



Town of Middletown

TOWN HALL 350 EAST MAIN ROAD
MIDDLETOWN, RHODE ISLAND 02842

Minutes

Of the Monday, March 13, 2006 meeting of the Middletown, RI Conservation Commission

Present: Gary Paquette (Chairman), Bob Johnson, Stanley Grossman, Betty Owen, Roger Wells (Engineer, non-member)

Absent: Paul Barrow, Audrey Rearick (Planning Board Liaison)

The meeting was called to order at 6:05 pm. In order to accommodate the many guests, the reading and acceptance of previous minutes was deferred until the end of the meeting.

A. Old Business: Case 2005-001. Kenneth Haslam, Special Use Permit for the construction of mixed, office, retail, and storage building in Zone 1 of the Watershed Protection District.

At the request of the applicant's attorney, David Martland, the Commission agreed to allow the applicant to present an updated storm water calculation sheet (dated March 6, 2006) and an updated set of site plans that had incorporates some of the changes requested by the planning board dated February 23, 2006. In addition to Mr. Martland, the meeting was also attended by the applicant and a representative of Mount Hope Engineering, Mr. Todd Chaplain.

In the course of discussions it quickly became clear that the stormwater calculation package that had been given to the commission in January was incomplete and was missing some sections vital to the Commission's evaluation.

In other discussions, when asked what type of retail business would eventually occupy the building, the applicant stated that it would most likely be a retail seafood market but that he was not 100% sure of the final outcome. Mr. Haslam further stated that if it does indeed become seafood market that there would be no large-scale seawater lobster tanks installed and any such items would be limited to a small retail display tank. All large-scale live lobster storage is done at another, off-site facility. Mr. Haslam stated that the shop would consist only of a small preparation area where seafood would be cleaned and prepared for display and a refrigerated display case. In addition, there would also be some refrigerated coolers sufficient for a retail operation of this scale. Mr. Grossman posed a question regarding the amount of fish cleaning waste that could be expected to be generated and what provisions would be made for its disposal. Mr. Haslam stated that his normal mode of operation was to place all fish waste in a sealed

fish barrel which was stored in a refrigerated reefer. Once or twice a week this waste would be carted off the premises where it would be transferred to the fishing community for use as bait. None of the fish waste could be expected to be deposited in the dumpster.

When asked what type of material was to be stored in the storage lockers depicted on the site plan, Mr. Haslam stated that since these areas were intended for lease to third parties, he could not say with certainty what would be stored there. Mr. Haslam stated that he would write into any lease agreements a clause prohibiting the storage of hazardous materials. Any floor drains installed in these storage areas would drain into the town sanitary sewer and would not drain into the storm water system.

Following these discussions, the Commission agreed to study the provided revised storm water runoff calculations and site plans and promised to provide a letter of recommendation in time for the March 28th meeting of the Zoning Board.

B. New Business: Case 2006-003, Tim Horton's/Peter Kronos, Special Use Permit for the construction of a restaurant in Zone 1 of the Watershed Protection District.

The Commission examined the plans booklet for the Tim Horton's project. The Commission was encouraged by the proposal of the applicant to increase the percentage of water permeable area to 22.3% of the total property area which is an improvement over its current state which is 100% impermeable. There was some concern that the line of cars stacked up waiting in the drive-through line could easily back up into E. Main Rd. during periods of peak usage. Mr. Paquette stated that this issue had been brought up during the site visit in February and that the Planning Board expressed similar concerns. The applicant stated that this was also an issue that they were attempting to address with RIDOT as their current plans did not provide a sufficient number of stacking spaces as required by RIDOT regulations. A suggestion was made that this problem might be eliminated if the curb cut on E. Main Rd. were deleted from the plan which would force all patrons to enter the property through the light-controlled entrance at BJ's Wholesale, the abutting neighbor. The applicant agreed to pursue that idea with their engineers and RIDOT. As of the time of this meeting, no further information was available on this subject.

Upon examination of the grading plan for this project, it appeared to the Commission members that the general slope of this property would tend to direct most of the storm water flow towards the southeast corner of the property where it would drain directly into Bailey's Brook rather to the northeast where it would be captured by the water quality detention swale. It appeared that only about 1/3 of the property would drain to the northeast. In addition, it was noted that there were no storm water calculations provided to backup the claims made regarding the required vs. provided capacity of the storm water retention system

Although the Commission looked upon this project favorably, it was decided that because of the extremely sensitive nature of this property and its close proximity (<100')

to Bailey's Brook, that a final decision would be deferred until such time as the commission had information on the storm water flow patterns and the final configuration of the site plan. The Chairman was directed to:

1. Contact the Town Engineer for an advisory opinion on the storm water flow pattern.
2. Contact the Building Official to request the status of the changes to the layout requested at the site visit as well to obtain the latest version of the site plans.
3. Contact the Building Official to obtain backup data on the storm water calculations.

A motion was made by Bob Johnson to accept the minutes of the January 9th and February 23rd meetings. The motion was seconded by Stan Grossman and carried unanimously.

There being no other business, a motion for adjournment was made by Stanley Grossman and seconded by Bob Johnson. The motion carried and the meeting was adjourned at 7:29 pm.

Submitted: 3/14/2006
Date

Gary D. Paquette
Signature