

Minutes

Of the meeting of Monday Sept 11, 2017 of the Middletown, RI Conservation Commission

Present: Gary Paquette (Chair), Peter Tarpgaard, Robert Johnson, Howard Hall, James Gedney, David Huntoon, Terry Flynn (Planning Board Liaison)

Absent: None

Guests: Elizabeth Harvey (owner), Robert Silva, attorney for owner, Spencer Mc Comb, architect for the owner; Zach Arceri, engineer for the owner; Jennifer Cervenka, lawyer for the abutters

This meeting was videotaped and can be viewed on the Town of Middletown, RI website under the heading Middletown TV.

The meeting was called to order at 5:35 by Chairman Gary Paquette. Howard Hall was welcomed as a new member. A motion was made and approved to waive a reading of the minutes from the July 10 meeting. The minutes were then accepted.

Old Business: 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 owner was represented by the law firm of Silva, Thomas, Martland, and Offenbergltd. Robert Silva was present at the meeting. The owner hired the firm of Cordtsen Design Architecture to design the garage. Spencer Mc Comb was the architect representing the firm at the meeting. Principe Company, Inc was hired for the engineering to design the drainage system for the garage. Zach Arceri was the engineer representing Principe Co. at the meeting.

Three abutters on Third beach Rd are protesting the construction of the garage in Zone1. They were represented at the meeting by attorney Jennifer Cervenka of the firm Cervenka Green Antonelli LLC. The abutters want the garage moved to the rear or side of the house to put it in Zone 2 instead of Zone 1.

Robert Silva provided a presentation of the garage design and location. He was assisted by the architect and the engineer. The garage which will be 24X20 feet in size will be located on the existing parking area in the driveway which is located in Zone1. This area is compacted crushed stone and is considered an impervious surface by Town standards according to Tom O'Loughlin the Town technical representative. A gutter system will collect rain water from all roof surfaces and direct it to a holding system which will slowly release the water behind the east side of the house in Zone 2. The system is designed for a 1 inch per hour rain fall. The engineer for Principe Engineering did not have maintenance, monitoring or expected lifespan information of the proposed drainage system. There will be a 6 foot open breezeway connecting the garage to the house. The size and location of the garage has changed several times. The garage is presently located 11 feet from the northerly property line, whereas 30 feet are required in an R-60 zone.

The abutters' lawyer wanted the applicant to explore other alternatives for the location of the garage, moving it out of Zone 1 behind or to the side of the house. This would reduce runoff and move the garage more than 11 feet from the property line to meet the setback requirements. She also said that trees would have to be cut down to build the garage. She also requested that the applicant submit water quality data. Another objection was that chemicals could be stored in the garage.

The abutters' lawyer asked numerous questions of owner's representatives most of them questioning whether alternative locations were considered for the garage in Zone 2 rather than Zone 1. This would require the garage to be moved to the rear or side of the house. The response of the applicant's lawyer was that these alternative locations would be very inconvenient for use of the garage and would increase the area of the driveway in Zone 1. The amount of runoff will be decreased by building the garage in the proposed location because all runoff from the garage will be directed to the rear of the house in Zone 2 instead of running toward Paradise Brook from the present parking lot.

The Commission agreed that the design would reduce runoff by directing the rainfall to the proposed collection system and that putting the garage to the side of or behind the house would increase the runoff from the existing condition. The Chairman of the Conservation Commission made a motion to vote to recommend approval of the Special Use Permit. To alleviate some of the concerns of the abutters the following conditions were imposed:

- The garage will be constructed according to the plans presented at the September 11, 2017 meeting and with verbal assurances from the property owner that the structure will have no plumbing or outdoor showers that would contribute to the runoff from the property.
- That the storage of chemicals or other hazardous substances within the structure be limited to quantities consistent with normal household use.
- That the use of lawn chemicals including herbicides, pesticides and fertilizers be limited to those areas which fall outside of Zone 1 of the Watershed Protection District.
- That the homeowner will consent to refrain from using ice melt chemicals including salt to remove snow and ice from the attendant driveway and parking area(s).
- That the homeowner will maintain the proposed storm-water treatment system in accordance with the manufacturer's recommendations.
- That to the extent possible that any trees that will be removed due to the construction will be kept to the minimum necessary and that any trees that must be removed will be replaced with seedlings of the same or similar species.

The motion was seconded and approved. The Commission then voted unanimously to recommend approval of the petition to build the two car garage in Zone 1 to the Watershed Protection District.

The meeting was adjourned at approximately 7: 30 PM.