COASTAL RESOURCES MANAGEMENT COUNCIL

SEMI-MONTHLY MEETING

TUESDAY, AUGUST 28, 2018

6:00 P.M.

AGENDA

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

AGENDA

*Amended 08-16-2018

Semi-Monthly Meeting – Full Council
Tuesday, August 28, 2018; 6:00 p.m.
Administration Building; Conference Room A
One Capitol Hill, Providence, RI 02908

Approval of the minutes of the previous meeting – July 24, 2018
Subcommittee Reports
Staff Reports

***CRMC Assent B2012-09-065 Deepwater Wind -- Status Update:**
-- Grover J. Fugate, Executive Director, CRMC

APPLICATIONS WHICH HAVE BEEN OUT-TO-NOTICE AND ARE BEFORE THE FULL COUNCIL FOR DECISION:

2018-02-061 **SCOTT'S WHARF LLC** -- Redevelop the site as a mixed-use facility housing a boutique hotel, a restaurant, and retail and office space. The facility will include covered and open parking spaces (166 spaces total) and will provide dedicated public access in the form of a pedestrian path along the water. Also, fill an existing boat ramp and associated tidal waters to accommodate the construction of a stormwater treatment facility (bioretention area) designed to treat a portion of the stormwater runoff associated the redevelopment proposal. An open-air elevated deck accessible from America's Cup Avenue will also be available to the public. Public access improvements are proposed to compensate for the filling of tidal waters and for commercial redevelopment of the site. Located at plat 276, lot 77, 78; west of America's Cup Avenue, Newport Harbor Waterfront, 4 Commercial Wharf, Newport.

ENFORCEMENT CASE BEFORE THE COUNCIL FOR ORDER TO RESTORE:

2017-047 **BUZ & CYNTHIA GARDINER** – Restoration of unauthorized alteration of the buffer zone and wetland on your property located at Plat N-R, Lots 1229,1230, 120 Allagash Trail, Narragansett without benefit of a CRMC assent.

PERMIT REVOCATION:

2017-10-080 **CARNEGIE ABBEY CLUB** -- Show cause why the Marina Permit should not be revoked due to failure to pay CAD cell fee. Located at Plat 26, lot 2C, 4-15; 379 Willow Lane, Portsmouth, RI.

EXECUTIVE SESSION § 42-46-5(2) – Potential Litigation, Ocean SAMP

lat

CRMC DECISION WORKSHEET
2018-02-061
SW 281 LLC

Hearing Date:			
Approved as Recommended			
Approved w/additional Stipulations			
Approved but Modified			
Denied		Vote	

APPLICATION INFORMATION

File Number	Town	Project Location	Category	Special Exception	Variance
2018-02-061	Newport	4 Commercial Wharf Plat 27 Lot 77,78	B	☐	X
		Owner Name and Address			
Date Accepted		SW 281 LLC Rumford Center Bldg 3 20 Newman Avenue Suite 1005 Rumford, RI 02916	Work at or Below MHW		X
Date Completed	8/22/18		Lease Required		☐

PROJECT DESCRIPTION

Redevelop the site as a mixed-use facility housing a boutique hotel, a restaurant, and retail and office space. The facility will include covered and open parking spaces (166 spaces total) and will provide dedicated public access in the form of a pedestrian path along the water. Also, fill an existing boat ramp and associated tidal waters to accommodate the construction of a stormwater treatment facility (bioretention area) designed to treat a portion of the stormwater runoff associated the redevelopment proposal. An open-air elevated deck accessible from America's Cup Avenue will also be available to the public. Public access improvements are proposed to compensate for the filling of tidal waters and for commercial redevelopment of the site.

KEY PROGRAMMATIC ISSUES

Coastal Feature: Manmade shoreline – seawall/bulkhead with boat ramp

Water Type: Type 5, Commercial and Recreational Harbors, Newport Harbor

CRMP: 1.1.6(F), 1.1.7,1.1.8, 1.1.9, 1.1.10, 1.1.11, 1.2.1(E), 1.2.2(F), 1.3.1(A),1.3.1(C), 1.3.1(F),1.3.1(G),1.31(J),1.3.5, 1.3.6

Variances and/or Special Exception Details:

Variance to the Buffer Zone requirements 1.1.11 (Reference Supervising Environmental Scientist Report)

Reference Staff reports regarding applicability of Special Exception .

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations):

STAFF RECOMMENDATION(S)

Engineer	RML	Recommendation:	No Objections
Biologist	DSR	Recommendation:	No Objections
Other Staff		Recommendation:	

Engineering Supervisor Sign-Off — 8/22/18 date

Supervising Biologist Sign-off — 8/22/18 date

Executive Director Sign-Off — date

Staff Sign off on Hearing Packet (Eng/Bio) — 8/22/18 date

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF BIOLOGIST'S REPORT

TO: Grover J. Fugate
DEPT: CRMC Executive Director
FROM: David S. Reis
DEPT: CRMC Biology Section

DATE: August 20, 2018

RE: **CRMC File No.** 2018-02-061
Applicant's Name: Scott's Wharf, LLC, c/o Samuel J. Bradner
Project: Redevelop the site as a mixed-use facility housing a boutique hotel, a restaurant, and retail and office space. The facility will include covered and open parking spaces (166 spaces total) and will provide dedicated public access in the form of a pedestrian path along the water. Also, fill an existing boat ramp and associated tidal waters to accommodate the construction of a stormwater treatment facility (bioretention area) designed to treat a portion of the stormwater runoff associated the redevelopment proposal. An open-air elevated deck accessible from America's Cup Avenue will also be available to the public. Public access improvements are proposed to compensate for the filling of tidal waters and for commercial redevelopment of the site.

Location: 4 Commercial Wharf, Newport
Water Type/Name: Type 5, Commercial and Recreational Harbors, Newport Harbor
Coastal Feature: Manmade shoreline – seawall/bulkhead with boat ramp

A. **Staff Analysis:** A commercial redevelopment project of this type bordering Type 5 waters would typically be processed as an administrative (Category "A") assent if the relevant regulatory standards are met. However, the portion of the project which proposes filling an existing boat ramp for the establishment of a stormwater bioretention area requires a Category "B" review due to the filling of tidal waters associated with the boat ramp. Category "B" reviews require public notice and decision by the Coastal Council. Considering CRMC review procedures, the applicant requested that the bioretention (tidal water fill) portion of the project be considered first while the applicant continued to develop plans for the overall redevelopment project. CRMC Staff attempted to accommodate this request by accepting an application for the bioretention project component only and by issuing a public notice on March 27, 2018. However, during the notice period, objections were received from Save the Bay and Friends of the Waterfront both of which objected to the project being "bifurcated" (not showing full redevelopment proposal). Further, CRMC Staff soon realized it was not possible to review the bioretention facility engineering without reviewing the stormwater drainage system being directed to bioretention facility primarily due to concerns associated with sea level rise and its potential impact on the stormwater drainage system in total.

Based on the objections received, the stormwater drainage and sea level rise concerns raised by CRMC staff; and the fact that the applicant had advanced the overall project engineering sufficiently to provide a complete application; the applicant agreed to amend the application to include the entire redevelopment proposal. The amended application was put out to a modified 20 day public notice on July 13th with an expiration date of August 2, 2018. Both Friends of the Waterfront and Save The Bay submitted amended objections on August 2, 2019. The original and amended objections are contained in the Council's agenda packet.

Signed: David S. Reis **Supervising Environmental Scientist**

B. **Staff Evaluation of Boat Ramp – Filling in Tidal Waters issue:** In general, the Council's policy pursuant to RICRMP Section 1.3.1(J).1.a is to "...discourage and minimize the filling of tidal waters." However, in the case of Type 5 waters; filling is prohibited unless specific criteria are met as identified below. The applicant's responses to these criteria are contained in a supplemental information submission dated March 5, 2018 (which is contained in the Council's agenda packet).

1. **"(T)he filling is made to accommodate a designated priority use for that water area."** Staff response: Section 1.2.1(E).3.b states: "The highest priority uses for Type 5 waters and adjoining areas within Council jurisdiction are: (2) "water dependent and water enhanced commerce, including businesses which cater to tourist." This same section includes restaurants as a "water enhanced" business. On that basis, CRMC Staff concludes that the proposed mixed use facility which includes a hotel, restaurant and retail space (which is expected to cater to tourists) qualifies as a "water enhanced commerce" consistent with the Councils designated priority uses for Type 5 waters. Please note that CRMC staff disagrees with Save The Bays objection that the project fails to qualify as "water enhanced commerce" consistent with a designated priority use for Type 5 waters.

2. **"(T)he applicant has examined all reasonable alternatives and the Council has determined that the selected alternative is the most reasonable."** The applicant's response argues that the boat ramp provides a low point that can accept runoff from surrounding impervious areas. In this regard, the low lying nature of the site and the Newport shorefront in general provides minimal grade (topography) whereby the collection and discharge of site runoff is extremely difficult to accommodate. In fact, existing stormwater outfalls throughout the area are often flooded by tidal waters requiring the use of tide gates to prevent tidal waters from entering low-lying drainage systems resulting in flooding of streets and surrounding low-lying areas. On this basis, CRMC staff concludes utilizing a manmade boat ramp which will no longer service the redevelopment proposal is a reasonable alternative for providing stormwater treatment. However, the proposed bioretention area will also require the use of a tide gate and it will likely be affected by storm tides, coastal storms, flooding and sea level rise. Although, few if any alternatives on this low lying shorefront can avoid these potential impacts.

   It should also be considered that a careful review of the plans indicates that the tidal water fill is not only to support the proposed bioretention area. Rather, it appears approximately one half (1/2) the tidal water area to be filled supports access around the hotel. Specifically, the existing MHW line is within several feet of the lower level parking garage of the proposed hotel. In this regard, the applicant's narrative only addresses proposed filling associated with the construction of the bioretention facility. While CRMC staff believes fill to support hotel construction and access may be considered consistent with criteria one above (designated priority use), staff does not offer an opinion whether fill for hotel access is the most reasonable alternative. **We therefore defer to the Council in this regard.**

Signed: David S Rex **Supervising Environmental Scientist**

3. **"(T)he filling is the minimum to support the designated priority use."** Figure 1 below was taken from a February 26, 2018 Google Earth Image whereby staff approximated the "polygon" representing tidal water fill within the existing boat ramp. According to this image measurement and measurements taken from the submitted plans, the area of fill is approximately 1000 to 1,100 square feet or approximately 0.025 acres. Considering the manmade nature of the boat ramp which includes vertical steel sheetpile bulkheads and a concrete ramp bottom surface, the staff biologist considers the proposed filling "minimal" with regard to impacts to tidal waters and associated natural resources.

While the comments above provide a summary staff response to the relevant criteria, the reader is referred to the applicant's full response provide in the March 5, 2018 supplemental information submission which is contained in the Council's agenda package. Should the Council determine these review criteria have not been met; a special exception shall be required. **Since a private redevelopment project cannot meet the "compelling public purpose" prerequisite for the granting of a special exception, a finding that a special exception is required would likely result in a finding that the special exception cannot be met thereby necessitating denial of the special exception and the application.**

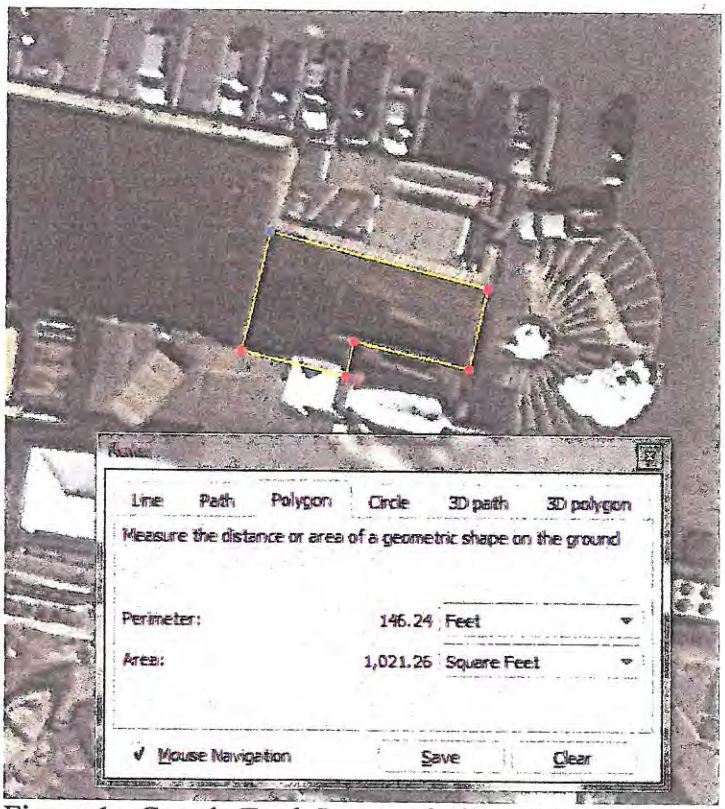

Figure 1: Google Earth Image of affected boat ramp fill area with area measurement in square feet.

Signed: David S. Rei **Supervising Environmental Scientist**

C. **Public Access:** RICRMP Section 1.3.6.A.9 identifies the filling of tidal waters and commercial redevelopment as activities which may impact public access to tidal waters and on that basis, a public access plan is required. To meet this requirement, the applicant proposes to construct a public access pathway "loop" which would extend from and terminate at the existing Newport Harbor Walk on Commercial Wharf. A "potential/conditional" extension to the south is further proposed if the southern abutting property were to grant a public access easement on their property. The City of Newport will be the benefactor of the easement. However, CRMC Staff disagrees with the limited access schedule proposed (dawn to dusk from June 1 to October 15 and 8 am to 5 pm during the remainder of the year) and recommends for consistency purposes that public access be identical to the Newport Harbor Walk which is sunrise to sunset 365 days per year. (There is no objection to public access exclusion during the Newport Boat Show when held on site.)

The public access plan is currently contained in a DRAFT "pedestrian easement" between the property owner and the City of Newport. Should the project be approved, a stipulation is recommended that this easement (as modified to provide public access sunrise to sunset 365 days per year) be executed and recorded in the land evidence records of the City of Newport prior to any Assent issuance by the Council.

D. **Sea Level Rise:** Due it's the low lying nature and "flat" topography, the Newport Harbor waterfront is particularly vulnerable to sea level rise. In fact, many of the Harbor's stormwater outfalls occur through shoreline bulkheads where they are close to, or below the high tide line (HTL). Accordingly, both existing and proposed outfalls often require tide gates to prevent back-flooding of stormwater drainage systems. To illustrate the impacts of sea level rise and frequent "minor" or "nuisance" storms, two figures produced with CRMC's "StormTools" are attached to this report. Figure 2 illustrates the potential flooding impacts of a "one year storm" (defined as a storm which can be expected on an annual average basis) with only one foot of sea level rise while figure 3 illustrates the potential flooding from 3 feet of sea level rise alone. While 3 feet of sea level rise is not expected until 2060, an additional foot of sea level rise can be expected circa 2035 (ref., RICRMP Section 1.1.10.B.4). By comparing figure 2 with figure 3, it becomes clear that with only one foot of sea level rise, an average annual (1 year) storm can be expected to cause flooding similar to 3 feet of sea level rise. This fairly frequent flooding during annual (on average) storms by 2035 is a concern for redevelopment of the site and for functioning of the drainage system. The applicant has responded to these concerns by raising the grade of the lower level parking garage such that only minor flooding is expected during a one year storm considering projected sea level rise in 2050. The lowest structural member of the hotel constructed above the parking garage is set at elevation 14 which provides one foot of "freeboard" above the FEMA 100 year VE flood elevation of elevation 13' NAVD 88. The applicant further indicates the parking vendor will relocate cars from lower lying exterior parking areas as needed prior to storms.

The reader is directed to the staff engineer's report for a further analysis of the proposed stormwater drainage system and the potential impacts of sea level rise.

Signed: David R. Rei **Supervising Environmental Scientist**

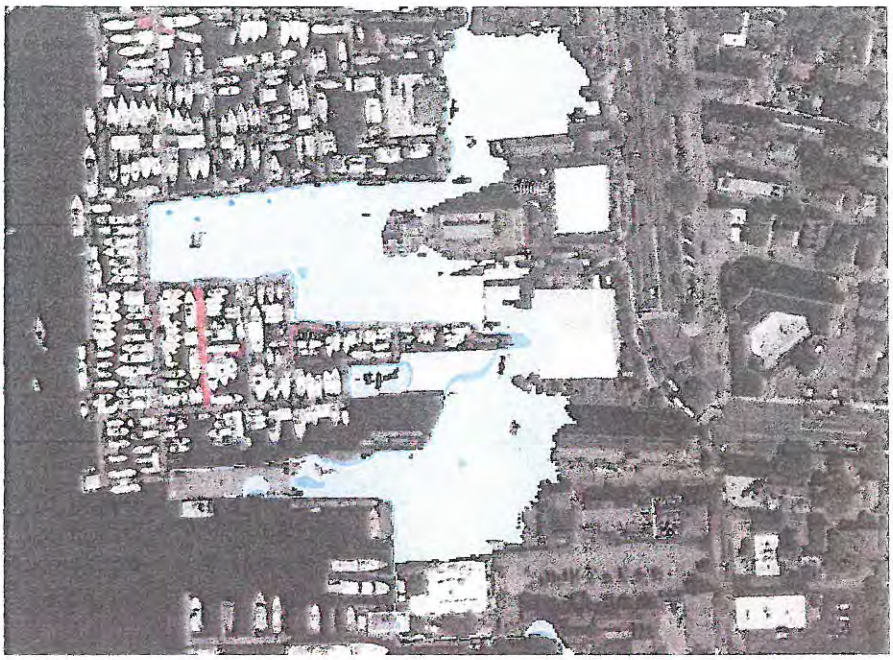

Figure 2: One year (nuissance) storm with 1' of Sea Level Rise for Commercial Wharf area, Newport

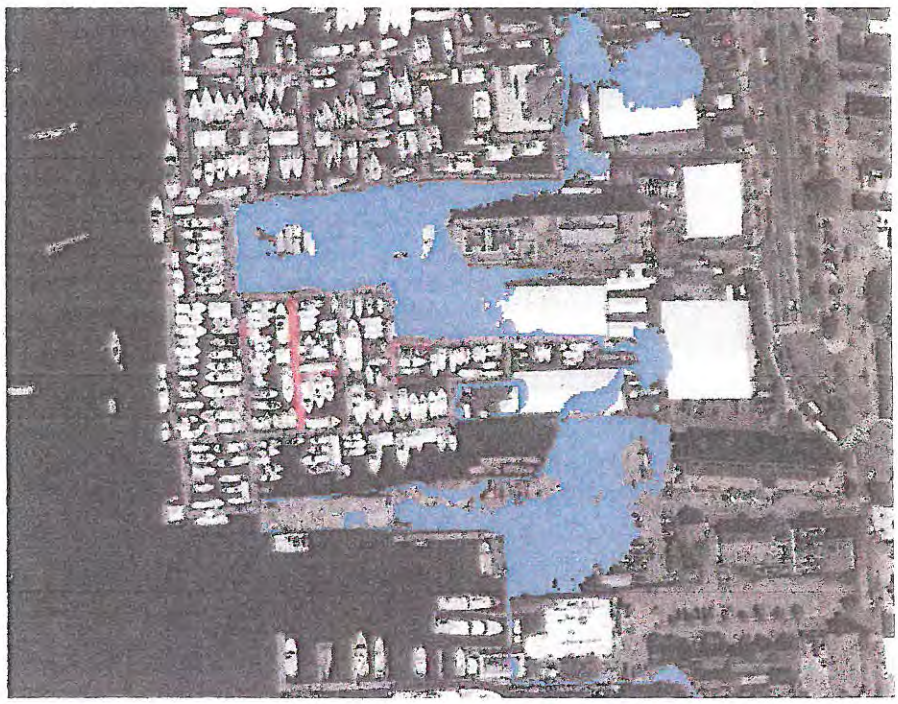

Figure 3: Three feet of sea level rise for Commercial Wharf area, Newport.

Signed: _____ **Supervising Environmental Scientist**

E. Landscape Plan and Coastal Buffer Zone: A final landscape plan last revised August 7, 2018 has been provided for review. The primary purpose of CRMC staff's review is to determine if a coastal buffer zone is being restored on the site in accordance with RICRMP Section 1.1.11. RICRMP Sections 1.1.11.C.2.b and 1.1.11.D.4 requires a coastal buffer zone for commercial development but allows the buffer zone to be determined on a case by case basis. In this case however, no coastal buffer zone is proposed. CRMC staff have recommended that plantings be provided (primarily smaller shade trees) along the proposed shoreline walkway which may be maintained similar to a greenway but the applicant has requested that no buffer zone be provided other than the plantings contained in the bioretention area. In this regard, stormwater facilities may be located within a proper greenway but stormwater treatment facilities may not be considered a buffer zone on their own. Further, the bioretention area only borders a small section of the overall shoreline length. Based on phone conversations, the applicant stated that any shoreline plantings would interfere with the Newport Boat Show which they plan to continue after project development. Since no buffer zone is proposed at all, variance is required to RICRMP section 1.1.11.D.4. The applicant has not requested this variance likely due to the applicant not understanding a variance is required when buffer zones are determined on a case by case basis. **CRMC Staff recommends that this variance be denied. At a minimum staff recommends the planting of small shade trees along the landward side of the public walkway.** The applicant has been informed this recommendation will be contained in the staff report.

The secondary purpose of reviewing the landscape plan is to verify that native or sustainable plants have been utilized throughout the site. By using native or sustainable plants, invasive plantings are avoided and the plants which are chosen must require minimal, if any, watering, pesticides or fertilization (i.e., be "sustainable" plants). CRMC staff hereby confirms that site plantings are appropriate as either being from a CRMC approved list or are otherwise considered suitable based a review of available literature.

The Council is advised that Friends of the Waterfront partially objected based on landscape plans not being publically available during the public notice period. In this regard, several notes on the proposed site plans stated "refer to landscape plans" which were not provided. Final plans last revised August 7, 2018 are now contained in the file for this application.

F. Sewer and Water Connection: A Building Official's form was provided for the project indicating the project has obtained local zoning approvals however the applicant does not yet have City of Newport utility approvals to connect to City sewer and water service. RICRMP Section 1.3.1C.2.f requires such approvals as a prerequisite to CRMC application for commercial structures. In order to address this issue, CRMC Staff contacted the Newport Division of Utilities Director, Julia Forge and obtained a letter indicating water and sewer service is available for the project subject to the submission of the necessary applications. CRMC Staff believes this letter is sufficient to address this pre-requisite approval (considering review procedures established by the City of Newport where sewer and water service connection approvals are obtained after local zoning approvals.)

Signed: _____ **Supervising Environmental Scientist**

G. Staff Comments Regarding Objections:

1. **Save The Bay**: Save The Bay's objection expresses their belief that the application fails to meet the review criteria which is used to determine if Type 5 tidal waters may be filled without being subject to a prohibition. As described by section B of this report, CRMC believes the project **does qualify** as a "designated priority use" for Type 5 waters since the project appears to fit the definition of "water-enhanced commerce". CRMC staff further believes the filling of the boat ramp to provide stormwater treatment represents a reasonable alternative considering the topographically flat area of the site and the need to locate stormwater facilities at a topographically low point in order to receive storm flows for water quality treatment. Further, the proposed bioretention area is not the only treatment practice proposed. Two tree box filters are also proposed and a "stormceptor" pretreatment device is also proposed. (See staff engineer's report for additional details.)

   Staff cannot however attest to the reasonableness of filling tidal waters for what appears to be access to the proposed hotel. **Accordingly, we defer to the Council in this regard.** The staff biologist does conclude that the environmental impacts are "minimal" considering the manmade nature of the boat ramp which is comprised of vertical steel sheetpile bulkheads and a concrete ramp bottom surface. On this basis, staff does not believe the proposed filling fails to at least broadly meet the necessary evaluation criteria contained in RICRMP Section 1.1.2.3.C and therefore should not be considered to be prohibited.

2. **Friends of the Waterfront:** With regard to the requested landscape plans noted by the objection; these plans have been submitted, placed in the file for public review, and, have been reviewed by CRMC Staff (see section E of this report). Regarding public access concerns, a voice mail message and an email received from the applicant on August 9th and 10th respectively indicated that public access issues along the Newport Harbor Walk bordering properties subject to this application as well as adjacent properties under the control of the applicant (namely lot 244) are close to being resolved. While complete resolution may occur after the completion of this report, it seems the objection may soon be resolved. CRMC Staff believes the project plans should be revised, upon resolution, to clearly show the entire Newport Harbor Walk through these properties from America's Cup Avenue at Scott's Wharf seaward through the site and adjacent properties to Commercial Wharf at its western extremity and back (east) to America's Cup Avenue intersection with Commercial Wharf (see stipulations).

Signed: David S. Ries **Supervising Environmental Scientist**

H. **Conclusions and Recommendations:** Due to the submitted objections, CRMC Staff defers to the Council to allow the Council's consideration of the objector's additional testimony expected during the scheduled Council meeting. However, based on the information reviewed and evaluated by CRMC staff for the preparation of this staff report, we have no objection to the proposed project. We further believe that the filling of tidal waters meets the necessary review criteria and should therefore not be considered a prohibited activity requiring a special exception. Our only reservation is the proposed filling which exceeds that necessary for construction of the bioretention facility, but rather appears to provide access around the proposed hotel facility and lower level parking garage. **We suggest this specific issue be evaluated by the Council during the hearing on this matter.** Regardless of the purpose, considering the manmade nature of the boat ramp, the staff environmental scientist considers the environmental impact to be minimal.

I. **Recommended Stipulations:** The following stipulations are recommended for inclusion in any assent granted by the Council:

1. **Pedestrian Easement:** A fully executed and recorded copy of the pedestrian easement bearing the City of Newport's land evidence recording stamp shall be provided to the CRMC prior to Assent issuance. The pedestrian easement shall be modified to allow public used of easement during the same hours of availability as the Newport Harbor walk which is currently sunrise to sunset 365 days per year. However, during the Newport Boat Show public access may be temporarily curtailed for the duration of the boat show.

2. **Newport Harbor Walk:** There shall be no activities conducted by the applicant's or its affiliates which impact or curtail public access to the Newport Harbor Walk as it occurs adjacent to or through Newport Plat 27, Lots 77, 78, 281, 248 and 244. In this regard, prior to CRMC assent issuance, the project plans shall be revised to show uninterrupted access over the Newport Harbor Walk.

3. **Coastal Buffer Zone:** The applicant shall provide a single line or native tree plantings spaced 25' on-center along the inland edge of the pedestrian path as it borders Newport Harbor. A planting plan shall be provided to CRMC Staff for approval prior to any work on site.

4. **RIDEM Water Quality Certificate:** Pursuant to RICRMP Section 1.3.1(J)2.a, the CRMC Assent may not be issued until a RIDEM Water Quality Certificate is obtained. The CRMC will hold any assent issued by the Council for issuance of the Water Quality Certificate.

5. **Army Corps of Engineers (ACOE) Permit:** Pursuant to RICRMP Section 1.3.1(J)2.b, the CRMC Assent shall not be valid until an ACOE permit is obtained.

6. **Final Plans:** A complete set of final project plans having a cover sheet with a plan index and final revision date for the plan set shall be submitted to the CRMC prior to Assent issuance.

Signed: Daniel S. Ren **Supervising Environmental Scientist**

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF ENGINEER'S REPORT

TO: Grover J. Fugate
DEPT: CRMC Executive Director
FROM: Richard M. Lucia, P.E.
DEPT: CRMC Engineering/Permitting Section

DATE: 8/20/18
PAGE: 1 of 3

RE: CRMC File No. 2018-02-061
Applicant's Name: SW 281 LLC, c/o Samuel J. Bradner
Project: Redevelop the site as a mixed-use facility housing a boutique hotel, a restaurant, and retail and office space. The facility will include covered and open parking spaces (166 spaces total) and will provide dedicated public access in the form of a pedestrian path along the water. Also, fill an existing boat ramp and associated tidal waters to accommodate the construction of a stormwater treatment facility (bioretention area) designed to treat a portion of the stormwater runoff associated the redevelopment proposal. An open-air elevated deck accessible from America's Cup Avenue will also be available to the public. Public access improvements are proposed to compensate for the filling of tidal waters and for commercial redevelopment of the site.
Location: 4 Commercial Wharf, Newport
Water Type/Name: Type 5, Commercial and Recreational Harbors, Newport Harbor
Coastal Feature: Manmade shoreline – seawall/bulkhead with boat ramp

Plans Reviewed: "Hammet's Wharf, Boat Ramp Conversion, 4 Commercial Wharf, Newport RI...," Sheets 1-16, by Pare Corporation, last revised June 29, 2018, by Lance A. Hill, P.E.

A. **Staff Analysis:**
This staff's analysis is limited to engineering review of the stormwater management. Please refer to Supervising Environmental Scientist report regarding Biological impacts and Public Access.

With Regards To Treatment of Sewage and Stormwater:

The project site is located at four parcels Plat 27: Lots 77, 78, 248, and 281 totaling 2 acres. Stormwater treatment will occur over the 1.20 acres of the four lot redevelopment area (Hotel, Parking and Covered Parking Areas). The redevelopment area is 98% impervious with roof structures and bituminous pavement. The remaining area of the project site is comprised of onsite parking and is not part of this redevelopment. With regard to treating stormwater, there are several site constraints that impact the available viable options for treatment. The site constraints include the presence of urban fill, tidally influenced groundwater, existing relatively flat grade and existing steel and concrete bulkhead. These constraints limit the spaces for BMPs and type of treatment options. After reviewing all the options the consulting engineer opinion was that the only feasible option was to convert the existing boat ramp into a bioretention area. This will requiring filling in tidal waters so that the bioretention basin would function properly and effectively. The bioretention basin will treat runoff from the parking lot and from the southern side of the roof and deck.

Signed: _____ **Supervising Civil Engineer**

The stormwater runoff from the north side of the roof will be directed to a series of Tree Box Filters. A small portion of the onsite driveway drains to floor drains and through a Hydrodynamic Separator (Stormceptor) system. Furthermore, a series of floor drains are proposed in the parking area below the hotel and deck that will eventually enter a Stormceptor unit. The Stormceptor unit is proposed in order to capture pollutants such as sediments and oil. Although this is not a requirement of the RI Stormwater Design and Installation Manual (RISDISM) it was recommended by CRMC staff that a treatment system be install to capture pollutant in these parking areas.

The final discharge point of the treated runoff will be to a proposed 18" diameter outlet pipe with a tide gate at the area of fill and new steel bulkead. The tidal gate is being installed to discourage backflow of sea water in storm events, higher tides than Mean Higher-High Water and for expected sea level rise (i.e. Mean Sea Level (2050) 1.89' or a 2.2' predicted sea level rise).

With regard to sea level rise, the applicant has targeted a 30 year (2050) resiliency to sea level rise for this project or approximately a 2.2 feet increase in sea level. In doing so, the project was revised after meeting with CRMC staff to include an outlet pipe invert elevation to 1.90 feet (NAVD 88), which is 0.1 feet above current Mean Higher-High Water (MHHW) and 0.01 feet above the projected Mean Sea Level (MSL) elevation in the year 2050. Please note at the parking area beneath the proposed building grading was revised to have its lowest point raised from elevation 4.0 feet (NAVD 88) to elevation 5.35 feet, 0.03 feet above the highest astronomical tide in the year 2050.

It is CRMC staff engineer's opinion that given the above constraints, issues and proposed solutions the applicant has met the requirements of RICMRP Section 1.3.1(F) (Treatment of Sewage and Stormwater) and the RI Stormwater Design and Installation Manual (RISDISM). The requirements are being accomplished through Low Impact Development Techniques using best management practices (BMPs) such as bioretention basin, tree filters, along with a Stormceptor unit. The RICRMP 1.3.1(F) (and in accordance with RISDISM Section 3.3.3) requires that the water quality volume (WQv) be treated, the WQv is considered to be the runoff associated with the first 1.2 inch of rainfall over the impervious area (i.e. 1 inch of runoff). Through the implementation of Low Impact Techniques the required WQv will be treated.

With regard to Pre-Development versus Post-Development runoff rates toward Newport Harbor from the building roof, driveway and the parking garage which drains to the treatment BMPs (Watershed PDA 1A), the resulting calculations indicate a decrease for the 2, 10, and 25 year storm event. A slight increase is expected for a 100 year storm event (+1.65 cfs). Please note per the RI Stormwater Design and Installation Standards Manual Section 3.3.5 and RICRMP 1.3.1(F).4.(k) state that peak post runoff rates are not required to be mitigated below the peak Pre-Development runoff rates since the discharge will be discharged non-erosively to tidal waters. Specifically erosion will be controlled by discharging treated runoff directly into tidal waters.

Signed: _____ **Supervising Civil Engineer**

It must be noted that there currently is no treatment of stormwater runoff entering Newport Harbor at this site. The redevelopment will provide treatment of runoff to Newport Harbor. Also the project will decrease impervious coverage at the site, decrease total peak discharge rates (2, 10, 25 year storm events) and consequently should provide an improvement of water quality directed towards the harbor.

With regards to the Save the Bay objections:
Save the Bay had questions/concerns whether there are alternative locations for locating the stormwater system. In particular, their letter dated August 2, 2018 states "*There is little evidence provided in the application to indicate that the preferred stormwater treatment, which involves filling tidal waters, is the most reasonable, Per RICRMP 1.3.1.J.3.c(2), even in cases where the filling does support a designated priority use, the Council must determine that the selected alternatives is the most reasonable.*"

The applicant's consultant (Pare Corporation) had attempted to address the Save the Bay objection in a letter dated July 18, 2018 to Mike Jarbeau at Save the Bay (this letter is contained in the Council's Agenda package). In particular, the consultant reviewed six categories of potential stormwater treatment systems (BMPs) available and allowed under the RI Stormwater Design and Installation Manual (RISDISM); Wet Vegetated Treatment Systems, Infiltration, Porous Pavement, Filtering Systems, Green Roofs, Open Channel Systems, and Propriety systems. The conclusion of this report states that Filtering BMPs and Proprietary Devices were the only feasible options for this site. Based on the submitted drainage calculation and plans, CRMC staff engineer concurs that the Filtering BMPs (Bioretention and Tree Box Filters) are feasible. The rationale behind the other BMPs not being considered feasible, was the existing grades (the site is very flat in topography), urban fill, tidally influence groundwater, and the existing steel and concrete bulkheads.

The review also states that the propriety devices are not infeasible but because cost and new piping through the existing steel and concrete bulkhead would be required, it was not chosen. There are only two propriety systems approved by RIDEM, the Modular Wetland System and the Jellyfish. Unfortunately, they both require an pipe outlet invert of approximately 4' down from proposed grade of 5' (i.e. the pipes invert would be approximately elevation 1.0') this would put the outlet pipe below the predicted Mean Sea Level Water (2050) of 1.89. Therefore, based on the above, staff would also consider this a system that is infeasible considering sea level rise resiliency.

Conclusion/Recommendation:
Based on the submitted information, and the constraints at the site, the staff engineer has no objections to the proposed project and the filling of tidal waters for the construction of the bioretention basin. However, please note, the applicant is proposing fill for both the bioretention basin and for pedestrian/vehicular access on the west side of the proposed building. Therefore, the staff engineer defers to the council whether the filling in tidal water for providing access to the hotel is necessary.

Signed: _____ **Supervising Civil Engineer**

State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879
(401)783-3370

State of Rhode Island
Department of Environmental Management
Office of Technical and Customer Asst.
235 Promenade Street
Providence, RI 02908-5767
(401)222-6822

MODIFIED 20-Day JOINT PUBLIC NOTICE

CRMC File No.: 2018-02-061

Date: July 13, 2018

RIDEM Water Quality Certification Number: 18-035

CONTAINS LATEST PROJECT PLANS PARTIAL SET

These offices have under consideration the application of:

Scott's Wharf LLC
c/o Mr. Samuel J. Bradner
4 Commercial Wharf, Newport, RI

for State of Rhode Island Assent (in accordance with the Coastal Resources Management Program), and State of Rhode Island Water Quality Certification (in accordance with Chapter 42-35 pursuant to Chapters 46-12 and 42-17.1 of the RIGL, as amended) to:

Redevelop the site as a mixed-use facility housing a boutique hotel, a restaurant, and retail and office space. The facility will include covered and open parking spaces (166 spaces total) and will provide dedicated public access in the form of a pedestrian path along the water. Also, fill an existing boat ramp and associated tidal waters to accommodate the construction of a stormwater treatment facility (bioretention area) designed to treat a portion of the stormwater runoff associated the redevelopment proposal. An open-air elevated deck accessible from America's Cup Avenue will also be available to the public. Public access improvements are proposed to compensate for the filling of tidal waters and for commercial redevelopment of the site.

(This modified notice now includes the redevelopment proposal for the site in addition to the previously noticed application to fill the existing boat ramp and associated tidal waters.)

Project Location: west of America's Cup Avenue / Newport Harbor Waterfront

Street & Number: 4 Commercial Wharf

City/Town: Newport

Plat Number: 27 Lot Number: 77, 78

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter. You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

This also serves as notice that the Rhode Island Department of Environmental Management, Office of Water Resources, Water Quality Certification Program has under consideration and review the same proposed activity as described above for compliance with the State's Water Quality Regulations (AUTHORITY: in accordance with Clean Water Act, as amended (33 U.S.C. 1251 et.seq.; Chapter 42-35 pursuant to Chapters 46-12 and 42-17.1 of the Rhode Island General Laws of 1956, as amended).

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing and be received at this office on or before **August 2, 2018** .

It is expected that objectors will review the application and associates plans thoroughly. Comments that pertain to this Joint Notice must be submitted in writing and must be addressed to Rhode Island Coastal Resources Management Council and Rhode Island Department of Environmental Management at the above referenced addresses.

/lat

Prepared for Scotts Wharf LLC

PERMIT SUBMISSION

RECEIVED
JUL 11 2018
COASTAL RESOURCES MANAGEMENT COUNCIL

HAMMETT'S WHARF
BOAT RAMP CONVERSION

4 COMMERCIAL WHARF | NEWPORT, RHODE ISLAND

AP 27 LOTS 77, 78, 248, & 281

FEBRUARY 2018
REVISED MARCH 2018
REVISED JUNE 29, 2018

Drawing Index

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C0.3 PUBLIC ACCESS PLAN
C1.0 SITE PREPARATION AND DEMOLITION PLAN
C2.0 SITE IMPROVEMENTS PLAN
C3.0 BIO-RETENTION CROSS-SECTION PLAN
C4.0 GRADING PLAN
C5.0 DRAINAGE AND UTILITY PLAN
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C6.5 CIVIL DETAILS 5
C6.6 CIVIL DETAILS 6
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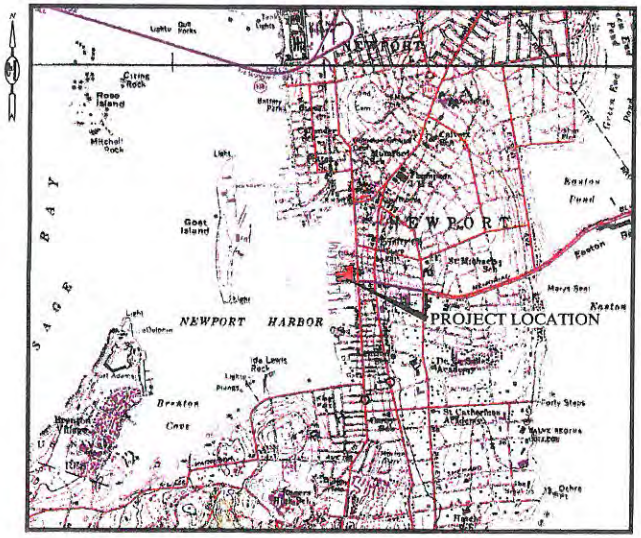


LOCUS PLAN
SCALE: 1" = 1500'

AERIAL PLAN
SCALE: 1" = 300'

LANCE A. HILL
No. 8286
REGISTERED PROFESSIONAL ENGINEER CIVIL

Prepared by:

PARE CORPORATION
Foxboro, Massachusetts

PARE CORPORATION

RECEIVED
JUL 11 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

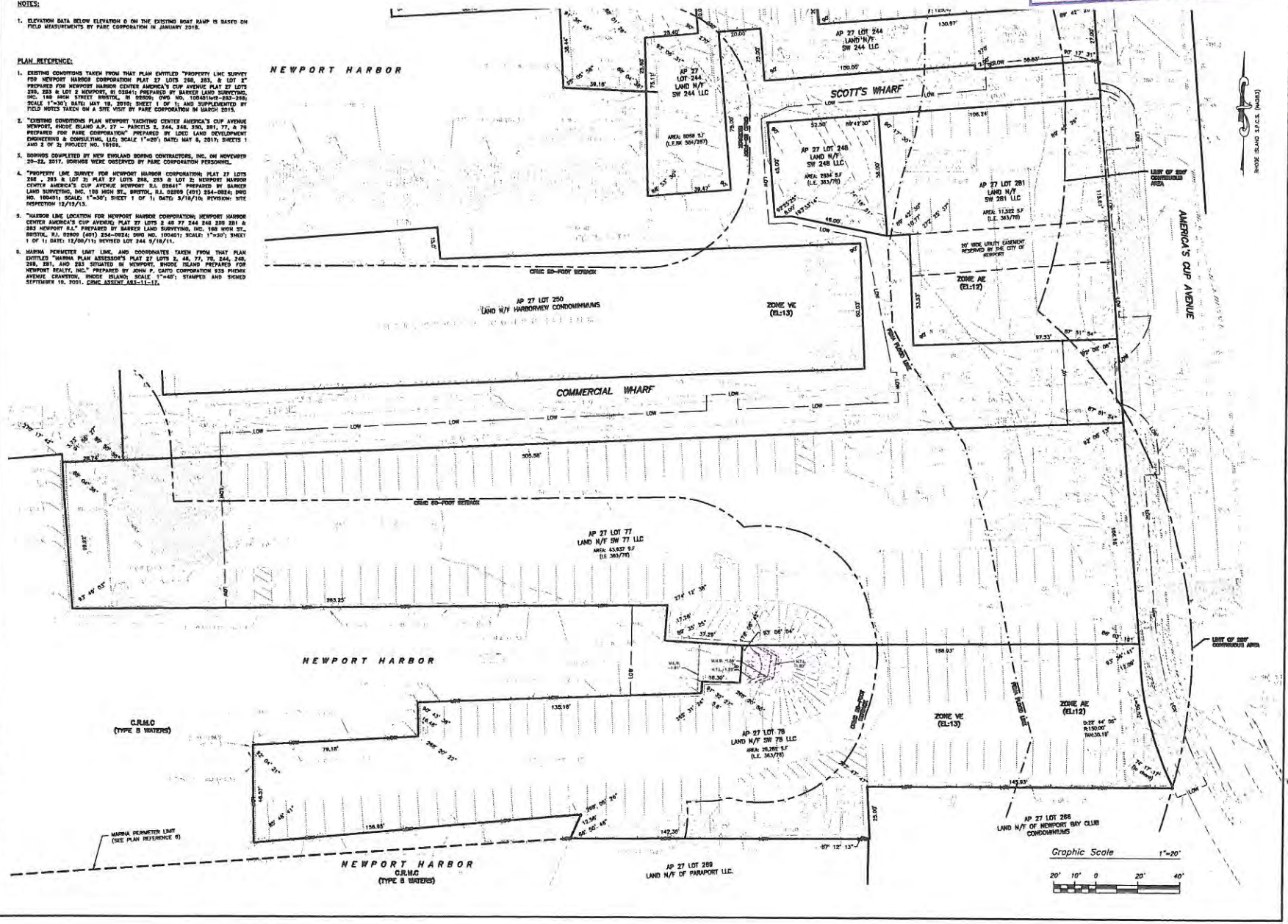
PERMIT SUBMISSION

NOTES:

1. ELEVATION DATA BELOW ELEVATION 0 ON THE EXISTING BOAT RAMP IS BASED ON FIELD MEASUREMENTS BY PARE CORPORATION IN JANUARY 2018.

PLAN REFERENCE:

1. EXISTING CONDITIONS TAKEN FROM THAT PLAN ENTITLED "PROPERTY LINE SURVEY FOR NEWPORT HARBOR CORPORATION PLAT 27 LOTS 250, 283, & LOT 2" PREPARED FOR NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE PLAT 27 LOTS 250, 283 & LOT 2 NEWPORT, RI 02841; PREPARED BY BARKER LAND SURVEYING, INC. 188 HIGH STREET BRISTOL, RI 02809; DWG NO. 100401WT2-283-250; SCALE 1"=30'; DATE: MAY 18, 2010; SHEET 1 OF 1; AND SUPPLEMENTED BY FIELD NOTES TAKEN ON A SITE VISIT BY PARE CORPORATION IN MARCH 2015.
2. "EXISTING CONDITIONS PLAN NEWPORT YACHTING CENTER AMERICA'S CUP AVENUE NEWPORT, RHODE ISLAND A.P. 27 – PARCELS 2, 244, 248, 250, 281, 77, & 78 PREPARED FOR PARE CORPORATION" PREPARED BY LDCO LAND DEVELOPMENT ENGINEERING & CONSULTING, LLC; SCALE 1"=20'; DATE: MAY 8, 2017; SHEETS 1 AND 2 OF 2; PROJECT NO. 18195.
3. BORINGS COMPLETED BY NEW ENGLAND BORING CONTRACTORS, INC. ON NOVEMBER 20–22, 2017. BORINGS WERE OBSERVED BY PARE CORPORATION PERSONNEL.
4. "PROPERTY LINE SURVEY FOR NEWPORT HARBOR CORPORATION; PLAT 27 LOTS 250 , 283 & LOT 2; PLAT 27 LOTS 250, 283 & LOT 2; NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE NEWPORT R.I. 02841" PREPARED BY BARKER LAND SURVEYING, INC. 188 HIGH ST., BRISTOL, R.I. 02809 (401) 254-0824; DWG NO. 100401; SCALE: 1"=30'; SHEET 1 OF 1; DATE: 5/18/10; REVISION: SITE INSPECTION 12/13/13.
5. "HARBOR LINE LOCATION FOR NEWPORT HARBOR CORPORATION; NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE; PLAT 27 LOTS 2 48 77 244 248 250 281 & 283 NEWPORT R.I." PREPARED BY BARKER LAND SURVEYING, INC. 188 HIGH ST., BRISTOL, R.I. 02809 (401) 254-0824; DWG NO. 100401; SCALE: 1"=30'; SHEET 1 OF 1; DATE: 12/06/11; REVISED LOT 244 5/18/11.
6. MARINA PERIMETER LIMIT LINE, AND COORDINATES TAKEN FROM THAT PLAN ENTITLED "MARINA PLAN ASSESSOR'S PLAT 27 LOTS 2, 48, 77, 78, 244, 248, 250, 281, AND 283 SITUATED IN NEWPORT, RHODE ISLAND PREPARED FOR NEWPORT REALTY, INC." PREPARED BY JOHN P. CAITO CORPORATION 835 PHENIX AVENUE CRANSTON, RHODE ISLAND; SCALE 1"=40'; STAMPED AND SIGNED SEPTEMBER 19, 2001. CRMC ASSENT A83-11-17.



OWNER

PEREGRINE GROUP LLC
WWW.PEREGRINEGRP.COM

CONSULTANTS

PARE CORPORATION
ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
508-543-1755

LANCE A. HILL
No. 8286
REGISTERED PROFESSIONAL ENGINEER
CIVIL

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14749.05
SCALE:	1"=20'
DRAWN BY:	AWB
CHKD BY:	GBD
DATE:	JUNE 29, 2018
REVISION:	
REVISION:	
REVISION:	
SHEET TITLE	

EXISTING CONDITIONS PLAN

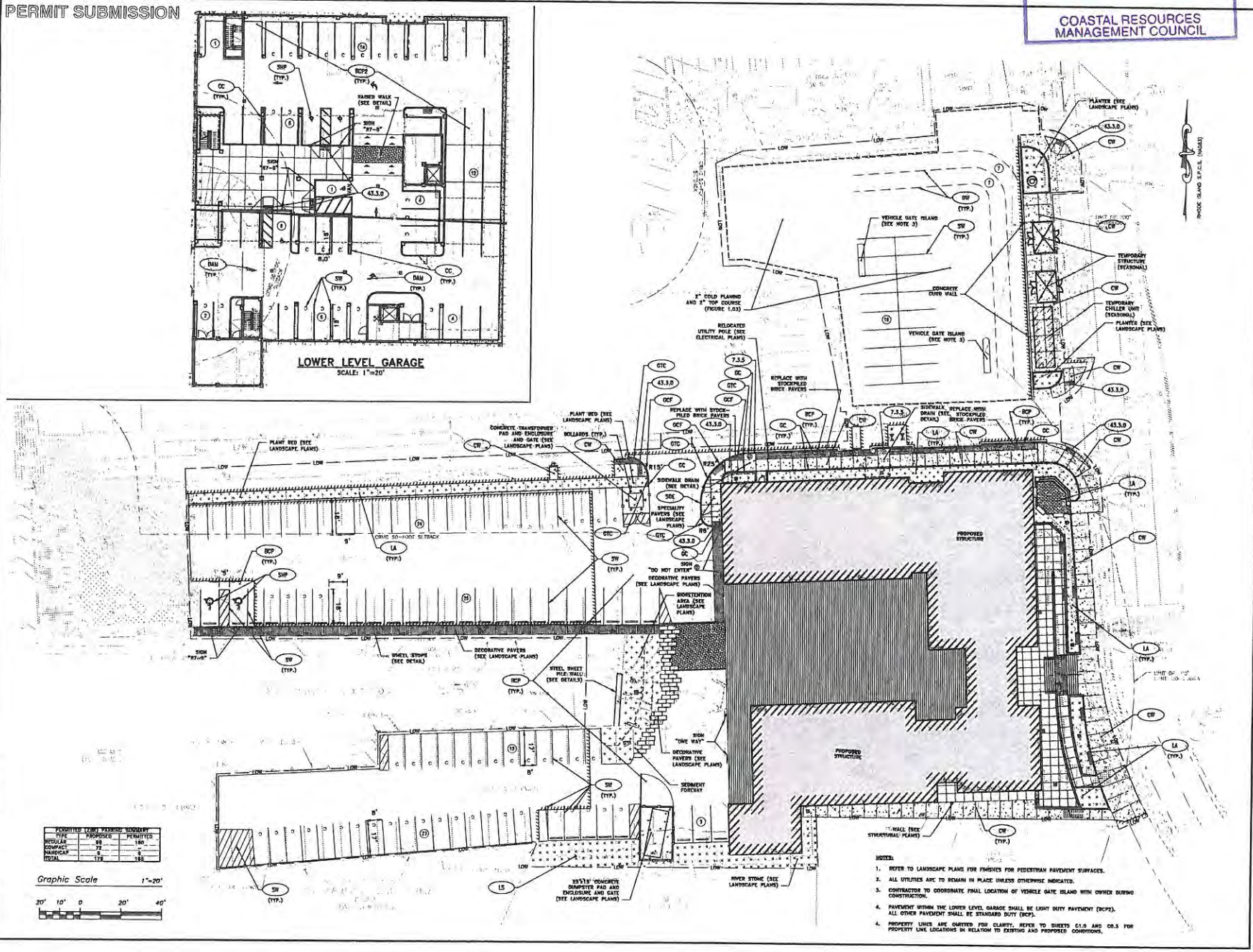
C0.2

SHEET 2 OF 16

RECEIVED
JUL 11 2018
COASTAL RESOURCES MANAGEMENT COUNCIL

PERMIT SUBMISSION

LOWER LEVEL GARAGE
SCALE: 1"=20'



PERMITTED (CRM) PARKING SUMMARY		
TYPE	PROPOSED	PERMITTED
REGULAR	98	140
COMPACT	72	-
HANDICAP	8	8
TOTAL	178	148

NOTES:

1. REFER TO LANDSCAPE PLANS FOR FINISHES FOR PEDESTRIAN PAVEMENT SURFACES.
2. ALL UTILITIES ARE TO REMAIN IN PLACE UNLESS OTHERWISE INDICATED.
3. CONTRACTOR TO COORDINATE FINAL LOCATION OF VEHICLE GATE ISLAND WITH OWNER DURING CONSTRUCTION.
4. PAVEMENT WITHIN THE LOWER LEVEL GARAGE SHALL BE LIGHT DUTY PAVEMENT (BCP2). ALL OTHER PAVEMENT SHALL BE STANDARD DUTY (BCP).
4. PROPERTY LINES ARE OMITTED FOR CLARITY. REFER TO SHEETS C1.0 AND C0.5 FOR PROPERTY LINE LOCATIONS IN RELATION TO EXISTING AND PROPOSED CONDITIONS.

OWNER
PEREGRINE GROUP LLC
WWW.PEREGRINEGRP.COM

CONSULTANTS
PARE CORPORATION
ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
508-543-1755

LANCE A. HILL
No. 8286
REGISTERED PROFESSIONAL ENGINEER
CIVIL

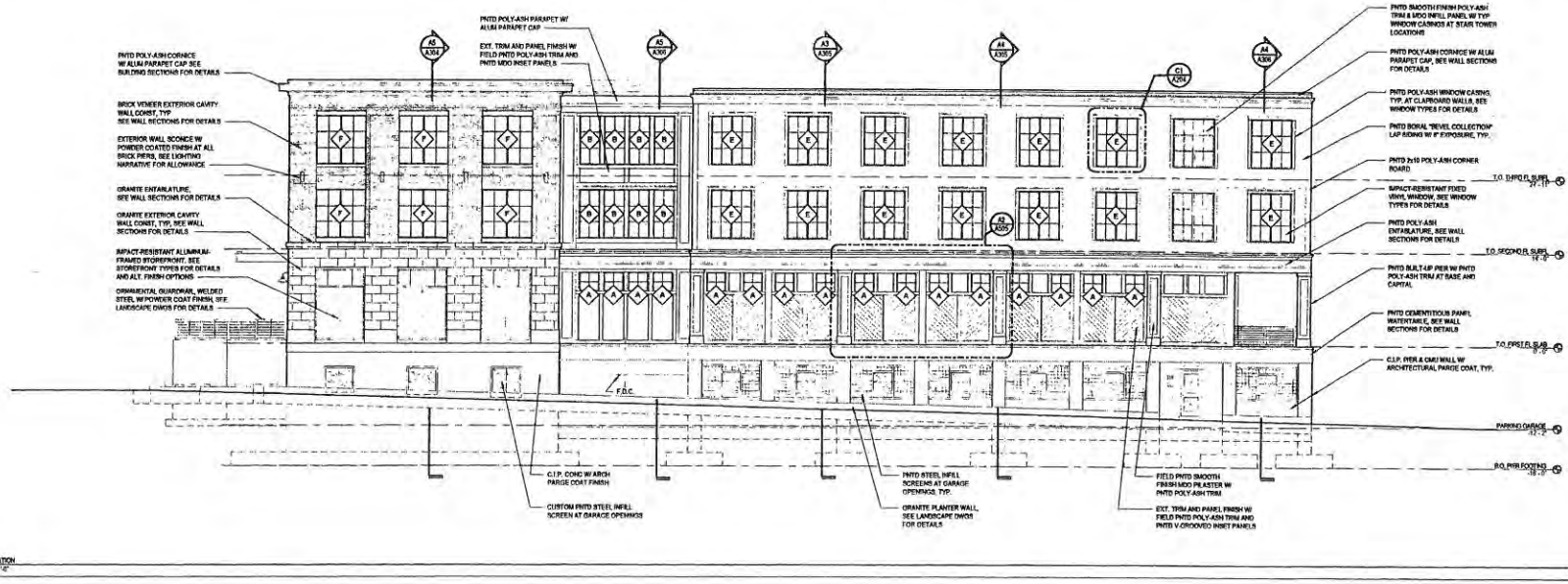
HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14249.05
SCALE:	1" = 20'
DRAWN BY:	AWB
CHK'D BY:	GRO
DATE:	JUNE 29, 2018
REVISION:	
REVISION:	
REVISION:	
SHEET TITLE	

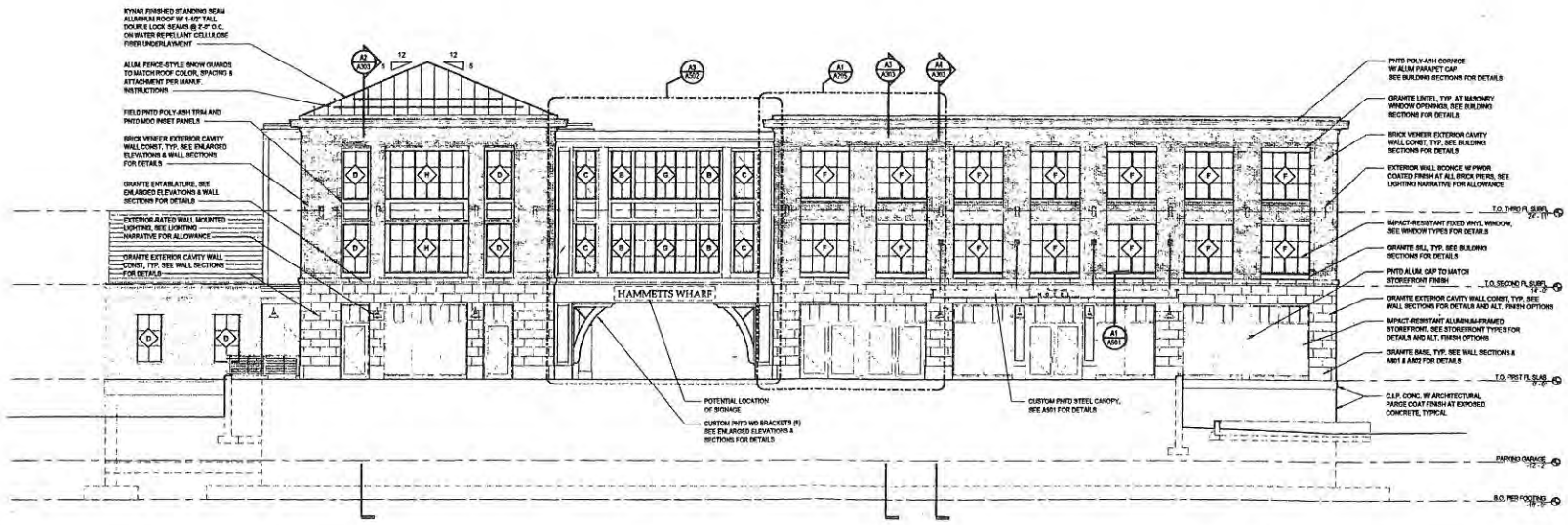
SITE IMPROVEMENTS PLAN

C2.0

SHEET 5 OF 16



C1 NORTH ELEVATION
A201 SCALE: 1/8" = 1'-0"



A1 EAST ELEVATION
A201 SCALE: 1/8" = 1'-0"

UNION STUDIO
ARCHITECTS & URBANISTS
138 Union Street Providence, RI 02903
T 401.831.8160 F 401.831.8163
www.unionstudio.com

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CLIENT:
SCOTT'S WHARF, LLC
20 NEWMAN AVENUE
SUITE 1005
RUMFORD, RI 02916
TEL: 401.270.0600
CONTACT: SAM BRADNER

HAMMETTS WHARF HOTEL
4 COMMERCIAL WHARF
NEWPORT, RI 02840

NOT FOR CONSTRUCTION

100% DESIGN DEVELOPMENT

REVISION SCHEDULE

NO.	DESC.	DATE

JOB #: 1630
DATE: JUNE 15, 2018
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATIONS

A201

RECEIVED
JUL 11 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

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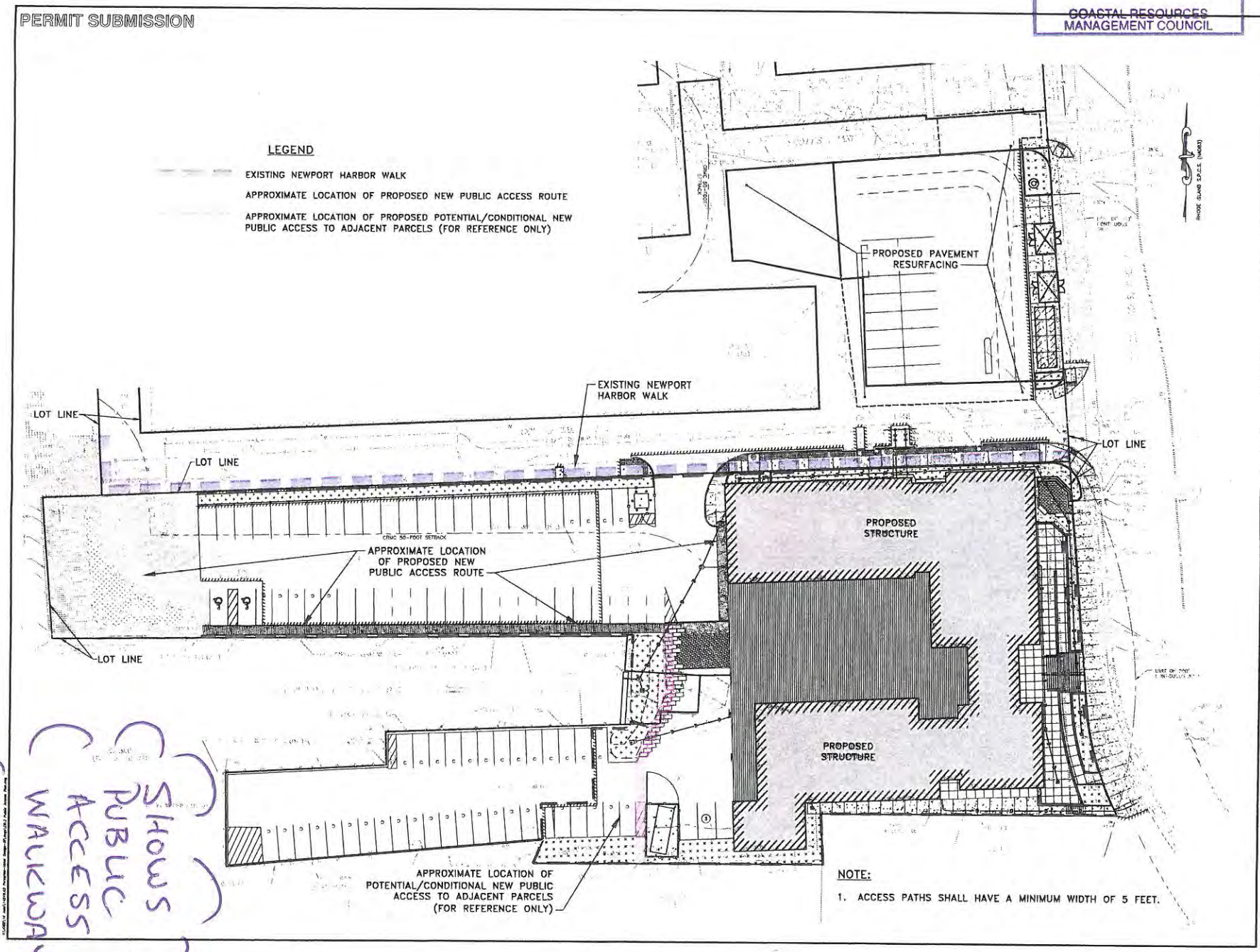


SHOWS PUBLIC ACCESS WALKWAY

OWNER
PEREGRINE GROUP LLC
www.PeregrineGrp.com

CONSULTANTS
PARE CORPORATION
ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
508-543-1755

LANCE A. HILL
No. 8286
REGISTERED PROFESSIONAL ENGINEER
CIVIL

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14245.05
SCALE:	1" = 20'
DRAWN BY:	AWB
CHK'D BY:	GSD
DATE:	JUNE 29, 2018
REVISION:	
REVISION:	
REVISION:	
SHEET TITLE	

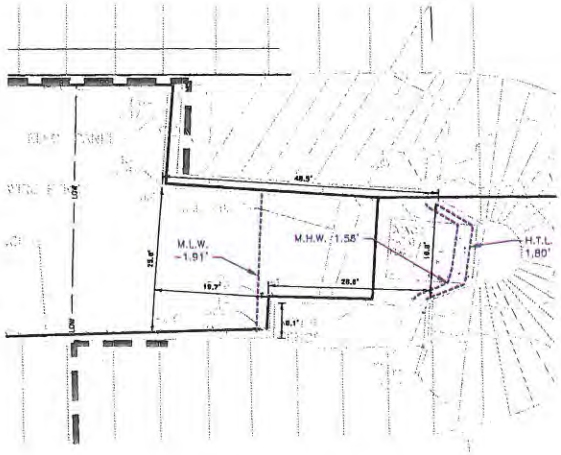
PUBLIC ACCESS PLAN

C0.3

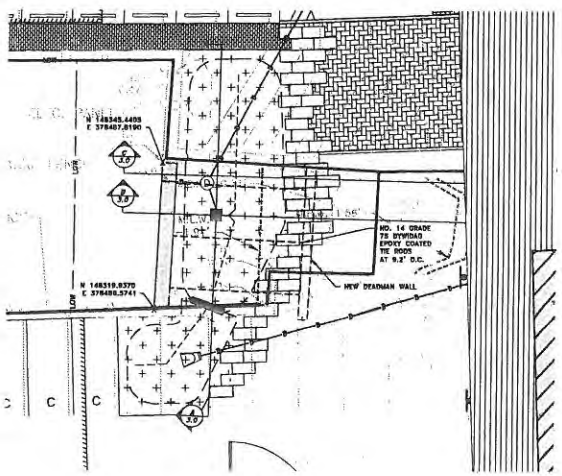
SHEET 3 OF 15

RECEIVED
JUL 11 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

PERMIT SUBMISSION



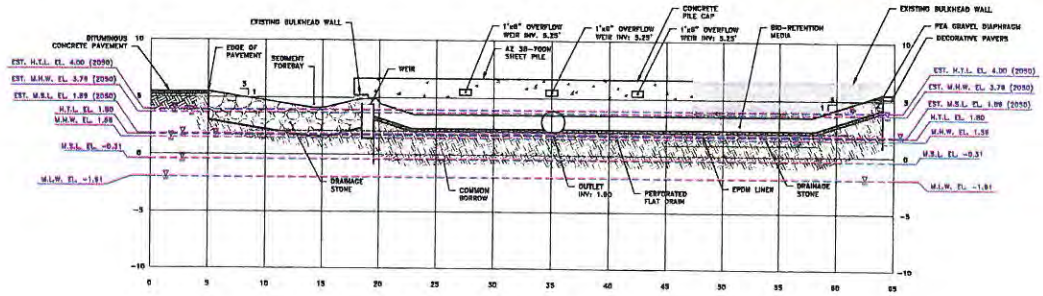
EXISTING BOAT RAMP SKETCH
SCALE: 1"=10'±



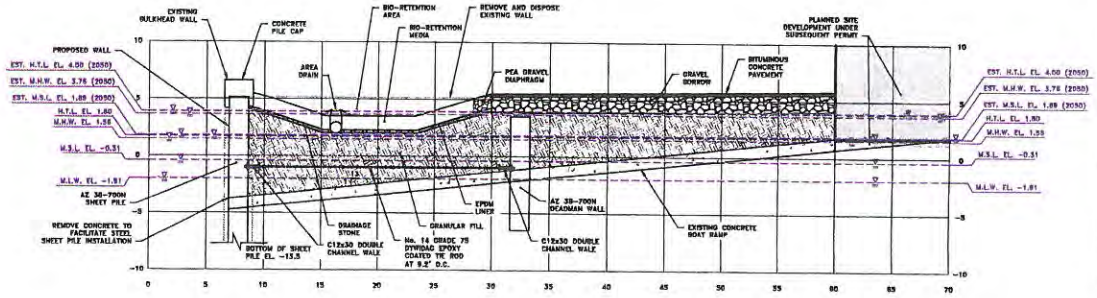
SITE SKETCH
SCALE: 1"=10'±

Graphic Scale 1"=10'

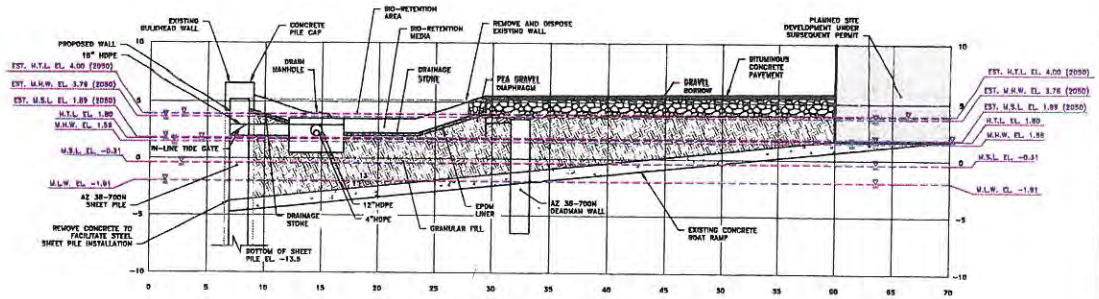
10' 5' 0 10' 20'



SECTION A
SCALE: 1"=5'



SECTION B
1"=5'



SECTION C
1"=5'

OWNER
PEREGRINE GROUP LLC
WWW.PEREGRINEGRP.COM

CONSULTANTS
PARE CORPORATION
ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
508-543-1755

LANCE A. HILL
No. 8286
REGISTERED PROFESSIONAL ENGINEER
CIVIL

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14249.05
SCALE:	1" = 20'
DRAWN BY:	AWB
CHKD BY:	GRD
DATE:	JUNE 29, 2018
REVISION:	
REVISION:	
REVISION:	
SHEET TITLE	

BIO-RETENTION CROSS-SECTION PLAN

C3.0

SHEET 6 OF 15

CRMC File No. 2018-02-061 – Scotts Wharf LLC
Mailing List

SW 281, LLC
Rumford Center Bldg 3
20 Newman Avenue; Suite 1005
Newport, RI 02840

Paraport, LLC
Michael Parascandolo
18 Sage Court
Johnston, RI 02919

The Newport Bay Club Owners Association
337 Thames Street
Newport, RI 02840

SW 46, LLC
Rumford Center; bldg. 3
20 Newman Avenue, Suite 1005
Rumford, RI 02916

CRMC (2018-02-061)
O. S. Government Center
4808 Tower Hill Road, Rm 116
Wakefield, RI 02879

Pare Corporation
Attn: Briscoe Lang, PWS
8 Blackstone Valley Place
Lincoln, RI 02865

Terry Tierney -- Tierneylaw@yahoo.com

hState of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879
(401)783-3370

State of Rhode Island
Department of Environmental Management
Office of Technical and Customer Asst.
235 Promenade Street
Providence, RI 02908-5767
(401)222-6822

JOINT PUBLIC NOTICE

CRMC File No.: **2018-02-061**

Date: March 27, 2018

OLD NOTICE & PLANS

RIDEM Water Quality Certification Number: 18-035

These offices have under consideration the application of:

RAMP FILL ONLY

Scott's Wharf LLC
c/o Mr. Samuel J. Bradner
4 Commercial Wharf, Newport, RI

for State of Rhode Island Assent (in accordance with the Coastal Resources Management Program), and State of Rhode Island Water Quality Certification (in accordance with Chapter 42-35 pursuant to Chapters 46-12 and 42-17.1 of the RIGL, as amended) to:

Fill an existing boat ramp and associated tidal waters to accommodate the construction of a stormwater treatment facility (bioretention area) designed to treat a portion of the stormwater runoff associated with a future redevelopment proposal for the site to include the construction of a new hotel building and associated site improvements. The site redevelopment will be the subject of a future (separate) CRMC application. Public access improvements are proposed to compensate for the filling of tidal waters (and for future commercial redevelopment of the site, in part).

Project Location:	west of America's Cup Avenue / Newport Harbor Waterfront		
Street & Number:	4 Commercial Wharf		
City/Town:	Newport		
Plat Number:	27	Lot Number:	77, 78

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter. You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

This also serves as notice that the Rhode Island Department of Environmental Management, Office of Water Resources, Water Quality Certification Program has under consideration and review the same proposed activity as described above for compliance with the State's Water Quality Regulations (AUTHORITY: in accordance with Clean Water Act, as amended (33 U.S.C. 1251 et.seq.; Chapter 42-35 pursuant to Chapters 46-12 and 42-17.1 of the Rhode Island General Laws of 1956, as amended).

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing and be received at this office on or before **April 27, 2018** .

It is expected that objectors will review the application and associates plans thoroughly. Comments that pertain to this Joint Notice must be submitted in writing and must be addressed to Rhode Island Coastal Resources Management Council and Rhode Island Department of Environmental Management at the above referenced addresses.

/lat

2018-02-061

Prepared for Scotts Wharf LLC

PERMIT SUBMISSION

RECEIVED
MAR 23 2018
COASTAL RESOURCES MANAGEMENT COUNCIL

HAMMETTS WHARF
BOAT RAMP CONVERSION

4 COMMERCIAL WHARF | NEWPORT, RHODE ISLAND

AP 27 LOTS 77, 78, 248, & 281

FEBRUARY 2018
REVISED MARCH 2018

Drawing Index

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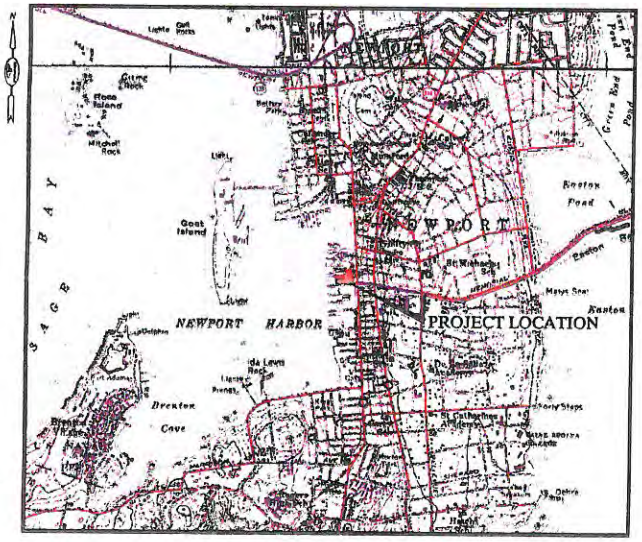
C0.2 EXISTING CONDITIONS PLAN
C1.0 OVERALL DEVELOPMENT PLAN
C1.1 PUBLIC ACCESS PLAN
C2.0 BOAT RAMP DEMOLITION AND IMPROVEMENTS PLAN
C3.0 BOAT RAMP CROSS SECTION PLAN
C4.1 CIVIL DETAIL 1
C4.2 CIVIL DETAIL 2



LOCUS PLAN
SCALE: 1" = 1500'

AERIAL PLAN
SCALE: 1" = 300'

LANCE A. HILL
No. 2086
REGISTERED PROFESSIONAL ENGINEER
CIVIL

Prepared by:

PARE CORPORATION
Foxboro, Massachusetts

PARE CORPORATION

PERMIT SUBMISSION

PLAN REFERENCES

1. EXISTING CONDITIONS TAKEN FROM THAT PLAN ENTITLED "PROPERTY LINE SURVEY FOR NEWPORT HARBOR CORPORATION PLAT 27 LOTS 208, 203, & LOT 2" PREPARED FOR NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE PLAT 27 LOTS 208, 203 & LOT 2 NEWPORT, RI 02841; PREPARED BY BARKER LAND SURVEYING, INC. 108 HIGH STREET BRISTOL, RI 02809; DWG NO. 100401lot2-203-208; SCALE 1"=30'; DATE: MAY 10, 2010; SHEET 1 OF 1; AND SUPPLEMENTED BY FIELD NOTES TAKEN ON A SITE VISIT BY PARE CORPORATION IN MARCH 2018.
2. "EXISTING CONDITIONS PLAN NEWPORT YACHTING CENTER AMERICA'S CUP AVENUE NEWPORT, RHODE ISLAND A.P. 27 – PARCELS 2, 244, 248, 280, 281, 77, & 78 PREPARED FOR PARE CORPORATION" PREPARED BY LDEC LAND DEVELOPMENT ENGINEERING & CONSULTING, LLC; SCALE 1"=20'; DATE: MAY 8, 2017; SHEETS 1 AND 2 OF 2; PROJECT NO. 10198.
3. BORINGS COMPLETED BY NEW ENGLAND BORING CONTRACTORS, INC. ON NOVEMBER 20–22, 2017. BORINGS WERE OBSERVED BY PARE CORPORATION PERSONNEL.
4. "PROPERTY LINE SURVEY FOR NEWPORT HARBOR CORPORATION; PLAT 27 LOTS 280 , 283 & LOT 2; PLAT 27 LOTS 208, 203 & LOT 2; NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE NEWPORT R.I. 02841" PREPARED BY BARKER LAND SURVEYING, INC. 108 HIGH ST., BRISTOL, R.I. 02809 (401) 254-0024; DWG NO. 100401; SCALE: 1"=30'; SHEET 1 OF 1; DATE: 5/10/10; REVISION: SITE INSPECTION 12/12/13.
5. "HARBOR LINE LOCATION FOR NEWPORT HARBOR CORPORATION; NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE; PLAT 27 LOTS 2 48 77 244 248 280 281 & 283 NEWPORT R.I." PREPARED BY BARKER LAND SURVEYING, INC. 188 HIGH ST., BRISTOL, R.I. 02809 (401) 254-0024; DWG NO. 100401; SCALE: 1"=30'; SHEET 1 OF 1; DATE: 12/09/11; REVISED LOT 244 5/18/11.
6. MARINA PERIMETER LIMIT LINE, AND COORDINATES TAKEN FROM THAT PLAN ENTITLED "MARINA PLAN ASSESSOR'S PLAT 27 LOTS 2, 48, 77, 78, 244, 248, 280, 281, AND 283 SITUATED IN NEWPORT, RHODE ISLAND PREPARED FOR NEWPORT REALTY, INC." PREPARED BY JOHN P. CAITO CORPORATION 930 PHENIX AVENUE CRANSTON, RHODE ISLAND; SCALE 1"=40'; STAMPED AND SIGNED SEPTEMBER 19, 2001. CRMC ASSENT A93-11-17.

SURVEY NOTES – 2010 SURVEY

1. THE ELEVATIONS ARE RELATIVE TO NAVD 88.
2. FLOOD INSURANCE RATE MAP 44005C0177H EFFECTIVE DATE SEPT 4, 2013 USED TO SHOW DIVISION LINE OF ZONE AE (EL 12) AND ZONE VE (EL 13) LINE SHOWN WAS SCALED FROM FIRM MAP.
3. SURVEY LINES SHOWN ARE BASED ON SURVEY PLAN BY: J.P. CAITO CORP. PLAN ENTITLED " SURVEY PLAN ASSESSOR'S PLAT 27 LOT 2,48,77,78 ,244,268 281 & 283 SITUATED IN NEWPORT RHODE ISLAND PREPARED FOR NEWPORT REALTY INC. MARCH 30,1992,REV 11/17/94 & PLAN "MARINA PLAN" rev 9/2001.
4. COMMERCIAL WHARF, SCOTT'S WHARF AND THE EASTERLY AND WESTERLY PAVEMENT SIDES OF THE HARBOURVIEW CONDOMINIUMS ARE FIRE LANES.
5. PROPERTY LINES ABUTTING NEWPORT HARBOR WERE DETERMINED TO THE FACE OF THE EXISTING METAL SHEETING AS OF 5/15/10.
6. LOCATION OF EXISTING UTILITIES ARE APPROXIMATE & HAVE BEEN PLOTTED FROM THE BEST AVAILABLE EVIDENCE & INFORMATION. THE SURVEYOR DOES NOT GUARANTEE THE LOCATION OR THE ADDITIONAL UNDERGROUND UTILITIES THAT MAY EXIST. DIG SAFE IS TO BE CONTACTED PRIOR TO ANY CONSTRUCTION OR EXCAVATION ON THIS PROPERTY.
7. SHEETING FACE TO OUTSIDE EDGE OF CONCRETE CAP WALL IS ON AVERAGE 0.50'–1.00'.

SURVEY NOTES – 2017 SURVEY

1. "EXISTING CONDITIONS" INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY LAND DEVELOPMENT ENGINEERING & CONSULTING, LLC. ON APRIL 3–17, 2017.
2. ELEVATIONS ARE REFERENCED TO NAVD88.
3. THE SITE IS LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL 12) AND ZONE VE (EL 13) AS DETERMINED FROM THE CITY OF NEWPORT FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 445403 0177 J (MAP REVISED SEPTEMBER 4, 2013.
4. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
5. EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. LAND DEVELOPMENT ENGINEERING & CONSULTING, LLC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.

GENERAL NOTES

1. THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AMENDED AUGUST 2013, OR LATEST REVISION, RHODE ISLAND STANDARD DETAILS AND THE CITY OF NEWPORT STANDARD DETAILS AND CONSTRUCTION STANDARDS ARE MADE A PART HEREOF AS FULLY AND COMPLETELY AS IF ATTACHED HERETO. THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGES CONSTRUCTION MAY BE OBTAINED AT THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION.
2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SITE SAFETY. THE CONTRACTOR SHALL PROVIDE TEMPORARY FENCING AND/OR BARRIERS AROUND ALL OPEN EXCAVATED AREAS, AND CONDUCT ALL WORK IN ACCORDANCE WITH OSHA STANDARDS AND THE CITY OF NEWPORT REQUIREMENTS.
3. CONTRACTOR SHALL PROVIDE EMERGENCY ACCESS TO POLICE AND FIRE DEPARTMENTS AT ALL TIMES.
4. IF ANY DEVIATION OR ALTERATION OF THE WORK PROPOSED ON THESE DRAWINGS IS REQUIRED, THE CONTRACTOR IS TO IMMEDIATELY CONTACT AND COORDINATE WITH THE ENGINEER AND OWNER.
5. ANY AREA OUTSIDE OF THE LIMIT OF WORK THAT IS DISTURBED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AT NO COST TO THE OWNER.
6. ALL EXISTING CONDITIONS SHOWN SHALL BE CONSIDERED APPROXIMATE AND ARE BASED ON THE BEST INFORMATION AVAILABLE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS DO NOT CONFLICT WITH ANY KNOWN EXISTING OR OTHER PROPOSED IMPROVEMENTS. IF ANY CONFLICTS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER PRIOR TO INSTALLATION OF ANY PORTION OF THE SITE WORK WHICH WOULD BE AFFECTED.
7. SMOOTH TRANSITIONS SHALL OCCUR BETWEEN DIFFERENT MATERIALS. LEVEL CHANGES SHALL BE LESS THAN 1/2" AND HAVE BEVELED EDGES.
8. THE SITE IS LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL 12) AND ZONE VE (EL 13) AS DETERMINED FROM THE CITY OF NEWPORT FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 445403 0177 J (MAP REVISED SEPTEMBER 4, 2013.

DEMOLITION NOTES

1. ALL DEMOLITION SHALL BE COORDINATED WITH THE OWNER PRIOR TO START OF WORK.
2. PAVEMENT DEMOLITION SHALL BE SAW CUT AND DISPOSED OF PROPERLY.
3. UNDERGROUND UTILITIES WERE COMPILED FROM AVAILABLE RECORD PLANS OF UTILITY COMPANIES AND PUBLIC AGENCIES AND ARE APPROXIMATE AND ASSUMED. BEFORE COMMENCING SITE WORK IN ANY AREA, CONTACT "DIG SAFE" AT 1-888-DIG-SAFE AND ALL UTILITY COMPANIES NOT COVERED BY "DIG SAFE" TO ACCURATELY LOCATE UNDERGROUND UTILITIES. ANY DAMAGE TO EXISTING UTILITIES OR STRUCTURES AS SHOWN ON THE PLANS SHALL BE THE CONTRACTOR'S RESPONSIBILITY. COSTS OF SUCH DAMAGE SHALL BE THE CONTRACTOR'S RESPONSIBILITY. NO EXCAVATION SHALL BE DONE UNTIL UTILITY COMPANIES ARE PROPERLY NOTIFIED.
4. THE CONTRACTOR SHALL COORDINATE ALL DEMOLITION OF STRUCTURES, PAVEMENT AND CONCRETE MATERIALS, AND UTILITIES WITH APPROPRIATE PROPOSED DRAWINGS.
5. THE CONTRACTOR SHALL REMOVE ALL UNSUITABLE SOILS TO THE LIMITS SATISFACTORY TO THE ENGINEER.
6. CONTRACTOR TO PROVIDE FOR STREET SWEEPER ON A DAILY BASIS AS NEEDED.
7. CONTRACTOR SHALL PROVIDE FOR DUST CONTROL WITH WATER TRUCK ON-SITE ON A DAILY BASIS AS NEEDED. CONTRACTOR SHALL SUBMIT A DUST CONTROL PLAN PRIOR TO START OF WORK. CONTRACTOR MAY NOT START WORK UNTIL PLAN IS APPROVED BY OWNER.

LAYOUT NOTES

1. ALL LINES ARE PERPENDICULAR OR PARALLEL TO THE LINES FROM WHICH THEY ARE MEASURED UNLESS OTHERWISE INDICATED.
2. SOME COORDINATES HAVE BEEN PROVIDED. AUTOCAD PLANS OR ADDITIONAL COORDINATES WILL BE PROVIDED AFTER THE AWARD OF THE BID.

GRADING AND UTILITY NOTES

1. NO FIELD ADJUSTMENTS IN THE LOCATION OF SITE ELEMENTS SHALL BE MADE WITHOUT THE ENGINEERS APPROVAL.
2. ALL WORK PERFORMED AND ALL MATERIALS FURNISHED SHALL CONFORM WITH THE LINES AND GRADES ON THE PLANS AND SITE WORK SPECIFICATIONS, UNLESS OTHERWISE DIRECTED.
3. AT ALL LOCATIONS WHERE EXISTING CURBING OR PAVEMENT ABUT NEW CONSTRUCTION, THE EDGE OF THE EXISTING CURB OR PAVEMENT SHALL BE SAW CUT TO A CLEAN, SMOOTH EDGE. BLEND NEW PAVEMENT AND CURBS SMOOTHLY INTO EXISTING BY MATCHING LINES, GRADES AND JOINTS.
4. ALL EXISTING AND PROPOSED UTILITY COVERS, GRATES, ETC. SHALL BE ADJUSTED TO BE FLUSH WITH THE SURROUNDING SURFACE OR PAVEMENT FINISH GRADE OF THIS CONTRACT. RIM ELEVATIONS OF STRUCTURES AND MANHOLES ARE APPROXIMATE. FINAL ELEVATIONS ARE TO BE SET FLUSH AND CONSISTENT WITH THE PROPOSED FINAL GRADES.
5. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION OF PRIVATE UTILITIES BY THE UTILITY COMPANIES, AS REQUIRED.
6. WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR AND THE INFORMATION FURNISHED TO THE ENGINEER FOR RESOLUTION.
7. THE CONTRACTOR SHALL PROTECT ALL UNDERGROUND DRAINAGE, SEWER AND UTILITY FACILITIES FROM EXCESSIVE VEHICULAR LOADS DURING CONSTRUCTION. ANY DAMAGE TO THESE FACILITIES RESULTING FROM CONSTRUCTION LOADS WILL BE RESTORED TO ORIGINAL CONDITION AT NO COST TO THE OWNER.
8. DURING CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL PROTECT EXISTING UTILITIES BY PROVIDING TEMPORARY SUPPORTS OR SHEETING AS REQUIRED AT NO ADDITIONAL COST TO THE OWNER.
9. EXCAVATION REQUIRED WITHIN THE PROXIMITY OF EXISTING UTILITY LINES SHALL BE DONE BY HAND. CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITY LINES OR STRUCTURES INCURRED DURING CONSTRUCTION OPERATIONS AT NO COST TO THE OWNER.
10. PITCH EVENLY BETWEEN SPOT GRADES. ALL PAVED AREAS MUST PITCH TO DRAIN AT A MIN. OF 1/8" PER FOOT UNLESS SPECIFIED.
11. SOME WORK MAY BE REQUIRED TO TAKE PLACE OUTSIDE OF NORMAL HOURS OF OPERATION FOR THE MARINA. THE CONTRACTOR SHALL PLAN ACCORDINGLY.
12. SITE GRADES SHALL CONFORM WITH ADA REQUIREMENTS.

EROSION AND SEDIMENTATION CONTROL NOTES

1. SOIL EROSION AND SEDIMENTATION CONTROLS SHALL BE PROVIDED IN ACCORDANCE WITH THE "RHODE ISLAND SOIL EROSION AND SEDIMENT CONTROL HANDBOOK", AND THE NOTES AND DETAILS SHOWN IN THIS PLAN SET.
2. DUST SHALL BE CONTROLLED BY WATERING OR OTHER APPROVED METHODS AS NECESSARY, OR AS REQUIRED BY RIPDES, OR AS REQUESTED BY OWNER.
3. THE CONTRACTOR SHALL SCHEDULE WORK TO ALLOW THE FINISHED SUB GRADE ELEVATIONS TO DRAIN PROPERLY WITHOUT PONDING. SPECIFICALLY, ALLOW WATER TO ESCAPE WHERE PROPOSED CURB MAY RETAIN RUNOFF PRIOR TO APPLICATION OF SURFACE PAVING. PROVIDE TEMPORARY POSITIVE DRAINAGE, AS REQUIRED, TO STABILIZED DISCHARGE POINTS. CONTRACTOR IS RESPONSIBLE FOR ALL TEMPORARY UTILITY CONNECTIONS.
4. THE CONTRACTOR SHALL MAINTAIN A SUFFICIENT RESERVE OF VARIOUS EROSION CONTROL MATERIALS ONSITE AT ALL TIMES FOR EMERGENCY PURPOSES.
5. ANY DEWATERING WASTE WATERS PUMPED FROM EXCAVATIONS SHALL BE CONVEYED BY HOSE TO AN UPLAND AREA AND DISCHARGED INTO HAY BALE ENCLOSURES OR SEDIMENTATION BAGS AS REQUIRED.
6. CONSTRUCTION SITE WASTE MATERIALS SHALL BE PROPERLY CONTAINED ONSITE AND DISPOSED OFF SITE IN ACCORDANCE WITH ALL APPLICABLE LOCAL AND STATE REGULATIONS.
7. ALL DISTURBED AREAS SHALL BE STABILIZED WITHIN 14 DAYS OF COMPLETION OF WORK IN THAT AREA.
8. ALL DRAINAGE STRUCTURES SHALL BE CLEARED OF ACCUMULATED SEDIMENT PRIOR TO ACCEPTANCE OF FINAL PROJECT.
9. THE CONTRACTOR SHALL MAINTAIN SURFACE DRAINAGE DURING CONSTRUCTION. STORMWATER SHALL BE MAINTAINED AWAY FROM WORK SITES WHILE PREVENTING AREAS OF EROSION.
10. CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING NECESSARY TEMPORARY EROSION CONTROL MEASURES.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING OR INSTALLING ALL TEMPORARY SEDIMENT AND EROSION CONTROLS AS SHOWN ON THESE PLANS AND SHALL MAINTAIN ALL EROSION CONTROL MEASURES AS NECESSARY DURING THE ENTIRE CONSTRUCTION PERIOD.
12. ANTI-TRACKING PADS SHALL BE PROVIDED AT ALL POINTS OF EGRESS OR INGRESS AND SHALL BE MAINTAINED TO LIMIT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC ROADS AND INTO THE REST OF THE SITE. CONSTRUCTION ACCESS SHALL BE COORDINATED WITH THE OWNER.
13. SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED ON A WEEKLY BASIS AND AFTER EACH STORM EVENT OF 0.25 INCH OR GREATER DURING CONSTRUCTION TO INSURE THAT CHANNELS, DITCHES AND PIPES ARE CLEAR OF DEBRIS AND THAT THE EROSION CONTROL BARRIERS ARE INTACT. IDENTIFIED DEFICIENCIES SHALL BE CORRECTED IMMEDIATELY.
14. THE CONTRACTOR SHALL CLEAN AND MAINTAIN EROSION CONTROL BARRIER WHEN SEDIMENT ACCUMULATES TO ONE HALF THE HEIGHT OF THE HAYBALES OR ONE THIRD THE HEIGHT OF SILT FENCE. MATERIAL COLLECTED FROM THE SILTATION BARRIERS SHALL BE REMOVED AS NECESSARY AND DISPOSED IN AN UPLAND AREA.
15. INSTALLATION OF THE EROSION CONTROL BARRIERS AS ILLUSTRATED IS INTENDED TO REPRESENT THE MINIMUM SEDIMENTATION CONTROL FACILITIES NECESSARY TO MEET ANTICIPATED SITE CONDITIONS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AS CONDITIONS WARRANT OR AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.
16. REQUIRED SEDIMENTATION CONTROL FACILITIES MUST BE PROPERLY ESTABLISHED, CLEARLY VISIBLE AND IN OPERATION PRIOR TO INITIATING ANY LAND CLEARING ACTIVITY AND/OR OTHER CONSTRUCTION RELATED WORK. SUCH FACILITIES SHALL REPRESENT THE LIMIT OF WORK. WORKERS SHALL BE INFORMED THAT NO CONSTRUCTION ACTIVITY IS TO OCCUR BEYOND THE LIMIT OF WORK AT ANY TIME THROUGHOUT THE CONSTRUCTION PERIOD.
17. CATCH BASINS AND STORM DRAIN INLETS SHALL BE PROTECTED WITH INLET PROTECTION.
18. THE CONTRACTOR SHALL NOT REMOVE ANY HAY BALES, SILT FENCE OR OTHER EROSION CONTROLS UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN PERMANENTLY STABILIZED.
19. RIP-RAP OR OTHER ENERGY DISSIPATERS SHALL BE USED WHERE NECESSARY TO PREVENT SCOUR.
20. THE CONTRACTOR SHALL INSTALL AND MAINTAIN A TURBIDITY BOOM AND SILT CURTAIN AS INDICATED IN THE CONTRACT DOCUMENTS. THE TURBIDITY BARRIER SHALL BE ANCHORED SECURELY AS NECESSARY TO ENSURE COLLECTION OF SEDIMENT AND ENABLE THE WORK TO BE PERFORMED.
21. THE TURBIDITY BARRIER SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF WORK AND SHALL REMAIN IN PLACE UNTIL THE SITE IS STABILIZED.

SEQUENCE OF CONSTRUCTION

THE FOLLOWING IS A GENERAL ANTICIPATED CONSTRUCTION SEQUENCE FOR THE RAMP FILL. DEPENDING ON THE CONTRACTORS MEANS AND METHODS SOME ITEMS MAY BE PERFORMED IN SLIGHTLY DIFFERENT SEQUENCE, AND SEPARATE ITEMS MAY BE UNDER CONSTRUCTION AT THE SAME TIME.

1. INSTALL TURBIDITY CURTAIN/BOOM AND PERIMETER SEDIMENTATION CONTROLS.
2. REMOVE EXISTING CONCRETE RAMP SLABS TO THE EXTENT NECESSARY.
3. INSTALL STEEL SHEETING TO LIMITS SHOWN ON THE PLANS.
4. FORM AND POUR REINFORCED CONCRETE CAP TO MATCH EXISTING BULKHEAD CAP.
5. DEMOLISHED EXISTING CONCRETE RAMP WALLS TO THE EXTENT NECESSARY.
6. DEWATER ISOLATED RAMP AREA. FILTER DEWATERING DISCHARGE PRIOR TO RELEASING DISCHARGE TO NEWPORT HARBOR.
7. BACKFILL RAMP AREA.
8. PROVIDE TEMPORARY STABILIZATION UNTIL BIORETENTION AREA CONSTRUCTION COMMENCES.

BIORETENTION AREA INSPECTION, MAINTENANCE, AND REPAIR NOTES

FOLLOWING CONSTRUCTION, THE COMPLETION OF THE INSPECTION AND MAINTENANCE REQUIREMENTS BELOW SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

1. THE BIORETENTION AREA AND SEDIMENT FOREBAY SHALL BE INSPECTED AFTER EVERY STORM OF 2.7" INCH OR GREATER FOR TRASH, DEBRIS, SEDIMENT, EROSION, STANDING WATER, AND OVERALL PERFORMANCE. DEFECTS SHALL BE REPAIRED BY THE OWNER.
2. THE BIORETENTION AREA SHALL BE INSPECTED FOLLOWING THE FIRST 6 MONTHS AFTER CONSTRUCTION FOLLOWING THE FIRST TWO STORM EVENTS OF 1" OR MORE.
3. THE OWNER SHALL MOW GRASS WITHIN THE BIORETENTION AREA TWICE ANNUALLY, ONCE IN LATE SPRING AND ONCE IN EARLY FALL. THE VEGETATION SHALL NOT EXCEED 18" IN HEIGHT.
4. THE OWNER SHALL RE-MULCH BIORETENTION AREAS IN THE SPRING EACH YEAR.
5. IN SPRING, THE OWNER SHALL TRIM VEGETATION AND REMOVE DEAD VEGETATION FROM THE BIORETENTION AREA.
6. REMOVE ACCUMULATED SEDIMENT FROM THE SEDIMENT FOREBAY AND BIORETENTION CELLS TWICE ANNUALLY, ONCE IN THE LATE SPRING AND ONCE IN THE EARLY FALL, OR IF SEDIMENT EXCEEDS 1" IN THE BIORETENTION AREA CELLS. REMOVE ACCUMULATED SEDIMENT FROM THE SEDIMENT FOREBAY IF SEDIMENT REACHES 12" OR MORE IN DEPTH.
7. IF PONDING EXCEEDS 48 HOURS, REMOVE ALL DISCOLORED MATERIAL AND RE-MULCH FILTER SURFACE.
8. IF RUNOFF TAKES MORE THAN 38 HOURS TO FLOW FROM THE SEDIMENT FOREBAY TO THE BIORETENTION AREA, THE SEDIMENT FOREBAY CHECK DAM SHALL BE REPLACED.
9. TRASH AND DEBRIS SHALL BE REMOVED FROM THE BIORETENTION AREA AS NECESSARY.

STORM WATER MANAGEMENT SYSTEM INSPECTION AND MAINTENANCE NOTES

DURING CONSTRUCTION

1. THE CONTRACTOR SHALL REMOVE SEDIMENT AND DEBRIS FROM ALL TRENCH DRAINS, MANHOLES, AND THE DRAINAGE SYSTEM ON A ROUTINE BASIS, IMMEDIATELY FOLLOWING SITE STABILIZATION, AND PRIOR TO PROJECT COMPLETION AND ACCEPTANCE.
2. THE CLOSED DRAINAGE SYSTEM AND ASSOCIATED STRUCTURES SHALL BE CLEANED AND FLUSHED BY THE CONTRACTOR AT THE COMPLETION OF CONSTRUCTION, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSPECTION AND MAINTENANCE OF THE DRAINAGE SYSTEM UNTIL ACCEPTANCE OF THE SYSTEM BY THE ENGINEER AND THE CITY OF NEWPORT. FOLLOWING ACCEPTANCE OF THE PROPOSED DRAINAGE SYSTEM PROPOSED FOR THIS SITE, THE OWNER OF THE SITE SHALL BE RESPONSIBLE FOR THE LONG-TERM INSPECTION AND MAINTENANCE OF THE DRAINAGE SYSTEM.
3. ANY ACCUMULATION OF PONDING WATER IN AREAS WITHIN THE LIMITS OF DISTURBANCE, OTHER THAN DESIGNATED AREAS, SHALL BE REMOVED ACCORDINGLY AND PREVENTED IN THE FUTURE.

POST CONSTRUCTION

1. TRASH, LITTER, SEDIMENT AND OTHER DEBRIS SHALL BE REMOVED FROM ANY STORM WATER FACILITY (INCLUDING TRENCH DRAINS, MANHOLES, AND TREE BOX FILTERS) AT LEAST TWICE A YEAR, PREFERABLY SPRING AND FALL, AT THE COST OF THE OWNER.
2. THE PARKING LOT AND ENTRY DRIVE SHALL BE SWEPT BY THE OWNER AS EARLY AS POSSIBLE EVERY SPRING AND ONCE IN THE FALL TO REMOVE SEDIMENTS.
3. ALL CLEANING AND MAINTENANCE OF DRAINAGE SYSTEM BMP'S SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. SEE ADDITIONAL INSPECTION, MAINTENANCE, AND REPAIR NOTES FOR THE STORMWATER SYSTEM.
4. ALL SEDIMENTS REMOVED SHALL BE DISPOSED OF AT AN APPROVED AND PERMITTED LOCATION.

SYMBOL LEGEND

- (AD-X) = AREA DRAIN
- (BCP) = BITUMINOUS CONCRETE PAVEMENT (SEE DETAIL)
- (DMH-X) = DRAIN MANHOLE AND NUMBER (SEE DETAIL)
- (0.3.0) = R.I. STD. BALED HAY EROSION CHECK AND SILT FENCE COMBINED DETAIL

TIDAL REFERENCE

- EL. 13.0 — +13.0 FEMA 100 YR FLOOD ELEVATION – ZONE VE
- EL. 12.0 — +12.0 FEMA 100 YR FLOOD ELEVATION – ZONE AE
- EL. 11.0
- EL. 10.0
- EL. 9.0
- EL. 8.0
- EL. 7.0
- EL. 6.0
- EL. 5.0
- EL. 4.0
- EL. 3.0
- EL. 2.0
- +1.38 MEAN HIGH WATER (MHW)
- EL. 1.0 — +1.23 HIGH TIDE LINE (HTL)
- EL. 0.0 — 0.0 NAVD 88
- –0.31 MEAN SEA LEVEL (MSL)
- EL. –1.0
- –1.91 MEAN LOW WATER (MLW)
- EL. –2.0
- EL. –3.0

DATUM ELEVATION INFORMATION

PID: LW0493
VM: 221
STATION ID: 8452660

EXISTING LEGEND

IRON ROD
SEWER MANHOLE OVERHEAD
ELECTRIC UNDERGROUND
ELECTRIC
CATCH BASIN
GAS VALVE
WATER GATE VALVE
DRAIN LINE
SEWER LINE
GAS LINE
ELECTRIC LINE
WATER STOP
ELECTRIC BOX
WATER METER
WOOD PILING
LIGHT POST
MANHOLE
ELECTRIC OUTLET
NOW OR FORMERLY
LAND EVIDENCE
UTILITY POLE
ELECTRIC METER POLE
GAS VALVE
FORCE MAIN SEWER LINE FIRST
FLOOR ELEVATION
FLOOD ZONE DIVISION LINE
SPOT ELEVATIONS
MAG NAIL SET
FENCE
TREE
BORING

PROPERTY LINE
TOPOGRAPHIC CONTOUR
SPOT ELEVATION
TOP OF BULKHEAD ELEVATION
TOP OF CURB ELEVATION
TOP OF WALL ELEVATION
HANDICAP PARKING
AIR CONDITIONING CONDENSER
ELECTRIC MANHOLE
UNDERGROUND ELECTRIC
GAS GATE
GAS SERVICE
LIGHT POLE
HYDRANT
WATER GATE
WATER SERVICE
MONITORING WELL
UTILITY POLE
HIGH TIDE LINE
MEAN HIGH WATER
MEAN LOW WATER
MEAN SEA LEVEL

PROPOSED LEGEND

EDGE OF PAVEMENT	
CURBING	
CONTOUR	(100)
SPOT ELEVATION	X (100.00)
DRAIN LINE	D
GAS LINE	G
SEWER LINE	S
WATER LINE	W
DRAIN MANHOLE	DMH
SEWER MANHOLE	SMH
CATCH BASIN	CB
WATER VALVE	WG
AREA DRAIN	
SIGN	
CHAIN LINK FENCE	
STOCKADE FENCE	
BITUMINOUS PAVEMENT (SEE LABEL FOR TYPE)	
CONCRETE WALK/PAD (SEE LABEL FOR TYPE)	
PAVER SURFACE	
BIORETENTION AREA	
DECKING	
BUILDING OUTLINE	
EROSION CONTROL	
LIMIT OF DISTURBANCE	LOD
SAWCUT	
TREE LINE	
GRADE TO DRAIN	GTD
INLET PROTECTION	
HIGH TIDE LINE	H.T.L.
MEAN HIGH WATER	M.H.W.
MEAN LOW WATER	M.L.W.
MEAN SEA LEVEL	M.S.L.

RECEIVED
APR 23 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL

OWNER
PEREGRINE GROUP LLC
WWW.PEREGRINEGRP.COM

CONSULTANTS
PARE
PARE CORPORATION
ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
508-543-1755

LANCE A. HILL
No. 8286
REGISTERED PROFESSIONAL ENGINEER
CIVIL

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14249.05
SCALE:	N.T.S.
DRAWN BY:	AWB
CHK'D BY:	GBD
DATE:	FEBRUARY 2018
REVISION:	MARCH 22, 2018
REVISION:	
REVISION:	
SHEET TITLE	

GENERAL NOTES AND LEGEND

C0.1

SHEET 2 OF 9

P25

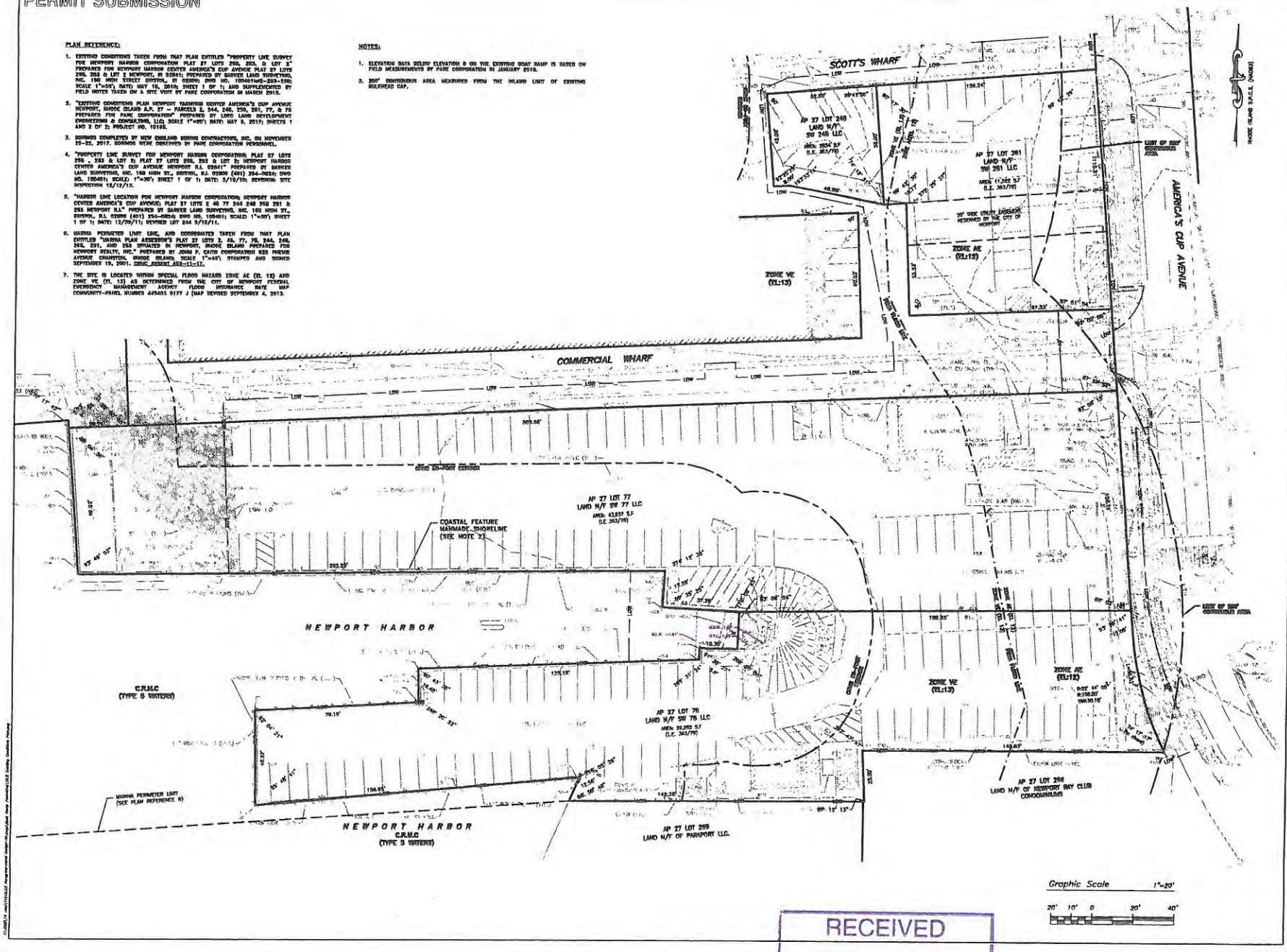
PERMIT SUBMISSION

PLAN REFERENCE:

1. EXISTING CONDITIONS TAKEN FROM THAT PLAN ENTITLED "PROPERTY LINE SURVEY FOR NEWPORT HARBOR CORPORATION PLAT 27 LOTS 248, 283, & LOT 2" PREPARED FOR NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE PLAT 27 LOTS 248, 283 & LOT 2 NEWPORT, RI 02841; PREPARED BY BARKER LAND SURVEYING, INC. 188 HOPE STREET BRISTOL, RI 02809; DWG NO. 1004010-283-188; SCALE 1"=30'; DATE: MAY 18, 2010; SHEET 1 OF 1; AND SUPPLEMENTED BY FIELD NOTES TAKEN ON A SITE VISIT BY PARE CORPORATION IN MARCH 2018.
2. "EXISTING CONDITIONS PLAN NEWPORT YACHTING CENTER AMERICA'S CUP AVENUE NEWPORT, RHODE ISLAND A.P. 27 – PARCELS 2, 244, 248, 250, 281, 77, & 78 PREPARED FOR PARE CORPORATION" PREPARED BY LOTO LAND DEVELOPMENT ENGINEERING & CONSULTING, LLC; SCALE 1"=20'; DATE: MAY 9, 2017; SHEETS 1 AND 2 OF 2; PROJECT NO. 16198.
3. BORINGS COMPLETED BY NEW ENGLAND BORING CONTRACTORS, INC. ON NOVEMBER 20-22, 2017. BORINGS WERE OBSERVED BY PARE CORPORATION PERSONNEL.
4. "PROPERTY LINE SURVEY FOR NEWPORT HARBOR CORPORATION, PLAT 27 LOTS 248 , 283 & LOT 2; PLAT 27 LOTS 248, 283 & LOT 2; NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE NEWPORT R.I. 02841" PREPARED BY BARKER LAND SURVEYING, INC. 188 HOPE ST., BRISTOL, R.I. 02809 (401) 254-0024; DWG NO. 1004011; SCALE: 1"=30'; SHEET 1 OF 1; DATE: 3/10/10; REVISION: SITE INSPECTION 12/12/13.
5. "HARBOR LINE LOCATION FOR NEWPORT HARBOR CORPORATION; NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE; PLAT 27 LOTS 2 46 77 244 248 250 281 & 283 NEWPORT R.I." PREPARED BY BARKER LAND SURVEYING, INC. 188 HOPE ST., BRISTOL, R.I. 02809 (401) 254-0024; DWG NO. 1004011; SCALE: 1"=30'; SHEET 1 OF 1; DATE: 12/09/11; REVISED LOT 244 3/10/11.
6. MARINA PERIMETER LIMIT LINE, AND COORDINATES TAKEN FROM THAT PLAN ENTITLED "MARINA PLAN ASSESSOR'S PLAT 27 LOTS 2, 46, 77, 78, 244, 248, 250, 281, AND 283 SITUATED IN NEWPORT, RHODE ISLAND PREPARED FOR NEWPORT REALTY, INC." PREPARED BY JOHN P. CAITO CORPORATION 835 PRIVIE AVENUE CRANSTON, RHODE ISLAND; SCALE 1"=40'; STAMPED AND SIGNED SEPTEMBER 19, 2001. ERNC ASSOCIAT 802-11-17.
7. THE SITE IS LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL 12) AND ZONE VE (EL 13) AS DETERMINED FROM THE CITY OF NEWPORT FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 445405 0177 J (MAP REVISED SEPTEMBER 4, 2013.

NOTES:

1. ELEVATION DATA BELOW ELEVATION 8 ON THE EXISTING BOAT RAMP IS BASED ON FIELD MEASUREMENTS BY PARE CORPORATION IN JANUARY 2018.
2. 200' CONTIGUOUS AREA MEASURED FROM THE INLAND LIMIT OF EXISTING BULKHEAD CAP.



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MAR 23 2018
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www.PeregrineGrp.com

CONSULTANTS
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ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
508-543-1755

LANCE A. HILL No. 8784 REGISTERED PROFESSIONAL ENGINEER RHODE ISLAND

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

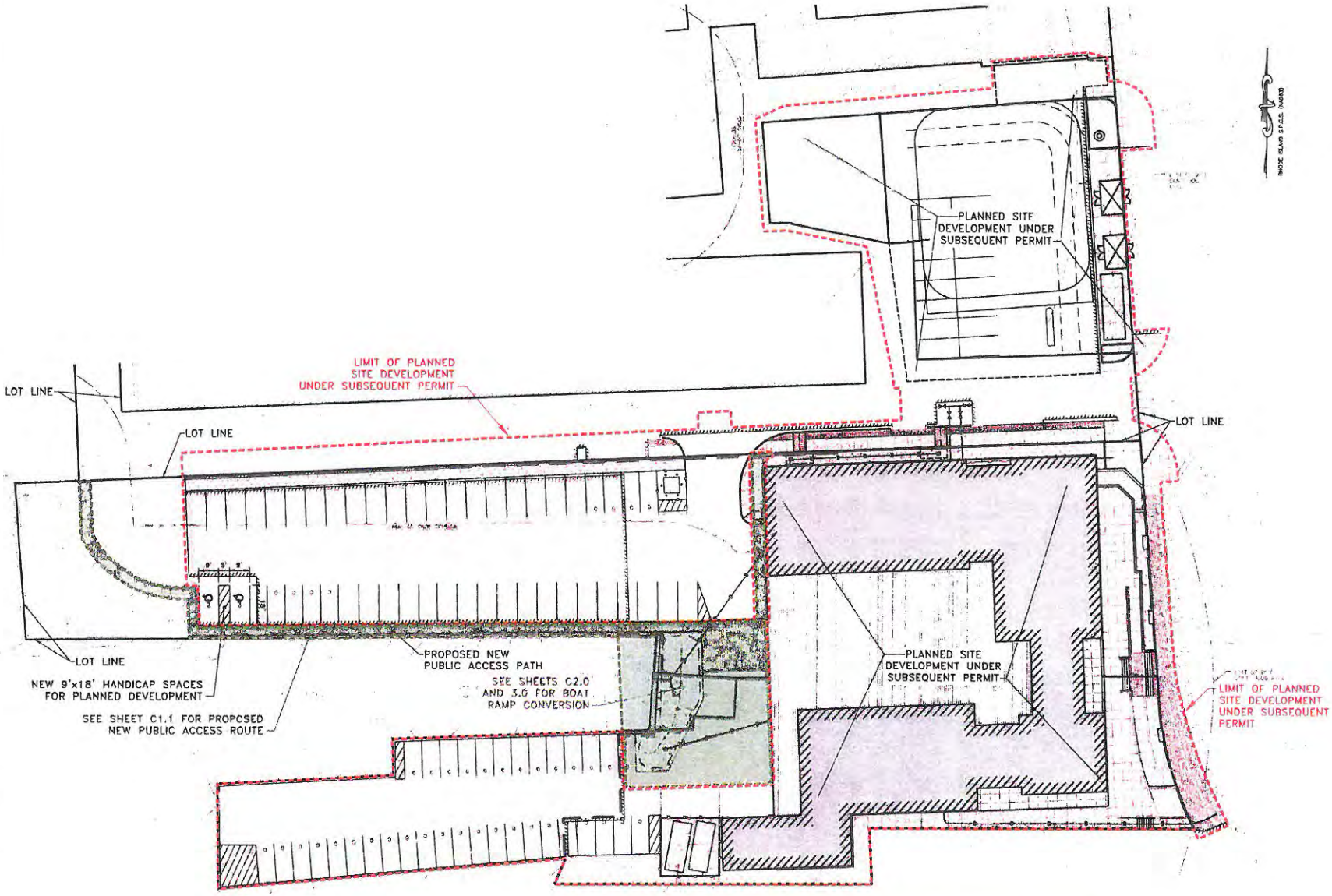
PROJECT NO:	1424805
SCALE:	1"=20'
DRAWN BY:	AWB
CHK'D BY:	GBD
DATE:	FEBRUARY 2018
REVISION:	MARCH 22, 2018
REVISION:	
REVISION:	
SHEET TITLE	

EXISTING CONDITIONS PLAN

C0.2

SHEET 3 OF 9

PERMIT SUBMISSION



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508-543-1755

LANCE A. HILL
No. 8284
REGISTERED PROFESSIONAL ENGINEER
CIVIL

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14249.06
SCALE:	1"=20'
DRAWN BY:	AWB
CHK'D BY:	GSD
DATE:	FEBRUARY 2018
REVISION:	MARCH 2, 2018
REVISION:	MARCH 22, 2018
REVISION:	
SHEET TITLE	

OVERALL DEVELOPMENT PLAN

C1.0

SHEET 4 OF 8

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MAR 23 2018
COASTAL RESOURCES MANAGEMENT COUNCIL

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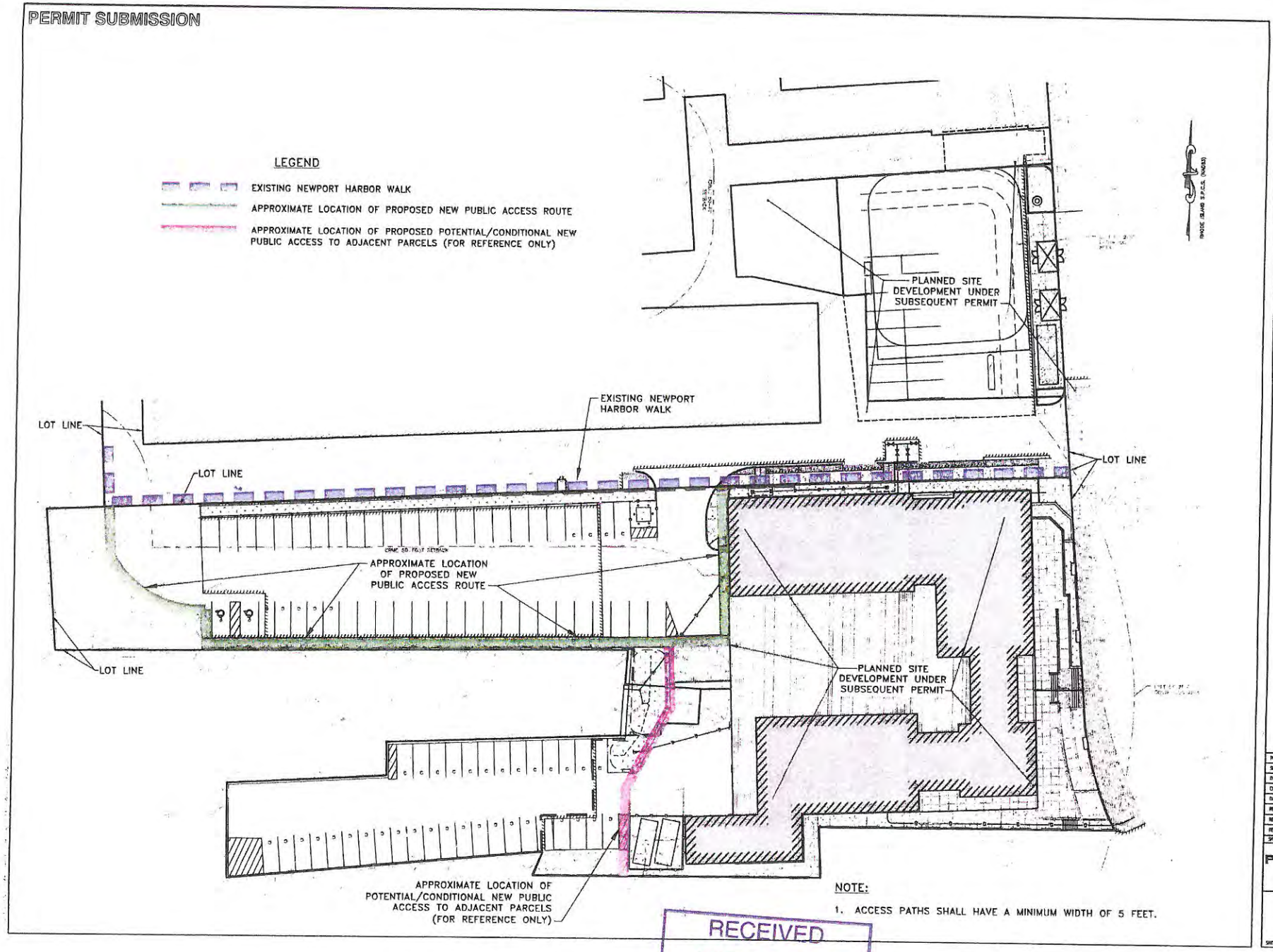

NOTE:

1. ACCESS PATHS SHALL HAVE A MINIMUM WIDTH OF 5 FEET.

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LANCE A. HILL
No. 9286
REGISTERED PROFESSIONAL ENGINEER
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HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

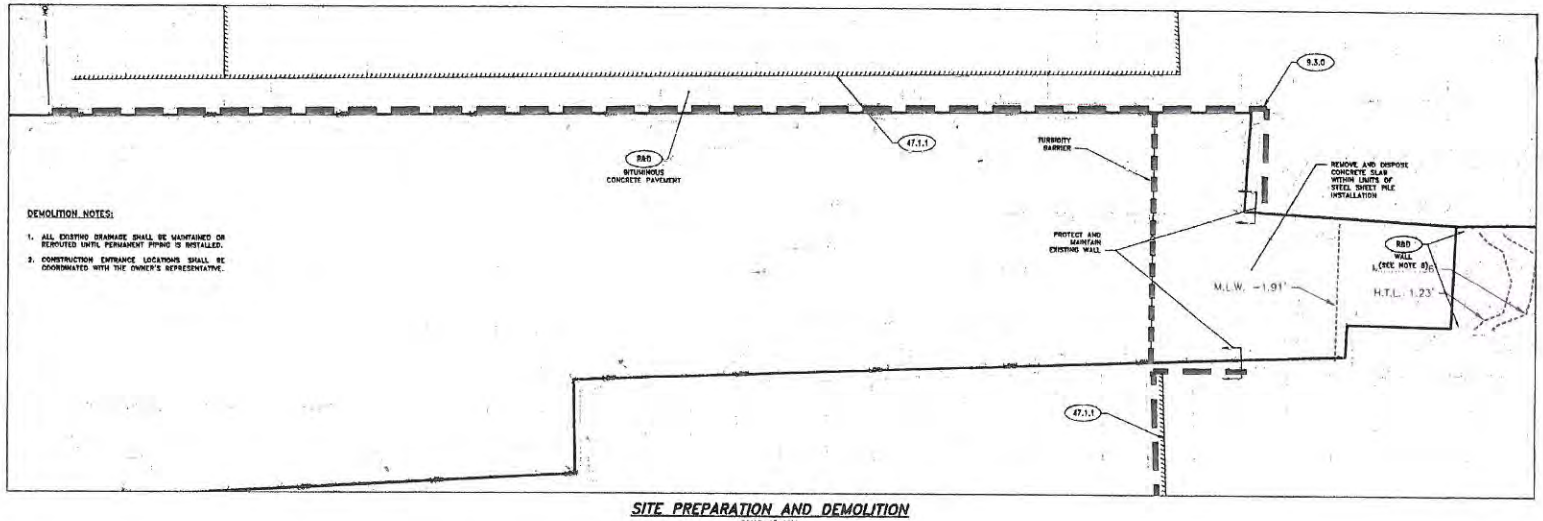
PROJECT NO:	14298.05
SCALE:	1"=20'
DRAWN BY:	AWB
CHK'D BY:	GBD
DATE:	MARCH 22, 2018
REVISION:	
REVISION:	
REVISION:	
SHEET TITLE	

PUBLIC ACCESS PLAN

C1.1

SHEET 5 OF 9

PERMIT SUBMISSION

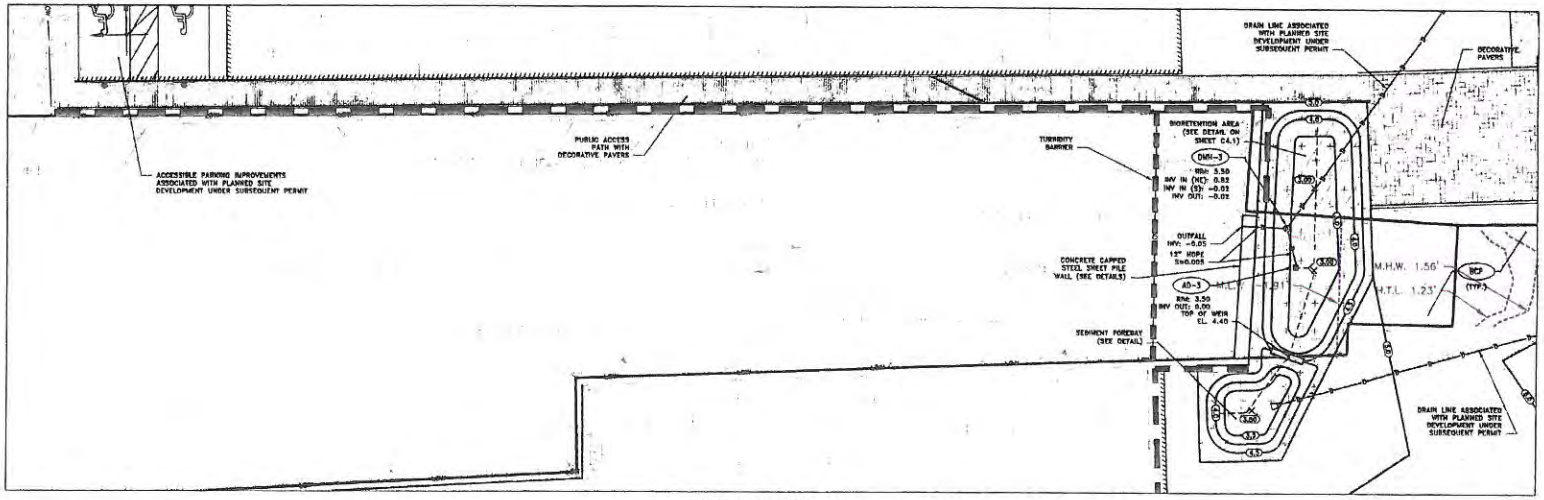


DEMOLITION NOTES:

1. ALL EXISTING DRAINAGE SHALL BE MAINTAINED OR REROUTED UNTIL PERMANENT PIPING IS INSTALLED.
2. CONSTRUCTION ENTRANCE LOCATIONS SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE.

SITE PREPARATION AND DEMOLITION

SCALE: 1"=10'±



SITE IMPROVEMENTS

SCALE: 1"=10'±

Graphic Scale 1"=10'

10' 5' 0 10' 20'

SITE IMPROVEMENTS NOTES:

1. ALL UTILITY STRUCTURES TO REMAIN WITHIN THE LIMIT OF WORK SHALL BE ADJUSTED TO GRADE.
2. ALL UTILITIES ARE TO REMAIN IN PLACE UNLESS OTHERWISE INDICATED.
3. SITE GRADES SHALL CONFORM TO ADA REQUIREMENTS. IN AREAS WHERE THESE REQUIREMENTS CANNOT BE MET, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IN WRITING FOR RESOLUTION.
4. SEE SHEET C4.2 FOR PLANTING SCHEDULE.
5. THE EXISTING WALL SHALL BE REMOVED AND DISPOSED TO THE EXTENT NECESSARY TO CONSTRUCT BIORETENTION AREA AND ASSOCIATED IMPROVEMENTS.

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FOXBORO, MA 02035
508-543-1755

LANCE A. HILL
No. 9284
REGISTERED PROFESSIONAL ENGINEER
CIVIL

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

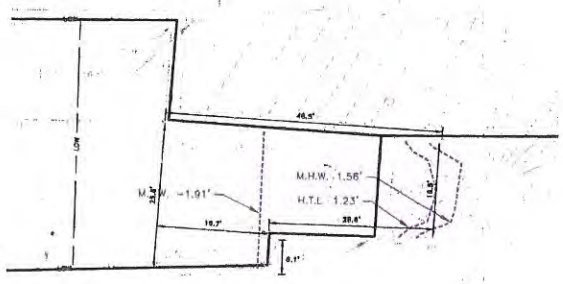
PROJECT NO:	14249.05
SCALE:	1"=10'
DRAWN BY:	AWB
CK'D BY:	GSB
DATE:	FEBRUARY 2018
REVISION:	MARCH 2, 2018
REVISION:	MARCH 22, 2018
REVISION:	
SHEET TITLE	

BOAT RAMP DEMOLITION AND IMPROVEMENTS PLAN

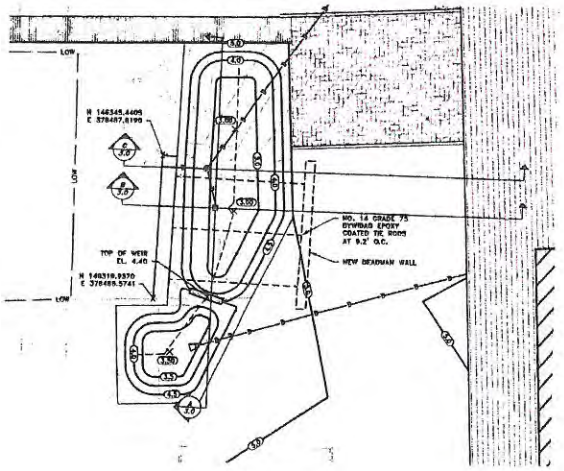
C2.0

SHEET 6 OF 9

PERMIT SUBMISSION



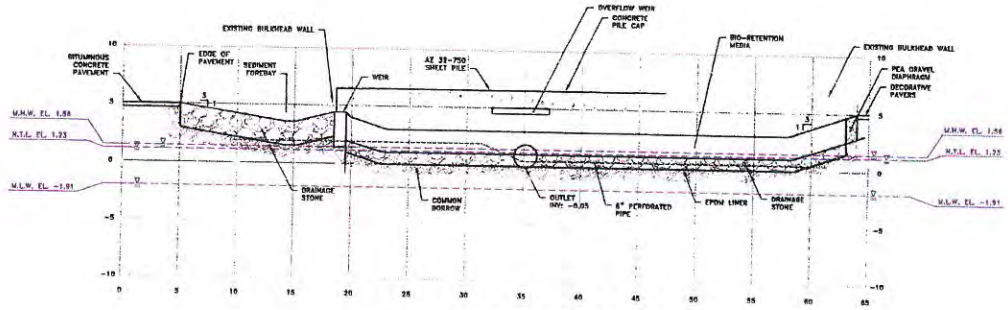
EXISTING BOAT RAMP SKETCH
SCALE: 1"=10'±



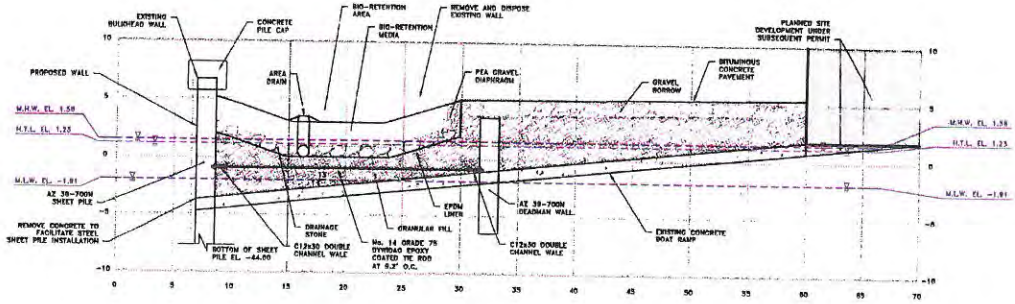
SITE SKETCH
SCALE: 1"=10'±

Graphic Scale 1"=10'

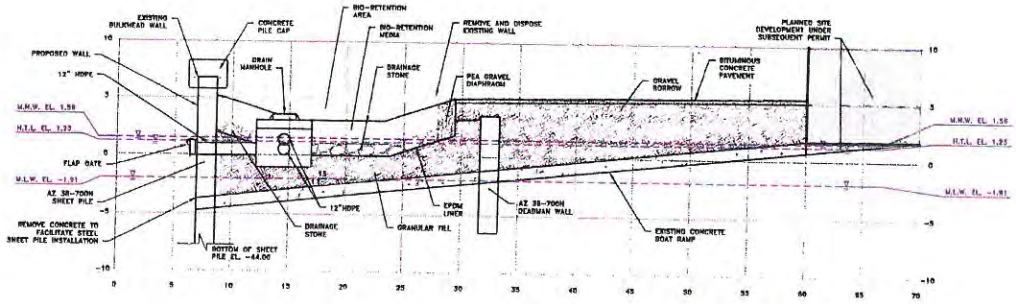
10' 5' 0 10' 20'



SECTION A
SCALE: 1"=5'



SECTION B
1"=5'



SECTION C
1"=5'

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508-543-1755

LANCE A. HILL
No. 8986
REGISTERED PROFESSIONAL ENGINEER
CIVIL

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14246.05
SCALE:	AS NOTED
DRAWN BY:	AWB
CHK'D BY:	GMB
DATE:	FEBRUARY 2018
REVISION:	MARCH 2, 2018
REVISION:	MARCH 22, 2018
REVISION:	
SHEET TITLE	

BOAT RAMP CROSS SECTION PLAN

C3.0

SHEET 7 OF 9

PERMIT SUBMISSION

GENERAL NOTES

1. TREE BOX FILTER SHALL BE CONTECH, FILTERRA, STORM TREE, TREEPOD BIOFILTER OR APPROVED EQUIVALENT.
2. STRUCTURE SHALL MEET 300 PSF PEDESTRIAN LOAD RATING WITH HIGH SURCHARGE. MANHOLE COVERS SHALL MEET AASHTO M306.
3. TREEBOX DIMENSIONS ARE LISTED IN THE TABLE WITHIN THIS DETAIL. SEE DRAINAGE PLAN FOR LAYOUT AND CONFIGURATION.

INSTALLATION NOTES

4. ANY SUB-BASE, BACKFILL DEPTH, AND/OR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED BY ENGINEER OF RECORD.
5. CONTRACTOR TO INSTALL JOINT SEALANT BETWEEN ALL VAULT SECTIONS AND ASSEMBLE VAULT.
6. CONTRACTOR TO PROVIDE, INSTALL, AND GROUT PIPES. BAYERTS SHALL BE AS INDICATED ON DRAINAGE PLAN.
7. CONTRACTOR TO SUPPLY AND INSTALL INLET PROTECTION BAR IF REQUIRED BY LOCAL JURISDICTION.
8. CONTRACTOR TO TAKE APPROPRIATE MEASURES TO PROTECT TREEBOX FILTER AND OUTLET BAY FROM CONSTRUCTION-RELATED EROSION RUNOFF.
9. MANUFACTURER IS RESPONSIBLE FOR ACTIVATION OF THE SYSTEM AND PLANTING OF THE PLANT THAT IS SPECIFIED. ACTIVATION ONLY OCCURS WHEN THE SITE IS FULLY STABILIZED, FINAL PAVEMENT INSTALLED AND SWEPT CLEAN OF CONSTRUCTION SEDIMENT.

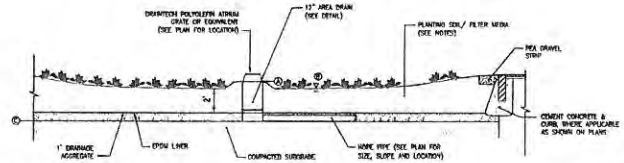
MATERIAL NOTES

1. THE PLANTING SOIL/FILTER MEDIA SHOULD BE A MIXTURE OF SAND, COMPOST, AND SOIL:
   - 40% SAND *
   - 20-30% TOPSOIL *
   - 30-40% COMPOST *

   * PERCENTAGES BY VOLUMES
2. THE SOIL MIX SHOULD BE UNIFORM, FREE OF STONES, STICKS, STUMPS, ROOTS, LARGER THAN 2 INCHES. CLAY CONTENT SHOULD NOT EXCEED 5%. SOIL PH SHOULD BE BETWEEN 5.5 AND 6.5 AND SHALL MEET ALL OTHER REQUIREMENTS OF SECTION 32.8230
3. THE SAND COMPONENT SHOULD BE GRAVELLY SAND THAT MEETS ASTM D 422.

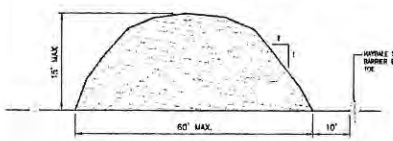
SIEVE SIZE	PERCENT PASSING
3 INCH	100
3/4 INCH	70-100
1/4 INCH	55-80
No. 40	15-40
No. 200	0-3

4. THE TOPSOIL COMPONENT SHALL BE A SANDY LOAM, LOAMY SAND OR LOAM TEXTURE.
5. THE COMPOST COMPONENT MUST BE PROCESSED FROM AN COMPOST MEETING THE MODERN RULES AND REGULATIONS FOR AGRICULTURAL COMPOSTING.



BIORETENTION AREA	①	②	③
	EL. FT.	EL. FT.	EL. FT.
BIORETENTION AREA 1	3.50	3.00	0.00

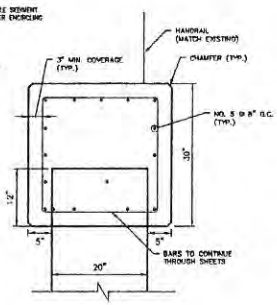
BIO-RETENTION AREA
NOT TO SCALE



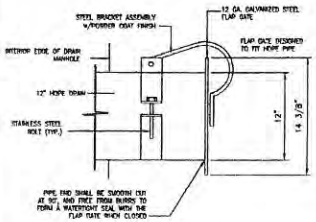
NOTES:

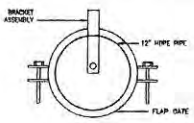
1. STOCKPILE AREA SHALL NOT EXCEED SPECIFIED DIMENSIONS WITHOUT APPROVAL FROM ENGINEER.
2. STOCKPILED ERODIBLE MATERIAL THAT WILL NOT BE USED FOR GREATER THAN 30 DAYS SHALL BE STABILIZED WITH TEMPORARY VEGETATION IMMEDIATELY FOLLOWING PLACEMENT

ERODIBLE MATERIAL STOCKPILE
NOT TO SCALE



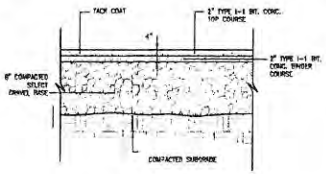
PILE CAP
NOT TO SCALE



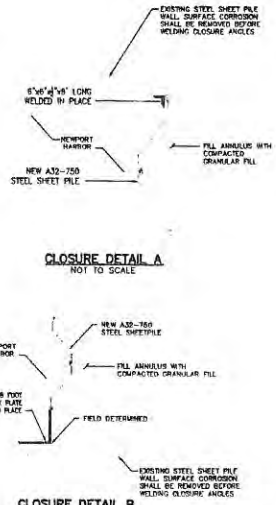


SECTION

FLAP GATE
NOT TO SCALE

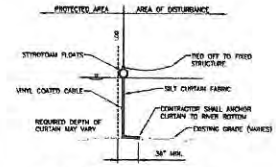


STANDARD PAVEMENT
NOT TO SCALE

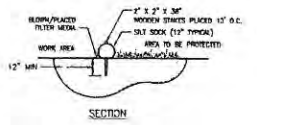


CLOSURE DETAIL A
NOT TO SCALE

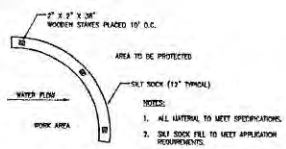
CLOSURE DETAIL B
NOT TO SCALE



TURBIDITY BARRIER
NOT TO SCALE



SECTION



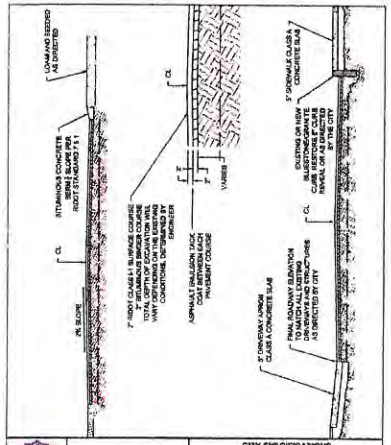
NOTES:

1. ALL MATERIAL TO MEET SPECIFICATIONS.
2. SILT SOCK FILL TO MEET APPLICATION REQUIREMENTS.
3. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.

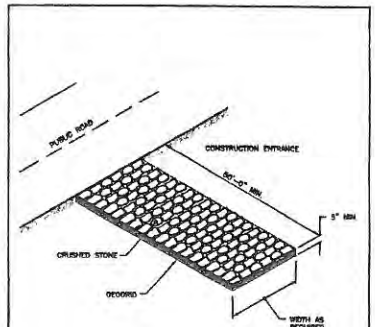
PLAN

COMPOST SOCK EROSION CONTROL
NOT TO SCALE
ACCEPTABLE SUBSTITUTIONS MAY INCLUDE SILTSOXX, CORR LOGS, STRAW WATTLES, OR EQUIVALENT APPROVED BY ENGINEER.

NOTE:
ANY MANUFACTURER'S NAMES AND/OR MODEL NUMBERS IDENTIFIED HEREIN ARE INTENDED TO ASSIST IN ESTABLISHING A GENERAL LEVEL OF QUALITY, CONFIGURATION, FUNCTIONALITY, AND APPEARANCE REQUIRED. THIS IS NOT A PROPRIETARY SPECIFICATION AND IT SHOULD BE NOTED THAT "OR APPROVED EQUAL" APPLIES TO ALL PRODUCTS DENOTED HEREIN. IT IS UNDERSTOOD THAT ALL MANUFACTURERS WILL HAVE MINOR VARIATIONS IN CONFIGURATION, APPEARANCE, AND PRODUCT SPECIFICATION TO ENCOURAGE OPEN AND COMPETITIVE INVOLVEMENT FROM MULTIPLE MANUFACTURERS THAT ARE ABLE TO SUPPLY SIMILAR PRODUCTS.

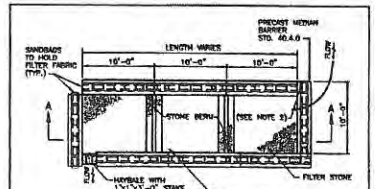


CITY OF NEWPORT DEPARTMENT OF PUBLIC SERVICES	CITY SPECIFICATIONS		
	TYPICAL ROADWAY SECTION DETAIL		
	REVISION DATE: MARCH 2011	SCALE 1"=40'	FIGURE 1.01

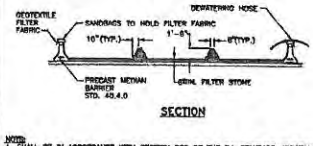


NOTE:
SHALL BE IN ACCORDANCE WITH SECTION 211 OF THE R.I. STANDARD SPECIFICATIONS.

REVISIONS			RHODE ISLAND DEPARTMENT OF TRANSPORTATION	
NO.	BY	DATE	CONSTRUCTION ACCESS	R.I. STANDARD 9.9.0
			JUNE 15, 1998	



PLAN



SECTION

NOTES:
1. SHALL BE IN ACCORDANCE WITH SECTION 208 OF THE R.I. STANDARD SPECIFICATIONS.
2. PROVIDE ADDITIONAL SAND BAGS AS REQUIRED TO FILL SPACE BETWEEN ADJACENT BARRIERS.
3. FILTER BAG MAY BE SUBSTITUTED WITH ENGINEER'S APPROVAL.

REVISIONS			RHODE ISLAND DEPARTMENT OF TRANSPORTATION	
NO.	BY	DATE	DEWATERING BASIN	R.I. STANDARD 9.7.0
			JUNE 15, 1998	

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508-543-1755

LANCE A. HILL
No. 17066
REGISTERED PROFESSIONAL ENGINEER
CIVIL

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14299.06
SCALE:	AS NOTED
DRAWN BY:	AWB
CHKD BY:	GRD
DATE:	FEBRUARY 2018
REVISION:	MARCH 22, 2018
REVISION:	
REVISION:	
SHEET TITLE	

CIVIL DETAILS 1

C4.1

SHEET 4 OF 9

PERMIT SUBMISSION

PLANT SCHEDULE*

TREES CY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
FT	Fagus sylvatica 'Dawyck Gold' / European Beech	B&B	2"-2.5" Cal.	
CS	Cornus mas 'Golden Glow' / Cornelian Cherry	B&B	2"-2.5" Cal.	
JC	Juniperus virginiana 'Canaert' / Canaert Juniper	B&B		
MS	Magnolia x 'Butterflies' / Magnolia	B&B		6/7'

SHRUBS CY	BOTANICAL NAME / COMMON NAME	CONT
CK	Clethra alnifolia 'Ruby Spice' / Ruby Spice Clethra	3 gal
CN	Cornus sericea 'Kelseyi' / Kelseyi Dogwood	3 gal
HO	Hydrangea quercifolia 'Snow Queen' / Snow Queen Oakleaf Hydrangea	3 gal
IC	Ilex verticillata 'Chesapeake' / Red Sprite Winterberry	3 gal
MP	Myrica pensylvanica / Northern Bayberry	3 gal
RT	Rhus typhina / Staghorn Sumac	3 gal
RR	Rosa x 'Blushing Knockout' / Rose	3 gal
RF	Rosa x 'Flower Carpet Pink' / Rose	3 gal
TD	Taxus x media 'Dark Green' / Yew	3 gal

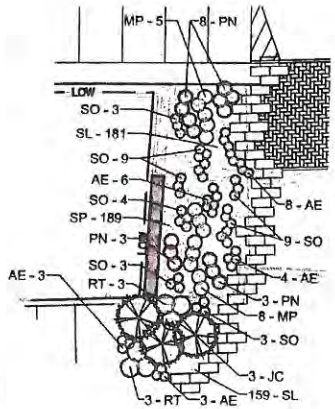
ORNAMENTAL GRASSES CY	BOTANICAL NAME / COMMON NAME	CONT
FM	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass	#1
PM	Panicum virgatum 'North Wind' / Northwind Switch Grass	#1
PH	Pennisetum alopecuroides 'Hamelin' / Hamelin Dwarf Fountain Grass	#1

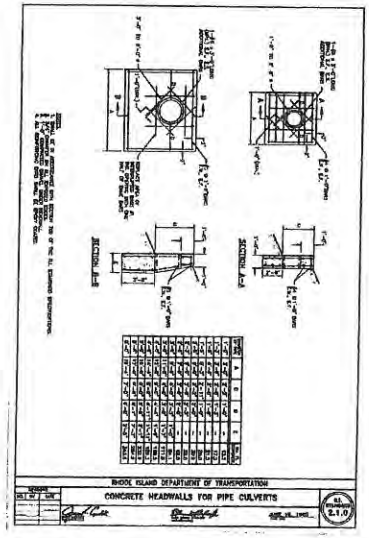
PERENNIALS AM	BOTANICAL NAME / COMMON NAME	CONT
	Achillea millifolium / Lady's Mantle	#1
AP	Aster dumosus 'Professor Kippenberg' / New York Aster	#1
AE	Aster novae-angliae / New England Aster	#1
PR	Perovskia atriplicifolia 'Rocketman' / Russian Sage	#2
RS	Rudbeckia fulgida 'sullivantii' 'Little Goldstar' / Coneflower	#1
SO	Solidago sempervirens / Seaside Goldenrod	#1

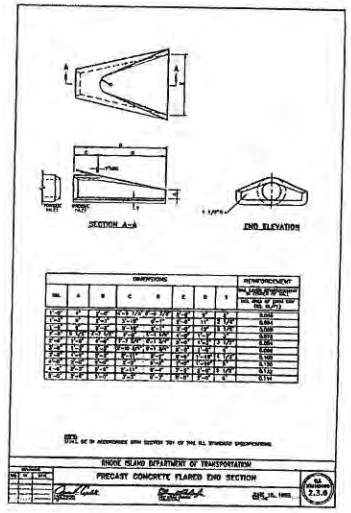
SHRUB AREAS SS	BOTANICAL NAME / COMMON NAME	CONT	SPACING
	Schizachyrium scoparium 'Standing Ovation' / Little Bluestem Grass	#1	18" o.c.

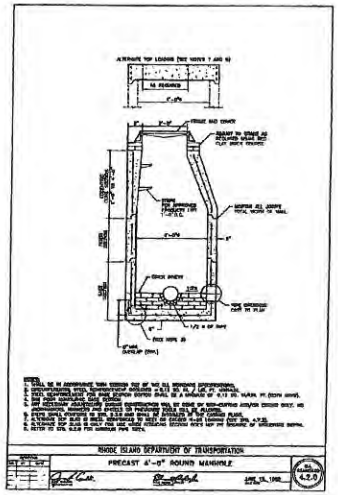
GROUND COVERS SL	BOTANICAL NAME / COMMON NAME	CONT	SPACING
	Schizachyrium scoparium 'Prairie Black' / Little Bluestem Grass	#1	18" o.c.
EP	Nuattha polaris / Soft Meadow Cord Grass	#1	18" o.c.

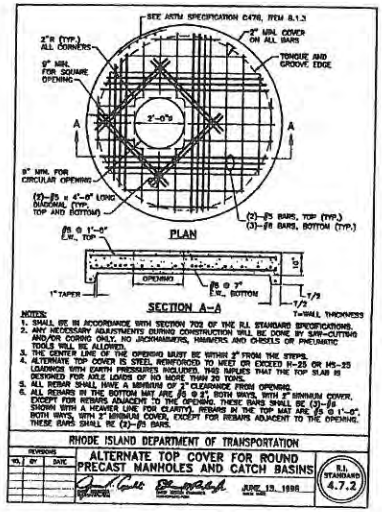
* SHOWN FOR INFORMATIONAL PURPOSES ONLY. PLANTING SCHEDULE DEVELOPED BY TRAVERSE LANDSCAPE ARCHITECTS.

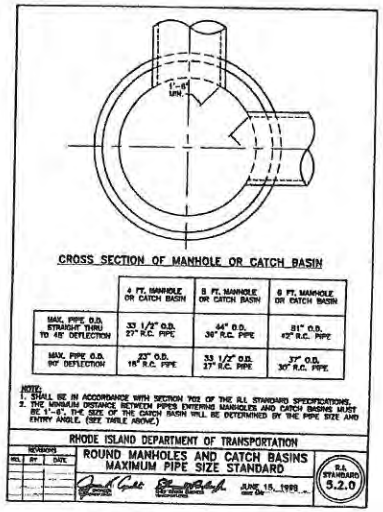




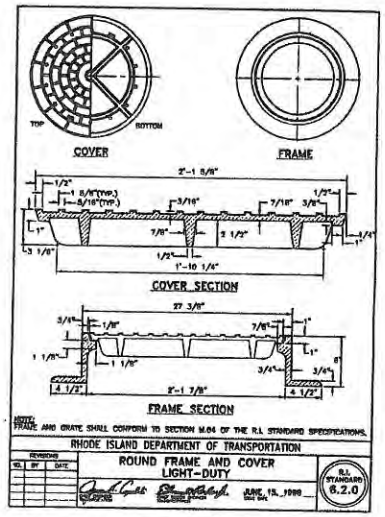








	4 FT. MANHOLE OR CATCH BASIN	5 FT. MANHOLE OR CATCH BASIN	6 FT. MANHOLE OR CATCH BASIN
MAX. PIPE O.D. STRAIGHT THRU TO 45° DEFLECTION	33 1/2" O.D. 27" R.C. PIPE	44" O.D. 36" R.C. PIPE	51" O.D. 42" R.C. PIPE
MAX. PIPE O.D. 90° DEFLECTION	27" O.D. 18" R.C. PIPE	33 1/2" O.D. 27" R.C. PIPE	37" O.D. 30" R.C. PIPE



OWNER

PEREGRINE GROUP LLC
www.PeregrineGrp.com

CONSULTANTS

PARE CORPORATION
ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
508-543-1755

LANCE A. HILL
No. 9706
REGISTERED PROFESSIONAL ENGINEER
CIVIL

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14148.05
SCALE:	AS NOTED
DRAWN BY:	JWS
CHKD BY:	GBD
DATE:	FEBRUARY 2018
REVISION:	MARCH 23, 2018
REVISION:	
REVISION:	
SHEET TITLE	

CIVIL DETAILS 2

C4.2

SHEET 8 OF 8

RECEIVED
MAR 23 2018
COASTAL RESOURCES

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

MEETING NOTICE

Site Address: 4 Commercial Wharf; plat 27; lots 77,78
Site Town: Newport

August 2, 2018

Proj. Desc: **Fill an existing boat ramp and associated tidal waters to accommodate the construction of a stormwater treatment facility (bioretention area) designed to treat a portion of the stormwater runoff associated with a future redevelopment proposal for the site to include the construction of a new hotel building and associated site improvements. The site redevelopment will be the subject of a future (separate) CRMC application. Public access improvements are proposed to compensate for the filling of tidal waters (and for future commercial redevelopment of the site, in part).**

The application for State Assent of **SW 281 LLC** CRMC File Number **2018-02-061** will be reviewed at the next meeting of the Coastal Resources Management Council. If you are the applicant, it is necessary that you be present at the meeting to answer any questions that may arise. Please be advised that a copy of the CRMC staff engineer and biologist reports may be obtained from the CRMC offices in Wakefield for the applicant or his/her attorney. Interested parties may attend and present evidence for or against, or for informational purposes in accordance with CRMC rules. Parties interested in this matter are encouraged to review the latest information contained in this file and also should refer to Management Procedures 5.3(8) among others for additional information.

The meeting is to be held at **6:00 p.m.** ***(please be advised that the CRMC Educational series begins at 6:00 p.m.)*** on **Tuesday, August 28, 2018** in **Conference Room A, at the Administrative Building, One Capitol Hill, Providence, RI**. Evidence or testimony regarding this case may be submitted at the time of the meeting (see CRMC Management Procedures). The CRMC office policy for public review of files scheduled for review by the full Council states that they are available to the public until 12:00 p.m. on the day of the meeting. **Please confirm application's hearing status via CRMC website (www.crmc.ri.gov) or by calling 401-783-3370.**

Parties interested in/or concerned with the above mentioned matter are invited to be present and/or represented by counsel at the above mentioned time and place. This meeting place is accessible to individuals with disabilities. The meeting location is accessible to handicapped persons. Any individual requiring a reasonable accommodation in order to participate in this meeting should contact CRMC offices at least 72 hours prior to the meeting.

Sincerely yours,

Lisa A. Turner

Lisa A. Turner, Office Manager
Coastal Resources Management Council

/lat

CRMC File No. 2018-02-061 – Scotts Wharf LLC
Mailing List

SW 281, LLC
Rumford Center Bldg 3
20 Newman Avenue; Suite 1005
Newport, RI 02840

Paraport, LLC
Michael Parascandolo
18 Sage Court
Johnston, RI 02919

The Newport Bay Club Owners Association
337 Thames Street
Newport, RI 02840

SW 46, LLC
Rumford Center; bldg. 3
20 Newman Avenue, Suite 1005
Rumford, RI 02916

CRMC (2018-02-061)
O. S. Government Center
4808 Tower Hill Road, Rm 116
Wakefield, RI 02879

Pare Corporation
Attn: Briscoe Lang, PWS
8 Blackstone Valley Place
Lincoln, RI 02865

Terrence Tierney, Esq. -- Tierneylaw@yahoo.com
35 Touro Street
Newport, RI 02840

Mike Ruben, Esq.
232 Raleigh Avenue
Pawtucket, RI 02860

Rich Lucia

From: Gary DeBlois <gdeblois@parecorp.com>
Sent: Wednesday, August 08, 2018 1:09 PM
To: Rich Lucia
Cc: Briscoe Lang; Sam Bradner (sbradner@peregrinegrp.com); Sean Coffey, Esq.; Dave Reis
Subject: CRMC #2018-02-061 Alternatives Analysis - 14249.05
Attachments: SWM Alternatives Analysis Tech Memo_20180719.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Rich,

Please see the attached Alternatives Analysis Memorandum which was sent to Save the Bay on July 19, 2018.

As we discussed over the phone yesterday afternoon, I've looked further into the concept of treating stormwater on the western side of the northern pier, as you suggested. I've provided a quick breakdown of the dimensional limitations associated with this alternative.

- The existing elevation in the this area is approximately 4.00 feet.
- Traveling due east along the bulkhead, existing elevation 5.00 feet is approximately 170 feet away. (It should be noted that a drainage area extending this far to the east still would not provide enough treatment to meet the requirements for redevelopment)
- The minimum dimension of a catch basin from rim to pipe invert (assumed 8" pipe) is approximately 2.33 feet.
- Assuming a catch basin were installed at existing elevation 5.00 as described above, the pipe invert elevation exiting the catch basin would be at 2.67 feet.
- Installation of 170 linear feet of pipe at the minimum allowable slope of 0.5% requires 0.85 feet vertically. The invert of the pipe entering a stormwater treatment practice at the suggested location would be at elevation 1.82 feet.
- Based on previous discussions with CRMC, discharge pipe inverts must be above the projected mean sea level elevation of 1.89 feet (year 2050) to meet projected sea level rise requirements.
- *Under the conditions described above, without adding any form of stormwater treatment, the discharge pipe invert is below the projected mean sea level elevation (year 2050).*
- Please note that this breakdown is conceptual in nature and generally utilizes "best case" assumptions and minimum design criteria.
- Please note that elevations provided above are NAVD88.

Please give me a call on my cell (401-580-0369) if you have questions or would like to discuss further.

Thanks,
Gary

Gary B. DeBlois
Senior Project Engineer
Pare Corporation
10 Lincoln Road, Suite 210
Foxboro, MA 02035
T 508.543.1755 (x5228) F 508.543.1881

PARE CORPORATION

MEMORANDUM

DATE: July 19, 2018

TO: Mike Jarbeau, Save the Bay

CC: Kendra Beaver, Save the Bay
Sam Bradner, Scott's Wharf LLC
Sean Coffey, Burns & Levinson
Briscoe Lang, Pare Corporation

FROM: Gary DeBlois, Pare Corporation

RE: **Stormwater Alternatives Analysis**
Hammetts Wharf Boat Ramp Conversion
4 Commercial Wharf, Newport, RI
Pare Project No.: 14249.05

As part of site design, a comprehensive review of options for stormwater management was performed. Various types and locations of stormwater Best Management Practices (BMPs) were considered and compared against the numerous constraints which exist on the site. Evaluation began with an inventory of existing site constraints. This was followed by an analysis of possible stormwater BMPs, and an analysis of potential BMP locations on the site. The evaluation and analysis of stormwater management options at the site are described in greater detail below.

1. Evaluation of Existing Site Constraints

Existing site constraints include the presence of urban fill, tidal effects, the existing bulkhead, existing site topography and existing site geometry.

Presence of Urban Fill
Site history and recent geotechnical investigations indicate that urban fill is present from the surface elevation to an approximate depth of 6 to 14 feet below ground surface. The presence of urban fill indicates that infiltration BMPs are not appropriate for this site.

Tidal Effects on Groundwater
Due to tidal effects, Mean Higher-High Water (MHHW) elevation was used in place of Estimated Seasonal High Ground Water (ESHGW) elevation for design of BMPs. MHHW elevation at the site is 1.80 feet. A majority of the existing site is at an elevation of approximately 5.0 feet, which is approximately 3.2 feet above MHHW, further eliminating the potential use of infiltration BMPs.

Tidal Effects on Outlet Elevation
The height of the tidal elevations, both current and with projected with sea level rise, affect the elevation at which a piped outlet can be located. Routine high tide events impact the potential depth of a piped stormwater outlet to the harbor, subsequently limiting the potential depth of stormwater BMPs. If the outlet is located too low, the pressure of the sea on the outlet will not allow the site to drain. Alternatively, if the outlet is located too high, the quantity of the site capable of draining to the system will be limited. The window of vertical elevation in which an outlet can be feasibly located to function during various tidal conditions and capture and treat runoff from the site is narrow.

Existing Bulkhead
With the exception of the abandoned boat ramp, a bulkhead generally constructed with sheet pile and concrete is located around the entire western edge of the site. It is anticipated that, due to its age, that material composition of the bulkhead behind the observable sheet piles may vary. The existing bulkhead is known to be as much as three feet thick in some locations. It would be difficult to create a new discharge pipe penetration through the existing bulkhead due to its varying geometry, material composition, and relative age. Two existing outlet pipes are present along the bulkhead, however neither has sufficient available capacity to convey post-development stormwater discharges and/or has a compatible vertical to horizontal orientation with respect to the site.

The existing pipe located at the end of Commercial Wharf has a 12-inch diameter with an invert elevation of 0.69 feet located approximately 350 feet from the primary project area. The redevelopment area currently does not drain to that outlet and the existing site is too flat to accommodate a new pipe run to this existing outlet. The other existing pipe has a 4-inch diameter located at west end of Scott's Wharf, approximately 200 feet from the limit of the redevelopment area, with an invert elevation of 2.89 feet. Approximately 5% of the redevelopment area drains to this outlet. Adding flow to either existing outlet which is currently at capacity or undersized could contribute to flooding onsite and is therefore infeasible.

Existing Site Topography
Existing site topography is generally flat with the exceptions being the easternmost edge of the property along America's Cup Avenue and the unused boat ramp. This topography limits the vertical to horizontal ratio across the site. Additionally, there is limited ability to raise the existing grades on the site due adjacent physical constraints. To the west of the site, the existing bulkhead would need to be modified or replaced in order to raise the existing grades. Along the north of the site, the property abuts the City of Newport Right of Way, Commercial Wharf, which provides vehicular access to the site in multiple locations. Significantly raising grades on the site would inhibit vehicular access from the public right of way. Due to the inability to substantially raise grades at the site, available head to capture, treat, convey and outlet stormwater runoff from the site is limited.

Existing Site Geometry
The existing property area is approximately 2.0 acres and currently developed with a two story structure and asphalt parking. Much of the site stretches along two wharfs, separated by a narrow berth. This geometry limits area available for proposed site redevelopment as well as stormwater BMPs. Limited surface area is available for surface level treatment BMPs.

2. Stormwater BMPS Evaluated

Chapter 5 of the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM) identifies 6 categories of BMPs which are approved for water quality treatment of stormwater runoff. These are: Wet Vegetated Treatment Systems (WVTS), Media Filters, Porous Pavement, Infiltration, Open Channel Systems, and Proprietary Units. The feasibility of each of these types of systems became severely limited when the existing site constraints are considered.

WVTS
Per the RISDISM design guidance, WVTS typically require a minimum of 10 acres of contributing area. These systems are not appropriate for small infill and redevelopment sites. Therefore, WVTS were excluded from further analysis.

Infiltration
The evaluation of infiltration at this site proved infeasible due to presence of urban fill soils and lack of vertical clearance to ESHGW. Therefore, infiltration BMPS were excluded from further analysis.

Porous Pavement
Per the RISDISM section 5.4.1, "in order to meet the water quality standard, the bottom of infiltrating permeable pavement practices must be located in the soil profile." Infiltration is infeasible due to the presence of urban fill soils and lack of clearance to groundwater. Therefore, porous pavement was excluded from further analysis.

Filtering systems
Filtering systems include sand filters, bioretention areas, organic filters, and tree box filters. Filtering systems are designed to accept flow at the top of the media and drain the runoff vertically through a minimum of 12 inches of the selected filter media. Since infiltration is not feasible for this site, underdrains would be necessary to convey the water which is filtered through the media to a discharge point in Newport Harbor. These systems do not rely on infiltration for treatment and are therefore a feasible option for treatment. Tree box filters are generally appropriate for redevelopment and infill sites due to their limited surface footprint.

A constraint of closed bottom filtering systems is the minimum vertical profile. With 3 inches of ponding space, 3 inches of hardwood mulch, 12 inches of filter media, 3 inches of crushed stone and underdrains, the minimum vertical profile is 21 inches. The resulting effect is that these systems are feasible on this site; they should be sited as closely as possible to the proposed outlet such that the piped outlet has the minimum amount of distance to travel.

Green Roof
Similar to a filtering approach, this treatment system provides water quality by means of infiltration through soil media and nutrient uptake from plantings. This treatment system required a flat roof area and cannot accept runoff from surrounding areas. Due to proposed roof slopes, roof configuration, and elevated deck, this treatment system alternative is not feasible.

Open Channel Systems
Open channel systems are vegetated wet or dry swales which convey and store the water quality volume. Open channel systems are typically appropriate for land uses such as roadways, highways or residential developments. Several constraints preclude open channel system from being appropriate for this site including available land area, clearance to groundwater for dry swales, existing grades, and vertical clearance restraints. Therefore, open channel systems were excluded from further analysis.

Proprietary Systems
Two proprietary BMPs are currently approved by RIDEM for water quality treatment: Modular Wetland and Jellyfish Filters. While the onsite constraints do not make these units infeasible, the cost of the systems are prohibitively expensive for installation as part of this project. Additionally, depending on the location, a new piped outlet in the existing bulkhead would need to be cored.

BMPs	Existing Constraints					
	Presence of Urban Fill	Tidal Effects on Groundwater	Tidal Effects on Outlet Elevation	Existing Concrete Bulkhead	Existing Site Topography	Existing Site Geometry
WVTS						Infeasible
Infiltration	Infeasible	Infeasible				
Permeable Pavement	Infeasible	Infeasible				
Filters (Bioretention & Tree Box)		System needs to be lined	Create vertical head constraints	Create vertical head constraints	Create vertical head constraints	Need to maintain access throughout the site
Green Roofs						Infeasible on roofs >20% slope
Open Channel						Infeasible
Proprietary Units		System needs to be anchored for buoyancy				

Table 1. Summary of the feasibility of various BMPs based on existing site constraints.

Based on the analysis described above, it was determined that Filtering BMPs and Proprietary devices were the only feasible options for this site. A bioretention area and tree box filters were selected due to cost and long-term maintenance considerations.

3. Evaluate Potential BMP Locations

Most of the redevelopment site is not in close proximity to an existing outlet or opening in the existing bulkhead. Locations with access to existing outlets in the bulkhead which would not require coring a new outlet are the preferred alternative for selecting a location for a filtering BMP. A new pipe penetration can be built into the proposed bulkhead more safely and securely than creating new penetrations in the existing bulkhead.

Figure 1 provides a visual display of the process of evaluating alternative locations throughout the site for filtering BMPs. Additional descriptions of the locations evaluated for the proposed bioretention area include the following:

1. Eastern Landscape Areas: There are proposed landscape features on the east side of the site adjacent to America's Cup Avenue and the proposed hotel which may be retrofitted as tree box filters. These landscape features are not sized adequately to treat the required water quality volume and have the potential to be in conflict with existing utilities including an existing municipal sanitary sewer main on the property. Additionally, these features are located at a highpoint of the site and cannot accept runoff from surrounding areas, specifically the western driveway.

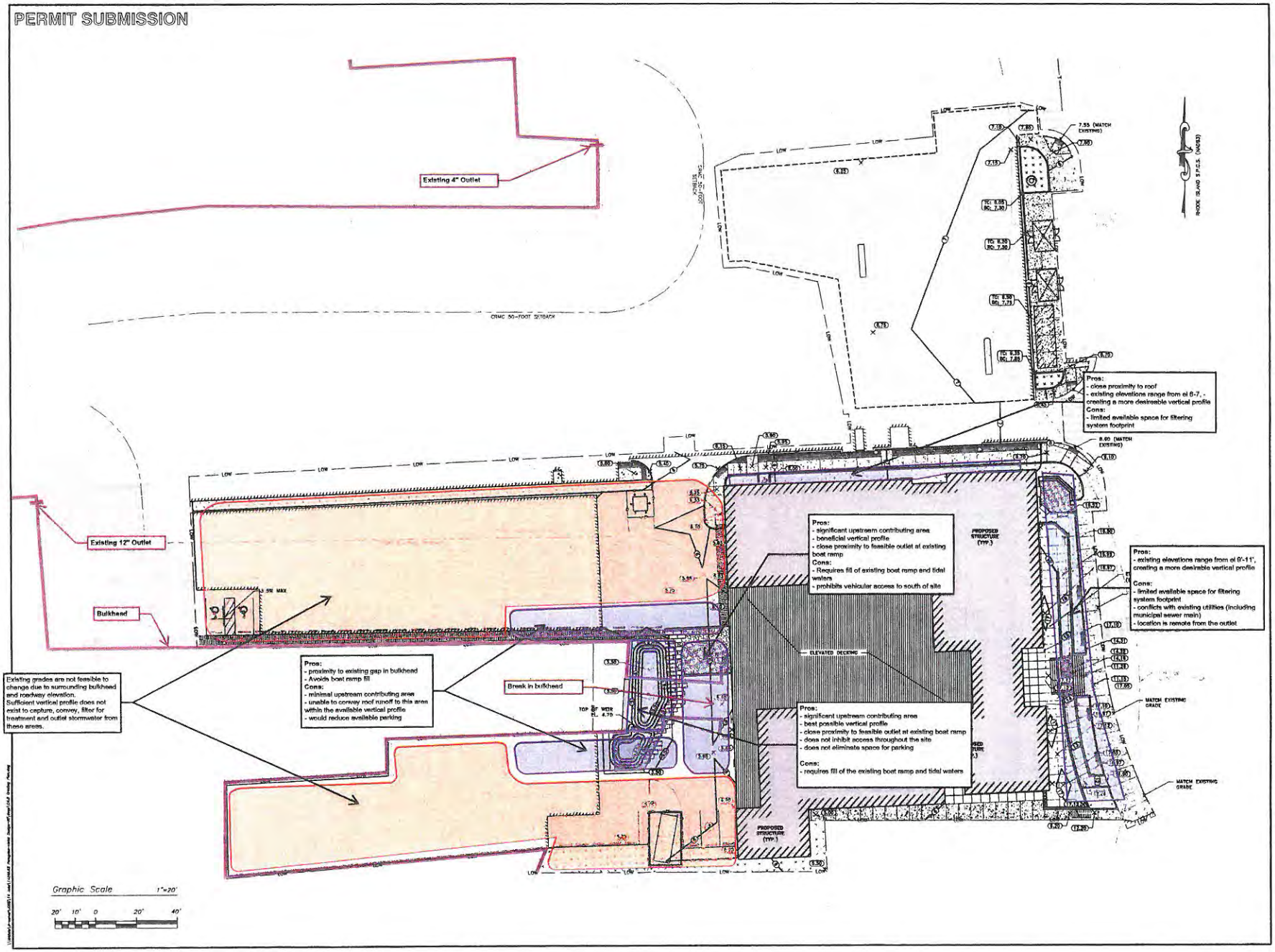
2. Northeast Landscape Areas: There is a proposed landscaped strip on the east side of the site adjacent to Commercial Wharf and the proposed hotel which may be retrofitted as tree box filters. Similarly, these features are located at a higher point of the site and are limited in the quantity of runoff from surrounding areas which they can capture.

3. South and North of Boat Ramp: Existing parking areas would need to be removed for the construction of a bioretention area in either of these locations. These locations are low points with relatively minimal upstream contributing areas. They are in relative close proximity to the existing bulkhead but would be tightly constrained from a vertical perspective. A filtering BMP in either of these locations would require a new bulkhead penetration for the outlet.

4. East of Proposed Bioretention Area: Fill of the unused boat ramp and tidal waters would still be required under this alternative. Additionally, due to the geometry of the existing site, a filtering system in this location would result in restricted access for vehicles and pedestrians to the southern portion. This alternative provides no substantial benefit in comparison to the currently proposed condition as they both involve fill in tidal waters and closure of access to the boat ramp.

The proposed Bioretention area located within the footprint of the existing boat ramp was determined to be the most feasible location on the site for a stormwater practice because it is at a centrally located low point which can accept runoff from surrounding impervious area, has adequate separation between the bottom of the system and ground water, and does not require a new penetration through the existing bulkhead for the outlet pipe.

PERMIT SUBMISSION



OWNER

PEREGRINE GROUP LLC
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CONSULTANTS

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508-543-1755

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14249.05
SCALE:	1" = 20'
DRAWN BY:	AWR
CHK'D BY:	GBD
DATE:	JUNE 29, 2018
REVISION:	
REVISION:	
REVISION:	
SHEET TITLE	

Stormwater BMP Alternatives

FIGURE 1

PEREGRINE

GROUP LLC

August 7, 2018

Mr. David Reis
Supervising Environmental Scientist
Rhode Island Coastal Resources Management Council
Stedman Government Center – Suite 3
4808 Tower Hill Road
Wakefield, Rhode Island 02879

RE: Application # 2018-02-061 (Scott's Wharf, LLC)
Response to Amended Objection of Friends of the Waterfront

Dear Mr. Reis,

Peregrine Group, acting as project manager for the applicant is submitting this letter as a formal response to the Amended Objection Letter issued by Friends of the Waterfront on August 2, 2018 for the above referenced project. Given the complexity and organization of the letter, the applicant is attempting to respond to the issues raised in the order in which they were written.

1. **Regarding provision of a landscape plan**

   A planting schedule for the bio-retention area was provided with the CRMC submittal, dated June 29, 2018. It is our understanding that a landscape plan is not a required exhibit for the CRMC submittal; however, during correspondence with the Friends of the Waterfront a copy of the project's Landscape Plans was requested. As a courtesy to Friends of the Waterfront, Landscape Plans were provided on August 1, 2018.

2. **Regarding "subsuming the base area of Scott's Wharf" at the intersection of America's Cup Avenue**

   We believe this is a reference to the "Limit of Work" line shown which is common for any construction plans and activity in that minor work oftentimes will extend beyond the edge of the improvements; however with no intent to assume ownership or control of these areas.

3. **Regarding Pre-Existing Right of Ways (major objection)**

   As the objector's letter correctly states, this is not the location of the hotel; however, it incorrectly states that this is part of the overall "project". The project and application to CRMC include the following parcels:
   - AP 27/Lot 77
   - AP 27/Lot 28
   - AP 27/Lot 248
   - AP 27/Lot 281

PEREGRINE

GROUP LLC

While not called out in the objector's correspondence, the parcel and area referenced in the letter is:

- AP 27/Lot 244

This lot, while owned by a related entity is separated from the subject lots by a combination of public rights of way including Scott's Wharf and a Fire Lane (see attached exhibit depicting the subject lots in a red outline and the Lot 244 in a purple outline). **Any references to the "project" in the objector's letter that are outside of these lots are incorrect and therefore not relevant to application under review.**

Regarding Parking Lot Striping and Access on Lot 244

With regard to the area in question on Lot 244, in the past, there has been an area of pavement striping across Lot 244 aligned with the referenced "east gate" which abuts a publicly held "harbor walk" that runs east west on the north side of North Commercial Wharf. The objector refers to the striping as a pre-existing right-of way; however, no such right of way has been provided, the owner of the owner of Lot 244 provided that striping at its discretion as a courtesy to access to the public "harbor walk" located to the west. It should be noted that the public can also access the "harbor walk" directly from the North Commercial Wharf right-of-way. During 2018 spring parking maintenance, the lines were inadvertently removed, however these lines have been recently reinstalled.

Regarding the dumpster on Lot 244

As committed to the Friends of the Waterfront and reiterated in multiple conversations with the group, the referenced dumpster, which is on private property (Lot 244) is scheduled to be relocated by the end of the month of August 2018.

As stated to the CRMC staff in the past, applicant representatives have met with representatives of Friends of the Waterfront more than half a dozen times dating back to presenting at its annual meeting in October 2016. The applicant and its representatives have attempted to work through issues in good faith and remain committed to a consensus driven outcome for the project.

Sincerely,

Samuel J. Bradner

Samuel J. Bradner
Principal

Peregrine Group LLC

PLANT SCHEDULE

ALL PLANTS UNLESS OTHERWISE NOTED WITH AN ASTERISKS HAVE BEEN SELECTED FROM THE CRMC COASTAL PLANT GUIDE.

TREES	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
GS	* Gleditsia triacanthos inermis 'Shademaster' / Shademaster Locust	B&B	2"-2.5" Cal.		6
UP	* Ulmus americana 'Princeton' / American Elm	B&B	3"-3.5" Cal.		1
FD	** Fagus sylvatica 'Dawyck Gold' / Upright European Beech	B&B	2"-2.5" Cal.		6
BP	Betula populifolia / Gray Birch Single Stem	B&B		10'-12'	6
JC	Juniperus virginiana / Eastern Red Cedar	5-6' B&B			9

SHRUBS	BOTANICAL NAME / COMMON NAME	CONT	QTY
CR	Clethra alnifolia / Ruby Spice Clethra	5 gal	16
CS	Cornus Sericea / Red Twig Dogwood	5 gal	42
HB	Hydrangea paniculata 'Bobo' / Bobo Hydrangea	3 gal	16
HQ	Hydrangea quercifolia 'Snow Queen' / Snow Queen Oakleaf Hydrangea	5 gal	21
MP	Myrica pensylvanica / Northern Bayberry	5 gal	13
RT	Rhus typhina / Staghorn Sumac	3 gal	6
TD	Taxus x media 'Dark Green' / Yew	3 gal	49

GRASSES	BOTANICAL NAME / COMMON NAME	CONT	QTY
CK	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass	3 gal	16
ES	Eragrostis spectabilis / Purple Love Grass	1 Gal	40
PN	Panicum virgatum 'North Wind' / Northwind Switch Grass	3 gal	14

PERRENIALS	BOTANICAL NAME / COMMON NAME	CONT	QTY
AM	Alchemille mollis / Lady's Mantle	1 Gal	35
AP	Aster dumosus 'Professor Kippenberg' / New York Aster	1 Gal	82
AE	Aster novae-angliae / New England Aster	1 Gal	32
RS	Rudbeckia fulgida'Goldstrum' / Coneflower	1 Gal	40
SO	Solidago sempervirens / Seaside Goldenrod	1 Gal	31

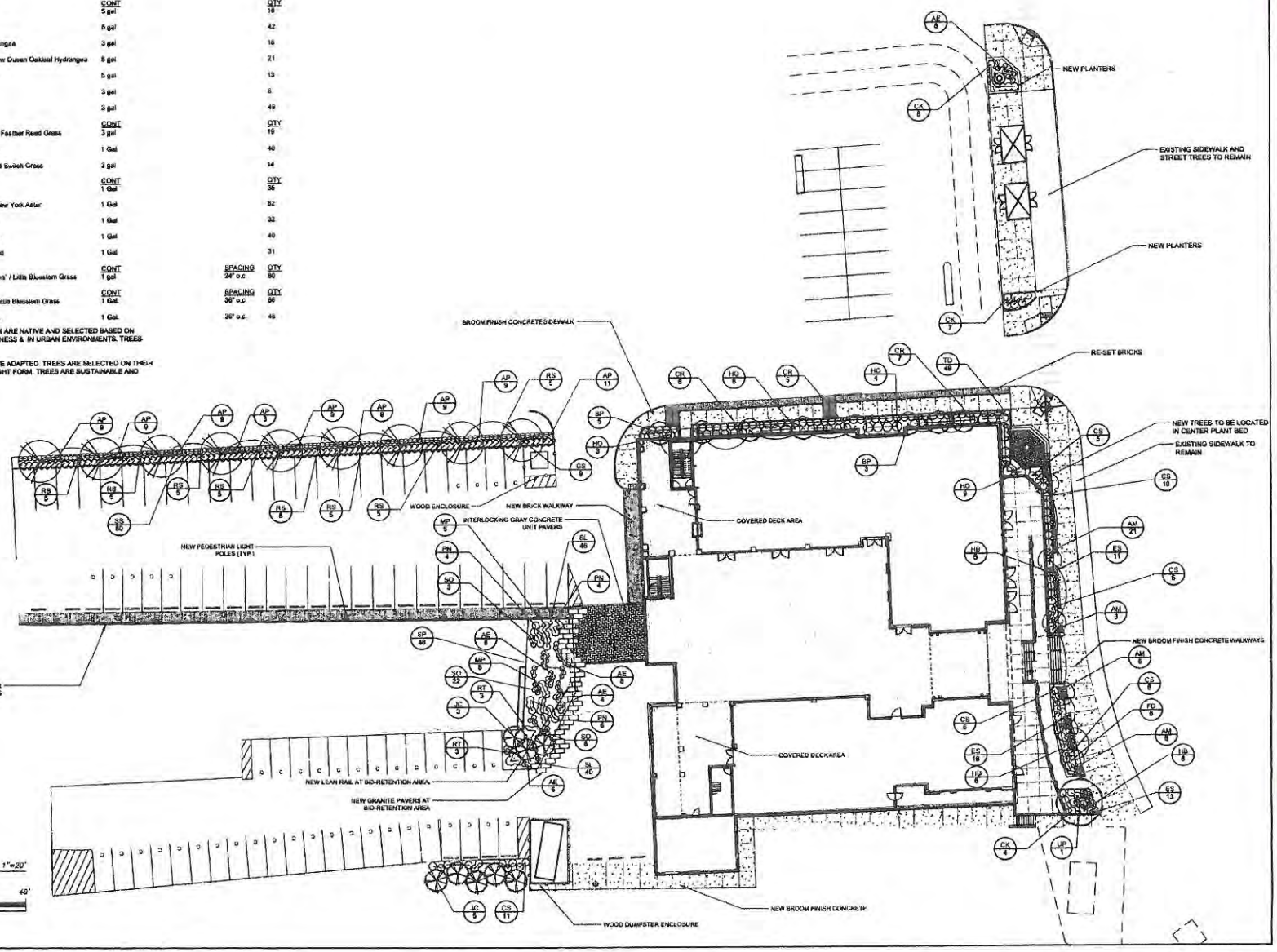
SHRUB AREAS	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
SC	Schizachyrium scoparium 'Standing Ovation' / Little Bluestem Grass	1 gal	24" o.c.	80

GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
SL	Schizachyrium scoparium 'Prairie Blues' / Little Bluestem Grass	1 Gal.	36" o.c.	56
SP	Spartina patens / Salt Meadow Cord Grass	1 Gal.	36" o.c.	46

* THE SHADEMASTER HONEY LOCUST AND AMERICAN ELM ARE NATIVE AND SELECTED BASED ON THEIR VALUE AS BOTH A SHADE TREE AND THEIR HARDINESS & IN URBAN ENVIRONMENTS. TREES ARE SUSTAINABLE AND DROUGHT TOLERANT.

** THE UPRIGHT EUROPEAN BEECH TREES ARE NON-NATIVE ADAPTED. TREES ARE SELECTED ON THEIR HARDINESS IN URBAN ENVIRONMENTS AND THEIR UPRIGHT FORM. TREES ARE SUSTAINABLE AND DROUGHT TOLERANT.

(LANDSCAPE PLAN)



OWNER

PEREGRINE GROUP LLC
www.PeregrineGrp.com

CONSULTANTS

TRAVERSE landscape architects

REGISTERED LANDSCAPE ARCHITECT MITCHELL BRUCKER No. 429

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	14.088.00
SCALE:	
DRAWN BY:	EH
CHK'D BY:	AJ
DATE:	AUG 28, 2015
REVISION:	AUGUST 7, 2018
REVISION:	
REVISION:	
SHEET TITLE	PLANTING PLAN

PLANTING PLAN

LP1.0

SHEET OF 16

THE CITY OF NEWPORT, RHODE ISLAND - AMERICA'S FIRST RESORT
DEPARTMENT OF UTILITIES

Julia A. Forgue, PE
Director

August 3, 2018

David Reis
Coastal Resources Management Council
Oliver H. Steadman Government Center
48089 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

RE: Newport, RI- Proposed Hammetts Wharf Hotel

Dear Mr. Reis,

As I indicated in our phone conversation this morning water and sewer service is available for the referenced proposed development subject to the submission of applications with associated fees for the water and sewer service connections and compliance with conditions of service connection approvals. There are no main extensions required to provide water and sewer service for the development. As I explained the service applications are normally submitted by the contractor who will perform the work.

Please contact me if you have any questions.

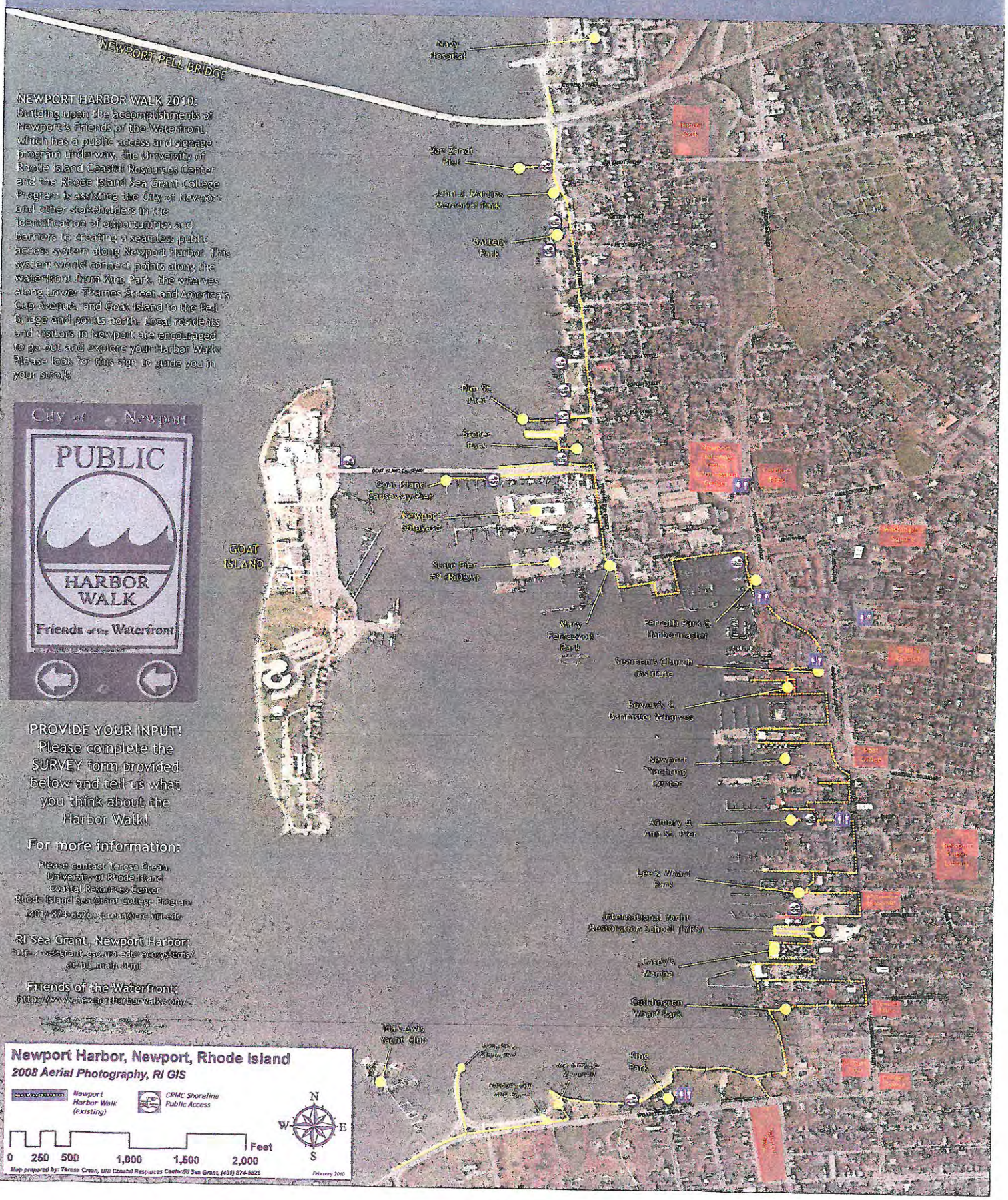
Very Truly Yours,

Julia A. Forgue, PE
Director of Utilities

CC: Sam Bradner, Scotts Wharf, LLC
Gary DeBlois, Pare Corporation

70 Halsey Street • Newport, RI 02840-1332 • tel (401) 845-5600 • fax (401) 846-0947
www.cityofnewport.com

Did you know the City of Newport has a Harbor Walk?



NEWPORT HARBOR WALK 2010:
Building upon the accomplishments of Newport's Friends of the Waterfront, which has a public access and signage program underway, the University of Rhode Island Coastal Resources Center and the Rhode Island Sea Grant College Program is assisting the City of Newport and other stakeholders in the identification of opportunities and barriers to creating a seamless public access system along Newport Harbor. This system would connect points along the waterfront from King Park, the wharves along Lower Thames Street and America's Cup Avenue, and Goat Island to the Pell Bridge and points north. Local residents and visitors in Newport are encouraged to go out and explore your Harbor Walk! Please look for this sign to guide you in your stroll.

City of Newport
PUBLIC
HARBOR WALK
Friends of the Waterfront

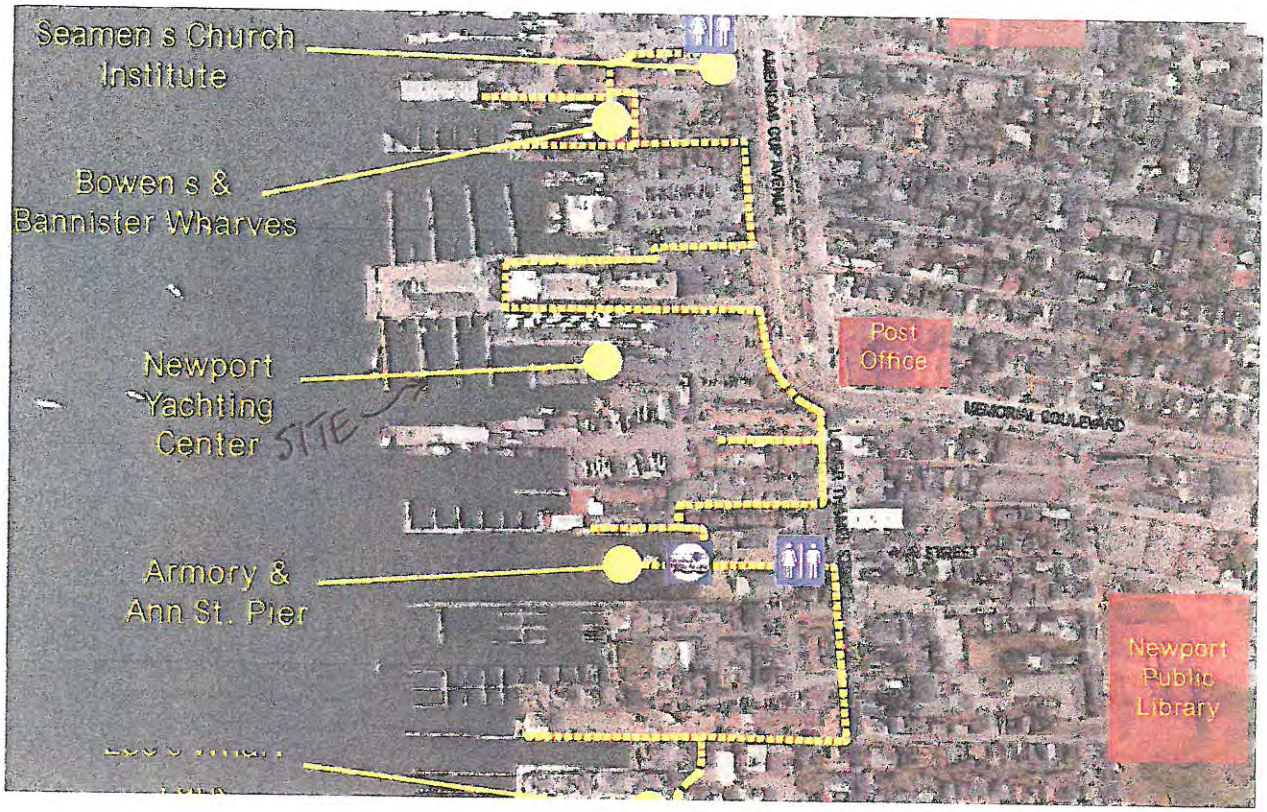
PROVIDE YOUR INPUT!
Please complete the SURVEY form provided below and tell us what you think about the Harbor Walk!

For more information:

Please contact Teresa Crean,
University of Rhode Island
Coastal Resources Center
Rhode Island Sea Grant College Program
(401) 874-6826, tcrean@crc.uri.edu

RI Sea Grant, Newport Harbor:
http://seagrant.gso.uri.edu/ecosystems/ri_hb_main.html

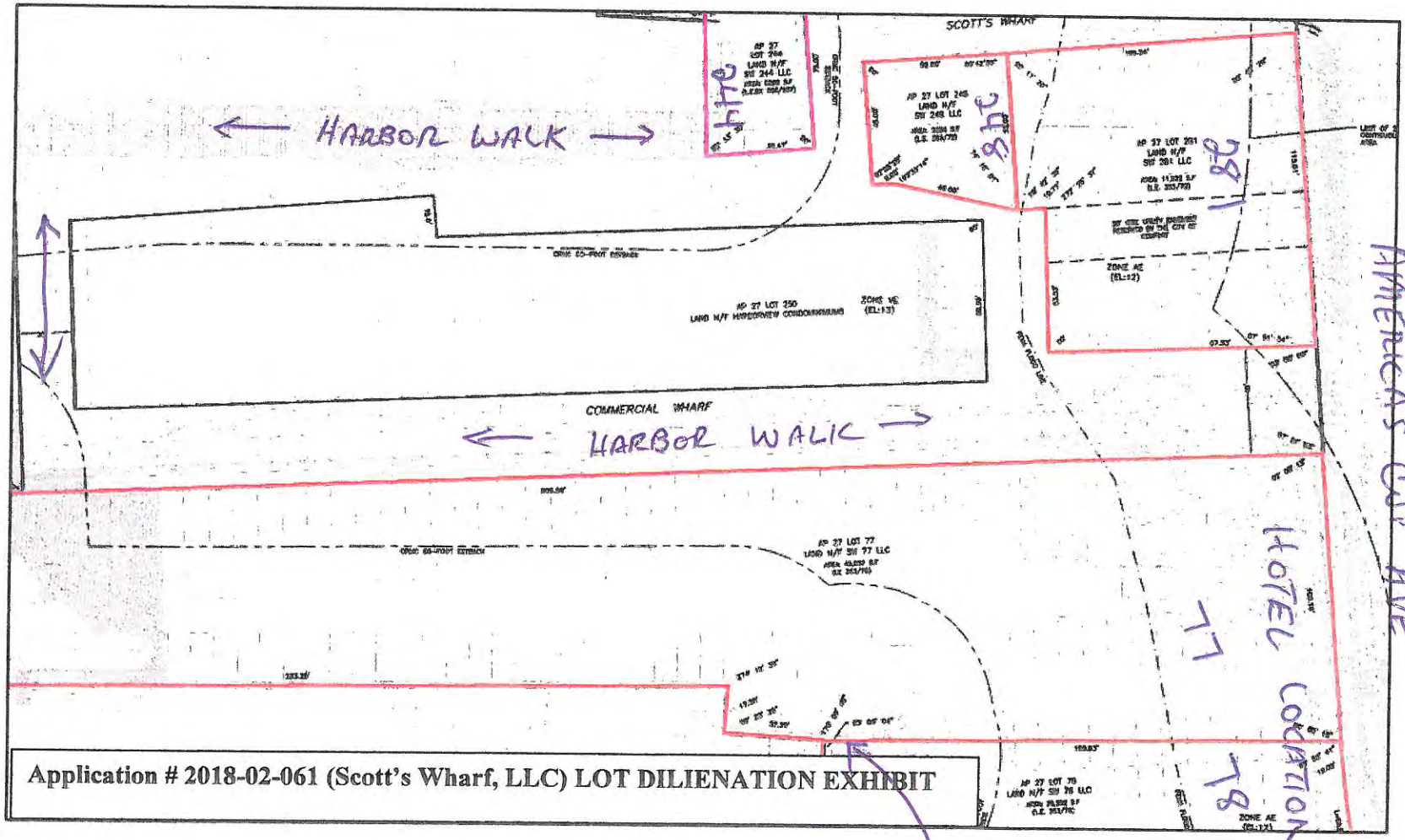
Friends of the Waterfront:
http://www.newportharborwalk.com/



NEWPORT HARBOR WALK
" BLOW-UP "

NEWPORT YACHTING CENTER
IS THE PROJECT LOCATION

PEREGRINE GROUP LLC



Application # 2018-02-061 (Scott's Wharf, LLC) LOT DILIENATION EXHIBIT

PUBLIC ACCESS EASEMENT

GRANT

KNOW ALL MEN BY THESE PRESENTS, that SW__, LLC, a Rhode Island limited liability company, having its principal place of business in the City and County of Newport, State of Rhode Island, hereinafter referred to as the Grantor, for good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant to the City of Newport, a municipal corporation located in said State of Rhode Island, hereinafter referred to as the Grantee, a perpetual right of easement for the benefit of the general public to use for passage by pedestrians on foot over that portion of the Grantor's property indicated as Public Access Area A on that certain plat entitled," Public Access Easement Plan, Pare Corporation Project No. 14249.05, 1"=20', April 27, 2018" ("Plan") subject to the following:

The said use of said Public Access Area A shall be restricted to passage by pedestrians on foot from dawn to dusk during the summer months as defined minimally as June 1st to October 15th excluding the dates reserved for the boat show. At other times of year the said use of Public Access Area A by the public would be limited to the hours from 8 a.m. to 5 p.m.;

Access to said Public Access Area A shall be from Commercial Wharf, so called, through unlocked gates.

By execution of this Grant and the establishment of the easement for access, Grantor does not assume any liability for damages to property or persons arising out of the said use thereof.

The Grantor reserves to itself and its successors and assigns the right to use said Public Access Area A in common with the Grantee but without restriction to the public access granted.

The Grantor also grants to Grantee conditional access to Potential Future Public Access Area B as depicted on said Plan subject to the same terms as set forth above relating to Public Access Area A but which access is conditioned upon public access being granted to the Grantee by the owner of the property which abuts Grantor's property on the south over said property. If the owner of the property which abuts Grantor's property on the south does not grant public access to Grantee over said property then the grant of access over Potential Future Public Access Area B on said Plan will be of no force and effect until such time as public access is granted by said owner.

The grant contained herein shall run with the land and shall be binding on the Grantor and its successors and assigns.

IN WITNESS HEREOF, said SW __, LLC has caused these presents to be executed, by _____, its Authorized Member, hereunto duly authorized, this _____ day of _____, 2018.

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SW __, LLC

By:_____

STATE OF RHODE ISLAND
COUNTY OF NEWPORT

In, _____, in said County on this _____day of _____, 2018, then personally appeared the before named _____, in his capacity as Authorized Member of SW __, LLC, to me known and known by me to be the party who executed the foregoing instrument, and he acknowledged the same to be his free act and deed, individually, in said capacity and the free act and deed of SW __, LLC, before me.

_____
Notary Public
Commission Expires:

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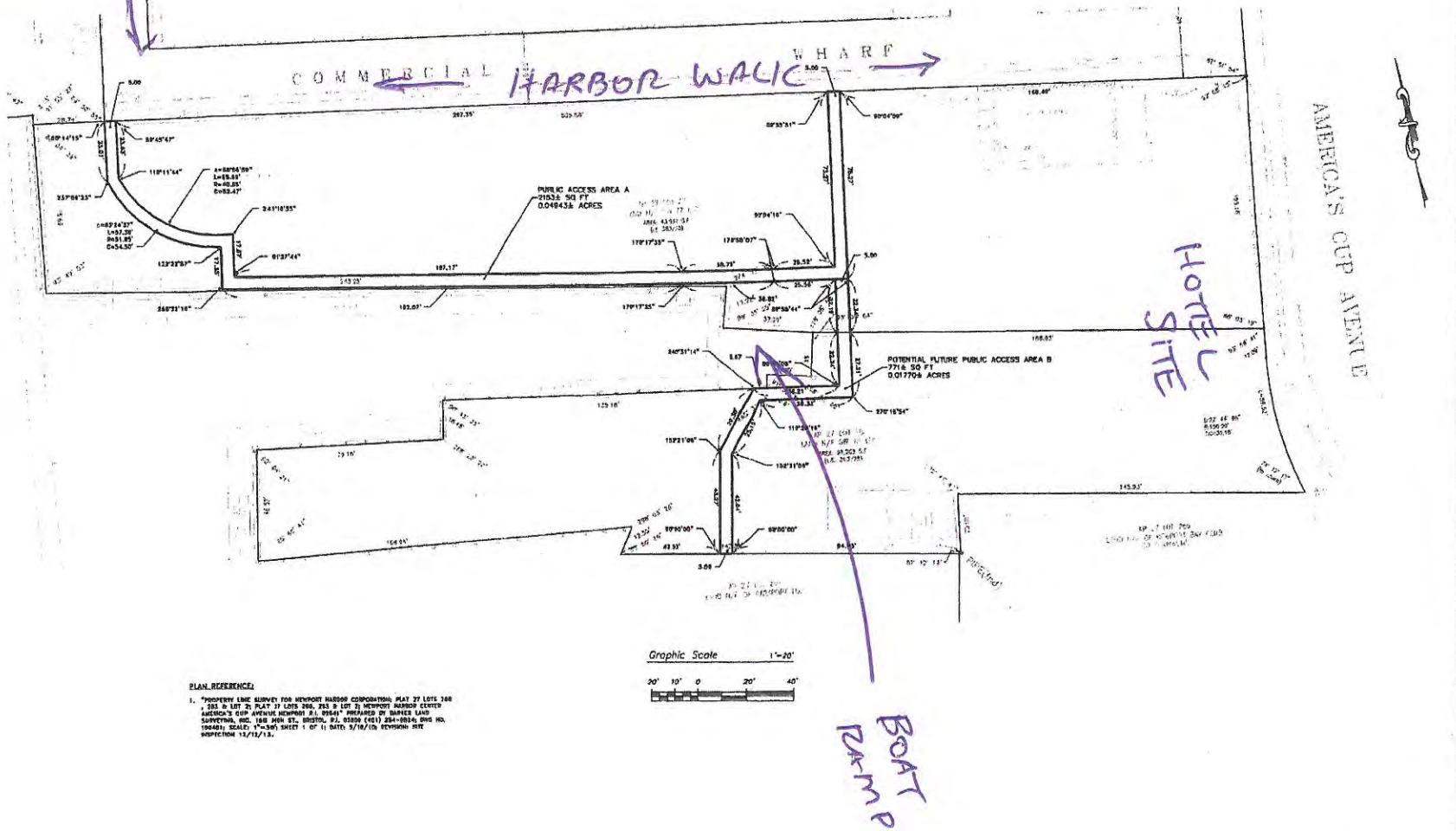
MANAGEMENT COUNCIL



PLAN REFERENCE:

1. "PROPERTY LINE SURVEY FOR NEWPORT HARBOR CORPORATION; PLAT 27 LOTS 268, 283 & LOT 2; PLAT 17 LOTS 266, 263 & LOT 2; NEWPORT HARBOR CENTER AMERICA'S CUP AVENUE NEWPORT R.I. 02841" PREPARED BY BARNES LAND SURVEYING, INC. 160 MAIN ST., BRISTOL, R.I. 02809 (401) 254-0024; DWG NO. 100401; SCALE: 1"=30'; SHEET 1 OF 1; DATE: 5/10/10; REVISION: SITE INSPECTION 12/12/13.

OWNER

PEREGRINE GROUP LLC
www.PeregrinesGrp.com

CONSULTANTS

PARE CORPORATION
ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
508-543-1755

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

PROJECT NO:	1410105
SCALE:	1"=20'
DRAWN BY:	AWS
CHK'D BY:	GJD
DATE:	APRIL 27, 2018
REVISION:	
REVISION:	
REVISION:	
SHEET TITLE:	

PUBLIC ACCESS EASEMENT PLAN

Z1.0

SHEET 1 OF 1

PARE CORPORATION

June 29, 2018

Mr. Jeffrey Willis, Deputy Director
Rhode Island Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

Re: **Supplemental Information**
Hammetts Wharf Boat Ramp Conversion
4 Commercial Wharf, Newport, RI
CRMC Application No. 2018-02-061
Pare Project No. 14249.05

Dear Mr. Willis:

On behalf of the applicant, Scott's Wharf LLC, Pare Corporation (Pare) is submitting the attached supplemental information in support of the Application for State Assent for the Hammetts Wharf Boat Ramp Conversion project currently under CRMC review. The submission is an outcome of ongoing consultation and coordination between the project team and CRMC review staff and is intended to provide the Council with complete information on the full project, of which the boat ramp conversion is a part.

The boat ramp conversion involves fill in Type 5 waters to support a water enhanced commercial use, which is allowable as a Category B activity. Absent the fill in tidal waters the remainder of the project would likely qualify as a Category A activity. Understanding that the Category B process is typically lengthier than the Category A process and given that the design of the boat ramp conversion and stormwater treatment system were previously much further along than the design of the planned site redevelopment, the applicant elected to seek approval for the boat ramp conversion element of the project and submit a separate application for the remainder of the redevelopment once design had been sufficiently advanced. The application for the boat ramp conversion was submitted to CRMC, RIDEM, and the Army Corps of Engineers on February 22, 2018.

The attached documentation is intended to supplement the previously submitted application and includes the following.

- Project Plans entitled Hammetts Wharf Hotel prepared by Pare Corporation dated June 29, 2018;
- Stormwater Management Report including hydrology plans and calculations, hydraulic and tide gate calculations, a sediment and erosion control plan, and an operation and maintenance manual;
- A Narrative Project Description consisting of a summary of the permitting history, a description of the proposed development, demonstration of project consistency with Coastal

▶ 10 LINCOLN ROAD, SUITE 103, FOXBORO, MA 02035 T508-543-1755 F508-543-1881
8 BLACKSTONE VALLEY PLACE, LINCOLN, RI 02865 T401-334-4100 F401-334-4108

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Resources Management Program, and responses to objections received during the Public Notice period;

- A completed Building Officials Form for the landside development;
- A reference chart showing critical project elevations;
- Ground level site photographs; and
- Building elevation views.

We trust that the submitted information is sufficient for staff to continue their review and on behalf of Scott's Wharf, LLC we thank you very much for your consideration of this important project. Should you have questions or require additional information, please contact me by phone at (401) 334-4100 or by email at blang@parecorp.com.

Sincerely,
Pare Corporation

Briscoe B. Lang, PWS
Principal Environmental Scientist

BBL/gd

Encl.

cc: RIDEM Office of Water Resources Water Quality Certification Program
US Army Corps of Engineers
Sam Bradner, Scott's Wharf, LLC
Sean Coffey, Esq., Burns Levinson
Neil Galvin, Esq., Galvin Law

PROJECT NARRATIVE

Supplemental Information
Hammetts Wharf Boat Ramp Conversion
Newport RI
CRMC Application #2018-02-061

1. Project and Application History

In November 2014 the applicant purchased the project site, along with several other properties along the Newport Harbor waterfront. Initial upgrades at the west end of Commercial Wharf included a $1.75 million renovation of the Newport Yachting Center and upgrading the previously existing event venue to create the Bohlin, a higher end wedding and special-event venue. That project involved reconfiguring site access, improving and upgrading the event space, providing new temporary restroom facilities to minimize use conflicts between marina users and event facility patrons, providing new surface treatments including decorative pavers and new bituminous pavement, making exterior renovations to the marina office building and banquet support building, providing landscaping enhancements including new benches and trash receptacles and a new deck, and upgrading the electrical system. The project included a new stormwater management system designed in accordance with the Rhode Island Stormwater Design and Installation Standards Manual that provides treatment to runoff which previously discharged untreated directly to Newport Harbor. The project was permitted through CRMC in 2015 (CRMC #2015-10-087) and the renovations were completed in 2016.

The redevelopment of Hammetts Wharf in some fashion had been under consideration by the owner since the property was purchased. Following the successful completion of the 2016 project, the decision was made to move forward with the hotel project.

A number of pre-application meetings with CRMC staff have been held over the past months to discuss the project and permitting. As part of those discussions, the concept of splitting the project into its Category B (boat ramp conversion) and Category A (hotel and site redevelopment) components was discussed, as were the issues of stormwater management, public access, sea level rise and others. Because the design for the Category B work was more advanced that the hotel design, and because the Category B process is lengthier and approvals would set parameters for the hotel design, the owner elected to submit the Category B application for the boat ramp conversion and to follow up with a separate Category A application for the remainder of the site improvements. It was always the owner's intent to construct the Category B work as part of the full redevelopment project.

The assent application for the boat ramp conversion and stormwater management project was submitted on February 22, 2018. As part of their initial reviews CRMC staff requested additional information on the public access component and the proposed bioretention area. The applicant provided the requested information and, on March 27, 2018 CRMC issued the Public Notice for the application, beginning a 30-day public comment period. On April 16, 2018 the City of Newport requested a 30-day extension of the public comment period to obtain advisory input from the Planning Board and Waterfront Commission. Extension of the public comment period until May 25, 2018 was granted and, in a letter dated May 23, 2018 the City issued a formal finding of no-objection.

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CRMC did, however, receive letters of objection from Friends of the Waterfront and Save the Bay, both dated May 22, 2018, objecting to the project.

During subsequent meetings on June 8, 2018 and June 18, 2018, CRMC staff requested additional technical information related to the design of the bioretention area, expressed concerns regarding the resiliency of the project, in particular with the bioretention area, in light of anticipated sea level rise. CRMC staff asked whether the applicant would consider providing supplemental information on the full development project, which he agreed to do.

2. Project Description

a. Site

The redevelopment site is comprised of four parcels of land designated on Newport Assessor's Plat 27 as Lots 248, 281, 77 and 78 (4 Commercial Wharf) totaling approximately 2 acres in size - nearly all of which is impervious - and is located between America's Cup Avenue to the east and Newport Harbor to the west.

Lots 248 and 281 are adjoining parcels, 0.06± and 0.26± acres in size respectively, and contain a paved parking lot with vehicle drop-arm gates, fencing, timber curbing, and outbuildings housing an ATM, charter boat vendor, and parking payment kiosk. The two lots (a.k.a. Scott's Wharf) are separated from the remainder of the redevelopment site to the south by Commercial Wharf Fire Lane, a public right-of-way. Lot 77 is 1.01± acres in size and contains the two-story Newport Yachting Center (NYC) office building, a paved parking lot, concrete pads, gates, posts, metal fencing, a wood/stone retaining wall along its America's Cup Avenue, landscaped areas, utilities, and posts. The existing building is connected to municipal sewer and water. The western end of the parcel contains an area with brick walkway leading to The Bohlin event facility, a wooden deck, and landscaped areas improved as part of the 2016 Newport Yachting Center renovation project. This portion of Lot 77 is not part of the current redevelopment project. Lot 78 is located adjacent to, and south of, Lot 77. The 0.65± acre parcel is almost entirely paved parking and contains two small sheds and a dumpster. These two lots, herein referred to as Commercial Wharf, form parallel wharfs or piers that are contained by a steel sheet pile bulkhead and extend west into Newport Harbor. Newport Harbor, between the two piers, terminates at the existing obsolete boat ramp that is proposed to be filled under the Category B Assent application.

Topography is very gently sloping from east to west, rarely exceeding elevation 6 feet (NAVD 88) south of the fire lane and between elevation 6 and elevation 8 north of the fire lane.

Currently, the majority of runoff from the site is discharged untreated into Newport Harbor through a series of scuppers and via a closed drainage system that outfalls through the bulkhead. The bulkhead has several existing outlet pipes which are undersized.

b. Proposed Redevelopment

The owner proposes to redevelop the site as a mixed-use facility housing a boutique hotel, a restaurant, and retail and office space. The new facility will include covered and open parking areas and will provide dedicated public access in the form of a pedestrian path along the water. Associated work will include minor utility upgrades, site grading, hardscape and landscaping, pavement resurfacing in selected locations, and stormwater management improvements in accordance with the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM).

The new building will be a 3-story structure on a 22,410 square feet (sf) footprint located on the eastern portion of the site abutting America's Cup Avenue. Vehicles will be directed to enter through a new entrance off Commercial Wharf located a short distance west of the existing entrance, then have the option of entering the underground parking garage which also provides valet parking, or use the general parking spaces. Visitors on foot may enter the hotel via the parking garage entrance or the entrance facing the roadway. In addition to a hotel entrance on America's Cup Avenue the front face of the hotel will have an entrance to the retail shop, restaurant, and an archway leading to an open-air deck that will be accessible to the public. The archway will provide visual access to the waterfront, which is currently obscured by trees and a wrought iron fence. The building will be finished with hardscape and landscaping.

Similar to its current condition, the majority of the site will remain paved and will be utilized for parking. Under the proposed development, the ground level of the hotel structure will be utilized for parking as well. Proposed development of the site is scheduled to provide a minimum of 166 off street parking spaces, including five standard accessible and one van accessible space. During local land use permitting, the Newport Zoning Board of Review described proposed parking at the site as "sufficient" and "substantially more than many downtown developments can provide".

The proposed development will include a stormwater management system which meets or exceeds the guidelines set forth in the RISDISM for redevelopment projects. The existing site presents many challenges from a stormwater management perspective. These challenges which include tidally affected groundwater elevation, generally flat topography, an existing bulkhead, soils containing urban fill, tidal elevations which impact discharge, and resiliency with respect to sea level rise. With those limitations in mind, the proposed stormwater management system was designed to utilize a combination of bioretention area, tree box filters, and a hydrodynamic separator to provide treatment and pretreatment levels which exceed the redevelopment standards stated in the RISDISM. A key component to meeting these standards, as discussed in the original assent application package, dated February 22, 2018, is the conversion of an obsolete boat ramp to a bioretention area and outlet structure. Conversion of the boat ramp provides a stormwater treatment location within the necessary proximity to the proposed development to meet the significant vertical constraints which exist at the site. It should be noted that the proposed stormwater management system includes a tide gate within the outlet pipe to discourage backflow of sea water during storm events and extreme high tides. Comprehensive details of the stormwater

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management system are provided within the attached permit plans and Stormwater Management Report.

The proposed development will utilize available public utilities for sanitary sewer, domestic water, natural gas, and electricity. All utilities noted are available within the limits of the site or the adjacent public rights of way. Connections to public sanitary sewer and water supply systems will be made by the applicant while connections to natural gas and electricity will be made by National Grid upon request of the applicant. Work by National Grid will include installation of an on-site transformer. An approximate location of the transformer and utility connections are provided on the attached permit plans.

In addition to the open air-deck and archway, public access to the shore will be provided by creating an extension of the existing brick walkway at the west end of the site eastward to the proposed bioretention area using decorative pavers. It is anticipated that this walkway will enhance access to the elevated deck greatly increasing public access to the waterfront at the site. Additional public access is committed to the south should future public access over the abutting property to the south be obtained.

The proposed redevelopment is shown on the attached Project Plans entitled "Hammetts Wharf Hotel" prepared by Pare Corporation dated June 2018.

3. Consistency with the Coastal Resources Management Program

Section 1.1.5B Review Categories

CRMP Table 2 lists Commercial/Industrial uses as Category A/B activities for which a Category A review may be permitted provided that the project conforms a number of conditions. The proponent believes that the project would qualify for Category A review were it not for the boat ramp work, which is being reviewed as a Category B activity. By supplementing the boat ramp assent application to include the full buildout of the planned development, the category B requirements of the applicable sections will be addressed under those sections below.

Section 1.1.9 Setbacks

The proposed new building is water dependent because it will support a Water Enhanced commercial use. Nevertheless the structure, including the wooden deck, will be no closer than approximately 52 feet from the Coastal Feature (Man Made Shoreline) once the project is complete.

Section 1.1.10 Climate Change and Sea Level Rise

Flood resiliency has been a known component of the proposed building since the early stages of design based on its proximity to Newport Harbor. Interior finished space within the proposed

building has been elevated above the current FEMA 100-year based flood elevation of 13 feet NAVD88. Additionally, the bottom of the building's lowest horizontal structural member has been set at elevation 14 feet NAVD88 to provide a foot of freeboard above the base flood elevation. Raising the building's first floor elevation further to account for the anticipated impacts associated with climate change and sea level rise was not feasible due to City of Newport restrictions on building height.

During a meeting on June 8, 2018, CRMC staff indicated that the proposed design should target a 30 year resiliency to sea level rise, noting that CRMC projects sea level to increase 2.2 feet by the year 2050. The staff acknowledged municipal building height limitations but expressed concerns that in 30 years rising sea levels may render the stormwater management system ineffective and inundate low lying parking areas during routine tidal events. Subsequent to this meeting, the design was analyzed and revised as follows to improve flood resiliency associated with sea level rise to the extent practicable.

- The stormwater management system design was revised to raise the outlet pipe invert elevation from -0.05 feet NAVD88 to 1.90 feet, 0.10 feet above current Mean Higher-High Water (MHHW) and 0.01 feet above the projected Mean Sea Level (MSL) elevation in the year 2050. Additional increases to the stormwater management system elevation were limited by hydraulic conditions associated with the site in combination with the building height restriction.
- Grading within the parking area beneath the proposed building was revised to have its lowest point raised from elevation 4.00 feet NAVD88 to elevation 5.34 feet, 0.03 feet above the projected Highest Astronomical Tide in the year 2050. Ultimately, increasing the parking area elevation further was limited by a combination of the previously stated municipal building height restrictions and the required clearance for ADA accessible vans.

The parking area beneath the building would be susceptible to minor flooding during the projected 1-Year Storm in 2050 (el. 6.5 NAVD88) if sea level rise projections hold true. Nevertheless, the project site to the north of the Commercial Wharf Fire Lane contains approximately 24 parking spaces above elevation 6.5 feet. The applicant's parking management vendor is currently responsible for overseeing day to day operations and valet services at the existing parking area. It is the applicant's intent to continue these services during operation of the proposed hotel. The vendor's staff will be onsite during hours of operation to relocate parked vehicles as needed prior to a forecast storm event.

Critical existing and projected sea level elevations are provided below in Table 1.0.

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Table 1.0 Critical Existing and Projected Sea Level Elevations

	Elevation (feet NAVD 88)	
	Year 2018	Year 2050
FEMA 100-Year Flood	13.00	15.20
1-Year Flood	4.30	6.50
Highest Astronomical Tide (HAT)	3.11	5.31
Mean Higher-High Water (MHHW)	1.80	4.00
Mean High Water (MHW)	1.56	3.76
Mean Sea Level (MSL)	-0.31	1.89
Mean Low Water (MLW)	-1.91	0.29

Section 1.1.11 Coastal Buffer Zones

While Section 1.1.11C.2. requires buffer zones for commercial and industrial development projects, buffer widths for those uses are not specified. The proposed redevelopment of Hammetts Wharf will occur on a site that currently does not include buffers; it is an open parking area that directly abuts a Manmade shoreline (bulkhead). The proponent requests that the Council allow the approximately 20 foot wide proposed bioretention area to serve as the buffer zone for this project.

Section 1.2.1 Type 5 Waters

The proposed redevelopment will result in a water enhanced commercial use of the site, catering to tourists. Water enhanced commerce is a Priority Use of Type 5 Waters.

Section 1.2.2.F Man Made Shoreline

The site is surrounded by Manmade Shoreline (bulkheads), which are actively maintained by the proponent in conformance with CRMC policies for this coastal feature.

Section 1.2.3 Areas of Historic and Archaeological Significance

The site is not located in the Newport Historic District and no historic or archaeological resources are believed to be present on the site.

Section 1.3.1(B) Filling, Removing, or Grading of Shoreline Features

Filling, removing, and grading on the site will be in full conformance with the Rhode Island Soil Erosion and Sediment Control Handbook and as shown on the Soil Erosion and Sediment Control Plan, included in the plan set. This work will not violate the Prohibitions set forth in Section 1.3.1B.2 and will conform to the Section 1.3.1B.3 as applicable.

Section 1.3.1(C) Residential, Commercial, Industrial, or Recreational Structures

The Proponent acknowledges the Council's policy to prevent, minimize, and mitigate the risks of storm damage for commercial projects.

A Public Access Plan was submitted as part of the Assent Application for the boat ramp conversion as further discussed under Section 1.3.6 below.

The Zoning approval for the full project was submitted with the Assent Application for the boat ramp conversion.

Building Official's Forms for all four of the parcels that make up the site were submitted with the Assent Application for the boat ramp conversion.

In order to obtain a building permit all relevant codes will need to be met as evidenced in the construction documents.

Approval for connections to public water and sewer is still being negotiated with the City. If requested the Proponent will provide copies of those approvals once they are obtained.

Adequate transportation and utility services to support the project are available as shown on the site plans.

This work will not violate the Prohibitions set forth in Section 1.3.1C.3 and will conform to the Section 1.3.1C.4 as applicable.

Section 1.3.1(F) Treatment of Sewage and Stormwater

The proposed hotel will be connected to the City of Newport's sanitary sewer system. Sewer connection permits will be obtained from the City prior to construction. If requested the Proponent will provide copies of the approved permit once it is obtained.

The proposed stormwater management system has been designed in accordance with the most recent version of the RISDISM and meets or exceeds the Minimum Stormwater Standards for redevelopment. A Stormwater Management Plan which includes a description of proposed stormwater treatment and pretreatment practices, hydrology plans, hydrology and hydraulic calculations, a soil erosion and sediment control plan, an operation and maintenance manual, and other supporting documentation for the proposed project is provided as an attachment to this submission. Hydraulic calculations provided in the Stormwater Management Plan indicate that the pipe conveyance system can adequately pass flows leading to, from, and through stormwater management facilities for the 25-year storm event.

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It should be recognized that the proposed stormwater management system will provide immediate and direct public benefits to Newport Harbor and the quality of Waters of the State. There is currently no treatment of stormwater runoff entering the harbor from the site. Proposed redevelopment of the site will reduce potential impacts associated with runoff into the coastal environment by providing treatment of runoff prior to its discharge into the harbor. Low impact development strategies were used to improve the quality of stormwater runoff to the extent practicable. The proposed design decreases impervious coverage at the site, decreases total peak discharge rates, and significantly improves overall water quality entering Newport Harbor from the site. Therefore it meets the requirements of the Smart Development for a Cleaner Bay Act of 2007.

The original assent application package and subsequent supplemental information submissions have also been sent to RIDEM and ACOE to facilitate a coordinated review between the agencies.

Following completion of the project, a post-construction certification, prepared by a Rhode Island registered professional engineer, demonstrating that all stormwater system components were installed in accordance with approved permit documents shall be submitted to CRMC.

Section 1.3.5 Guidelines for the Protection and Enhancement of the Scenic Value of the Coastal Region

The proposed building will provide the public with a framed view of the harbor waters of downtown Newport from the public walkway and roadway of America's Cup Avenue, which is currently obstructed by large landscaping elements and a fence. The public's experience of the waterfront on this property will be greatly enhanced through a sequence of experiences as they make their way from the city sidewalk, up a series of grand steps, through an archway that frames the scenic water view, and onto the open-air, publicly-accessible deck which will provide space to take in the maritime activities of Newport harbor. From the tidal waters of the harbor, the proposed flat-roof building will not be intrusive on the skyline of downtown Newport, subdued in height to the adjacent historic buildings of Perry Mill and the US Post Office. The framed archway will provide a visual connection to the active thoroughfare of America's Cup Avenue. The building design has been reviewed by the city's Historic Preservation Planner with all comments having been addressed.

The public will be provided with a sense of the water with new view corridors created by one of the project's main architectural elements, a glazed bridge connecting two wings of the building, with an archway on the ground floor below the bridge framing the outdoor public deck and harbor views beyond. Maritime activities and coastal scenery will be visible from the East side of the building (or front façade) through this archway and bridge. It has been an overarching goal of the owner and architect to maintain consistency with the surrounding buildings along America's Cup Avenue, providing visual continuity. The exterior design is in-keeping with the character and massing presented in the adjacent existing buildings, and uses a similar material palate of brick, granite and painted clapboard siding.

Section 1.3.6 Protection and Enhancement of Public Access to the Shore

The project includes a robust public access component that will include the publicly-accessible deck along the west side of the building, enhanced visual access to the harbor from America's Cup Avenue and an extension of the existing brick walkway at the west end of the site. The extension of the existing brick walkway will be the subject of a permanent recorded grant of public assess, the details of which are currently being negotiated by the proponent and the City. The proposed public access represents a significant improvement over existing access to the shoreline at this location.

4. **Responses to Comments**

a. Friends of the Waterfront

Based on discussions with representatives of Friends of the Waterfront, the proponent understands that the objections and issues raised by that organization will be addressed and resolved with finalization and recording of the access grant document with the City incorporating the access features detailed in this narrative and the accompanying plans.

b. Save the Bay

The proponent believes that the issues raised by Save the Bay have been addressed in the supplemental plans and narrative based on the fact that the boat ramp is a relatively recent addition to connect the adjacent land area to Waters of the State and that reclaiming and converting the boat ramp area for stormwater treatment purposes provides a substantial public benefit by enhancing the quality of Waters of the State and supporting a water enhanced commercial use.

--- ---

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TO: **Coastal Resources Management Council**
4808 Tower Hill Road Suite 3
Wakefield, RI 02879
Phone: (401) 783-3370

CRMC

FROM: Building Official DATE: 6/25/18

SUBJ: Application of: Scott's Wharf LLC

Location: Scott's Wharf & Commercial Wharf
Newport, RI 02840

Address: 4 Commercial Wharf Plat No. 27 Lot No. 248, 281, 77 & 78
Newport, RI 02840

To Construct: A new three-story hotel at the Newport Yachting Center featuring a restaurant, retail space, and elevated deck open to the public. The project will involve upgrades to the current stormwater drainage system, including new best management practices of tree box filters and a bioretention area. Site improvements will include pavement resurfacing, upgrades to public access to the waterfront, landscape improvements, and minor utility improvements.

I hereby certify that I have reviewed _____ foundation plan(s).
_____ plan(s) for entire structure
✓ site plans
Titled: "Hammett's Wharf Hotel"

Date of Plan (last revision): June 2018

___ and find that the issuance of a local building permit is not required as in accordance with Section _____ of the Rhode Island State Building Code.

X and find that the issuance of a local building permit is required. I hereby certify that this permit shall be issued once the applicant demonstrates that the proposed construction/activity fully conforms to the applicable requirements of the RISBC.

___ and find that a Septic System Suitability Determination (SSD) must be obtained from the RI Dept. of Environmental Management.

X and find that a Septic System Suitability Determination (SSD) need not be obtained from the RI Dept. of Environmental Management.

___ and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final. The Zoning Board approval shall expire on _____.

William A. Kelly 6/25/18
Building Official's Signature Date

✓ and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final.

G. Wm 6/21/18
Zoning Officer's Signature Date

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rev. 5/11/200

Photo 1: Commercial Wharf (Lots 77 & 78) view to the southwest

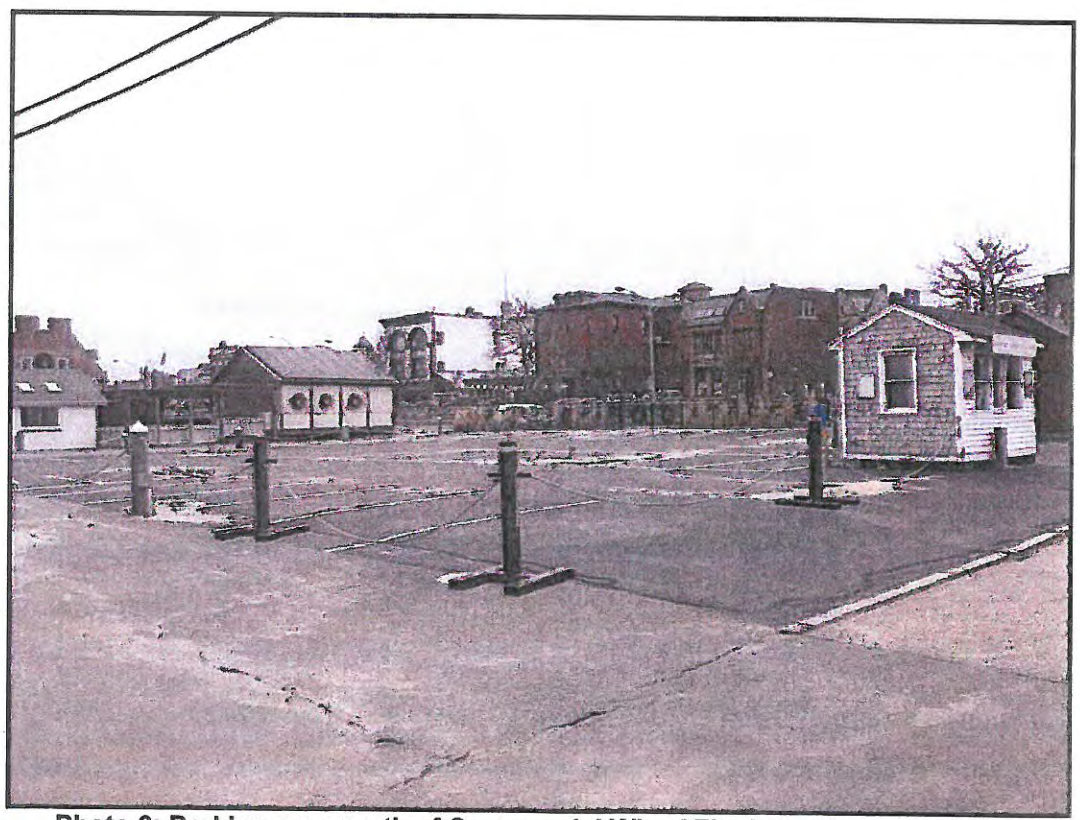

Photo 2: Parking area north of Commercial Wharf Fire Lane (Lots 248 & 281)

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Photo 3: Boat ramp view west

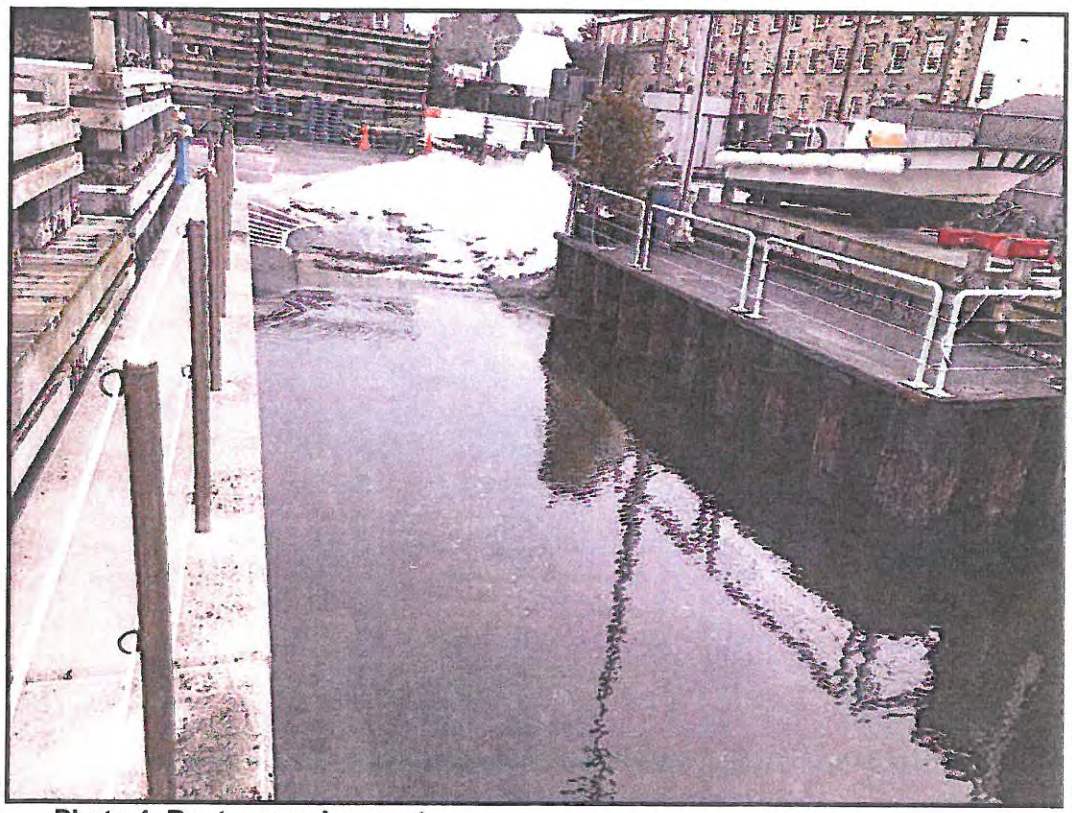

Photo 4: Boat ramp view east

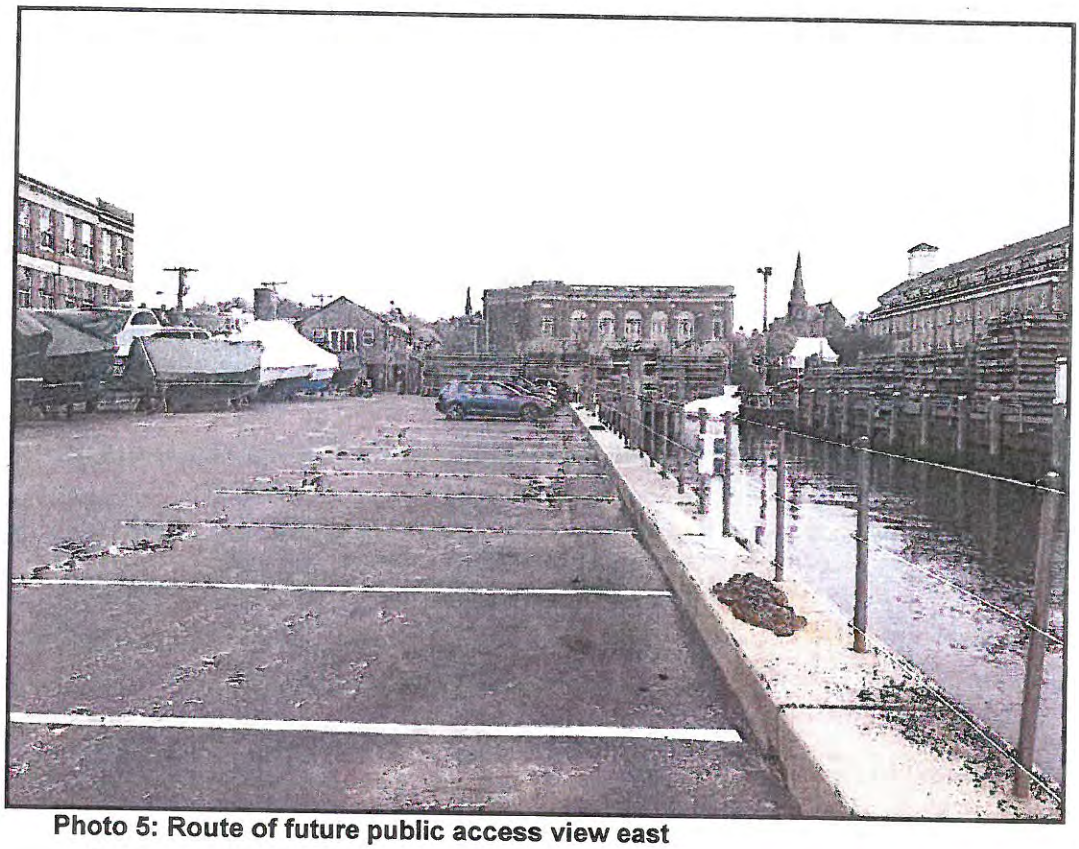

Photo 5: Route of future public access view east

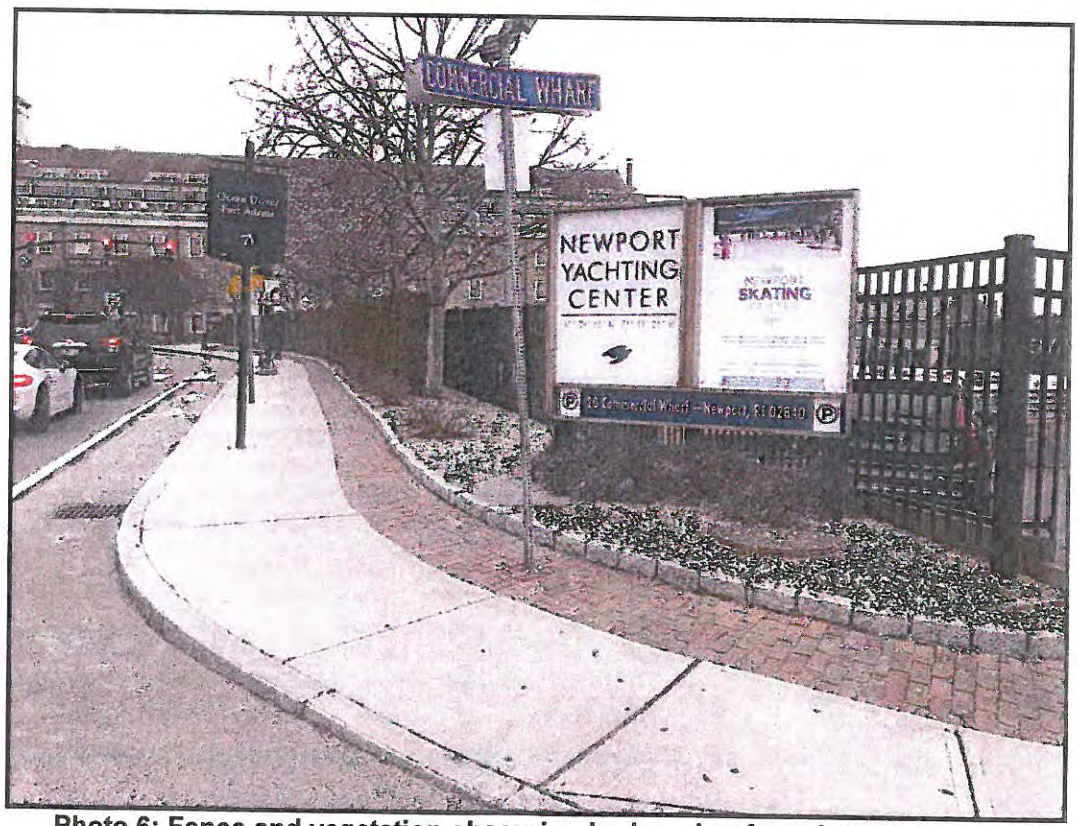

Photo 6: Fence and vegetation obscuring harbor view from Americas Cup Avenue

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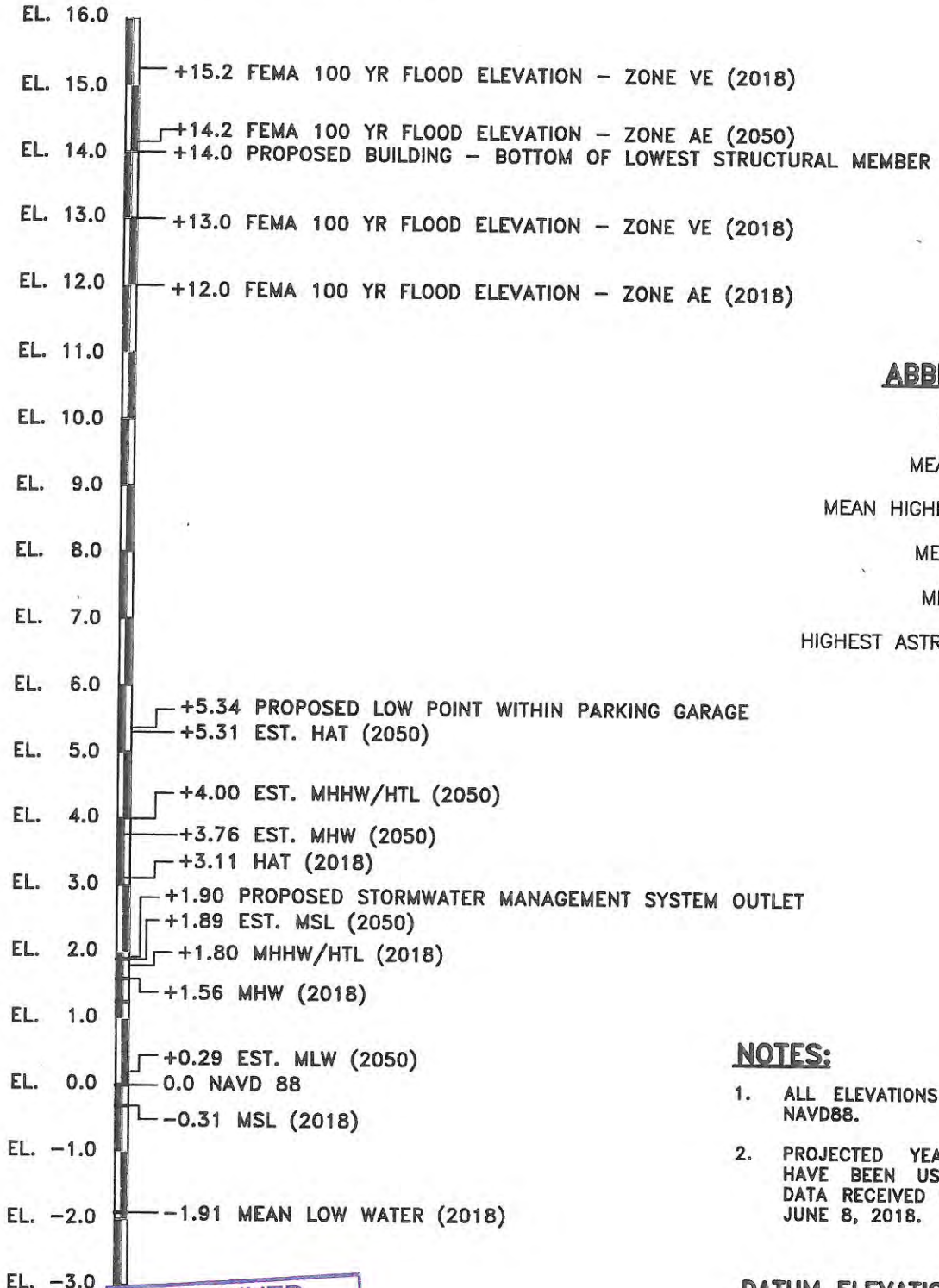
TIDAL REFERENCE



ABBREVIATIONS:

HIGH TIDE LINE	HTL
MEAN HIGH WATER	MWH
MEAN HIGHER HIGH WATER	MHHW
MEAN LOW WATER	MLW
MEAN SEA LEVEL	MSL
HIGHEST ASTRONOMICAL TIDE	HAT

NOTES:

1. ALL ELEVATIONS ARE SHOWN ARE IN NAVD88.
2. PROJECTED YEAR 2050 ELEVATIONS HAVE BEEN USING SEA LEVEL RISE DATA RECEIVED FROM CRMC STAFF ON JUNE 8, 2018.

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DATUM ELEVATION INFORMATION

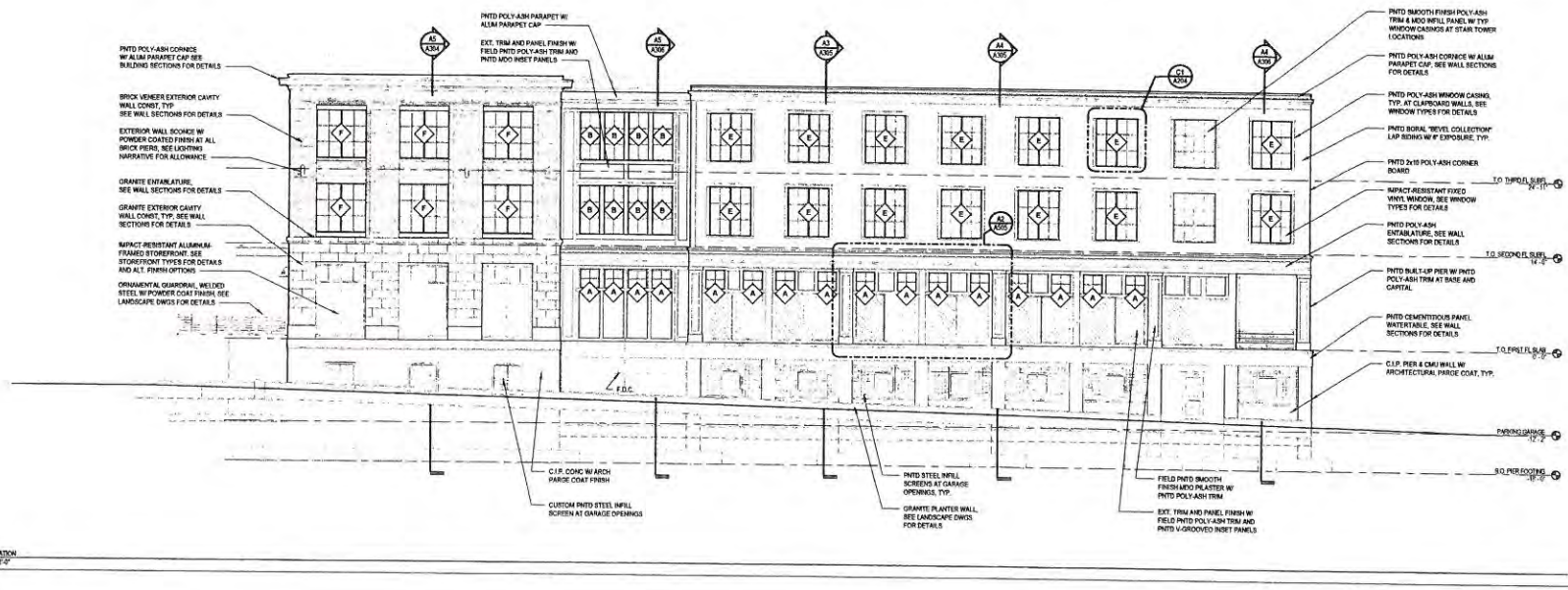
PID: LW0493
VM: 221
STATION ID: 8452660

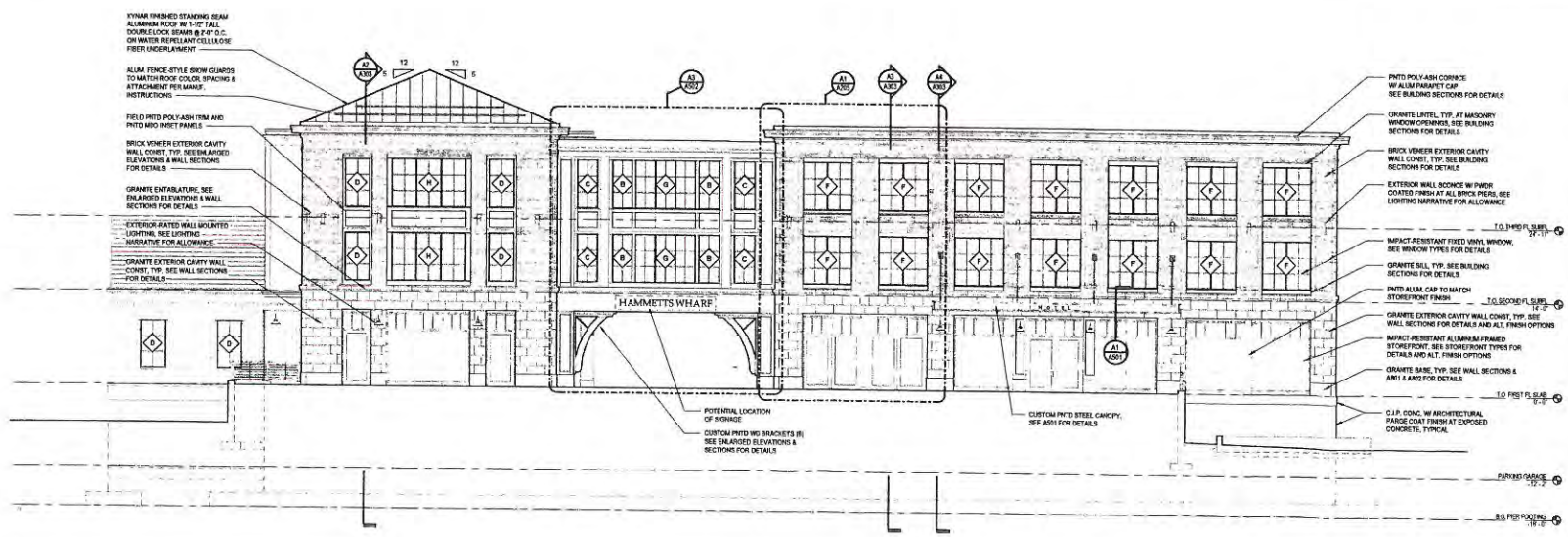
PARE CORPORATION

HAMMETT'S WHARF HOTEL
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND 02840

TIDAL REFERENCE

JUNE 2018 FIGURE 1





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RUMFORD, RI 02916
TEL: 401.270.0600
CONTACT: SAM BRADNER

HAMMETTS WHARF HOTEL

4 COMMERCIAL WHARF
NEWPORT, RI 02840

NOT FOR CONSTRUCTION

100% DESIGN DEVELOPMENT

REVISION SCHEDULE

NO.	ISSUE	DATE

JOB #: 1630
DATE: JUNE 15, 2018
SCALE: 1/8" = 1'-0"

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EXTERIOR ELEVATIONS

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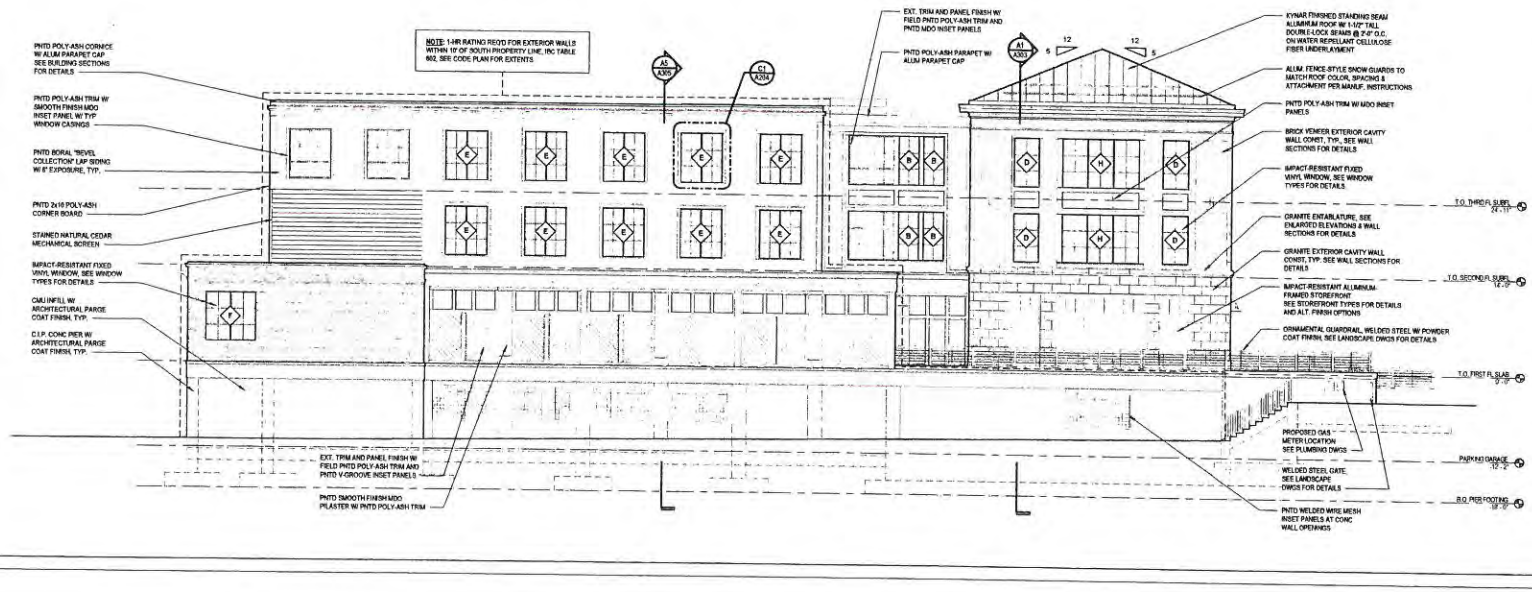

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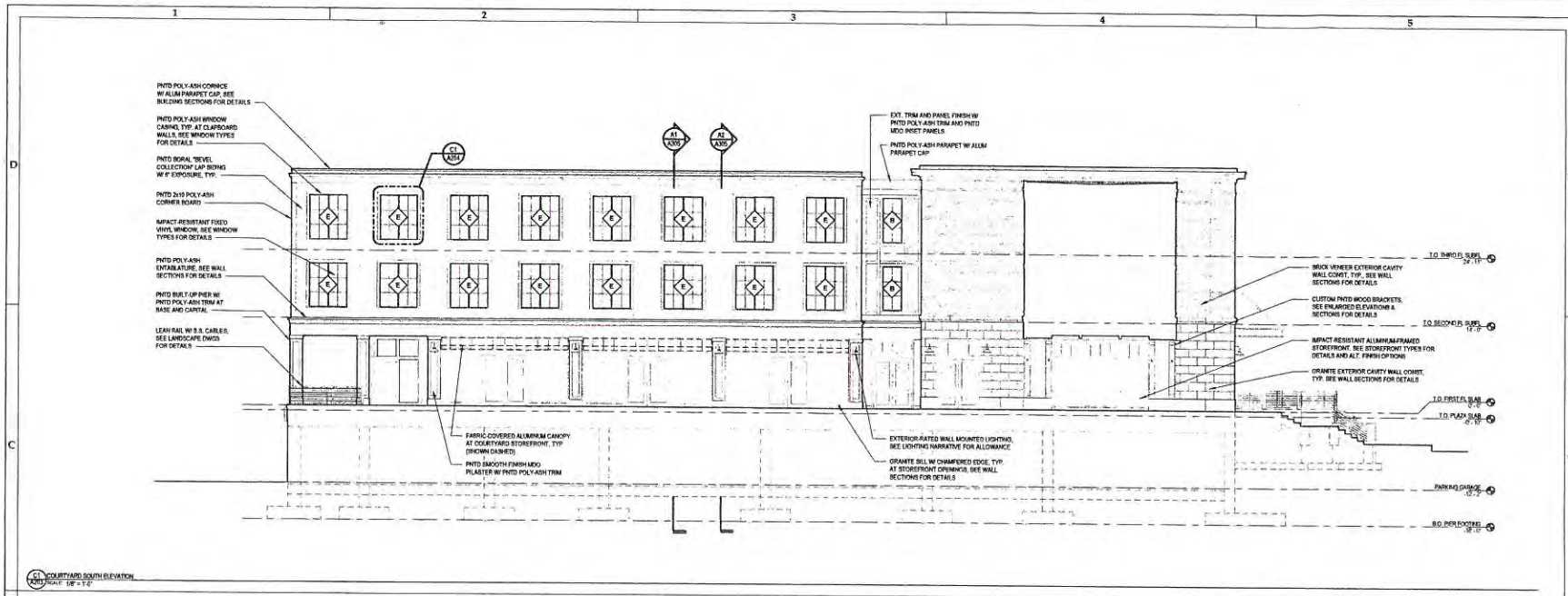
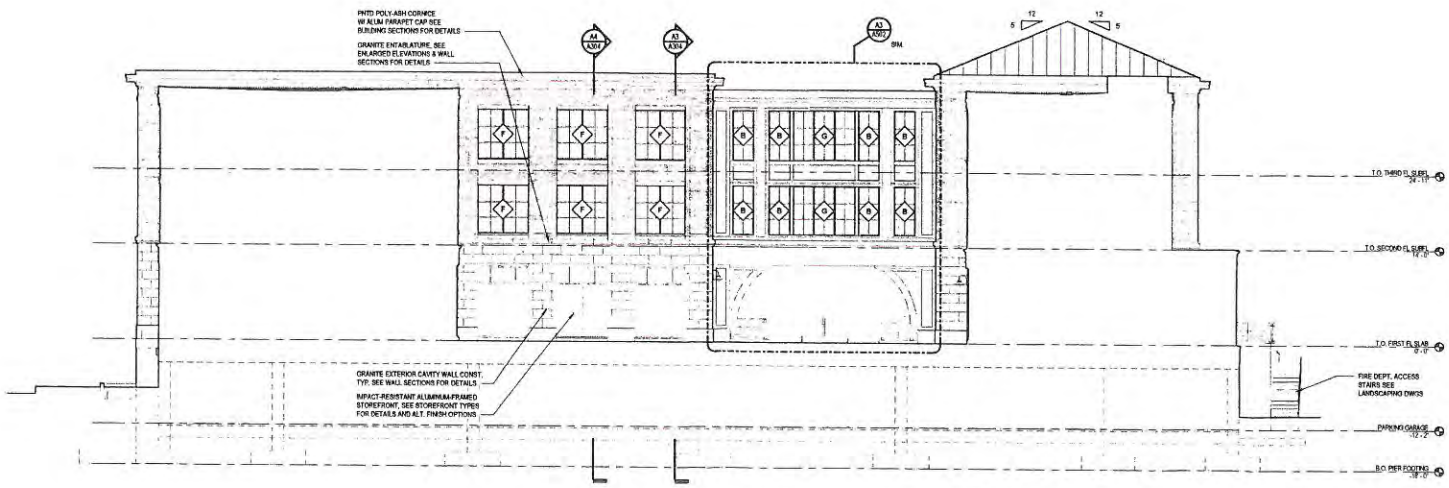


C1 A203 COURTYARD SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



A1 A203 COURTYARD WEST ELEVATION
SCALE: 1/8" = 1'-0"

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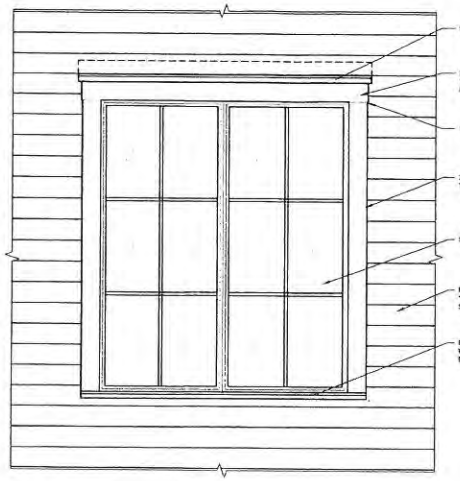
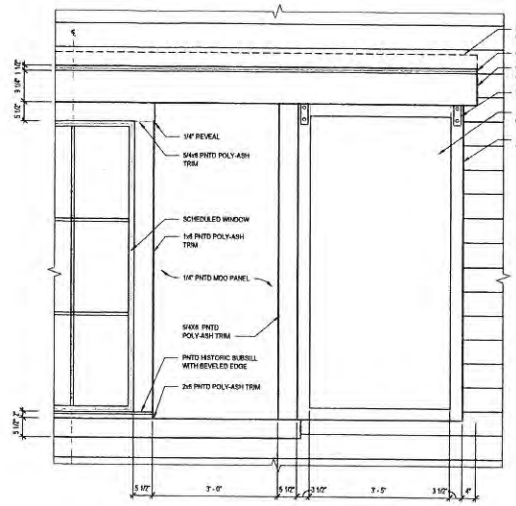
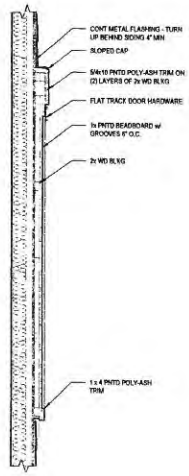
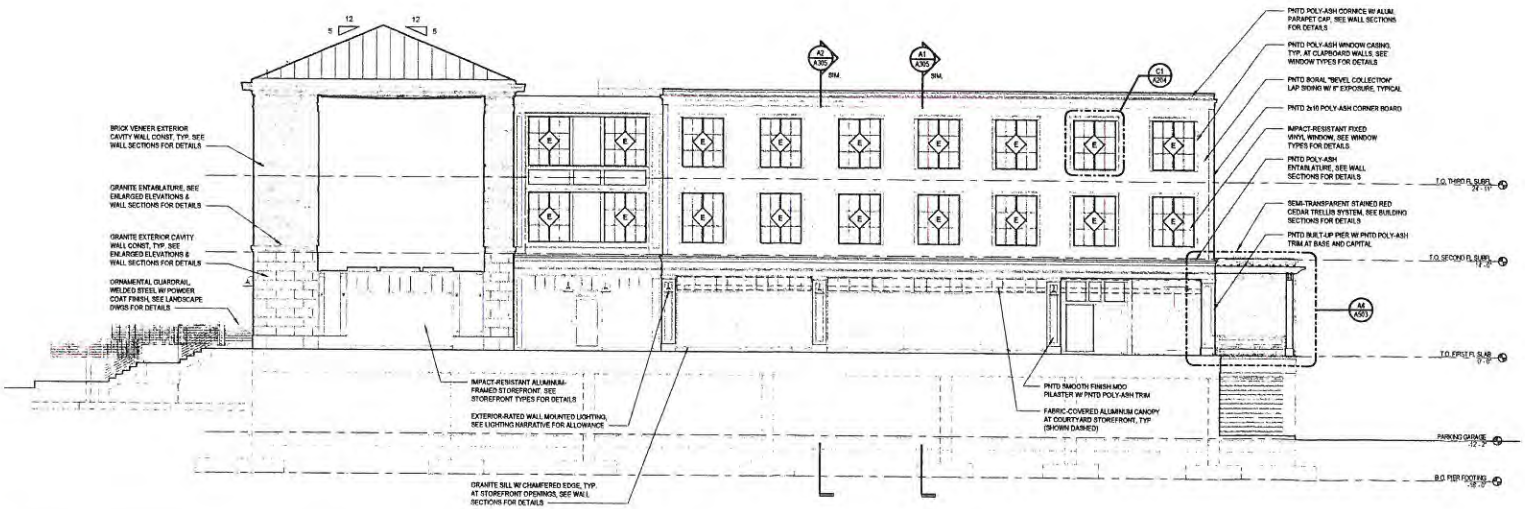


C1 A204 ELEVATION @ WINDOWS W/ "BEVEL COLLECTION" SIDING
SCALE: 3/4" = 1'-0"





C3 A204 DETAILS @ DECORATIVE WINDOW FRAME
SCALE: 3/4" = 1'-0"



A1 A204 COURTYARD NORTH ELEVATION
SCALE: 1/8" = 1'-0"

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PARE CORPORATION

July 20, 2018

Mr. David Reis, Supervising Environmental Scientist
Rhode Island Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, MA 02879-1900

Re: **Response to CRMC Comments**
Hammetts Wharf Boat Ramp Conversion
4 Commercial Wharf, Newport RI
CRMC File #2018-02-061
Pare Project No. 14249.05

Dear Mr. Reis,

A supplemental information package for the Hammetts Wharf Boat Ramp Conversion was submitted to your office on June 29, 2018. We have reviewed the comments you provided via email on July 11, 2018 and offer the following responses.

1. **COMMENT:** The plan set refers to landscape plans which don't appear to be there.

   RESPONSE: Landscape plans are not part of this submission. References to landscape plans have been removed from the plan set. Revised sheets are provided as an attachment to this correspondence.

2. **COMMENT:** With regard to the buffer zone, we believe some shade trees should be provided along the shore, where possible, particularly in the area of the public access pathway.

   RESPONSE: The addition of shade trees along the shore is not feasible due to the operational requirements of events held at the site. One such event is the Newport International Boat Show, which is held at the site each fall. During the event, open space along the shore is occupied by large tents and displays. The addition of trees along the shore, in addition to the public access pathway, will significantly inhibit the site's ability to host such events.

3. **COMMENT:** Please provide a draft pedestrian easement for review for the public access pathway.

   RESPONSE: A draft of the grant of public access that the City just recently accepted is provided as an attachment to this correspondence.

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4. **COMMENT:** Please be advised that we cannot issue a permit without sewer and water connection approvals. Sewer connection approvals are actually a pre-requisite to application submission. All projects must have a defined method of sewerage disposal.

RESPONSE: As stated in the supplemental narrative submitted to CRMC on June 29, 2018, sanitary service and potable water will be provided by connection to existing municipal services. Because on-site wastewater treatment and private water supply wells are not possible at this location the proposed project cannot move forward without these connections. Municipal approval for these utility connections is required by the City of Newport and will be obtained as required under the prerequisite for treatment of sewage and stormwater at Section 1.3.1F.2. The applicant requests that the Council include a stipulation to that effect in any Assent issued for the project.

We trust that the foregoing adequately responds to your comments and we thank you very much for your consideration. Please contact us if you have questions or require additional information.

Sincerely,

PARE CORPORATION

Briscoe B. Lang, PWS
Principal Environmental Scientist

Lance A. Hill, PE
Managing Engineer

cc: Sam Bradner, Scotts Wharf LLC
Sean Coffey, Burns & Levinson
Neil Galvin, Galvin Law

Y:\JOBS\14 Jobs\14249.03 Peregrine-Hotel Design-RI\Permitting\CRMC\Supplemental Information June 2018\20180718 Supplemental Information\Response to CRMC Comments_20180720.docx

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CORPORATION

March 5, 2018

Mr. David Reis, Supervising Environmental Scientist
Rhode Island Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, MA 02879-1900

Re: **Supplemental Information**
Hammetts Wharf Boat Ramp Conversion
4 Commercial Wharf, Newport RI
CRMC File #2018-02-061
Pare Project No. 14249.05

Dear Mr. Reis:

Thank you for the opportunity to provide the following supplemental information for the proposed boat ramp conversion at 4 Commercial Wharf in Newport, Rhode Island.

Included with this submission are four copies of the following:

- Full size sets of revised site plans, revision date March 2, 2018.
- The revised site plans at 8.5" x 11".
- Flap Gate calculation.

Revised Plan Sheet C1.0 shows the proposed public access path on private property relative to the Newport Harbor Walk.

On Plan Sheet C2.0 the proposed drainage manhole has been shifted slightly and rim and invert elevations have been provided for the area drain and drain manhole.

Revised Plan Sheet C3.0 includes a section through the bioretention basin showing the piped outlet through the bulkhead relative to tidal water elevations.

Proposed Flap Gate Operation

The bioretention area is sized to occupy the minimum necessary footprint with which to support the water quality requirements of the planned redevelopment. Due to the site constraints discussed in the documentation submitted with the original Assent application, the minimum profile for stormwater treatment has been used in the design, with a piped outlet invert elevation at -0.05 feet. High tide often exceeds the invert elevation of the outlet. Therefore, a flap gate has been included with the design to prevent tidal waters from backwashing into the bioretention area. The elevation of the flap gate is designed such that the head pressure above the inlet to the bioretention area is greater than the head pressure of mean higher high tide allowing the bioretention area to

8 BLACKSTONE VALLEY PLACE LINCOLN, RI 02865
T 401.334.4100 F 401.334.4108

10 LINCOLN ROAD, SUITE 210 FOXBORO, MA 02035
T 508.543.1755 F 508.543.1881

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drain under typical conditions. Calculations used in design of the flap gate are provided as an attachment to this correspondence.

Conformance with CRMP Section 1.3.1.J.3.c.

The following provides additional information related to project conformance with Rhode Island Coastal Resources Management Program Section 1.3.1.J.3.c.

1.3.1(J) Activities under Council Jurisdiction in tidal and Coastal Pond Waters
J. Filling in tidal waters
3. Prohibitions
c. Filling in Type 3, 4, 5, and 6 waters is prohibited unless:

(1) the filling is made to accommodate a designated priority use for that water area;

Per CRMP Section 1.2.1 E.3.b. the designated priority uses of Type 5 waters:

(1) berthing, mooring, and servicing of recreational craft, commercial fishing vessels, and ferries;

While the project does not directly accommodate berthing, mooring, and servicing of recreational craft, commercial fishing vessels, and ferries, the boat ramp conversion will not interfere with this priority use.

(2) water dependent and water enhanced commerce, including businesses catering to tourists;

The boat ramp conversion will facilitate the construction of a new bioretention area to treat runoff in accordance with the requirements of the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM). The bioretention area is an important component of the planned redevelopment which will include a boutique hotel and other water enhanced businesses such as a restaurant and retail space catering directly to tourists.

(3) maintenance of navigational channels and berths, and removal of obstructions to navigation;

The project does not directly accommodate the maintenance of navigational channels and berths, and removal of obstructions to navigation but will also not interfere with that priority use.

(4) activities that maintain or enhance water quality and scenic qualities, including the preservation of historic features.

The water quality improvements attained by the bioretention area that will be facilitated by the boat ramp conversion will undeniably enhance the quality of the runoff generated by the redeveloped site.

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(2) ***the applicant has examined all reasonable alternatives and the Council has determined that the selected alternative is the most reasonable***

As a redevelopment, the planned project will require that 50% of the proposed impervious area be treated in accordance with the RISDISM, the requirements of which will be met for the planned redevelopment using the bioretention area in combination with other best management practices and an overall reduction in impervious area. Redeveloping the site for its intended use is not possible without providing the requisite stormwater treatment.

A number of site constraints were considered in the selection and design of stormwater treatment solutions for this site:

- Due to the presence of urban fill, infiltration is neither feasible nor permissible.
- The adjacent tidal waters limit the depth of stormwater treatment practices due to groundwater levels and the elevation of piped outlets to the harbor.
- The geometry and topography of the site, in combination with the existing bulkhead, further limited stormwater treatment options.

With these constraints in mind, several types and locations for stormwater treatment practices were evaluated, culminating in the selection of a bioretention area located within the footprint of the existing boat ramp.

- The location is at a relative low point and can accept surface runoff from surrounding impervious areas.
- At this location, adequate vertical clearance from high groundwater can be realized.
- A new pipe penetration (outfall) can be built into the proposed bulkhead more safely and securely than creating new penetrations in the existing bulkhead, several of which would be required due to the geometry of the site.
- Utilizing the boat ramp area, as opposed to constructing the bioretention area landward without the boat ramp conversion, will also allow for emergency vehicle access to the southern portion of the site.

(3) the filling is the minimum necessary to support the priority use.

Ideally, the bioretention area would be small enough to occupy just the boat ramp area. As shown on the plans however, the bioretention area will actually need to be somewhat larger than the footprint of the boat ramp to adequately treat runoff from the planned redevelopment in accordance with the RIDISM. Thus, the proposed fill in tidal waters is the minimum necessary to support the bioretention area, which itself will support the priority uses of water enhanced commerce and water quality enhancements.

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We trust that the foregoing adequately responds your request for additional information and we thank you very much for your consideration. Please contact me if you have questions or require additional information.

Sincerely,
Pare Corporation

Briscoe B. Lang, PWS
Principal Environmental Scientist
BBL/GBD

cc: Scotts Wharf LLC

Y:\JOBS\14 Jobs\14249.03 Peregrine-Hotel Design-RI\Permitting\CRMC\Category B Assent\Supplemental Submission\Supplemental Information Letter 3-5-2018.docx

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LANCE A. HILL
No. 8286
REGISTERED PROFESSIONAL ENGINEER
CIVIL

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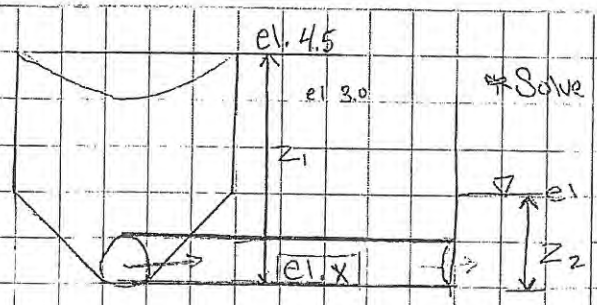
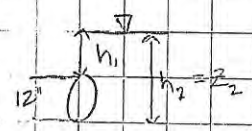


*Solve for V = 0



Bernoulli

$$P_1 + \frac{1}{2}\rho V_1^2 + \gamma z_1 = P_2 + \frac{1}{2}\rho V_2^2 + \gamma z_2$$

$$\gamma z_1 = P_2 + \gamma z_2$$

$$\gamma z_1 = \gamma(z_2 - 1) + .5\gamma + \gamma z_2$$

$$z_1 = z_2 - 1 + .5 + z_2$$

$$z_1 = 2z_2 - .5$$

$$P_2 = \gamma h_1 + \gamma\left(\frac{h_2 - h_1}{2}\right)$$

$$P_2 = \gamma(z_2 - 1) + \gamma\left(\frac{1}{2}\right)$$

$$P_2 = \gamma(z_2 - 1) + .5\gamma$$

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MAR 06 2018
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Set z_1 @ 4.5

$$\frac{4.5 + .5}{2} = z_2 = 2.5$$

MHHW = 1.80 − 2.5 → el. x = −0.70

el. −0.70 is a good question. [illegible] the head in the BCA is [illegible] drain.

Set z_1 @ 3 = top of media

$$\frac{3 + .5}{2} = 1.75$$

MHHW = 1.80 − 1.75 → el. x = 0.05

el. 0.05 is the [illegible] level at which the head at the top of the filter media is equal to the [illegible] at MHHW. ∴ BCA will not have flooding issues.

10 LINCOLN ROAD, SUITE 210 FOXBORO, MA 02035
T 508.543.1755 F 508.543.1881
8 BLACKSTONE VALLEY PLACE LINCOLN, RI 02865
T 401.334.4100 F 401.334.4108

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MANAGEMENT COUNCIL

PARE PROJECT NO. 14249.05

RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL

APPLICATION FOR STATE ASSENT

HAMMETTS WHARF
BOAT RAMP CONVERSION

4 Commercial Wharf
Newport, RI

Applicant:

Scotts Wharf LLC
Rumford Center, Building No. 3
20 Newman Ave Suite 1005
Rumford, RI 02916

FEBRUARY 2018

PARE
CORPORATION

Engineers | Scientists | Planners

PARECORP.COM

PARE CORPORATION

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February 22, 2018

Mr. Jeffrey Willis, Deputy Director
RI Coastal Resources Management Council
Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879-1900

RE: Application for CRMC State Assent
Hammetts Wharf Boat Ramp Conversion
4 Commercial Wharf
Newport, RI
(Pare Project No. 14249.05)

Dear Mr. Willis:

Enclosed, please find an Application for a State Assent submitted on behalf of Scotts Wharf LLC (the owner). This application addresses the proposed conversion of an existing, obsolete boat ramp for use as a bioretention area as part of a planned redevelopment of the site. Also proposed herein is a new public walkway located on private property to provide enhanced public access to the water. The project site is located at 4 Commercial Wharf Commercial Wharf in Newport.

The planned redevelopment of the site will include a new hotel building, pavement resurfacing, and various supporting site improvements. Because the redevelopment is currently in design, it will be addressed in a separate Assent application. The work proposed under this current Assent application will be constructed as part of the planned redevelopment.

Enclosed for your review are the following materials:

- Four bound copies of application materials consisting of the executed Application Form and other administrative documentation, Figures, a Project Narrative, annotated site photographs, Zoning Board Decision, US Fish & Wildlife Official Species List, and Tidal Water Fill Calculations;
- Four sets of 8½ x 11" project plans entitled "Hammetts Wharf-Boat Ramp Conversion" prepared by Pare Corporation, dated February 2018;
- Two full size sets of the project plans; and
- A check in the amount of $1,500 to cover the application fee.

The project will facilitate use of this portion of the property to provide stormwater treatment for the planned redevelopment in accordance with the Rhode Island Stormwater Design and Installation Standards Manual. While the boat ramp conversion will result in approximately 1,020 square feet

8 BLACKSTONE VALLEY PLACE LINCOLN, RI 02865
T 401.334.4100 F 401.334.4108

10 LINCOLN ROAD, SUITE 210 FOXBORO, MA 02035
T 508.543.1755 F 508.543.1881

of fill in tidal waters, the planned redevelopment will not include any additional fill in tidal waters. Enhanced public access to the water involves constructing an extension of an existing walkway into the site to satisfy the public access requirement of the CRMC Coastal Management Program and will require work within the 200-foot Contiguous Area.

In addition to a CRMC State Assent, the boat ramp conversion will require authorization from the US Army Corps of Engineers for fill within Waters of the U.S, and a Water Quality Certification from the Rhode Island Department of Environmental Management (RIDEM), applications for which are being submitted concurrently with this Assent application. The planned redevelopment project, including the boat ramp conversion and public access component, has received approval from the City of Newport's Zoning Board of Review, a copy of which is attached to the Assent application documentation.

Thank you very much for your consideration and please feel free to contact this office with any questions regarding the submittal.

Sincerely,

Briscoe Lang, P.W.S.
Principal Environmental Scientist

BBL/EK

Enclosures

cc: Mr. Taylor Bell, Army Corps of Engineers (with attachments)
RIDEM Office of Water Resources (with attachments and application fee)
Mr. Samuel Bradner, Scotts Wharf LLC via email: sbradner@peregrinegrp.com

\\MAData\d-server\JOBS\14 Jobs\14249.03 Peregrine-Hotel Design-RI\Permitting\CRMC\Category B Assent\Cover Letter.doc

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TABLE OF CONTENTS

Section 1 Administrative Documentation

- Assent Application Form
- Attachment A- List of Previous CRMC Permits
- Attachment B and Copy of Assessor's Map
- Proof of Ownership Letters
- Building Official's Form

Section 2 Figures

- Figure 1 - Site Location Map
- Figure 2 - Annotated Aerial Photograph
- Figure 3 - FEMA Flood Insurance Rate Map

Section 3 Project Narrative

Section 4 Annotated Site Photographs

Section 5 Zoning Board Decision, dated December 8, 2017

Section 6 US Fish & Wildlife Official Species List

Section 7 Tidal Water Fill Calculations

Section 8 Project Plans entitled "Hammetts Wharf Boat Ramp Conversion", prepared by Pare Corporation, dated February 2018 (Bound Separately)

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SECTION 1

Administrative Documentation

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

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APPLICATION FOR STATE ASSENT

To perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

File No. (CRMC use only): 2018-02-061

Project Location: 4 Commercial Wharf (Number, Street) Newport (City/Town)

Owner's Name: Scotts Wharf LLC c/o Mr. Samuel J. Bradner — Plat: 27 — Lot(s): 77, 78

Mailing Address: Rumford Center, Building No. 3, 20 Newman Ave Suite 1005, Rumford, RI 02916 — Res. Tel. #: — Bus. Tel. #: (401) 270-0600

Contractor RI Lic. # 2333 — Address: 975 Aquidneck Avenue, Middletown, RI 02842 — Tel. No. (401) 846-1516

Designer: Pare Corporation — Address: 8 Blackstone Valley Place, Lincoln, RI 02865 — Tel. No. (401) 334-4100

Waterway: Newport Harbor — Est. Project Cost: $220,000.00 — Fee/Costs: $1,500.00

Description of work proposed (a brief description of all elements of work MUST be included here, additional sheets may be attached):
The proposed work involves the conversion of an obsolete boat ramp into a bioretention area, and enhanced public access to the water. The proposed best management practice (bioretention area) is designed in support of planned redevelopment of the site. The redevelopment will include a new hotel building, pavement resurfacing, and various supporting site improvements, will result in reduction of impervious surface on the site, and will be addressed in a separate Assent application. Construction of the bioretention area and public walkway access will occur as part of the planned site redevelopment. A full description of the proposed project elements for this Assent application is provided in the attached documentation.

Have you or any previous owner filed an application for and/or received an assent for any activity on this property? (If so please provide the file and/or assent numbers): Please see Attachment A

Is this site within a designated historic district? ☐ YES ☑ NO

Is this application being submitted in response to a coastal violation? ☐ YES ☑ NO

If YES, you must indicate NOV or C&D Number:

Name and Addresses of adjacent property owners whose property adjoins the project site. (Accurate addresses will insure proper notification. Improper addresses will result in an increase in review time.)

Please see Attachment B

STORMTOOLS (Http://www.beachsamp.org/resources/stormtools/) is a planning tool to help applicants evaluate the impacts of sea level rise and storm surge on their projects. The Council encourages applicants to use STORMTOOLS to help them understand the risk that may be present at their site and make appropriate adjustments to the project design.

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

08/04

Samuel J. Bradner — Samuel J. Bradner

Owner's Signature (sign and print)

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

01-2017 – ajt

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STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the applicant's submission or in determining the fee to be paid, the applicant understands that additional fees may be assessed by the Coastal Resources Management Council. These fees must be paid prior to the issuance of any assent by the Coastal Resources Management Council.

The applicant understands the above conditions and agrees to comply with them.

Samuel J. Bradner
Signature

2.20.18
Date

Scotts Wharf LLC c/o Samuel J. Bradner
Rumford Center, Building No. 3, 20 Newman Ave Suite 1005
Rumford, RI 02916
Print Name and Mailing Address

01-2017 – ajt

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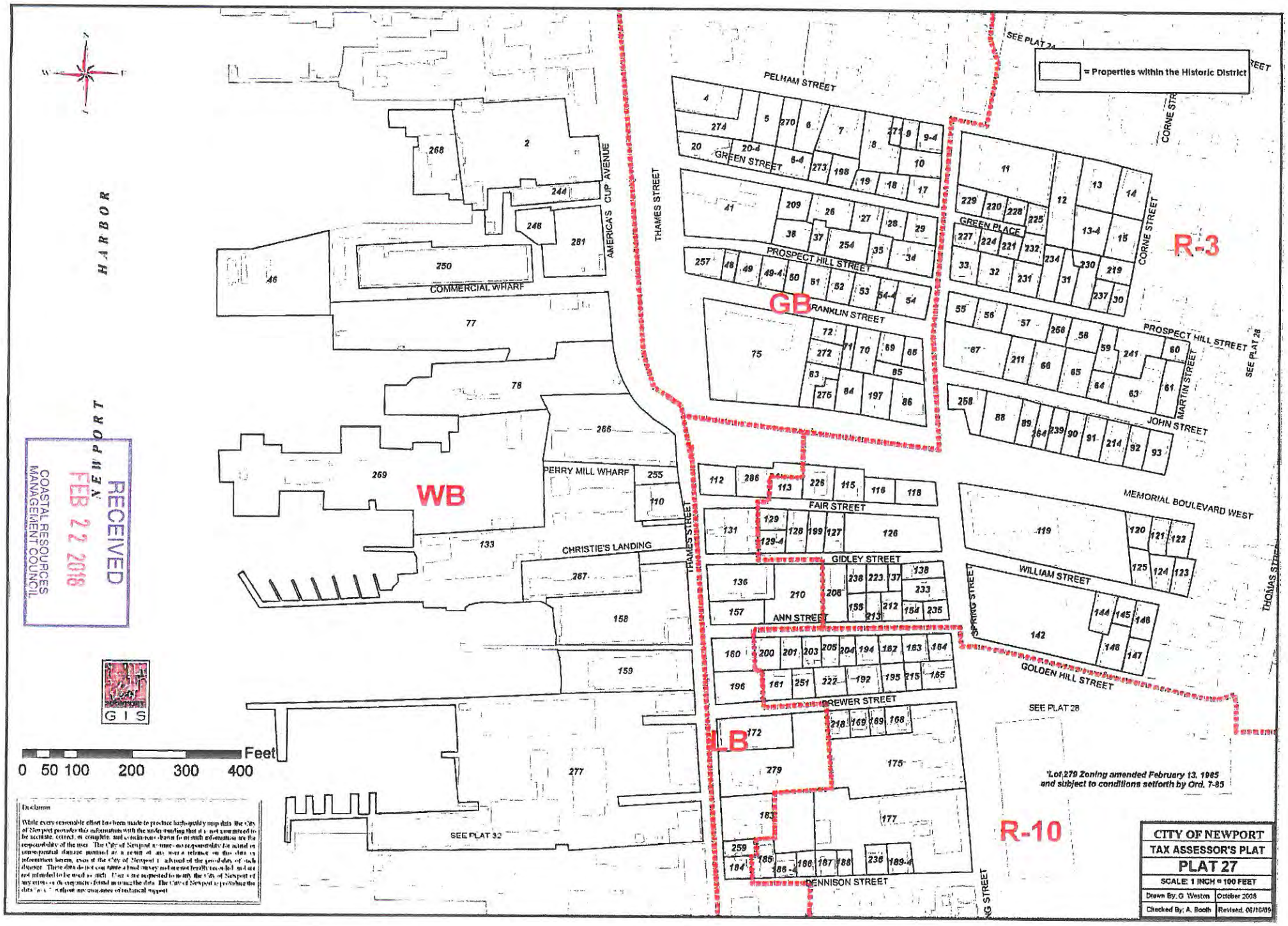
Attachment A
List of Previous CRMC Permits to Map 27/ Lots 77, 78, (248, 281)
Hammetts Wharf
Boat Ramp Conversion
Newport, Rhode Island
February 2018

File Number	Name	Map	Lot(s)	Permit Date
2017-02-033	Newport Yachting Center	27	78	2/21/2017
2015-10-087	SW 46 LLC	27	77	12/3/2015
2008-11-039	Newport Realty	27	77, 78	11/26/2008
2004-09-119	Newport Realty	27	77, 248, 281	10/5/2004
2000-02-082	Newport Realty	27	77	2/28/2000
1996-09-055	Newport Realty	27	77, 78	10/29/1996
1994-07-061	Newport Yachting Center	27	77, 78	7/12/1994
1993-11-017	Newport Realty	27	77, 78, 248, 281	11/15/1993
1992-08-034	Newport Yachting Center	27	77, 78	8/13/1992
1991-04-062	Newport Yachting Center	27	77, 78	4/24/1991
1990-08-052	Newport Yachting Center	27	77, 78	8/24/1990
1989-07-013	Newport Realty	27	78	11/29/1989
1989-02-030	Newport Yachting Center	27	77, 78	2/14/1989
1988-12-010	Newport Oil/Newport Yachting	27	77, 78	12/16/1988
1984-06-010	Newport Yachting Center	27	77, 78	7/27/1984
1981-04-025	Newport Oil	27	248	6/3/1981
1981-02-010	Newport Oil	27	77, 78	4/17/1981
1980-04-012	Newport Oil	27	77, 78	6/25/1980

Attachment B

List of Adjoining Property Owners to Map 27/ Lots 77, 78, (248,281)
Hammetts Wharf
Boat Ramp Conversion
Newport, Rhode Island
February 2018

Map	Lot	Unit	Owner/Address
27	269	n/a	PARAPORT LLC PARASCANDOLO MICHAEL 18 SAGE COURT JOHNSTON, RI 02919
27	266	5	NEWPORT BAY CLUB OWNERS THE ASSOCIATION, INC 337 THAMES ST NEWPORT, RI 02840
27	46	n/a	SW 46 LLC RUMFORD CENTER BLDG 3 20 NEWMAN AVENUE SUITE 1005 RUMFORD, RI 02916


= Properties within the Historic District
HARBOR
NEWPORT
AMERICA'S CUP AVENUE
COMMERCIAL WHARF
THAMES STREET
PELHAM STREET
GREEN STREET
PROSPECT HILL STREET
FRANKLIN STREET
GREEN PLACE
CORNE STREET
MARTIN STREET
JOHN STREET
MEMORIAL BOULEVARD WEST
WILLIAM STREET
GOLDEN HILL STREET
SPRING STREET
THOMAS STREET
PERRY MILL WHARF
CHRISTIE'S LANDING
FAIR STREET
GIDLEY STREET
ANN STREET
BREWER STREET
DENNISON STREET
SEE PLAT 24
SEE PLAT 28
SEE PLAT 32
WB
GB
LB
R-3
R-10
*Lot 279 Zoning amended February 13, 1985 and subject to conditions setforth by Ord. 7-85
CITY OF NEWPORT
TAX ASSESSOR'S PLAT
PLAT 27
SCALE: 1 INCH = 100 FEET
Drawn By: G. Weston
October 2008
Checked By: A. Booth
Revised, 06/10/09
0 50 100 200 300 400 Feet
GIS
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Disclaimer
While every reasonable effort has been made to produce high-quality map data the City of Newport provides this information with the understanding that it is not guaranteed to be accurate, correct, or complete, and conclusions drawn from such information are the responsibility of the user. The City of Newport assumes no responsibility for actual or consequential damage incurred as a result of any user reliance on the data or information herein, even if the City of Newport is advised of the possibility of such damage. These data do not constitute a land survey and are not legally recorded, and are not intended to be used as such. Users are requested to notify the City of Newport of any errors or omissions found in using the data. The City of Newport is providing the data "as is" without any guarantee of technical support.

TAX ASSESSOR
CITY OF NEWPORT
43 BROADWAY
NEWPORT, RI

December 19, 2017

To Whom It May Concern:

The documents on file in the Land Evidence Records of the City of Newport, Rhode Island, Book 2476 Page 154 indicates that SW 248 LLC is the owner of the real estate designated as Plat 27 Lot 248 and located on Scotts Wharf in the City of Newport, RI.

Respectfully,

Caitlin Duffy

Caitlin Duffy
Senior Clerk
Tax Assessor's Office
City of Newport, RI

43 BROADWAY • NEWPORT, RI • 02840
PHONE: 401-846-9600 X313 • FAX: 401-848 5750

TAX ASSESSOR
CITY OF NEWPORT
43 BROADWAY
NEWPORT, RI

December 19, 2017

To Whom It May Concern:

The documents on file in the Land Evidence Records of the City of Newport, Rhode Island, Book 2476 Page 160 indicates that SW 281 LLC is the owner of the real estate designated as Plat 27 Lot 281 and located on America's Cup Avenue in the City of Newport, RI.

Respectfully,

Caitlin Duffy
Senior Clerk
Tax Assessor's Office
City of Newport, RI

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PHONE: 401-846-9600 X313 • FAX: 401-848 5750

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TAX ASSESSOR
CITY OF NEWPORT
43 BROADWAY
NEWPORT, RI

December 19, 2017

To Whom It May Concern:

The documents on file in the Land Evidence Records of the City of Newport, Rhode Island, Book 2476 Page 143 indicates that SW 77 LLC is the owner of the real estate designated as Plat 27 Lot 77 and located at 4 Commercial Wharf in the City of Newport, RI.

Respectfully,

Caitlin Duffy
Senior Clerk
Tax Assessor's Office
City of Newport, RI

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PHONE: 401-846-9600 X313 • FAX: 401-848 5750

TAX ASSESSOR
CITY OF NEWPORT
43 BROADWAY
NEWPORT, RI

December 19, 2017

To Whom It May Concern:

The documents on file in the Land Evidence Records of the City of Newport, Rhode Island, Book 2476 Page 146 indicates that SW 78 LLC is the owner of the real estate designated as Plat 27 Lot 78 and located on America's Cup Avenue in the City of Newport, RI.

Respectfully,

Caitlin Duffy

Caitlin Duffy
Senior Clerk
Tax Assessor's Office
City of Newport, RI

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TO: **Coastal Resources Management Council**
4808 Tower Hill Road Suite 3
Wakefield, RI 02879
Phone: (401) 783-3370

FROM: Building Official DATE: 2/16/18

SUBJ: Application of: Scott's Wharf LLC

Location: 4 Commercial Wharf
Newport, RI 02840

Address: 4 Commercial Wharf Plat No. 27 Lot No. 77 & 78 (248, 281)
Newport, RI 02840

To Construct: A bioretention area and decorative paver walkway, to provide stormwater treatment upgrades and enhanced public access to the water at the site. The bioretention area is designed in support of planned redevelopment of the site including a new hotel and site improvements, while the public walkway is designed to satisfy the public access requirement of the CRMC Coastal Management Program. The planned hotel and site redevelopment will be addressed in a separate and future CRMC Application for State Assent.

I hereby certify that I have reviewed _____ foundation plan(s).
_____ plan(s) for entire structure
✓ site plans
Titled: "Hammetts Wharf- Boat Ramp Conversion"

Date of Plan (last revision): February 2018

X and find that the issuance of a local building permit is not required as in accordance with Section _____ of the Rhode Island State Building Code.

___ and find that the issuance of a local building permit is required. I hereby certify that this permit shall be issued once the applicant demonstrates that the proposed construction/activity fully conforms to the applicable requirements of the RISBC.

___ and find that a Septic System Suitability Determination (SSD) must be obtained from the RI Dept. of Environmental Management.

X and find that a Septic System Suitability Determination (SSD) need not be obtained from the RI Dept. of Environmental Management.

___ and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final. The Zoning Board approval shall expire on _____.

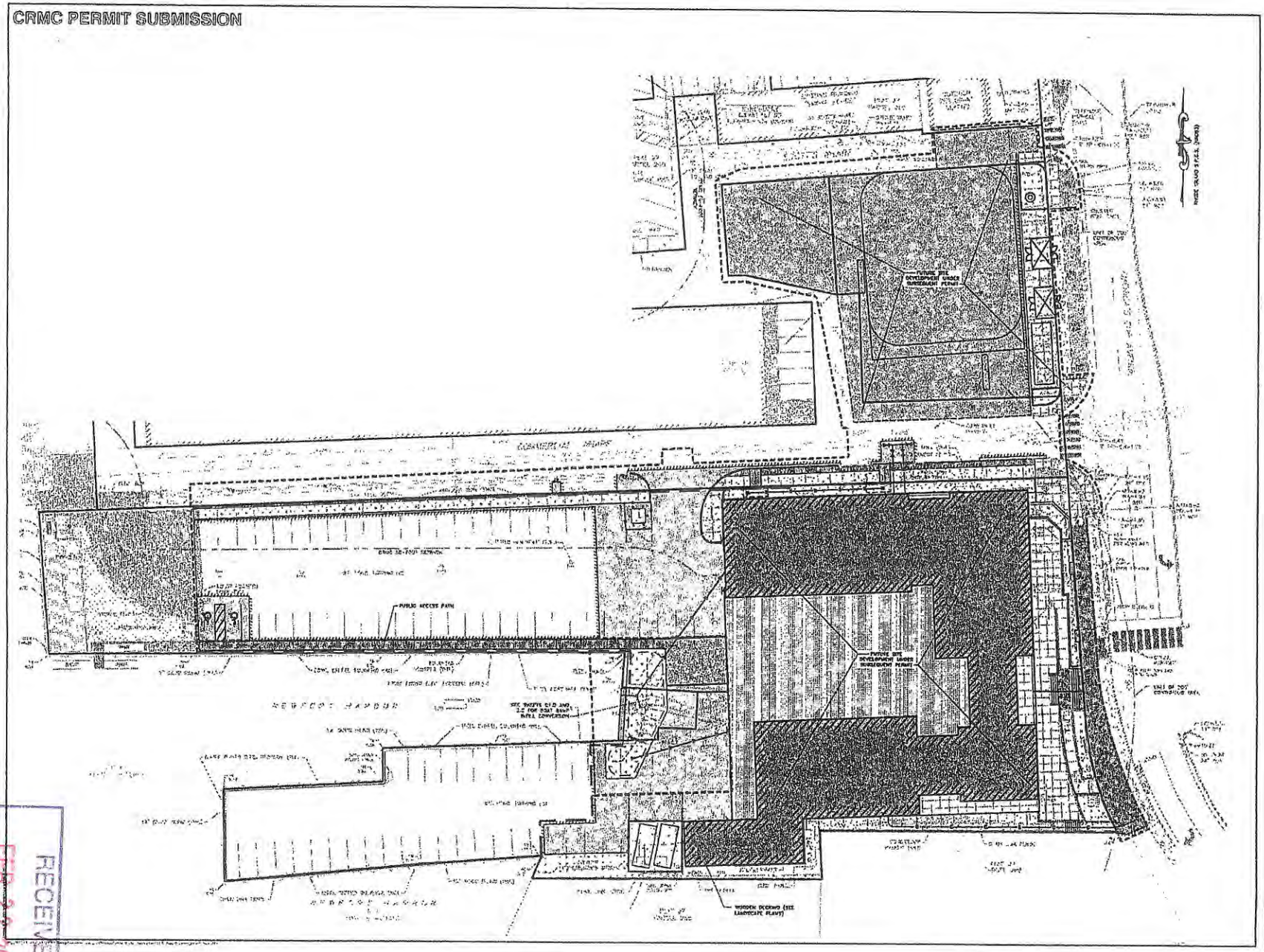
2/16/18
Building Official's Signature Date

✓ and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final.

2/16/18
Zoning Officer's Signature Date

rev. 5/11/2001

CRMC PERMIT SUBMISSION



PEREGRINE GROUP LLC
www.PeregrineGrp.com

PARE CORPORATION
ENGINEERS · SCIENTISTS · PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
508-543-1755

HAMMETTS WHARF - BOAT RAMP CONVERSION
4 COMMERCIAL WHARF
NEWPORT, RHODE ISLAND

OVERALL DEVELOPMENT PLAN

C1.0

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SECTION 2

Figures

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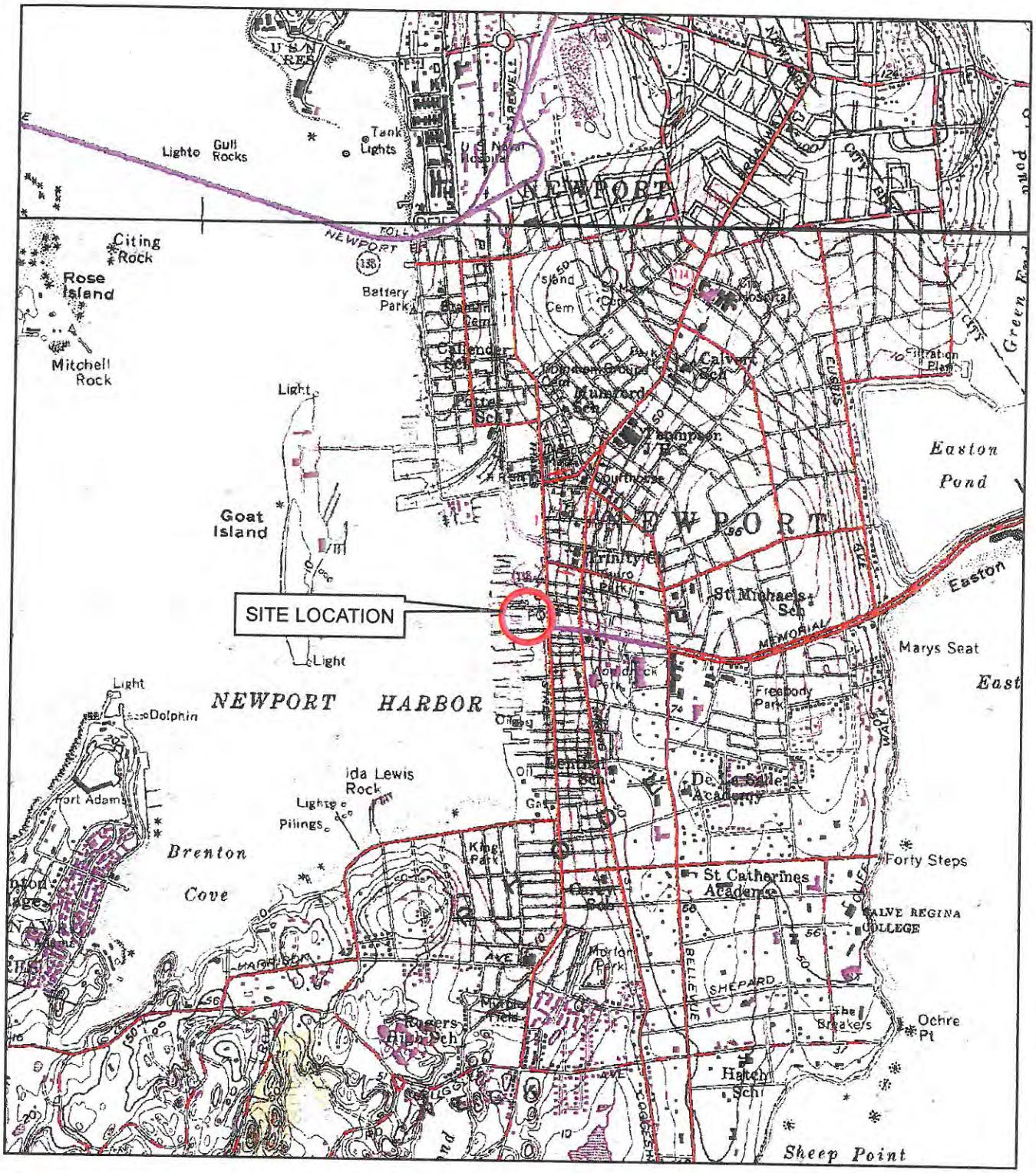

RIGIS

SITE LOCATION MAP

SCALE:1"=2,000'

N W E S

8 BLACKSTONE VALLEY PLACE
LINCOLN, RI 02865
(401) 334-4100

10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
(508) 543-1755

PARE PROJECT No. 14249.05 FEBRUARY 2018

FIGURE 1

HAMMETTS WHARF
BOAT RAMP CONVERSION
NEWPORT, RI

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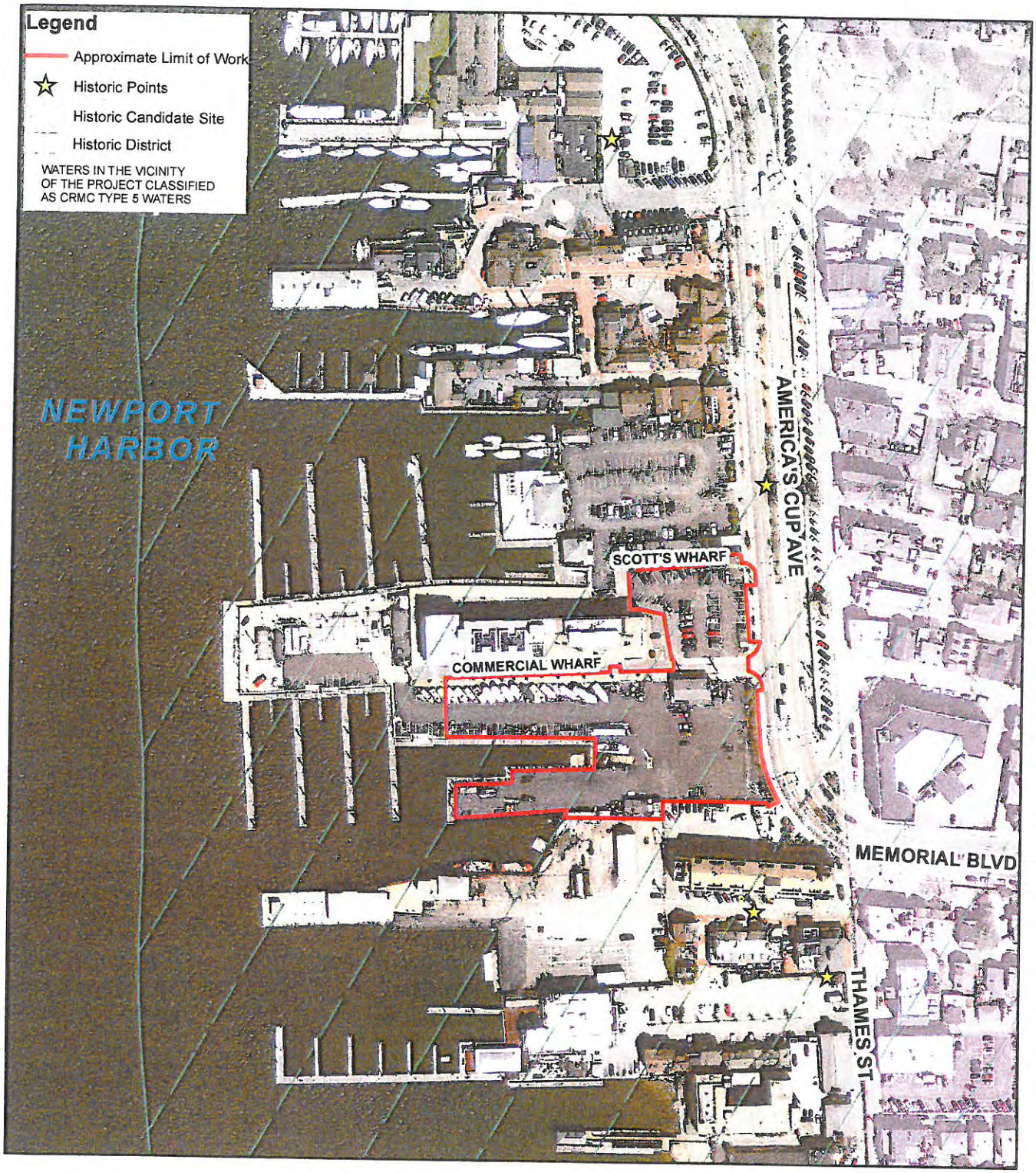

RIGIS

ANNOTATED AERIAL PHOTOGRAPH

SCALE:1"=200'

N W E S

8 BLACKSTONE VALLEY PLACE
LINCOLN, RI 02865
(401) 334-4100

10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02035
(508) 543-1755

PARE PROJECT No. 14249.05 FEBRUARY 2018

FIGURE 2

HAMMETTS WHARF
BOAT RAMP CONVERSION
NEWPORT, RI

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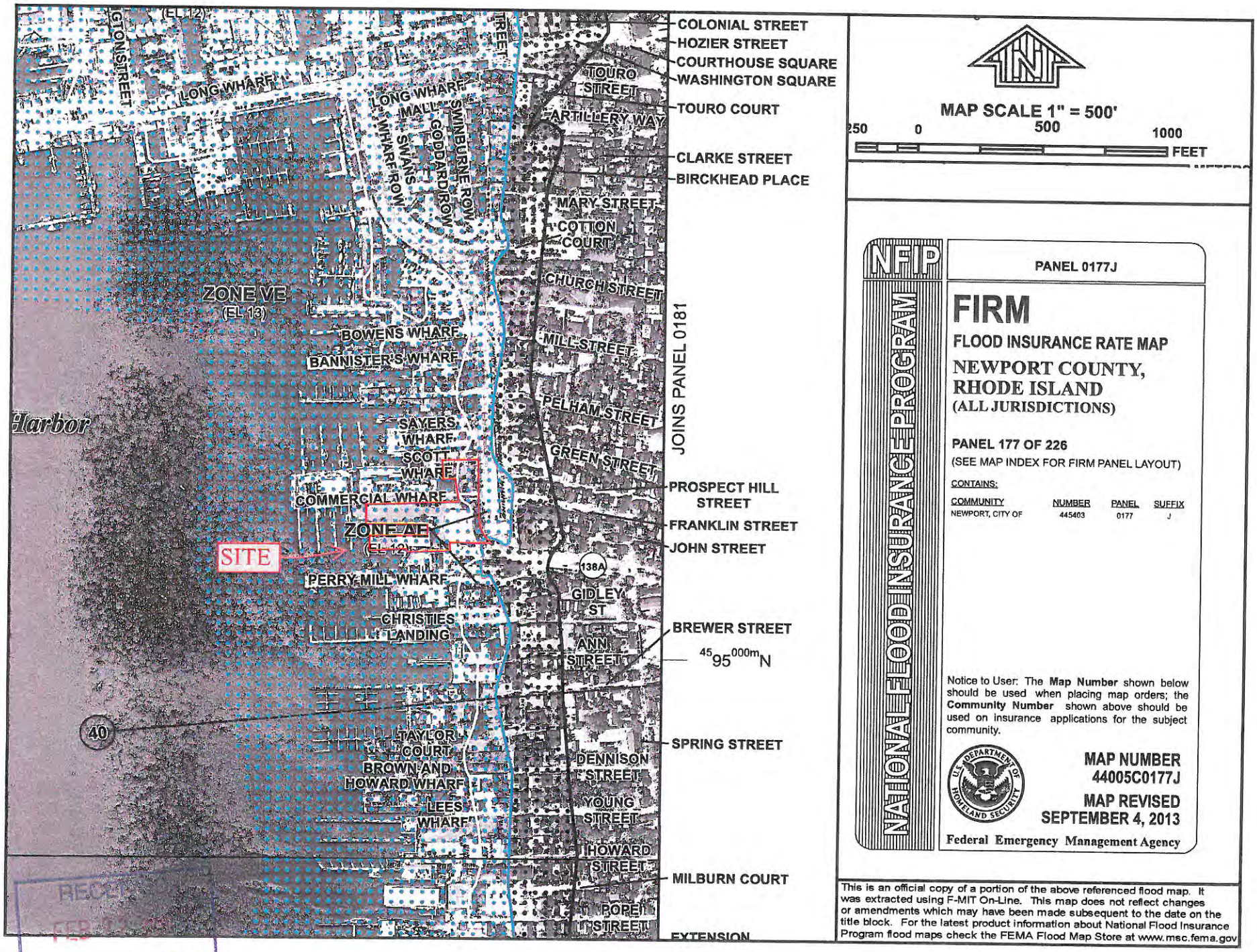

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Figure 3

SECTION 3

Project Narrative

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1.0 INTRODUCTION

This narrative has been prepared to supplement an Application for a State Assent for a proposed boat ramp conversion and enhanced public access at the Newport Yachting Center (the project). The project is located west of America's Cup Avenue, abutting Newport Harbor (the harbor). Newport Harbor, adjacent to the site, is classified in the Coastal Resources Management Program (CRMP) as Type 5 Waters – Commercial and Recreational Harbors and is also identified as a Destination Harbor.

The purpose of the project is to prepare for the creation of a new bioretention area by eliminating an obsolete boat ramp, which will involve approximately 1,020 square feet (101± cy) of fill in tidal waters. The bioretention area will provide stormwater treatment in accordance with the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM) for a planned redevelopment of the site. Enhanced public access to the water will be provided by constructing a public walkway into the site from the adjacent Newport Harbor Walk.

The owner plans to redevelop the remainder of the site with a new hotel which will feature a restaurant, retail space, and office space over a covered parking area, and associated site improvements including reconfigured parking. The redevelopment will also include an elevated outdoor deck which will be open to the public. Because the redevelopment is currently in design, it will be addressed in a separate Assent application. The work addressed under this current Assent application will be constructed as part of the redevelopment.

The following sections will describe the existing site conditions, discuss the project need, describe the work proposed under this Assent application, will briefly describe the planned development, and will demonstrate compliance with the Fill in Tidal Waters and Category B requirements of the CRMP. The proposed project is shown on the attached Project Plans (the plans) entitled "Hammetts Wharf Boat Ramp Conversion" prepared by Pare Corporation dated February 2018, designated as Section 8 of the attached documentation.

The boat ramp conversion will require authorization from the US Army Corps of Engineers (ACOE) for fill in Waters of the US, and a Water Quality Certification from the Rhode Island Department of Environmental Management (RIDEM). The project received approval from the City of Newport's Zoning Board of Review on December 8, 2017. A copy of the zoning decision is attached in Section 5 of this documentation.

2.0 EXISTING CONDITIONS

2.1 General Site Conditions

The project is located at 4 Commercial Wharf in Newport, Rhode Island. The site is located on two parcels in the Waterfront Business zoning district identified as Assessor's Plat 27, Lots 77 and 78[1]. The lots total approximately 1.66 acres, the majority of which is impervious.

Lot 77, owned by Scotts Wharf LLC, is 1.01± acres in size and contains a two-story building housing the Newport Yachting Center (NYC) offices, paved parking lot, concrete pads, gates, posts, metal fencing, a wood/stone retaining wall, landscaped areas, utilities, and posts. The western end of the parcel outside of

[1] The planned redevelopment will also be located on these parcels, as well as on the adjacent Lots 248 and 281.

the boat ramp area contains an area with brick walkway, wooden deck, and landscaping. Lot 78, owned by Scotts Wharf LLC, is 0.65± acres in size and contains the same retaining wall, metal fencing, and paved surface with similar pavement markings as Lot 77, in addition to the concrete boat ramp, wooden sheds and fencing, and concrete slab with dumpster. These two lots, herein referred to as the site, are comprised of an earthen fill structure confined by a steel sheet pile bulkhead capped with concrete to the north of the boat ramp and steel to the south. During the boating season, the bulkheads are lined with floating docks forming a U-shape perpendicular to the boat ramp, which restricts any potential access to or from the water via the boat ramp. The boat ramp extends at least as far as the marina dock that cuts off access, is not available to the public, and is no longer used for any purpose.

Site topography is gently sloping from east to west, from approximately elevation (el.) 8.6 feet along America's Cup Avenue to el. 5 feet in the central portion of the site, from which point, the topography slopes downward approximately to approximately el. 2 feet to form the boat ramp. The remainder of the site is relatively level. Elevation data referenced throughout this document is in North American Vertical Datum of 1988 (NAVD88).

Currently, the majority of the site's stormwater drains to the harbor through a series of scuppers with the remaining portion draining to the harbor via a closed drainage system including catch basins, piping, and outfalls at existing bulkhead penetrations. The existing drainage system does not appear to provide treatment or attenuation of stormwater prior to discharge.

The Newport Harbor Walk, a popular tourist activity and valuable program designed to explore Newport's waterfront, passes by the site. The Harbor Walk is a public access system that connects points along the waterfront from King Park to the Pell Bridge and points north. The Harbor Walk follows the public right of way at America's Cup Avenue to the north before turning west between the Smoke House Restaurant and Scott's Wharf. The path follows the existing right of way west of Lot 27 where pavement markings direct pedestrians through metal post fencing to a stone walkway north of the Harborview Condominiums, to the west side of the building. Here the stone walkway ends, and the route turns south along the paved right of way between the condominiums and the Bohlin, a wedding and event center abutting Newport Harbor. Signage directs pedestrians east along the Commercial Wharf right of way before reconnecting with America's Cup Avenue.

2.2 Shoreline Features

Newport Harbor in the vicinity of the site is classified as a Type 5 Water - Recreational and Commercial Harbors under the CRMP. The tidal waters abutting the project site serve as a port and marina for private and commercial recreational boats owned by or visiting the NYC. The water body (ID number RI0007030E-01C) is classified as Class SB under the RIDEM Water Quality Regulations. Class SB is defined as waters that are designated for primary and secondary contact recreational activities, shellfish harvesting for controlled relay and depuration, and fish and wildlife habitat, in addition to being suitable for aquacultural uses, navigation, and industrial cooling.

The site is a contained within a steel sheetpile bulkhead with solid fill and an asphalt deck. In the center of the site, topography slopes down to the water, transitioning from bituminous pavement to a concrete boat ramp at approximately el. 2 feet. Within the boat ramp area, concrete slabs make up the central portion of the ramp, with bituminous pavement on either side to the extents of the bulkhead. The pavement ends at approximately el. -4 feet, where unconsolidated sandy bottom begins on either side of the concrete slab, and continues in this manner offsite.

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The 200-foot Contiguous Area extends from the landward limit of the caps on the sheet pile bulkhead and from Mean High Water (MHW) at el. 1.56 feet at the boat ramp opening. According to NOAA historical tidal elevation, the High Tide Line (HTL) exists at el. 1.23 feet.

The FEMA Flood Insurance Rate Map (FIRM), effective September 4, 2013, identifies a majority of the floodplain on the site as Zone VE with a base flood elevation of 13 feet and the remainder as Zone AE at elevation 12 feet. A copy of the FIRM for the site is provided in Section 2 of the attached documentation.

3.0 PROJECT NEED

Filling the existing boat ramp will facilitate the use of this portion of the site to provide stormwater treatment in accordance with the RISDISM. This stormwater treatment is intended to support planned redevelopment of the site which will be addressed in a separate Assent application.

According to 1.2.1.A.5. of the CRMP,

> "Activities that are dependent on Rhode Island's tidal waters generate substantial economic benefits to the state...Substantial additional economic benefits are generated by water enhanced residential development, tourism, and the importance of an attractive marine environment in drawing high quality businesses to Rhode Island."

The planned redevelopment will upgrade existing site with a new 3-story boutique hotel building that is anticipated to include restaurant, retail, and office space. The redevelopment will improve the quality and functionality of the site's existing parking facilities, generate economic benefits to the City of Newport (the City) and the State, and increase public access to the waterfront. The design of the hotel will embrace the historic architectural aspects of the City and improve aesthetics along Commercial Wharf and America's Cup Avenue.

The planned redevelopment of the site will qualify as Redevelopment under the RISDISM which requires a stormwater system be incorporated to treat at least 50% of the post-development impervious surface runoff on the redeveloped site. This current Assent application addresses the site preparation necessary to construct the proposed bioretention area, which has been designed and sized as part of the overall stormwater treatment system for the planned redevelopment. Due to site constraints including tidally-driven high groundwater and existing urban fill at the site, the most feasible location for the bioretention area is the area shown at the existing boat ramp. The rationale behind this location is further described in Section 5.0 of this narrative. A Stormwater Management Plan (SMP) and Soil Erosion and Sediment Control (SESC) Plan will be submitted with the separate Assent application for the planned redevelopment.

4.0 BIORETENTION AREA DESIGN

Design of the planned development is not yet ready for permitting, however sufficient information is available to advance design of the bioretention area in a manner which demonstrates the purpose of the boat ramp conversion. As previously stated, the planned redevelopment will require that 50% of the proposed impervious area be treated. It is anticipated that these requirements will be met for the planned redevelopment using the bioretention area described in this application in combination with other best management practices and an overall reduction in impervious area. A complete Stormwater Report

including hydrologic analysis and additional best management practices will be provided in the subsequent Assent application the planned redevelopment.

A number of site constraints impact stormwater design at the site, including the presence of urban fill, tidal affects, site geometry, and the existing bulkhead. Due to the presence of urban fill, infiltration is neither feasible nor permissible. The adjacent tidal waters limit the depth of stormwater treatment practices due to groundwater levels and the elevation of piped outlets to the harbor. The site's geometry and topography, in combination with the existing bulkhead, further limit feasible stormwater treatment options. With these constraints in mind, the various types and locations of stormwater management practices were analyzed. This led to the selection of a bioretention area located within the footprint of the existing boat ramp. This location is at a relative low point which can accept runoff from surrounding impervious areas of the site and provides adequate vertical clearance with respect to groundwater and piped outlet. A Mean Higher-High Water (MHHW) elevation of 1.8 feet was used during design to determine the lower limit of bioretention area components. A flap gate is proposed for the piped outlet to avoid backflow during times of high water. The biorention area will utilize an impervious liner to prevent infiltration and minimize the potential impact of elevated groundwater due to tidal fluctuations.

5.0 PROPOSED PROJECT

The work proposed to convert the obsolete boat ramp to a stormwater management feature will require fill below MHW (fill in tidal waters) under CRMC jurisdiction[2]. To satisfy the CRMP requirement for public access to the waterfront, the owner also proposes to construct a spur extension from the nearby Harbor Walk into the site, which will occur landward of the coastal feature in the 200-foot Contiguous Area.

5.1 Boat Ramp Conversion

The boat ramp conversion will occur during construction of the overall planned redevelopment project and will involve removing a portion of the existing ramp slabs from the fill area, installing steel sheeting to isolate the area, dewatering as necessary, demolishing portions of the existing concrete walls along the ramp, and placing fill material. Prior to commencing construction, the Contractor will deploy a turbidity boom and barrier around the boat ramp work area to prevent the migration of soil and debris into the waterway. Perimeter sedimentation controls consisting of coir logs, straw bales, compost filter tubes, or other suitable barrier shall be installed as shown on the plans.

5.2 Public Access Path

An extension of the existing brick walkway at the west end of the site will provide the public with a pedestrian path on privately owned property along the coastal feature to view the waterfront in a location safe from vehicular traffic. The proposed extension of the walkway will expand the existing path eastward to the proposed bioretention area using decorative pavers. It is anticipated that this walkway will enhance access to an elevated outdoor deck associated with the planned redevelopment, greatly increasing public access to the waterfront at the site. Additional public access is committed to the south should future public access over the abutting property to the south be obtained.

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[2] Which also constitutes fill below the HTL (Waters of the U.S.) under ACOE jurisdiction.

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6.0 CONSISTENCY WITH COASTAL RESOURCES MANAGEMENT PROGRAM

6.1 Section 1.3.1(A) Category B Requirements

a. Demonstrate the need for the proposed activity or alteration;

Filling the existing boat ramp will facilitate a combination of stormwater treatment and waterfront access improvements at the site which would otherwise not be feasible due to site constraints described in previous sections of this document.

b. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in §§ 1.3.1(B), (C), (F), (H), (I), (K), (M), (O) and (Q) of this Part; for projects on state land, the state building official, for the purposes of this section, is the building official;

Zoning approval for the planned redevelopment has been issued by the City of Newport Zoning Board of Review. The approval is attached as Section 5. As documented on the enclosed Building Official's Form a Building Permit will be issued at the appropriate time during the planned redevelopment of the site. Applications for authorization from the ACOE and RIDEM for a Water Quality Certification will be submitted concurrently with, or shortly after, submission of this Assent application.

c. Describe the boundaries of the coastal waters and land area that is anticipated to be affected;

The tidal waters extend seaward from mean high water, which is consistent with the face of the existing bulkhead at the site. At the boat ramp the tidal waters extend to elevation 1.56 feet. The waters and land are more completely described in Section 2, above.

d. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters;

The area of impact is enclosed by concrete walls and underlain by a concrete ramp and does not contribute material to erosion or depositional processed. Potential transport of material into the harbor during construction will be avoided by installing a turbidity barrier and perimeter sedimentation controls prior to the commencement of work.

e. Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;

The tidal waters to be affected are small in area (1,020 sf) and consist of a concrete boat ramp which provides only marginal, if any, habitat for plant or animal life.

f. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;

The boat ramp was never available for public use, and its conversion will not adversely affect the public access to, or use of, tidal waters. Public access to the water will be enhanced by the proposed public access improvements.

g. Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;

The existing boat ramp is not located in an area that experiences significant currents, and its conversion will not affect the tidal circulation or flushing. Turbidity and sedimentation will be controlled by the proposed turbidity barrier and perimeter sedimentation controls.

h. Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;

Surface runoff water quality will be significantly improved following construction of the bioretention area.

i. Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;

Commercial Wharf is not listed on the National Register of Historic Places and is not located in a historic district. Given its manmade origin, it is unlikely that any areas of archaeological significance will be affected by the project.

j. Demonstrate that the alteration or activity will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;

The boat ramp is no longer used by the marina operator or by any other entity and its conversion will not conflict with the ongoing water dependent uses in the vicinity.

k. Demonstrate that measures have been taken to minimize any adverse scenic impact (see § 1.3.5 of this Part).

As stated in the approval from the Zoning Board Review, the project will be in keeping with the surrounding area.

6.2 Section 1.3.6 Protection and Enhancement of Public Access to the Shore

According to the policies listed in Section 1.3.6 of the CRMP, the owner is required to provide a public access plan as mitigation for fill in tidal waters. This project involves components that enhance public access to the water. An extension of the walkway at the west end of the site will provide ±300 linear feet of additional decoratively paved walkway for the public to access views of the harbor. The planned development of the site includes an archway within the proposed building that will provide public views of the harbor, and proposed building's elevated deck will be open to the public.

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SECTION 4

Annotated Site Photographs

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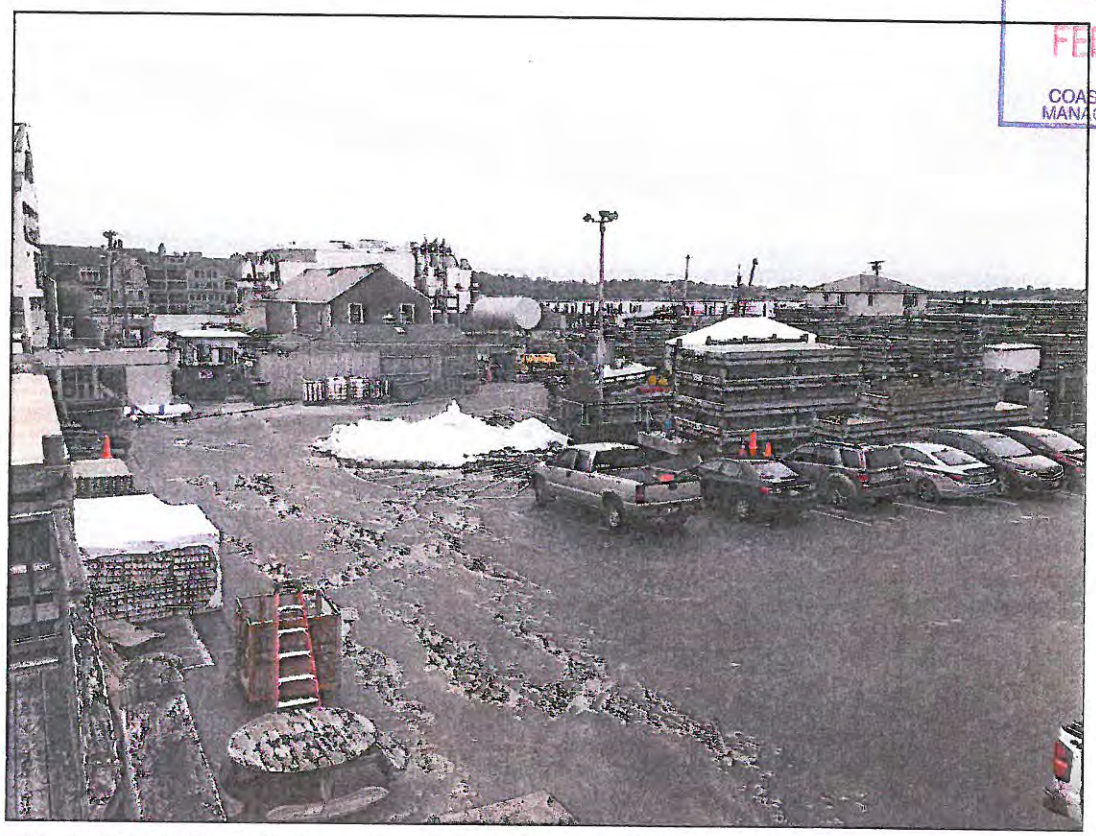

Photo No. 1: Overall view of central Commercial Wharf as viewed from Peregrine office building deck.

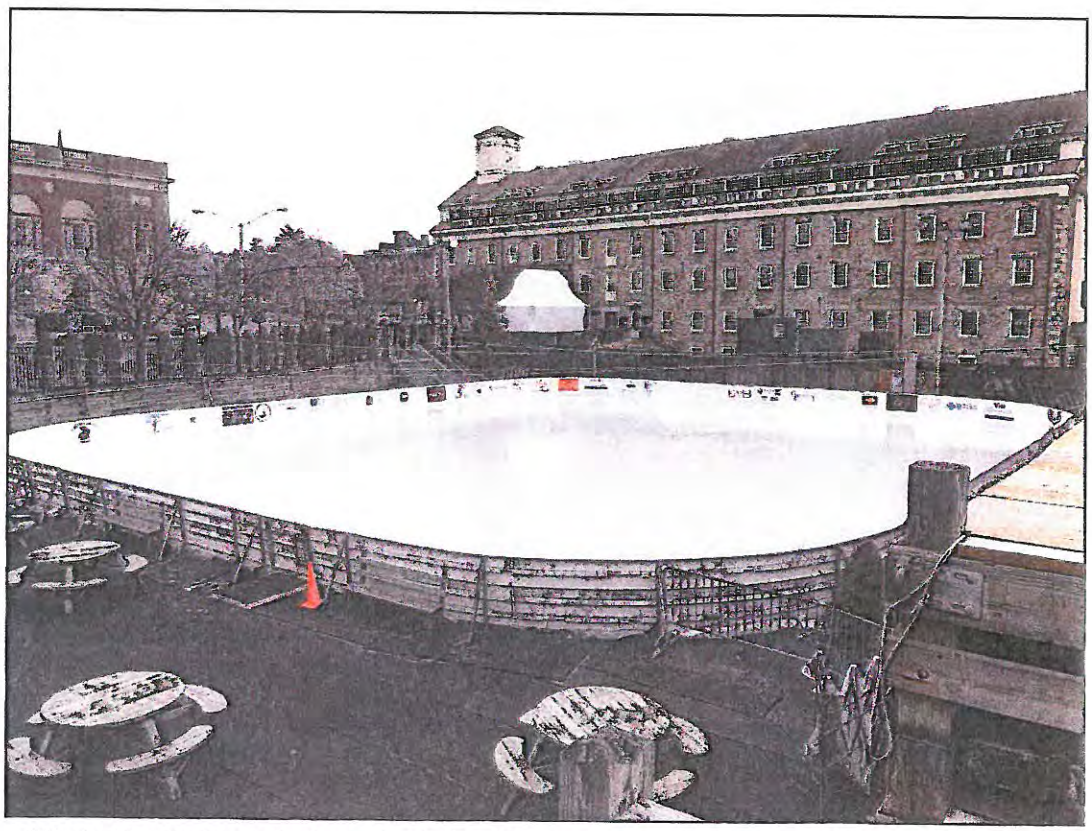

Photo No. 2: Overall view of existing Commercial Wharf facing America's Cup Avenue where planned redevelopment including a new hotel will occur. Construction of the proposed bioretention area will occur as part of the planned redevelopment.

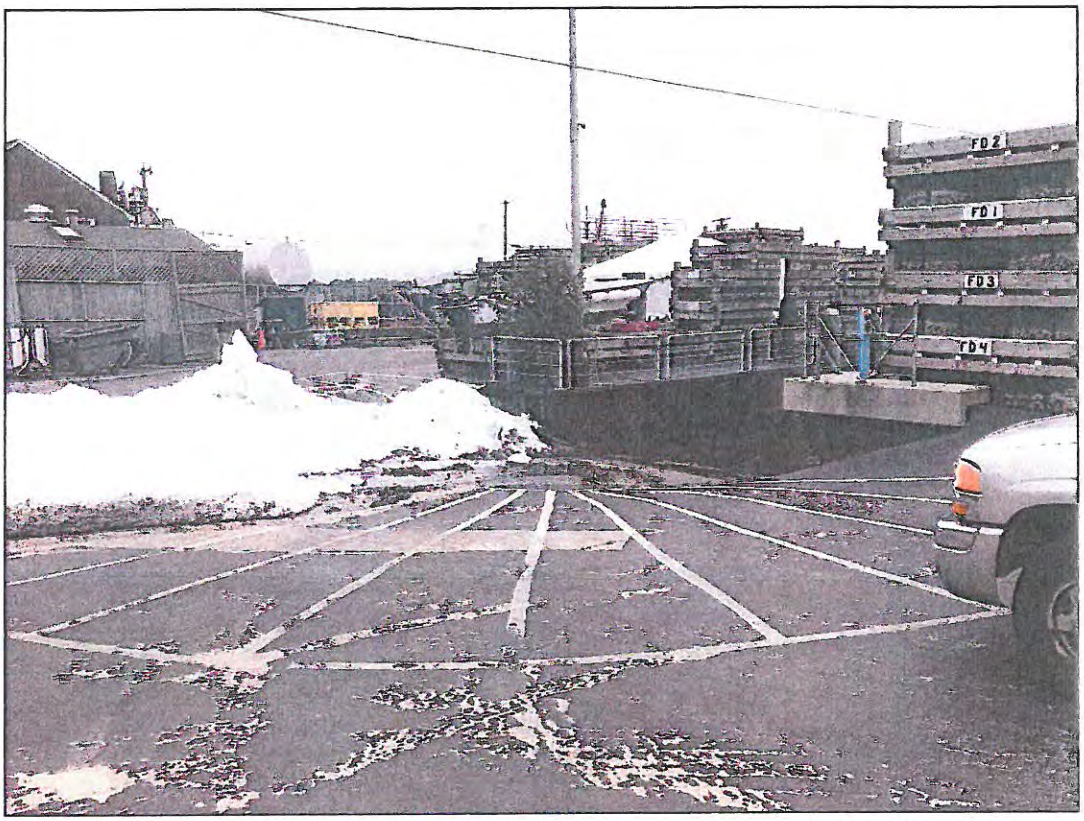

Photo No. 3: View of the existing boat ramp and pavement markings as viewed from top of parking lot slope.

Photo No. 4: View of the asphalt and concrete slab boat ramp and sheetpile bulkhead. The northern bulkhead (right) is concrete capped while the southern side (left) has a steel cap.

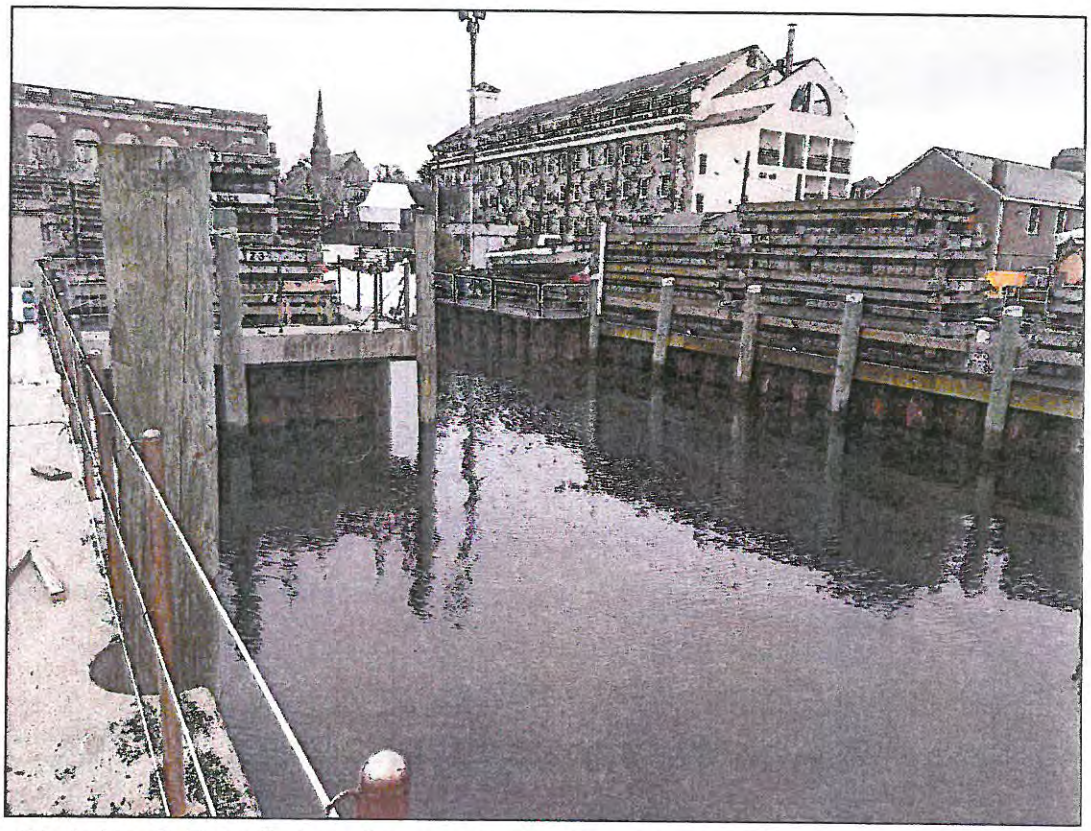

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Photo No. 5: Overall view of seaward side of boat ramp facing east.

Photo No. 6: View of concrete boat ramp slabs as viewed from approximate northwestern limit of proposed bioretention area.

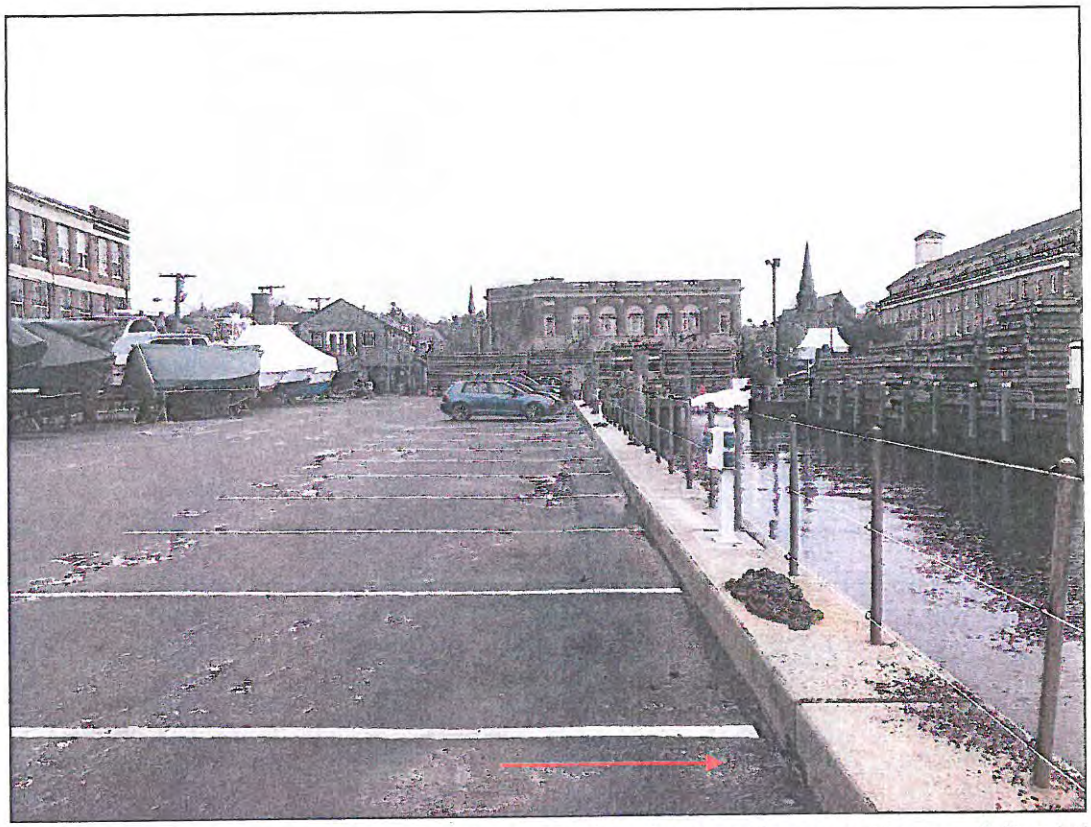

Photo No. 7: View of location where proposed walkway will connect to an existing brick walkway (see following photo), enhancing public waterfront access. Note the bulkhead scuppers that currently discharge untreated surface runoff to Newport Harbor.

Photo No. 8: View of recent improvements at the southwest corner of Lot 77 (CRMC Assent 2015-10-087). The proposed public access improvement will connect the existing walkway to the south (see arrow) to the proposed extension via this feature.

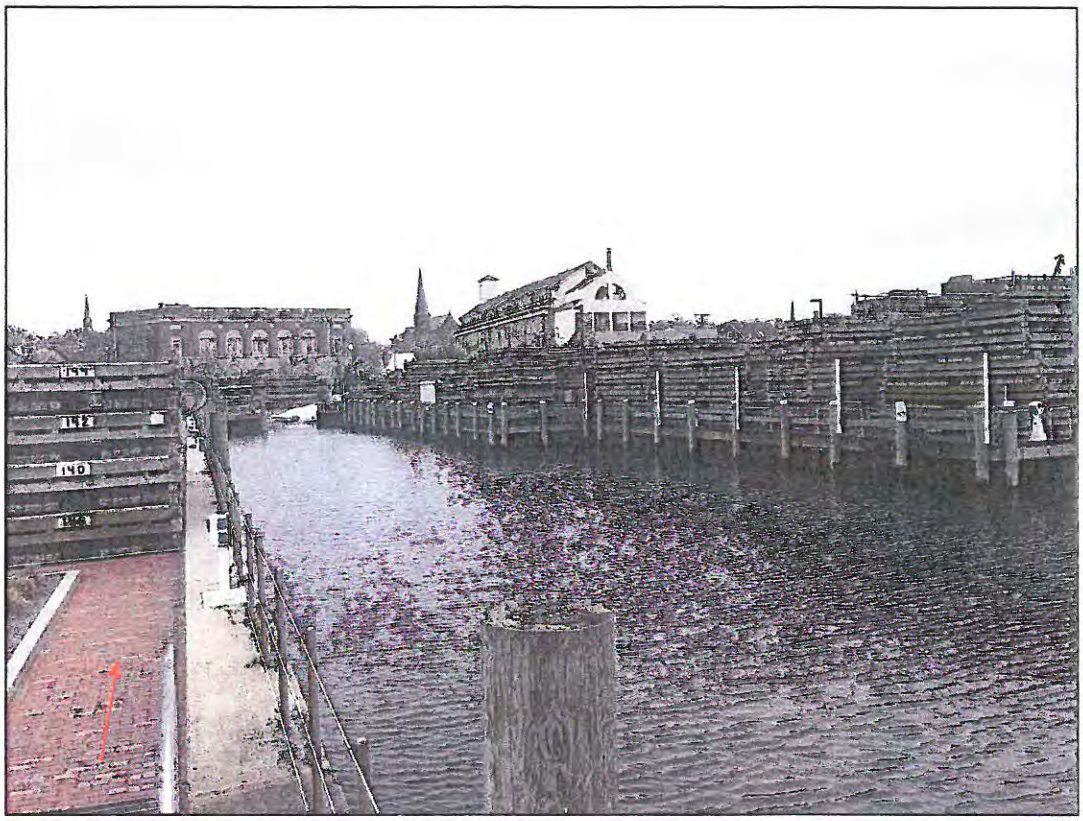

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Photo No. 9: Alternate view of existing walkway facing east where proposed walkway extension will connect to the existing brick walkway shown, and continue east between the bulkhead cap and parking lot.

SECTION 5

Zoning Board Decision

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INST: 00114708
BK: 2713 PG: 66

STATE OF RHODE ISLAND
CITY OF NEWPORT

ZONING BOARD OF REVIEW

In Re: APPLICATION OF SW 77, LLC; SW 78, LLC; SW 248, LLC AND SW 281, LLC, FOR A SPECIAL USE PERMIT AND REGULATORY VARIANCES FOR PROPERTY LOCATED AT 4 COMMERCIAL WHARF, FURTHER IDENTIFIED AS TAX PLAT 27, LOTS 77, 78, 248 AND 281, TO PERMIT A MIXED-USE PROJECT CONSISTING OF TRANSIENT GUEST FACILITY, RESTAURANT, RETAIL, PROFESSIONAL OFFICE SPACE, COMMERCIAL PARKING AND MARINA USE.

DECISION

The City of Newport Zoning Board of Review (hereinafter "the Board"), having conducted evidentiary hearings on September 18 and October 16, 2017; having considered the testimony, exhibits, arguments and post hearing written submission by the Applicant; and having deliberated and voted on October 16, 2017, hereby makes findings of fact and conclusions of law and renders its Decision as follows:

1. The Applicants and Owners, SW 77, LLC; SW 78, LLC; SW 248, LLC and SW 281, LLC, of Rumford, Rhode Island (hereinafter collectively "Applicant"), have filed a Petition for a Special Use Permit for property located at 4 Commercial Wharf, further identified as Tax Plat 27, Lots 77, 78, 248 and 281, to permit a mixed-use project consisting of a transient guest facility, restaurant, retail, professional office space, commercial parking and marina use.

2. The Applicant has also filed a Petition for Regulatory Variances from the provisions of 17.100.050(C) relating to density which calls for one room for 1500 s.f. of land; 17.100.050(A) relating to room size for hotel which calls for a room size of 300 s.f.; 17.104.20(F) and 17.104.050(C) relating to allowing adjacent but not contiguous lots to be used for square footage in calculating the density and parking spaces. The Applicant is seeking a density of 1028 s.f. (86,395/84 units). Without the relief the land would permit 58 units.

3. The existing use of the parcels is for commercial parking, office and marina use.

4. The Applicant was represented by Neil P. Galvin, Esq.

5. The Applicants have agreed to combine the current four lots into two lots, which would mean the density on the combined lots where the project is proposed to be built would be 783 sq. ft. per unit, or if all four lots were used to support the density request, it would be 1,038 sq. ft. per unit.

6. The Applicants are seeking a variance from 17.100.050(A) of the zoning ordinance, which requires unit sizes of 300 sq. ft. for hotel rooms. They propose rooms of 230 sq. ft. This would not affect the size of the building, but would make it financially viable to build, according to the principals and their expert witnesses, including the supplemental representations presented at hearing.

7. The Applicants are asking the Board to use the square footage of all the lots to satisfy the off-street parking requirements. The zoning code requires all parking to be on the same lot as the use. However, the combining of the lots into 2 lots, will increase the conformity with this provision.

8. Testimony was taken from objectors, and although listened carefully to their concerns, no-one who was an "aggrieved party", meaning an abutter or property owner who would be directly affected by the project, presented any objection. The concerns of these and other objectors to this project were understood, but the project is not in any way detrimental to the City of Newport or the area surrounding the site.

9. As to the request for a variance from the requirements that all parking be on the same lot as the project, the Board finds that the combination of lots 248 and 281 and lots 77 and 78 into two lots rather than four, will allow most of the required parking to be on the same lot as the project, and therefore, more conforming to the zoning ordinance. The Board finds that the parking being provided is substantial, and substantially more than many downtown developments can provide. Parking is important in this instance because of the hotel use and the requested increase in the number of rooms in the hotel, but other uses that will be a part of this project such as retail and restaurant use are often approved with little or no parking because Newport has come to rely on foot traffic for such businesses in the downtown area.

10. As to the request for the room size variance from 300' to 230', both of the principals, Sam Bradner and Colin Kane, who have extensive experience in developing and managing projects throughout New England and Rhode Island in particular, including the Ocean House is Westerly, testified that the building envelope would have to be larger if they were required to conform to this section of the Zoning Code, and that 84 rooms was the minimum number to make the project viable. The Board is not supposed to take into account whether a variance would result in greater profit, but just by common sense, the

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Board has to take into account the viability of a proposed business or Newport would still have blood alley and ramshackle wharves. In pursuit of this standard the Board was looking for more information about what "viability" meant in this context. Was it greater gain or was it reasonable return on investment. The Applicants were able to provide information showing that if the number of rooms was reduced to 58, the project would be in the red, and therefore, not viable.

11. Matthew Arrants, who was accepted as an expert in the hotel industry testified consistently with Mr. Bradner and Mr. Kane.

12. In addition, Douglas Kallfelz, who was accepted as an expert in Architecture testified that hotel rooms, particularly in vacation destinations, are being designed smaller than was the standard when Newport's zoning ordinance was put into place. He testified that people traveling for pleasure have no need of space for a desk or meeting. They only want a place to sleep and mostly they want to go out and see the sights. That reasoning makes sense and the Board accepts his testimony on the issue.

13. Also, since our downtown area already accommodates many visitors in that area in particular, the difference from 58 to 84 rooms will not have any discernable impact on the surrounding area.

14. The assessment of the requirement of 1,500 sq. ft. of land area per unit, is similar to the assessment of the room size and number. This is a busy commercial and business area. There is open space in the immediate area and the increase in number of units will not make any discernable difference to the health, safety or welfare of anyone in the surrounding area.

15. In addition, the Applicants have agreed to a perpetual agreement, recorded in the land evidence records, for the public to use the walkway to the west side of the property. The deck has open access from the sidewalk and although it may not be entirely open for public use, the Applicants stated that would be problematic since they have businesses and a restaurant surrounding the patio who in some cases, would insist upon their own spaces, and that they would have trouble obtaining insurance and maintaining security. The Board would not require the deck to be designated as public space by license or deed. However, it is certainly available for sightseeing and gathering. It is a marketplace space.

16. The Board would require the permit for the walkway to allow access to the public from dawn to dusk during the summer months as defined minimally as June 1st to October 15th, excluding the dates reserved for the boat-show. Thereafter, 8 am to 5 pm, would be an acceptable limit on time.

17. Ashley Iannuccilli was accepted as an expert in landscape architecture. She discussed the extensive stormwater treatment system for the site was credible and that this project will improve the flow of untreated stormwater into the harbor.

18. Amy Archer was accepted as an expert in traffic engineering. She had analyzed crash data, trip generations, and signage and lights in the area. The Board found her to be a credible witness. She stated that there would be no change in the overall level of service to the area, that the total number of spaces on what will be 2 parcels, are more than sufficient for the project. She said traffic from the project will not be detrimental or injurious to the neighborhood. In the summer, this area is difficult to access because of traffic, but once guests at the hotel have arrived, they would presumably be leaving their cars parked on the property for most, if not all of their stay, so the Board finds this testimony to be credible. Ms. Archer also testified that the proposal will be in accord with the public convenience and welfare, taking into account the resulting traffic patterns and adequacy of the off-street parking and loading requirements of the site.

19. The Applicants also presented a real estate expert, Thomas Sweeney, who testified the requested variances will not alter the general character of the surrounding area. He also testified that larger hotel rooms would require more massing. He stated the proposed use was in harmony with and not injurious to the surrounding area. Mr. Sweeney further testified that the variances would be the minimum variances that would make possible the reasonable use of the land and are the least relief necessary; that the hardship is not due to a physical or economic disability and that it is not the result of any prior action of the applicant and does not result primarily from the desire to realize greater financial gain, but that the applicant is limited by the square footage of the property for a development that would be complimentary to the surrounding area. He further testified that the denial of the variances would result in a hardship amounting to more than a mere inconvenience. Mr. Sweeney also testified as to the special use application. His conclusions were supported by the testimony of the Applicants and other experts who were presented.

20. Therefore, as to the variance requests, the Board finds the parking for the hotel is sufficient, and that enough of it will exist on the same lot as the project to constitute a minimum variance and that since the other two lots, which would make the parking entirely conforming cannot be combined with the lots the project itself is on since they are separated by the Commercial Wharf property or easement. The Board also finds that both the room size variance and the number of units per land area are the minimal variance that would make possible the reasonable use of the land, both because it maintains the smallest building envelope possible for the hotel and is necessary for the viability of the project. The Board finds that the density of the number of hotel rooms will not be injurious to the

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neighborhood. Testimony and exhibits support the fact that the project will not impair the intent or purpose of the zoning code or the comprehensive plan. (the planning board also determined the project to be in keeping with the comprehensive plan). The hardship is due to the unique characteristics of the subject land and not to the general characteristics of the surrounding area. The Board finds this project to be in keeping with the surrounding area. The property is unique in that it must accommodate the Boat-show for the next 15 years at least, and it contains nearby, but not contiguous parcels of land, and it is in a flood zone which constrains what can be done with the property. The request is not due to a physical or economic disability, but rather is due to the desire to make the project compatible with the surrounding area, provide some public views and access, and make the project viable. The Board finds that the desire to have a viable project is not the same as a desire to realize greater financial gain.

21. Turning to the request for a special use permit, the Zoning Code allows the zoning board to allow certain uses and features that would be appropriate in such districts if controlled as to number, area, location or relation the neighborhood so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare even if such use is not allowed by right.

22. The Board finds the project to be in keeping with the surrounding area in size and massing, and that a good effort was made to preserve view corridors and provide some public access. The Applicants have indicated a concern for the safety and welfare of those entering the property by closing the public access after dark. This property, as it is, is now just another parking lot. There is really no view of the harbor and no activity other than people walking by on their way to somewhere else. This is a project very much in keeping with the surrounding area and will improve the appearance of that corner of America's Cup. This project will have a positive influence in the area and will promote the prosperity and general welfare of the City.

23. This project will be quieter and will bring in fewer people at a time than did the events at the Yachting Center. This is an area of Time Shares, restaurants, retail, and B & Bs. This is a hotel use, which has a different consumer type than time share or B & B markets. In addition, the hotel industry expert, Mr. Arrants testified that Newport had a shortage of hotel rooms during the high season.

24. This is a responsible project that will provide an agreement on the record for a perpetual license for access by the public to a walkway to the water. The approval of this project has no precedence or bearing on what our decision might be for any other hotel applicants that come before us. In other words, approval of this project does not signal open season for applicants of hotels. The applicants have shown the reasons for their requests and

have convinced the Board that the variances and special use permit are justified. This project is one that will be beneficial to the area and to the city as a whole.

25. All of the expert witnesses presented by the Applicant were accepted by the Zoning Board as experts in their respective fields and their testimony was reasonable and credible.

26. There was no expert testimony presented in contradiction to the testimony of Applicant's experts.

27. There was no testimony in opposition to the proposal from any witness that had legal standing to do so or that was an aggrieved party.

Thus, the Board finds as to the special use permit, that the proposal is in accord with the public convenience and welfare after taking into account, where appropriate:

1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of the structure;

2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;

3. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area;

4. The proximity of dwellings, churches, schools, public buildings and other places of public gathering;

5. The fire hazard resulting from the nature of the proposed buildings and uses and the proximity of existing buildings and uses;

6. All standards contained in the zoning code; and

7. The comprehensive plan for the City.

For all the reasons set forth above, the Application for the requested variances and the special use permit is granted, subject to the following conditions:

1. That petitioners and the City agree to (or enter into) a perpetual agreement which will be recorded in the land evidence records, allowing public pedestrian access to the walkway on the west side of the property, as described on the plans submitted and as testified to by the Applicants, open in the summer (June 1 to October 15th) from dawn to dusk, and in the remaining months, from 8 am to 5 pm, subject to the Boat Show and subject to the approval of the City Solicitor.

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2. That 87 of the 166 parking spaces be allocated primarily to the four primary uses of the project: transient guest facility, restaurant, retail and marina, and be reallocated only once occupancy rates in the hotel are determined.

3. That parcel 248 be merged with lot 281 and lot 77 be merged with lot 78.

4. The project shall be commenced and substantially completed within two (2) years;

5. The project shall be submitted for development plan review prior to the issuance of a building permit as recommended by the Zoning Officer in the staff comments.

The Board voted on this application as follows:

Rebecca McSweeney, Chair	Aye
Christopher Kirwin	Aye
Charles Allott	Aye
Wick Rudd	Aye
Robert Buzard	Nay

Rebecca McSweeney, Chair
Zoning Board of Review
12/8, 2017

LAURA C SWISTAK
CITY OF NEWPORT
CITY CLERK
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SECTION 6

US Fish & Wildlife Official Species List

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
http://www.fws.gov/newengland

In Reply Refer To:
Consultation Code: 05E1NE00-2018-SLI-0769
Event Code: 05E1NE00-2018-E-01778
Project Name: Hammetts Wharf Hotel

January 26, 2018

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

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MANAGEMENT COUNCIL

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2018-SLI-0769

Event Code: 05E1NE00-2018-E-01778

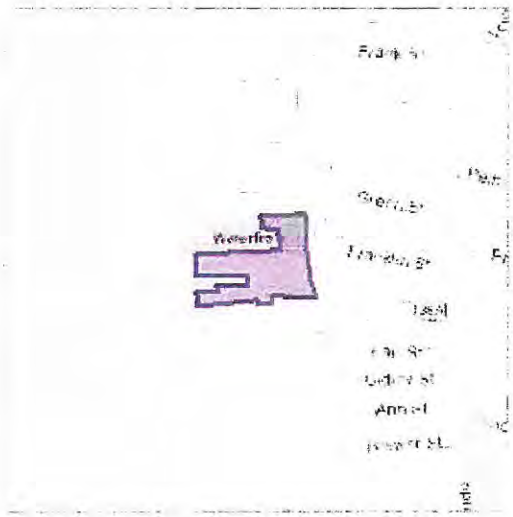
Project Name: Hammetts Wharf Hotel

Project Type: DEVELOPMENT

Project Description: Redevelopment of four parcels located at 4 Commercial Wharf in Newport, involving the construction of a new hotel building, and site improvements including stormwater BMPs, enhanced public access to the water, pavement resurfacing, grading, minor utility improvements, hardscape and landscaping. A portion of the project requires fill in tidal waters for stormwater management purposes.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/41.48506296655622N71.3159811360996W



Counties: Newport, RI

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Roseate Tern *Sterna dougallii dougallii* Population: northeast U.S. nesting pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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SECTION 7

Tidal Water Fill Calculations

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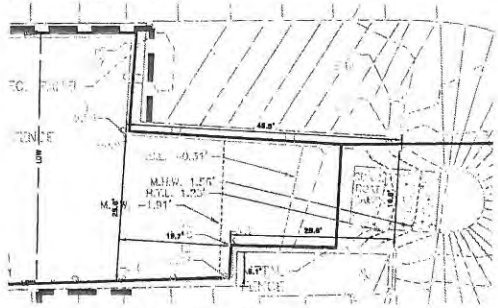
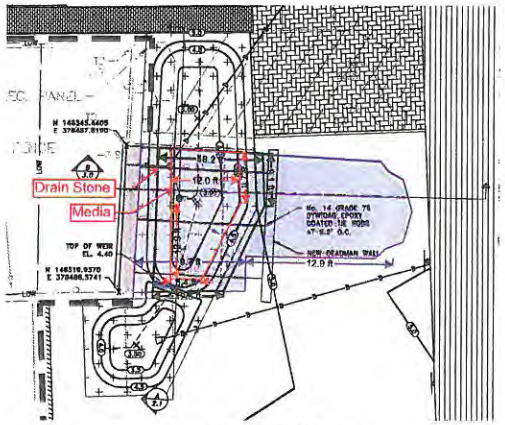
PERMIT SUBMISSION



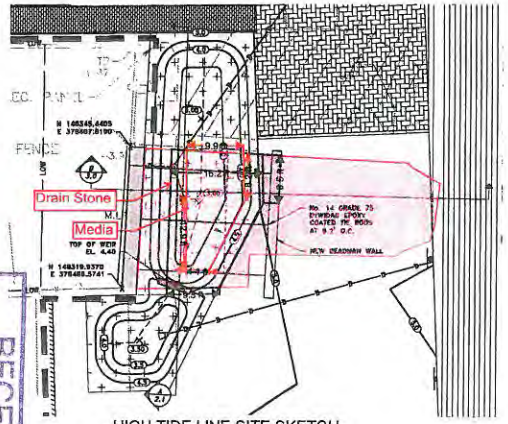
EXISTING BOAT RAMP SKETCH

SCALE: 1"=10'±



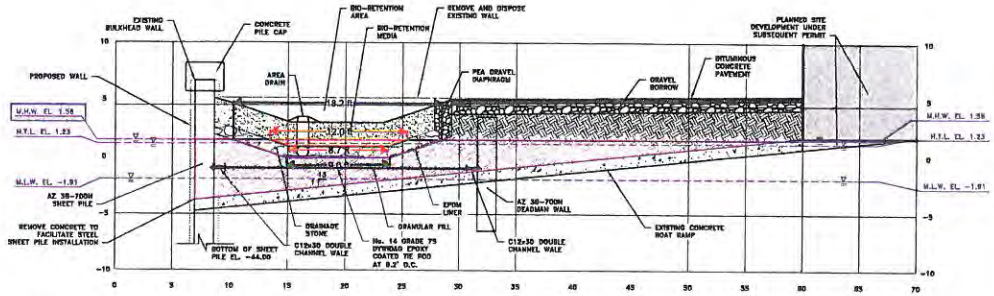
MEAN HIGH WATER SITE SKETCH

SCALE: 1"=10'±



HIGH TIDE LINE SITE SKETCH

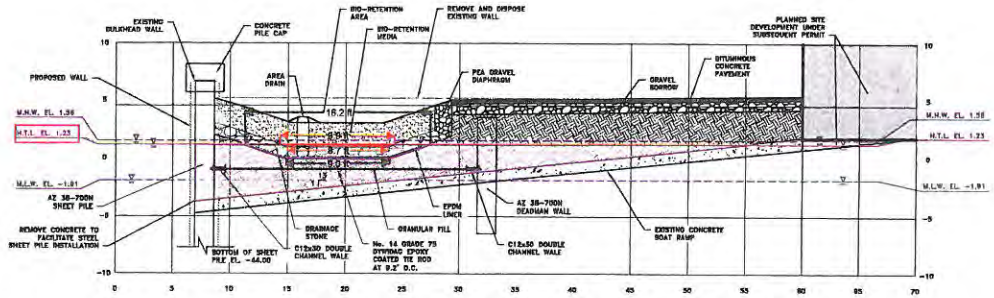
SCALE: 1"=10'±



SECTION B (2/7.0)

1"=5'

MEAN HIGH WATER SECTION SKETCH



SECTION B (2/7.0)

1"=5'

HIGH TIDE LINE SECTION SKETCH

Graphic Scale 1"=10'

10' 5' 0 10' 20'

OWNER

PEREGRINE GROUP LLC

www.PeregrineGrp.com

CONSULTANTS

PARE CORPORATION

ENGINEERS - SCIENTISTS - PLANNERS

10 LINCOLN ROAD, SUITE 210

FOXBORO, MA 02035

508-543-1755

HAMMETTS WHARF - BOAT RAMP CONVERSION

4 COMMERCIAL WHARF

NEWPORT, RHODE ISLAND

PROJECT NO:	14245.06
SCALE:	1"=20'
DRAWN BY:	AWB
CHK'D BY:	GSD
DATE:	FEBRUARY 2018

SHEET TITLE

BOAT RAMP CROSS SECTION PLAN

C3.0

SHEET 6 OF 8

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Mean High Water el 1.56

Total Fill = **2718 cuft**

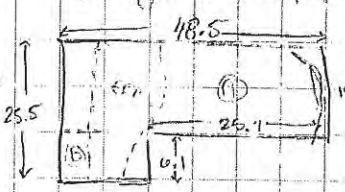
(A) $\frac{45.2 \times 19.4}{2} \times 5.46 = 2394$ cuft

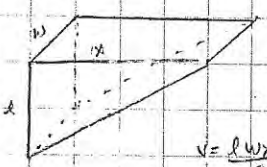
1) l = 1.56 − (−3.9) = 5.46
w = 19.4
x = 25.7 + 19.5 = 45.2

(B) $\frac{19.5 \times 6.1}{2} \times 5.46 = 325$ cuft

B) l = 5.46
w = 6.1
x = 19.5

Rough Bottom





MHT = 1.56
Ramp = −3.9
l = 5.46

$V = \frac{lwx}{2}$

Bioretention Media

$8.7 \times .56 \times \left(\frac{12.0 + 8.7}{2}\right) = 50$

$12.9 \times .56 \times \left(\frac{12 + 5.4 + 8.7 + 12.1}{4}\right) = 51$

= **101 cuft**

1) wb = 12.0
wa = 8.7
h = 1.56 − 1 = .56
l = 8.7

2) wb1 = 12.0
wb2 = 5.4
wa1 = 8.7
wa2 = 2.1
h = .56
l = 12.9

$V = lw\left(\frac{a+b}{2}\right)$

Drainage Stone

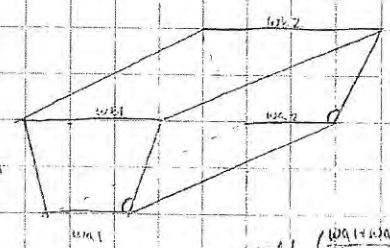
$9.1 \times 1.56 \left(\frac{18.2 + 9.2}{2}\right) = 194$

$16.4 \times 1.56 \left(\frac{18.2 + 9.2 + 12.6 + 3.6}{4}\right) = 279$

473 − 101 = **372 cuft**

1) wb = 18.2
wa = 9.2
h = 1.56 − 1 = 1.56
l = 9.1

2) wb1 = 18.2
wa1 = 9.2
wb2 = 12.6
wa2 = 3.6
h = 1.56
l = 25.5 − 9.1 = 16.4



$V = lh\left(\frac{wa1 + wa2 + wb1 + wb2}{4}\right)$

Granular Fill

2718 − 473 = **2245 cuft**

LANCE A. HILL
No. 8286
REGISTERED PROFESSIONAL ENGINEER
CIVIL

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Mean High Tide el. 1.23

Total Fill $\boxed{2554 \text{ cuft}}$

A) $\frac{45.2 \times 19.4 \times 5.13}{2} = 2249$

$l = 1.23 - (-3.9) = 5.13$
$w = 19.4$
$x = 19.5 + 25.7 = 45.2$

B) $\frac{19.5 \times 6.1 \times 5.13}{2} = 305$

$l = 5.13$
$w = 6.1$
$x = 19.5$

Bioretention Media

$8.2 \times .23 \times \left(\frac{9.9 + 8.7}{2}\right) = 18$

1) $w_b = 9.9$
$w_t = 8.7$
$h = 1.23 - 1 = .23$
$l = 8.2$

$12.9 \times .23 \times \left(\frac{9.9 + 8.7 + 4.1 + 3.0}{4}\right) = 19$

2) $w_{b1} = 9.9$
$w_{b2} = 4.1$
$w_{t1} = 8.7$
$w_{t2} = 3.0$
$h = .23$
$l = 12.9$

$\boxed{37 \text{ cuft}}$

Drainage Stone

$8.5 \times 1.23 \times \left(\frac{16.2 + 9.0}{2}\right) = 132$

1) $w_b = 16.2$
$w_t = 9.0$
$h = 1.23 - 0 = 1.23$
$l = 8.5$

$17 \times 1.23 \left(\frac{16.2 + 9 + 9.5 + 1.8}{4}\right) = 181$

2) $w_{b1} = 16.2$
$w_{b2} = 9.5$
$w_{t1} = 9.0$
$w_{t2} = 1.8$
$h = 1.23$
$l = 25.5 - 8.5 = 17$

$323 - 37 = \boxed{286 \text{ cuft}}$

Granular Fill

$2554 - 323 = \boxed{2231 \text{ cuft}}$

LANCE A. HILL
No. 8286
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CITY OF NEWPORT
Office of the
CITY MANAGER

June 11, 2018

Grover Fugate, Executive Director
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

Ronald Gagnon, Chief
Office of Technical and Customer Assistance
RI Department of Environmental Management
235 Promenade Street
Providence, RI 02908-5767

Re: CRMC File No: 2018-02-061
RIDEM Water Quality Certification No. 18-035
Application of Scott's Wharf LLC
4 Commercial Wharf, Newport, RI 02840

Dear Mr. Fugate and Mr. Gagnon:

The Newport City Council, at its regular meeting of May 23, 2018 considered the above referenced application as well as the comments of the Newport Planning Board and Waterfront Commission, copy attached.

The City Council voted not to object to the application as submitted.

We thank you for extending the comment period to provide the Council an opportunity to review the recommendations of the Planning Board and the Waterfront Commission and comment. I apologize for the lateness of this submission and am aware that the extension to the comment period has expired; however, I just wanted to submit the City's decision for the record and for CRMC's and RIDEM's files. Thank you.

Sincerely,

Patricia Fay

Patricia Fay, Executive Assistant to
The City Manager

/paf
Enclosure

cc: City Planner
Harbormaster
Chairman, Waterfront Commission
Chairman, Planning Board

City Hall, 43 Broadway • Newport, Rhode Island 02840
Tel: (401) 845-5430 • Fax: (401) 845-2510 • E-mail: citymanager@cityofnewport.com

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Action Item # 5760/18
Docket Date: May 23, 2018

City of Newport

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Henry F. Winthrop and Members of the Council
From: Joseph J. Nicholson, Jr., Esq., City Manager
Date: May 15, 2018
Subject: CRMC File No. 2018-02-061 – RIDEM Water quality Certification No. 18-035 Application of Scott's Wharf, LLC – Fill an Existing Boat Ramp and Associated Tidal Waters to Construct a Stormwater Treatment Facility (Bioretention Area) to Treat Stormwater Runoff for Future Redevelopment Proposal
Project Location: 4 Commercial Wharf

RECOMMENDATION:

It is recommended that the Council direct the Administration to inform CRMC that the City has no objection to the project as submitted.

BACKGROUND AND FINDINGS:

Attached is a notice from the Coastal Resources Management Council and the Rhode Island Department of Environmental Management regarding the application of Scott's Wharf, LLC to fill an existing boat ramp and associated tidal waters to construct a stormwater treatment facility (bioretention area) to treat stormwater runoff associated with a future redevelopment proposal for the site to include construction of a new hotel building and associated site improvements at 4 Commercial Wharf.

This application was referred to the Planning Board and the Waterfront Commission for their comments. CRMC and RIDEM were also asked to extend the deadline for comments to May 25, 2018 in order to provide Council the opportunity to review the recommendations of the Planning Board (attached) and the Waterfront Commission (attached).

The Waterfront Commission reviewed the application with Scott's Wharf LLC and found no issues with the application as submitted, see attached communication.

The Planning Board has advised that the application is consistent with the Comprehensive Land Use Plan, see attached communication.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

___ Currently Budgeted (Account _____) ___ Requires additional appropriation _X_ No Fiscal Impact

SUPPORTING DOCUMENTS

CRMC Application No. 2018-02-061; RIDEM Water Quality Certification No. 18-035
Letter to CRMC and RIDEM dated April 16, 2018 requesting extension of the deadline to submit comments
Letter from CRMC dated April 16, 2018 approving the request for extension of deadline for comments
Letter to Planning Board and Waterfront Commission dated April 16, 2018 requesting review of application
Letter to Applicant dated April 16, 2018 regarding review by advisory boards and City Council
Recommendation of Planning Board dated May 8, 2018
Recommendation of the Waterfront Commission dated May 15, 2018

Finance Dept. Review: _____ Date By: _____ (if applicable)

cc: **Chair, Waterfront Commission**
Chair, Planning Board

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THE CITY OF NEWPORT, RHODE ISLAND – AMERICA'S FIRST RESORT

Planning Board

May 8, 2018

The Honorable Mayor and
Members of the City Council
43 Broadway
Newport, RI 02840

Re: Joint Public Notice
CRMC Application 2018-02-061 / RIDEM Water Quality Certification Number 18-035
4 Commercial Wharf

Dear Honorable Mayor and City Councilors:

The City Manager referred a Joint Public Notice from Rhode Island Coastal Resources Management Council and the Department of Environmental Management to the Planning Board for review on April 16th. The Joint Public Notice for the State of Rhode Island CRMC Assent and RIDEM Water Quality Certification was submitted on behalf of Scott's Wharf LLC for the property at 4 Commercial Wharf.

At the May 7, 2018 Planning Board Meeting, the board recommended that the City Council ***not request a hearing on this matter*** for the property at 4 Commercial Wharf in Newport, RI. The application is to "Fill an existing boat ramp and associated tidal waters to accommodate the construction of a stormwater treatment facility to treat a portion of the stormwater runoff associated with a future redevelopment proposal for the site to include the construction of a new hotel building and associated site improvements." Redevelopment of the site will be the subject to an additional CRMC application which will also address public access improvements proposed to compensate for the filling of tidal water and future commercial redevelopment.

Upon a motion duly made and seconded, the application for CRMC Application 2018-02-061 / RIDEM Water Quality Certification Number 18-035 (4 Commercial Wharf – Scott's Wharf, LLC) was found to be ***consistent*** with the general policies set forth in the 2017 Comprehensive Land Use Plan of the City of Newport.

Sincerely,

for Melissa Pattavina - Christine O'Grady
City Planner

Melissa Pattavina
Chairperson, Planning Board
City of Newport

CC: J. Nicholson, C O'Grady, N. Galvin

Fay, Pat

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From: Fred Roy <fredroy2012@gmail.com>
Sent: Tuesday, May 15, 2018 5:15 PM
To: Fay, Pat
Cc: Paul Harden; kane.dave@gmail.com; Peter (Jerry) Baum; Chris McNally; Marin; Alana Markowitz; HDP1; Zach Yaroschuk; Mills, Tim; Susan Taylor; Cofield, Patricia; Dunn, Kathleen; John P CIV NUWC NWPT
Subject: Scott's Wharf LLC
Attachments: CRMC-RIDEM-Commercial Wharf 2018.pdf

Pat:
On May 10, 2018, the Newport Waterfront Commission reviewed the application with Scott's Wharf LLC and found no issues with the application as submitted, please see attached.
Kind regards,

Fred Roy
Newport Waterfront Commission
email: fredroy2012@gmail.com
cell: 401-255-1900

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SAVE THE BAY.
NARRAGANSETT BAY

Save The Bay Center
100 Save The Bay Drive
Providence, RI 02905

P: 401-272-3540
F: 401-273-7153
SAVEBAY.ORG

August 2, 2018

Grover Fugate, Executive Director
Rhode Island Coastal Resources Management Council
Stedman Government Center – Suite 3
4808 Tower Hill Road
Wakefield, RI 02879

Janet Coit, Director
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908

Re: Modified 20-Day Joint Public Notice - Objection to CRMC File No. 2018-02-061/RIDEM Water Quality Certification No. 18-035: Scotts Wharf LLC

Dear Director Fugate & Director Coit:

Save The Bay is a non-profit organization whose mission is to protect and improve Narragansett Bay, including its watershed and adjacent coastal waters. More than two hundred members of Save The Bay live in Newport, and many of our members use the waters and shoreline of Newport Harbor for boating, kayaking, birding, and other recreational opportunities. Save The Bay objects to the above-referenced application to fill tidal waters to create privately-owned property for a commercial, non-water dependent use in Type 5 waters.

Save The Bay met with representatives of Scotts Wharf LLC to discuss the layout of the facility and whether all reasonable alternatives to filling were considered. We appreciate that the applicant has supplemented the information submitted in support of its application to show the lay-out of the mixed-use facility, including the public access plan for pedestrians (facility). Our objection based on the fact that a "complete description of the work" was not submitted has been addressed. We also appreciate that the applicant worked with Friends of the Waterfront to develop a public access plan that meets local needs.

However, the application still contains a fatal flaw. Save The Bay submits that the application must be denied as the project does not comply with the Coastal Resources Management Program (RICRMP). Per RICRMP §1.3.1.J.3.c, filling in Type 5 waters "is prohibited unless: (1) the filling is made to accommodate a designated priority use for that water area; (2) the applicant has examined all reasonable alternatives and the Council has determined that the selected alternative is the most reasonable; and (3) the filling is the minimum necessary to support the priority use." Contrary to the applicant's statements, the project does not accommodate a

designated priority use. The purpose of the project is to create land to accommodate a bio-retention area so that the owner may maximize the size of the development on the abutting 1.66 acres of land. Priority uses of Type 5 waters and adjoining land areas include: accommodating recreational and commercial vessels, water dependent and enhanced commerce, maintenance of channels and berths, removal of obstructions to navigation and activities that maintain or enhance water quality and scenic qualities. RICRMP §1.2.1.E.3.b. The proposal to eliminate tidal water to construct a bio-retention area is not a priority use. Further, a hotel is not a water dependent use or water enhanced commerce, including businesses catering to tourists. RICRMP §1.2.1.E.3.b.[1]

The applicant worked with Save The Bay to address our concern that it had not demonstrated, as required by RICRMP §1.3.1.J.3.c(2), that all reasonable alternatives were considered and filling waters of the state was the most reasonable alternative. Save The Bay submits that the need to fill waters of the state is based on self-imposed constraints due to the facility layout. Urban/unsuitable fill is often removed and replaced with suitable structural or drainage material. Stormwater systems can be placed located under buildings or in other locations, and we are not convinced that all alternate designs were considered. Costs are also cited as a reason that several alternative treatment systems are not feasible, but no cost comparison has been made available as part of the public record. Regardless, cost alone does not justify filling waters of the state to create additional land. If cost were a justification developers and residents would be lining up to create cheap land by filling.

There is little evidence provided in the application to indicate that the preferred stormwater treatment, which involves filling tidal waters, is the most reasonable. Per RICRMP §1.3.1.J.3.c(2), even in cases where the filling does support a designated priority use, the Council must determine that the selected alternative is the most reasonable. Likewise, the Council must be convinced that other alternatives are *unfeasible*. In this case, while filling is certainly the simplest option, there is little evidence in the application to indicate that other options should be disregarded. Site constraints such as the presence of urban fill and the existing bulkhead can be overcome. Based on the information presented, it is not possible for the Council to determine whether filling is the most reasonable option. As the applicant is unable to meet any of the criteria for filling tidal waters in Newport Harbor set forth in RICRMP §1.3.1.J.3.c(1)-(3), the application must be denied.

We understand the financial constraints under which a developer operates to ensure financial success of a project. However, in all cases, "It is the Council's policy to discourage and minimize the filling of coastal waters." RICRMP §1.3.1.J.1.a. Even if the development met the priority use criteria, there is no public benefit from permitting the conversion of waters of the state, a public trust resource, into private property. Therefore, the loss or degradation of the public

[1] Although the Council has not defined "water enhanced commerce, including businesses catering to tourists," "commerce" is defined by *Merriam Webster* as a "social intercourse" or "buying and selling of commodities on a large scale involving transportation from place to place." The use of the word "commerce" shows that it involves transportation and is akin to a water-related use as defined by other Coastal Zone Management Programs. It does not include private hotels but would include activities such as parking for ferries.

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trust resource without public benefit prevents the applicant from eliminating waters of the state for personal gain. RICRMP §1.3.1.J.1. If the Council were to approve such a filling it would create a dangerous precedent of allowing an individual to maximize development on land abutting waters of the state by increasing the size of its parcel through filling tidal waters for personal gain.

Instead of creating land by converting public trust resources to private use, applicants must design their proposals, including mandatory stormwater controls, to fit within the constraints of the land it owns to meet the requirement that "filling is the minimum necessary to support the priority use." Many developers owning property that abuts waters of the state would like to maximize development on their property and if the Council permits filling in this case it will be difficult to prohibit filling in subsequent applications.

RIDEM Water Quality Regulations, Rule 9, prohibit activities that will likely violate the antidegradation provisions of Rule 18. As set forth in Rule 18, "[a]ntidegradation applies to all projects or activities subject to these regulations which will likely lower water quality or affect existing or designated water uses, including but not limited to all Water Quality Certification reviews." Antidegradation requires the protection of all existing uses, it does not allow wholesale elimination of uses. If the Department were to routinely permit the elimination of tidal waters for private gain it would lead to incremental, but ultimately substantial, degradation of existing uses.

The Joint Public Notice states that "[p]ublic access improvements are proposed to compensate for the filing of tidal waters and for future commercial redevelopment of the site." "It is the Council's policy to require a public access plan." §1.3.1.J.1.d. Public access, although critical, does not *compensate* for the filing of tidal waters.

If the Council were to approve filling the boat ramp, waters of the state, it is embarking on a dangerous path of permitting the creation of land by filling waters of the state to maximize site development and private gain. Save The Bay submits that the Council should not find filling waters of the state to maximize the development of a hotel as the most reasonable alternative.

Thank you for your consideration of our objection.

Sincerely,

Michael Jarbeau
Narragansett Baykeeper

Cc: Jennifer Cervenka, Chair Coastal Resources Management Council

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SAVE THE BAY
NARRAGANSETT BAY

Save The Bay Center
100 Save The Bay Drive
Providence, RI 02905

P: 401-272-3540
F: 401-273-7153
SAVEBAY.ORG

May 22, 2018

Grover Fugate, Executive Director
Rhode Island Coastal Resources Management Council
Stedman Government Center – Suite 3
4808 Tower Hill Road
Wakefield, RI 02879

Janet Coit, Director
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908

Re: Objection to CRMC File No. 2018-02-061/RIDEM Water Quality Certification No. 18-035: Scotts Wharf LLC

Dear Director Fugate & Director Coit:

Save The Bay is a non-profit organization whose mission is to protect and improve Narragansett Bay, including its watershed and adjacent coastal waters. More than two hundred members of Save The Bay live in Newport, and many of our members use the waters and shoreline of Newport Harbor for boating, kayaking, birding, and other recreational opportunities. Save The Bay objects to the above-referenced application to fill tidal waters to create privately-owned property for a commercial, non-water dependent use in Type 5 waters.

The application submitted February 22, 2018, supplemented on March 5, 2018, by Pare Corporation on behalf of Scotts Wharf LLC (the application) is not complete. The applicant has chosen not to share the full development plans but to submit only the bioretention system for review. The Army Corps of Engineers, Rhode Island Department of Environmental Management (RIDEM), and the Council should not consider the application until the agencies are able to review the entire development plan. The applicant has not submitted a "complete description of the work" as required by the CRMC Assent Check List.

Without full development plans, it is impossible to evaluate the applicant's representations that all reasonable alternatives have been considered, and that the filling is the minimum necessary to support the use. Allowing an applicant to segment the application process prevents the regulatory agencies from reviewing the full impacts from the development including, but not limited to, pervious area, cumulative impacts, scenic and visual characteristics that make these areas valuable to tourism, and public benefit. Therefore, the application should be denied.

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Applicants must be required to disclose full development plans so environmental and cumulative impacts may be adequately reviewed.

However, even if the full development plans were submitted and included the bioretention facility as depicted, the application must be denied as the project does not comply with the Coastal Resources Management Program (RICRMP). Per RICRMP §1.3.1.J.3.c(1)-(3), "Filling in Type 5 waters is prohibited unless: (1) the filling is made to accommodate a designated priority use for that water area; (2) the applicant has examined all reasonable alternatives and the Council has determined that the selected alternative is the most reasonable; and (3) the filling is the minimum necessary to support the priority use." Contrary to the applicant's statements, the project does not accommodate a designated priority use. The purpose of the project is to create land to accommodate a bioretention area so that the owner may maximize the size of the (yet to be shown) development on the abutting 1.66 acres of land. Priority uses of Type 5 waters and adjoining land areas include: accommodating recreational and commercial vessels, water dependent and enhanced commerce, maintenance of channels and berths, removal of obstructions to navigation and activities that maintain or enhance water quality and scenic qualities. RICRMP §1.2.1.E.3.b. The applicant is not proposing to use the land it creates and tidal water eliminated for a priority use. The proposed hotel is not a water dependent use or water enhanced commerce, including businesses catering to tourists. RICRMP §1.2.1.E.3.b.[1]

As it is unable to meet any of the criteria for filling tidal waters in Newport Harbor set forth in RICRMP §1.3.1.J.3.c(1)-(3), the application must be denied.

In all cases, "It is the Council's policy to discourage and minimize the filling of coastal waters." RICRMP §1.3.1.J.1.a. Even if the development met the priority use criteria, there is no public benefit from permitting the conversion of waters of the state, a public trust resource, into private property. Therefore, the loss or degradation of the public trust resource without public benefit prevents the applicant from eliminating waters of the state for personal gain. RICRMP §1.3.1.J.1. If the Council were to approve such a filling it would create a dangerous precedent of allowing an individual to maximize development on land by increasing the size of its parcel through filling tidal waters for personal gain. Instead of creating land by converting public trust resources to private use, applicants must design their proposals, including mandatory stormwater controls, to fit within the constraints of the land it owns.

RIDEM Water Quality Regulations, Rule 9, prohibit activities that will likely violate the antidegradation provisions of Rule 18. As set forth in Rule 18, "[a]ntidegradation applies to all projects or activities subject to these regulations which will likely lower water quality or affect existing or designated water uses, including but not limited to all Water Quality Certification reviews." Antidegradation requires the protection of all existing uses. If the Council were to

[1] Although the Council has not defined "water enhanced commerce, including businesses catering to tourists," "commerce" is defined by *Merriam Webster* as a "social intercourse" or "buying and selling of commodities on a large scale involving transportation from place to place." The use of the word "commerce" shows that it involves transportation and is akin to a water-related use as defined by other Coastal Zone Management Programs. It does not include private hotels but would include activities such as parking for ferries.

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routinely permit the elimination of tidal waters for private gain it would lead to incremental, but ultimately substantial, degradation of existing uses.

Finally, despite the fact that it is the Council's policy to require public access for development of the site by the CRMP (RICRMP §1.3.1.J.1.d), the Joint Public Notice states that "[p]ublic access improvements are proposed to compensate for the filing of tidal waters (and for future commercial redevelopment of the site, in part)." Public access does not compensate for the filing of tidal waters.

Sincerely,

Michael Jarbeau
Narragansett Baykeeper

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TERENCE J. TIERNEY
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August 17, 2018

Neil Galvin, Esq.
Galvin Law, Ltd.
10A Washington Square
Newport, Rhode Island 02840

Re: Objection and Amended Objection of Friends of the Waterfront to CRMC Application # 2018-02-061 (Scott's Wharf, LLC)

Dear Attorney Galvin,

The Friends of the Waterfront, a non-profit citizen group and a long-time advocate of enhanced public access to the Newport waterfront, *per* Mike Rubin and I, recently met with you and Sam Bradner to discuss our concerns. We appreciate the information that has been shared with us, as well as the willingness to reach a resolution of our differences.

After review and evaluation of the draft of a letter from you to the Friends of the Waterfront – which letter details the formalization, location, construction, and granting of an access-way leading to the patio portion of North Commercial Wharf – we respectfully look forward to receiving the final version of that letter as signed by you. In anticipation of that finalized letter (to be exchanged simultaneously herewith), and in light of other grants of rights-of-way detailed in your plans and applications, the Friends of the Waterfront agree as follows.

Our organization does not take a position on the overall merits of the project. However, our objections, as stated in our prior submissions to the Rhode Island Coastal Resources Management Council (CRMC), are satisfied. Moreover, the Friends of the Waterfront believe that this project will both preserve and further public rights-of-way and public access in the project location.

Needless to say, we must reserve the following right. If the application materially changes in a manner affecting the rights-of-way, whether such change is in response to the concerns of the CRMC or otherwise, we would have to re-evaluate our position.

Thank you for your ample consideration of, and responsiveness to, our concerns.

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Please feel free to forward this to CRMC or others concerned.

Very truly yours,

TERENCE J. TIERNEY
Attorney at Law

Cc: Grover J. Fugate
Kendra Beaver, Esq.
Christopher Behan, Esq.

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GALVIN LAW

NEWPORT, RHODE ISLAND

August 16, 2018

Terry Tierney, Esq.
35 Touro Street
Newport, RI 02840

Dear Terry:

This is to confirm that you, Mike Rubin, Sam Bradner and I met on August 9, 2018 to discuss the issues raised by your letter of August 2, 2018 to CRMC setting forth in an Amended Objection of Friends of the Waterfront ("FOW") to Application #2018-02-061 (Scott's Wharf, LLC).

Mr. Bradner is a principal of the Applicant and spoke on its behalf.

As a result of our meeting, it is our understanding that the objections of the FOW to said Application have been satisfied and that FOW believes the project furthers the public access along the waterfront.

Said satisfaction of objections of FOW is based on the following:

1. As it relates to the walkway that leads to the east gate of the patio area facing the north side of the North Commercial Wharf, said walkway passes over land owned by the owner of Tax Lot 244, which is an affiliate of the Applicant. The Applicant agrees to have a perpetual Grant, recordable in the Newport Land Evidence Records, to be signed by said owner of Tax Lot 244, which Grant will be in form and substance the same as the Grant created for the new public access previously presented for the project which is located on Tax Lot 77. The walkway will be moved from its current location to the south boundary of Tax Lot 244 and will be six feet in width. The walkway will have brick pavers similar to or of equivalent quality to the existing pavers as the walkway on Applicant's west boundary of Tax Lot 77 and similar to the material intended to be used for the new public access located on Tax Lot 77. It will be approximately parallel to the existing walkway and will be located where a dumpster was previously located, that dumpster

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having been removed. No dumpster shall be located adjacent to the new walkway. The fence will have to be altered (an opening made by the Applicant) to accommodate the new walkway.

Until construction of the new walkway on Lot 244 occurs, the existing walkway, in the condition existing as of August 9, 2018, will continue to be honored.

When the new walkway is constructed the appropriate steps will be taken to provide open access over the new walkway.

The Applicant expresses that it considers itself a reasonable property owner which seeks to be cooperative with its neighbor and will continue to keep an open line of communication with parties interested in the waterfront, including FOW. The Applicant will keep an open mind as it relates to future FOW efforts relating to things like CRMC designations of rights of way. It is also acknowledged by FOW, that any CRMC right of way designation process that FOW may wish to pursue in the future should not overlap with the current application and has no impact on the current application.

We look forward to the letter of FOW to CRMC indicating that their objections to this Application have been satisfied and that the FOW believe the project furthers public access along the waterfront.

Thank you for your cooperation.

Yours truly,

Neil P. Galvin

NPG/ss
cc: S. Bradner
C. Behan, Esq.

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Newport, RI 02840

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HISTORICAL PRESERVATION & HERITAGE COMMISSION
Old State House • 150 Benefit Street • Providence, R.I. 02903-1209
TEL (401) 222-2678 FAX (401) 222-2968
TTY / Relay 711 Website www.preservation.ri.gov

Jennifer R. Cervenka, Chair
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, Rhode Island 02879

CRMC File Number: 2018-02-06 1

Applicant: Scotts Wharf LLC

Town: Newport

Response Date: 2/28/18

Dear Ms. Cervenka:

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) staff has reviewed the above-referenced project. It is our conclusion that this project will have no effect on any significant cultural resources (those listed on or eligible for listing on the National Register of Historic Places).

These comments are provided in accordance with Section 220 of the Coastal Resources Management Council. If you have any questions, please contact Glenn Modica, Project Review Coordinator, or Charlotte Taylor, archaeologist, at this office.

Very truly yours,

Charlotte Taylor for

Jeffrey Emidy
Acting Executive Director, RIHPHC

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August 2, 2018

Grover Fugate
Executive Director
Rhode Island Coastal Resources Management Council
Stedman Government Center – Suite 3
4808 Tower Hill Road
Wakefield, Rhode Island 02879

Re: **Amended Objection of Friends of the Waterfront to Application # 2018-02-061 (Scott's Wharf, LLC)**

Dear Director Fugate,

The Friends of the Waterfront, a non-profit citizen group and long-time advocate of enhanced public access to the Newport waterfront, recently became aware that the above-referenced application has been amended since our substantive and procedural objections to it were raised by letter dated May 22, 2018, and hereby amends its original objection. In raising our objections, we wish to note that we have met with counsel for the project proponent to discuss our concerns and appreciate the information that has been shared with us, as well as the willingness to continue to work toward a resolution of our differences. After review and evaluation of the amended application, the Friends of the Waterfront respectfully request that the hearing on this matter be continued until such time as complete plans are available for public review and existing right-of-way encroachments have been remedied. If the Council proceeds to act on the amended application at this time, we ask that it be denied because of the failure to meet the established criteria for filling tidal waters that is set forth in the Rhode Island Coastal Resources Management Plan (RICRMP).

Our main substantive objection is the proposed obliteration of a pre-existing segment of right-of-way, which segment constitutes the previously demarked footpath leading from the Scott's Wharf connector to the patio paving-stone covered area on the north side of North Commercial Wharf. This is detailed later in this letter. That obliteration undermines the supposed public purpose of the project.

Preliminarily, although some additional information about the project was recently supplied to CRMC in the amended application, it is apparent that "complete plans" have still not been made available for public review, as required by your agency regulations. For example, our examination of the application file indicated that CRMC's staff recently notified the applicant that "The plan set refers to landscape plans sets which don't appear to be there" and the applicant has acknowledged that "landscape plans are not part of this submission." Thus, as the last opportunity to provide public comment on the application comes to a close today, neither the general public nor the CRMC staff have been able to even examine the proposed landscaping plan for a major coastal development project that would be carried out in the heart of the Newport Waterfront. The CRMC certainly should not act on an application that references plans which are omitted and thereby essentially hidden from the public. Without complete plans being available, our members simply cannot evaluate the full adverse environmental impacts of the project on the scenic and visual characteristics of the waterfront area that is proposed to be developed. We find this to be completely unacceptable, and ask that the CRMC respect our legal right to comment on a plan to fill tidal waters which actually contains a "complete description" of the proposal. This reasonable request can be easily honored by simply continuing this matter to another date and requiring submission of complete plans in the interim.

Further, preliminarily, the plans refer to North Commercial Wharf as "Commercial Wharf" and this should be corrected. Historic continuity is important.

As a further preliminary matter, the plans, perhaps inadvertently, show the project subsuming the base area of Scott's Wharf. This is the area where Scott's Wharf intersects with America's Cup Avenue. This constitutes an unwarranted encroachment and should be corrected.

This brings me to the central objection which I recite next.

As the major objection, I posit the following. Allow me to focus the reader's attention on the northern area of the project -- the area occupied by Scott's Wharf and North Commercial Wharf. This is not the location of the hotel, but, nonetheless, is part of the overall project. While the applicant is to be commended for dedicating new access-ways in the other area -- the southern area -- it (the applicant) should not be allowed to destroy old access-ways in the northern area to which I refer now.

Specifically, I was surprised to learn that Peregrine does not recognize preexisting public rights leading directly to the east gate of the patio area (along the north side of the current dumpster). The patio area is the paving stone-covered area forming the north side of North Commercial Wharf.

It appears that the right-of-way that currently exists in the project area is being used for storage of a dumpster and vehicle parking. Before acting on this application, the CRMC should insist that the existing encroachments on the right-of-way in the project area be remedied. We acknowledge that the applicant has kindly provided assurance that the dumpster will be removed, but this must be a written condition of any project approval.

Moreover, the dumpster is not the only problem. The whole stretch of right-of-way (the whole segment of right-of-way) has been painted-over and, so far, the developer (the applicant) has

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refused to recognize this segment which is purportedly subsumed (on the plans) as part of parcel 288 on the developer's plans.

In the event the Council elects to approve the application as submitted, the Friends of the Waterfront believe that the CRMC should place conditions on any Assent that is issued that would require that this public access pathway be clearly marked and reconstructed in a quality manner. Any such assent should require long-term maintenance of this segment of public access pathway and the reconstruction of such pathway by use of high-quality construction materials. To be clear, I am referring to the pathway in what is now the the dumpster area. Such requested conditions would further ensure that the patio area on the north side of north commercial wharf may be used (by the city) for park-like amenities such as plantings, statuary and benches.

Based upon court precedent clearly establishing the public's right of access to this area, we also strongly urge the CRMC to immediately designate the area between America's Cup Avenue and Scott's Wharf, the existing "Fire Lane," and the North Commercial Wharf (up to the Bohlin area) as a public right-of-way to the tidal waters of the State. The Friends of the Waterfront intend to file a petition with CRMC requesting such a designation in the near future if CRMC does not take such action as part of this application.

Finally, as the developer apparently intends in any event, all pathways and access-ways (including the contested segment) should be constructed of the brick-like paving material now used by the developer in the Langley's Wharf area, southwest corner.

Thank you for consideration of our comments.

Very truly yours,

TERENCE J. TIERNEY
Attorney at Law

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May 22, 2018

Grover Fugate
Executive Director
Rhode Island Coastal Resources Management Council
Stedman Government Center – Suite 3
4808 Tower Hill Road
Wakefield, Rhode Island 02879

Re: Objection of Friends of the Waterfront to
Application # 2018-02-061 (Scott's Wharf LLC)

Dear Director Fugate,

The Friends of the Waterfront, a non-profit citizen group which has advocated for the protection, preservation and enhancement of public access to the Newport waterfront for over 35 years, respectfully objects to the above-referenced application and requests that it be denied on both procedural and substantive grounds. After close evaluation, our organization has concluded that the proposal under consideration should not be approved without requiring enforceable public access rights to the Newport Harbor waterfront for future generations to enjoy.

In reviewing this application to commercially develop the coastal zone it is important to keep in mind that the tidal waters which the applicant proposes to eliminate (and thereafter bar the general public from using) are public trust resources owned by the people of Rhode Island, who have a right to use and enjoy them under Article I, Section 17 of the Rhode Island Constitution. Scott's Wharf LLC has no legal right to convert these natural resources into a storm water treatment facility for a hotel, and we object to it being allowed to do so without providing a public benefit in the form of a recorded public pedestrian easement over certain areas of the project that would be sufficient to allow the public to cross the property in order to reach the waterfront. Even with only incomplete plans being made available to the public, it is readily apparent that the proposed project fails to conform to many of the basic prerequisites for approval of any Category B application. In light of these deficiencies and the lack of any enforceable right of public access along the harbor front we believe the proposed project must be denied on both substantive and procedural grounds.

Section 1.3.1.J.1.d of the Rhode Island Coastal Resources Management Plan (RICRMP) sets forth the Council's policy of requiring public access for development of this type of site.

This section expressly states that "It is the Council's policy to require a public access plan...as part of any application for filling of tidal waters." Scott's Wharf LLC has not conformed to this policy since it has made no commitment to providing an enforceable legal right of public access to the harbor front as part of its proposal to convert publicly-owned tidal waters into a hotel's stormwater control facility.

Section 1.3.6 of the RICRMP, entitled "Protection and enhancement of public access to the shore," recognizes that the "ability to view the coast and shoreline area without obstruction by structures is an integral component of public access to the shore," and that CRMC has the responsibility to ensure that "public access to the shore is protected, maintained, and where possible, enhanced for the benefit of all." As depicted in the application, and in plans not yet shown to the CRMC with regard to the full project, placement of the proposed structure in tidal waters (and the major hotel development project of which it is part) will greatly obstruct the public's ability to view the shoreline and will unreasonably reduce the amount of public access to the shore that is currently available.

Section 1.3.5 of the RICRMP provides "Guidelines for the protection and enhancement of the scenic value of the coastal region" and provides in pertinent part that "In all areas adjacent to Type...5 waters... the public should, where possible, be provided a sense of the water from within the townscape. Views to and across the water...from roadways should be preserved...." Unfortunately, the proposed hotel project (of which the current Category B Assent application is an integral part) will obstruct the current sweeping view of the ocean from Memorial Boulevard and America's Cup Avenue by erecting a brick wall that will effectively block any sense of the water for those passing by the area. CRMC should not ignore its own guidelines by permitting the competed project to obliterate the view of the water from the city streets.

Section 1.3.1.J.1.a of the RICRMP states that the CRMC's official policy is to "discourage and minimize the filling of coastal waters." The RICRMP thus prohibits the proposed filling of Type 5 tidal waters simply to facilitate the construction of a commercial business. Approval of the developer's plan to convert publicly-owned waters to private property through filling would violate this policy since alternatives are obviously available that would not require such filling, including building the stormwater control facility on the adjacent upland area Scott's Wharf LLC already owns. Permitting this applicant to convert public property that is available for public use into private property where the public would be excluded would violate CRMC policy and would only serve to encourage others to seek the same accommodation in the future. Under RICRMP 1.3.1.J.3.c(1)-(3) the proposed filling of tidal waters is expressly prohibited unless it is done to accommodate a "priority use" for the water area, all reasonable alternatives to filling have been examined, and such filling is the minimum amount necessary to support a priority use. In this instance the filling of tidal waters is proposed only for the purpose of controlling stormwater to enable a hotel to be constructed and would not be in connection with any type of "priority use" of the Newport Harbor area. Because the construction of a hotel's storm water treatment facility is clearly not a "water dependent use" it should not be permitted without imposing a condition that yields a substantial public benefit.

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The application also makes clear that available alternatives to the proposed filling of tidal waters have not been thoroughly examined, as required. No compelling rationale is offered for proposing that the stormwater facility be constructed on publicly-owned land instead of the developer's own property. The Friends of the Waterfront see no public benefit flowing from the proposal as it currently exists, and accordingly, respectfully object to the proposed elimination of public trust resources in the absence of an enforceable commitment to allow public access to the waterfront area.

Our second objection is procedural in nature, i.e., that the application is incomplete and does not even meet the basic criteria required for CRMC consideration of major shorefront development proposals. As you are aware, the "CRMC Assent Check List" expressly requires all applicants to submit a "complete description of the work" being proposed. The CRMC should not have accepted the Scott's Wharf LLC application because it described only one aspect of a much larger proposal, and the applicant has never supplied the CRMC with a complete description of its proposed project. Our recent review of the application at your agency's headquarters revealed that it is woefully incomplete in terms of describing the totality of environmental impacts that are to be reasonably expected from the development project as a whole. These significant information gaps have unfairly prevented members of the Friends of the Waterfront (and the general public) from having a meaningful opportunity to be heard with regard to the project's compliance with state and federal environmental laws, and/or the applicable policies and procedures adopted by the U.S. Army Corps of Engineers, the R.I. Department of Environmental Management, and the CRMC itself.

By accepting an incomplete application which omits essential details and complete plans, and then proceeding to review and process it, the CRMC has ignored its own procedural requirements which were promulgated to govern the orderly review of major coastal development proposals such as this one. By issuing a Public Notice with regard to an incomplete application, the CRMC has unfairly allowed the developer to "segment" the permitting process, to the severe detriment of our members. We believe corrective action is both appropriate and required. Accordingly, we hereby call upon the CRMC to halt further review of any aspect of this project until the applicant files a "complete description" of its proposal and the public is provided with its first opportunity to exercise its legal right to provide public comment on a complete application. If the CRMC proceeds to act on the incomplete application we ask that it be denied

On behalf of the Friends of The Waterfront, I thank the Council for its consideration of the concerns and objections we have raised about the above-referenced application.

Very truly yours,

Terence J. Tierney

TERENCE J. TIERNEY
Attorney at Law

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MANAGEMENT COUNCIL

2017-047 BUZ & CYNTHIA GARDINER

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

ENFORCEMENT REPORT

RE: CRMC Enforcement File 17-0147

LOCATION: Plat N-R, Lots 1229 and 1230, Allagash Road, Narragansett

OWNERS: Buz Gardiner, Lot 1229
Cynthia Gardiner, Lot 1230

FILE SUMMARY

- On June 24, 1992, CRMC assent 92-6-18 was issued to Buz and Cynthia Gardiner to construct and maintain a 20' x 42' single family dwelling at plat N-R, lot 1229. The assent required a 15' buffer zone off of the contiguous freshwater wetland.
- On December 5, 2017, CRMC Cease and Desist Order was issued to Buz and Cynthia Gardiner for alteration of the buffer zone and wetland on lots 1229 and 1230. In response to the Cease and Desist Order Mr. Gardiner contacted enforcement staff on December 12, 2017 and was advised that the site required restoration.
- After several deadline extensions for restoration plan submittal, enforcement staff was notified on July 31st, 2018 by the Gardiners' consultant, NRS, Inc., that the Gardiners had decided not to submit a restoration plan or an application to maintain the site in its current, unauthorized condition.

RECOMMENDATIONS

- Enforcement staff recommends that the Council issue an Order to Restore that requires the Gardiners to submit an acceptable restoration by September 18, 2018 and to restore the buffer zone and wetland in their entirety by October 15, 2018.
- Enforcement staff recommends that the Gardiners be required to submit an application by September 30, 2018 to address the deck and driveway which are currently inconsistent with CRMC assent 92-6-18.
- Enforcement staff recommends that a $500 per diem fine be assessed for lots 1229 and 1230, individually, for each day of noncompliance with the Order to Restore.

ATTACHMENTS

A. CRMC Assent 92-6-18 dated June 24, 1992
B. CRMC Preliminary Determination 2017-10-095
C. CRMC Cease and Desist Order 17-0147 dated December 5, 2017

D. CRMC Notice of Administrative Fine issued to Cynthia Gardiner dated August 3, 2018
E. CRMC Notice of Administrative Fine issued to Buz Gardiner dated August 3, 2018
F. Plan submitted in association with Preliminary Determination application 2017-10-095
G. Draft Site Restoration Graphic, prepared by Natural Resource Services, Inc. and submitted by email on June 25, 2018
H. Email received by Laura Miguel from Scott Rabideau, Natural Resources Services, Inc. on July 31, 2018

PHOTOS

1. Photo of site taken December 4, 2017 by Laura Miguel
2. Photo of site taken August 22, 2018 by Laura Miguel
3. Photo of site taken August 22, 2018 by Laura Miguel

BACKGROUND

Permit History:

1990-12-049	Sewer line extension issued February 18, 1991
92-0493D	DEM FWW permit for new residence
1992-06-18	Single family dwelling
2017-10-095	Preliminary Determination for dwelling addition

Enforcement Chronology:

12/4/17	Site visit to plat N-R, lots 1229 and 1230 following staff referral.
12/5/17	Cease and Desist Order 17-0147 issued to Buz and Cynthia Gardiner
12/12/17	Phone call from Buz Gardiner to Laura Miguel. Mr. Gardiner explains he is out of State and agrees to contact enforcement staff by February 1, 2018.
3/7/18	Correspondence sent by Laura Miguel to Buz and Cynthia Gardiner requiring restoration plan by April 15, 2018.
3/15/18	Laura Miguel is contacted by Scott Rabideau, NRS, Inc. who indicates he will be assisting the Gardiners.
4/16/18	Email sent to Scott Rabideau requesting status. Mr. Rabideau replied that he was at a conference and would provide a timeline the following week.
5/2/18	Email sent to Scott Rabideau requesting status. Mr. Rabideau replied that he would submit something in 5 days.
6/7/18	Email sent to Scott Rabideau requesting status.
6/14/18	Correspondence sent to Buz and Cynthia Gardiner indicating that the matter will be referred to the Council if a restoration plan or complete application are not received by June 28, 2018.
6/25/18	Email received from Scott Rabideau with plan overlaying approved conditions on existing conditions. Email lays out general approach proposed to resolving violation. Deadline extended until July 31, 2018 for complete restoration plan and/or application.
7/31/18	Email received from Scott Rabideau indicating that Buz Gardiner had directed him to not pursue an application or restoration plan.
8/3/18	Notice of Administrative Fine issued to Cynthia Gardiner, owner of lot 1230. Notice of Administrative Fine issued to Buz Gardiner, owner of lot 1229.
8/7/18	Notice of Enforcement Action sent to Buz and Cynthia Gardiner.

ATTACHMENTS

A

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
Tower Hill Road
Wake Field, R.I. 02879

CORRECTED ASSENT

June 24, 1992

Buz and Cynthia Gardiner
20 Hilton Drive
Johnston, RI 02919

RE: CRMC Administrative Assent 92-6-18 -- Construct and maintain a 20' x 42' single family dwelling to be serviced by municiple sewer and water. Located at plat "N-P", lot 1229; Allagash Trail, Narragansett, RI.

Dear Mr. and Mrs. Gardiner:

A site inspection and review of plans submitted to this office for the above cited project indicates it will have no adverse effect on the plan and program adopted by the Coastal Resources Management Council.

The Coastal Resources Management Council will interpose no objection to the work proposed, as long as all work is done in accordance with plans submitted into this office and provided the following stipulations are adhered to.

ADDITIONAL STIPULATIONS

General Stipulations

A. This assent shall be recorded in the land evidence records in it's entirety the Town of Narragansett within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.

B. For the purpose of this permit, the coastal feature shall be coastal wetland and contiguous freshwater wetland; and the inland edge of the coastal feature shall be inland edge of wetland.

C. The approved site plan(s) shall be those entitled "Proposed new residence for Mr. and Mrs. Buz Gardiner.", Allagash Trail - Narragansett, RI dated August, 1991, by Pezza Engineering. Except/unless as stipulated/modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.

D. All stipulations put forth by DEM's Freshwater Wetlands shall be adhered to as condition of this CRMC assent. Any CRMC approval is null and void for construction outside of Freshwater Wetland's conditions and area of approval.

E. Vegetation on the wetland shall remain in an undisturbed condition.

F. No alterations (vegetative or otherwise) or activities are allowed on the coastal feature(s) or in the waterway adjacent to the site.

G. All driveway and parking areas shall have a permeable pavement and subbase consisting of gravel, crushed stone, shells, or similar highly permeable material.

H. All runoff of surface water into the stipulated buffer zone shall be maintained as sheet flow. No concentrated sources of runoff flow (such as pipes or swales) shall be directed into the buffer zone.

I. This structure shall be connected to and serviced by municipal sewers.

Earthwork Stipulations

J. The standards and specifications set forth in the most recent RI Soil Erosion and Sediment Control Handbook (RISESCH) shall be strictly adhered to.

K. Prior to initiation of any grading, construction, or earthwork activity, a line of staked haybales and/or silt fence (Ref. RISESCH Standard "ST") shall be placed along the Northern and Eastern perimeter of the proposed area of construction or within 140 feet of the inland edge of the coastal feature. (This line shall not be located on a coastal feature nor within a stipulated buffer zone.) Bales shall be "toed in" 4 inches to prevent the underwash of sediments. This line shall be maintained by the replacement of bales as needed and by the proper upland disposal of accumulated sediments. This line shall be effectively maintainted until permanent site revegetation is established. No soils nor any other materials shall be allowed to enter beyond this line, neither temporarily nor permanently.

L. All catch basins and drains in the area, into which sediment laden waters may flow shall be ringed with haybales (toed in 4 inches and staked), or protected per Standard "SD" of the RISESCH. These controls shall be properly maintained by timely removal of accumulated sediment and replacement of bales as needed.

K. All discharges which result from dewatering operations, must flow into sediment traps consisting of staked haybale rings enclosing crushed stone to disperse inflow velocity (Ref. RISESCH Standard "FB"). Haybales shall be "toed in" 4 to 6 inches into the ground to prevent underwash of sediments. These devices shall be maintained by removal and proper disposal of accumulated sediments and by replacement of bales and stone as needed. The devices shall not be located on any coastal feature nor in any designated buffer zone. If necessary, a matting device shall be used below the traps. These devices must be completely removed upon completion of dewatering operations.

L. All excess excavated materials, excess soils, excess construction materials, and debris (including all destructed materials) shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location. No materials shall be deposited on the coastal feature, in coastal waters, or in any areas designated as CRMC setback or buffer zone.

M. All fill materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.

N. All areas of exposed soil which are disturbed by construction and related activities shall be revegetated as immediately as is physically possible so as to minimize erosion and sedimentation. If the season is not conducive to immediate revegetation, all exposed soils shall be temporarily stabilized with hay mulch or similar material. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extent possible.

O. Excavation and grading shall be limited to the area approved. Excess earthwork beyond that authorized by this assent is not permitted.

Building Stipulations

P. The approved building/architectural plans are those entitled "Proposed new residence for Mr. and Mrs. Buz Gardiner.", Allagash Trail - Narragansett, RI dated August, 1991, by Pezza Engineering. These plans have been reviewed on a limited basis (to determine whether or not they violate any standards or policies of the RICRMP, and the assure that they do not conflict with approved site plans). As per the latest amendment to the RICRMP (Section 300.3G), specific structural review in terms of building code/flood zone construction standards compliance is not performed by this office.

Any and all significant changes to the building plans (size, height, type of foundation, decks, adjacent grading, drains, etc.) requires written approval from this office. For any questions on the level of change requiring review, contact CRMC field staff.

Q. All pertinent requirements of the RI State Building Code as administered by the local building official shall be strictly adhered to.

R. It is the opinion of this office that the site of the proposed dwelling is bordering a 'V' zone (elevation 16') and an 'A' flood zone having a base flood elevation of 15' MSL. Therefore, the requirements of the Rhode Island State Building Code "Construction in Flood Hazard Areas Regulation SBC-8 April 1, 1988" are applicable. Most notably, items in 400.1 A, B, and C, and 400.2 A are applicable.

A copy of this Administrative Assent shall be kept on site during construction.

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to his property to make on-site inspections to insure compliance with the assent.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that all work must be completed within three years of the date of this letter (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

ATTENTION: ALL STRUCTURES IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;

2. The Superior Navigation Servitude of the United States;

3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID.

ASSENT MAY BE SUBJECT TO STIPULATION "A" CIRCLED BELOW:

A. In accordance with a decision of the Coastal Resources Management Council on October 9, 1973, this Assent is granted with the proviso that it is subject to the imposition of a usage fee to be established by the Coastal Resources Management Council.

The Coastal Resources Management Council wishes to thank you for being given the opportunity to assess and review these plans. If you need additional information, please feel free to contact this office.

Sincerely yours,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

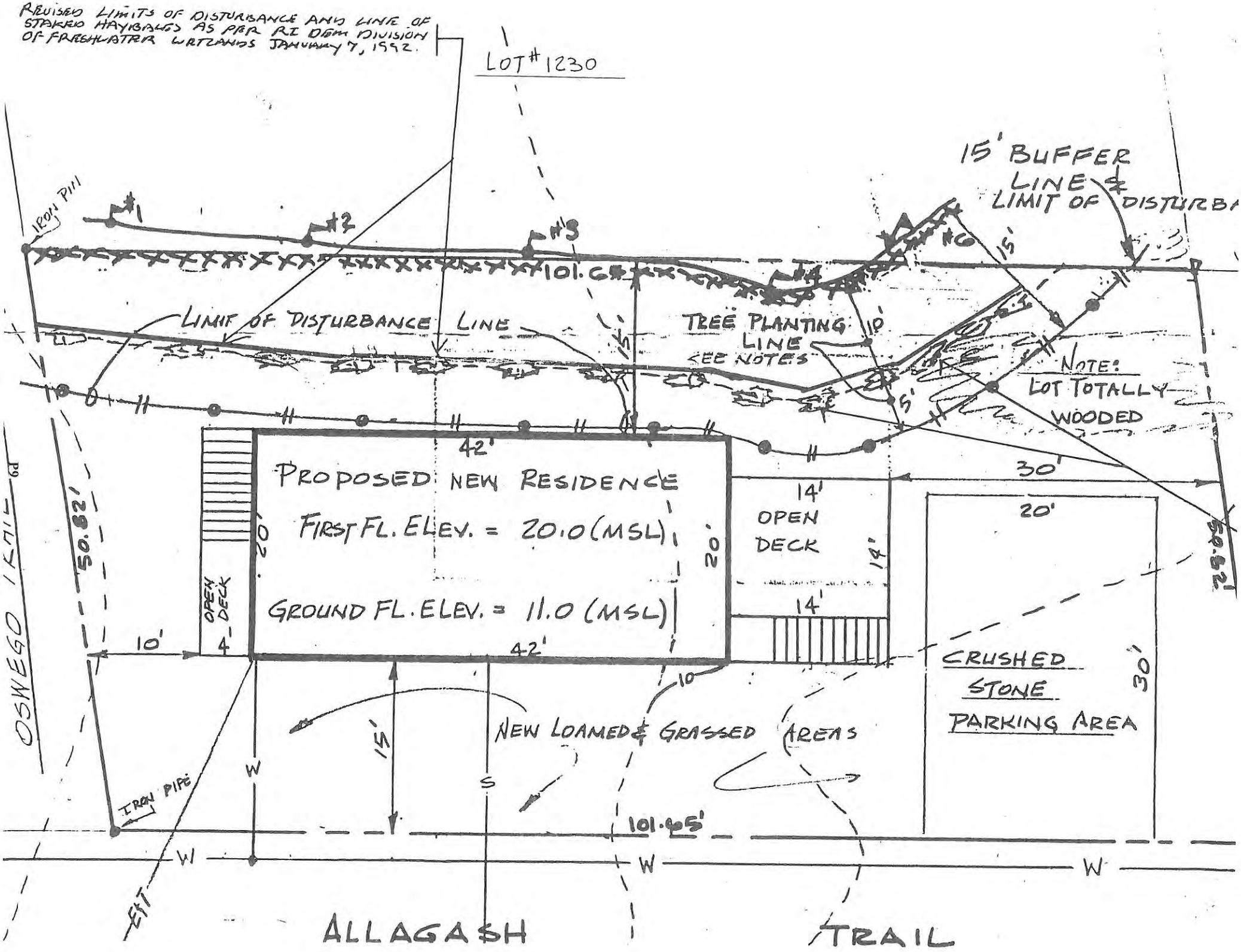
GJF/lam

SECTION 8

Project Plans

(Bound Separately)

RECEIVED
FEB 22 2018
COASTAL RESOURCES
MANAGEMENT COUNCIL


REVISED LIMITS OF DISTURBANCE AND LINE OF STAKED HAYBALES AS PER RI DEM DIVISION OF FRESHWATER WETLANDS JANUARY 7, 1992.
LOT # 1230
15' BUFFER LINE & LIMIT OF DISTURBA
IRON PIN
#1
#2
#3
#4
#6
101.65
LIMIT OF DISTURBANCE LINE
TREE PLANTING LINE SEE NOTES
NOTE: LOT TOTALLY WOODED
PROPOSED NEW RESIDENCE
FIRST FL. ELEV. = 20.0 (MSL)
GROUND FL. ELEV. = 11.0 (MSL)
42'
30'
14'
OPEN DECK
20'
14'
OPEN DECK
4'
10'
42'
50.82'
50.82'
CRUSHED STONE PARKING AREA
30'
NEW LOAMED & GRASSED AREAS
15'
W
S
IRON PIPE
101.65'
W
W
W
OSWEGO TRAIL
ALLAGASH TRAIL

B

RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL
REPORT OF FINDINGS -- PRELIMINARY DETERMINATION

STATEMENT OF LIMITATIONS

The contents of this staff determination report shall be valid only for the period on and preceding the date of this report. This report is neither an approval nor denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of **November 27 2017** as they pertain to the below stated proposal, including preliminary staff recommendations.

Modifications to the below stated proposal may, upon the discretion of the CRMC, render this determination null and void.

APPLICANT INFORMATION

NAME: Buz & Cynthia Gardiner
LOCATION/POLE: 120 Allagash Trail
CITY/TOWN: Narragansett

CRMC FILE NO. D2017-10-095

PLAT: N-R **LOT:** 1229,1230

CONTACT PERSON(S) & ADDRESS:

Buz & Cynthia Gardiner
120 Allagash Trail
Narragansett, RI 02879

David D'Amico PE
2080 Mineral Spring Ave
North Providence RI 02911

Brian Harrington
CRMC Enforcement
4808 Tower Hill Rd
Wakefield RI 02879

PRELIMINARY REVIEW INFORMATION

PROPOSAL: Addition to existing dwelling

PLAN(S) REVIEWED: "Proposed Home Addition 120 Allagash Trail...." dated Sept 2017 by D'Amico Engineering Technology, Inc.

INVESTIGATOR	DATE	TIME
Amy Silva	11/22/17	9:30
	11/27/17	10:00

MEASUREMENTS & OBSERVATIONS: general observations

PREVIOUS CRMC ACTIONS FOR SITE:
1990-12-049: Gardiner; Sewer Tie-in
1992-06-018: New Dwelling
91-0491D: DEM/FWW New Dwelling

NAME: **Gardiner**
CRMC FILE NUMBER: **D 2017-10-095**

Preliminary Buffer and Setback Requirements:

SETBACK (ref. Section 1.1.7 CRMP) 50 feet as measured from the inland edge of the coastal feature
BUFFER (ref. Section 1.1.9 CRMP) N/A

Note: **Setbacks** apply to "construction related activities" including filling, removing, and grading (ref: Section 1.3.1(B) CRMP). The coastal program requires a minimum setback of either 50', or the buffer zone width plus 25' (whichever is greater). Work within this minimum setback will require a variance per Section 1.1.5 of the CRMP. All variances must be requested in writing. No construction or construction related work shall occur within the required setback (exemptions include structural shoreline protection, outfalls and water dependant uses). Work within the required setback may require a Category "B" review (public notice and decision by the full coastal council) and would likely result in adverse CRMC staff recommendations to the Coastal Council during the review process.
Buffer zones are areas that must be retained in, or allowed to revert to, "an undisturbed natural condition." All structures (excluding accessory structures) should be setback a minimum of 25' from the buffer zone to allow for access, fire protection and maintenance without infringement into the buffer.
If applicable, the plan must show "area of land within 50 feet" in accordance with Rule 5.04 of The Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (the Rules), and label this area as a "buffer zone" in accordance with Rule 5.14. In addition, no activities (such as: drainage, grading, filling, etc.) may affect the freshwater wetland or the buffer zone. Where such alterations occur, or are proposed, an application shall be submitted in accordance with CRMC's Freshwater Wetland Rules.

Coastal feature verification shall be valid for one-year from the date of this Determination or until an erosion event (e.g., due to storm event, landslide, man-induced alteration, etc.) occurs that alters the coastal feature.

SUMMARY OF FINDINGS

CRMC JURISDICTION: YES NO
TYPE WATER: 2; Low Intensity use/Wesquage Pond

For the purpose of this review the coastal feature(s) shall be: Coastal Pond backed by Coastal Wetland and the inland edge of coastal(s) feature shall be: the inland edge of the Coastal Wetland

Applicability of CRMP and SAM Plans (as amended):

CRMP Sections: 1.1.3.D; 1.1.7; 1.2.1.B; 1.2.2.C; 1.1.3; 1.3.1.C; 1.3.1.F; 1.3.5
SAMP: N/A

FWWVC JURISDICTION: YES NO
WETLAND TYPE: Shrub Wetland; intermittent stream, 100 foot jurisdictional area

STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

The wetland depicted on the submitted plans is not considered accurate.

Please be advised that DEM FWW Permit 92-0493D and CRMC Assent 1992-06-018 (Issued to Buz & Cynthia Gardiner) identified a freshwater wetland on site. The DEM Permit required the planting of a row of Northern White Cedar along a revised Limit of Disturbance (LOD) and a 15 foot buffer zone (portion of plan is attached). These shrubs are not in place and both the buffer required by the DEM permit and the identified freshwater wetland have been altered. The wetland depicted on the 1992 approved plans is now maintained as lawn area. This area appears to have been gradually cleared during the 2000s based on Google Earth Imagery. This wetland is now under the jurisdiction of the CRMC and the violation (alteration of the wetland) as well as this report have been forwarded to CRMC Enforcement Staff.

NAME: **Gardiner**
CRMC FILE NUMBER: **D 2017-10-095**

Please be advised that General Stipulation "G" of CRMC Assent 1992-06-018 required that the driveway be permeable. The driveway is currently paved and not located as shown on the approved plans. This driveway shall require stormwater management, as well as inclusion "as-built" on any future Assent submission.

Please be advised that CRMC Assent 1992-06-018 permitted a 14'x14' deck. The deck on the submitted plans is 20'x19'. Please include this un-Assented change to the deck in future Assent submission request.

Please be advised that as proposed, the addition shown on the submitted plans falls within the wetland identified by and buffer zone required by previous Assent. The addition will not receive staff support for approval in the proposed location. Approval for the addition in the proposed location will require the submission of a Formal Application to Alter Freshwater Wetlands in accordance with the FWWVC program, to keep the altered wetland in its current altered state, and is not likely to receive staff support.

Should the applicant revise the addition to fall outside the wetland area (within the location of the existing deck is most likely), the following shall apply:

The property falls within the jurisdiction of both the RICRMP and the FWWVC regulations. One single application should be submitted to this office – a RICRMP Assent application, which includes FWW Impact and Avoidance Statement in accordance with Rule 9.02.D of the FWWVC Regulations.

The proposed addition is greater than 600ft^2 in size. Stormwater management/treatment is required for all new impervious areas/areas greater than 600ft^2. No concentrated flows shall be allowed to coastal features, freshwater wetland features and/or coastal waters. All new driveways shall be permeable or shall have stormwater management for the first half inch of runoff. Treatment of the runoff shall be in accordance with RICRMP Section 300.6 and the Rhode Island Stormwater Design and Installation Standards Manual.

Prior to submittal for assent, all local and town approvals must be obtained, as well as OWTS approval from DEM/OWTS. Submitted plans must show all associated work with the proposed project such as earthwork, filling, removing or grading (RICRMP Section 300.2), driveway improvements (Section 300.6), utilities, associated landscaping and erosion and sedimentation controls. Guidance for stormwater management can be found on CRMC's website at: http://www.crmc.ri.gov/stormwater.html

In addition, a written Impact Avoidance & Minimization Statement in accordance with Rule 9.02 of the Freshwater Wetlands in the Vicinity of the Coast Program would be required for any impacts to identified freshwater wetlands on the subject property

A "CRMC Assent Application" form may be obtained from CRMC's website at http://www.crmc.ri.gov/applicationforms.html. An application checklist is provided with the Assent Application form. Please also provide a "Building Official's Form" (also found at the above link).

SIGNATURE: _____ **STAFF BIOLOGIST**

C

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

December 5, 2017

Buz & Cynthia Gardiner
120 Allagash Trail
Narragansett, RI 02879

Cease and Desist Order

Dear Mr. and Mrs. Gardiner:

Under the regulations of the Rhode Island Coastal Resources Management Program (RICRMP), any construction, grading, or filling activities or other alterations within 200 feet of coastal feature associated with tidal waters or coastal ponds of the state or in CRMC's freshwater wetlands in the vicinity of the coast jurisdiction, requires plans for the proposed work be submitted to the Coastal Resources Management Council (CRMC) for review, evaluation, and comment prior to the proposed activity. Failure to do so is a violation of the RICRMP. After evaluation of the plans by CRMC staff, their comments and the requirements for the proposed activities are forwarded to the applicant.

It has come to the attention of the CRMC that you or your agent have undertaken alteration of the buffer zone and wetland on your property located at Plat N-R, Lots 1229,1230, 120 Allagash Trail, Narragansett without benefit of a CRMC assent or in violation of a Council order.

This activity is in violation of the Rhode Island Coastal Resources Management Program. You are hereby issued a Cease and Desist Order Number 17-0147, dated December 5, 2017, and ordered to cease all activity at this site and to contact this office within 10 days of the date of this letter.

Failure to comply with this order shall be a violation of a duly adopted Council regulation, and subject to all fines and penalties established by law. Each day of noncompliance shall be deemed a separate and distinct violation in accordance with Section 46-23-7, G.L.R.I.

Sincerely yours,

Laura Miguel

Laura Miguel, Enforcement
Coastal Resources Management Council

/lat

CERTIFIED RECEIPT REQUESTED
7016 3010 0000 1678 0727

D

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

August 3, 2018

Cynthia Gardiner
120 Allagash Trail
Narragansett, RI 02879

Notice of Administrative Fine

Violation Site: Oswego Trail, Narragansett
Plat: N-R Lot: 1230

Violation File No.: 17-0147

Dear Mrs. Gardiner:

On December 5, 2017, CRMC staff visited Plat N-R, Lot 1230, Oswego Trail, Town of Narragansett, and discovered that you or your agent have undertaken alteration of the wetland in violation of CRMC assent 92-6-18.

In accordance with per Rhode Island General Laws Sections 46-23-7 and 46-23-7.1, you are hereby assessed an Administrative Fine of $2,500. In addition, a per diem fine of $500 for each day can be assessed during which this violation continues.

You have the right to file an appeal for an Administrative Hearing, within 21 days from the receipt of this notice. The request for an Administrative Hearing must be delivered to the Council at the above address, in writing within this 21 day period. This request shall specify in detail the statements contested by you. Additionally, this request must contain a valid phone number or e-mail address where we can contact you when necessary. If no hearing is requested after the expiration of 21 day period, the Council shall issue a final order assessing the penalties specified in the notice. The penalty is due when the final order is issued.

Please be advised that the levy of this fine does not preclude any further Council action regarding this violation. In addition, should the Council determine there are other violations on said property, you may be assessed additional administrative fines. This notice of administrative fine will be filed in the land evidence records.

Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

/ajt-LM
Certified Receipt Requested
70163010000016781496

E

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

August 3, 2018

Buz Gardiner
120 Allagash Trail
Narragansett, RI 02879

Notice of Administrative Fine

Violation Site: 120 Allagash Trail, Narragansett
Plat: N-R Lot: 1229

Violation File No.: 17-0147

Dear Mr. Gardiner:

On December 5, 2017, CRMC staff visited Plat N-R, Lot 1229, 120 Allagash Trail, Town of Narragansett, and discovered that you or your agent have undertaken alteration of the buffer zone and wetland in violation of CRMC assent 92-6-18.

In accordance with per Rhode Island General Laws Sections 46-23-7 and 46-23-7.1, you are hereby assessed an Administrative Fine of $2,500. In addition, a per diem fine of $500 for each day can be assessed during which this violation continues.

You have the right to file an appeal for an Administrative Hearing, within 21 days from the receipt of this notice. The request for an Administrative Hearing must be delivered to the Council at the above address, in writing within this 21 day period. This request shall specify in detail the statements contested by you. Additionally, this request must contain a valid phone number or e-mail address where we can contact you when necessary. If no hearing is requested after the expiration of 21 day period, the Council shall issue a final order assessing the penalties specified in the notice. The penalty is due when the final order is issued.

Please be advised that the levy of this fine does not preclude any further Council action regarding this violation. In addition, should the Council determine there are other violations on said property, you may be assessed additional administrative fines. This notice of administrative fine will be filed in the land evidence records.

Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

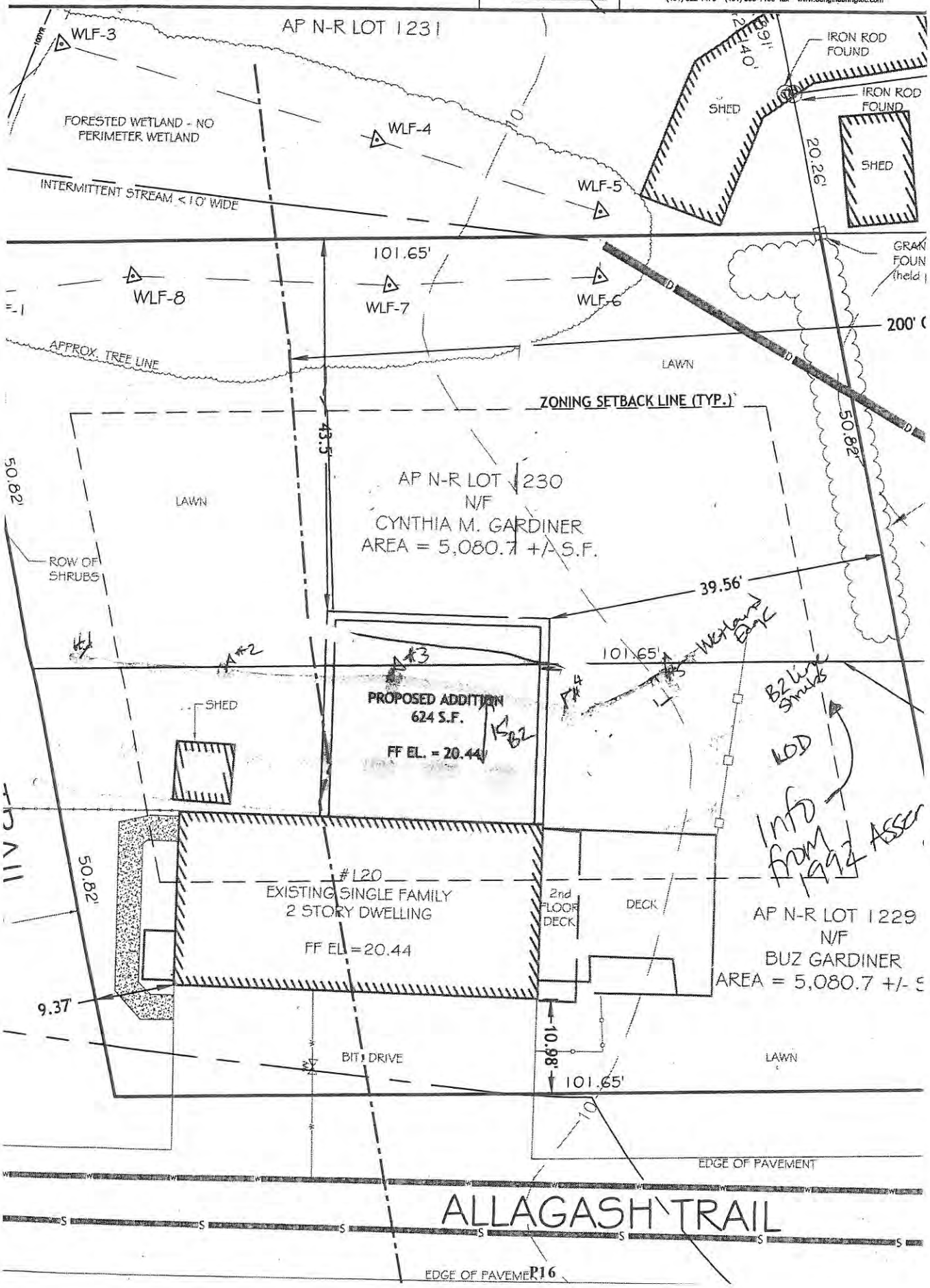
/ajt-LM
Certified Receipt Requested
70163010000016781502

PROPOSED HOME ADDITION
120 ALLAGASH TRAIL
NARRAGANSETT, RHODE ISLAND
AP N-R, LOTS 1229 AND 1230

DAVID M. D'AMICO
REGISTERED PROFESSIONAL ENGINEER
CIVIL
6749
10/16/17

DEtec.
D'AMICO ENGINEERING TECHNOLOGY, INC.
Civil · Transportation · Land Use
2080 Mineral Spring Ave., North Providence, RI 02911
(401) 622-1470 (401) 353-1190 fax www.dengineeringtec.com

F



Legend
Approximate Site Location
Approximate Wetland Edge
(taken from CRMC File 91-0493D)
Approximate 10' Buffer
Approximate Approved LOD
Approximate Wetland Area
Wetland Area to be Restored
= +/- 840 sq ft
0 10 20 40 Feet
N
Approved Dwelling
Deck
Approved Crushed Stone Drive
FOR ILLUSTRATIVE PURPOSES ONLY
NOT A SURVEY PLAN
DRAFT
Site Restoration Graphic
CRMC File No. D2017-10-095
Buz & Cynthia Gardiner
120 Allagash Trail
A.P. NR, Lots 1229, 1230
Narragansett, RI
April 23, 2018 aerial image
(c) nearmap
Natural Resource Services, Inc.
PO Box 311
180 Tinkham Lane
Harrisville, RI 02830
p: (401) 568-7390
f: (401) 568-7490

H

From: Scott Rabideau [mailto:nrsscott@gmail.com]
Sent: Tuesday, July 31, 2018 10:22 AM
To: Laura Miguel
Cc: gardinerconstinc@aol.com
Subject: Re: CRMC Enforcement Matter; Buz Gardiner

Laura,

I had the opportunity to speak with Mr. Gardiner last week regarding the wetland restoration plan and submission of an after-the-fact freshwater permit to the CRMC. Mr. Gardiner has directed me to inform you that he has decided not to pursue this restoration/permit option. I have informed him that by not meeting the July 31 CRMC deadline for submission of a restoration plan, the matter will likely be placed on an enforcement hearing calendar. I have recommended that he engage legal counsel to assist him with any enforcement hearing.

At this point, my engagement with Mr. Gardiner on this matter is concluded. I have made sure to copy him on this email so you can reach out to him direct on future correspondences.

Do not hesitate to contact me with any questions.

Best regards,
Scott

Scott P. Rabideau, PWS
President, Natural Resource Services, Inc.
(401) 568-7390

PHOTOS

P20
1

2

3

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

August 10, 2018

Buttonwood Acquisition, LP
CT Corporation System, Registered Agent
450 Veterans Memorial Parkway, Suite 7A
East Providence, RI 02914

Buttonwood Acquisition, LP
125 ~~Corey Lane~~ Corys Lane
Portsmouth, RI 02871

Show Cause Notice

RE: RICRMC Assent 2017-10-080
Outstanding Dredge Disposal Fee

Based upon staff reports, it appears to the satisfaction of the Coastal Resources Management Council that this is a proper case for granting an order to **show cause**.

It is hereby ordered that Buttonwood Acquisition, LP appear before the Council at 6:00 p.m. on August 28, 2018, in the Department of Administration Building, Conference Room A, One Capitol Hill, Providence, Rhode Island, then and there to **show cause**, if any, why an agreed upon disposal fee in the amount of $8,271.50 with a remaining outstanding balance of $6,271.50 has not been paid.

Buttonwood Acquisition, LP shall be called upon at that to give explanation, if any why the Coastal Resources Management Council should not revoke
all relevant Assent(s) and otherwise act upon on all activities associated with the marina.

Jeffrey M. Willis, Deputy Directory

Date of Service: 08-13-2018

By: ROBERT COLANTONIO
RI STATE CONSTABLE #6030

Cheryl Bonogan
From Accounting
Accepted
12:33 pm
Cheryl A Bonogan

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

August 10, 2018

Buttonwood Acquisition, LP
CT Corporation System, Registered Agent
450 Veterans Memorial Parkway, Suite 7A
East Providence, RI 02914

Buttonwood Acquisition, LP
125 Corey Lane
Portsmouth, RI 02871

Show Cause Notice

RE: RICRMC Assent 2017-10-080
Outstanding Dredge Disposal Fee

Based upon staff reports, it appears to the satisfaction of the Coastal Resources Management Council that this is a proper case for granting an order to **show cause**.

It is hereby ordered that Buttonwood Acquisition, LP appear before the Council at 6:00 p.m. on August 28, 2018, in the Department of Administration Building, Conference Room A, One Capitol Hill, Providence, Rhode Island, then and there to **show cause**, if any, why an agreed upon disposal fee in the amount of $8,271.50 with a remaining outstanding balance of $6,271.50 has not been paid.

Buttonwood Acquisition, LP shall be called upon at that to give explanation, if any why the Coastal Resources Management Council should not revoke all relevant Assent(s) and otherwise act upon on all activities associated with the marina.

Jeffrey M. Willis, Deputy Directory

Date of Service: 08-14-2018
2:00 Pm
By:

ROBERT COLANTONIO
RI STATE CONSTABLE #6030

Logged in / Signed in per CT Corp System Acceptance Procedure

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

August 10, 2018

Buttonwood Acquisition, LP
CT Corporation System, Registered Agent
450 Veterans Memorial Parkway, Suite 7A
East Providence, RI 02914

Buttonwood Acquisition, LP
125 Corey Lane
Portsmouth, RI 02871

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Jeffrey M. Willis, Deputy Directory

Date of Service:

By:

CRMC

COASTAL RESOURCES MANAGEMENT COUNCIL

MEMORANDUM

Date: August 16, 2018

To: Grover Fugate / File

From: Danni Goulet, PE

Subject: CRMC File Number A2017-10-080

Owner: Buttonwood Acquisition / Carnegie Abbey Club
Site Address: 379 Willow Lane Plat: 26 Lot: 2C,4-15
Site Town: Portsmouth
Proj. Desc: maintenance dredging of marina basin and approach channel with CAD disposal

The following memo details the actions taken by staff to collect the $8,271.50 owed by the applicant as part of the CAD cell fee.

The final survey was accepted and the CAD cell fee was sent to the applicant on February 26, 2018. The fee letter dated February 26, 2018 is attached. Historically the CRMC receives the full CAD cell payment within 30 - 45 days of our letter. There has been one other applicant that took approximately 90 days and a letter form legal counsel.

After 60 days passed, the Staff legal counsel was engaged to send a second letter. This letter was sent of May 7, 2018. This second letter did not result in the fee being paid or garner a reply from the applicant. On June 6, 2018 a third letter was sent to applicant and their registered agent.

The third letter resulted in a phone conversation between the CRMC legal counsel and Mr. Chip Peirmont who stated that the bill fell through the cracks and could we resend the bill. This was done on June 7, 2018 (see attached email). I received a call on June 8, 2018 from a Mr. Mike Spader who said that they were going to pay in monthly installments starting immediately and would continue on the 15th of each month. A check for $2,000 was cut on June 11, 2018 and received in our office on June 13, 2018. A copy of the check is attached. I notified Counsel on June 8, 2018 of the applicant's intent to pay in installments. The counsel reply is attached. We had little choice but to accept the partial payment and wait for the July installment. The CRMC has never had the CAD fee paid in installments, it is typically paid all at the end of the project or a portion prior to dredging and the final fee based on the actual volume dredged.

The CRMC did not receive the July 15 installment. On July 19 after waiting a couple of days for the payment to potentially be delayed in the mail I informed legal counsel that the payment was not recieved. This email is attached. As of August 16, 2018 the third payment has not been received. As of the date of the memo, the applicant owes $6,271.50 for their use of the CAD cell.

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

February 26, 2018

Buttonwood Acquisition, LP
125 Corey Lane
Portsmouth, RI 02871

Re. RI CRMC Assent 2017-10-080

Dear Sirs,

The Coastal Resources Management Council (CRMC) is in receipt of your post-dredge survey for the 2017-2018 dredge work at the Carnegie Abbey Marina. The CRMC has accepted the survey performed by Waterman Engineering and volume calculations performed by Warren Hall, PE & PLS.

The calculated volume of material dredged was 710 cubic yards. In order to comply with the requirements of your Assent from the CRMC, please remit a check, payable to the Rhode Island Coastal Resources Management Council, which covers the disposal fee ($11.65/CY) fee of $8,271.50 for the volume utilized in the CAD cell.

If you have any questions or need any additional information, please don't hesitate to call me at (401) 783-3370.

Sincerely,

Danni Goulet, PE
Coastal Resources Management Council

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

May 7, 2018

Buttonwood Acquisition, LP
CT Corporation System, Registered Agent
450 Veterans Memorial Parkway, Suite 7A
East Providence, RI 02914

Buttonwood Acquisition, LP
125 Corey Lane
Portsmouth, RI 02871

RE: RICRMC Assent 2017-10-080
Outstanding Dredge Disposal Fee

To Whom It May Concern:

You sought permission to dredge material at the Carnegie Abbey Marina and to dispose of the material in State waters. You received permission to do so based on your promise to pay an agreed upon disposal fee. You have neither paid the $8,271.50 disposal fee nor responded to a prior letter attempting to resolve this matter. Accordingly, your ability to operate the marina is now in jeopardy.

Unless satisfactory payment arrangements are made within 10 days, this matter will be referred to the Council, or our enforcement staff, with the recommendation that the relevant Assent(s) be revoked and all activities associated with the marina be halted.

We understand the benefits marinas provide and hope yours is successful but you cannot ignore the agreement you made to pay Rhode Island's taxpayers for the right to use their waters.

You may contact Danni Goulet, at 401-783-7509, if you wish to discuss this.

Sincerely,

John T. Longo
Deputy Legal Council

State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

June 6, 2018

The Corporation Trust Company, Registered Agent
Buttonwood GP Corporation
Corporate Trust Center
1209 Orange Street
Wilmington, DE 19801

RE: Buttonwood Acquisition, LP
RI CRMC Assent 2017-10-080
Outstanding Dredge Disposal Fee

To Whom It May Concern:

The CRMC has not received any reply to the attached letter regarding an outstanding debt owed to the State of Rhode Island.

This letter is an attempt to make sure all the appropriate parties are aware of the outstanding debt and the seriousness of this issue.

Please contact me within 10 days if you would like to discuss this matter. You may reach me at the CRMC or at (401) 383-7550.

Sincerely,

John T. Longo
Deputy Legal Council

Dan Goulet

From: Dan Goulet <dgoulet@crmc.ri.gov>
Sent: Thursday, June 07, 2018 2:36 PM
To: 'John Longo'; 'Cpiermont@gmail.com'
Subject: RE: Buttonwood Acquisition Dredge Fee
Attachments: SKM_C654e18060714450.pdf

All

Here is a scanned version of the original letter

Dan

Danni Goulet, PE
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

401-783-3370
Fax 401-783-3767

From: John Longo [mailto:jtlongo@citadelpc.com]
Sent: Thursday, June 07, 2018 12:20 PM
To: Cpiermont@gmail.com; Dan Goulet
Subject: Buttonwood Acquisition Dredge Fee

Danni - Carnegie is CC'd on this email.

I spoke with Chip Piermont at Carnegie about the outstanding dredge fee. It appears the bill fell through the cracks. Chip asked that we resend it so he can be sure it gets to the people who cut the checks. I told him the 'bill' was a letter from you and I would ask you to send it to him.

Please 'Reply-All' to this e-mail with the bill so he receives it and I will follow up on this in 10 days.

--
John T. Longo, Esq.
996 Smith Street, Suite 101
Providence, RI 02908
(401) 383-7550
Fax 537-9185
jtlongo@citadelpc.com

Carnegie Abbey Club 02-C103 Coastal Resource Management Council Jun 11/18 Check No. 000161

Invoice No	Inv.Date	PO Number	Reference	Audit No	Gross Amt	Disct/HB	Net Amt
201710080	Feb26/18	N/A	Disposal F	PJ4076	Part Payment		2,000.00
					0.00	0.00	2,000.00

Carnegie Abbey Club 2017-10-080 Dredge fee
125 Cory's Lane
Portsmouth, RI, 02871

Customers Bank
99 Bridge St.
Phoenixville, PA, 19460

000161

TWO THOUSAND DOLLARS & 00 CENTS

06/11/18 $2,000.00

US Dollars

Coastal Resource Management Council
Oliver Stedman Government Cent
4808 Tower Hill Rd Suite 3
Wakefield RI 02879-

AUTHORIZED SIGNATURE

Security Features Included Details on Back.

⑈000161⑈ ⑆031130297⑆ 6685947⑈ 45

Dan Goulet

From: Dan Goulet <dgoulet@crmc.ri.gov>
Sent: Friday, June 08, 2018 1:42 PM
To: 'John Longo'
Subject: RE: Buttonwood Acquisition Dredge Fee

John

I got a call from these guys that are now asking about a payment plan – we have never done that nor do I think that is fair to every single other user of the cad cell who paid.

Dan

Danni Goulet, PE
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

401-783-3370
Fax 401-783-3767

From: John Longo [mailto:jtlongo@citadelpc.com]
Sent: Thursday, June 07, 2018 12:20 PM
To: Cpiermont@gmail.com; Dan Goulet
Subject: Buttonwood Acquisition Dredge Fee

Danni - Carnegie is CC'd on this email.

I spoke with Chip Piermont at Carnegie about the outstanding dredge fee. It appears the bill fell through the cracks. Chip asked that we resend it so he can be sure it gets to the people who cut the checks. I told him the 'bill' was a letter from you and I would ask you to send it to him.

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John T. Longo, Esq.
996 Smith Street, Suite 101
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Fax 537-9185
jtlongo@citadelpc.com

(401) 383-7550

Fax 537-9185

jtlongo@citadelpc.com

Virus-free. www.avast.com

Dan Goulet

From: Dan Goulet <dgoulet@crmc.ri.gov>
Sent: Friday, June 08, 2018 2:35 PM
To: 'John Longo'
Subject: RE: Buttonwood Acquisition Dredge Fee

Lets talk, will you be in on Monday?

Danni Goulet, PE
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

401-783-3370
Fax 401-783-3767

From: John Longo [mailto:jtlongo@citadelpc.com]
Sent: Friday, June 08, 2018 2:32 PM
To: Dan Goulet
Subject: Re: Buttonwood Acquisition Dredge Fee

I agree. I get the impression they use their money to put out fires. We need to be the fire.

Rather than saying flat out no, consider saying 'OK, we will give you a six month payment plan that started when we sent the bill in February. So pay the prior 4 months worth of payments now and we will let pay the last two payments in July and August.'

JTL

John T. Longo
Attorney at Law
996 Smith Street, Suite 101
Providence, RI 02908
(401) 383-7550
Fax 537-9185
jtlongo@citadelpc.com

On Fri, Jun 8, 2018 at 1:41 PM, Dan Goulet <dgoulet@crmc.ri.gov> wrote:

John

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Dan

Danni Goulet, PE

Coastal Resources Management Council

4808 Tower Hill Road

Wakefield, RI 02879

401-783-3370

Fax 401-783-3767

From: John Longo [mailto:jtlongo@citadelpc.com]
Sent: Thursday, June 07, 2018 12:20 PM
To: Cpiermont@gmail.com; Dan Goulet
Subject: Buttonwood Acquisition Dredge Fee

Danni - Carnegie is CC'd on this email.

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Please 'Reply-All' to this e-mail with the bill so he receives it and I will follow up on this in 10 days.

--

John T. Longo, Esq.

996 Smith Street, Suite 101

Providence, RI 02908

Dan Goulet

From: Dan Goulet <dgoulet@crmc.ri.gov>
Sent: Thursday, July 19, 2018 10:14 AM
To: 'John Longo'; Jeff Willis (jwillis@crmc.ri.gov)
Subject: Carnige CAD fee

John

Our friends at the marina have not paid the second installment which was due on July 16. At this point I think we should threaten revocation of the marina assent. These are the only ones who have tried to pay over time and now have failed to do that all this baloney for 8k.

Jeff – please weigh in as needed. I would hate to have to go back to collecting the fee up front due to one PIA.

Dan

Danni Goulet, PE
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

401-783-3370
Fax 401-783-3767