



Town of Middletown

TOWN HALL 350 EAST MAIN ROAD
MIDDLETOWN, RHODE ISLAND 02842

Minutes

Middletown, RI Conservation Commission Monday, March 14, 2016

Present: Gary Paquette (Chair); Peter Tarpgaard; Bob Johnson, Lisa Cinquegrana arrived at 5:45

Absent: David Huntoon

Guests: Robert Silva, David Martland, Patrick O'Leary (VHB Engineering)

The meeting was called to order at 5:35pm. A motion was entered to waive the reading of the minutes. The motion was seconded and passed unanimously.

Case 2015-04, Letter from the Building Official dated November 18, 2015 requesting an advisory opinion from the Conservation Commission regarding a petition from Windmill Partners LLC (Owner) - for a Special Use Permit from Section – 1103 to allow the construction of a 1,780 square foot, one-story office/business building to be located in Zone 1 of the Watershed Protection District. Said real estate located at 138 East Main Road and further identified as Lot 200 on Tax Assessor's Plat 107SE.

The Commission re-examined the plans submitted with the petition briefly discussed the potential impact(s) this proposed development could have on the Easton Pond watershed. Given the proximity of this property to a major tributary to one of the most important fresh water reservoirs for Newport County, this is an especially sensitive area and it is paramount that this watershed be protected from contamination. The commission is particularly interested in learning the surface flow runoff patterns in this area and the mitigation plan for preventing migration of contaminants in the direction of Easton Pond.

The commission asked the applicant to clarify a discrepancy that existed between the petition and site plan that spoke of the project as a “business center” rather than a full service bank branch as was described in a recent article in the Newport Daily News. The applicant explained that the description presented in the newspaper article was in error in describing the facility as a full service bank. He explained that there would be no teller windows normally found in full service banks and neither would there be any kind of “drive-thru” installation. Interactions between bank personnel and the public would take place in a series of office-like cubicles. The Commission was concerned that a full service bank on the banks of Bailey Brook would generate a large flow of vehicular traffic which could, in turn lead to increased levels of contaminants that could potentially migrate into the brook which feeds Easton’s Pond. The developer assured the Commissioners that this would not be the case. A motion was proposed



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by Bob Johnson to recommend approval of this petition with the standard, Zone 1 caveats against contaminating the watershed during construction using industry-standard techniques and prohibiting the use of lawn and de-icing chemicals on the property. The motion was seconded by Peter Tarpgaard and then unanimously approved by the Commission.

Case 2016-01

Letter from the Building Official dated January 8, 2016 requesting an advisory opinion from the Conservation Commission regarding a petition from Konstantinos & Eleni Moisades (Owners) by their attorney Robert M. Silvia, Esq. – for a Special Use Permit from Sections 602, 1100 & 1108 – to permit the construction of a mixed residential and commercial use structure located in Watershed Protection Area [District] (Zone 1) pursuant to plans files sic herewith. Said real estate located at 74 Aquidneck Avenue & 62 Wave Avenue and further identified as Lots 2A, 2 & 3 on Tax Assessor's Plat 116NW.

The Commission examined the plans submitted with the petition and briefly discussed the potential impact(s) this proposed development could have on the Easton Pond watershed. With the applicant's attorney, Robert Silva. Given the proximity of this property the Easton's Pond fresh water reservoirs, this is an especially sensitive area and it is paramount that this watershed be protected from contamination. The commission is particularly interested in learning the surface flow runoff patterns in this area and the mitigation plan for preventing migration of contaminants in the direction of Easton Pond.

The applicant explained that the proposed mixed-use building would consist of a two-unit, commercial or retail structure on the first floor and up to 4 residential units on the second floor. The first floor would be constructed in a manner as to mitigate the effects of a catastrophic flood event while protecting the second-floor residential units from damage. Traffic flow would be routed in a circular pattern with a separate entrance and exit. Parking for the residential units would be in the rear and where the main entrances to each unit would be located. Stormwater flow from the parking lots will be pre-treated in catch basins before being shunted to swales for percolation into the groundwater. Construction of this structure would involve the razing of two, single-family dwellings existing on the property. The proposed building would also be connected to town water and sewer services. The Commission found the applicant's proposed stormwater abatement plan to be acceptable. A motion was made by Peter Tarpgaard to recommend approval of this project with the standard Zone 1 caveats. The motion was seconded by Bob Johnson and was unanimously passed by the Commission members.

Case 2016-02

Letter from the Building Official dated January 12, 2016 requesting an advisory opinion from



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the Conservation Commission regarding a petition from Seaview Inn LLC (owners) – by their attorney David P. Martland, Esq. – for a Special Use Permit from Sections 602, 725 & 1106 – to allow the installation of a ground-mounted solar photovoltaic facility in Zone 1 of the Watershed Protection District. Said real estate located at 240 Aquidneck Ave, John Clarke Rd & Valley Rd. and further identified as lot 54 on Tax Assessor's Plat 115.

The Commission examined the plans submitted with the petition and briefly discussed the with the applicant's attorney, David Martland. The Commission had previously recommended approval of this project as submitted at the April 14, 2014 meeting. The new case brought before the Commission was to address a modification to the original plan to allow for the construction of a small, photovoltaic array (PVA) on a part of the property previously approved for vehicle parking. Mr. Martland explained that in the original plans, 100% of the proposed PVA was to be placed on the rooftop of the main hotel building but because of the placement of various pieces of HVAC equipment, there would no longer be sufficient room to install the entire PVA and that of portion of the array would need to be relocated. The applicant described how the remainder of the array would be moved down to ground level and would be constructed over a portion of the parking lot. The asphalt under the PV panels would be removed and replaced with a semi-permeable surface such as pavers. The Commission found this approach to be acceptable and a motion was made by Peter Tarpgaard to recommend acceptance of the proposed changes as presented. The motion was seconded by Bob Johnson and was passed unanimously by the Commission.

Case 2016-03

Letter from the Building Official dated March 4, 2016 requesting an advisory opinion from the Conservation Commission regarding a petition of: Daniel D. Donovan, III (owner) by his attorney Christopher J. Behan- for a Special Use Permit from Sections 1106 & 902- to allow for the construction of a single family residence on a portion of lot 111 on plat 114 which is located in a Watershed Protection District due to the presence of Stissing soil. Said real estate located at 608 Aquidneck Ave and further identified as Lot 111 on Tax Assessor's Plat 114.

The Commission examined the applicant's site plan. There were no representatives for the applicant present at the meeting however, due to a communication error with the Building Official's office, the applicant, Mr. Donovan did arrive at the meeting venue after adjournment.

A significant portion of the western portion of this parcel is listed as Zone 1 of the Watershed Protection District as evidenced by the presence of Stissing-type soils characteristic of wetland areas in the RI Soil Survey publication. Due to the relative impermeability of this soil type, the Commission believes that there is typically very little impact on the drainage patterns of similar lots providing the development conforms to the Town's regulations on setback and buildable lot



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parameters. The major concern the Commission has with Stissing soil lies in its unsuitability for the construction of private septic systems in areas with such poor drainage characteristics. On lots that are served by municipal sewer systems the Commission has no objections to their development.

As depicted in the site plan, the single-family dwelling currently existing in the northeastern quadrant of the property is presently connected to the municipal sewer line that runs along Aquidneck Avenue. The general slope of the property runs from east to west so that the elevation of the proposed dwelling will lie significantly below the level of the existing Aquidneck Avenue sewer main. In order to connect with the existing sewer main it would be necessary to utilize a pressurized connection between the proposed dwelling and the sewer in order to overcome the difference in grade. There is no such pressurized sewer connection proposed by the applicant. Instead, the applicant proposes to connect with an existing sewer line that is located on the property of the Aquidneck Office Park to the west. The Commission has no objections to this plan providing the necessary agreements and easements can be negotiated by the applicant.

A motion was made by Bob Johnson that the Commission recommend approval of the petition with the caveat that all necessary easements and agreements are in place to allow the applicant to connect with the existing municipal sewer main in the Aquidneck Corporate Park prior to the beginning of construction. The motion was seconded by Peter Tarpgaard and the motion was passed unanimously by the Commission.

There being no further business before the board, a motion to adjourn was put forth, seconded and passed. The meeting adjourned at 7:18pm.

Submitted May 9, 2016.

Gary D. Paquette – Chairman
Middletown Conservation Commission.