

Rockville Planning Commission
WORK MEETING
September 8, 2015
Rockville Community Center

1. **CALL TO ORDER AND ROLL CALL** – Chair Robert Ford called the meeting to order at 7:17 p.m. The following members of the Rockville Planning Commission were present: Karen Lodinger, Jane Brennan and Sharon Hatfield. Linda Brinkley was excused. Town Clerk, Elaine Harris, recorded the meeting.
2. **FOLLOW UP DISCUSSION ON THE RECENT WATER FORUM MEETING** – Chair Ford stated that it was his hope that the meeting could have been recorded, but we do have a copy of the power point presentation and the facilitators will be providing a written report in mid-September. Chair Ford opened the floor to discuss what was or was not accomplished and what needs to be done next.

Karen agreed that this meeting should have been recorded and that provisions should be made for recording future meetings. She said there was an excellent collection of experts present at this meeting and it would be good to be able to hear their answers again. As this meeting was not recorded, Karen wanted several important points she learned from this meeting noted. 1.) Concerning elevated Radon levels in the Rockville drinking water: When asked, Rob Synder said that historically the radon level has varied over time. It is not “getting higher”. It has become a violation in recent years because the regulatory Maximum Contaminant Level (MCL) was reduced several years ago, thereby triggering the violations. Sunrise Engineering proposed one solution to these occasional, higher radon levels could be obtained by blending water from Springdale with the Rockville water. The Sunrise Report proposed building a new 8 inch line to transfer this blend water, when needed. When asked, the engineer acknowledged that the existing 6 inch line, which is used when needed for water purchases from Springdale, could be used for bringing in this blend water. This pipe is smaller, but the elevated radon levels are up and down, and a design basis is not quantified. The Sunrise engineer felt this might be a function of flowrate and it was suggested he could try to correlate flowrate and radon levels.

Another concern raised in the Sunrise Engineering report was the lack of availability of fire water in certain areas of Rockville. However, it was indicated that there are fire hydrants on both sides of the street that can be tapped to provide this water. However, this would require halting the traffic for a period of time. Also the Fire code requires that the furthest side of the residence must be within 250 feet of the hydrant. This needs further study.

Chair Ford stated that another issue brought up was the issue of water rights ownership. It was reported that the Town of Rockville owns 38 percent of the water with 62 percent being owned by the Pipeline Company and its shareholders. Chair Ford asked whether or not there was someone from the Town at the Pipeline meetings representing the Town’s 38 percent interest. As a follow up, we might want to make sure that the Town gets more involved at the Pipeline meetings and has a representative there. Clerk Harris clarified that the shareholders do not own the water. Shareholders have a right to a share of that water. The Town would not have any more say than they now do as a shareholder for the Community Center share and the Bridge Road share. When the Town incorporated, it was decided to put some of the water under the umbrella of the Town to protect it. This issue has never been totally documented properly with the Division of Water Rights. In an effort to get this straighten out, the Town and the Pipeline Company could combine their financial efforts and hire an attorney. Sharon stated that she had spoken with Rob Snyder about Sunrise Engineering’s recommendation that to clear up all the confusion, they complete a form that would require the State to do this without having the expense of an attorney. She questioned Rob as to why this had not been done.

Chair Ford indicated that one of the key questions was asked by Megan Honer-Orton “Is there a Plan B if the Town starts running out of water?” Rob indicated that there would be better control on using

culinary water for irrigation purposes and also reported that as dry as this year has been, they have not had the problems they experienced in the past. Chair Ford stated that this tells him that the water can be managed. We know that the amount of water we are going to get is consistent; we know we can get more water from the lower alluvial plain and mixing it. The options for water are fairly good. It's more a matter of financing and planning. Clerk Harris commented on a comment made at the end of the meeting that she felt was not accurate - "We have plenty of water." It was not clarified as to what would happen once the other 21 - 23 shares are developed. The context of the statement should be "We have plenty of water rights." Chair Ford stated that implementing the additional shares should not strain the system if the water is managed well. Chair Ford voiced concern about who is paying attention at the Pipeline Water meetings to ask these questions and to ask for a longer term plan and/or a Plan B. Karen asked if they open up their meetings for questions. Clerk Harris stated that the meetings are pretty regulated.

Chair Ford suggested a couple of recommendations that could be presented to the Town Council. The first is getting the water rights issue sorted out whether it takes hiring an attorney or a paralegal. The second is to ask the Town Council and/or the Planning Commission to assign someone to attend the Pipeline meetings to follow the water issues and then report back to the Town. Karen stated that they [Pipeline Co.] should have some type of supply/demand projection for water and what they put in the water. Chair Ford stated that there was one question that was not addressed in the Sunrise report and that was a well history for each well that would look at the seasonal fluctuation of rainfall and the flow of the wells. The collection of this information over time would begin to show the correlation of how changes relate to recharge and how it relates to dry years versus wet years. This kind of analysis has not been done. Perhaps this needs to be brought to the attention of the Pipeline Board that this is some of the things that we would like to get answers to. We don't really know the water resources; we don't know the projection on water demand on the different resources and if there are any alternatives. This needs to be provided in a report. Karen brought up concerns about the large water users in the event there was a diminished supply and are there any alternatives such as using wells for irrigation purposes. Could this scenario possibly provide enough water for the 21 - 23 unused shares? Clerk Harris stated that in order to have their own well, they would have to buy a water right, and have to be able to transfer it to Rockville. The Pipeline Company has in their by-laws that in this case they can totally restrict all outside water if necessary. Sharon noted that this restricts everyone rather than just the large users. They have a water right and water rights do not say that you have a limit; you can use as much as you want.

Sharon stated that it was stressed that the first meeting was a preliminary water meeting and it was our intention to plan for a second water meeting. Karen suggested that the gentlemen who spoke on state water rights would be an excellent resource to either a work meeting or a public forum. Chair Ford stated that there are those that do not want us to ask questions as they fear there may be a possibility that the State will take it back. Chair Ford asked if the commissioners wanted to make a recommendation to the Town Council that a town council member be designated to follow the water issues more closely. One of the problems with a shareholder owned company is that they are limited on the type of grants and funding that they can seek. They cannot apply for funding that is made available to municipalities for improvement of water and treatment systems. Sharon pointed out that in previous minutes it was mentioned by Tydon Oler that the Pipeline Company has applied and received public grants which leaves some question as they are a private company. Chair Ford stated that this is another legal issue that needs to be sorted out.

Sharon asked the commissioners what they thought the average person came away with after the meeting. Jane stated that in her opinion it was the stack of questions that went home with the facilitators. Those questions need to be answered. Sharon suggested that a second meeting needs to be held just to address those questions. Jane suggested that when the report is received from the facilitators that it be made available in the Town Office for residents to read. Karen suggested that another Planning Commission work meeting be scheduled to review the report and questions and then determine the best resource to find the answers. Sharon voiced that part of her concern in writing the ordinance for the

multi-housing task force was did people come out of that meeting having some understanding of why it might not be a good idea to allow second residences, etc. Chair Ford stated that in his opinion residents went away thinking that as long as an extra room or casita is within the same culinary usage that it is their right and there is plenty of water. Sharon stated that one of the reasons that were used in the past for not allowing second residences has been the water situation. This was imposed by the Pipeline Company who has now stepped back from this. This leaves us with only the matter of density to consider when looking at second residences. There is currently a waiting list of eleven (11) people who have paid \$100 to be on the list to get a water share and they've been told there are not any. So the Pipeline Company is telling folks they haven't got any water shares to sell, but it is okay with us if you build a second residence on your property and put water to it. They need to clean up their logic. Chair Ford stated that there is a perception that this is a conspiracy to keep people out of town and this perception needs to be dealt with.

Chair Ford stated that the report is expected in time for the next work meeting in October. We can study the report, determine which questions are urgent and then make recommendations to the Town Council. The report will be placed on the website and we will alert residents that it is available.

Chair Ford complimented the facilitators stating that they did a good service for the Town.

3. **PLAN FOR THE MULTI-HOUSING TASK FORCE PUBLIC HEARING AND OTHER COMMUNITY FORA** – Sharon reported that she had completed writing another draft of the ordinance and emailed it out for comment. The only response she has received was from Rob Snyder and he was fine with it. She is still waiting for comment from Pam Leach and Megan Honer-Orton. The next step will be to present the proposed ordinance to the Planning Commission and Town Council in a joint meeting for their recommendations. Then the Public Hearing can be held knowing that we have a consensus from both bodies.
4. **ADJOURNMENT** – Jane **MOVED** that the work meeting be adjourned. Karen **SECONDED** the motion.

VOTE on motion:

Karen Lodinger – Aye
Jane Brennan – Aye
Bob Ford – Aye
Sharon Hatfield – Aye

The Planning Commission Meeting adjourned at 8:00 p.m.

Minutes Prepared by:

Vicki S. Bell
Deputy Town Clerk

APPROVED:



Planning Commission Chair

