



Town of Middletown

TOWN HALL 350 EAST MAIN ROAD
MIDDLETOWN, RHODE ISLAND 02842

Minutes

Of the meeting of Monday December 13, 2010 Middletown, RI Conservation Commission

Present: Gary Paquette (Chair), Bob Johnson, Peter Tarpgaard

Absent: Stan Ehrlich, Audrey Rearick (Planning Board Liaison)

Guests: Paul Barrow (Citizen, Potential Board Member)

There being a quorum of members present the meeting was called to order at 5:30PM

A motion was presented by Bob Johnson to accept the minutes of the November 8th meeting of the commission. The motion was seconded by Peter Tarpgaard and was carried unanimously.

Old Business: Case 2010-07, Petition of Paradise Realty, LLC – 470 Old Baptist Rd. – North Kingstown, RI (Owner) - for a special use permit from Article 11 to construct a single family dwelling in Zone 1 of the Water Protection District. Said real estate located at Bailey Ave. and further identified as Lot 916 on Tax Assessor's Plat 120.

The Commission examined a set of site plans submitted by the applicant and dated June, 2006. This case was originally submitted to the Commission on July 3, 2006 and was designated as case 2006-04. This case was adjudicated favorably at the August 8, 2006 meeting of the Commission with a recommendation that the application be approved with caveats and communicated to the Zoning Official in a letter dated August 9, 2006 (attached).

Based on the opinions expressed in the minutes of the August 8, 2006 meeting and a re-examination of the plans, it was the opinion of the Commission members present that this development would not adversely affect the Maidford River watershed and that the application should be approved. A motion was made to that effect by Peter Tarpgaard, seconded by Bob Johnson and was carried unanimously.

New Business: None

Other Business: The group discussed several items that were raised in the special orientation meeting for the Town Council and Boards and Commissions that was held at Town Hall on November 29th and attended by Gary Paquette and Peter Tarpgaard. The

topics included excerpts from the Rhode Island Ethics Commission regulations and the RI Open Meetings Act.

Excerpts from the Ethics Commission dealing with conflict of interest, the recusal process, and the acceptance of gifts were distributed by the chairman prior to the meeting. It was agreed that the Commission was, in the opinions of the members present, in compliance with the letter and spirit of the Ethics Commission Rules and Regulations. In order to strengthen the integrity of the Conservation Commission, a motion was introduced by Peter Tarpgaard and seconded by Bob Johnson that stipulated that members of the Conservation Commission would be banned from accepting any gifts or payments from any past, current, or future applicants before the Commission no matter the value of the gifts. The motion carried unanimously.

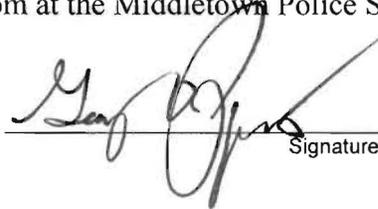
The conversation then moved on to a discussion of the RI Open Meetings Act. It was informally decided that the Commission would redouble its efforts to be in compliance with the Open Meetings Act and would implement the following actions:

- Be more diligent in publishing meeting schedules and agendas in two public areas as required by the Act.
- Be more careful to not discuss board business via telephone or email except as pertains to the scheduling of meetings.
- Request an advisory opinion of the town clerk as to the legality of using an open, but not advertised, website for the purpose of distributing printed materials to commission members.

There being no further business before the Commission, a motion was made and carried to adjourn and the meeting adjourned at 6:10pm.

The next scheduled meeting of the Commission will be held on Monday, January 10, 2011 at 5:30pm in the Community Room at the Middletown Police Station, 123 Valley Road.

Submitted: 12//14/10
Date


Signature

Gary Paquette



Town of Middletown

TOWN HALL 350 EAST MAIN ROAD
MIDDLETOWN, RHODE ISLAND 02842

August 9, 2006

Mr. Jack Kane
Building Official/Zoning Officer
Middletown, RI 02842

RE: Conservation Commission Case: 2006-004

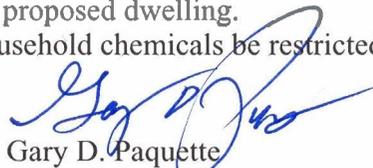
Dear Mr. Kane,

As requested in your letters dated 3 July, 2006, this Commission has reviewed the petition and the submitted site plan of Paradise Realty LLC of 6 Middle Ln., Jamestown, RI. This petition is for a special use permit under section 1103, to permit the construction of a single family dwelling within Zone 1 of the Maidford River Watershed Protection District. This real estate is located at Paradise and Bailey Avenues and are further identified as Lot 916 on Tax Assessor's Plat 120. The development of these lots was examined by this Commission in 2003 (Case 2003-003) and again in 2004 (Case 2004-002).

It is the opinion of this commission that the proposed construction of a single family dwelling on this site will not have a negative impact on the water quality of any drinking water tributary. Because this lot is composed of mostly Stissing soils which have very poor drainage characteristics, it is believed that construction of the proposed dwelling will have minimal impact on the storm water flow characteristics of the property and should not increase runoff over and above the conditions already existing.

It is the unanimous opinion of all Conservation Commissioners who were contacted electronically on August 8, 2006 (3 of 4 commissioners were contacted. The remaining member could not be reached.) that this application be approved with the following suggestions and stipulations:

1. That the developer give consideration to constructing the driveway and parking area using some sort of permeable material in lieu of asphalt or other more impermeable material.
2. That industry-standard erosion control measures including hay bales and silt fences be utilized during construction of the proposed dwelling.
3. That the use of lawn chemicals and other household chemicals be restricted to the levels stated in the special use application.


Gary D. Paquette
Chairman
Conservation Commission

Copy to:
Town Planner
Stephen Litwin