



# *Town of Middletown*

TOWN HALL                      350 EAST MAIN ROAD  
MIDDLETOWN, RHODE ISLAND 02842

## **Minutes**

### ***Middletown, RI Conservation Commission Monday, July 10, 2017***

**Present:** Gary Paquette (Chair); David Huntoon; Terri Flynn (Planning Board Liaison), Jim Gedney, Peter Tarpgaard

**Absent:** Bob Johnson

**Guests:** Attorney for the Applicant

The meeting was called to order at 5:31pm

A motion was made by Peter Tarpgaard to waive reading of the minutes and to accept the previous minutes as distributed. The motion was seconded by David Huntoon and passes unanimously.

#### **Case 2017-01**

Letter from the Building Official dated May 2, 2017 requesting an advisory opinion from the Conservation Commission regarding a petition from Elizabeth Harvey (owner) for a Special Use Permit from Section 602 – to allow the construction of a two-car, attached garage in Zone 1 of the Watershed Protection District. Said real estate located at 194 Third Beach Road and further identified as Lot 126 on Tax Assessor's Plat 125.

The attorney for the applicant was recognized and he stated that the applicant required additional time in order to address some concerns that were raised by an abutter and requested a continuance until the August meeting. A motion was put forth by Terri Flynn to continue case 2017-01 until the August meeting. The motion was seconded by Peter Tarpgaard and passed unanimously.

There being no further old or new business, the Conservation Commission moved on to the appointment of officers at the request of Town Manager Shawn Brown. The chair mentioned that Robert Johnson who was absent from the meeting agreed in an email exchange to serve as Secretary of the Commission. After additional discussion, David Huntoon volunteered to serve as Vice Chairperson and the current Chairperson agreed to continue on in that capacity. Thus, a motion was put forth by Terri Flynn to accept the proposed slate of officers as proposed consisting of:

- Gary Paquette – Chairperson
- David Huntoon – Vice Chairperson
- Bob Johnson – Secretary

The motion was seconded by Jim Gedney and passed unanimously.

There being no further business before the Commission, a motion was made to Adjourn by Peter Tarpgaard, was seconded by David Huntoon and passed unanimously. The meeting was adjourned at 5:46pm.

The overall project was presented to the Commission members by the team of Mr. Lynch and Mr. Duhamel. The proposed project is for the construction of a 36-unit (reduced from 37 units in the initial application) independent living facility consisting of 14 buildings comprising one, two, or three units each. A total of 22 of



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the units as depicted fall partially or totally within Zone 1 of the Watershed Protection District and the remaining 15 units are located completely outside of Zone 1. The commission had requested a complete set of E-size plans for this project however had not received them prior to the August meeting. The applicant agreed to leave his set of plans with the Commission for further study. The applicant's team explained that the proposed site consisted of 3 total lots as depicted on the corresponding tax plats and encompassed approximately 11 acres of former farmland. The eastern boundary of the property consists of the headwaters of Bailey's Brook. The chairman expressed concern that the property was rumored to have been used in the past as a disposal area for miscellaneous refuse and asked if the applicant had encountered any evidence of this kind of activity. Mr. Kent replied that he had not. Mr. Duhamel explained that the development would be served by both town water and sewer and thus there would be no need to construct any septic systems. Sewage would be fed by gravity to the existing sewer line on Arruda Terrace. The project as currently designed with a total of 154 parking spaces not including garage spaces where only 108 are required by regulation. Access to the development will be gained from Thelma lane and a hammerhead will connect the main drive to Arruda Terrace but will be designated as a fire department access point. Access to Arruda Terrace from the development will be restricted by a break-away gate. The property is currently zoned R10M and restricted to units with 2 bedrooms or less.

Mr. Paquette stated that he was reticent to recommend approval of any project within Zone 1 unless there was a compelling reason to do so and he asked the applicant if the project would be economically viable if the Commission recommended approval for only those units that fell outside of Zone 1. The applicant stated that it would not. Ms. Owen expressed her concern that the development might present an undue traffic burden on an already crowded West Main Rd. Mr. Kent stated that the planned installation of a traffic light at the intersection of Thelma Lane and West Main Road should mitigate that possibility. Mr. Croce asked if there had been any objections raised by the RI Airport Corporation regarding the placement of the development along the departure path of a runway at Newport State Airport. The applicant stated that there were no objections raised by the Corporation and that the development would be constructed in accordance with all federal and state regulations regarding obstructions in the vicinity of airports.

During the public comment portion of the meeting, Ms. Terri Flynn, a concerned citizen and member of the Concerned Island Taxpayers Association addressed the Board and the applicants and stated that she and her group had grave reservations regarding continued development in Zone 1 of the WPD and she believed that the bulk of the water treatment and stormwater mitigation features planned for the project were made necessary by the development itself and would not be necessary if the land were left undisturbed. She also reiterated that the Town does not have at this time an ordinance that guarantees that such features are maintained in a manner that ensures their efficacy. This is a concern that has been echoed by the Commission in the past. Mr. Lynch countered that since 2010 there is a state law requiring property owners to maintain such water treatment features in perpetuity and to submit periodic reports to the RI Department of Environmental Management. There was some confusion as to whether this law also required periodic reports to Town officials.

There being no further questions or comments, the chairman noted that the hour was getting late and a motion was made by Ms. Owen to continue consideration of this matter until the next scheduled meeting on September 12, 2016. The motion was seconded and passed unanimously.

There being no further business before the board, a motion to adjourn was put forth, seconded and passed. The



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meeting adjourned at 6:40pm.

Submitted September 7, 2016.

Gary D. Paquette – Chairman  
Middletown Conservation Commission.