



# *Town of Middletown*

TOWN HALL                      350 EAST MAIN ROAD  
MIDDLETOWN, RHODE ISLAND 02842

## **Minutes**

### ***Of the meeting of Monday, December 12, 2016 Middletown, RI Conservation Commission***

**Present:** Gary Paquette (Chair); David Huntoon; Bob Johnson, Paul Gedney, Peter Tarpgaard, Betty Owen, Paul Croce (Planning Board Liaison), Warren Hall, (Town Engineer)

**Absent:** None

**Guests:** Jay Lynch (Attorney for the applicant), Christopher Duhamel (DiPrete Engineering), Applicant, Terri Flynn (Concerned citizen)

The meeting was called to order at 5:30pm

#### **Old Business:**

**Case 2016-04** - Letter from the Building Official dated April 10, 2016 requesting an advisory opinion from the Conservation Commission regarding a petition from William & Elizabeth Gill & David Lawrence (owners) by their attorney Jeremiah C. Lynch III – for a Special Use Permit from Sections 1106 & 2202 – to allow the construction of a 37-unit Senior Independent Living Facility in Zone 1 of the Watershed Protection District. Said real estate located at 1 Thelma Lane and further identified as Lots 14, 23 & 23B on Tax Assessor's Plat 111.

The Commission examined a new set of plans that had been delivered to the Building Official at the most recent Planning Board meeting.

The applicant's engineer stated that the project has received approval from the Department of Environmental Management and that the project hadn't substantially changed since its initial submission. Mr. Duhamel explained that the property had been used for many years as farmland and that in that process, the vegetative barrier between the property and Bailey Brook had been substantially disturbed. The applicant is planning to restore this boundary with plantings of arbor vitae and other native plants and shrubs to form a "green wall" to separate the project from the brook.

A question was raised about including some sort of "clubhouse" or community room in the project and the applicant stated that they would be seeking a waiver from this requirement and that the proposed gazebo would serve that purpose and would serve as the focal point for a system of walking paths.



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The engineer was asked to point out the boundaries of Zone 1 of the WPD on the plans.

Mr. Huntoon asked the engineer to present a discussion of why he thought that the proposed project would represent an improvement to the overall quality of the watershed vice a “no action” option. Mr. Duhamel stated that removing the property from agricultural use would lower the concentration of suspended solids in the runoff and the elimination or reduction of the use of chemical fertilizers and pesticides and that the capture of project-related runoff would serve to reduce the amount of runoff that reached the brook. He also stated that the project would also open up a corridor that would be used by wildlife in the area.

The engineer was asked to describe the type of maintenance that would need to be done to ensure that the permeable roadway retains its permeability. He stated that routine maintenance would consist of a vacuuming of the roadway twice a year and inspection of the dry wells to make sure that they were not clogged with sediment. These duties will be carried out by a landscape contractor and that funds would be set aside from condo association fees. The engineer further stated that because this is a private development that all maintenance of storm water abatement systems and permeable roadways will be the responsibility of the project’s owners and the town will have no obligations.

Following the conclusion of these discussions a motion was put forth by Robert Johnson to recommend rejection of the applicant’s petition. A vote was held and resulted in three votes to approve the motion and three votes to reject. As this was the first time that anyone on the Commission had experienced a tie vote, the vote was recorded and passed on to the Building Official for action.

There being no further business before the Commission, the meeting was adjourned at 7:01pm.

The next scheduled meeting of the Commission will be held on Monday, January 9, 2017 at 5:30pm in the Council Chambers at Town Hall, 350 East Main Road.

Submitted: 9 March 2017

Date

Gary Paquette

Signature