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TOWN MANAGER

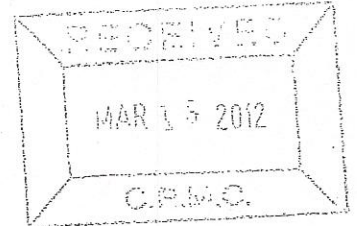
Town of South Kingstown, Rhode Island

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March 13, 2012



Mr. Grover Fugate, Executive Director
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Rd., Suite 116
Wakefield, RI 02879

Re: Town of South Kingstown CRMC Assent Application,
File #2011-09-005, Matunuck Beach Road Area

Dear Mr. Fugate:

As per your request, this letter provides additional detail and discussion concerning the Town of South Kingstown's pending CRMC Assent Application, File #2011-09-005. Specifically, we are providing comment and discussion with regard to the Coastal Resources Management Program (CRMP) "Redbook", Section 130 Special Exceptions. We would note that the Town's pending application does not seek CRMC assent for a Special Exception, in as our view of the work proposed is shoulder reinforcement of the existing pavement structure for Matunuck Beach Road, not a shoreline protection structure, which would require such consideration. We are providing this information and response not as a new application but rather to address this Section should the Council determine that it is applicable. Our comments/reply concerning this section is noted in **bold italic** typeface following each applicable subsection detailing the criteria and standards associated with Section 130 Special Exceptions.

Section 130. Special Exceptions

A. Special exceptions may be granted to prohibited activities to permit alterations and activities that do not conform with a Council goal for the areas affected or which would otherwise be prohibited by the requirements of this document only if and when the applicant has demonstrated that:

- 1) The proposed activity serves a compelling public purpose which provides benefits to the public as a whole as opposed to individual or private interests. *The assent sought under this application is intended to preserve and protect the public infrastructure (road, utilities, etc.) associated with Matunuck Beach Road. Matunuck Beach Road provides the only access for 240 homes and a cluster of locally significant businesses (Ocean Mist Bar/Restaurant, Tara's Tipperary Pub and Le Strada Pizzeria). Preservation of this access is of a compelling nature from the perspective of public safety, public convenience for those properties easterly of the potential breach area and also for general accessibility to the public recreational and ocean access area at the Deep Hole Fisherman's Access operated by RI DEM.*

The activity must be one or more of the following:

(a) an activity associated with public infrastructure such as utility, energy, communications, transportation facilities, however, this exception shall not apply to activities proposed on all classes of barriers, barrier islands or spits except as provided in 210.2.D.9;

The proposed right of way reinforcement construction project is necessary to ensure the preservation and usability of the existing public infrastructure associated with the Matunuck Beach Road right of way (including the utilities present along and under said road right of way, e.g. water main for South Kingstown's South Shore Water System).

(b) a water-dependent activity that generates substantial economic gain to the state; and/or,

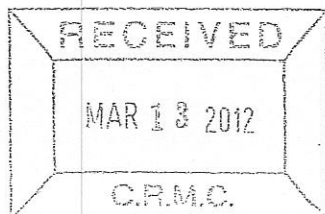
While we do not consider our application to represent a water dependent activity, this project will assist in the preservation and support of businesses in this vicinity by maintaining accessibility to same. The potential breach point on Matunuck Beach Road is westerly of the Ocean Mist Restaurant, Tara's Tipperary Pub and Le Strada Pizzeria. Insofar as Matunuck Beach Road is the only access for these entities any breach of the road resulting in short or long- term interruption of access will result in significant job losses (>75 jobs) coupled with loss of income, sales and meal tax revenues and other economic spin-offs from this cluster of businesses. Tourism revenues in this area would also be affected negatively by any interruption of access and/or damage to the infrastructure of Matunuck Beach Road. Interruption of access to this vicinity would also significantly impact the Town of South Kingstown's residential tax base. Properties easterly of any breach interruption of Matunuck Beach Road would see a significant reduction in their values if access and egress were impeded for any extended period of time. Approaching this circumstance would have the potential to create a fiscal crisis in this community and raises legal issues which might also ensnare the State and Coastal Council. As all are aware, properties in this vicinity have among the highest values for land and buildings in the Town of South Kingstown.

(c) an activity that provides access to the shore for broad segments of the public.

Preservation of the Matunuck Beach Road right of way will preserve public access to the State DEM facility at Deep Hole (Deep Hole Fisherman's Access) and the Town's right of way to the ocean located across Matunuck Beach Road from the Narragansett Salt Water Fisherman's Association (this association donated this access right of way to the Town).

2) All reasonable steps shall be taken to minimize environmental impacts and/or use conflict.

The steel sheeting will be driven along the roadway edge and capped with a short concrete wall. Sediment and erosion control measures will be installed and maintained using best management practices to ensure no negative impacts occur during the construction phase of the project and thereafter, as applicable. All erosion controls and sediment containment measures will be removed when the construction phase has been completed and any required site stabilization measures have been installed.



3) There is no reasonable alternative means of, or location for, serving the compelling public purpose cited.

The Town has evaluated alternatives to the proposed placement of the sheet pile ROW shoulder reinforcement. Examples include managed retreat options for the relocation of Matunuck Beach Road inland. Managed retreat (e.g. physical relocation of the right of way, travel surface and various utilities inland) has been determined to be infeasible, impracticable, and inequitable for a number of reasons. These include: requirements for complex and lengthy permitting across a number of regulatory entities, high, unspecified costs, required land takings to facilitate (impacting historic seasonal "camp grounds" at Blackbeard's, Mary Carpenters Beach Meadow and other residential and commercial properties on the north side of the existing right of way, likely legal challenges to such actions and the immediate nature of the threat to this existing infrastructure. We have also evaluated the potential to connect Atlantic Avenue to Prospect Road across the salt marsh. This option, dubbed by area residents as the "bridge to nowhere" was also determined to be non-feasible, impractical and inequitable due to environmental considerations and complex permitting, required land takings and likely legal challenges to same, negative impacts to existing neighborhoods, unsuitability of the rights of way for increased traffic loading and significant cost factors.

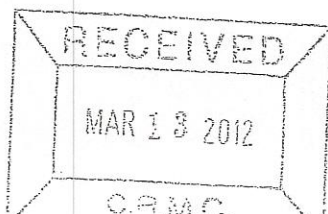
B. Special exceptions may be granted only after proper notice in accordance with the Rhode Island Administrative Procedures Act, a public hearing has been held, and the record of that hearing has been considered by the full Council. The Council shall make public the findings and conclusions upon which a decision to issue a Special Exception are based.

As noted in the opening paragraph of this correspondence, the Town is providing the discussion herein not as an application for a Special Use Permit under Section 130 of the Coastal Resources Management Program, but for informational purposes to facilitate the consideration of our pending application. We are concerned that the application be considered in timely fashion as it has been pending for a considerable time period (August 31, 2011). We make this statement out of concern that any additional time delays in considering our application could result in worsening of the conditions present making addressing same more difficult and complex going forward.

C. In granting a Special Exception, the Council shall apply conditions as necessary to promote the objectives of the Program. Such conditions may include, but are not limited to, provisions for:

- 1) Minimizing adverse impacts of the alteration upon other areas and activities by stipulating the type, intensity, and performance of activities, and the hours of use and operation;
- 2) Controlling the sequence of development, including when it must be commenced and completed;
- 3) Controlling the duration of use or development and the time within which any temporary structure must be removed;
- 4) Assuring satisfactory installation and maintenance of required public improvements;
- 5) Designating the exact location and nature of development; and
- 6) Establishing detailed records by submission of drawings, maps, plots, or specifications.

The above subsection (C. 1-6) is pertinent to the Coastal Council's consideration of applications under Section 130. As such, the Town is not providing any specific response in this regard.



Mr. Grover Fugate, Executive Director
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It is hoped this letter is responsive to your request for additional comment concerning the noted Section of the CRMP. Should questions exist, or if you or your staff require clarification or discussion of any aspect of this communication, please so advise. Thank you for your consideration.

Sincerely,



Stephen A. Alfred
Town Manager

cc: Town Council
Town Solicitor
St. Jean Engineering LLC

