



Town of Middletown

TOWN HALL 350 EAST MAIN ROAD
MIDDLETOWN, RHODE ISLAND 02842

**Town of Middletown
Conservation Commission
Middletown Town Hall
April 9, 2007
Minutes**

Present: Gary Paquette, Chairman, Robert Johnson, Peter Tarpgaard, Audrey Rearick, Betty Jane Owen

Absent: Paul Barrow, Stan Ehrlich

The meeting was called to order by Gary Paquette, Chairman at 6 PM. A quorum of members was present.

A motion was made, seconded, and approved to accept the minutes of the March 12, 2007 meeting as written

Old Business: There was no old business.

New Business: Case 2007-001; Petition of Barbara Brushette, 25 Oliphant Lane, Lot 63 on Tax Assessor's Plat 111 to subdivide her property which requires a special use permit from Article 11, Sections 1103, 1106, and 1107. This would permit the construction of a single family dwelling within Zone 1 of the Watershed Protection District. The request to the conservation Commission for review was from John Kane, Building Official/Zoning Officer and the Zoning Board.

The Commission discussed the impact of this project which impacts the abutting Bailey's Brook. The property contains wetlands. Of concern besides the placement of the building on the new lot are the surfaces of the roof and driveway which could inhibit rain water from percolating into the soils. The commission noted that the applicant's proposal contained the construction of a detention area where rainwater from the downspouts will be allowed to percolate in the groundwater.

Though reluctant to approve any development within Zone 1 of the Watershed Protection District that is not allowed by right by the framers of the regulations, the right of the property owner to develop property in a manner that meets the needs of both the owner as well as those of the community so long as there are no obvious, adverse impacts was discussed.

Based on the information given the Commission the members voted to recommend approval of the petition with the following conditions:

1. All terms and conditions stipulated in the RIDEM insignificant Alteration Permit No. 06-0542, dated January 12, 2007 must be followed. Specifically: Any material utilized in this project must be clean and free of matter that could pollute any freshwater wetland. Temporary erosion and sediment controls detailed or described on the approved site

plans shall be properly installed at the site prior to or commencing with site alterations. (Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the duration of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance.) Upon permanent stabilization of all disturbed soils, temporary erosion and/or sediment controls consisting of silt fencing, if used, must be removed. The petitioner is obligated to install, utilize and follow all best management practices detailed or described on the site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.

2. In addition, the following conditions were discussed and recommended by Commission members. It was felt these conditions must apply to this petition: Prior to commencement of any site alterations, permanent buffer zone markers ;must be installed along the limit of disturbance at the locations indicated on the approved site plans, in order to provide permanent reference points on site that are clear to present and future property owners. Suggested were markers that included 4" x 4" pressure treated timber posts, galvanized fence posts with cap, or granite or concrete bounds. Markers should extend a minimum 24" above grade. A permanent-type tag or sign labeled "RIDEM BUFFER ZONE" must be placed on each marker. A permanent-type fence at least 24" tall can be placed along the limits of disturbance and similarly labeled may be substituted where desired. No alterations of any kind should be permitted beyond these markers without first obtaining the necessary permit.
3. The proposed detention area for rainwater from the roof downspouts must be implemented.
4. The use of pesticides on any area of this property there the general slope of the land is towards Bailey's Brook is prohibited.

Other Business: A desire to be included in more site visits by the Zoning Board and Planning Board was expressed by Commission members, especially those petitions of properties in the Watershed Protection District.

Adjournment: There being no other business a motion for adjournment was made, seconded and carried. The meeting adjourned at 6:25 PM

Respectfully submitted,
Betty Jane Owen; April 24, 2007