



Town of Middletown

TOWN HALL 350 EAST MAIN ROAD
MIDDLETOWN, RHODE ISLAND 02842

Minutes

Of the meeting of Monday, April 9, 2018 Middletown, RI Conservation Commission

Present: Gary Paquette (Chair), Howard Hall, Dave Huntoon, Teri Flynn (Planning Board Liaison)

Absent: Robert Johnson, James Gedney, Peter Tapgaard

Guests: Warren Hall, Town Engineer; Chris McNally, Town Assistant Solicitor; Jeremiah Lynch, attorney; Matt Viana, Millstone Engineering, David Martland, Attorney; Nick Giacobbi, principal at Benzine Development; Lyn Small, engineer Northeast Engineers and Consultants; Kenneth Alves, owner West Main Self storage;

This meeting was videotaped to be viewed on the Town of Middletown, RI website.

The meeting was called to order at 5:35 by Chairman Gary Paquette.

A motion was made and passed to accept the minutes of the meeting on Feb 12, 2018.

The first agenda item was Case 2017-02 which was to permit a gasoline station with a convenience store and drive-up window and a vehicle washing establishment located in a Limited Business Traffic Sensitive Zone (LBA) in Zone 1 of the Watershed Protection District (WPD).

David Martland, Attorney for Benzine Development presented details on the proposed gas station/ convenience store/ car wash. Two land parcels will be combined. These are 1225 Aquidneck Ave which is the current site of the Bay willows Motel and 535 East Main Rd which is a vacant lot that was previously a gas station. The old gas tanks have been removed and clean fill has been added. The car wash will use laser, high pressure washers with no rollers and uses soap made from 100 percent biodegradable materials.

Lyn Small, a civil engineer for Northeast Engineers and Consultants presented the technical details of the site engineering to handle storm water runoff and water and soap runoff from the car wash. Small stated that permits for the project have been obtained from DOT(Department of Transportation) and DEM(Department of Environmental Engineering) and environmental precaution have been implemented to deal with all runoff water. This site is In Zone 1 of the WPD due to stissing soil. There are also wetlands on the back side of the site.



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The design to reduce runoff will include oil/water separators, sand filters and detention and catch basins. Models have been run to determine how the design will perform in 1, 2, 10, 25, and 100 year storms. Improvements to the design were made based on recommendations after review by the State of RI.

Howard Hall of the Conservation Commission stated that in his opinion according to Section 1105 of the Zoning Code car washes and gasoline storage were not allowed in Zone 1 and Zone 2 of the WPD. A long discussion ensued and it was decided that the head to the Zoning Department, Jack Kane, would make a decision prior to the next meeting.

The case was continued to the next meeting scheduled for May 14. Prior to that meeting the Conservation Commission will conduct a site review, the Zoning Official will make a decision regarding Section 1105 of the Zoning code prohibiting car washes and gas stations in Zones 1 and 2 of the WPD, and the applicant will provide updated plans to the Conservation Commission.

The next agenda item was case 2017-03 which was a letter from the Building Official dated Nov 9, 2017 requesting an advisory opinion from the Conservation Commission to allow the following:

Petition of: St Lucy's Church of Middletown by their attorney Jeremiah C Lynch III for a Special Use Permit from Sections 602, 803(g) & 1103 to permit the construction of an addition to the existing non-conforming self-storage facility on Lot 15C. 22,500 sq. ft. of Lot 11 will be merged with Lot 15C by administrative subdivision. This property is located in Zone 1 of the Watershed Protection District and is located at 825 West Main Rd and portion of 911 West Main Rd and is further identified as Lots 15C and lot 11 on Tax Assessor's Plat 107NE.

This case had been continued from Feb 12, 2018. At that meeting attorney Jeremiah Lynch provided an overview of the requested addition to the existing storage facility. It would be a metal building 55 feet by 110 feet in size. The roof would be the same height as the existing facility. There would be no new entrances. The lot coverage would decrease from 56% to 48%. Mr. Lynch submitted an application for a wetlands alteration permit and was waiting for approval from DEM.

Matt Viana of Millstone Engineering had provided details of the storm water runoff mitigation design. Runoff from the roof will be captured in a sand filter. If the rainfall exceeds 1.5 inches the excess will be directed into a retention pond, where it will be released slowly into Bailey's Brook which is 100 feet away. The case was continued pending a ruling on the wetlands application from DEM.

At the meeting on April 9, Jeremiah Lynch stated that the DEM had approved the wetlands alteration permit on March 15, 2018 and that there were no changes to the plans



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previously submitted. Details of the design were discussed again because one of the Conservation Commission members had not been at the Feb 12, meeting. Matt Viana stated that the storm water check list had been completed for this property. He was requested to forward it to the Commission. He also stated that property owners perform the required maintenance and keep the required records. These records can be requested by town or state officials as desired.

Chairman Paquette stated that he thought this addition to West Main Self Storage would be an insignificant change to the Bailey Brook watershed and made a motion to approve the addition. This motion was seconded by Howard Hall. A vote by the Commission resulted in a tie vote 2-2 and the motion was therefore defeated.

Under other business Teri Flynn updated the Commission on east side property development. The planning board forwarded a letter to the town council requesting a study of this issue. The town council asked to Planning Board to provide an estimate of the scope and cost of this study. Teri will continue to be the liaison on this issue.

The meeting was adjourned at 8:00 PM.

Respectfully submitted,
Robert Johnson