



Town of Middletown

TOWN HALL 350 EAST MAIN ROAD
MIDDLETOWN, RHODE ISLAND 02842

Minutes

Of the meeting of Tuesday, August 14, 2007 Middletown, RI Conservation Commission

Present: *Commission:* Gary Paquette, Chairman; Robert Johnson; Stan Ehrlich; Peter Tarpgaard; Audrey Rearick; and Betty Jane Owen
Guests: Robert Silva, Attorney representing applicants Diane M. Patrella and Daniel P. Titus.

Absent: Paul Barrow

A motion was made, seconded, and carried to waive reading the minutes of the previous meeting.

Old Business: None

New Business: Case 2007-002

Letter from Building Official/Zoning Officer Jack Kane asking for an advisory opinion to allow the petition of Diane M. Patrella and Daniel P. Titus of 383 Paradise Avenue, Middletown, RI by their attorney, Robert Silva of 1100 Aquidneck Avenue Middletown for a Special Use Permit from Sections 1103 and 1106 - to permit the expansion of a nonconforming single family residential structure located in Zone 1 of the Watershed Protection District. Said real estate located at 383 Paradise Avenue and further identified as Lot 7 on Tax Assessor's Plat 121.

Robert Silva represented his clients Diane Patrella and Daniel Titus at the meeting. The Commission noted the nonconformance of the entire home and lot and that construction on the home appeared to be well under way. The plans indicated that most of the construction was the remodeling of the interior of the home with the addition of an approximately 300 ft² back deck off the first floor of the home. It was noted that the Maidford River formed the back boundary of the lot and it was only 43 ½ feet from the home.

Mr. Silva answered questions regarding the project. Many questions concerned the wetlands on the site, run off from the proposed deck, and whether there was a septic system and well on the property or if the home had a hook up to town



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water and sewer. Since the clients had not attended the meeting a number of questions remained unanswered.

Information regarding the history of the house revealed it had belonged to the estate of James McGuire and was purchased June 1, 2007 by the current owners. Mr. Silva said his clients were unaware at the time of the Watershed District Protection Act.

Chairman Paquette noted that the plans called for an enclosed, covered sun porch which would increase the area of impervious material and that there was no stormwater plan submitted with the plans. Mr. Silvia stated that he would confer with his clients regarding their desire to have the porch covered. The Commission subsequently requested that the applicant supply the Commission with a more complete set of full-size site plan drawings which depict the surrounding properties, including the Maidford River Buffer Zone and any wetlands. In addition, a grading plan showing the current flow patterns for storm water run-off was requested.

Further discussion entailed the possibility of DEM involvement as well as an ISDS determination.

Mr. Silva suggested a site walk of the property, perhaps with the Planning Board. It was noted that the Planning Board meeting was September 10. He asked the commission to expedite his clients' request.

Further action on this case was deferred until the September 10 meeting of the Commission.

Other Business: None

There being no other business a motion was made, seconded and carried to adjourn the meeting at 6:28PM.

Submitted: August 22 2007
Date

Gary D. Paquette for Betty Jane Owen
Signature