

**STATE OF RHODE ISLAND
WATER RESOURCES BOARD**

IN RE: Appeal of Jeffrey Saletin, Trustee of
The Jeffrey Saletin Living Trust dated
September 29, 2016, and Deborah L. Furness
Saletin, Trustee of The Deborah L. Furness
Trust n/k/a The Deborah L. Furness Saletin
Trust dated April 2, 1998 from a Decision
dated June 28, 2024 of the Town of Jamestown
Board of Water and Sewer Commissioners

Case No.

APPEAL COMPLAINT

NOW COMES Jeffrey Saletin, Trustee of The Jeffrey Saletin Living Trust dated September 29, 2016, and Deborah L. Furness Saletin, Trustee of The Deborah L. Furness Trust n/k/a The Deborah L. Furness Saletin Trust dated April 2, 1998 (“Appellants” and/or the “Saletins”), acting by and through counsel in the above-referenced matter, and hereby file the instant Appeal of the Decision of the Jamestown Board of Water and Sewer Commissioners (the “Board”), a copy of which is attached hereto as **Exhibit 1**, to the Rhode Island Water Resources Board, as set forth more particularly below.

Parties

1. The Appellants, Jeffrey Saletin, Trustee of The Jeffrey Saletin Living Trust dated September 29, 2016, and Deborah L. Furness Saletin, Trustee of The Deborah L. Furness Trust n/k/a The Deborah L. Furness Saletin Trust dated April 2, 1998, are residents of the State of Rhode Island.

2. The Appellee, Jamestown Board of Water and Sewer Commissioners (the “Board”), is a Rhode Island municipal board with an office of 93 Narragansett Avenue,

Jamestown, Rhode Island. The Board oversees the Jamestown Water Division (the “JWD”).

Jurisdiction

3. The Rhode Island Water Resources Board (the “WRB”) has jurisdiction over the Board, pursuant to R.I. Gen. Laws Chapters 46-15 and 46-15.1, as amended, as well as applicable regulations.

4. The WRB has jurisdiction over the instant appeal pursuant to 490-RICR-00-00-9.4 and R.I. Gen. Laws §§ 46-15-2, 46-15-2.1, and 42-35-1, *et. seq.*

5. The Board is a “Supplier”, as defined in 490-RICR- 00-00-9.3 and R.I. Gen. Laws § 46-15.3-4(10).

6. The Decision is a final order or a final decision which is appealable to the WRB.

7. The Saletins are aggrieved parties with standing to pursue the instant appeal.

General Allegations

8. The Saletins, in their capacities as Trustees of their respective trusts, are collectively the record owners of that certain real property located at the address of 14 Seaview Avenue, Jamestown, Rhode Island, also known as Tax Assessor’s Plat 7, Lot 135 (the “Property”), pursuant to that certain Quitclaim Deed recorded on May 6, 2022 at Book 1020, Page 7 of the Jamestown Land Evidence Records, whereby Jeffrey Saletin and Deborah Furness Saletin, as individuals, conveyed title to themselves as Trustees, with each Trust presently holding an undivided 50% interest in the Property. Previously, the Saletins, in their individual capacities, had originally acquired title to the Property as tenants by the entirety in 2016, pursuant to that certain Executor’s Deed recorded at Book 852, Page 111 of the Jamestown Land

Evidence Records. Therefore, the Saletins have owned the Property since 2016.

9. The Saletins hereby appeal the Decision of the Board dated June 28, 2024, denying the Saletins' application for a water main extension and service connection to the Property.

10. The Saletins filed an application with the Board for a water service extension (the "Original Application Form") on January 2, 2024, a copy of which is attached hereto as **Exhibit 2**.

11. The Town then took the position that the incorrect form had been provided to the Saletins, and requested that a different, but similar, form be submitted. Therefore, a second application form, also dated January 2, 2024, was filed (the "Second Application Form"), a copy of which is attached hereto as **Exhibit 3**.

12. A copy of the Original Application Form with input and comments from the Town's reviewing departments is attached hereto as **Exhibit 4**.

13. The Original Application Form and the Second Application Form shall hereinafter be referred to collectively as the "Application", which also was supplemented with additional documents, plans, and reports prior to the hearing on the same by the Board, all of which became part of the Application and the administrative record.

14. In addition to the application forms, the Application included a report dated February 16, 2024 submitted to the Town by Robert E. Ferrari, P.E. of Northeast Water Solutions, Inc. (the "Northeast Water Solutions Report"). See **Exhibit 5**, the Northeast Water Solutions Report.

15. As detailed in the Northeast Water Solutions Report, Northeast Water Solutions "conducted several evaluations of the existing water supply well, well water

characterization and treatment system” at the Property and concluded that the Property has “inadequate well capacity, extremely poor water quality, and periodic loss of well water supply.” Furthermore, “[d]ue to the limited well yield/recharge the well experiences excessive drawdown, ultimately dewatering the well, resulting in multiple loss-of-service events during the 2023 summer season. The drawdown recovery, necessary to reactivate the well, is extremely slow resulting in long periods with no water supply.” See Ex. 5.

16. Additionally, as detailed in the Northeast Water Solutions Report, “the well is under relatively strong seawater influence” and “[t]his raw well water characterization significantly exceeds the USEPA and RIDOH drinking water limits for TDS and chloride, and also exceeds the USEPA Health Advisory Limits for sodium and manganese, mandating treatment.” See Ex. 5 (emphasis in original).

17. The Northeast Water Solutions Report details how the well water characterization significantly degraded over time and is expected to continue to degrade as a result of the reject water from the reverse osmosis treatment system. See Ex. 5.

18. Northeast Water Solutions detailed in its Report why the alternatives of potentially hydro-fracking the existing well or drilling a new well are not feasible or adequate solutions, concluding as follows:

The existing residential well has an effective recharge/yield of ≤ 1.1 gpm which is inadequate to support a single-family residence. Furthermore, the well demonstrates limited fracturing and recharge, which is not unexpected for the bedrock in this area of Jamestown. As a result, there is no expectation that hydro-fracturing would measurably increase the well yield, and would likely degrade water quality due to increased sea water intrusion.

There is no realistic alternative for drilling a new water supply well on this parcel, due to proximity to unacceptable contaminant threats. Additionally, there is no realistic expectation that a modest relocation of the well position on this site, would result in intersecting more favorable bedrock/geologic conditions to provide improved well capacity or water quality.

Finally, this residence has previously implemented a reverse osmosis system for desalinization of the brackish well water. However, the well has insufficient capacity to meet the RO feedwater requirements for sufficient duration to satisfy the water demands. Furthermore, there is very strong evidence that the disposal of the RO reject water is further degrading the water quality in the underlying aquifer.

The loss of an adequate water supply, and degraded groundwater quality represent a significant public health and safety threat. It is strongly recommended that this residence pursue a connection to the municipal water distribution system, as the optimum means to resolve the water supply and water quality problems.

See **Ex. 5** (emphasis in original).

19. The Application also included a plan prepared by DiPrete Engineering, a copy of which is attached hereto as **Exhibit 6**. This plan also confirms that there is no other possible location for a new well on the Property.

20. The Application further included an invoice from J Lemme Wells and Water Systems dated July 15, 2023 (the “Lemme Invoice”), which documents two specific instances when the Saletins were forced to make service calls due to inadequate water from their well which services the Property. See **Exhibit 7**, the Lemme Invoice.

21. Specifically, the Lemme Invoice states, in pertinent part, as follows:

ACTIVITY

Service Call

No Water. 7/15/2023 Well was empty. Recovery rate of well is inadequate to run reverse osmosis system in home. Well recovery is 1 GPM. 3 GPM needed to run Reverse osmosis system.

Service Call

No water 8/20/2023 same issue.

See **Ex. 7**.

22. The Saletins were one (1) of four (4) applicants in the same neighborhood off of East Shore Road seeking an extension of the water main and individual connections to the Town's water supply, all of whom were contemporaneously denied.

23. The Board operates and follows the Rules and Regulations of the Board of Water and Sewer Commissioners (the "Regulations"), which define two (2) different water districts in the Town – the "Urban Water District" and the "Rural Water District".

24. The Property is located in Jamestown's Rural Water District, although only slightly outside the boundaries of the Urban Water District.

25. The Regulations were adopted by the Town prior to the 2022 statutory amendments to R.I. Gen. Laws § 46-15-2, which statute now requires that municipal suppliers review applications for water main extensions in accordance with the standards set forth in R.I. Gen. Laws § 46-15-2(b)(1) through (7).

26. The aforementioned statute further vests the WRB with jurisdiction to hear appeals of the final decisions of Suppliers on such applications.

27. As discussed more particularly below, not only did the Application and the presentation thereon satisfy each and every one of the standards set forth in R.I. Gen. Laws § 46-15-2(b), but the Board improperly relied upon more restrictive standards contained in the Regulations as a basis for denial of the Application, as well as concluding that the aforementioned statute did not prevent the Town from denying the Application.

28. Notably, the Town, through legislators, had a bill introduced in the Rhode Island General Assembly on January 26, 2024 (2024 -- H 7345) which, if enacted (it has not been), would have exempted the Town from R.I. Gen. Laws § 46-15-2(b) and authorized the

Board to deny applications for extension of water service outside of areas designated by the Town (*i.e.*, any properties outside of the “Urban Water District”). This bill has not been voted on and is currently held for further study.

29. On or about February 13, 2023, Michael Gray, the Town’s Public Works Director, submitted a Memorandum to the Board, providing an advisory opinion on the Application and other similar applications pending before the Board by neighbors (the “Gray Memo”), which noted, in pertinent part, the issues which the Saletins had been experiencing with their well running dry on multiple occasions, as well as other water quality issues. *See **Exhibit 8***.

30. The Application was first heard at the February 20, 2024 meeting of the Board and ultimately heard over the course of four (4) total meetings on February 20, 2024, April 15, 2024, May 6, 2024, and May 20, 2024.

31. During the public hearing process, the Saletins, through their then-counsel, presented a substantial amount of argument, evidence, and testimony, including expert testimony from Brian Thalmann, P.E. of DiPrete Engineering and Robert Ferrari, P.E. of Northeast Water Solutions, Inc., detailing the history and extent of the water-related issues at the Property and opining as to why connection to Jamestown’s municipal water system is necessary in order for the Property to have a safe and adequate water supply.

32. In addition to the information provided as part of the Application and supplemental materials submitted in support thereof, the Saletins presented evidence and testimony during the hearings to satisfy the elements of R.I. Gen. Laws § 46-15-2 (incorrectly cited to in the Decision as “46-15.2”), which provides as follows:

§ 46-15-2. Approval of public water supply facilities.

(a) No municipal water department or agency, public water system, including special water districts or private water companies, engaged in the distribution of water for potable purposes shall have any power:

(1) To acquire or take a water supply or an additional water supply from an existing approved source;

(2) To take or condemn lands for any new or additional sources of water supply or for the utilization of supplies;

(3) To extend its supply or distribution mains into a municipality or special water district wherein it has not heretofore legally supplied water;

(4) To construct any extension of its transmission mains;

(5) To extend the boundaries of a special water district; or

(6) To supply water in or for use in any other municipality or civil division of the state which owns and operates a water supply system therein, or in any duly organized special water district supplied with water by another municipal water department or agency, special water district, or private water company, until the municipal water department or agency, special water district, or private water company has first submitted the maps and plans therefor to the director of the department of health, the state planning council and the board, as hereinafter provided, and until the water resources board, after receiving the recommendations of the director of the department of health and the division of statewide planning, shall have approved the recommendations or approved the recommendation with modifications as it may determine to be necessary; provided, however, this subsection shall not apply to any area presently served by any municipal water department or agency, or special water district.

(b) Approval shall not be necessary of any plan or work for the extension of supply or distributing mains or pipes of a municipal water supply plant or special district or private water company into and for the purpose of supplying water in any territory within the limits of the municipality or special district or within the franchise area of the private water company, owning the plant, including territory within the municipal special district or franchise limits which has not been heretofore supplied with the water by the plant, nor for the reconstruction or replacement of existing facilities in connection with an existing plant, wherein the capacity of the plant is in no way increased, nor for the construction of filtration or other treatment facilities which will not in any way increase the amount of water which can be made available from the present sources of supply. Notwithstanding any provision of this section to the contrary, a municipal water department, agency, or public water system governed under this section shall review

applications for plans or work for the extension of supply or distribution mains or pipes in accordance with the following standards:

- (1)** The application must not be prohibited by the specific language of the latest water supply system management plan (“WSSMP”) of the public water supply system;
- (2)** The application must comply with the design and construction standards and specifications established by the public water supply system for the sizing and location for the infrastructure;
- (3)** The extensions shall not reduce the necessary level of fire protection for the community;
- (4)** All water main and service connection materials, construction, and inspection required hereunder shall be at the sole cost and expense of the applicant;
- (5)** The public water supply system shall be granted an easement in a form acceptable to them which shall permit the maintenance, repair, or replacement of water lines and all other related activities;
- (6)** For applications for single-family residential lots, the applicant must show that:
 - (i)** The existing or proposed well for the property does not meet the well industry standard as described in the department of environmental management regulations for “yield per depth of well chart” which is required by the department of health for a dwelling unit; and
 - (ii)** Due to the unique characteristics of the property that the drilling of a new well is not feasible;
- (7)** For applications located within a public water supply system with limited capacity, applicants for commercial uses/properties shall be governed by the rules established for such connections by the public water supply system, which shall be in accordance with the system’s approved WSSMP.

A public water supply system governed under this section may provide for lower standards for approval for residential property if such standards meet the requirements of the agency’s state-approved WSSMP, and such WSSMP is not expired.

- (c)** The water resources board shall enforce the provisions of this section, and the superior court by injunction may, upon application of the water

resources board, prevent any action to be taken by any municipal water agency or department, special district, or private water company without the approval of the water resources board as required by this section.

See R.I. Gen. Laws § 46-15-2.

33. The Board, which ultimately denied the Application, erroneously concluded that the Saletins had failed to satisfy the standards set forth in R.I. Gen. Laws § 46-15-2(b) and also continued to maintain, as it had prior to the amendment of R.I. Gen. Laws § 46-15-2 in 2022, that R.I. Gen. Laws § 46-15-2 did not preclude the Town from imposing inconsistent and more restrictive provisions set forth in the Regulations and other local rules, as a basis for selectively limiting, in the Town's discretion, any request for extension of water service outside of the Town's Urban Water District into the Rural Water District.

34. The Town's erroneous position is premised on R.I. Gen. Laws § 46-15-2 purportedly not overriding the enabling act which provided for the creation of the Board and not preempting the Town's Rules; the Act is found at Chapter 273 of the Public Laws of 1968.

35. The Saletins' Application and the presentation thereon satisfied each of the specific criteria set forth in R.I. Gen. Laws § 46-15-2(b), as supported by the arguments of their counsel to the Board and the testimony, reports, and documents offered by the Saletins' experts.

36. Addressing R.I. Gen. Laws § 46-15-2(b)(1), the Application is not prohibited by the specific language of the latest water supply system management plan ("WSSMP") of the public water supply system; furthermore, the Town's WSSMP even recognizes that extensions of the Town's water supply into the Rural Water District have on occasion been permitted.

37. Addressing R.I. Gen. Laws § 46-15-2(b)(2), the extension proposed by the Saletins would comply with the design and construction standards and specifications established by the Town, as set forth in the Regulations.

38. Addressing R.I. Gen. Laws § 46-15-2(b)(3), the extension would not reduce the necessary level of fire protection in Town, which notably was confirmed by the Town's Fire Chief in his written comments on the Application provided on July 9, 2024, in which he stated that the "[r]equest will not reduce the level of fire protection [...] Fire hydrant needed in area" and that the extension will not reduce the level of fire protection in the community. These comments of the Town's Fire Chief are contained on pages 6 and 7 of **Exhibit 4**. See **Ex. 4**, at p. 6-7.

39. Addressing R.I. Gen. Laws § 46-15-2(b)(4), all water main and service connection materials, construction, and inspection required were to be at the sole cost of the Saletins (and, with respect to the extension of the water min which the four (4) properties would connect to, the other similarly situated applicants who were also denied).

40. Addressing R.I. Gen. Laws § 46-15-2(b)(5), the Town would have been granted an easement for maintenance, repair, or replacement of the water lines, had the Town approved the extension request.

41. Addressing R.I. Gen. Laws § 46-15-2(b)(6), the existing well on the Property was clearly demonstrated to not meet current well industry standards and does not produce a sufficient yield of potable water, as proven by the Saletins and their experts and consultants, and as detailed above.

42. Addressing R.I. Gen. Laws § 46-15-2(b)(7), the Saletins clearly demonstrated that neither drilling a new well nor hydrofracking were feasible options, as

detailed in the Northeast Water Solutions Report and as testified to during the public hearing process. *See* **Ex. 5**.

Appeal of Board's Decision

43. The Saletins repeat and reallege each and every one of the preceding Paragraphs of this Appeal Complaint as if fully set forth herein.

44. The Board's Decision should be reversed pursuant to 490-RICR- 00-00-9.7(E), as substantial rights of the Appellants have been prejudiced because of the administrative findings, inferences, conclusions, and decisions of the Board, and the Decision is:

- a. In violation of constitutional or statutory provisions;
- b. In excess of the statutory authority of the Board;
- c. Made upon unlawful procedure;
- d. Affected by other error of law;
- e. Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and/or
- f. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

WHEREFORE, the Saletins hereby respectfully request that the WSB reverse the Board's Decision and award reasonable attorney's fees and costs to the Saletins pursuant to R.I. Gen. Laws § 42-92-1, *et seq.*, as well as any other such relief as the WSB deems appropriate.

Jeffrey Saletin, Trustee of The Jeffrey Saletin Living Trust dated September 29, 2016, and Deborah L. Furness Saletin, Trustee of The Deborah L. Furness Trust n/k/a The Deborah L. Furness Saletin Trust dated April 2, 1998

By Their Attorneys,

PARTRIDGE SNOW & HAHN LLP

/s/ Michael L. Mineau

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DATED: July 25, 2024

4865-2005-5762.1/032597-0002

EXHIBIT 1
(Town of Jamestown Decision)



Town of Jamestown

Town Clerk's Office

Town Hall, 93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9800 • Fax 423-7230
email: rfagan@jamestownri.net

Roberta J. Fagan
Town Clerk
Probate Clerk

June 28, 2024

Jeffrey and Deborah Saletin
14 Seaview Avenue
Jamestown, RI 02835

Re: Water Service Extension Request

Dear Mr. and Ms. Saletin,

The following is the decision on your application for a water main extension and associated service connection outside of the Jamestown Urban Water District, dated January 2, 2024, to property identified as 14 Seaview Avenue, Jamestown, R.I. (AP 7 Lot 135) and placed on the Town of Jamestown Water and Sewer Commission ("Commission") meeting agenda for consideration and action.

Your application, along with three other applications for similar water service extension and connection requests to their nearby properties, was first considered by the Commission at their February 20, 2024, meeting. At their February 20, 2024, meeting, your application was continued because several new documents in support of your application were submitted that evening. The Commission continued your application for review and consideration to their meeting set for April 15, 2024. At the April 15, 2024, Commission meeting, your legal counsel made a statement into the record that you have been experiencing water-related issues at your property since 2018. Your legal counsel explained that your well exhibited low water quantity and poor water quality due to saltwater intrusion issues.ⁱ Your legal counsel further stated that your well was producing yields of less than 1.5 gallons per minute and that you installed a water storage tank and reverse osmosis system to address this situation.ⁱⁱ Your legal counsel then presented and qualified Brian Thalmann as an expert in civil engineering. The Commission accepted Mr. Thalmann as an expert in civil engineering. Mr. Thalmann testified that he had personal knowledge of the site through a site inspection. Mr. Thalmann further testified that no other physical location was available on the property to site another well. Mr. Robert Ferrari was called next and presented and qualified as an expert in water supply. Mr. Ferrari testified that he was personally familiar with the site and status of the well and treatment system since his company had been assisting you in obtaining sufficient water quantity and water quality from your existing well since 2018. Mr. Ferrari also testified that you reside at the property seasonally. Mr. Ferrari further stated that while the well yield meets the depth-to-yield standard, the water quality is not suitable as potable water without treatment.ⁱⁱⁱ During questioning by a commissioner, Mr. Ferrari acknowledged that alternative water supply

options to municipal water were available to the applicants but not preferred options mostly due to the cost when compared to the cost of a municipal water connection. Your legal counsel then rested his presentation of your application. Since the Commission had three other similar applications to consider, your application, along with the other three applications, was continued to the May 6, 2024, Commission meeting.

At the May 6, 2024, Commission meeting your legal counsel presented Mr. Ferrari, who was previously accepted by the Commission as an expert in water supply, to provide additional testimony. Mr. Ferrari testified on the need to not only have sufficient water quantity but to have appropriate drinking water quality.^{iv} During questioning by a commissioner of Mr. Saletin, it was confirmed that the use of the property is seasonal mostly by two occupants.

Mr. Michael Gray, the Department of Public Works Director and who has responsibility for the Town's Water and Sewer divisions, appeared and presented a report to the Commission concerning the Town's water supply and distribution system. Mr. Gray testified that the Town purchased the water plant and its water distribution system from a private company by authorization of a special act of the General Assembly passed in 1968 and the subsequent approval of the special act by local referendum.^v Mr. Gray testified that the water system purchased by the Town only served a limited geographic area, primarily within the village area (referred to as the Urban District in the current water system supply management plan and rules) and areas south of the village where former military facilities were located.^{vi} Mr. Gray testified that your property is located to the north of and outside the Urban Water District and that no water service is available to or exists at your property. Mr. Gray also testified that the Town has no plans to extend the water service system north of the current boundary of the Urban Water District (which is south of your property). Mr. Gray also testified that all costs to operate, improve, and maintain the water supply and distribution system are the responsibility of the ratepayers in the system. Mr. Gray testified that your property is not part of the water supply system, and you are not a ratepayer.

Mr. Gray testified that the Town has undertaken significant improvements since its acquisition of the water supply and distribution system, including but not limited to improvements to the two surface water reservoirs and adding a ground water well to bolster supply. Mr. Gray testified that the Commission has implemented regulations to reduce water consumption to balance the supply and demand for water among the current system users. Mr. Gray explained that supply replenishment is unpredictable since it relies on annual rainfall, and that consumption demand, which exceeds supply for up to five (5) months each year, must be closely monitored and regulated to ensure the continued capability of the system to supply water to current users.^{vii}

At the conclusion of Mr. Gray's testimony, your legal counsel questioned Mr. Gray and advocated on behalf of your application that the Commission approve your water service extension and connection request on the basis that your property meets "the standards of the State law...."^{viii} The Commission continued your application to their May 20, 2024, meeting to allow time for the commissioners to thoughtfully consider the evidence submitted on behalf of your application before they begin their deliberations.

At the May 20, 2024, Commission meeting, the commissioners discussed the present conditions of the Jamestown water system, specifically the limited supply and distribution network. The commissioners discussed the past history of the limited water supply, their adoption of rules to limit and reduce consumption of water by system users to conserve the limited and unpredictable supply, and the reasons why the water system is limited to a specific geographic area to ensure

available supply will be adequate to meet current and predicted future system consumption demand. The commissioners also discussed the relevant standard of review provision in the Rules and Regulations of the Board of Water and Sewer Commissioners (the "Rules") for water service extensions outside the Urban District. The Commission discussed the relevance and applicability of Rule 14.B. of the Rules, which states, in relevant part, at b.4., "Extensions to and within the rural district shall be prohibited." However, the Rule provides that "Nothing herein shall be construed to prohibit or prevent the Board of Water and Sewer Commissioners from making such improvements, including extensions, which shall, in the opinion of the Board, improve the quality or quantity of water furnished to existing water uses (sic)."^{ix}

You were one of four applications seeking a municipal water extension and connection which were considered by the Commission simultaneously. All four applications concern properties located on Seaview Avenue. Your property, along with the other three application properties, is located outside of the Urban Water District and has no municipal water supply, distribution lines, or service. These facts have been true since the creation of the Jamestown Water District in 1968. Your legal counsel presented two experts and one layperson testimony in support of the proposition that your property complied with the requirements of R.I. General Laws 46-15.2(b), Sections 1-7. Neither you, nor any of the other applicants, addressed, offered testimony, or presented any evidence concerning the relevant requirements of the Jamestown Water and Sewer Commission Rules, 14.B.b.4.; to wit, how and whether your application to extend water outside of the Urban Water District would "improve the quality or quantity of water furnished to existing water [users]".

The Jamestown Board of Water and Sewer Commissioners was created by a special act of the General Assembly in 1968, in pertinent part, to allow for the purchase of the then-existing Jamestown Water Company by the Town (the "Act"). The Town voters ratified the special act by referendum thereby authorizing the Town to purchase the Jamestown Water Company. At the time of its acquisition, the Jamestown Water Company provided water service to a geographic area somewhat synonymous with the Jamestown Village, so-called. In addition, a water service distribution line extended south of the Village area to serve areas formerly used as federal defense installations, to Beavertail and facilities commonly known as Fort Getty and Fort Wetherill. In time and up to the present, through the adoption of its water supply and distribution plan and the Rules, the Commission has designated the geographic area mostly comprised as the Village as the Urban Water District and the area south of the Urban District as the Rural Water District. The Water Supply System Management Plan (the "Plan"), in effect and applicable to your application specifically shows the water service areas at Figure 2.3. ^x Figure 2.3 contains a specific notation that it "shows the boundaries of the Urban Water and Sewer Districts...[and] No future extensions of water service are planned at this time." Of particular relevance to your application is that neither the Act nor the Plan obligate the Commissioners to provide water service everywhere in Town or to areas outside of the Urban Water District not presently receiving water service.^{xi} It is undisputed that your property is located outside of the Urban Water District as shown in Figure 2.3. It is also undisputed that your property is not receiving municipal water service. Your evidence established that your property has a private well as its water supply.

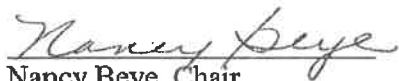
It was undisputed on the record that the Act, the Plan, and the Rules provides the Commission the discretion to authorize extensions and connections to the municipal water system for property located outside of the Urban Water District, such as is the case for your property. In fact, you offered no evidence to the contrary. Your entire presentation focused on the relevant provisions of

the General Laws 46-15.2(b). The Commission is specifically charged with the obligation to preserve and protect the water supply and ensure its wise and responsible use.^{xii} In addition, the Commission has the responsibility to the present users of the water system to provide sufficient water. By their very nature, extensions, expansions, and new connections outside of the current water service area are injurious to and endangers the Commission's obligations to its present users. All these facts were considered in the adoption of the Rules, 14.B.(b) requirement that extensions and connections outside of the Urban Water District may be authorized when the applicant shows it will constitute an improvement to the quality or quantity of water furnished to the existing water system users.

Such is not the case here. You offered no evidence to demonstrate or show that your requested extension and connection had any improvement to the quality or quantity of water furnished to the existing system users. To the contrary, your application's evidence only showed a benefit to your property without consideration of the detriment to the existing system users, the water supply capacity, or improvement to the quality or quantity of water furnished to existing water system users. Your sole reliance in making this application was compliance with the General Laws 46-15.2(b). All the testimony and evidence you entered into the record of the hearing on this application focused on this sole metric. You failed to offer any evidence whatsoever regarding compliance with the Rules at 14.B.b.4. In conclusion, the Commission had no evidence or decisional law presented to it during the course of this hearing to show or demonstrate that Jamestown has to provide water to everybody; that this new general law overrules the special act of the legislature which created the municipal water system or that mere compliance with the criteria set forth in the new general law obligates the water system to extend its distribution lines and provide a service connection to the applicant; or that, this new general law nullifies the Rules that have been promulgated for the district.

On the preceding basis and for the many reasons stated previously, herein, Commissioner R. White made a motion to deny this application for an extension and connection of a new water service outside of the Urban Water District. The motion was seconded by Commissioner Meagher. The vote was 4 in favor and 0 opposed to the motion. The motion carried by a 4-0 vote.

Very truly yours,



Nancy Beye, Chair

Jamestown Water and Sewer Commissioners

ⁱ Transcript p. 25 (Apr. 15, 2024).

ⁱⁱ Id.

ⁱⁱⁱ Id. at p. 53.

^{iv} Transcript p. 18-20 (May 6, 2024).

^v Chapter 273 of the Public Laws (1968).

^{vi} Transcript p. 59 (May 6, 2024).

^{vii} Id. at p. 84-89.

^{viii} Id. at p. 113.

^{ix} Rules and Regulations of the Board of Water and Sewer Commissioners, Rule 14.B.4. (2009)

^x Water Supply System Management Plan, 5 Year Update, p. 2-9 (Mar. 2018).

^{xi} See, e.g., id. at 2.6.1 Geographic Service Area; see also 2.9.3.

^{xii} Transcript p. 10-11 (May 20, 2024).

EXHIBIT 2
(Original Application Form)

Dec 12 1/2/2024
Board of
Water and Sewer Commissioners
TOWN OF JAMESTOWN, RHODE ISLAND 02835

RECEIVED #5600
Dec 14 2023
DEC 28 2023
8:14 AM
Town of Jamestown

APPLICATION FOR UTILITY SERVICE CONNECTION

COMPLETED BY APPLICANT

DATE: 1/2/2024

✓ Rural Water and Sewer District

Urban Water and Sewer District

Applicant:

Name: Jeffrey + Deborah Salter
Address: 14 Seaview Ave
Jamestown

Email: JEFFS@SalterRE Group.com
Phone: (401) 529-9730

Plat: 7 Lot: 135

Zoning District: _____

Type of Service Being Requested:

Use: Residential (single family) ✓

Commercial _____

Other _____

Water ✓ Sewer _____

(multi family) _____

Number of Units _____

Plans Required Yes _____ No ✓ (For Office Use Only-to be checked by the Public Works Director)

New Building _____

Existing Well ✓

Existing Building Home (yes)

Existing ISDS ✓

Does applicant own contiguous land?

Yes _____ No ✓

Estimated water usage 250 GAL / DAY.

ALL NOTE: Regular meetings of the Board of Water and Sewer Commissioner are held once monthly. Meetings are held at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue, Jamestown, RI. This meeting location is accessible to the physically challenged. Hearing

or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 or 423-1212 not less than 3 business days prior to this meeting.

I will Submit
Please provide a written description and plans addressing Sections 13A, 13B, 14A, 14B (Applications and Transfers) required in the Rules and Regulations of the Board of Water Commissioner. All plans when required by the Director of Public Works Director, must be received a minimum of two weeks prior to the application being placed on the agenda. Any questions concerning the rules and regulations, please call the Public Works Director, Mike Gray at 423-7225.

we have an existing well which had
DRY Twice This Fall. our well generates
only 1 1/2 gal/minute & is of poor
Quality. our TDS ranges between 1200 &
2100. We can't treat our water throughout
the year because of the low yield in
the well. John Lemme well & pump, North West
Water Solutions & D. Prote Engineering Assoc.
are working on my issue.

\$49.00
N J--\$49.00 Recording Fee for Decision Letter. (Fee effective 11/12/07 per RIGL 34-13-7(a)
This fee is due at the time the application is filed with this office. If the application is not approved by the Board of Water and Sewer Commissioners the fee will be returned to the applicant.

Applicant agrees to take water and sewer service in full compliance with the rules and regulations of the Commission. Applicant agrees to accept all cost associated with the requested service connection. In addition, applicant agrees to pay \$3000 for Water Service Connection fee and \$3000 for Sewer Service Connection fee and any other applicable water or sewer fees. All work according to approved plans and specifications. The Town of Jamestown will inspect all work before final acceptance.

Date: 1/2/2024

Applicants Signature: [Signature]

Owners Signature: [Signature]

Approval by the Board of Water and Sewer Commissioners:

Commission President

Date

The following information is requested by the Federal Government in order to monitor our compliance with various civil rights laws. You are not required to furnish this information, but are encourage to do so. The law requires that we may not discriminate based upon this information, nor whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations we are required to note the race and sex on the basis of visual observation or surname. If you do not wish to furnish the above information, please check the box below.

I do not wish to furnish this information ☒

Race/National Origin: American Indian or Alaskan Native

Asian or Pacific Island

White, not of Hispanic origin

Black, not of Hispanic origin

Hispanic origin

Other (specify)

Sex:

Female

_____ ☒

Male

_____ ☒

COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTS

Location of nearest water main _____

sewer main _____

Location of nearest fire hydrant _____

Size of water main _____

Type and condition of main _____

Water pressure at applicants location _____

Estimated water usage _____

New construction _____

Retrofit _____

Compliant with water saving devices _____

Comments: _____

Date _____

Signature/Title _____

COMPLETED BY PLANNING DEPARTMENT

Is request consistent with Comprehensive Community Plan?

Please explain

Potential for future subdivision? Please explain

Date

Signature/Title

COMPLETED BY FIRE CHIEF

Request will or will not reduce the level of fire protection of the community? Please explain _____

Fire Hydrants required? Yes _____ No _____

Date _____ Signature/Title _____

EXHIBIT 3
(Second Application Form)

**Board of
Water and Sewer Commissioners
TOWN OF JAMESTOWN, RHODE ISLAND 02835**

APPLICATION FOR WATER AND SEWER EXTENSION

COMPLETED BY APPLICANT

DATE: January 2, 2024

Applicant:

Email: jeffs@saletinregroup.com

Name: Jeffrey & Deborah Saletin

Phone: 401-629-9730

Address: 14 Seaview Ave

Jamestown, RI 02835

Zoning District: R-40

Type of Service Extension Being Requested:

Water X Sewer _____

Use: Residential

(single family) X

(multi family) _____

Residential multi family on existing line _____

Commercial _____

Other _____

Location of Extension Request:

Street 14 Seaview Ave.

Plat: 7 Lot: 135

Please give detail description of proposed plan and anticipated annual water consumption:

We request that the town water line be extended to
service our home, which is a 3-bedroom single family home.

The water consumption is 73,000 gallons per annum or

Please attach "sketch" of proposed installations.

200 gallons per day.

(Applicants signature is required on Page 2)

We have an existing well which ran
dry twice this past fall. Our well generates
only 1 1/2 gallons per minute and the water
is of very poor quality. We are unable to treat our water
throughout the year because of the low yield in the well.
John Lemme Well and Pump, Northeast Water Solutions,
and Di Preto Engineering Associates are working on an
issue.

☒ --\$49.00 Recording Fee for Decision Letter. (Fee effective 11/12/07 per RIGL 34-13-7)
This fee is due at the time the application is filed with this office. If the application is not approved by the Board of Water and Sewer Commissioners the fee will be returned to the applicant.

Applicant agrees to take water and sewer service in full compliance with the rules and regulations of the Commission. Applicant agrees to accept all cost associated with the requested service connection. In addition, applicant agrees to pay \$3000. for Water Service extension fee and/or \$3000 for Sewer Service extension fee and any other applicable water or sewer fees. All work according to approved plans and specifications. The Town of Jamestown will inspect all work before final acceptance.

Date: January 2, 2024

Applicants Signature: _____

Owners Signature: _____

Agreement is valid for 1 year from date of approval.

Approval by the Board of Water and Sewer Commissioners:

Commission President

Date _____

ALL NOTE: Regular meetings of the Board of Water and Sewer Commissioner are held once monthly. Meetings are held at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue, Jamestown, RI. This meeting location is accessible to the physically challenged. Hearing or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 or 423-1212 not less than 3 business days prior to this meeting.

- The following information is requested by the Federal Government in order to monitor our compliance with various civil rights laws. You are not required to furnish this information,

but are encourage to do so. The law requires that we may not discriminate based upon this information, nor whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations we are required to note the race and sex on the basis of visual observation or surname. If you do not wish to furnish the above information, please check the box below.

I do not wish to furnish this information _____

Race/National Origin: American Indian or Alaskan Native _____

Asian or Pacific Island _____

White, not of Hispanic origin X

Black, not of Hispanic origin _____

Hispanic origin _____

Other (specify) _____

Sex:

Female X

Male X

COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTS

Location proposed Water _____ Sewer _____ Extension _____

Street or Right of Way _____ Urban District _____

Rural District _____

Location of Nearest Main: Water Main _____

Sewer Main _____

Number of Feet Proposed Extension: Water Main _____

Sewer Main _____

Number of lots served by proposed extension: Improved _____

Unimproved _____

Estimated total cost of project: Water Line _____

Sewer Line _____

Estimated total cost per foot: Water Line _____

Sewer Line _____

Would Town Provide:

Manpower: Yes _____ No _____ Equipment: Yes _____ No _____ Materials: Yes _____ No _____

Public Works Director

Comments: _____

Date _____ Signature/Title _____

COMPLETED BY PLANNING DEPARTMENT

Is request consistent with Comprehensive Community Plan?

Please explain _____

Potential for future subdivision? Please explain _____

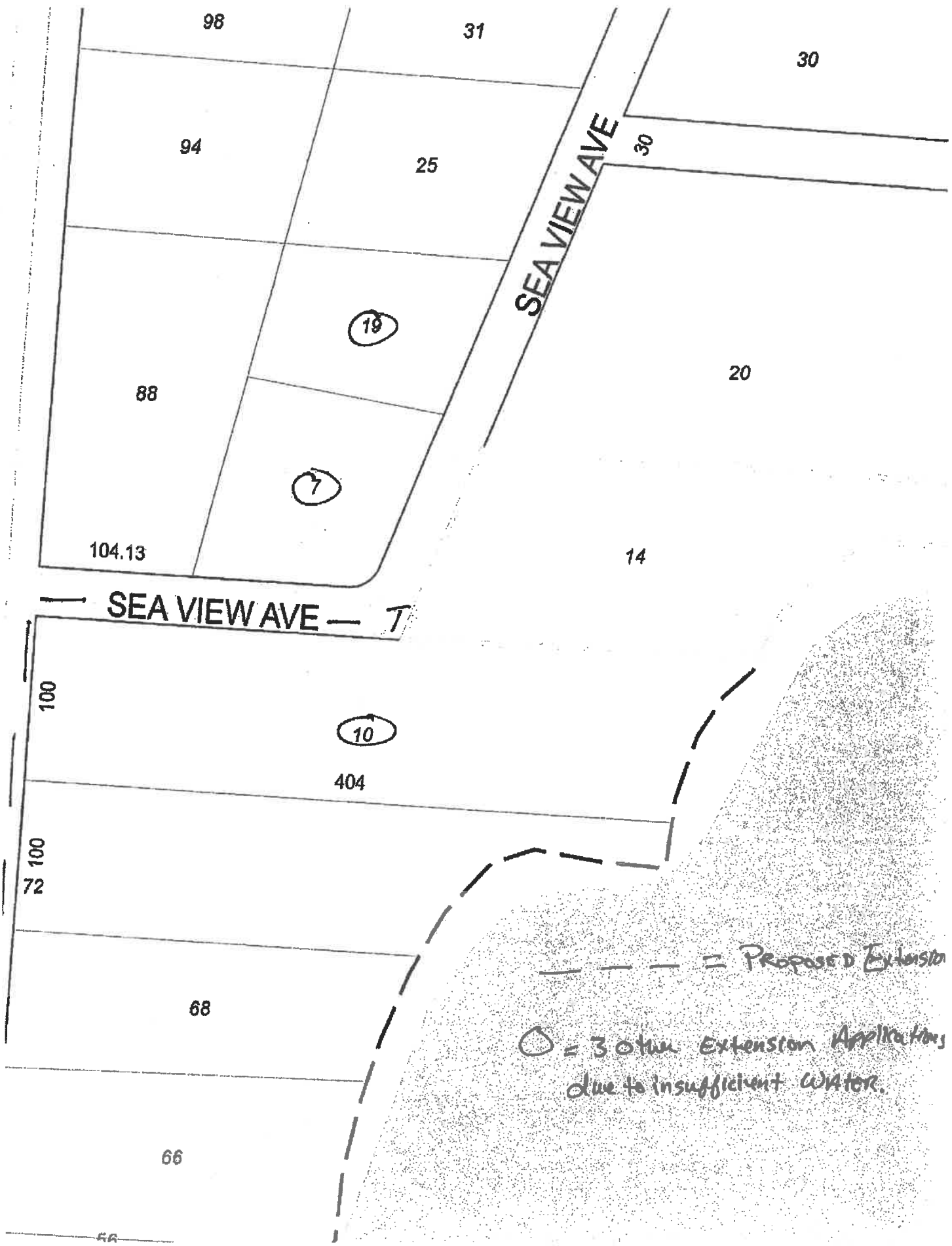
Date _____ **Signature/Title** _____

COMPLETED BY FIRE CHIEF

Request will or will not reduce the level of fire protection of the community? Please explain _____

Fire Hydrants required? Yes _____ No _____

Date _____ Signature/Title _____



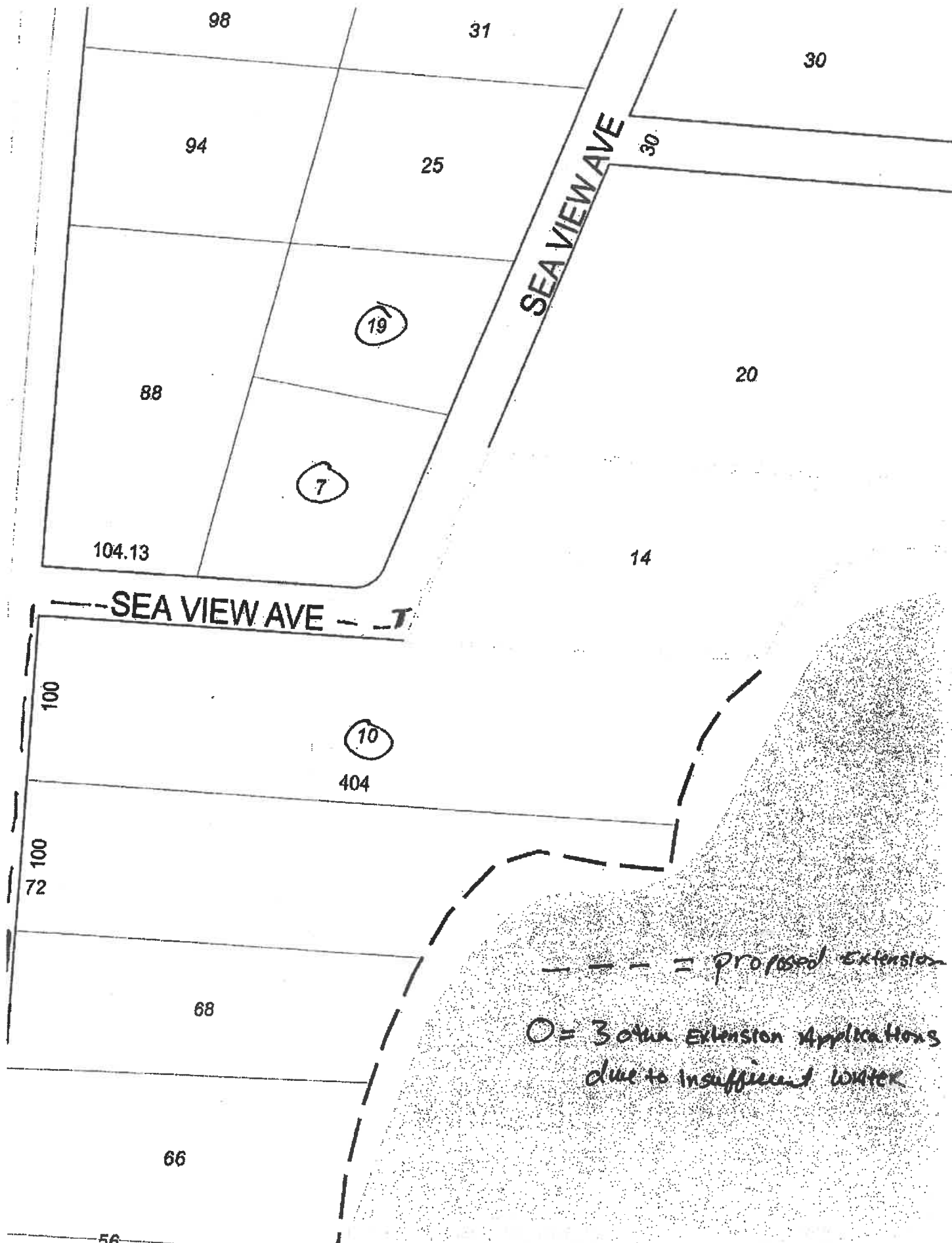


EXHIBIT 4
(Original Application Form w/ Town's Comments)

①

**Board of
Water and Sewer Commissioners**
TOWN OF JAMESTOWN, RHODE ISLAND 02835

REC 4908 #5620
DEC 8 14 AM
JAN 2 2003

APPLICATION FOR UTILITY SERVICE CONNECTION

COMPLETED BY APPLICANT

DATE: 1/2/2002

☒ Rural Water and Sewer District

☐ Urban Water and Sewer District

Applicant:

Email: JEFFS@SalemRE
Group, Inc

Name: Jeffrey + Deborah Sallet Phone: (401) 529-9730

Address: 14 Seaview Ave Plat: 7 Lot: 130

Jamestown Zoning District: _____

Type of Service Being Requested:

Water ☒ Sewer _____

Use: Residential ☒
(single family) _____

(multi family) _____

Commercial _____

Number of Units _____

Other _____

Plans Required Yes _____ No ☒ (For Office Use Only-to be checked by the Public Works Director)

New Building _____

Existing Building Home (yes)

Existing Well ☒

Existing ISDS ☒

Does applicant own contiguous land? Yes _____ No ☒

Estimated water usage 250 GAL / DAY

ALL NOTE: Regular meetings of the Board of Water and Sewer Commissioner are held once monthly. Meetings are held at the Jamestown Town Hall, Council Chambers, 93 Narragansett Avenue, Jamestown, RI. This meeting location is accessible to the physically challenged. Hearing

or speech impaired individuals requiring the services of an interpreter should call 1-800-745-5555 or 423-1212 not less than 3 business days prior to this meeting.

I will Submit
Please provide a written description and plans addressing Sections 13A, 13B, 14A, 14B (Applications and Transfers) required in the Rules and Regulations of the Board of Water Commissioner. All plans when required by the Director of Public Works Director, must be received a minimum of two weeks prior to the application being placed on the agenda. Any questions concerning the rules and regulations, please call the Public Works Director, Mike Gray at 423-7225.

we have an existing well which had
dry twice this fall. our well generates
only 1 1/2 gal/minute it is of poor
quality. our TDS ranges between 1200 &
2100. we cant trust our water throughout
the year because of the low yield in
the well. John Lemme well & pump, Northwest
Water Solutions & D. Prate Engineering Assoc.
are working on my issue.

\$49.00 []-\$49.00 Recording Fee for Decision Letter. (Fee effective 11/12/07 per RIGL 34-13-7(a))
This fee is due at the time the application is filed with this office. If the application is not approved by the Board of Water and Sewer Commissioners the fee will be returned to the applicant.

Applicant agrees to take water and sewer service in full compliance with the rules and regulations of the Commission. Applicant agrees to accept all cost associated with the requested service connection. In addition, applicant agrees to pay \$3000 for Water Service Connection fee and \$3000 for Sewer Service Connection fee and any other applicable water or sewer fees. All work according to approved plans and specifications. The Town of Jamestown will inspect all work before final acceptance.

Date: 1/2/2024

Applicants Signature: _____

Owners Signature: _____

Approval by the Board of Water and Sewer Commissioners:

Commission President

Date _____

The following information is requested by the Federal Government in order to monitor our compliance with various civil rights laws. You are not required to furnish this information, but are encourage to do so. The law requires that we may not discriminate based upon this information, nor whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations we are required to note the race and sex on the basis of visual observation or surname. If you do not wish to furnish the above information, please check the box below.

I do not wish to furnish this information ☒

Race/National Origin: American Indian or Alaskan Native

Asian or Pacific Island

White, not of Hispanic origin

Black, not of Hispanic origin

Hispanic origin

Other (specify)

Sex:

Female

Male

COMPLETED BY PUBLIC WORKS/ENGINEERING DEPARTMENTS

Location proposed Water X Sewer _____ Extension _____

Street or Right of Way EAST SHORE ROAD Urban District _____

Rural District X

Location of Nearest Main:

Water Main APPROX. 900 L.F. SOUTH OF SEAVIEW AVE.

Sewer Main _____

Number of Feet Proposed Extension: Water Main TBD

Sewer Main _____

Number of lots served by proposed extension: Improved TBD

Unimproved _____

Estimated total cost of project:

Water Line _____

Sewer Line _____

Estimated total cost per foot:

Water Line \$400 - \$500

Sewer Line _____

Would Town Provide:

Manpower: Yes _____ No X Equipment: Yes _____ No X Materials: Yes _____ No X

Public Works Director

Comments: SEE MEMO TO WIS COMMISSION

DATED 2-15-24

Date 2-15-24

Signature/Title [Signature] PWD

COMPLETED BY PLANNING DEPARTMENT

Is request consistent with Comprehensive Community Plan?

Please explain

Although the Comprehensive Plan does not provide specific policy in terms of water or sewer connections in the Rural district, it does have reference to the issue as follows:
The main service area for the public water supply is the village area. The urban district is the area that has historically served as the commercial and residential focus for the Island. Public services and facilities have traditionally been located in the village area. Water service is also supplied to the rural water district. The current policy of the Town in the rural water district is to provide public water only to existing lots and not subdivided lots. Water service connections in this area are subject to the approval of the Town's Board of Water and Sewer Commissioners, and must be consistent with the Comprehensive Community Plan.

Goals and Policies of the Comprehensive Plan relevant to this application are as follows:

Public Services and Facilities Element

Goal #1 : Provide a high quality of public services to the community that protect the health, safety, and welfare of all residents.

Goal #2: Provide orderly and efficient arrangement of public services and facilities that support the existing and future needs of the community.

Policy #4: Manage growth to ensure there are adequate public services and facilities to accommodate Jamestown's growing population.

Potential for future subdivision? Please explain: This parcel, (Plat 7, Lot 135) owned by Jeffrey and Deborah Furness Saletin, is an existing lot of record in the R-40 Zoning District (requiring 40,000 square feet or 40,000 square feet minimum lot size) containing 0.61 acres. This is an existing non-conforming lot by size. Based upon the size and the Dimensional Regulations listed in Table 3-2 of the Zoning Ordinance, Lot 135 is not subdividable.

Date February 13, 2024 Signature/Title Lisa W. Bruer, AICP, Town Planner

Water-Sewer Applications/Saletin2024, Plat 7 Lot 135

Saletin

COMPLETED BY FIRE CHIEF

Request will or will not reduce the level of fire protection of the community? Please explain _____

Request will NOT Reduce The level of fire protection

Fire Hydrant NEEDED IN AREA

Fire Hydrants required? Yes ☒ No ☐

Date 1/9/24

Signature/Title [Signature] CHIEF

14 SEAVIEW AVE.

COMPLETED BY FIRE CHIEF

Request will or will not reduce the level of fire protection of the community? Please explain _____

Fire Hydrants required: Yes ☒ No ☐

Date 5.19.2021

Signature Title

 Chief

EXHIBIT 5
(Northeast Water Solutions Report)

Northeast Water Solutions, Inc.

RECEIVED
@ 12:52 pm
FEB 23 2024

Town of Jamestown

Memo

 COPY

To: Town of Jamestown, RI
From: Robert F. Ferrari, PE
CC: Jeffrey Saletin – Owner, 14 Seaview Avenue, Jamestown, RI
Date: February 16, 2024
Re: Water Supply Evaluation 14 Seaview Avenue, Jamestown RI

Due to repeated water supply problems experienced by the owner, NWSI has conducted several evaluations of the existing water supply well, well water characterization and treatment system at 14 Seaview Ave. Jamestown, RI 02835 (Map 7, Lot 135). The problems reported by the owner, and validated by NWSI have included inadequate well capacity, extremely poor water quality, and periodic loss of well water supply.

The existing residential well is installed to a depth of approximately 500 ft. BGS, located in the NW corner of the parcel, immediately adjacent to the driveway and Seaview Avenue. The well pump is installed at a depth of 350 ft. BGS to maximize storage within the borehole. Due to water supply capacity problems, the well has undergone re-development efforts (Lemme Well Services), demonstrating a maximum effective yield of 1.1 gpm.

Due to extremely poor water quality (see Table 1, below), a whole-house reverse osmosis (RO) water system (Hellenbrand H4-2000) and 500-gallon water storage tank were installed in 2018. This RO capacity and storage volume is necessary to meet the water supply requirements of the 3-bedroom, 3-bathroom residence. The RO system requires a feedwater flowrate of approximately 6 gpm to function correctly. At the time of installation, the submersible well pump was increased in capacity to 7 gpm (1.5 HP) to meet the RO feedwater requirements.

Due to the limited well yield/recharge the well experiences excessive drawdown, ultimately dewatering the well, resulting in multiple loss-of-service events during the 2023 summer season. The drawdown recovery, necessary to reactivate the well, is extremely slow resulting in long periods with no water supply.

Well Water Characterization

NWSI obtained samples of the raw well water in January 2018 and February 2024 to assess the water characterization, summarized in Table 1. The raw well water demonstrates significantly elevated total dissolved solids (TDS) including extremely elevated chloride (1,160 mg/L & 1,290 mg/L) and sodium (450 mg/L & 1,050 mg/L). Calcium (270 mg/L & 222 mg/L) and magnesium (67 mg/L & 70.2 mg/L) are also extremely elevated, resulting in a massive total hardness content in the water. These four (4) contaminants clearly demonstrate the water supply well is under

seawater influence. This raw well water characterization significantly exceeds the USEPA and RIDOH drinking water limits for TDS and chloride, and also exceeds the USEPA Health Advisory Limits for sodium and manganese, mandating treatment.

Parameter	January 3, 2018	February 5, 2024
pH – Field	-----	7.40 s.u.
pH – Laboratory	7.1 s.u.	7.83 s.u.
Total Dissolved Solids (TDS)	2,200 mg/L	3,460 mg/L
Specific Conductance	4,000 umhos/cm	4,160 umhos/cm
Alkalinity (as CaCO ₃)	130 mg/L	120 mg/L
Chloride	1,160 mg/L	1,290 mg/L
Sulfate	121 mg/L	163 mg/L
Calcium	270 mg/L	222 mg/L
Magnesium	67 mg/L	70.2 mg/L
Total Hardness (as CaCO ₃)	950 mg/L	843 mg/L
Iron	0.12 mg/L	0.199 mg/L
Manganese	0.48 mg/L	0.0295 mg/L
Potassium	-----	6.17 mg/L
Sodium	450 mg/L	1,050 mg/L
Zinc	0.021 mg/L	0.0302 mg/L

The water analyses identify another extremely serious problem. In general, coastal wells in Jamestown often demonstrate an increase in salinity (measured as sodium, chloride, TDS and/or Specific Conductance) during the summer period when water withdrawals and aquifer stress are at maximum. However, the well at 14 Seaview Avenue demonstrates seriously elevated salinity during the winter season during a period of low stress. This indicates the well is under relatively strong seawater influence.

Furthermore, the well water characterization has degraded from 2018 to 2024 with significant increases in chloride and sulfate, and a massive increase in sodium, following implementation of the reverse osmosis treatment system. This potentially indicates the water quality in the aquifer underlying this parcel is degrading due to the necessary on-site discharge of the concentrated RO reject water (2.5X concentration factor). The trend of water quality degradation can be anticipated to continue as long as the RO reject water is discharged on-site.

Alternatives for On-Site Water Supply Development

NWSI has evaluated alternatives to develop a new on-site water supply, including the following:

- **Hydro-Frack the Existing Well:** This methodology has been successful to increase the yield of bedrock wells. However, the well at 14 Seaview Avenue has very limited fracturing, which in-turn limits the potential to develop additional water supply yield by hydro-fracking. Another consideration is that hydro-fracking the well to increase recharge would likely result in greater intrusion of seawater water, further degrading an already poor raw water quality.

- Drill a New Well: The existing well is located on the western portion of the residential parcel. The frontage area of this parcel is disqualified because it is in close proximity to Seaview Avenue and neighboring lots (OWTS), and is in a flood zone, all representing contaminant threats. The open, rear area of the parcel extending from the residential structure to the shoreline has access for well drilling. However, this location is disqualified due to proximity to the on-site wastewater disposal system (OWTS), and is also in a flood zone. Furthermore, this alternative location increases the potential for brackish water intrusion into the well. Siting a new water supply well on this 0.611-acre lot would result in non-conformance with the required protective setback from the OWTS, and increase the potential for contamination of the water supply well.

Summary Conclusions:

The existing residential well has an effective recharge/yield of ≤ 1.1 gpm which is inadequate to support a single-family residence. Furthermore, the well demonstrates limited fracturing and recharge, which is not unexpected for the bedrock in this area of Jamestown. As a result, there is no expectation that hydro-fracturing would measurably increase the well yield, and would likely degrade water quality due to increased sea water intrusion.

There is no realistic alternative for drilling a new water supply well on this parcel, due to proximity to unacceptable contaminant threats. Additionally, there is no realistic expectation that a modest relocation of the well position on this site, would result in intersecting more favorable bedrock/geologic conditions to provide improved well capacity or water quality.

Finally, this residence has previously implemented a reverse osmosis system for desalinization of the brackish well water. However, the well has insufficient capacity to meet the RO feedwater requirements for sufficient duration to satisfy the water demands. Furthermore, there is very strong evidence that the disposal of the RO reject water is further degrading the water quality in the underlying aquifer.

The loss of an adequate water supply, and degraded groundwater quality represent a significant public health and safety threat. It is strongly recommended that this residence pursue a connection to the municipal water distribution system, as the optimum means to resolve the water supply and water quality problems.

EXHIBIT 6
(Plan prepared by DiPrete Engineering)

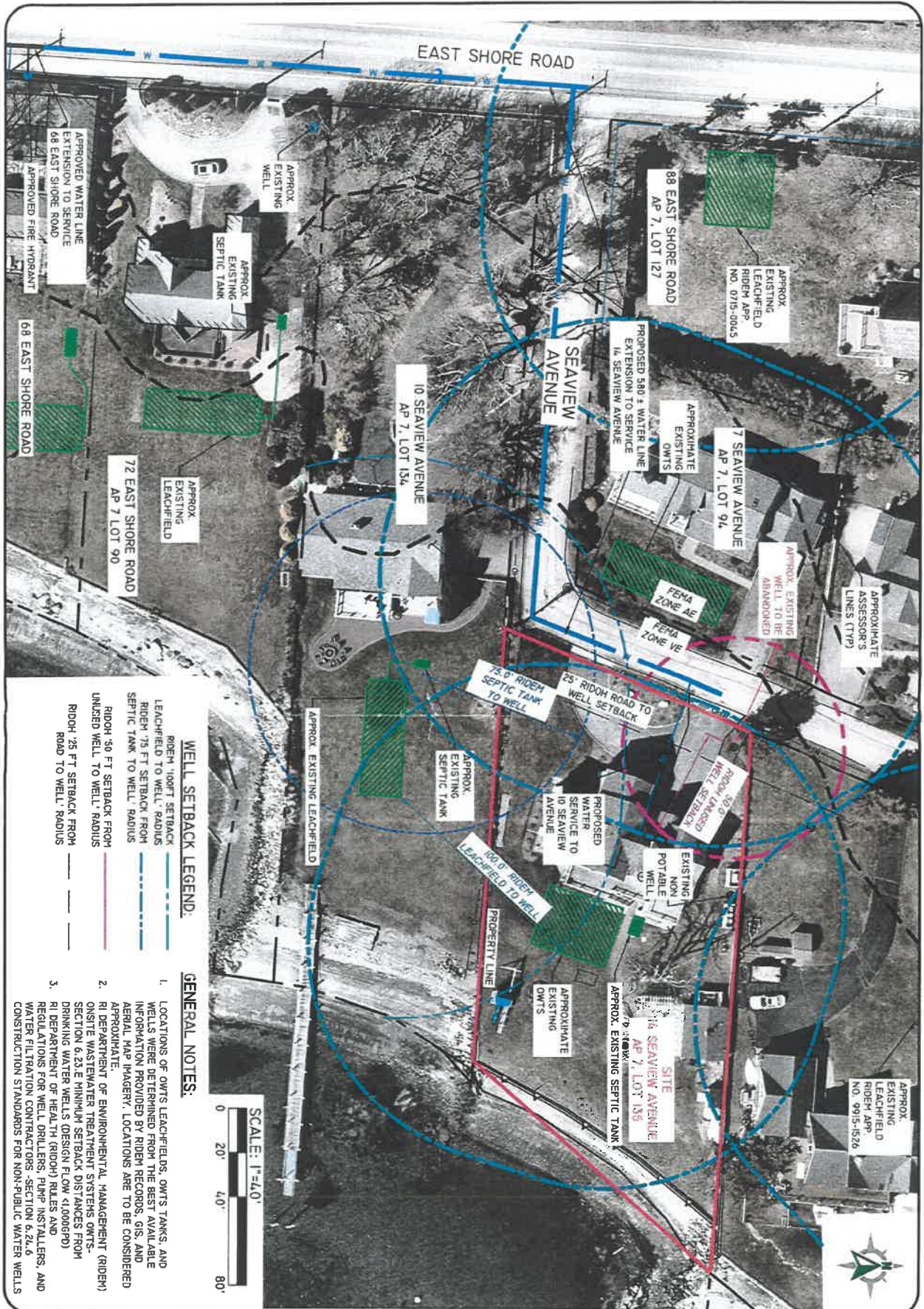


EXHIBIT 7
(Lemme Invoice)

J Lemme Wells and Water Systems
606 Perry Hill Road
Coventry, RI 02816 US
(401) 385-3330
jlemmewellandwater@yahoo.com
www.jlemmewellandwater.com



INVOICE

BILL TO
Jeff Saletin
14 Seaview Avenue
Jamestown, RI 02835

INVOICE # 5717
DATE 07/15/2023
DUE DATE 07/15/2023
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
Service Call No Water. 7/15/2023 Well was empty. Recovery rate of well is inadequate to run reverse osmosis system in home. Well recovery is 1 GPM. 3 GPM needed to run Reverse osmosis system.	1	250.00	250.00
Service Call No water 8/20/2023 same issue.	1	250.00	250.00

PAYMENT	500.00
BALANCE DUE	\$0.00

EXHIBIT 8
(Michael Gray Memo)

**Town of
Jamestown, Rhode Island**

PO Box 377
Jamestown, RI 02835- 1509
Phone: (401) 423-7220
Fax: (401) 423-7229



Date: February 13, 2023

To: Board of Water and Sewer Commissioners

From: Michael Gray
Public Works Director

RE: Water Extension Application
East Shore Road

We have received four applications for water services that will require an extension of the 8" watermain within East Shore Road in the Rural Water District. The following applications have been received:

1. Jeffrey and Deborah Saletin, 14 Seaview Avenue
2. Glenn and Marjorie Andreoni, 10 Seaview Avenue
3. Stephen Zimmiski & Suzanne Gagnon, 7 Seaview Avenue
4. Paul Frechette, 19 Seaview Avenue

Applications for water service were previously received for 10 Seaview Avenue and 14 Seaview Avenue and were denied by the Commission in 2021. Applications for 7 Seaview Avenue and 19 Seaview Avenue are new requests for water service.

I have attached a figure indicating where the existing 8" water line terminates in East Shore Road and the extension that will be installed as part of the agreement with the property owner of 68 East Shore Road. The four properties requesting water service are located to the north of 68 East Shore Road and are outlined in red. A watermain extension will be required if any of the applications received are approved.

Applications

The following is a summary of each of the four applications that have been received. The four lots are neighboring each other and they should be reviewed individually. Each owner will be required to present their application with supporting information to the Commission.

Jeffrey and Deborah Saletin, 14 Seaview Avenue

The Owners have stated in the application that the existing well on the property has an existing yield of 1.5 gallons per minute with poor water quality due to total dissolved solids (TDS) between 1200 and 2100 mg/l. Last year the existing well ran dry on two occasions and J Lemme Wells and Water Systems were called to service the well. A copy of the invoice from J Lemme for the two service calls was provided by the applicant. A note on the invoice indicates that the well was found to be dry and that the recovery rate was insufficient to run reverse osmosis treatment.

Glenn and Marjorie Andreoni, 10 Seaview Avenue

The Owners are requesting water service to their property due to poor water quality and yield from their existing well. They have provided a report from North East Water Solutions, Inc. regarding an inspection of the existing well conducted in December 2023. Conclusions of the testing indicate the existing well had a yield of 0.6 gpm. Analytical results from a water sample collected from the well indicate the presence of TDS at 2220 mg/L indicating the well is impacted with salt water.

North East Water Solutions evaluated two alternatives for water supply on the subject property. Increasing the yield from the well through hydro-fracking and drilling of a new well. Hydro-fracking was not implemented due to limited fracturing of the bedrock within the well and the risk of degrading the water quality due to salt water intrusion. Drilling a new well was disqualified due to onsite wastewater system locations, road offset requirements, and that the property is located in a flood zone due to the elevation relative to the bay.

North East Water Solutions also investigated options for onsite treatment of the existing well. They concluded that there is insufficient well yield to support a treatment system.

Paul Frechette, 19 Seaview Avenue

The Owner is requesting water service to their property based upon the existing well capacity. He has indicated that the well runs dry when washing clothes and outdoor water use. There is no supporting information provided with the application.

Stephen Zimniski & Suzanne Gagnon, 7 Seaview Avenue

The Owners are requesting water service to their property based upon the operation of the well. A report was provided from Wellworks LLC indicating that the water flow (yield) does not meet state requirements and that a 500 gallon storage tank be installed.

I have provide the following information to assist the Commissioners with their review.

The Rules and Regulations for the Board of Water and Sewer Commissioners, May 2009

Section 14 B Rural Water Districts. All service connections in the Rural Water District shall be subject to the following conditions:

- a. Shall be subject to the requirements described for connections in the urban district
- b. The applicants shall show to the satisfaction of the Commission that the proposed service connection requested:
 1. Is Consistent with the Comprehensive Community Plan
 2. Will not impair the available resources of the Urban Water District;
 3. Will not reduce the level of fire protection of the community; the property shall not be part of a major subdivision.
 4. Extensions to and within the rural district shall be prohibited.

The regulations allow the Board of Water and Sewer Commissioners from making such improvements, including extensions, which shall, in the opinion of the Board, improve the quality or quantity of water furnished to existing water uses.

R.I.G.L 46-15-2 Approval of public water supply facilities

I have attached a copy of the RI General Law 46-15-2 relating to the approval of water supply facilities. This law was amended in June 15, 2022 as highlighted in blue. The law requires that commission review applications for extension mains with the standards as listed in 1 through 7.

RIDOH – Reading your Water Analysis Report

I have attached information from the RI DOH regarding private well water lab reports. This information was made available to the public to educate homeowners about well testing and the standards for water quality. Tables are included that provide the maximum contaminant levels and standards for each parameter that may be tested by the lab.

RIDEM – Appendix C - Rules and Regulations Governing the Enforcement of Chapter 46-13.2 Relating to the Drilling of Drinking Water Wells.

I have attached Appendix C from the rules that provides the minimum criteria for yield based upon the minimum depth of a bedrock well.

The four properties are located in the Rural Water District and do not front an existing watermain therefore an extension will be required. Section 14 b of the Rules and Regulations of the Board of Water and Sewer Commissioners prohibit extensions in the rural water district. The Regulations allow the Commissioners the ability to approve an extension if it is found to improve the quality or quantity of water to existing users. RIGL 46-15-2 includes standards for which applications must be reviewed by a water supplier.

The application for 10 Seaview Avenue includes background information prepared by a professional engineer in the field including well water testing data. The owner at 14 Seaview Avenue has hired the same professionals but a report has not been provided to support the application at this time. Applications for 7 and 19 Seaview did not include supporting information but both owners have stated they experience similar conditions with their well having low yield.

The four applications before the board have applied for a connection based upon inadequate well yield. Two applicants have also provided water testing information indicating that well water quality is poor. Options to resolve the water quantity and quality issues that involve hydro-fracking, well drilling, and onsite water treatment systems may not be feasible as the report indicates for 10 Seaview Avenue. The well inspection and pumping report for that property shows bedrock/geologic conditions produce limited yield to meet well industry standards. Laboratory reports that have been submitted show total dissolved solids detected in wells indicating salt water is impacting groundwater conditions. But low well yield impacts the ability for onsite water treatment to improve water quality.

We have been involved over the past several months in updating the Water System Supply Management Plan including a Build-Out analysis for submission to the Water Resources Board. This update includes an analysis of current and projected water demands within the water district and a review of available water supply in the system. Watermain extensions outside of the current water district limit was not part of this analysis when determining future demand on the available water supply. The current supply does not produce enough water to meet maximum day demands presently. Forecasted data indicate that average day demand at build-out within the existing district exceeds the available capacity of our reservoir and well. Extensions of watermains outside of the district boundaries will place additional demand stress on the limited supply not factored into the build-out analysis.

The attorney states in the application for 10 Seaview Avenue that their application is for one house and no other. Presently the Commission has three applications from neighboring properties claiming similar conditions with their well. The Commission may not be able to make a decision in a vacuum for one property owner. Watermain extensions must not be completed incrementally on the same street in the same neighborhood. Extensions if approved must be planned and limits must be set.

