



# *Town of Middletown*

TOWN HALL                      350 EAST MAIN ROAD  
MIDDLETOWN, RHODE ISLAND 02842

## **Minutes**

### ***Of the meeting of Monday, September 10, 2007 Middletown, RI Conservation Commission***

**Present:** **Commission:** Gary Paquette, Chairman; Robert Johnson; Stan Ehrlich; Audrey Rearick; and Betty Jane Owen  
**Guests:** David Martland, Attorney representing the applicants; Karmal Hingorany PE, Narragansett Engineering; Diane M. Patrella and Daniel P. Titus, Applicants.

**Absent:** Paul Barrow, Peter Targgaard

The meeting was called to order at 5:35 PM. A quorum was present. A motion was made, seconded, and carried to approve the minutes of the August 14, 2007 meeting as written.

**Old Business:** Letter from Building Official/Zoning Officer Jack Kane requesting an advisory opinion to allow the petition of Diane M. Patrella and Daniel Titus of 383 Paradise Avenue, Middletown, RI by their attorney Robert Silva of 1100 Aquidneck Avenue, Middletown for a Special Is Permit to permit 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.

A revised set of plans for the structure at 383 Paradise Avenue was submitted by the applicants with their attorney and engineer present for further explanation of the expansion. This set of plans showed the proposed new back deck 41.2 feet from the Maidford River but the engineer, Mr. Hingorany stated that the distance was really 45.8 feet from the edge of the river. The stairs to the deck have been moved from the back of the deck as depicted in the earlier plans to the side of the deck. In addition the revised plans show the proposed deck to be covered.

Chairman Paquette asked for answers to questions previously posed by the committee.

1. The commission asked for a description on how the runoff from the porch roof was going to be handled. Mr. Hingorany stated that the runoff from the roof of the deck would be captured in gutters and channeled through downspouts to a location under the deck where they would discharge into a trough constructed of a PVC pipe split longitudinally in half and running



## Town of Middletown

TOWN HALL 350 EAST MAIN ROAD  
MIDDLETOWN, RHODE ISLAND 02842

- along the foundation of the maul house the full length of the deck. Water would spill out of the trough and be distributed along the longitudinal axis of the deck where it would maintain the current sheet flow along the contour of the back yard.
2. Because this is a modification to an existing structure and not a new development, no wetland determination is required. Mr. Hingorany stated that he had not observed any typical wetland vegetation in the quantities necessary to require an insignificant alteration determination by DEM (I.E. >50% coverage). The lawn is typically mowed down to the edge of the Maidford River. Mrs. Rearick mentioned the problem with the use of lawn chemicals in causing pollution of the river.
  3. The applicants confirmed that the property is served by town water and sewer.

Chairman Paquette spoke about the Watershed Protection District and why the Maidford River was so important to the area.

After the petitioners left, a discussion ensued. Mrs. Owen mentioned a concern about the deck with its roof and potential run off problems and noted that the deck was now to be a screened in room, an additional 300 foot addition to the structure.

A motion was then made, seconded and passed to approve the petition for a permit but with the condition of a joint site visit by the Conservation Commission and Planning Board with resolution of any questions raised as a result of the site visit on September 19. This decision is based on the plans presented to the Conservation Commission. Any significant deviation from these plans will necessitate a complete re-evaluation of the project by the Conservation Commission.

**New Business:** None

**Other Business:** None

There being no other business a motion was made, seconded and carried to adjourn the meeting at 6:07PM. Members were reminded that the October meeting will be shifted to the Tuesday following the second Monday (October 9) to accommodate the Columbus Day holiday.

Submitted: September 13, 2007 Gary D. Paquette for Betty Jane Owen  
Date Signature