



# *Town of Middletown*

TOWN HALL                      350 EAST MAIN ROAD  
MIDDLETOWN, RHODE ISLAND 02842

## **Minutes**

### ***Of the meeting of Tuesday, August 10, 2010 Middletown, RI Conservation Commission***

**Present:** Gary Paquette (Chair), Peter Tarpgaard, Stan Ehrlich, Bruce Long, Betty Owen, Audrey Rearick (Planning Board Liaison)

**Absent:** Robert Johnson

**Guests:** Peter Gallipeau; David Martland (Counsel for Mr. Gallipeau); Kevin C. Morin P.E. (DiPrete Engineering); John C. Carter (John C. Carter Inc.); Brad Messenger (Bemers Co.)

There being a quorum of members present, the meeting was called to order at 5:35. A motion was made, seconded and approved to suspend reading of the minutes of the previous meeting. The minutes were approved as published.

#### **Old Business:**

**Case 2010-02**, Petition of: Mr. Peter Gallipeau – PO Box 4286 - Middletown, RI- (owner) for a Special Use Permit from Article 11, Section 1103 – for the construction of a single family dwelling on proposed subdivision lot 9 located in zone 1 of the Watershed Protection District. Said real estate located at Bailey Ave., Sachuest Dr. & Cross Country Ln. and further identified as Lots 4 on Tax Assessor's Plat 126.

Mr. Gallipeau and his representatives presented the latest set of plans available for this development. As the plans were essentially unchanged from those presented at the March 10 meeting of the Commission there were few questions from the panel.

Following a brief discussions of the project, a motion was made and seconded to recommend approval of the development of lot 9 of the Saltwood Farm Development incorporating the same terms and conditions stated in the board decision on the overall development following the March 10 meeting. The motion was carried unanimously by all Commission members present.

#### **New Business:**

**Case 2010-04**, Petition of Middletown Associates C/O Picerne Real Estate Group (Owner) for a special use permit from Article 15 Section 1501 and



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Article 11, Section 1103 to allow the expansion and renovation of an existing Clubhouse facility located in Zone 1 of the WPD at 969 West Main Road, Lot 142, Plat 106.

The owner of this property was represented by Mr. Martland as well by Mr. Morin, the project engineer and Mr. Carter, a landscape architect.

Mr. Morin presented the latest set of full size plans to the members of the commission. The petitioner proposes to expand an existing tenant's club house building in the East Bay Village apartment complex, adding approximately 1,000 square feet to the existing structure. This development falls completely within Zone 1 of the Watershed Protection District (WPD) and is located approximately 35' from the Bailey Brook tributary.

As Bailey Brook feeds directly into the drinking water supply of a large percentage of the population of Aquidneck Island, the Commission is acutely aware of the sensitivity of this area and is concerned that development within this watershed could adversely affect the health and safety of our water supply. The Commission is generally opposed to any development within Zone 1 of the WPD or in any other area which could adversely affect the water supply.

The commission asked what steps were to be taken to mitigate the additional runoff that could be expected from the addition of 1,000 ft<sup>2</sup> of impermeable surface to the property. The project engineer described how the percolation quality of the soils in the area combined with a relatively high water table would make the construction of a detention pond impractical. To compensate for the additional impermeable surface, the developer has volunteered to remove approximately 2,000 ft<sup>2</sup> of currently underused asphalt roadway in the northern portion of the property. Since the vast majority of storm water falling on the asphalt that will be removed currently flows directly into Bailey Brook, the belief is that by restoring the area to grassland that a larger portion of the stormwater will percolate into the ground. By this reasoning, the net runoff into Bailey Brook from the entire property will be no greater than it is now and could in fact, be less after the development. Mr. Long expressed concern that the Commission, by agreeing to this plan, might be setting a precedent for compensating for the addition of impermeable surface to a project by returning another area to its natural state at a ratio of 2 for 1. The Chair stated that he didn't think that this would be the case and that even if it did, that this would be a net positive for any future development. In addition to the removal of the impermeable asphalt, the developer has agreed to landscape the area between the proposed development and Bailey Brook in such a manner that the vegetation would impede the sheet flow to the brook to some degree to increase its percolation and would also serve to trap some sediment before it made its way to the brook.



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Following these discussions, a motion was made by Mr. Tarpgaard that the Commission recommend approval of the proposal with the typical conditions applied to developments within Zone 1 of the WPD such as erosion control barriers, sediment transport, chemicals used, clean construction practices etc. The motion was seconded by Mr. Long and approved unanimously 5-0 by the Commission members present.

**Case 2010-05**, Petition of EMK Beacon – Brad Messenger (Owner) for a special use permit from sections 602 and 1106 to allow installation of one 1990 gallon above-ground propane dispensing station within Zone 2 of the WPD at 278 West Main Rd. Lot 195, Plat 108NW.

Mr. Brad Messenger presented a description of the proposed development to the Commission. The applicant proposes to install a propane dispensing station in the parking lot of the referenced property. The property is currently occupied by Rocky's Ace Hardware and an attached restaurant. The purpose of the propane dispensing station is to fill small propane cylinders typically used with household barbecue grills. The station would consist of a single, 1,990-gallon, above-ground propane storage tank and associated accessories; hoses, pumps, scales, etc. used to transfer the product to the customer's portable propane cylinder. The entire assembly would be surrounded on both sides by protective bollards to prevent damage from errant automobiles and other vehicles. Within the protective bollards, the propane tank and its associated parts would be surrounded by a 6-foot high, steel chain-link fence to protect the station from vandalism and tampering.

Asked if 1,990 gallons wasn't an unusually large size for such an installation he admitted that it was somewhat larger than the typical installation which generally holds approximately 1,450 gallons of product. The larger tank capacity was selected in order to reduce the frequency of deliveries from the supplier's vehicle. Mr. Messenger also stated that the delivery vehicle would typically be no larger than that used for delivery to residential customers.

The applicant also explained that the product is not considered to be hazardous by the EPA and that industry standards are very strict regarding the placement and maintenance of such installations. For example, care is taken to situate these types of installations in areas where there is minimal probability that escaped product can flow into sewer systems and catch basins where it could pose an explosion threat. Mr. Messenger explained that propane is stored in liquid form and that in the unlikely event that any escaped, that it would quickly vaporize into a gas at atmospheric pressure and dissipate into the atmosphere. Propane gas is somewhat heavier than air and tends to flow along the adjacent contours and stays close to the ground. Normal air currents mix and dissipate the gas until it quickly falls to a concentration that is no longer explosive.

