

STATE OF RHODE ISLAND  
NEWPORT, SC

ZONING BOARD OF REVIEW  
TOWN OF MIDDLETOWN

IN RE: THOMAS WELCH

ZONING DECISION

This matter was heard on April 26, 2022, on the Petition of Thomas Welch (Owner) for a Special Use under Sections 902 & 1103 to develop a residential lot that is primarily within Zone 1 of the Watershed Protection District (“WPD”). Said real estate is located at Mitchell Lane/Fayal Lane and further identified as Lot 19 on Tax Assessor’s Plat 124 in the R-40 Zone.

Geralyn small, P.E., of Northeast Engineers & Consultants, having been duly sworn, testified as follows: that the Applicant is create a fully conforming buildable lot for his son; that because there are Stissing soils on the site, the property falls into Zone 1 of the WPD, which requires a Special Use Permit for residential development; that the site is suitable for an Onsite Wastewater Treatment System, which has been designed to address all environmental impact concerns; that the proposed single family use will not negatively impact the public health; that the proposed use does not conflict with the purposes Zone 1 of the WPD; that the plan received favorable recommendations from both the Conservation commission and the Planning Board. No persons objected to the Petition and there were no letters of objection in the file.

After closing the hearing on the Petition and based on the testimony and evidence presented, the Board makes the following findings of fact:

1. That the property is located in an R-40 District.
2. That the relief sought is a Special Use Permit under Sections 902 & 1103 of the Zoning Code to allow residential development of the proposed lot in Zone 1 of the Watershed Protection District.

3. That the proposed residential development is consistent with the Town's Comprehensive Community Plan will not result in the significant diminution of property values.

4. That the proposed residential development will not create a nuisance, will not be detrimental to or substantially or permanently injure the appropriate use of the property, will not result in hazardous conditions or conditions inimical to the public health, safety, or welfare, and will not conflict with the purposes for which the WPD has been established.

On motion duly made and seconded, the Board voted 5-0 to grant the variance, with the following conditions:

1. The Applicant is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153.

2. The use of lawn chemicals, fertilizers, and other chemicals with the potential to adversely impact ground and surface water quality shall be prohibited.

The Petition, having received the concurring votes of five members of the Board as required, was accordingly granted. Members voting to approve were James R. Miller, Thomas A. Heaney Jr., Thomas Silveira, Stephen Huttler and Eric Kirton.



Eric Kirton, Secretary

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WENDY J. W. MARSHALL, TOWN Clerk  
TOWN of MIDDLETOWN, RI