillville (then District 60) from 1995-2002. He served on the House Committee for the Judiciary for the entire 8 years, as well as the Joint Committee for Energy and Environment. He also served on the legislature's Redistricting Commission for 2000. He is the past Chairman of the Burrillville Sewer Commission, a board he served on for 4 years. Scott sits on the Legislative and Environment Committees at the Rhode Island Builders Association.



## **Rhode Island Division of Planning Legislative Task Force**

### **Leslie Taito**

Director of Regulatory Reform

## **Rhode Island Office of Management and Budget**

In November 2011, Leslie assumed the position as Director of Regulatory Reform where she is responsible for the enhancement and continual improvement to create a clear, predictable and reliable state-wide regulatory system.

Prior accepting the position as the first Director of Regulatory Reform she served as CEO of the Rhode Island Manufacturing Extension Services, Inc. (RIMES), Executive Director of the Rhode Island Manufacturers Association and the Director of Operations for the Greater Rhode Island Regional Employment and Training Board.

Leslie has extensive experience in project management, continuous improvement and Lean methodologies and implementation. She is a certified Lean trainer through the national Manufacturing Extension Partnership.



## Rhode Island Division of Planning Legislative Task Force

**For more information on the Legislative Task Force**

Please contact:

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