COASTAL RESOURCES MANAGEMENT COUNCIL

SEMI-MONTHLY MEETING

TUESDAY, OCTOBER 23, 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

Semi-Monthly Meeting – Full Council
Tuesday, October 23, 2018; 6:00 p.m.
Administration Building; Conference Room A
One Capitol Hill, Providence, RI 02908

Approval of the minutes of the previous meeting – August 28, 2018 and October 9, 2018
Subcommittee Reports
Staff Reports

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.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE COASTAL RESOURCES MANAGEMENT PROGRAM:

650-RICR-20-00-7: Aquidneck Island SAMP

Summary of Rulemaking Action:
In 2016, the legislature passed an amendment to R.I. Gen. Laws § 42355(b) that required the Secretary of State to oversee the publication of an updated uniform code of state regulations. The purpose of this proposed rule is to reformat the **Aquidneck Island (SAMP)** Coastal Development Regulations and codify the rules in accordance with the new uniform code of state regulations, called the Rhode Island Code of Regulations ("RICR"). Figures 5, 6 and 7 showing CRMC and DEM freshwater wetlands jurisdiction are being deleted, as DEM has established a user friendly online map service for determining freshwater wetlands jurisdiction. Part 7.11 Appendix A is being added to provide habitat maps currently available on the CRMC website here:
http://www.crmc.ri.gov/samp_ai/AI_SAMP_Habitat_Linkage_Map.pdf.
Otherwise, there are no substantive changes to the rule.

650-RICR-20-00-5: Metro Bay Region SAMP

Summary of Rulemaking Action:
The purpose of these regulations is to provide a concise set of coastal development regulations for properties located within the **Metro Bay Region SAMP** boundary that are predictable and provide developers with several options for coastal buffers to promote economic development and coastal resource protection. In 2016, the legislature passed an amendment to R.I. Gen. Laws § 42355(b) that required the Secretary of State to oversee the publication of an updated uniform code of state regulations. The purpose of this amendment is to reformat the Metro Bay Region SAMP in accordance with the new uniform code of state regulations, called the Rhode Island Code of Regulations ("RICR"), consolidate and integrate desirable elements of the Providence Harbor SAMP, and to make other nontechnical changes. There are no substantive changes to the

existing regulations. Reformatting of the regulation in accordance with RICR includes, but is not limited to,
re-numbering, moving of definitions, movement of text, and elimination of duplicative or on regulatory text, among other format changes. A summary of changes between current and proposed regulation by section is as follows:

- Add new § 5.1(B) to highlight federal Coastal Zone Management Act authority for implementation of Special Area Management Plans;
- Add new § 5.1(C) to further clarify the purpose of the consolidated rules;
- Add new § 5.3 as a consolidation of Metro Bay Region policies;
- Add new § 5.3.1 to account for Providence Harbor SAMP prohibitions;
- Add new § 5.3.2 to account for specific Providence Harbor policies;
- Clarify applicability of roadway projects at § 5.5(C)(1)(a)(2)(CC);
- Clarify status of the compensation option at §§ 5.4(C)(3), 5.5.1(B)(5), 5.8(C)(3)(b)(2), 5.8(C)(4)(a)(4), and 5.9(B)(4)(a)

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

lat

2017-047 BUZ & CYNTHIA GARDINER

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

ENFORCEMENT REPORT ADDENDUM
October 23, 2018

RE: CRMC Enforcement File 17-0147

LOCATION: Plat N-R, Lots 1229 and 1230, Allagash Trail, Narragansett

OWNERS: Buz Gardiner, Lot 1229
Cynthia Gardiner, Lot 1230

SUPPLEMENTAL FILE SUMMARY

- On September 25, 2018, The Council ordered:
  1. The Gardiners' new consultant meet with enforcement staff as necessary to submit an appropriate restoration plan.
  2. The Gardiners' new consultant shall submit an appropriate restoration plan or complete application no later than October 12, 2018. The restoration plan or complete application shall be for the restoration of the property to the original or near original conditions that existed at the time of the issuance of CRMC assent 92-6-18.
  3. This matter is continued to the October 23, 2018 Council meeting at which time the Council will review the restoration plan and either approve or reject the same.

- On October 9, 2018 Brandon Faneuf, the Gardiners' consultant, and Cynthia Gardiner delivered an application (Freshwater Wetlands in the Vicinity of the Coast Application Package, Request for a Preliminary Determination) to the CRMC offices. This application proposes a 624 sq.ft. addition
- n and does not incorporate the previously accepted wetland edge (CRMC assent 92-6-18). Rather, the wetland edge is the same as the edge shown on the Preliminary Determination application (CRMC file 2017-10-095) submitted on October 19, 2017.

- On October 11, 2018, an email was sent by Laura Miguel, CRMC Enforcement, to Brandon Faneuf indicating that the submitted application did not comply with the Council's order of September 25, 2018 and that the application, therefore, was unacceptable.

ATTACHMENTS

I. Copy of application submitted to the CRMC on October 9, 2018 by Brandon Faneuf on behalf of Buz and Cynthia Gardiner.

J. Copy of email sent on October 11, 2018 by Laura Miguel to Brandon Faneuf.

Environmental Science

Ecosystem Solutions, Inc.
P.O. Box 1293/ 24 Kenmore St.
West Warwick, RI 02893

FRESHWATER
PRELIMINARY DETERMINATION APPLICATION
120 Allagash Trail / A.P. N-R, Lots 1229 & 1230
Narragansett, Rhode Island

Prepared for: Buz & Cynthia Gardiner
120 Allagash Trail
Narragansett, RI 02882

Under the Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast

October 2018

Table of Contents

Preliminary Determination Application

-Coverletter w/ Project Description and Impact Avoidance & Minimization Statement

-Preliminary Determination Application Form

-Proof of Ownership

-Copy of Application Fee Check

-Building Permit Application

Figures

-Site Pictures

-USGS Topographic Map

-NRCS Soils Overlay

-FEMA Firmette

Other

-DEP Delineation Data Forms & Soils Data from TH 1 thru 5.

-Professional Resume

Ecosystem Solutions, Inc.
24 Kenmore Street / P.O. Box 1293
West Warwick, RI 02893

RI: 401-615-8885
MA: 508-997-0268
www.ecosystem-solutions.com

October 9, 2018

Project no. W16-807

Grover Fugate, Director
Coastal Resources Management Council
4808 Tower Hill Road, #116
Wakefield, RI 02879

RE: FRESHWATER WETLANDS PRELIMINARY DETERMINATION APPLICATION
120 Allagash Trail / A.P. N-R, Lots 1229 & 1230
Narragansett, Rhode Island

Mr. Fugate,

Ecosystem Solutions, Inc. (ESI) submits this Request for Preliminary Determination for a Freshwater Wetland in the Vicinity of the Coast as representative to Buz & Cynthia Gardiner. Work has been completed in accordance with the Rhode Island Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (Rules), as promulgated per R.I.G.L. §46-23-6.

The subject property (Property)consists of two, 5,080 sf lots on the north side of Allagash Trail, approximately 150' west of the intersection of Bonnet Point Road. It is the site of a single-family house owned by Buz & Cynthia Gardiner.

Total lot size (Lots 1229 & 1230)= 10,160sf
House= 588sf impervious (roof)
Driveway= 725sf (asphalt)

Wetlands occur in the northern part of the Property on Lot 1230:

- Forested wetland: the wetland that borders the stream is best classified as a forested wetland <3 acres in size. As such, the wetland does not receive a 50' Perimeter Wetland.
- Area Subject to Stormwater Flowage (ASSF): a ditch in the middle of the forested wetland, which flows in a southeasterly direction, enters the wetland via pipe and exits via a pipe.
- A table summary of wetland areas on-site is below:

Flag Series	Classification	Approx. Location
WF1-WF8	Forested wetland <3 acres in size.	Rear (north side) of Lot 1230, within existing woods.

The most recent FEMA flood map shows that the Property is *within* of the 100 year floodplain for all lots mentioned above (see attached).

Other

- Coastal wetland: This is the marsh that exists on the east side of Bonnet Point Rd. The 200' CRMC jurisdictional area extends onto the subject Property, as depicted on the site plan.

Project Scope

The proposal for work is for a 624 sf addition to a single-family house, to keep the existing deck and to keep the existing bituminous driveway. The deck and driveway are in non-conformance with the 1992 Assent.

It is my opinion that despite the 1992 Assent, wetlands today are relegated to those delineated in 2016 by this office. With the type and jurisdictional extents, proposed work will not alter Freshwater Wetlands and work will only occur within CRMC's 200' jurisdiction of a Coastal Feature.

IMPACT AVOIDANCE & MINIMIZATION STATEMENT

IMPACT AVOIDANCE (AS PER RULE 9.02(D)(1))

a) *Whether the proposed activity is water-dependent or whether it requires access to* freshwater wetlands *as a central element of its primary purpose (e.g. a pier).*

The proposed project is not water-dependent and does not require access to freshwater wetlands as a central element of its primary purpose.

b) *Whether any areas within the same property or other properties owned or controlled by the applicant could be used to achieve the* project *purpose without altering the natural character of any* freshwater wetlands.

There are no other properties owned or controlled by the applicant that could be used to achieve the project purpose. The current proposal involves the construction of an addition to a single family dwelling, and to keep after-the-fact the current sized deck and bituminous driveway.

c) *Whether any other properties reasonably available to, but not currently owned or controlled by, the applicant could be used to achieve the* project *purpose while avoiding wetland* alterations. *A property is reasonably available if, in whole or in part, it can be acquired without excessive cost, taking individual circumstances into account, or, in the case of property owned or controlled by the same family, entity, group, of affiliated entities, or local, state, or federal government, may be obtained without excessive hardship.*

There are no other properties currently owned or controlled by the applicant that could be used to achieve the project purpose.

d) *Whether alternative designs, layouts or technologies could be used to avoid* freshwater wetlands *or impacts on functions and values on the subject property or whether the* project *purpose could be achieved on other property that is reasonably available and would avoid wetlands.*

The design and layout minimizes impacts as much as possible. The addition cannot be done in the front or side yards due to zoning constraints.

e) *Whether the applicant has made any attempts (and if so what they were) to avoid* alterations *to* freshwater wetlands *by overcoming or removing constraints imposed by zoning infrastructure, parcel size or the like.*

The current application avoids impacts to freshwater wetland jurisdictional areas. There are impacts to the 200' CRMC coastal jurisdictional area.

f) *Whether the feasible alternatives that would not alter the natural character of any freshwater wetlands on the subject property or on property that is reasonably available, if incorporated into the proposed* project *would adversely affect public health, safety or the environment.*

These alternatives have been incorporated into the project.

IMPACT MINIMIZATION (AS PER RULE 9.02(D)(2))

a) *Whether the proposed* project *is necessary at the proposed scale or whether the scale of the wetland* alteration *could be reduced and still achieve the* project *purpose.*

The project is necessary at the proposed scale in order to meet the needs of the Applicant.

b) *Whether the proposed* project *is necessary at the proposed location or whether another location within the site could achieve the* project *purpose while resulting in less impact to the wetland.*

This is the best location for the house addition and its ancillary structures. There is no other location in which to place these structures.

c) *Whether there are* feasible *alternative designs, layouts, densities or technologies that would result in less impacts to the wetland while still achieving the* project *purpose.*

Alternative designs, layouts, densities and technologies have been taken into consideration and the current plan reflects those considerations.

d) Whether reduction in the scale or relocation of the proposed *project* to minimize impact to the wetland would result in adverse consequences to public health, safety or the environment.

It is this proposal that is considered to best minimize impact that would result in adverse consequences to public health and safety, or the environment.

MITIGATION MEASURES (AS PER RULE 9.02(D)(3))

a) *Preserving natural areas in and around wetlands*

Areas around the forested wetland and ASSF have been preserved as much as possible given the tight nature of the lot.

b) *Minimizing the extent of disturbed areas and encouraging the preservation of land in its natural state.*

The amount of disturbance to the lot has been minimized as much as possible given the small size of the lot.

c) *Designing dense planting of shrubs and trees between the developed areas and the remaining natural areas (i) to "buffer" impacts from loss of wildlife habitat and loss of natural areas and (ii) to reduce the impacts of noise, lighting and other disturbances upon wildlife and the remaining natural areas*

No plantings have been proposed at this time, but a red-lined revision is acceptable.

d) *Maintaining unrestricted fish and wildlife passage*

This is a densely developed neighborhood. The current proposal, however, will not further impact fish or wildlife passage. The current back yard is fenced in to begin with.

e) *Designing structures and alterations so that they are located outside of flood plain, floodway, areas subject to flooding, flowing bodies of water or other freshwater wetlands.*

The entire property is within the FEMA floodplain. Construction will meet building code for work in a floodplain.

f) *Using best management practices for the stabilization of disturbed areas and the selection, use, and maintenance of temporary or permanent soil erosion and sediment controls in accordance with the latest version of the RI Soil Erosion and Sediment Control Handbook and the RI Stormwater Design and Installations Standards Manual*

The proposed use is for a single-family home in which impervious cover will be less than 10,000sf. As such, it is my opinion that this project *does not* apply to the *Application for Stormwater Construction Permit and Water Quality Certification*. Numbers regarding disturbance are provided at the beginning of this letter, but are repeated here:

Total lot size (Lots 1229 & 1230)= 10,160sf
House= 588sf impervious (roof)
Driveway= 725sf (asphalt)

g) *Using best management practices selection and design criteria in accordance with the latest version of the RI Stormwater Design and Installation Standards Manual to reduce post-development stormwater flows and maximize the control, treatment and maintenance of systems that reduce stormwater impacts to acceptable levels*

Stormwater will be discharged from downspouts to lawn or stone.

h) *Minimizing impervious surface areas such roads, parking, paving, and other surfaces.*

Impacts are minimized to the greatest extent practicable.

i) *Incorporating compensatory flood storage area(s) where necessary and in compliance with these Rules.*

Not applicable. The first floor elevation shall be above the flood zone.

j) *Encouraging infiltration of non-contaminated run-off into uncontaminated soils*

There are no contaminated soils on-site.

k) *Preventing channelization or piping of run-off and encouraging sheet flow*

No piping will be constructed other than downspouts, which can be discharged to stone and thereafter sheet flow through the lawn.

l) Landscaping with gradual slopes to maximize sheet flow and infiltration while minimizing channelization

Landscaping is minimal as this is a fairly level piece of land with wide, 1ft. contours in the area of proposed disturbance.

m) Minimizing or eliminating the use or increase of any pollutants, fertilizers, pesticides, herbicides, or any other chemical or organic application which increase pollutant and nutrient loadings

A permit condition may include use of non-phosphorus fertilizers, but the size of the lawn is minimal.

n) Maximizing setbacks of septic systems and other land disturbances from wetlands, and

No septic system is proposed and work does not extend into freshwater wetland jurisdictional areas.

o) Minimizing the withdrawal of surface water or groundwater from wetlands or uplands adjacent to wetlands, especially during dry periods, and minimizing any reduction in river or stream flow

No water withdrawals are proposed.

Conclusion

This 0.24ac, pre-existing lot-of-record is proposed for the construction of an addition to a single-family house and request to keep the existing deck and bituminous driveway from the 1992 Assent.

Minimization techniques include keeping the addition as far away from wetlands as practicable.

It is my opinion that the location of structures could not have been placed any further from the wetland, or size reduced any more than proposed.

Should you have any questions regarding this letter, please do not hesitate to call at (401) 741-3263 or by using the other contact information above.

Sincerely,

Ecosystem Solutions, Inc.

Brandon B. Faneuf, M.S., Principal

PWS, RPSS, CWB, CPESC

BF/bf

enclosures

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

FRESHWATER WETLANDS IN THE VICINITY OF THE COAST
APPLICATION PACKAGE

Purpose of Application (Part A)

☐	Request to Determine Presence of Wetland Only	Rule 8.02
☐	Request to Verify Wetland Edge	Rule 8.03
☐	Request for Regulatory Applicability	Rule 8.04
☒	Request for Preliminary Determination	Rule 9.00
☐	Application to Alter	Rule 10.00
☐	Application for Permit Extension – Part D required	Rule 11.02
☐	Application for Permit Modification	Rule 11.03
☐	Application for Permit Transfer – Part E required	Rule 11.04

Applicant Information (Part B)

File No. (CRMC use only):

Owner's Name: Buz & Cynthia Gardiner
Contact Number: (401) 788-9980

Mailing Address: 120 Allagash Trail

City/Town: Narragansett State: RI Zip Code: 02893

Location of Property Subject to this Application:
Narragansett (City/Town) Allagash Tr. (Street Abutting Site) 120 (Street Address (if applicable))

Direction to site from abutting street: ☒ North ☐ South ☐ East ☐ West
Nearest intersection & distance from site: 150' west of Bonnet Pt. Rd.
Nearest Utility Pole & number: pole 2

Plat: N-R
Lot(s): 1229 & 1230

General Information (Part C)

Any previous applications for this site? ☐No ☒Yes Application No.: 1990-12-049 / 1992-06-18 / 92-0493D / 2017-10-095
Any previous Enforcement action? ☐No ☒Yes File No.(s): 17-0147
Amount of Wetland Area to be altered (10.04): Square Feet: N/A
Linear Feet of Watercourse: N/A
Amount of Fee Submitted for Application (7.11): $ 150 —

For Permit Extension (Part D)

Name of Original/Subsequent Permitee:_____

Application/Permit No.: _____ **Expiration Date:** _____

Number of Previous Extensions:_____

Statement of Applicant: *I hereby state that I am requesting extension of the original or subsequently modified permitted project under Application/Permit No.:*_____*. I fully understand the permit limitations and will comply with any and all conditions of the permit.*

Applicant's Name:_____

Applicant's Signature:_____

For Change in Owner During Application Processing Only (Part E)

Application No.: _____

Name of Original Applicant: _____

NOTE: A certified copy of the deed of transfer must be enclosed for Applications to Alter only.

Certification of Professional (if applicable) (Part F)

Note: Any professional (engineer, biologist, landscape architect etc.) who participated in the submission and/or preparation of this Application and supporting documentation must sign below.

I hereby certify that I have been authorized by the applicant to prepare documentation to be submitted in support of this application; that such documentation is in accordance with the CRMC Rules and Regulations for the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast; and that such documentation is true, accurate and complete to the best of my knowledge.

Name of Professional: BRANDON FANEUF Title: PWS

Address: P.O. Box 1293 West Warwick, RI 02893 Company: Ecosystem Solutions, Inc.

Signature: Brand Faneuf Date: 9/28/18

Certification of Applicant (Part G)

I hereby certify that I have requested and authorized the investigation, compilation, and submission of all the information, in whatever form, contained in this Application; that I have personally examined and am familiar with the information submitted herein; and that such information is true, accurate and complete to the best of my knowledge.

See Rule 7.02 Regarding Signatories to Applications

Applicant's Signature: Buz Gardiner

Applicant Name: Cynthia Gardiner Date: 10/9/2018

CYNTHIA GARDINER

TOWN OF NARRAGANSETT
Town Hall • 25 Fifth Avenue • Narragansett, RI 02882-3699
Tel. (401) 789-1044 TDD (401) 782-0610 Fax (401) 783-9637

FINANCE DEPARTMENT

October 1, 2018

Coastal Resources Management Council
Oliver Stedman Government Center
4800 Tower Hill Road
Wakefield, RI 02879

Dear Sir/Madam:

This is to verify that Cynthia M. Gardiner is the owners of Assessor's Map N-R Lot 1230 located on Oswego Trail in the Town of Narragansett.

Sincerely,

September Hughes
Tax Assessor Clerk

TOWN OF NARRAGANSETT
Town Hall • 25 Fifth Avenue • Narragansett, RI 02882-3699
Tel. (401) 789-1044 TDD (401) 782-0610 Fax (401) 783-9637

FINANCE DEPARTMENT

October 1, 2018

Coastal Resources Management Council
Oliver Stedman Government Center
4800 Tower Hill Road
Wakefield, RI 02879

Dear Sir/Madam:

This is to verify that Buz Gardiner is the owners of Assessor's Map N-R Lot 1229 located at 120 Allagash Trail in the Town of Narragansett.

Sincerely,

September Hughes
Tax Assessor Clerk

GARDINER CONSTRUCTION INC.
120 ALLAGASH TRAIL
NARRAGANSETT, RI 02882

REMITTANCE ADVICE

EZShield™ Check Fraud Protection for Business

57-168/115

6364

McBee® One-Writes

PAY One Hundred & 00/100 DOLLARS

CHECK AMOUNT $ 150.00

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.
10/9/2018		CRMC	6334

BANKRI
BANK RHODE ISLAND

⑈006364⑈ ⑆011501682⑆ 102002698⑈

PLEASE PRINT OR TYPE

BUILDING PERMIT APPLICATION

PLEASE PRINT - APPLICANT TO COMPLETE ALL ITEMS

MUNICIPALITY NARRAGANSETT NUMERICAL CODE 20 PERMIT NO. B

APPLICATION DATE _____ CENSUS TRACT 515 FEE RECEIVED: $ _____ BY _____

1. STREET LOCATION 120 ALLAGASH TRAIL 2. ZONING DISTRICT _____

3. PLAT/MAP NR 122-4 4. LOT/BLOCK _____ 5. FILE/PARCEL _____ 6. AREA _____ 7. REHAB CODE (Circle one) YES NO

8. USE OF STRUCTURE: PREVIOUS HOUSE PROPOSED ADDITION BEDROOM

9. OWNER BUZ GARDINER, CYNTHIA ADDRESS _____ TEL. NO. _____

10. CONTRACTOR (0 OR 1*) GARDINER CONST INC TEL. NO. 401-641-5333

11. CONTRACTOR ADDRESS 120 ALLAGASH TRAIL 12. RI CONTR. REG. # _____ 13. EXPIR. DATE _____

14. ARCH. OR ENG. _____ ADDRESS _____ TEL. NO. _____

15. LEAD LICENSE NAME _____ 16. LIC. # _____ 17. EXPIR. DATE _____

18. RHODE ISLAND REG. NO. _____ 19. Stamped Prints (Circle one) Yes No 20. Certificate of Occupancy Required Yes No

21. DESCRIPTION OF WORK TO BE PERFORMED BEDROOM ADDITION

22. USE OF EACH FLOOR

BSMT.

1st

2nd

3rd

Other

CODE EDITION:

TYPE AND COST OF BUILDING - PLEASE CHECK APPROPRIATE ITEMS AND ENTER REQUESTED DATA

A. TYPE OF IMPROVEMENT

1. _____ NEW STRUCTURE
2. _____ ADDITION TO EXISTING
3. _____ MODIFICATION TO EXISTING
4. _____ FOUNDATION ONLY

B. OWNERSHIP

PUBLIC
1. _____ STATE
2. _____ CITY OR TOWN
3. _____ OTHER SPECIFY _____

PRIVATE
4. _____ TAXABLE
5. _____ TAX EXEMPT

C. PRINCIPAL TYPE OF CONSTRUCTION
(CONSTRUCTION CLASS (Check one)

1. 1A _____ 4. 2B _____ 7. 4 _____
2. 1B _____ 5. 3A _____ 8. 5A _____
3. 2A _____ 6. 3B _____ 9. 5B _____

D. PROPOSED USE RESIDENTIAL

1. _____ R-1 HOTELS
2. _____ R-2 APARTMENTS
3. _____ R-3 Attached One and Two Family
4. _____ R-4 ASSISTED LIVING 9-16
5. _____ GARAGE
6. _____ CARPORT
7. _____ MANUFACTURED HOME
8. _____ SWIMMING POOL
9. _____ One and Two Family Detached
10. _____ FIREPLACE
11. _____ OTHER
SPECIFY _____

D. PROPOSED USE RESIDENTIAL

1. ____ A-1 THEATRES
2. ____ A-2 RESTAURANT/ NIGHT CLUB
3. ____ A-3 ASSEMBLY
4. ____ A-4 ARENAS
5. ____ B BUSINESS
6. ____ F-1 FACTORY (MOD HAZARD)
7. ____ F-2 FACTORY (LOW HAZARD)
8. ____ H-1 HIGH HAZARD DETONATION
9. ____ H-2 HIGH HAZARD DEFLAGRATION
10. ____ H-3 HIGH HAZARD PHYSICAL HAZARD
11. ____ H-4 HIGH HAZARD CORROSIVE TOXIC
12. ____ H-5 HIGH HAZARD, HPM
13. ____ I-1 INSTITUTIONAL SUPERVISED
14. ____ I-2 INSTITUTIONAL INCAPACITATED
15. ____ I-3 INSTITUTIONAL RESTRAINED
16. ____ I-4 INSTITUTIONAL DAYCARE
17. ____ M MERCANTILE
18. ____ S-1 STORAGE MOD HAZARD
19. ____ S-2 STORAGE LOW HAZARD
20. ____ U UTILITY MISCELLANEOUS
21. OTHER _____
SPECIFY _____
22. MIXED USE _____

F. RESIDENTIAL
(COMPLETE FOR NEW BUILDINGS AND RECONSTRUCTION)

SINGLE FAMILY
1. _____ TOTAL SINGLE FAMILY UNITS
2. _____ TOTAL NO. OF BEDROOMS
TOTAL NO. OF BATHROOMS 3. ___ Full 4. ___ Half

MULTI-FAMILY
1. _____ TOTAL NO. OF KITCHENS
TOTAL NO. OF BATHROOMS 6. ___ Full 7. ___ Half

TOTAL NO. OF APARTMENTS BY NO. OF BEDROOMS
8. Effic. _____ 9.1 _____ 10.2 _____
11.3 _____ 12.4 _____ 13.5 _____
14. _____ MORE, Please Specify
15. _____ TOTAL NUMBER OF BUILDINGS IN PROJECT.

G. FOUNDATION SETS BACK FROM PROPERTY LINES

1. FRONT _____ ft. _____ in.
2. REAR _____ ft. _____ in.
3. LEFT SIDE _____ ft. _____ in.
4. RIGHT SIDE _____ ft. _____ in.

H. DIMENSIONS

1. No. of Stories _____ 2. Basement Yes ___ No ___
3. Height of Construction Ft. _____ MAX. WIDTH ____ MAX. DEPTH ____
4. Total Floor Area Sq. Ft. w/o Basement _____

I. ESTIMATED COST MATERIAL AND LABOR

1. GENERAL $ _____ .00
TO BE INSTALLED BUT NOT INCLUDED IN THE ABOVE COST
2. ELECTRICAL $ _____ .00
3. PLUMBING OR PIPING $ _____ .00
4. HEATING, AIR COND. $ _____ .00
5. FIRE SUPPRESSION $ _____ .00
6. OTHER, ELEVATOR, ETC $ _____ .00
TOTAL COST $ _____ .00

J. FLOOD HAZARD AREA - 1. YES 2. NO

1. Elev. (MSL) of lowest floor incl. basement _____
2. Elev. (MSL) of 100 year flood _____

K. TYPES OF SEWAGE DISPOSAL

1. ____ PUBLIC 2. ____ PRIVATE SYSTEM*
3. ISDS NO. _____ DATE _____

O. FEES

1. MUNICIPAL BUILDING PERMIT FEE = $ _____ .00
2. STATE FEE:
_____ + _____ x .001 $ _____ .00
(I) ITEM #1 + ITEM #5 x .001
TOTAL PERMIT FEE $ _____ .00

(1 & 2 FAMILY DWELLING LIMITED TO STATE FEE OF $50.00)

L. NUMBER OF OFF-STREET PARKING SPACES

1. ENCLOSED _____
2. OUTDOORS _____

M. TYPE OF WATER SUPPLY

1. ____ PUBLIC
2. ____ PRIVATE
3. ____ INDIVIDUAL WELL

N. EQUIPMENT*

1. INCINERATOR ____
2. ELEVATOR ____ (Enter Number)

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the owner of this building and the undersigned agree to conform to all applicable codes and ordinances of this jurisdiction.

* IN-STATE CONTRACTOR = 0
OUT-OF-STATE CONTRACTOR = 1

TEL. NO. 401-641-5333 APPLICANT'S SIGNATURE _____

* STATE APPROVAL REQUIRED. SEE BACK OF FORM FOR INFORMATION.

FOR _____

120 Allagash Trail- looking at front of the house from the street.

Back of the house where the addition is proposed.

120 Allagash Tr. / A.P. N-R, Lots 1229 & 1230 Narragansett, Rhode Island	SITE PHOTOGRAPHS	
ES Ecosystem Solutions, Inc. P.O. Box 1293 West Warwick, Rhode Island 02893	Project no. W16-807	Pictures 1 & 2

Wetland area at the rear of Lot 1230.

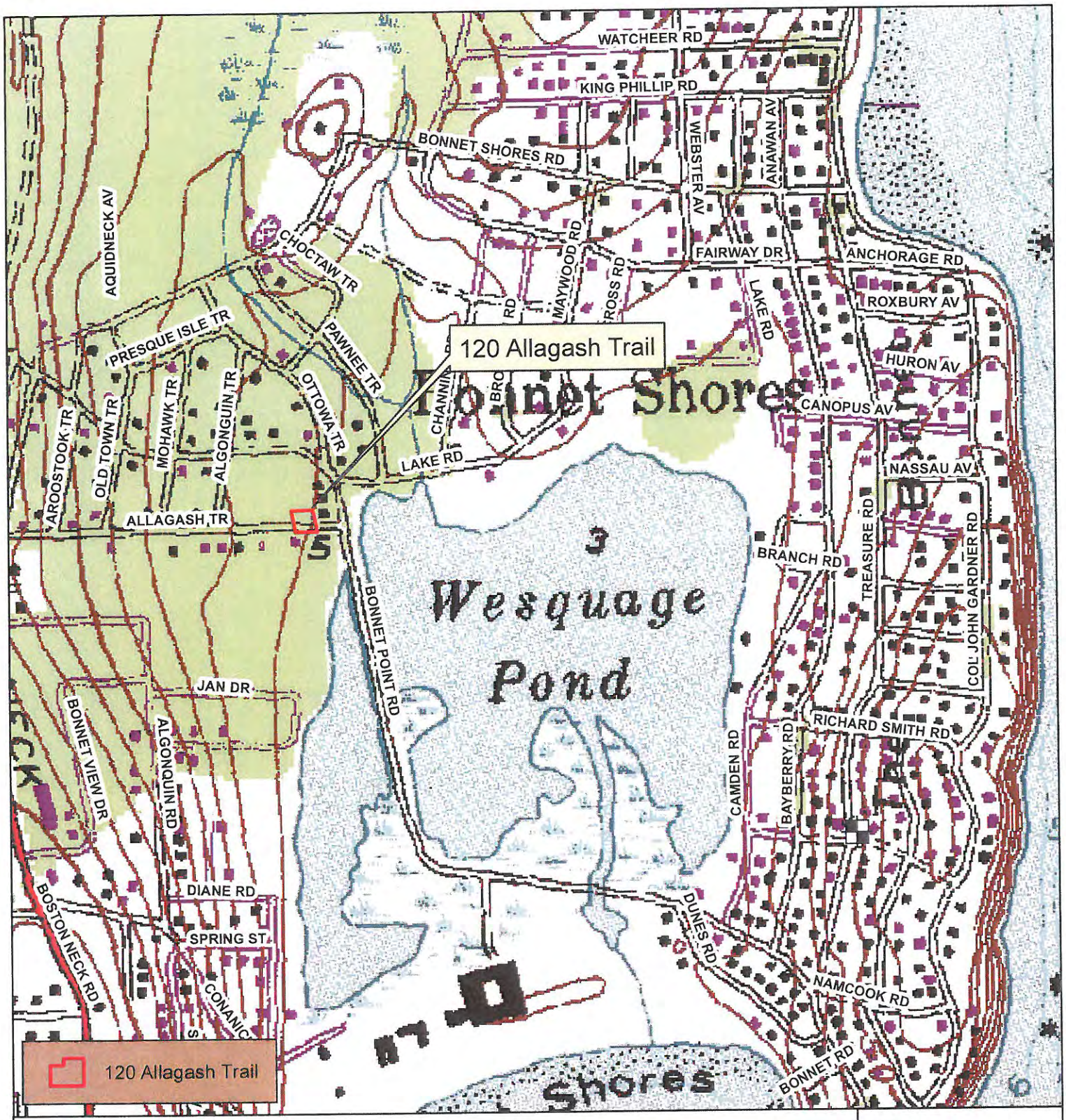
Lot 1230 with tree/brush line on right. Looking west.

120 Allagash Tr. / A.P. N-R, Lots 1229 & 1230 Narragansett, Rhode Island	SITE PHOTOGRAPHS	
ES Ecosystem Solutions, Inc. P.O. Box 1293 West Warwick, Rhode Island 02893	Project no. W16-807	Pictures 3 & 4

Back yard showing Lots 1229 (straight ahead and left) & 1230 (to the right).

Northeast corner of yard- looking north from Lot 1229 into Lot 1230.

120 Allagash Tr. / A.P. N-R, Lots 1229 & 1230 Narragansett, Rhode Island	SITE PHOTOGRAPHS	
ES Ecosystem Solutions, Inc. P.O. Box 1293 West Warwick, Rhode Island 02893	Project no. W16-807	Pictures 5 & 6



Ecosystem Solutions, Inc.
24 Kenmore St./ P.O. Box 1293 West Warwick, RI 02893

FIGURE 1

USGS Topographic Map
120 Allagash Trail / A.P. N-R, Lots 1229 & 1230
Narragansett, Rhode Island

DATE:	10-09-18	PROJECT #:	W16-807
CREATED BY:	BF	SCALE:	1 inch = 600 feet

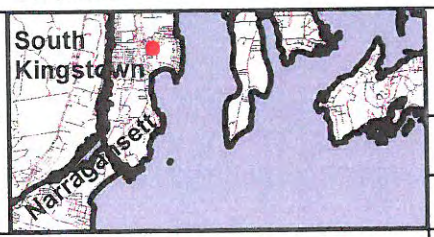
Narragansett Pier Quadrant

RIGIS

Feet
0 300 600 1,200 1,800

Ecosystem Solutions, Inc.
24 Kenmore St./ P.O. Box 1293 West Warwick, RI 02893

FIGURE 2



NRCS Soil Survey Overlay
120 Allagash Trail / A.P. N-R, Lots 1229 & 1230
Narragansett, Rhode Island

DATE:	10-09-18	PROJECT #:	W16-807
CREATED BY:	BF	SCALE:	1 inch = 50 feet

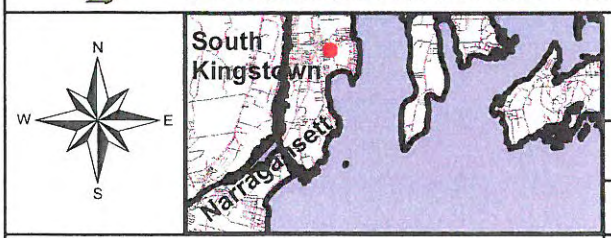
2014 Aerial Orthophoto

RIGIS

0 25 50 100 150 Feet

Ecosystem Solutions, Inc.
24 Kenmore St./ P.O. Box 1293 West Warwick, RI 02893

FIGURE 3



Test Hole Locations
120 Allagash Trail / A.P. N-R, Lots 1229 & 1230
Narragansett, Rhode Island

DATE:	10-09-18	PROJECT #:	W16-807
CREATED BY:	BF	SCALE:	1 inch = 50 feet

2014 Aerial Orthophoto

RIGIS

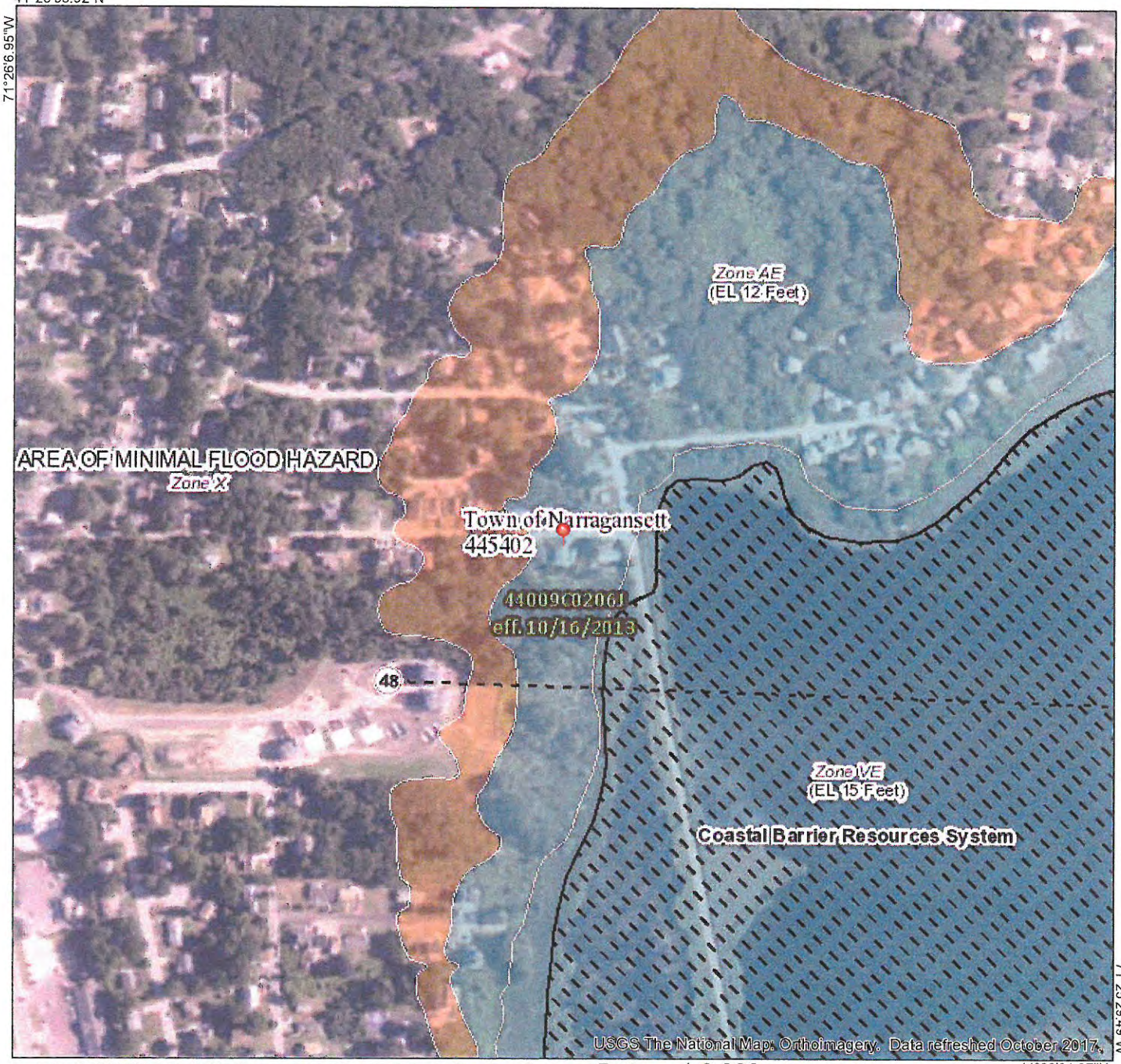
Feet
0 25 50 100 150

National Flood Hazard Layer FIRMette

FEMA

41°28'58.92"N

71°26'6.95"W



71°25'29.49"W

41°28'31.97"N

0 250 500 1,000 1,500 2,000 Feet 1:6,000

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/9/2018 at 10:56:12 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Wetland Edge Delineation Form (UPLAND)

Applicant: Wetland No. 1

Project: 120 Allagash Trail Flag No. Sequence: WF1 - WF8

City/Town: Narragansett Date: 12-19-16

Vegetation: List the three dominant species in each vegetative strata along with their NWI status:

Trees	Indicator Status	Herbs	Indicator Status
Acer rubrum	FAC	Grass spp.	FACU
Nyssa sylvatica	FAC		

List other vegetative species noted which map have affected determination of the wetland edge:

Soil: SCS Soil Survey Mapping Unit: Ud - Udorthents, smoothed
On Hydric Soils List? (Y/N) N

Soil Profile (Note wetland flag no. nearest soil test pit): WF-7

Horizon	Depth	Matrix Color	Mottling Description	Depth to Saturation	Depth to Free Water
A	0-6"	10YR 3/2	-	-	-
Bw	6-20"	10YR 5/4	-	-	

Other indicators exhibiting an absence of wetland hydrology (e.g. absence of water marks, lack of redoximorphic features, lack of oxidized rhizospheres, etc.):

Landscape position: Footslope
Altered/atypical situation? (describe)

Comments:

Wetland Edge Delineation Form (WETLAND)

Applicant: Wetland No. 1

Project: 120 Allagash Trail Flag No. Sequence: WF1-WF8

City/Town: Narragansett Date: 12-19-16

Vegetation: List the three dominant species in each vegetative strata along with their NWI status:

Trees	Indicator Status
Acer rubrum	FAC
Nyssa sylvatica	FAC

Saplings/Shrubs		Woody Vines	
Rosa multiflora	FACU	Vitis labrusca	FACU
Clethra alnifolia	FAC+	Celastrus orbiculatus	NI

List other vegetative species noted which map have affected determination of the wetland edge:

Soil: SCS Soil Survey Mapping Unit: Se - Stissing silt loam
On Hydric Soils List? (Y/N) Y

Soil Profile (Note wetland flag no. nearest soil test pit): WF-7

Horizon	Depth	Matrix Color	Mottling Description	Depth to Saturation	Depth to Free Water
A	0-20	10YR 2/2	-	0"	0"

Other hydrological indicators (e.g. water marks, drainage patterns, root rhizopsheres, etc.; see Appendix 4(A)(4) of the Rules):

Landscape position:

Altered/atypical situation? (describe)

Comments:

Soil Log - Test Hole 1

Applicant: Buz & Cynthia Gardiner

Wetland No. na

Project: 120 Allagash Trail

Flag No. Sequence:

City/Town: Narragansett

Date: 9/24/18

Vegetation: List the three dominant species in each vegetative strata along with their NWI status:

Trees	Indicator Status	Herbs	Indicator Status
Acer rubrum	FAC		
Nyssa sylvatica	FAC		

Saplings/Shrubs

Woody Vines

List other vegetative species noted which map have affected determination of the wetland edge:

Soil: SCS Soil Survey Mapping Unit: Se-Stissing silt loam

On Hydric Soils List? (Y/N) Yes

Soil Profile (Note wetland flag no. nearest soil test pit): TH1

Horizon	Depth	Matrix Color	Mottling Description	Depth to Saturation	Depth to Free Water	Soil Texture
HTM	0-14"	10YR 3/2	-	-	-	sl
Apb	14-24"	10YR 2/2	-	-	-	fsl
Bwb	24-36"	2.5Y 4/3	7.5YR 4/6	-	-	fsl
Cg	36"+	10BG 5/1	-	-	-	sl

Other indicators exhibiting an absence of wetland hydrology (e.g. absence of water marks, lack of redoximorphic features, lack of oxidized rhizospheres, etc.):

Landscape position: Sideslope

Altered/atypical situation? (describe)

Comments: In existing lawn

Soil Log- Test Hole 2

Applicant: Buz & Cynthia Gardiner

Wetland No. na

Project: 120 Allagash Trail

Flag No. Sequence:

City/Town: Narragansett

Date: 9/24/18

Vegetation: List the three dominant species in each vegetative strata along with their NWI status:

Trees	Indicator Status	Herbs	Indicator Status
Acer rubrum	FAC		
Nyssa sylvatica	FAC		

Saplings/Shrubs

Woody Vines

List other vegetative species noted which map have affected determination of the wetland edge:

Soil: SCS Soil Survey Mapping Unit: Se-Stissing silt loam
On Hydric Soils List? (Y/N) Yes

Soil Profile (Note wetland flag no. nearest soil test pit): TH 2

Horizon	Depth	Matrix Color	Mottling Description	Depth to Saturation	Depth to Free Water	Soil Texture
Ap	0-10"	10YR 2/2	-	-	-	fsl
Bw	10-22"	2.5Y 4/3	7.5YR 4/6	-	-	fsl
Cg	22"+	10BG 5/1	-	-	-	sl

Other hydrological indicators (e.g. water marks, drainage patterns, root rhizopsheres, etc.; see Appendix 4(A)(4) of the Rules):

Landscape position: Sideslope

Altered/atypical situation? (describe)

Comments: In existing lawn.

Soil Log - Test Hole 3

Applicant: Buz & Cynthia Gardiner

Wetland No. na

Project: 120 Allagash Trail

Flag No. Sequence:

City/Town: Narragansett

Date: 9/24/2018

Vegetation: List the three dominant species in each vegetative strata along with their NWI status:

Trees	Indicator Status	Herbs	Indicator Status
Acer rubrum	FAC		
Nyssa sylvatica	FAC		

Saplings/Shrubs

Woody Vines

List other vegetative species noted which map have affected determination of the wetland edge:

Soil: SCS Soil Survey Mapping Unit: Se-Stissing silt loam

On Hydric Soils List? (Y/N) Yes

Soil Profile (Note wetland flag no. nearest soil test pit): TH3

Horizon	Depth	Matrix Color	Mottling Description	Depth to Saturation	Depth to Free Water	Soil Texture
HTM	0-8"	10YR 3/2	-	-	-	sl
ApB	8-18"	10YR 2/2	-	-	-	fsl
Bwb	18-24"	10YR 5/4	-	-	-	fsl

Other indicators exhibiting an absence of wetland hydrology (e.g. absence of water marks, lack of redoximorphic features, lack of oxidized rhizospheres, etc.):

Landscape position: Sideslope

Altered/atypical situation? (describe)

Comments: In existing lawn.

Soil Log - Test Hole 4

Applicant: Buz & Cynthia Gardiner

Wetland No. na

Project: 120 Allagash Trail

Flag No. Sequence:

City/Town: Narragansett

Date: 9/24/2018

Vegetation: List the three dominant species in each vegetative strata along with their NWI status:

Trees	Indicator Status	Herbs	Indicator Status
Acer rubrum	FAC		
Nyssa sylvatica	FAC		

Saplings/Shrubs

Woody Vines

List other vegetative species noted which map have affected determination of the wetland edge:

Soil: SCS Soil Survey Mapping Unit: Se-Stissing silt loam
On Hydric Soils List? (Y/N) Yes

Soil Profile (Note wetland flag no. nearest soil test pit): TH4

Horizon	Depth	Matrix Color	Mottling Description	Depth to Saturation	Depth to Free Water	Soil Texture
HTM	0-20"+	Mixed	-	-	-	sl

Other hydrological indicators (e.g. water marks, drainage patterns, root rhizopsheres, etc.; see Appendix 4(A)(4) of the Rules):

Landscape position: Toeslope

Altered/atypical situation? (describe): All fill material, no redox or in-situ redox present.

Comments: In existing lawn.

Soil Log - Test Hole 5

Applicant: Buz & Cynthia Gardiner

Wetland No. na

Project: 120 Allagash Trail

Flag No. Sequence:

City/Town: Narragansett

Date: 9/24/18

Vegetation: List the three dominant species in each vegetative strata along with their NWI status:

Trees	Indicator Status	Herbs	Indicator Status
Acer rubrum	FAC		
Nyssa sylvatica	FAC		

Saplings/Shrubs

Woody Vines

List other vegetative species noted which map have affected determination of the wetland edge:

Soil: SCS Soil Survey Mapping Unit: Se-Stissing silt loam

On Hydric Soils List? (Y/N) Yes

Soil Profile (Note wetland flag no. nearest soil test pit): TH1

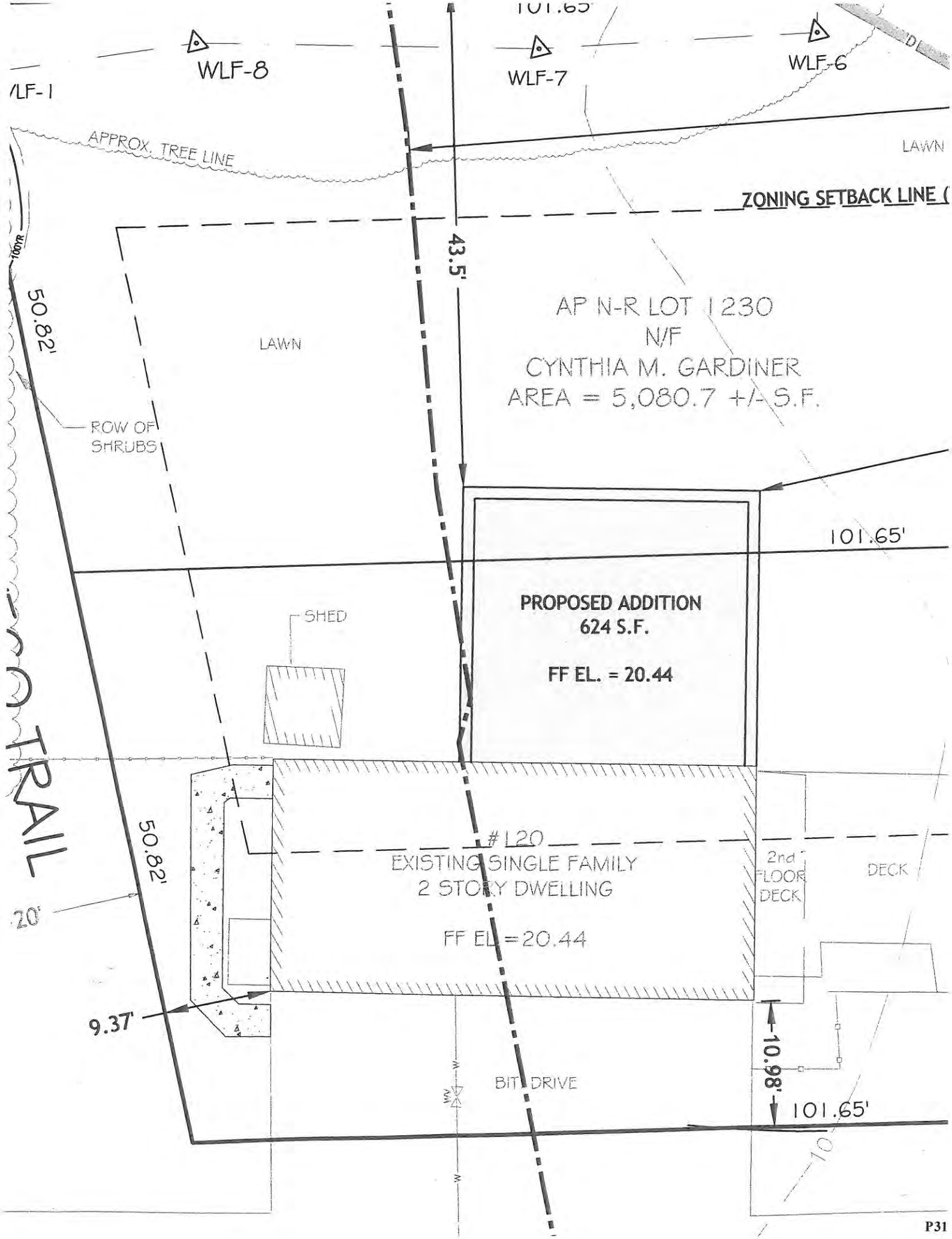
Horizon	Depth	Matrix Color	Mottling Description	Depth to Saturation	Depth to Free Water	Soil Texture
HTM	0-18"	10YR 3/2	-	-	-	sl
Ap	18-28"	10YR 2/2	-	-	-	fsl
Bw	28-36"	10YR 5/4	-	-	-	fsl

Other indicators exhibiting an absence of wetland hydrology (e.g. absence of water marks, lack of redoximorphic features, lack of oxidized rhizospheres, etc.):

Landscape position: Sideslope

Altered/atypical situation? (describe)

Comments: In existing lawn


101.65'
WLF-8
WLF-7
WLF-6
WLF-1
APPROX. TREE LINE
LAWN
ZONING SETBACK LINE (
100YR
43.5'
50.82'
LAWN
AP N-R LOT 1230
N/F
CYNTHIA M. GARDINER
AREA = 5,080.7 +/- S.F.
ROW OF SHRUBS
101.65'
PROPOSED ADDITION
624 S.F.
FF EL. = 20.44
SHED
TRAIL
50.82'
#120
EXISTING SINGLE FAMILY
2 STORY DWELLING
FF EL. = 20.44
2nd FLOOR DECK
DECK
20'
9.37'
10.98'
BIT. DRIVE
101.65'

J

Laura Miguel

From: Laura Miguel <lmiguel@crmc.ri.gov>
Sent: Thursday, October 11, 2018 3:52 PM
To: 'brandon@esi-env.com'
Cc: 'Jeff Willis' (jwillis@crmc.ri.gov); adlawllc@gmail.com
Subject: Plat N-R, Lots 1229 and 1230, Buz and Cynthia Gardiner

Brandon,

I have reviewed the application you submitted on October 9th for Buz and Cynthia Gardiner in response to the Council's decision at the hearing held on September 25th. At that time, the Council ordered, among other things, that an appropriate restoration plan or a complete application for the restoration of the property to the original or near original conditions that existed at the time of the issuance of CRMC assent 92-6-18 be submitted within 15 days. The submitted application does not comply with this Order and is therefore, unacceptable.
The hearing on this matter will reconvene on October 23rd at 6:00 at the Department of Administration, Conference Room A.

Feel free to call me with any questions,
Laura Miguel, CRMC Enforcement

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 Trail, 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 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 plan by October 12, 2018 and to restore the buffer zone and wetland in their entirety by October 31, 2018. Any request for an extension of the restoration deadline must be received in writing no later than October 24, 2018. An extension of the restoration deadline until May 15, 2019 may be granted at the discretion of the executive director for cause.
- Enforcement staff recommends that the Gardiners be required to submit an application by October 12, 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:

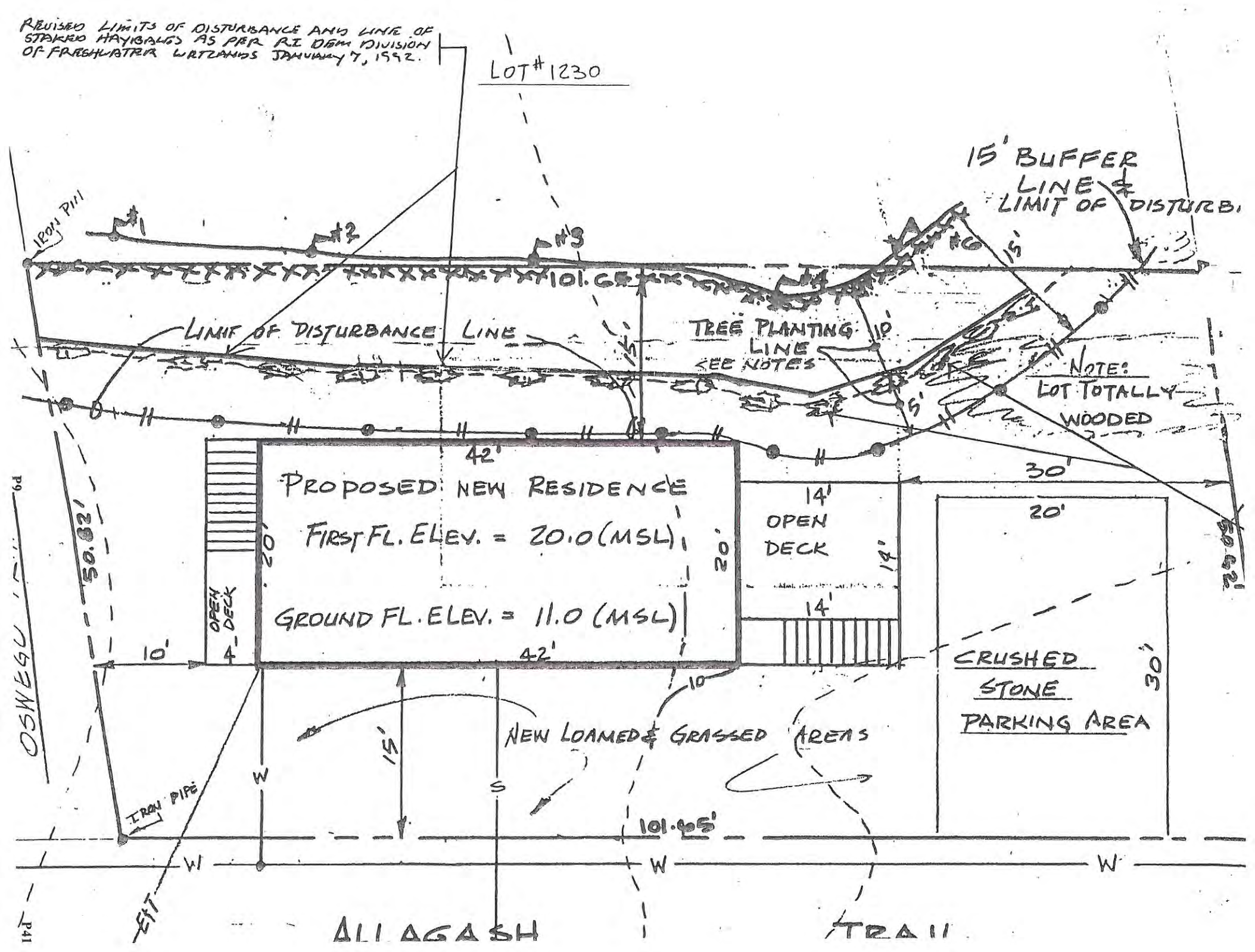
A. In accordance with a decision of the Coastal Resources Management Council on October 9, 1973, this Assent is granted with the proviso that it is subject to the imposition of a usage fee to be established by the Coastal Resources Management Council.

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


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 DISTURB.
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'
OPEN DECK
4'
10'
CRUSHED STONE PARKING AREA
NEW LOAMED & GRASSED AREAS
15'
W
S
IRON PIPE
101.65'
OSWEGO
50.82'
50.62'
ALLAGASH
TRAIL
EST
P41

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 **CRMC FILE NO.** D2017-10-095
LOCATION/POLE: 120 Allagash Trail
CITY/TOWN: Narragansett **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

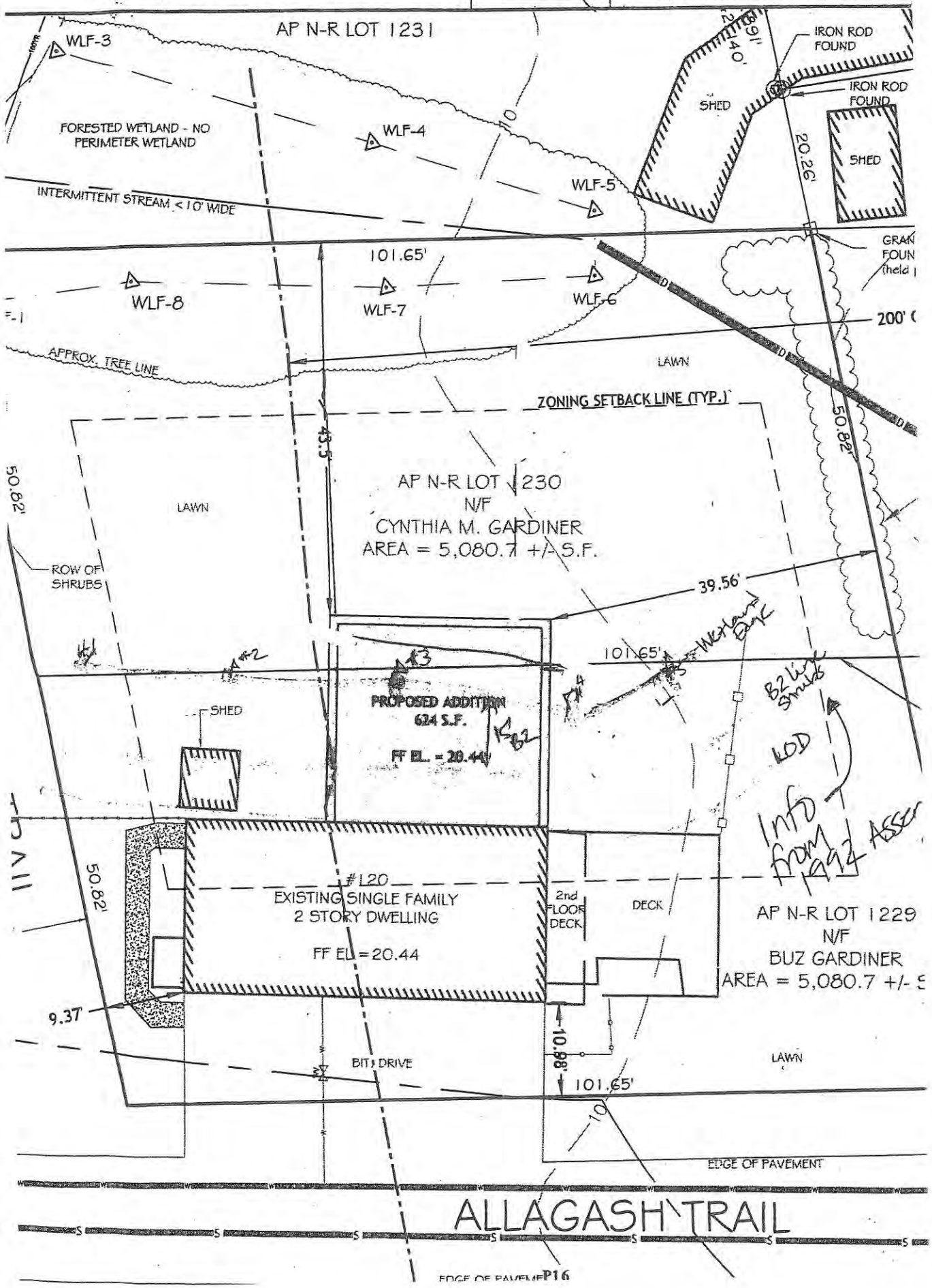
/ajt-LM
Certified Receipt Requested
70163010000016781502

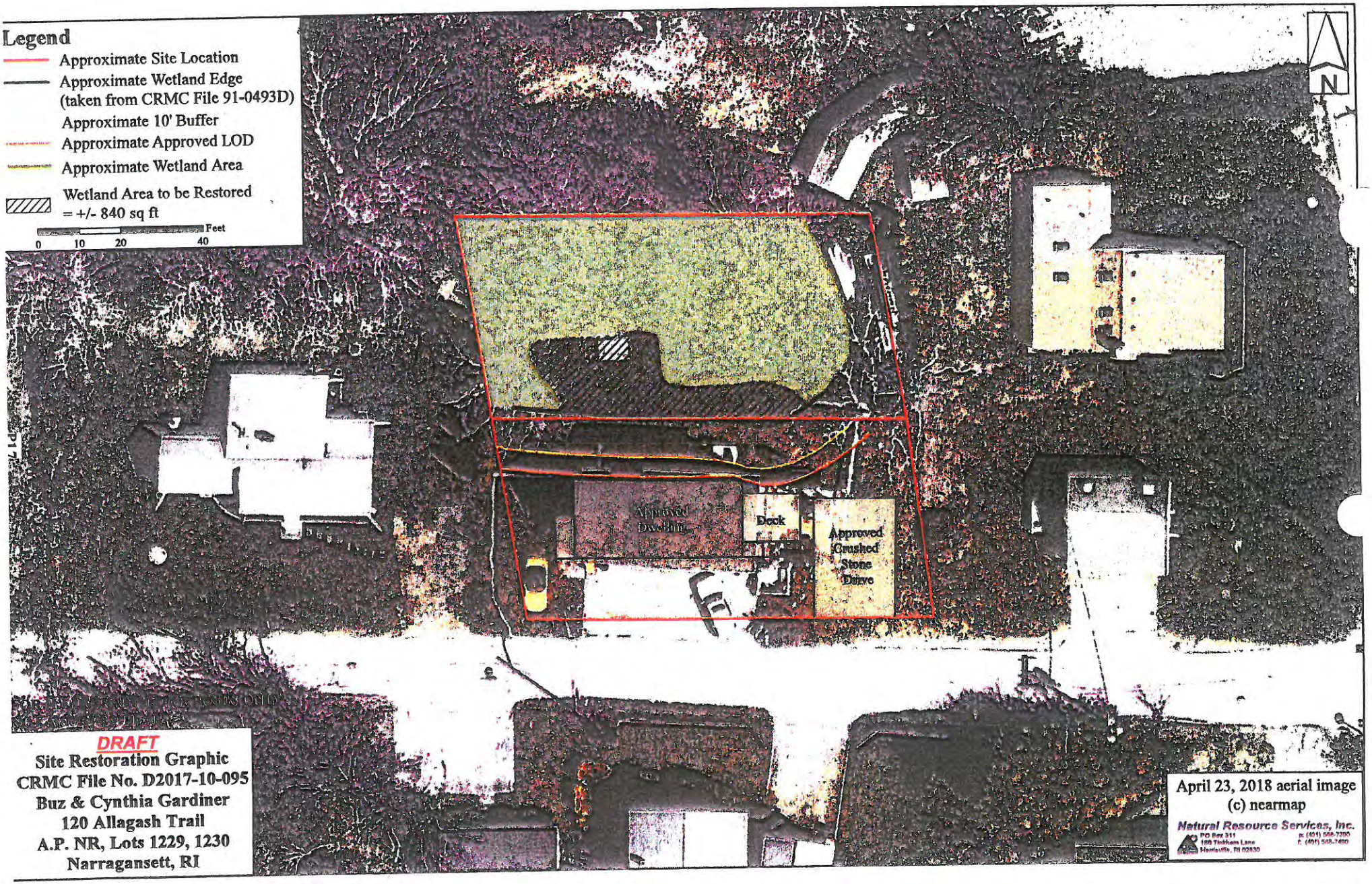
PROPOSED HOME ADDITION
120 ALLAGASH TRAIL
NARRAGANSETT, RHODE ISLAND
AP N-R, LOTS 1229 AND 1230

DAVID M. D'AMICO
REGISTERED PROFESSIONAL ENGINEER
CIVIL
No. 6749
10/16/17

DEtec.
D'AMICO ENGINEERING TECHNOLOGY, INC.
Civil · Transportation · Land Use
2080 Mineral Spring Ave., North Providence, RI 02911
(401) 822-1470 (401) 853-1190 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
Feet
0 10 20 40
N
Approved Dwelling
Deck
Approved Crushed Stone Drive
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

G

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

1

2
P21
P53

3
P22
P54

RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

COASTAL RESOURCES MANAGEMENT COUNCIL

Title of Rule: Rhode Island Coastal Resources Management Program - Aquidneck Island SAMP - Coastal Development Regulations

Rule Identifier: 650-RICR-20-00-7

Rulemaking Action: Proposed Amendment

Important Dates:
Date of Public Notice: 10/09/2018
Hearing Date: 10/23/2018
End of Public Comment: 11/08/2018

Authority for this Rulemaking:
RIGL 46-23 et. seq

Summary of Rulemaking Action:
In 2016, the legislature passed an amendment to R.I. Gen. Laws § 42-35-5(b) that required the Secretary of State to oversee the publication of an updated uniform code of state regulations. The purpose of this proposed rule is to reformat the Aquidneck Island (SAMP) Coastal Development Regulations and codify the rules in accordance with the new uniform code of state regulations, called the Rhode Island Code of Regulations ("RICR"). Figures 5, 6 and 7 showing CRMC and DEM freshwater wetlands jurisdiction are being deleted, as DEM has established a user-friendly online map service for determining freshwater wetlands jurisdiction. Part 7.11 - Appendix A is being added to provide habitat maps currently available on the CRMC website here:
http://www.crmc.ri.gov/samp_ai/AI_SAMP_Habitat_Linkage_Map.pdf. Otherwise, there are no substantive changes to the rule.

Additional Information and Comments:
All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 8, 2018 by contacting the appropriate party at the address listed below:

James Boyd
Coastal Resources Management Council
Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
jboyd@crmc.ri.gov

Public Hearing:
A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on October 23, 2018 at 6:00 pm at Department of Administration, Conference Room A, One Capitol Hill, Providence, RI 02908 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-783-3370 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:
In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. Additionally, the benefits of the proposed amendments justify any costs of the proposed rule, and the proposed amendments will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.

650-RICR-20-00-7

TITLE 650 – COASTAL RESOURCES MANAGEMENT COUNCIL

CHAPTER 20 – COASTAL MANAGEMENT PROGRAM

CHAPTER 00 – N/A

PART 7 – Aquidneck Island SAMP Coastal Development Regulations

Table of Contents

7.1 Authority, Intent and Purpose (formerly § 120)

7.2 Definitions

7.3 Aquidneck Island SAMP Coastal Development Policies (formerly § 130)

7.4 Activities That Trigger AI Coastal Greenway Requirements (formerly § 140)

7.5 Aquidneck Island SAMP Coastal Development Standards (formerly § 150)

7.6 Areas of Particular Concern (formerly § 160)

7.7 Redevelopment Zone (formerly § 170)

7.8 Other Areas Zone (formerly § 180)

7.9 Brownfield Redevelopment within the Aquidneck Island SAMP (formerly § 190)

7.10 Coastal Greenway Management and Maintenance Requirements (formerly § 200)

7.11 Appendix A- Habitat Values and Habitat Linkage for Unbuilt Lands within the Aquidneck Island SAMP Boundary

7.1 Authority, Intent and Purpose (formerly § 120)

A. Pursuant to the federal Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 through 1466) and R.I. Gen. Laws Chapter 46-23 the Coastal Resources Management Council is authorized to develop and implement special area management plans.

~~A~~B. It is the intent of the Rhode Island Coastal Resources Management (CRMC) to develop and implement a Special Area Management Plan (SAMP) for the west side of Aquidneck Island and the adjacent waters that protects the ecological, economic, recreational, historic, cultural, and aesthetic values of Aquidneck Island, and is in support of the Aquidneck Island West Side Master Plan, other local plans, and all state and federal CRMC requirements. The first element of the Aquidneck Island SAMP will be achieved through the development and implementation of the Aquidneck Island coastal development (ACD) regulations to guide development along the west side shoreline.

~~B~~C. The primary purpose of the ACD regulations and the Aquidneck Island SAMP is to serve as a coastal management tool to ensure consistency between municipal, state and federal polices and regulations. The ACD regulations and the Aquidneck Island SAMP will focus on achieving the following goals:

1. Increase and maintain public access to and along the shoreline:
2. Encourage marine-related and other economic development based on coastal smart growth principles;
3. Preserve and restore the aesthetic value of this west side shoreline; and
4. Ensure CRMC water type designations are consistent with the adjacent proposed land uses.

~~C~~D. Federal and state legislation directs the CRMC to preserve, protect, develop, and where possible, restore the coastal natural resources of Rhode Island. Therefore, through the ACD regulations and the Aquidneck Island SAMP, the CRMC will implement actions to:

1. preserve, protect, restore, and enhance the overall quality of Narragansett Bay's coastal waters;
2. mitigate nutrients, sediment and other waterborne pollutants from surface runoff;
3. minimize flood impacts and shoreline erosion;
4. protect, preserve, enhance, and restore coastal fish and wildlife habitat;

5. preserve and enhance public experiences available along the coast, including public access to and along the shoreline;

6. achieve responsible shoreline development that will allow a mixture of desirable land uses (residential, recreational, commercial, and industrial) that orient to Aquidneck Island;

7. preserve, enhance, or create an aesthetically pleasing view from the water; and

8. maintain the accessibility and natural habitat of the Aquidneck Island regional shoreline, as well as access to established pedestrian, bicycle, and blue water trails.

~~D~~E. CRMC recognizes that the vision of the Aquidneck Island West Side Master plan is that: The west side will become recognized by the citizens of Aquidneck Island as an exceptionally well-managed corridor. The associated land and water will attain a sustainable balance among complementary uses and natural resources, each contributing to the high quality of life that distinguishes the unique cultural and natural environment of Aquidneck Island.

~~E~~F. In the spirit of continually striving to have one of the best coastal programs in the nation, CRMC will coordinate with local, state and federal partners to ensure that the ACD regulations and the Aquidneck Island SAMP contributes to achieving the goals identified in the legislatively-mandated and approved Marine Resources Development Plan (MRDP).The MRDP can be viewed here: http://www.crmc.ri.gov/pubs/index.html. The MRDP goals are to:

1. improve the health and functionality of Rhode Island's marine ecosystems;

2. provide for appropriate marine-related economic development; and

3. promote the use and enjoyment of Rhode Island's marine resources by the people of the state.

~~F~~G. Through development and implementation of the Aquidneck Island SAMP, CRMC will apply, where appropriate, the US Environmental Protection Agency and National Oceanic and Atmospheric Administration's adopted Waterfront and Coastal Smart Growth Elements, which are:

1. Mix land uses and ensure that working waterfronts and water-dependent uses remain a viable and stable part of this mix.

2. Take advantage of compact building design to optimize waterfront and water-based activities in targeted areas.

3. Provide a range of housing opportunities and choices to meet the needs of both seasonal and permanent residents.

4. Create walkable waterfronts and shoreline communities with visual and physical access to and along the waterfront for public use.

5. Foster distinctive, attractive, disaster-resilient communities with a strong sense of place while protecting, preserving, and enhancing waterfront and coastal heritage.

6. Preserve open space, natural beauty, coastal features and dynamic processes by protecting critical ecological systems.

7. Strengthen and direct development to existing communities and encourage suitable waterfront revitalization.

8. Provide a variety of transportation choices including ferries and other water-borne modes to complement land-based options.

9. Make development decisions predictable, fair, and cost-effective through consistent policies and coordinated permitting processes.

10. Promote community and stakeholder collaboration in development decisions, including stakeholders who represent the public trust legacy of coastal waters.

~~G~~H. The federal Coastal Zone Management Act charges the CRMC with the following actions, and CRMC will achieve these federal mandates to the best of its abilities through the ACD regulations and the Aquidneck Island SAMP:

1. assist in the redevelopment of deteriorating waterfronts, and consider the need for economic development that is compatible with the ecological, cultural, historic, and aesthetic values of the coastal zone;

2. ensure the availability of public access points for coastal recreation;

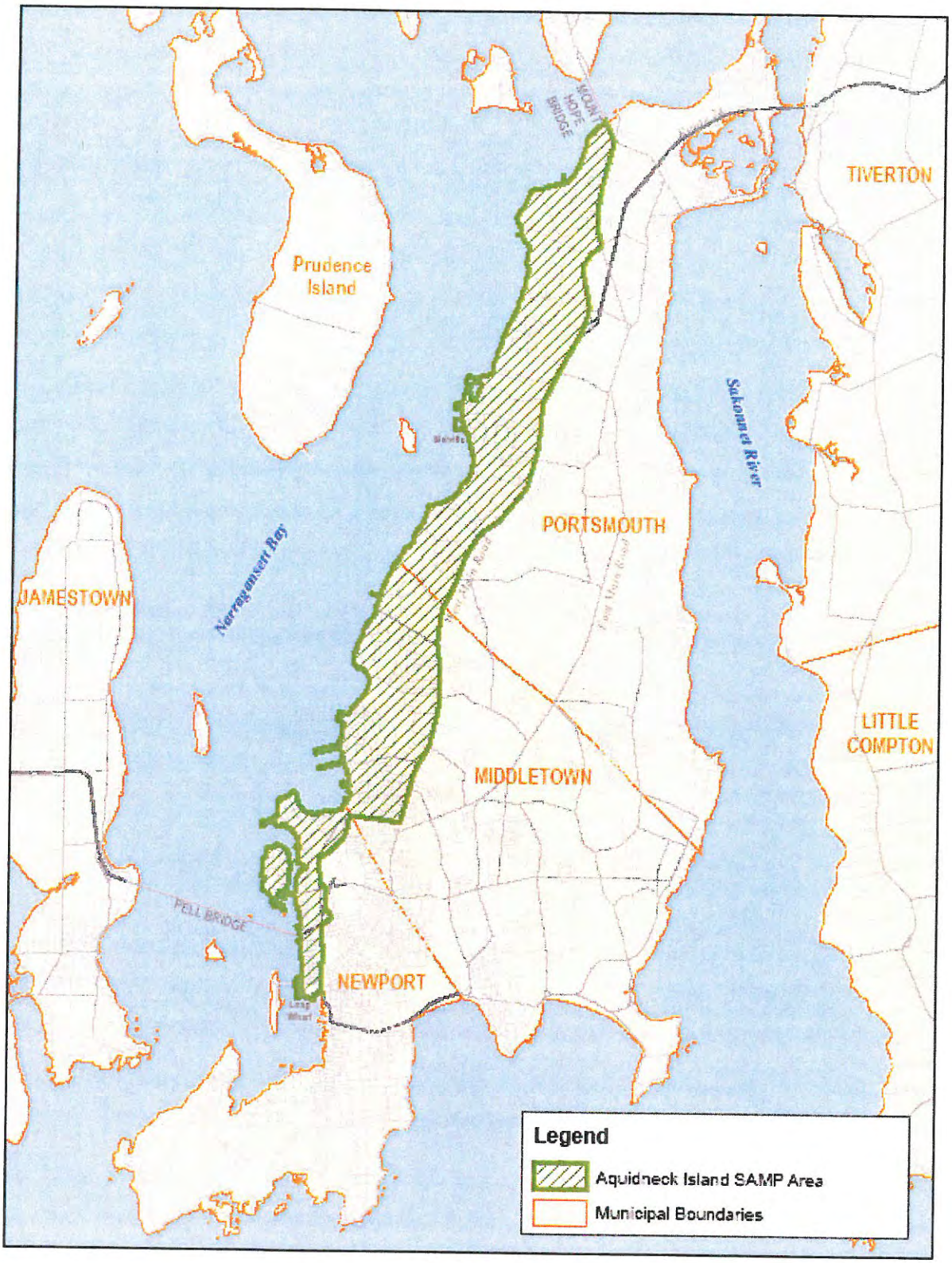
3. consider the need for siting of facilities for national defense, energy, fisheries development, ports and transportation, as well as appropriate siting of new commercial and industrial developments;

4. timely review of projects through the streamlining of management activities; and

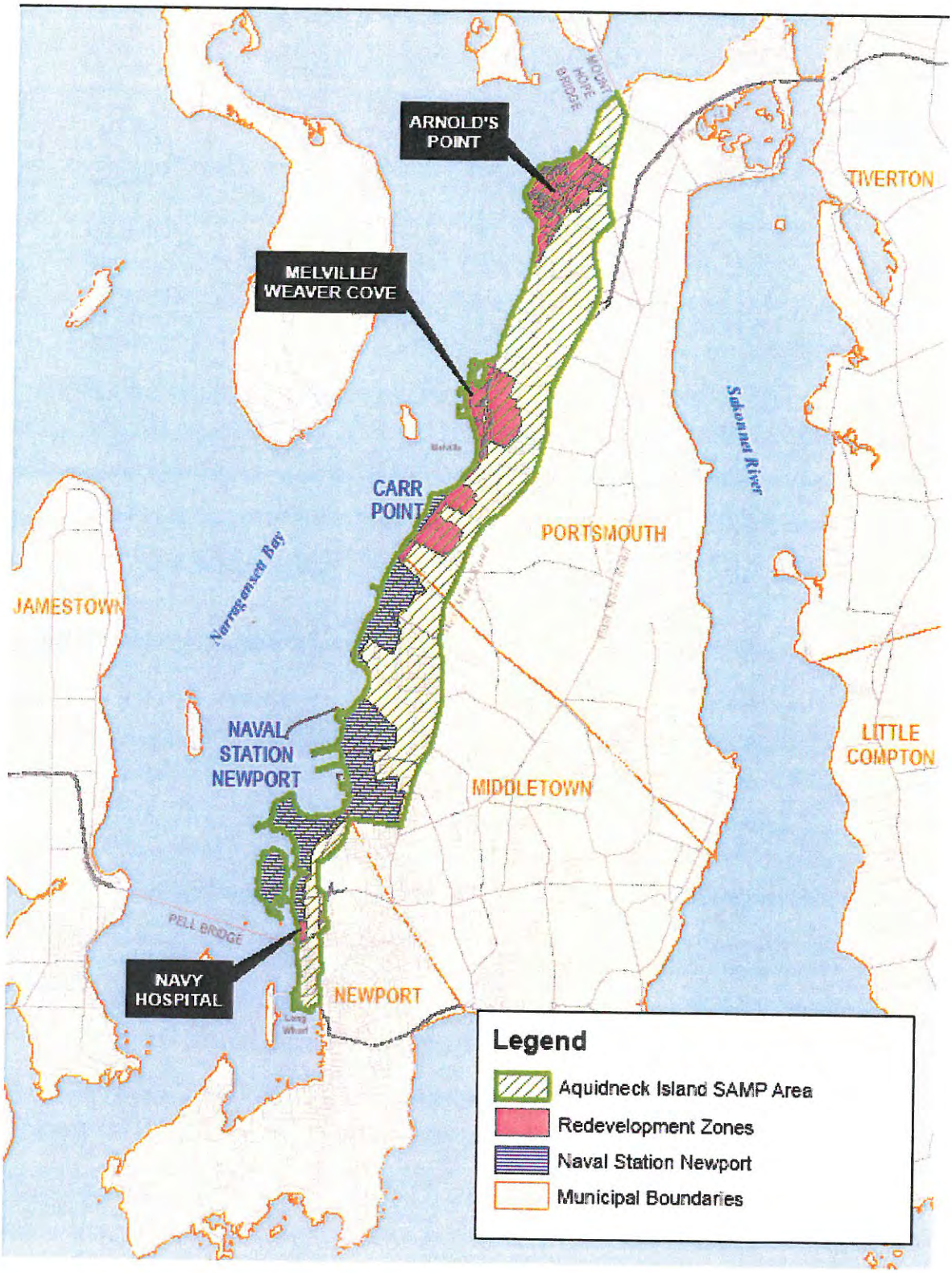
5. provide opportunities for public involvement in the decisions regarding coastal management.

~~H~~I. The goals of the Aquidneck Island SAMP will be met through the application of the regulations herein.

J. Figure 1: Aquidneck Island Special Area Management Plan Boundary



K. Figure 2: Aquidneck Island Special Area Management Plan Zones



7.2 Definitions

A. Definitions for this Part are as follows:

1. "Areas of particular concern" or "APC" zone means areas within the Aquidneck Island SAMP boundary that have been identified either as highly significant habitats or as areas of significant public recreation and open space value. The conservation parcel designations have been identified using a ranking system that includes habitat quality, use of the site by wildlife, presence of rare species, and geographic relationships (i.e., contiguous parcels with habitat value). The delineation of recreation and open space parcels are based primarily on priority areas identified in the West Side Master Plan.

2. "Coastal greenway" means a land area that:

   a. is located within the Aquidneck Island SAMP boundary and adjacent to a coastal shoreline feature(s) as defined in § 1.2.2 of this Subchapter;

   b. is, or will be, appropriately vegetated with native, non-invasive plant communities with sustainable landscape methods that serve as a natural transition zone between the shoreline and adjacent upland development;

   c. will provide public access to and along the shoreline;

   d. will be established, maintained, and managed to protect aquatic, wetland, shoreline, and terrestrial resources from man-made disturbances and coastal flood hazards, while providing for economic development; and

   e. will contribute to the economic development of the region.

3. "Other areas zone" means areas that are not defined as redevelopment zones or areas of particular concern.

4. "Redevelopment zone" means areas on the west side of Aquidneck Island that have been specifically designated for high density development by the local municipality or the state. Many parcels within this zone have been identified by the West Side Master Plan as growth centers. This zone also incorporates large parcels within the Aquidneck Island SAMP boundary that were formerly used by the U.S. Navy for fuel or materials storage and are therefore constrained by the existence of utility corridors, and/or the need for site remediation prior to residential or commercial development. The boundaries of this redevelopment zone are identified on the Aquidneck Island SAMP Map (See Figure 2 in § 7.1(K) of this Part) and

include the Newport Naval Hospital and the Weaver Cove/Melville Marine Center and the Arnold's Point area in Portsmouth.

7.3 Aquidneck Island SAMP Coastal Development Policies (formerly § 130)

A. CRMC Jurisdiction - The CRMC herein establishes the Aquidneck Island Coastal Development (ACD) policy specifically for projects located within the Aquidneck Island SAMP boundary (See Figure 1 in § 7.1(J) of this Part). These provisions will be applied only to those upland projects or upland portions of projects located within CRMC jurisdiction located either on a coastal shoreline feature or the 200-foot contiguous area adjacent to a coastal shoreline feature to ensure compliance with the Coastal Resources Management Program and applicable policies and standards of the AI SAMP. The policies herein include provisions for implementing a coastal greenway in lieu of a standard CRMC buffer. Therefore, applicants for projects abutting the shoreline will have a choice of either following the setback and buffer requirements as set forth in §§ 1.1.9 and 1.1.11 of this Subchapter or adhering to the coastal greenway requirements as described below. Coastal properties within CRMC jurisdiction that do not directly abut the shoreline are not eligible for a coastal greenway, but must adhere to all other applicable AI SAMP provisions such as stormwater and vegetative cover requirements. Further, these ACD regulations, when applicable and as determined by CRMC, will supersede Table 2 in § 1.1.5 of this Subchapter and §§ 1.1.6, 1.1.9, 1.1.11, 1.3.1(B), 1.3.1(G), 1.3.3, and 1.3.4 of this Subchapter. All other RICRMP (Part 1 of this Subchapter) requirements shall remain in full force and effect.

1. Notwithstanding the preceding, a Council Assent is required for any alteration or activity that is proposed on (1) tidal waters; (2) shoreline features; and (3) areas contiguous to shoreline features. Contiguous areas include all lands and waters directly adjoining shoreline features that extend inland two hundred (200) feet from the inland border of that shoreline feature. A Council Assent is required for any alteration or activity any portion of which extends onto the most inland shoreline feature or its 200 foot contiguous area. Other activities may also require a Council Assent as specified in § 1.1.4 of this Subchapter.

2. All federal activities are subject to federal consistency review in accordance with §1.3.7 of this Subchapter.

3. Specific activities that trigger the Aquidneck Island coastal greenway requirements are explained in § 7.4 of this Part.

B. Coastal greenway

1. A "coastal greenway" is defined in § 7.2(A)(2) of this Part.~~a land area that:~~

~~a. is located within the Aquidneck Island SAMP boundary and adjacent to a coastal shoreline feature(s) as defined in § 1.2.2 of this Subchapter;~~

~~b. is, or will be, appropriately vegetated with native, non-invasive plant communities with sustainable landscape methods that serve as a natural transition zone between the shoreline and adjacent upland development;~~

~~c. will provide public access to and along the shoreline~~

~~d. will be established, maintained, and managed to protect aquatic, wetland, shoreline, and terrestrial resources from man-made disturbances and coastal flood hazards, while providing for economic development; and.~~

~~e. will contribute to the economic development of the region.~~

2. The Coastal Greenway begins at the inland edge of the coastal shoreline feature.

3. At minimum, all applicants shall adhere to the CRMC requirements for setbacks and buffers as specified in §§ 1.1.9 and 1.1.11 of this Subchapter. An applicant, however, may choose to use the Coastal Greenway option, as specified herein.

4. The establishment of a Coastal Greenway is based upon the CRMC's legislative mandate to preserve, protect, develop, and where possible, restore Rhode Island's coastal resources.

5. The Coastal Greenway setback and vegetation requirements may be reduced or waived on a site-specific basis for CRMC-approved water-dependent uses (e.g., docks, marina facilities, etc.), as described in the CRMP.

C. Coordinated Review Procedures

1. State law requires municipalities to review major land development and major subdivision projects in compliance with the provisions of R.I. Gen. Laws § 45-23, also known as the "Rhode Island Land Development and Subdivision Review Enabling Act of 1992." The Act requires municipalities to hold a pre-application meeting prior to Master Plan approval with applicable state agencies, including the CRMC when proposed projects are within coastal jurisdiction. The municipal pre-application meeting assists developers to understand local and state regulatory requirements pertinent to the proposed project.

2. The CRMC provides comments under this local pre-application meeting process in the form of a Preliminary Determination (PD), which details how the proposed project complies, or not, with the Coastal Resources Management Program (CRMP) and the requirements of any applicable

SAMP. Deficiencies, if any, are detailed in the PD with recommendations for modifying the proposed project prior to submitting a full application for a CRMC Assent. This CRMC Preliminary Determination process helps developers to design, and modify where necessary, a proposed project for conformance with the CRMP. The PD is issued to the applicant with a copy sent to the local municipality of jurisdiction. Once the PD is issued, the applicant may then proceed with an application for a CRMC Assent. As soon as the CRMC Assent is issued, the applicant may then file with the local municipality for Preliminary Plan approval.

D. Project phasing – A project phasing plan for all multi-phase projects shall be a requirement of the permit application submittals and approval by the CRMC.

E. Conservation development - The CRMC recommends the use of conservation development techniques for projects on large parcels of land. Natural resource inventories (e.g., coastal and freshwater wetlands, rare species habitat, etc.) should be conducted to identify critical resources not suitable for development on any lands proposed for development. Protective covenants (conservation easements or deed restrictions) should be implemented prior to project construction and recorded in the land evidence records to protect these critical resources.

F. Coastal and freshwater wetlands - All coastal wetlands, including salt marshes that are located within the Aquidneck Island SAMP will be subject to the policies and standards in § 1.2.2(D) of this Subchapter. In those cases where impacts to coastal wetlands are unavoidable and approved by the CRMC, coastal wetland mitigation shall be conducted in accordance with § 1.3.1(L) of this Subchapter. Projects involving impacts or potential impacts to freshwater wetlands within the Aquidneck Island SAMP boundary shall be subject to either the CRMC's Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast or the DEM Freshwater Wetland Rules, depending upon where the freshwater wetland is located. The CRMC and DEM have shared jurisdiction over freshwater wetlands in the state in accordance with R. I. Gen. Laws Chapter 46-23 (See: freshwater wetlands jurisdiction map at: http://www.arcgis.com/home/webmap/viewer.html?webmap=4e89b67882164f7ebfa4f5a1447ba94b&extent=-72.3519,41.0577,-70.6655,42.1055). The CRMC's policy is to first avoid, minimize, and when necessary, mitigate for any potential adverse impact to coastal or freshwater wetlands.

G. High priority conservation and restoration areas - High priority conservation areas (HPCA) and high priority restoration areas (HPRA) are shown within the AI SAMP boundary in Appendix A. HPCA are those sites with high habitat value and are ranked from C4 (highest quality habitats) to C1. Likewise, HPRA are sties suitable for restoration, with habitat value ranking of R3 (highest priority restoration) to R1. High priority habitat areas shall be preserved to the greatest extent possible, and shall also be afforded a higher level of protection.

Fragmentation of the Coastal Greenway corridor (specifically the alongshore component) shall be avoided wherever possible.

H. Open space and public access - The primary goal/standard for any development project along the shoreline must be a requirement to provide public access to and along the shoreline within the project property boundary. This would include all commercial projects (might need alternative path routing for industrial marine center at Melville), mixed-use projects, and all public (municipal, state or federal) projects, including roadway improvements. For example, should the Shoreline Drive be subject to disposition by the Navy, subsequent redevelopment of the roadway by RIDOT must provide for public access from the roadway to the shoreline and a pedestrian/bike pathway along the shoreline side of the roadway. Areas identified as high hazard flood areas (V-zones) should be preserved as open space to minimize or eliminate risk susceptibility for new development in those areas.

I. Visual elements - The scenic and visual qualities of the West Side of Aquidneck Island coastal area shall be considered and protected as a resource of public priority. Development should be sited and designed to protect views to and along coastal areas, minimize the alteration of natural land forms, be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas in accordance with § 1.3.5 of this Subchapter. Detailed landscape plans and artist renderings are helpful to aid the CRMC in project review.

7.4 Activities That Trigger Al Coastal Greenway Requirements (formerly § 140)

A. Applicability

1. The following activities shall be subject to the Aquidneck Island Coastal Development (ACD) requirements when an applicant chooses the coastal greenway option, rather than the standard setback and buffer requirements of §§ 1.1.9 and 1.1.11 of this Subchapter. Further, these requirements shall be applied when any portion of a project extends onto a shoreline feature or its 200 foot contiguous area within the Aquidneck Island SAMP boundary area.

   a. Development – the construction of any new commercial, industrial, or residential structures as defined in § 1.3.1(C) of this Subchapter. This also includes structures accommodating a mix of uses within a single development, building, or tract, as allowed by a municipality.

   b. Redevelopment – the alteration or reconstruction of any existing commercial, industrial, or multi-residential structures that results in:

(1) An increase of building or accessory structure footprints by twenty (20) per cent or more over existing conditions as of the adoption date of the AI SAMP CG regulations. In computing the 20% or more expansion, all structures within 200 feet of the coastal feature shall be considered, as well as all structures subject to CRMC jurisdiction on the project site; or

(2) An increase of ten thousand (10,000) square feet of gross floor area of any building or group of buildings on a project site; or

(3) The addition of 20,000 square feet or greater of new impervious surface area (i.e., buildings or parking areas) on the project parcel. (Note: Excludes resurfacing of existing paved areas.); or

(4) A material change or intensification of use of an existing structure or transfer of ownership from government, (municipal, state, or federal) for private development activity.

B. Standards

1. Where a property owner owns adjoining lots, these lots shall be evaluated for the purpose of applying the Aquidneck Island Coastal Development requirements to the project parcel, and ensuring that the appropriate coastal greenway is established and fragmentation is avoided.

2. The entire extent of a development project must be submitted to the CRMC, as part of any Preliminary Determination application, regardless of parcel ownership. The applicant must include any plans for phased development on the tract(s) of land so that the CRMC can review proposals for jurisdiction and/or project impacts.

3. In any case where an applicant is submitting phased portions of a development project for consideration, the applicant shall not create any circumstance that would preclude the installation of the Coastal Greenway on any phase of the project site. Accordingly, the applicant shall be cognizant that the Coastal Greenway requirements may still apply for any future development on the site, and subsequent phases of development must accommodate the Coastal Greenway unless specifically waived by the CRMC for public safety concerns (See § 7.4(D) of this Part).

C. Other Projects

1. Projects that are subject to CRMC coastal jurisdiction within the AI SAMP boundary, but do not meet the ACD applicability thresholds specified above, may voluntarily apply the Coastal Greenway requirements with

CRMC approval in lieu of the setback and buffer standards in §§ 1.1.9 and 1.1.11 of this Subchapter.

D. Exemptions

1. The Aquidneck Island Coastal Development requirements shall not be applied to the following activities:

   a. pre-existing structure(s), unless the structure(s) are razed for new development or meet the redevelopment threshold as defined above;

   b. activities that qualify as maintenance pursuant to § 1.3.1(N) of this Subchapter;

   c. new development of individual structures with less than 200 square feet in building footprint area, including single -family homes and duplexes that are not part of a larger development project;

   d. commercial or industrial port activities including, but not limited to: bulk material transport; energy facilities; ship building, repair, maintenance; or any activity subject to US Coast Guard Maritime Security (MARSEC) jurisdiction (See: 33 CFR §§ 104, 105, and 106); or

   e. municipal, state, or federally-owned projects for which the sole purpose is to provide public access and other public amenities such as ball fields, parks, playgrounds, public boat ramps, public fishing piers or boating facilities, etc.; or

   f. Direct federal activities associated with the secured area of Naval Station Newport and subject to CRMC federal consistency review. Other federal projects or actions within the AI SAMP region, however, shall be subject to all applicable policies and standards provided they do not impinge upon Naval Station Newport security.

7.5 Aquidneck Island SAMP Coastal Development Standards (formerly § 150)

A. Standards applicable to entire development

1. In those cases where a Coastal Greenway is part of a project, the applicant shall grant an easement for the coastal greenway area to the CRMC. The easement shall be recorded in the land evidence records of the appropriate municipality, and also with the Homeowner or Condominium Association, or other ownership documents, where applicable.

2. Applicants following the Aquidneck Island Coastal Development policy shall adhere to the following standards on the entirety of the development parcel. (All proposals will be subject to a 30-day public notice period). Following the public notice period, any proposal that fully satisfies these ACD requirements, and has not received a substantive objection in accordance with § 1.1.6(G) of this Subchapter, will be processed as a Category A (administrative) assent. Variance requests under § 7.6 of this Part (Areas of Particular Concern), however, will only be processed as Category B applications.

   a. Minimum 25% vegetation requirement: Applicants must include sustainably landscaped areas in their proposals to achieve vegetative coverage of at least 25% of the surface area over the entire development parcel. This vegetation requirement may be met by the Coastal Greenway or through a combination of the Coastal greenway and additional plantings elsewhere on the property, including green roofs. All planting plans shall be prepared by a licensed landscape architect (See: R.I. Gen. Laws § 5-51-16). The landscape plan shall use an appropriate mix of groundcovers, grasses, forbs, shrubs, and trees to achieve the goals of these regulations. The vegetated area may include landscaping elements of surface stormwater treatments, green roofs and bioretention areas, or other Low Impact Development (LID) vegetated treatment alternatives. Within the coastal greenway, the plantings must include an appropriate mix of trees, shrubs, and ground covers selected from the CRMC/URI Coastal Plant list (See: http://cels.uri.edu/testsite/coastalPlants/CoastalPlantGuide.htm). Turf grasses should be low maintenance, drought-resistant varieties to minimize the need for irrigation.

   b. Stormwater management: All new development and redevelopment proposals shall meet the stormwater requirements of § 1.3.1(E) of this Subchapter, and as specified in the most recent edition of 250-RICR-150-20-7 (Rhode Island Stormwater Manual) to control peak flow rates and volumes, and improve water quality. Communities should be implementing low impact development (LID) practices to meet the 2007 Cleaner Narragansett Bay Act (R.I. Gen. Laws § 45-61.2), which requires LID as the primary means of managing and treating stormwater. Applicants shall incorporate low impact development techniques such as bioretention areas, stormwater infiltration planters, tree box filters, green roofs, vegetated filter strips, vegetated swales, subsurface gravel wetlands, porous asphalt, and other approved methods to the maximum extent practicable. Permeable paving materials, vegetated buffers, and infiltration techniques should be used where ever feasible to support infiltration and groundwater recharge. Applicants shall coordinate their stormwater management strategy with the CRMC,

RIDEM, and the municipality of jurisdiction. CRMC and DEM will coordinate for compliance with any required DEM Water Quality Certification or RIPDES permits.

c. Open space - There are three aspects to open space designations of importance. First is the choice of the land that should be set aside and what qualities that land possesses, and second the links between the open space parcels that allow greenways throughout the area and improve the value of the land and mobility for residents. The third is the design of the designated areas that will ensure their long-term value. Land within a development that is proposed to be set aside as open space must exhibit most of the following criteria, or be shown to be significantly important for more than one of the criteria:

(1) Property that contains endangered, threatened, or ecologically significant species, or natural systems, and that is large enough to sustain the habitat for the species either by itself or combined with other protected property;

(2) Property that is valuable to the community as open space due to its proximity to developing areas, or its impact on a view corridor;

(3) Property that is valuable to a community because of its historical or cultural value or its proximity to an historically significant area;

(4) Property that includes or contributes to important wildlife habitat or wildlife corridors;

(5) Property with significant agricultural or forestry resources;

(6) Property with wetlands or flood plains and others necessary for the protection of water quality and water resources, including erosion control;

(7) Property that contains significant or unique ecosystems or natural features (geological hazards and formations could apply);

(8) Property which is adjacent to or in close proximity of land already preserved by federal, state, local, or other conservation agencies; and,

(9) Quality of the coastal beaches and adjacent estuarine habitat (or other unique ecosystem or natural feature).

d. Public access: When applicants choose the coastal greenway option the CRMC requires that shoreline and arterial public access pathways be provided by the applicant within the development site, as described in §7.5(E) of this Part. Public access shall always be required:

(1) where the proposed project impacts public trust resources (i.e., submerged lands;

(2) on sites that have existing public access areas; and

(3) on CRMC-designated rights of way (ROW) or previous easements granted under § 1.3.6 of this Subchapter.

e. Public access requirements may be waived for development activities subject to United States Coast Guard Maritime Security (MARSEC) jurisdiction or located within the secured perimeter of US Naval Station Newport.

f. Construction setback: A construction setback of 25 feet is required for all new and existing residential, commercial, mixed-use, and other structures to provide for fire, safety, and maintenance purposes. The setback is measured from the inland edge of the Coastal Greenway or buffer.

(1) At no time shall there be any private structures or encroachment into or above the Coastal Greenway. Examples of such include, but are not limited to, decks, patios, balconies, restaurant or café tables and chairs, or private accessory structures. Such structures or uses shall be located within the setback area or other portion of the project site. These limitations must be clearly stated within the deed restrictions and applicable ownership documents for the project.

(2) The setback may be reduced when the applicant can clearly demonstrate that the project and its subsequent use and maintenance will not result in the privatization of, or preclude public use of, the Coastal Greenway.

(3) The CRMC Executive Director may require additional setback when site conditions warrant, especially for areas susceptible to high erosion potential, to protect coastal resources or public safety.

B. Aquidneck Island coastal development zones

1. Each ACD zone is described in its applicable section below and shown on Figure 2 in § 7.1(K) of this Part.

2. ACD standards are applicable to all activities that meet the regulatory thresholds specified in § 7.4 of this Part.

3. The ACD Zone in which the development is located, as described below and shown in Figure 2 in § 7.1(K) of this Part, determines the applicable Coastal Greenway requirements.

C. General standards for coastal greenways

1. The coastal greenway shall begin at the inland edge of the coastal feature. The coastal feature, the applicable coastal greenway area, and construction setback must be clearly delineated on any site plans submitted for review to the CRMC.

2. Applicants may utilize an averaging method, where compensatory coastal greenway width is provided for a necessary reduction in greenway width in other areas of the site, provided the total square footage of the greenway area remains the same. This averaging provision shall only be used with CRMC approval and in cases involving existing historic buildings or where DEM-required site remediation necessitates a specific location for a new structure(s).

3. The boundaries of the coastal greenway easements shall be marked on all plans used for planning, permitting, and during construction. Additionally, the public access path and other public amenities (e.g., overlook, canoe or kayak launch, etc.,) must be clearly delineated on site plans submitted for review to the CRMC.

4. The coastal greenway shall have appropriate signage approved by the CRMC and the municipality, and its inland limits on all sites shall be marked on-site by permanent markers.

5. In the interest of public safety, project designs should facilitate the unobstructed observation of public spaces. These designs should:

   a. Provide pedestrians with a sense of direction while giving them some visible indication as to where access is encouraged or restricted.

   b. Provide a minimum number of access routes while allowing users some flexibility in movement.

   c. Use shrubbery and low-level plantings (those which attain heights no greater than 3 feet) within 10 feet of footpaths, with the exception of appropriately spaced trees. Plants in managed

landscapes should be graded such that taller plants are next to walls or other structures.

d. Avoid creating unused or unusable spaces or isolated pockets, except in areas designated for wildlife habitat.

e. Ensure that access opportunities enhance and complement shoreline observation opportunities.

f. Provide for emergency access to public spaces and areas.

g. Provide access for maintenance of stormwater treatment measures.

6. In order to ensure ease of access for emergency services, all projects shall be consistent with applicable municipal requirements. When hardened fire lanes are required, applicants are encouraged to use permeable paving materials (e.g., open grid pavers or other similar systems) that can be driven upon but also allow stormwater runoff infiltration.

7. Encroachment into the coastal greenway shall only be allowed by the CRMC for:

a. Public access;

b. Physical access to the coastal feature for public recreation;

c. Emergency vehicle access;

d. Public utility corridor maintenance;

e. Structural shoreline protection repair or maintenance activities; and

f. Coastal greenway maintenance.

8. Project illumination: All exterior light fixtures shall use shielding and glare control devices to shield surrounding areas from excessive light trespass and glare.

9. All coastal greenways shall be dedicated for public use by way of a conservation easement granted to the CRMC that runs with the land and shall be recorded as such in the land evidence records of the applicable municipality.

D. Vegetation standards for all coastal greenways

1. The entirety of the coastal greenway shall be vegetated with the exception of approved public access pathways (as described in § 7.5(E) of this Part).

The greenway shall be wholly vegetated and maintained with native plant communities and/or sustainable landscapes using a mixture of groundcover, shrubs, and trees. Stormwater from any public access path shall be directed into vegetated areas designed for stormwater treatment.

2. Site and greenway landscaping elements for projects listed on the National Register of Historic Places or eligible for inclusion, as determined by the RI Historic Preservation and Heritage Commission (RIHPHC), may be reduced or modified at the discretion of the CRMC Executive Director to bring the project more in compliance with RIHPHC requirements. The resulting landscape elements shall balance between the CRMC ACD policies and maintaining the historical context of the project, as determined by RIHPHC and the CRMC Executive Director.

3. The vegetation within a coastal greenway shall be properly managed in accordance with CRMC requirements. In cases where native vegetation does not exist within a proposed greenway, or invasive vegetation currently occurs on the site, the CRMC may require restoration that includes, but is not limited to, replanting the greenway with non-invasive native plant species. These species shall be an appropriate mix of trees, shrubs, and ground covers selected from the CRMC/URI Coastal Plant list (http://cels.uri.edu/testsite/coastalPlants/CoastalPlantGuide.htm). Turf grasses should be low maintenance and drought-resistant varieties to minimize the need for irrigation (place holder for URI Cooperative Extension protocol when available on website). The criteria for selection of appropriate non-invasive native species are:

   a. ability to perform the desired function(s);

   b. anticipated survival and hardiness given site conditions, with minimal (if any) application of pesticides and fertilizer;

   c. high wildlife value; and

   d. aesthetic value.

4. Coastal greenways shall be designed as native plant communities using noninvasive native species of vegetation in order to promote the CRMC's goal of preserving, protecting, and restoring ecological systems. The CRMC may permit alterations to a coastal greenway that facilitate the continued enjoyment of Rhode Island's coastal resources. All alterations to a greenway shall be conducted in accordance with the standards contained in this section, as well as all other applicable policies and standards of the CRMC. In order to ensure compliance with these requirements, the CRMC will require applicants to submit a coastal greenway management plan that details all maintenance activities that will be conducted within the coastal greenway.

5. Existing non-invasive vegetation, especially trees, shall be preserved within the coastal greenway to the maximum extent practicable. Removal of these species will be allowed only after the CRMC has reviewed and approved a coastal greenway management plan prepared by a RI-licensed landscape architect and in accordance with standards and specifications found in the Urban Coastal Greenway Design Manual (See: http://www.crmc.ri.gov/samp_mb/UCG-Design-Manual.pdf).

E. Public access standards for all coastal greenways

1. Wherever public access is provided, the following public access standards shall be met:

   a. The public access component shall be located within the coastal greenway identified for the project. In certain cases, the CRMC may allow the public access component to be located within the construction setback or other portion of the site as conditions may require. Applicants, however, must ensure that the coastal greenway primary public access path on their development site connects with any existing coastal greenway or other public access paths on adjacent parcels.

   b. The applicant's engineer must certify that public access paths and associated elements shall be compliant, where applicable, with the most recent version of the Americans with Disabilities Act (ADA) Standards for Accessible Design (See: http://www.usdoj.gov/crt/ada/stdspdf.htm).

   c. The CRMC requires that all new multi-residential, commercial, and mixed-use developments provide primary (alongshore) public access within the coastal greenway. These primary public access pathways shall be a minimum of eight (8) feet in width to accommodate pedestrians, but may be wider if designed to accommodate both pedestrian and bicycle access. Projects must design the coastal greenway to provide an extension of adjacent existing pedestrian or bicycle pathways, if consistent with a municipal or state pedestrian or bike path access plan.

   d. All public access pathways should be constructed of a pervious surface. In those cases where pathways are constructed of impervious materials for bicycle access or to be consistent with existing adjacent impervious surface paths, then the project must include stormwater treatments to minimize stormwater runoff, as described in the Urban Coastal Greenway Design Manual. Public access paths shall be designed to have a relatively flat profile and cross section to prevent stormwater runoff from eroding the path surface or adjacent soils. When paths are located directly adjacent

to the coastal feature, they should be angled slightly to cause stormwater runoff to flow inland for treatment (e.g., bioretention area), rather than toward the coastal shoreline feature.

e. Each parcel with a coastal greenway shall include at least one secondary (arterial or perpendicular) access path leading to the linear greenway public access path, unless adjoining parcels share a secondary public access path as described in § 7.5(E)(g) of this Part.

(1) The access path must emanate from a public place. The secondary access path should be a minimum of eight (8) feet in width to accommodate pedestrian traffic, but may be up to twenty (20) feet in width when emergency vehicle access is necessary. In the latter case, the pathways must be capable of supporting emergency and maintenance vehicles.

(2) The secondary access path shall connect sidewalk traffic with the alongshore coastal greenway path, and may be a meandering path, as long as erosion is minimized. All public access pathways shall be recorded within the land evidence records and shall run with the land. The limited liability provision stated in § 1.3.6 of this Subchapter shall apply to these public access pathways.

f. Each coastal greenway must include adequate provisions for emergency vehicle access paths from the nearest street to the shoreline. These vehicular paths should be constructed of a permeable surface capable of supporting emergency vehicles.

g. Each project must provide at least one secondary public pedestrian or vehicular access pathway per 500 linear feet of shoreline. Adjoining parcels may share secondary pedestrian or vehicular access paths on their shared boundary, where applicable. The CRMC may waive the 500-foot secondary pathway standard if the applicant provides ten (10) percent more public parking spaces than required in § 7.5(E)(h) of this Part, and can demonstrate that there is adequate available secondary public access.

h. In order to facilitate public access to the shoreline, each development with a coastal greenway shall include a minimum of two (2) public parking spaces adjacent to an access point or incorporated within a project, and an additional space per 100 linear feet of shoreline (where "linear" refers to the shortest distance between lot boundaries) within the parcel. This requirement may be satisfied by a single designated parking area

with the required number of parking spaces at a coastal greenway access point, but must be located no farther than 200 feet from a coastal greenway access point. The placement of the public parking spaces shall be decided in consultation with the CRMC and the municipality of jurisdiction. In cases where the project is directly adjacent to public parking, (defined as on-street parking and off-street parking available to the general public), such spaces may be included for purposes of satisfying the public parking requirements of this section

i. Acknowledgement of existing public access - The CRMC may allow reduced public access requirements within lots containing preexisting public access, provided there is no net loss of access and the following standards are met:

(1) Where existing public access pathways and public roads occur between the coastal feature and the development parcel(s), the primary (alongshore) public access and construction setback requirements may be waived.

(2) Where public roads are immediately adjacent to the sides of the development perpendicular to the coastal feature, these public roads may count toward the coastal greenway secondary public access requirements. The road(s) must be usable for pedestrian and/or emergency vehicle access, as appropriate.

F. Stormwater standards for all coastal greenways

1. The CRMC requires the use of low impact development (LID) techniques that distribute infiltration methods throughout the development site to the maximum extent practicable. These LID techniques may include, but are not limited to:

a. Minimization measures including decreased clearing and grading or reducing the use of pipes, curbs, and gutters;

b. Using alternative surfacing materials such as gravel, cobble, wood mulch, grass pavers, turf blocks, natural stone, and concrete pavers in cross walks, for example;

c. Discharge stormwater runoff into open drainage systems, vegetative swales, and other bioretention areas to slow runoff, reduce discharge volumes, and encourage greater infiltration and evaporation;

d. Integration of, bioretention, biofiltration, storage, and capture of runoff systems into the site;

e. Planting large trees within a designated coastal greenway and the site in general to promote evapotranspiration, restore forests, provide scenic relief, and vegetative screening;

f. The installation of green roofs to retain and naturally filter stormwater runoff;

g. The use of cisterns to temporarily store rainwater that can subsequently be used for irrigation of the property or reused within the building; and

h. The incorporation of rain gardens or other bioretention systems.

2. Stormwater treatment should, where possible, be designed to constitute a landscape amenity. Applicants should meet this goal primarily through vegetative means, in part by incorporating land shaping to create bioretention areas capable of treating runoff. When site topography necessitates non-LID methods and other non-vegetated means of stormwater treatment, these structures must be located within the setback or other portion of the project site, and not within the coastal greenway.

3. Untreated stormwater runoff shall not drain directly into coastal waters. Runoff shall be detained and slowly released through the use of best management practices (BMPs), as outlined in the Urban Coastal Greenway Design Manual (See: http://www.crmc.ri.gov/samp_mb/UCG-Design-Manual.pdf). Projects shall meet the stormwater management requirements in § 1.3.1(F) of this Subchapter, and as specified in the most recent edition of 250-RICR-150-20-7 (RI Stormwater Design and Installation Standards Manual), to control peak flow rates and volumes, improve water quality, and discharge non-erosively to tidal waters. Applicants shall incorporate LID techniques such as filter strips, vegetated swales, bioretention areas, stormwater infiltration planters, green roofs, etc. to the maximum extent practicable. LID techniques may be located within the coastal greenway provided they are well landscaped and create a public amenity.

4. All stormwater management techniques shall have a maintenance plan submitted as part of the CRMC application package. Maintenance provisions shall be tailored to the specific stormwater management techniques that are proposed for the site, and shall include maintenance practices and frequency.

G. Structural shoreline protection standards for coastal greenways

1. Riprap revetments shall be constructed with appropriately sized quarry stone in accordance with the standards specified in § 1.3.1(G) of this Subchapter. The revealed base of a revetment shall not be further

seaward than the mean high water line (MHWL). Revetments should be designed to account for sea level rise (See §1.1.10 of this Subchapter).

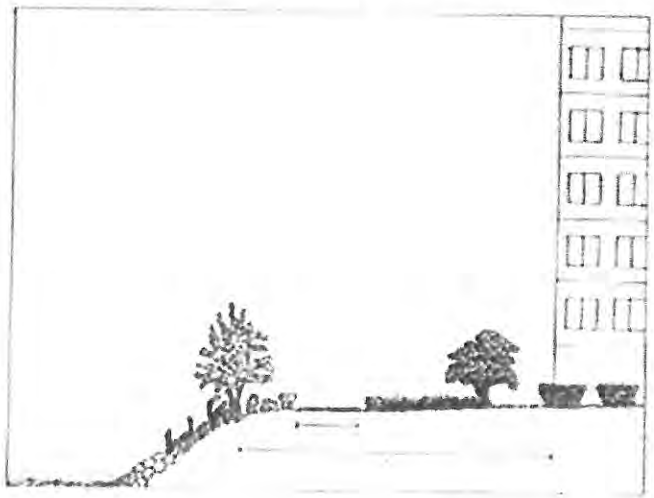
2. Existing shoreline protection structures may be utilized where consistent with § 1.3.1(N) of this Subchapter. The historic value of structural shoreline protection shall be preserved or restored wherever feasible.

3. When the CRMC finds seawall structural shoreline protection to be necessary, construction materials other than steel shall be used wherever possible. When steel is necessary, the seawall shall be faced with a similar material used for other seawalls (e.g., granite blocks) in the vicinity for consistency of appearance. Additionally, seawalls should be designed to account for sea level rise (See § 1.1.10 of this Subchapter).

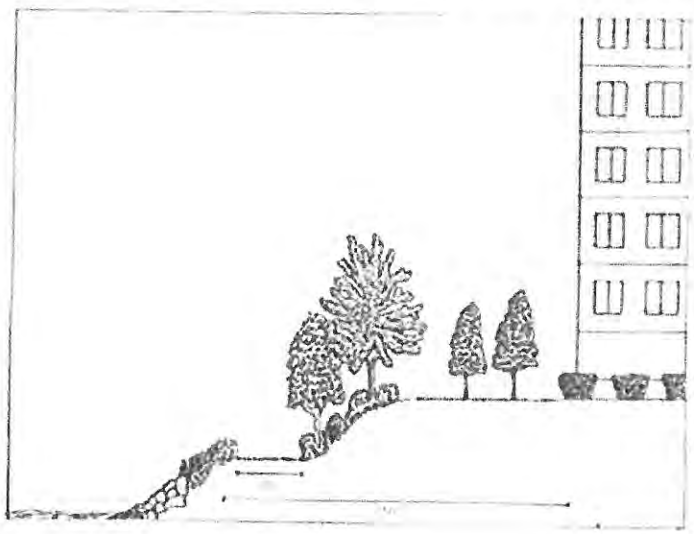
4. When structural shoreline protection is deemed necessary, all such structures must meet the requirements of § 1.3.1(G) of this Subchapter. To protect revetment structural integrity, trees must not be planted directly on the revetment, but may be planted on vegetated slopes above the revetment. No stormwater treatment or public access shall be included upon the revetment.

5. Terracing is permissible within the coastal greenway and setback, however, all slopes within the coastal greenway must be properly stabilized and vegetated (See Figure 3 in § 7.5(G)(5) of this Part). Rip-rap or other armored slopes shall not be incorporated as part of the greenway. Accordingly, revetments or other armored slopes shall be located seaward or landward of the coastal greenway. In addition, all slope designs and treatments ~~must be consistent with the~~may be designed as specified in the ~~USDA Natural Resources Conservation Service Engineering Field Handbook~~Rhode Island Soil Erosion and Sediment Control Handbook (2016). See: http://www.dem.ri.gov/programs/bnatres/water/pdf/riesc-handbook16.pdf.

a. Figure 3: Hypothetical site plan showing a vegetated revetment on a site with parking on the ground level of the new structure. Drawing by Thomas VanHollebek, URI Coastal Resources Center/Rhode Island Sea Grant.



b. Figure 4: Hypothetical site plan showing a terraced coastal greenway. Drawing by Thomas VanHollebeke, URI Coastal Resources Center/Rhode Island Sea Grant.



H. Prohibitions

1. Upon completion of a project (or phase of a project) and its required coastal greenway, the following activities and uses shall be prohibited within the greenway:

   a. Petrochemical storage;

   b. Storage of other hazardous materials;

c. Private parking or automobile storage within the Coastal Greenway;

d. Application of chemicals (e.g., pesticides, fertilizers, etc.) that have not been approved by the CRMC;

e. Storage or stockpiling of mulch, compost, or other organic materials;

f. Storage or stockpiling of construction materials;

g. Fueling and servicing of equipment and other motorized vehicles; and

h. Recycling of construction materials.

2. No structure, building, roof, or skywalk may be constructed over tidal waters, with the exception of public infrastructure or public access in accordance with the requirements set forth in § 1.1.8 of this Subchapter. See § 7.3(B)(5) of this Part for water-dependent use exemption.

3. At no time shall any residential or commercial activity encroach upon or usurp the full use and enjoyment of the coastal greenway. This includes the placement of decks, patios, or restaurant/cafe tables, even on a temporary basis, within the coastal greenway.

4. Prohibitions may only be relieved through Special Exceptions, granted by the CRMC in accordance with § 1.1.8 of this Subchapter.

7.6 Areas of Particular Concern (formerly § 160)

A The areas of particular concern (APC) zone are as defined in § 7.2(A)(1) of this Part. ~~incorporates areas within the Aquidneck Island SAMP boundary that have been identified either as highly significant habitats or as areas of significant public recreation and open space value. The conservation parcel designations have been identified using a ranking system that includes habitat quality, use of the site by wildlife, presence of rare species, and geographic relationships (i.e., contiguous parcels with habitat value). The delineation of recreation and open space parcels are based primarily on priority areas identified in the West Side Master Plan.~~

B. Policy

1. Within the APC Zone, it is the policy of the CRMC to maintain and restore native vegetated coastal buffers with maximum widths to protect the valuable habitats and/or contiguous vegetated corridors contained within the zone consistent with § 1.1.11 of this Subchapter. The CRMC does not support projects that propose to alter existing natural areas having high environmental value for habitat, recreation, or scenic quality, as delineated

on the AI SAMP map (See § 7.11 of this Part: Appendix A - Habitat Values and Habitat Linkage for Unbuilt Lands With the Aquidneck Island SAMP Boundary). Accordingly, projects that propose to alter these habitats are inconsistent with this policy, and are strongly discouraged.

2. Applicants have a choice of either Option 1 (standard buffer width) or Option 2 (variance request) as detailed below for projects located in the APC Zone.

3. Any public access plans should be consistent with Section 335 of the CRMP.

4. Projects under either option must meet the 25% minimum vegetative cover and stormwater management requirements described in § 7.5 of this Part.

C. Standards

1. Option 1: Standard buffer width

   a. All development proposals within the APC Zone that completely meet the requirements under this option will be processed as Category A applications in accordance with the CRMP.

   b. Applicants choosing this option must adhere to the standard buffer width as determined in Table 1 in § 7.7(C)(1) of this Part. In addition, all structures must be set back 25 feet from the inland edge of the buffer.

   c. The buffer must be comprised of a mix of native plant species and must remain in a natural and undisturbed state. CRMC may authorize limited buffer zone management activities only when it is clearly demonstrated that the habitat quality of the affected area will not be diminished.

   d. The applicant must provide a public access plan in accordance with § 1.3.6 of this Subchapter.

   e. Under Option 1, variances to the buffer width are not permissible.

2. Option 2: Variance request

   a. All development proposals within the APC Zone seeking a buffer variance shall be processed as Category B applications in accordance with the CRMP.

   b. An applicant may only reduce the standard APC Zone buffer width through the granting of a variance by the CRMC in accordance with

§ 1.1.7 of this Subchapter. At no time shall any applicant provide a buffer less than 50% of the required buffer width, as determined in Table 1 in § 7.7(C)(1) of this Part below. Furthermore, the minimum buffer width within an APC Zone shall be twenty-five (25) feet.

c. Any proposals for a buffer less than 50% of the required APC Zone buffer width shall require a special exception in accordance with § 1.1.8 of this Subchapter.

d. All structures must be set back 25 feet from the inland edge of the buffer.

e. In the event that a buffer variance is approved, the applicant must provide compensation in the form of public amenities for the difference between the required buffer width and any reduced buffer width.

7.7 Redevelopment Zone (formerly § 170)

A. The Aquidneck Island redevelopment zone is defined in § 7.2(A)(4) of this Part.~~composed of areas on the west side of Aquidneck Island that have been specifically designated for high density development by the local municipality or the state. Many parcels within this zone have been identified by the West Side Master Plan as Growth Centers. This zone also incorporates large parcels within the Aquidneck Island SAMP boundary that were formerly used by the US Navy for fuel or materials storage and are therefore constrained by the existence of utility corridors, and/or the need for site remediation prior to residential or commercial development. The boundaries of this Redevelopment Zone are identified on the Aquidneck Island SAMP Map (See Figure 2 in § 7.1(K) of this Part) and include the Newport Naval Hospital and the Weaver Cove/Melville Marine Center and the Arnold's Point area in Portsmouth.~~ Specific redevelopment zones include the following large parcels:

1. Portsmouth

a. Arnold Point: The area generally known as Arnold Point is bounded by Musselbed Shoals on the north and the Carnegie Abbey Golf Course property on the south. Target uses include residential-resort, featuring golf, marina, equestrian, linked coastal walkways and related amenities. Developments should orient uses toward commanding vistas of Narragansett Bay, the Mount Hope Bridge and the former Weyerhaeuser Fire Pond.

b. Melville/Weaver Cove redevelopment area: The Melville/Weaver Cove redevelopment area is envisioned as a destination area for marina development and tourism. Sub-districts within this area include:

(1) the Weaver Cove Village which includes land on both sides of Shoreline Drive south of the most southerly parcel boundary with frontage on Maritime Drive and Regatta Road;

(2) the Melville Marine Center which includes the land north of Weaver Cove Village and the area identified as Tank Farm #1 in the West Side Master Plan;

(3) Tank Farm #2 which includes the area identified in the West Side Master Plan as being occupied by the Navy Tank Farm on a hill east of Weaver Cove; and

(4) Tank Farm #3 is located near Defense highway and the Weaver Cove region.

2. Middletown

a. No growth centers are currently envisioned along the Middletown shoreline

3. Newport

a. Newport Naval Hospital redevelopment area: The former U.S. Naval Hospital facility parcel (plat 9, Lot 219) just north of the Newport Bridge has waterfront access and sweeping views across the East Passage to Jamestown.

B. Policy

1. It is the policy of the CRMC to establish and link public access along the entire west side shoreline within the Aquidneck Island SAMP boundary, including through the areas designated as Redevelopment Zones that will satisfy the overall goals of the Aquidneck Island SAMP, as well as the applicable Redevelopment standards described herein.

C. Standards: All development proposals within the Redevelopment Zone that completely meet the requirements under either options below (Options 1 or 2) will be processed as Category A applications in accordance with the CRMP, provided there are no substantive objections during the public notice period. Applicants have the option of having projects subject to the setback and buffer requirements set forth in §§ 1.1.9 and 1.1.11 of this Subchapter or the alternative options detailed below.

1. Option 1: Standard CRMP buffer width

a. Applicants choosing this option must adhere to the standard buffer width and setbacks as determined in § 1.1.11 of this Subchapter (See Table 1 in § 7.7(C)(1) of this Part (below) for buffer width

requirements). All structures must be set back 25 feet from the inland edge of the required buffer.

b. The buffer must remain in a natural and undisturbed state; however, some limited maintenance activity is permissible in accordance with the CRMC "Buffer Zone and Invasive Plant Management Guidance" located on the CRMC website at: http://www.crmc.ri.gov/applicationforms/BZGuidance_Invasives_Checklist.pdf . All new plantings within a buffer zone must be comprised of a mix of native plant species and adhere to the CRMC/URI Coastal Plant list also located at the preceding website URL.

c. Variances to the buffer width are not permissible under this option.

d. Table 1: CRMC buffer width requirements

Lot Size (square feet)	Required buffer width (feet)		Required Construction Setback (feet)
	CRMC Water Type 3, 4, 5, and 6	CRMC Water Type 1 and 2	
<10,000	15	25	25
10,000 – 20,000	25	50	25
20,001 – 40,000	50	75	25
40,001 – 60,000	75	100	25
60,001 – 80,000	100	125	25
80,001 – 200,000	125	150	25
Greater than 200,000	150	200	25

2. Option 2: Coastal Greenway – 50-foot width

a. Applicants may choose a Coastal Greenway of 50-feet in width that includes a public access path. All structures must be setback from the inland edge of the Coastal Greenway in accordance with § 7.5(A)(2)(d) of this Part.

b. All of the standards specified within § 7.5 of this Part shall apply.

c. The project should provide public access in accordance with § 7.5(E) of this Part.

7.8 Other Areas Zone (formerly § 180)

A. Areas that are not defined as Redevelopment Zones or Areas of Particular Concern must meet applicable requirements of the CRMP. Buffers will be assigned in accordance with Table 1 in § 7.7(C)(1) of this Part (above) and a public access plan must be provided as part of the project in accordance with § 1.3.6 of this Subchapter.

7.9 Brownfield Redevelopment within the Aquidneck Island SAMP (formerly § 190)

A. Aquidneck Island coastal development policies for brownfield sites

1. Rhode Island Department of Environmental Management (RIDEM)-designated brownfield sites shall receive additional consideration with regard to Aquidneck Island coastal development requirements. The CRMC has established a maximum application fee of $5000 for all DEM-designated brownfield development projects (See § 10-00-1.4.6(A)(21) of this Title).

2. Brownfield sites pose unusual economic constraints, given the common need for remediation that may result in significant expense to the developer. The CRMC encourages thoughtful redevelopment of these contaminated sites, and believes that it is possible to proceed with such redevelopment in a manner that improves the natural environment while allowing for the fiscal realities of such an endeavor.

3. It is therefore the policy of the CRMC to require the maximum coastal greenway width practicable within brownfield sites while allowing for flexibility in the implementation of these rules on these sites, based upon the applicant meeting the criteria defined in § 7.5 of this Part for vegetation targets, stormwater treatment and public access. See the Urban Coastal Greenway Design Manual for recommended approaches to stormwater treatment and habitat improvement in brownfield sites.

B. Aquidneck Island coastal development standards for brownfields

1. Brownfield sites shall adhere to the Aquidneck Island coastal development standards and policies regarding setbacks, view corridors, and public safety as stated in this document, to the maximum extent practicable.

2. All development proposals for brownfield sites within CRMC's jurisdiction shall require a pre-application meeting including the applicant, his/her planning and design staff, and representatives of the CRMC, the RIDEM Offices of Waste Management and Water Resources, and the municipality of jurisdiction. This meeting shall take place after RIDEM has notified CRMC that the review of the investigation is complete. It is intended that

this pre-application meeting be the first step in the remedial design process after a brownfield development proposal has been submitted, and is further intended to streamline the multi-agency regulatory process for proposed developments on these sites. Agency (CRMC and RIDEM) and municipal representatives at this pre-application meeting will consider the applicant's proposed designs to ensure that the proposal satisfies CRMC's Aquidneck Island coastal development requirements, the RIDEM's brownfield and stormwater requirements, and the municipality's zoning ordinances.

3. Where the Executive Director, in consultation with DEM Site Remediation staff and CRMC staff, determines that a particular ACD standard poses a risk or is impractical due to site remediation requirements, the Executive Director may waive or reduce such requirement.

4. An applicant may request of RIDEM that a proposal that satisfies the requirements of the Aquidneck Island coastal development policy be used to offset some or all of the State's Natural Resource Damage Claims at the site (including claims for additional assessment).

5. Under circumstances at a brownfield site where it is desirable to limit infiltration, traditional stormwater infiltration techniques shall not be used within the coastal greenway. The goal of total on-site stormwater treatment will still apply on brownfield sites, although the constraints of each site will be taken into consideration during the application process. Applicants are therefore encouraged to utilize vegetative stormwater management techniques such as green roofs and lined rain gardens or lined bio-retention areas with shallow-rooting plants, as well as alternative landscaping/land shaping (i.e., raised planting beds) to allow for the maximum possible on-site treatment of stormwater. Refer to the CRMC Urban Coastal Greenway Design Manual for descriptions of recommended alternatives and reference sources for additional technical information regarding the implementation of those alternatives. These alternative stormwater abatement techniques shall protect the integrity of the containment cap/structure and be approved by the CRMC and the RIDEM.

7.10 Coastal Greenway Management and Maintenance Requirements (formerly § 200)

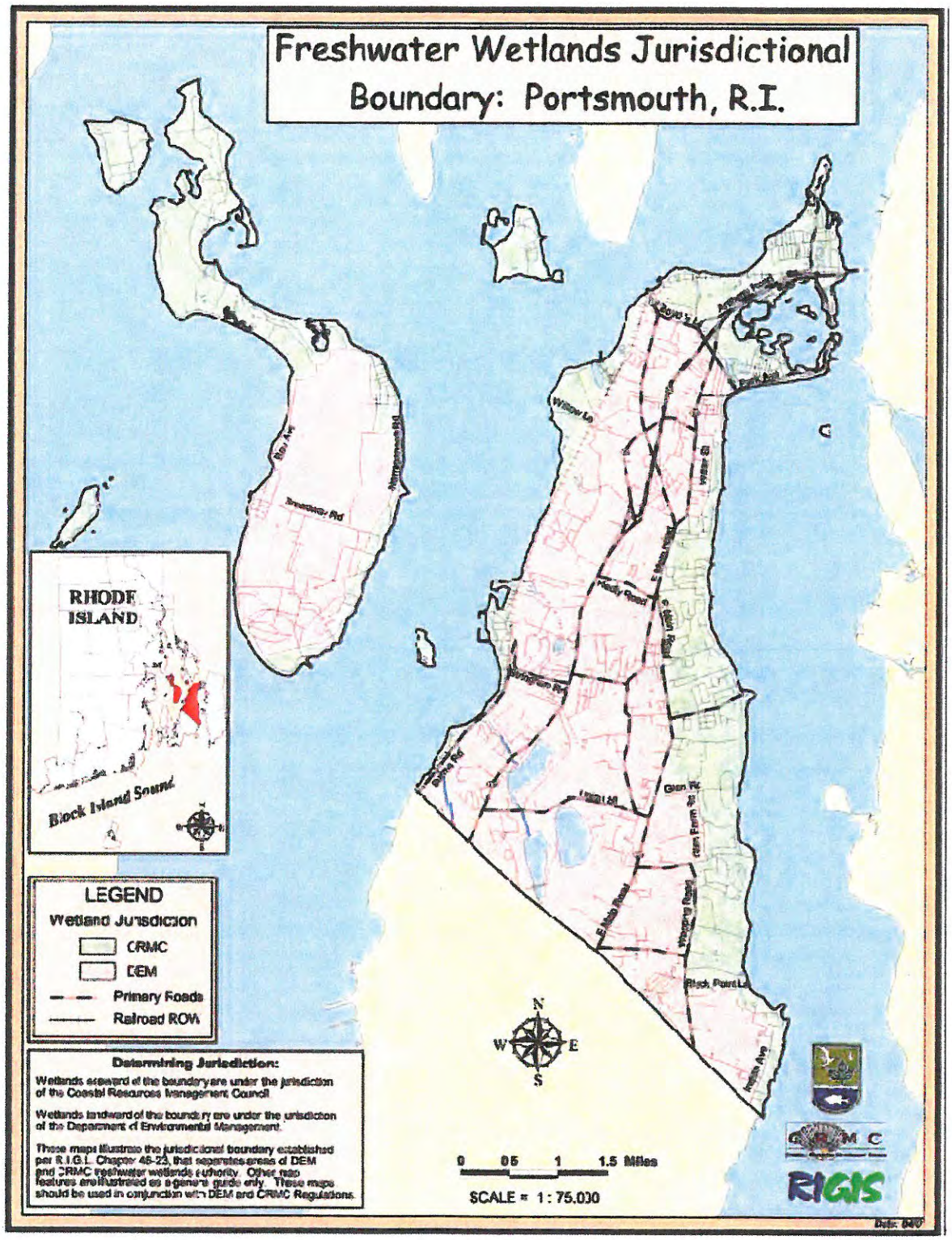
A. The owner of record of a property with a coastal greenway is responsible for maintaining the greenway in accordance with the operative RICRMC Assent, unless the greenway is transferred to another agent (i.e., the municipality, a land trust, etc.) with that agent's agreement to provide maintenance. The Council shall be the beneficiary of any coastal greenway easements, and all easements shall be placed in the land evidence records of the municipality of jurisdiction.

B. All alterations within established coastal greenways or alterations to natural vegetation (i.e., areas not presently maintained in a landscaped condition as of the effective date of this policy) within the Council's jurisdiction may be required to submit a coastal greenway management plan for the Council's approval that is in compliance with the requirements of this section and the Council's most recent edition of the Urban Coastal Greenway Design Manual. Coastal greenway management plans shall include a description of all proposed alterations and methods of avoiding problem areas such as the proper placement and maintenance of pathways. Applicants should consult the Council's most recent edition of Urban Coastal Greenway Design Manual when preparing a coastal greenway management plan.

C. No encroachments shall be allowed within the coastal greenway at any time.

D. Penalties - Failure to adhere to these policies will result in enforcement action including fines, liens, restoration, and/or revocation of the Council Assent.

~~Figure 5 – Map of CRMC/DEM Freshwater Wetlands Jurisdictional Boundary - Portsmouth~~



~~Figure 6 – Map of CRMC/DEM Freshwater Wetlands Jurisdictional Boundary - Middletown~~

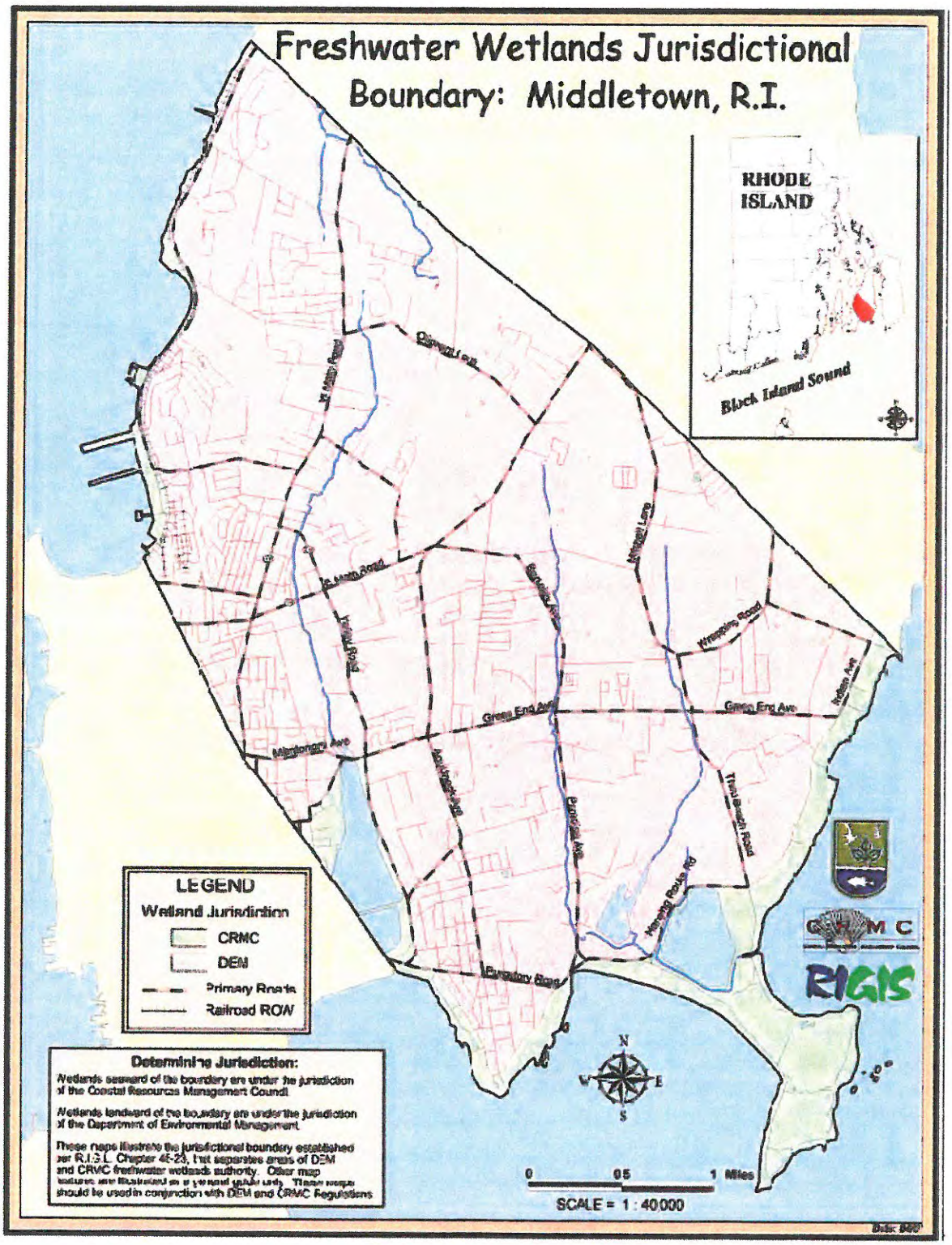
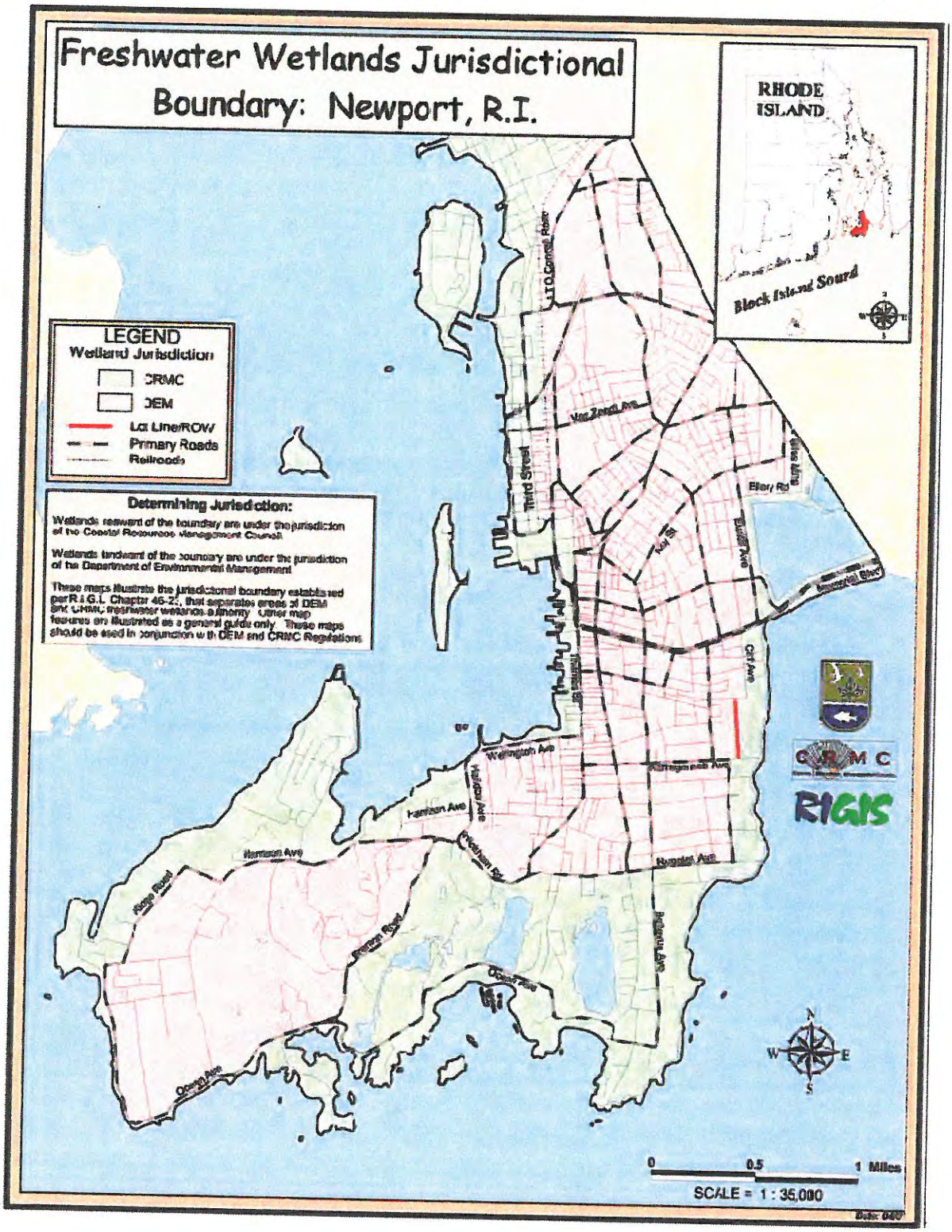


Figure 7 – Map of CRMC/DEM Freshwater Wetlands Jurisdictional Boundary - Newport



7.11 Appendix A- Habitat Values and Habitat Linkage for Unbuilt Lands within the Aquidneck Island SAMP Boundary

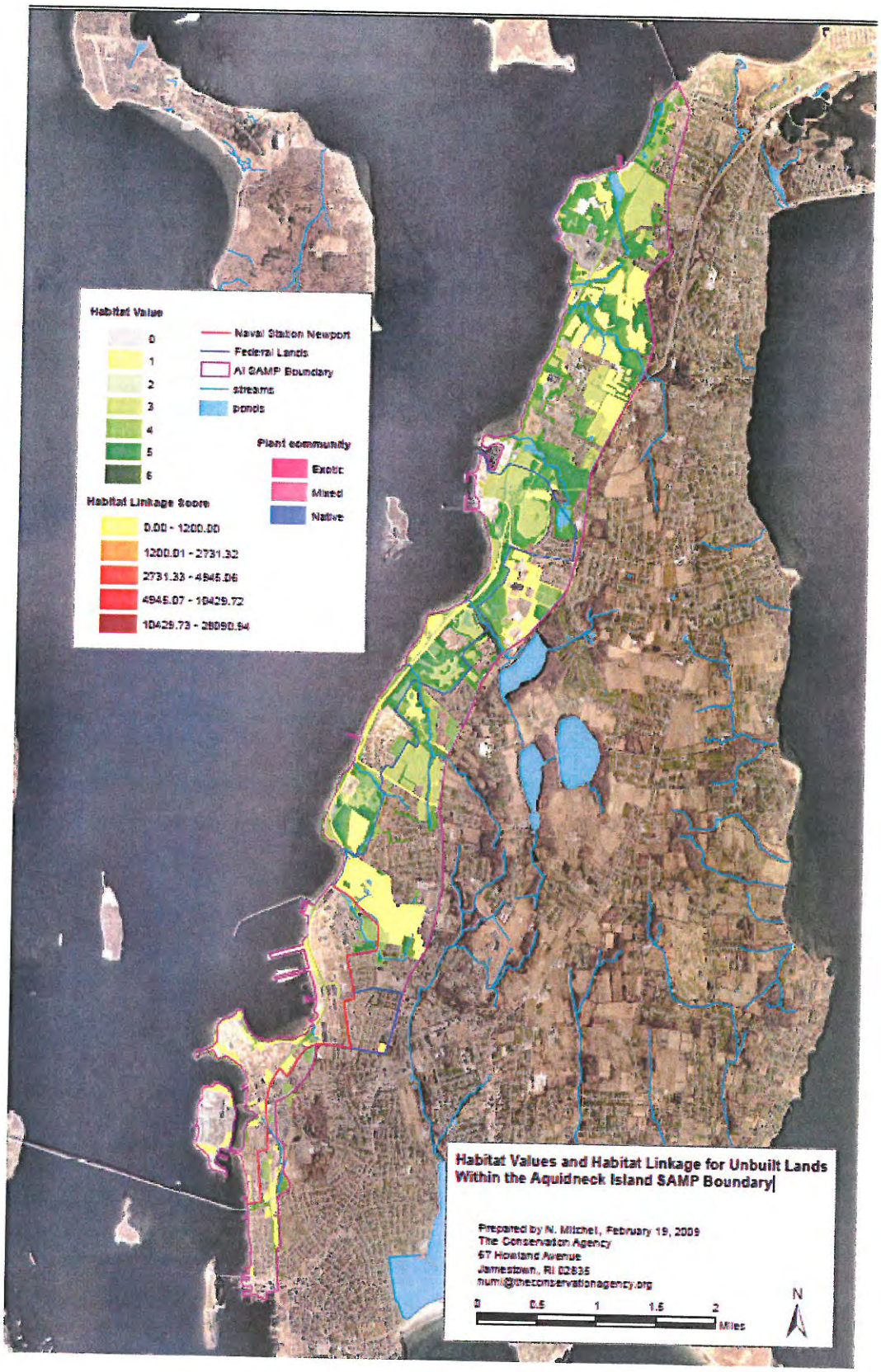
A. Map 1 – Habitat Value (Ranking)

B. Map 2 – Habitat Linkage Score

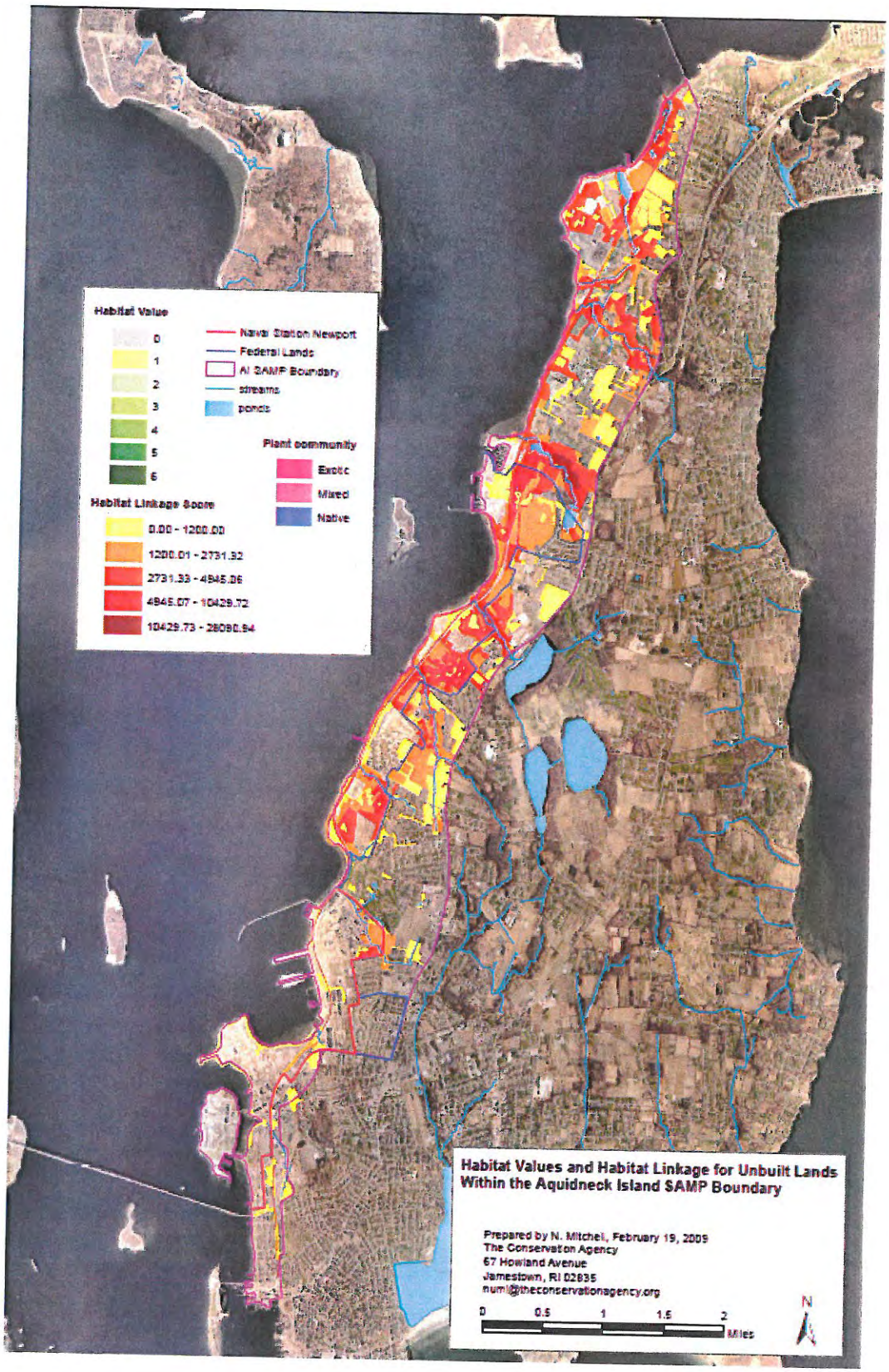
C. Map 3 – Plant Community

PDF Map showing the combined three attribute layers above is available on the CRMC website here:
http://www.crmc.ri.gov/samp_ai/AI_SAMP_Habitat_Linkage_Map.pdf

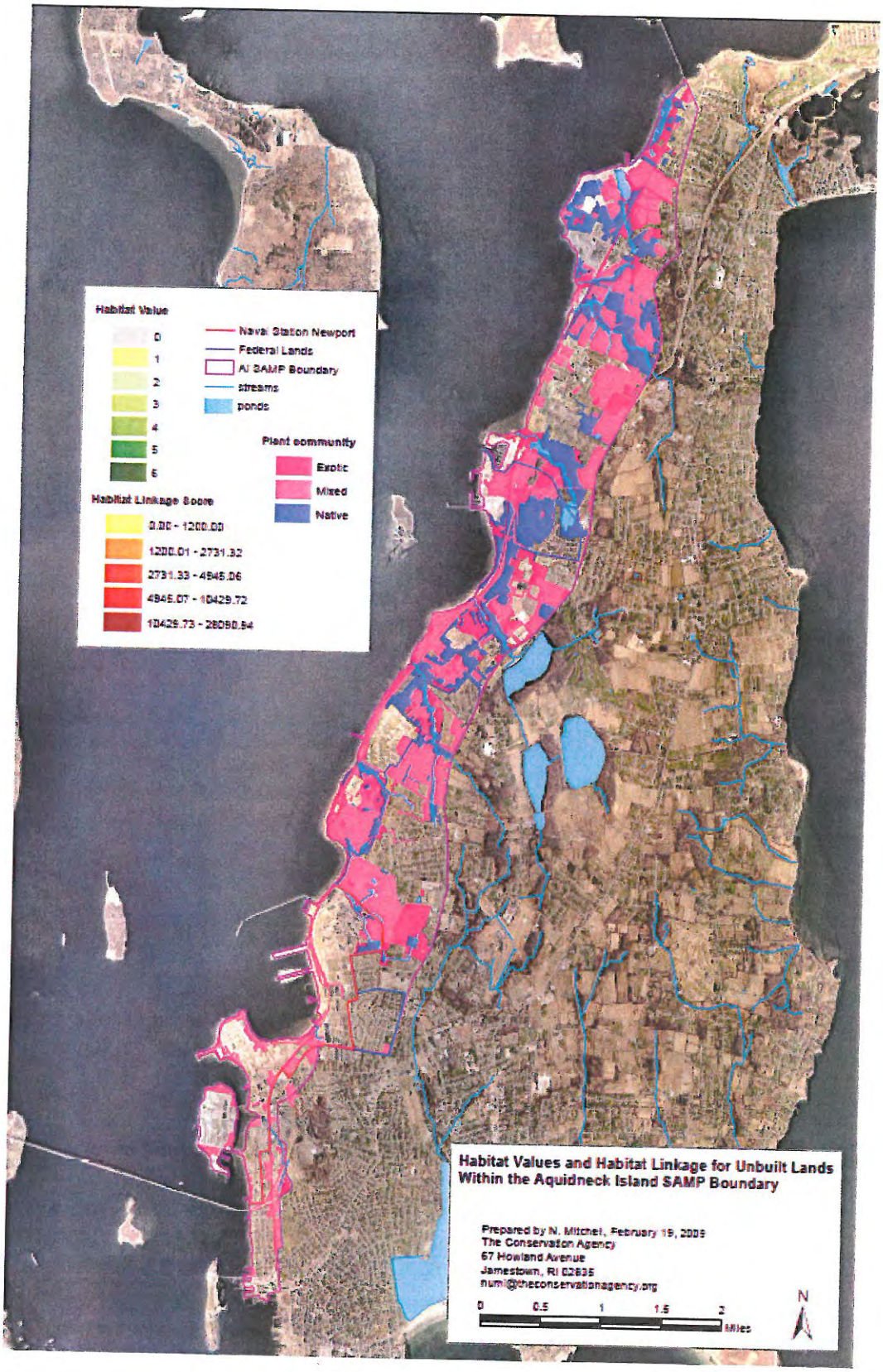
A. Map 1: Habitat Value (Ranking)



B. Map 2: Habitat Linkage Score



C. Map 3: Plant Community



RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

COASTAL RESOURCES MANAGEMENT COUNCIL

Title of Rule: RI Coastal Resources Management Program - MetroBay SAMP - Urban Coastal Greenways

Rule Identifier: 650-RICR-20-00-5

Rulemaking Action: Proposed Amendment

Important Dates:
Date of Public Notice: 10/09/2018
Hearing Date: 10/23/2018
End of Public Comment: 11/08/2018

Authority for this Rulemaking:
RIGL 46-23 et. seq.

Summary of Rulemaking Action:
The purpose of these regulations is to provide a concise set of coastal development regulations for properties located within the Metro Bay Region SAMP boundary that are predictable and provide developers with several options for coastal buffers to promote economic development and coastal resource protection. In 2016, the legislature passed an amendment to R.I. Gen. Laws § 42-35-5(b) that required the Secretary of State to oversee the publication of an updated uniform code of state regulations. The purpose of this amendment is to reformat the Metro Bay Region SAMP in accordance with the new uniform code of state regulations, called the Rhode Island Code of Regulations ("RICR"), consolidate and integrate desirable elements of the Providence Harbor SAMP, and to make other non-technical changes. There are no substantive changes to the existing regulations. Reformatting of the regulation in accordance with RICR includes, but is not limited to, renumbering, moving of definitions, movement of text, and elimination of duplicative or non-regulatory text, among other format changes. A summary of changes between current and proposed regulation by section is as follows:

- Add new § 5.1(B) to highlight federal Coastal Zone Management Act authority for implementation of Special Area Management Plans

- Add new § 5.1(C) to further clarify the purpose of the consolidated rules

- Add new § 5.3 as a consolidation of Metro Bay Region policies

- Add new § 5.3.1 to account for Providence Harbor SAMP prohibitions

- Add new § 5.3.2 to account for specific Providence Harbor policies

- Clarify applicability of roadway projects at § 5.5(C)(1)(a)(2)(CC)

- Clarify status of the compensation option at §§ 5.4(C)(3), 5.5.1(B)(5), 5.8(C)(3)(b)(2), 5.8(C)(4)(a)(4), and 5.9(B)(4)(a)

Additional Information and Comments:
All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 8, 2018 by contacting the appropriate party at the address listed below:

James Boyd
Coastal Resources Management Council
Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
jboyd@crmc.ri.gov

Public Hearing:
A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on October 23, 2018 at 6:00 pm at Department of Administration, Conference Room A, One Capitol Hil, Providence, RI 02908 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-783-3370 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:
In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. Additionally, the benefits of the proposed amendments justify any costs of the proposed rule, and the proposed amendments will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.

650-RICR-20-00-5

TITLE 650 – COASTAL RESOURCES MANAGEMENT COUNCIL

CHAPTER 20 – COASTAL MANAGEMENT PROGRAM

SUBCHAPTER 00 – N/A

PART 5 – Metro Bay Region Special Area Management Plan

5.1 Authority and Purpose

A. It is the responsibility of the Rhode Island Coastal Resources Management Council (RICRMC) to preserve, protect, develop, and where possible, restore the coastal natural resources of Rhode Island. The Federal Coastal Zone Management Act (16 U.S.C. §§ 1451-1465) also charges the RICRMC with:

1. assisting in the redevelopment of deteriorating urban waterfronts, and considering the need for economic development that is compatible with the ecological, cultural, historic, and aesthetic values of the coastal zone;

2. ensuring the availability of public access points for coastal recreation;

3. considering the need for siting of facilities for national defense, energy, fisheries development, ports and transportation, as well as appropriate siting of new commercial and industrial developments;

4. timely review of projects through the streamlining of management activities;

5. providing opportunities for public involvement in the decisions regarding coastal management; and

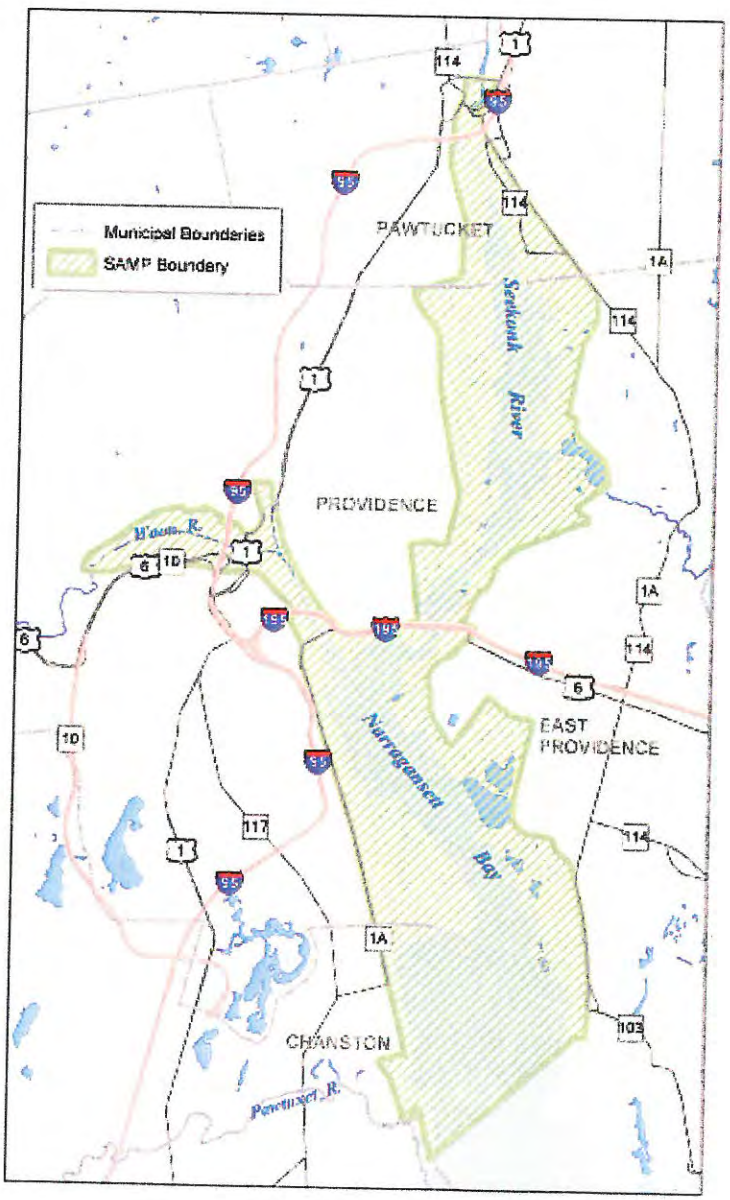
6. protecting uses of regional benefit.

B. As authorized by the federal Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451-1466) and R.I. Gen. Laws Chapter 46-23, the Coastal Resources Management Council may implement special area management plans.

C. The purpose of the rules of the Metro Bay Region Special Area Management Plan (SAMP) within the municipalities of Cranston, East Providence, Pawtucket and Providence is to provide for the management of the Providence Harbor and surrounding Metro Bay region. The boundaries of the Metro Bay region are shown in Figure 1 of § 5.1(D) of this Part. These rules provide an alternative coastal vegetative buffer policy for the Metro Bay region that accommodates increased public access to the coast, improved water quality via on-site vegetative stormwater treatment, and the preservation and restoration of habitat

corridors and the general aesthetic value of Rhode Island's urban shoreline. Additionally, the intent and purpose of these rules is to promote economic development along the urban shorelines with a predictable permitting process, ensure redevelopment proceeds in a coordinated fashion, and ensure that conflicts are resolved in favor of maintaining a balance among port, recreation, commercial, and residential uses consistent with the designated CRMC water types. For additional information on the Metro Bay SAMP region that informed the development of these rules, please see the Metro Bay SAMP guidance document.

D. Map depicting the area of the Metro Bay Region Special Area Management Plan (SAMP)



5.2 Definitions

A. Definitions for this Part are as follows:

1. "Area of particular concern" or "APC" zone means areas within the Metro Bay SAMP boundary that have been identified either as highly significant habitats (High Priority Conservation or Restoration Areas) or as areas of significant recreational value. The conservation, restoration, and recreation designations were identified using a ranking system that includes habitat quality, use of the site by wildlife, presence of rare species, geographic relationships (i.e., contiguous parcels with habitat value), and restoration potential. The APC Zone is delineated in the Urban Coastal Greenway Zone Map (Figure 2 in § 5.4 of this Part), and the ranking system is described in § 5.16(C) (Appendix 3) of this Part.

2. "Capital center district" or "CCD" means the area established in the City of Providence Code of Ordinances that is bounded by I-95, Smith Street, Francis Street, Gaspee Street, Canal Street, Steeple Street, Exchange Terrace, and West Exchange Terrace.

3. "Coastal buffer zone" is a regulatory feature that requires a naturally vegetated area that must be retained in a natural, undisturbed condition, or properly managed in accordance with the standards contained in § 1.1.11 of this Subchapter. In cases where native vegetation does not exist within a buffer zone, the Council may require restoration efforts which include, but are not limited to, replanting the coastal buffer zone with native plant species.

4. "Coastal wetlands" include salt marshes and freshwater or brackish wetlands contiguous to salt marshes or physiographical features as defined in § 1.2.2(D) of this Subchapter. Areas of open water within coastal wetlands are considered a part of the wetland. In addition, coastal wetlands also include freshwater and/or brackish wetlands that are directly associated with non-tidal coastal ponds and freshwater or brackish wetlands that occur on a barrier beach or are separated from tidal waters by a barrier beach.

5. "Compensation" means ~~is required when~~ a required action by an applicant that wishes to reduce the width of an urban coastal greenway below the standard width for the applicable UCG zone. Any reduction in UCG width below that standard requires compensation for the lost urban coastal greenway area as described in § 5.13 of this Part.

6. "Construction setback" means a minimum distance between a shoreline feature, buffer zone, or urban coastal greenway and construction activities.

7. "Council" or "CRMC" or "RICRMC" means the Rhode Island Coastal Resources Management Council.

8. "Development" means the construction of new commercial, industrial, or residential structures, as defined in § 1.3.1(C) of this Subchapter for the purposes of the urban coastal greenway requirements. This also includes structures accommodating a mix of uses within a single development, building, or tract, as allowed by a municipality. Other activities subject to RICRMC jurisdiction may be contained within the RICRMP definition of development.

9. "Development zone" means areas that have been specifically designated for high-density development by the local municipality or the state. Many parcels within this zone are formerly filled tidelands. This zone also incorporates large parcels within the Metro Bay SAMP boundary that may have been primarily industrial in their former use(s) and are therefore constrained by the existence of utility corridors and their associated easements, and/or the need for brownfield remediation prior to development. The boundaries of this Zone are identified on the Urban Coastal Greenway Zone Map (Figure 2 in § 5.4(K) of this Part)

10. "High priority conservation areas" or "HPCA" means those areas identified by the RICRMC as parcels or areas within the metro bay region that should be preserved for their habitat value.

11. "High priority restoration areas" or "HPRA" means those areas identified by the RICRMC as parcels within the metro bay region that should be restored for their habitat value.

12. "Inland edge" means the boundary of a coastal feature, urban coastal greenway, or buffer zone that directly abuts an upland area.

13. "Inner harbor and river zone" or "IHRZ" means a zone that incorporates extensively developed areas where, on the majority of parcels, public infrastructure (i.e., roads and/or sidewalks) already exists between the coastal feature and the proposed development at the time of promulgation of the Urban Coastal Greenway Regulations. The Inner Harbor and River Zone (IHRZ) specifically encompasses the area upriver and inland from the Providence hurricane barrier and along the Woonasquatucket and Moshassuck Rivers, including the Capital Center District (CCD), to the extent of the Metro Bay SAMP boundary as depicted in the Urban Coastal Greenway Zone Map (Figure 2 in § 5.4(K) of this Part). The CCD is defined as the area bounded by I-95, Smith Street, Francis Street, Gaspee Street, Canal Street, Steeple Street, Exchange Terrace, and West Exchange Terrace, and shown on Figure 2 herein.

14. "Mitigation" means as described in § 5.10 of this Part and is required whenever an applicant chooses not to include public access within a development or redevelopment project that triggers the urban coastal greenway regulations. Mitigation is not equivalent to "compensation", and therefore it is possible that both mitigation and compensation could be required within a single project.

15. "Low impact development" or "LID" means planning and engineering techniques for stormwater management that emphasize conservation and the use of vegetative features to meet water quality goals (See § 5.5.1(F) of this Part for specific LID techniques).

16. "Managed landscape" means for the purposes of the urban coastal greenways policy a vegetated area within a buffer zone or urban coastal greenway where limited landscaping practices are allowed. These practices may include the removal of non-native invasive plants, restorative plantings of native and sustainable plant species and the pruning, trimming, and selective cutting of vegetation designed to manage habitat, maintain scenic view-sheds, and preserve shoreline access. Managed landscapes should also provide for infiltration of stormwater and the minimization of erosion. Activities not allowed in managed landscapes include:

    a. clear-cutting of vegetation (except as part of an RICRMC-approved habitat restoration or public access plan);

    b. the establishment of lawns (except in areas designated for public access and recreation);

    c. the application of fertilizers, herbicides and pesticides (except as specifically allowed by an RICRMC-approved managed landscape plan); and

    d. any other activities which the RICRMC determines are incompatible with the functions and values of buffer zones and established urban coastal greenways.

17. "Metro bay region" means the northern region of Narragansett Bay, encompassed within the boundaries of the metro bay special area management plan or SAMP. The SAMP boundary stretches north from the southern tip of Pawtuxet Neck in Cranston to Main Street in Pawtucket, then around the bay to the East Providence water pollution control facility at Crest Avenue. The boundary also includes the Woonasquatucket River tidal portion to Atwells Avenue and the Moshassuck River to Orms Street. The municipalities contained within the metro bay region are Pawtucket, East Providence, Providence, and Cranston.

18. "Multi-residential development" means any residential development designed or used to house three or more families.

19. "Native, non-invasive vegetation" means those species that grew naturally (outside of cultivation) in this region prior to European colonization (URI Cooperative Extension, 1999) and do not grow so rapidly that they become difficult to maintain. Native species are well acclimated for local climatic and soil conditions, and often require less frequent replacement and maintenance than non-native species. Native vegetation also provides habitat for wildlife species that depend upon native plant communities for all or part of their life cycle. An assemblage of native non-invasive plants is referred to as a native plant community.

20. "Non-stormwater management wetlands" means those wetlands that provide the recognized functions and values of natural wetlands systems, rather than wetlands designed specifically for a stormwater treatment function. These natural wetlands functions and values include: wildlife and food web support; wildlife habitat; water quality enhancement; recreation; aesthetics; and shoreline anchoring.

21. "Primary public access path" means a linear public access along the length of the shoreline, as part of an Urban Coastal Greenway.

22. "Providence harbor" refers to the harbor area surrounded by and incorporating waterfront areas of the municipalities of Providence, East Providence, and Cranston.

23. "Public roads" means existing, usable public throughways. This does not include streets that have been planned, but not yet constructed.

24. "Redevelopment" means any alteration or reconstruction of existing commercial, industrial, or residential structures.

25. "Residential zone" means the area south from the Johnson and Wales University Campus in Cranston to the southern tip of Pawtuxet Neck, in addition to some areas of Providence and East Providence, as shown in the Urban Coastal Greenway Zone Map (Figure 2 in § 5.4(K) of this Part), and is predominantly composed of single and two-family residences.

26. "RICRMP" means the Rhode Island Coastal Resources Management Program – Redbook (Part 1 of this Subchapter), as amended.

27. "Secondary public access path" means an arterial or perpendicular public access to a coastal feature, as part of an Urban Coastal Greenway.

28. "Shoreline" or "coastal feature" means a natural or artificially constructed physical feature of the shoreline as defined in § 1.2.2 of this Subchapter.

29. "Shoreward edge" means the boundary of a coastal feature, coastal buffer zone, urban coastal greenway zone, or development site that faces away from the upland area.

30. "Standard urban coastal greenway width" means the maximum urban coastal greenway width required for a project. The standard width varies by UCG zone.

31. "Sustainable vegetation" means non-invasive native plants, as described above, as well as other (non-native) non-invasive plants that require low inputs of pesticides, fertilizers, water, and maintenance. Refer to the Urban Coastal Greenway Design Manual for a list of appropriate plantings. An assemblage of sustainable plants is referred to as a sustainable landscape.

32. "Urban coastal greenway" or "UCG" means a land area that:

    a. is located with the Metro Bay Region and adjacent to a coastal (shoreline) feature on a development site;

    b. is, or will be, appropriately vegetated to provide native plant communities and/or sustainable landscapes which serve as a natural transition zone between the coast and adjacent upland development;

    c. provides public access adjacent to the shoreline; and

    d. is established and managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances and coastal flood hazards, while allowing for coastal economic development.

33. "Urban coastal greenway design manual" means a CRMC reference guide that provides information regarding urban coastal greenway design options and resources. See: http://www.crmc.ri.gov/samp_mb/UCG-Design-Manual.pdf.

34. "Urban coastal greenway management plan" means a CRMC-approved document that specifies the property owner's required best management practices for urban coastal greenway maintenance and management.

35. "Vegetated buffer zone" means a land area that provides a vegetated transition zone composed of native plant communities and/or sustainable landscapes between a waterway and developed land. Native plant communities are often preferred in areas identified for wildlife habitat while sustainable landscapes often support recreation and water quality treatment in areas where wildlife habitat is not a priority. Site development

strategies shall be discussed with the CRMC prior to site plan development.

36. "Water quality volume" means the quantity of water that must be captured for water quality treatment by a stormwater management system. The specific requirements for water quality volume are established in the RIDEM Rhode Island Stormwater Design and Installation Standards Manual, as amended.

5.3 Metro Bay Region Policies

A. Regional approach: The CRMC seeks to promote the revitalization of the Metro Bay region in a manner which increases public access and recreational opportunities as well as economic uses. The consideration of Providence Harbor as part of the broader Metro Bay region, a single geographic, economic and ecological unit, greatly increases the number of individuals whose interest, concern and commitment can be brought to the task of overcoming redevelopment obstacles and providing political and financial support for waterfront revitalization projects.

B. Enlisting the involvement of municipalities: The CRMC shall actively work with the municipalities to develop and implement local waterfront renewal plans.

C. Reviewing municipal waterfront plans: The CRMC shall provide early review and comment on municipal plans and proposals for waterfront development projects to assure their compatibility with its goals and policies for the Metro Bay region.

D. Enlisting the involvement of the public: The CRMC shall actively work to foster public awareness, concern and support for harbor and waterfront redevelopment and renewal at the state and local level.

E. Provisions for shoreline public access: CRMC's Urban Coastal Greenway policy applies to the Providence Harbor and broader Metro Bay region. It strongly encourages shoreline public access, integrating the need for urban shoreline access within the spatial constraints of urban lots, through both alongshore and arterial access pathways.

F. Improving the management of the Metro Bay region and Narragansett Bay for maritime commerce: The CRMC will support and assist efforts by municipal or state government, or the industry itself, to improve the quality of port planning, operation and management decisions.

G. Adoption of a water quality-based approach to pollution control: The CRMC shall utilize an approach to water quality planning and regulation which links conditions and problems in estuarine waters to sources of pollution.

H. Shoreline use: The CRMC considers the urbanized waterfront of the Metro Bay region as one of Rhode Island's valuable coastal resources. The CRMC seeks to

increase the overall contribution the Metro Bay region makes to the well-being of nearby residents and the region in terms of marine recreation, environmental quality, and economic activity. The goals for the shoreline use of the Metro Bay region are to:

1. Transform deteriorated, abandoned, and vacant waterfront property to high value public and private uses;

2. More effectively utilize open space for outdoor recreation;

3. Protect the economic viability of the port industry and marine commercial uses;

4. Improve the condition of the estuary in order to support greater recreational use, remove aesthetic impediments to waterfront redevelopment projects, and reduce the impact of Harbor pollution on Narragansett Bay; and

5. Foster and protect the existence of a diversity of uses in the Harbor in recognition of the capacity of area to serve a variety of purposes and the persistence of unfulfilled human needs in the surrounding communities for employment, outdoor recreation, housing and environmental quality.

I. Improved water quality: The CRMC seeks to assure that the quality of estuarine waters will be adequate for shoreline and in-water uses and the living resources of the Metro Bay region and upper Narragansett Bay. Continuing estuarine research is necessary to inform management decisions, improve our understanding of how pollutants behave in the estuary, and document the relative importance of human and natural sources of pollution. In addition to establishing use goals, the CRMC will cooperate with the ongoing efforts of the state pollution control agencies including but not limited to the RI Department of Environmental Management (DEM), the RI Department of Health (DOH) and the Narragansett Bay Commission (NBC), publicly owned treatment works, private dischargers, and the research community to grapple with the many-faceted challenge of improving the quality of water in the Metro Bay region and upper Narragansett Bay.

J. Shoreline public access: The CRMC recognizes that the Metro Bay region and upper Narragansett Bay comprise the largest expanse of open space in proximity to residents of the Providence metropolitan area. Opportunities exist for increasing the passive and active recreational value of the harbor's shore and waters. CRMC's Urban Coastal Greenway policy applies to the Metro Bay region. It strongly encourages shoreline public access, integrating the need for urban shoreline access within the spatial constraints of urban lots, through both alongshore and arterial access pathways.

K. Coordination and consultation: An essential ingredient in achieving a successful balance among new and old uses of the Metro Bay region is the maintenance of

a rich, multilayered process of communication and personal interaction among those involved in developing, using, enjoying, regulating, and managing the urban waterfront. In order to assure that public and private decisions and actions affecting the Metro Bay region meet coastal management goals and policies as stated in this special area plan, the CRMC will provide a variety of forums for the review and discussion of important issues and problems facing the Metro Bay region, in addition to its decision-making role on individual permit applications, through the ongoing work of a permanent subcommittee on urban ports and harbors.

L. Protection of historic resources: The CRMC will provide for the protection of historic resources within the Metro Bay region, including but not limited to the historic shipwrecks on Green Jacket Shoal off Bold Point Park in East Providence.

M. Redevelopment and improvement: The CRMC recognizes that the need for redevelopment and improvement programs in the Metro Bay region is far greater than the amount of government and private sector resources available to carry them out. However, the CRMC views the problems and opportunities in the Metro Bay region as matters of statewide importance. Successful revitalization efforts in the urban waterfront will not only benefit adjacent neighborhoods but the metropolitan area and Rhode Island as a whole. Metro Bay region policies are designed to encourage the establishment of new public and private uses which take advantage of proximity to the harbor, and to promote a carefully balanced mixture of uses. These changes will enable the public to enjoy the shore as well as attract sufficient financial investment to reverse the process of deterioration and keep the waterfront districts of each municipality economically and socially viable for the future.

N. Debris subject to removal: Every pier, wharf, bulkhead, dock, shore protection structure, and foundation shall be maintained in good working condition in service of its intended purpose. Waterfront structures which have deteriorated so that portions of the construction are broken, detached or likely to fall away, possibly entering the water or littering the shore, shall be repaired and the site cleaned. Structures which are so deteriorated that they cannot serve an economic or public function shall be removed and the site returned to a cleared condition. Solid waste of every type shall also be removed. Unauthorized fill is also subject to CRMC action.

O. Fitness of purpose: CRMC's fitness of purpose standards apply to new and existing commercial marine facilities within the Metro Bay region and other areas within CRMC's jurisdiction. Further, a fitness of purpose certification is required for structures in Type 4, 5 or 6 waters, bridges, commercial moorings, ship building or repair facilities, public ferry facilities or other commercial type structures within CRMC jurisdiction that in the opinion of the Council warrant such certification for protection of public trust resources. For further information,

see CRMC document "Guidelines for Fitness of Purpose Investigations and Certifications" and R.I. Gen. Laws § 46-23-6.

P. Uses of regional benefit: The federal Coastal Zone Management Act requires that CRMC's management program "contains a method of assuring that local land use and water use regulations within the coastal zone do not unreasonably restrict or exclude land uses and water uses of regional benefit" and that "priority consideration" be given to "coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists" (16 U.S.C. § 1451). Accordingly, the following criteria shall be used for applications in the Providence Harbor area:

1. The CRMC shall encourage the development of facilities and operations which require or make direct use of the Harbor channel for maritime commerce or recreation. CRMC will prohibit new or expanded uses that conflict with uses of regional benefit.

2. The CRMC is committed to assuring that existing terminals will be able to maintain berths at required depths through maintenance dredging. Further, it is the CRMC's policy that full economic use is made of the 40-foot navigation channel serving Providence harbor.

5.3.1 Metro Bay Region Prohibitions

A. Removing marine debris: The CRMC shall prohibit the abandonment of vessels, piers, wharves, or other such structures in the navigable waters of Rhode Island. Additionally, every shore structure shall be maintained in good condition. Deteriorated structures shall be repaired or removed, and every shorefront property owner shall remove all marine debris. Pursuant to R.I. Gen. Laws § 46-6-8, authority to remove obstructions to navigation is under the exclusive jurisdiction of the Rhode Island Department of Environmental Management.

B. Maintenance of shorefront structures and property: The abandonment of vessels, piers, wharves or other such structures in the navigable waters of the State of Rhode Island is specifically prohibited by the Coastal Resources Management Council. The dumping of any solid waste along the shore is also prohibited. Modification to the shore or manmade shoreline features are subject to the requirements established in Part 1 of this Subchapter and all structures are required to be kept in good condition. Upon verification of legal title to abandoned structures the CRMC shall order their repair or removal and site cleanup at owner expense within a time period specified in said order. In 1979, the General Assembly provided the Department of Environmental Management with specific authority to enforce these state policies by requiring the removal of abandoned vessels and marine debris (R.I. Gen. Laws §§ 46-6-8 through 16).

5.3.2 Providence Harbor Policies

A. Balanced and compatible shoreline use: The CRMC believes that greater use can be made of the land and water in Providence Harbor for both public and private benefit. In order to achieve these benefits, redevelopment must take place. The CRMC seeks to encourage good site development proposals by providing assurances that harbor-wide redevelopment will proceed in a coordinated fashion and that conflicts are resolved in favor of maintaining a balance among port, recreation, commercial, and residential uses. The juxtaposition of different human activities and natural features along the shore is one of the unique attributes of the urbanized coast which must be protected.

B. Port development: CRMC's goal is that the physical development of Providence Harbor contributes to a vigorous, healthy port industry. Port industry activity is an important and necessary economic use of the state's coastal waters and shore. The construction and maintenance of port facilities as a result of growth and development in the port industry presents the CRMC with a source of change to the shore and marine environment. Underutilized or abandoned facilities contribute to the marine debris problem and preclude other productive, marine dependent uses from access to tidal waters and dredged channels. Maintenance and development dredging of berths and channels is necessary for sustaining the economic viability of port facilities. Careful selection and utilization of a dredged material disposal option is essential to reduce the risk of causing adverse effects on the marine ecosystem. New proposals to fill tidal waters or alter the shore for port development must truly provide a flow of economic benefits to the public as compensation for unavoidable environmental damage and lost waterfront use opportunities. These are all issues that require the CRMC to balance protection of coastal land and water resources with compatible economic development, which is part of CRMC's responsibility as laid out in the federal Coastal Zone Management Act (CZMA) (16 U.S.C. § 1452 *et seq.*).

C. Urban ports and harbors subcommittee: The CRMC has established a permanent subcommittee on urban ports and harbors to implement the policies and regulations in this section. The subcommittee on urban ports and harbors will review and submit recommendations to the full Council on contested Category B applications originating in the area covered by this SAMP.

(Note: ~~struck through text~~ moved to CRMC Metro Bay SAMP guidance document)

~~100. Executive Summary~~

~~This document, the Urban Coastal Greenway (UCG) Regulations for the Metro Bay Region, describes a new regulatory approach toward coastal vegetative buffers for the urbanized environment of northern Narragansett Bay. Urban Coastal Greenways offer a mechanism to redevelop the urban waterfront of the Metro Bay Region in a manner that integrates economic development, expanded public access along and to the shoreline,~~

~~and provides for the management, protection, and restoration of valuable coastal habitats.~~

~~With the development of these new regulations, applicants have a choice between following the coastal buffer and setback regulations as set forth in the Rhode Island Coastal Resources Management Program (RICRMP) or using the UCG option. The UCG policy is intended to provide a permitting option that clarifies and streamlines the regulatory process for urban coastal development, and to create greater flexibility in meeting the Coastal Resources Management Council requirements. The new policy therefore establishes specific standards regarding overall vegetation of the site, management of stormwater runoff using Low Impact Development (LID) techniques, and public access, as described in UCG Section 150. The increased regulatory flexibility is reflected in the establishment of four Urban Coastal Greenway Zones within the planning boundary of the Metro Bay Special Area Management Plan (SAMP): Residential Zone, Area of Particular Concern Zone, Inner Harbor and River Zone, and Development Zone. The boundaries of these zones have been determined by the existing conditions of coastal habitat, public access infrastructure, single and two-family residential areas, and current municipal plans for development and/or redevelopment. The requirements for each Zone are described in UCG Sections 160 through 190, and are outlined in the flow chart below. Applicants are encouraged to use the Metro Bay Internet Map Service (IMS) available online at: http://maps.provplan.org/sampmapper/ for more detailed maps and other pertinent Metro Bay map and data information.~~

~~Only projects that are located within the CRMC coastal jurisdiction are subject to the UCG Regulations, as described in UCG Section 130. Freshwater wetlands within CRMC's jurisdiction in the Metro Bay Region will be subject to the Council's Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast. The CRMC will provide a fifteen (15) day public notice period for all Urban Coastal Greenway projects. If there are no substantive objections (See RICRMP Section 110.3) following the public notice, an Administrative Assent will be issued for projects that meet the Urban Coastal Greenway requirements with the exception of buffer variance requests for projects located with Areas of Particular Concern (Category B review).~~

~~Another novel component of the Urban Coastal Greenway policy is the inclusion of an option to reduce the UCG width through compensation. The compensation options generally allow an applicant to reduce the UCG from the standard width to a compact width in return for site or coastal resource enhancements such as improved public access or habitat conservation and preservation. These options are described in Section 230 of this document.~~

~~Flexibility is crucial to the management and protection of coastal resources in urban environments. It is desirable to encourage responsible redevelopment of the Metro Bay Region shoreline in order to promote reuse of heretofore abandoned or underutilized brownfield sites, and also to discourage over-development of Rhode Island's dwindling rural and suburban green spaces. Similarly, it is important to protect existing natural coastal habitat that offers unique environmental and social benefits to the Metro Bay~~

~~Region. The UCG Regulations provide a regulatory framework for accomplishing all of these objectives simultaneously.~~

~~110. Title~~

~~110.1. This policy shall be known as "The Urban Coastal Greenway Regulations for the Metro Bay Region" and may be referred to generally as the "Urban Coastal Greenway" or "UCG" Regulations.~~

~~120. Intent and Purpose~~

~~120.1 The Rhode Island Coastal Resources Management Council's (CRMC, RICRMC, or the Council) rules governing coastal vegetative buffers have been used since 1983 to ensure the protection of Rhode Island coastal waters (See RI Coastal Resources Management Program Section 150). The application of the coastal buffer rules, however, has met with some difficulty in the more urban areas of Rhode Island. These original buffer regulations were not designed to accommodate the large-scale coastal redevelopment that is currently being proposed for the Metro Bay Region (Cranston, East Providence, Pawtucket, and Providence). The RICRMP Section 150 buffer rules also were not designed for the specific challenges of urban environments. For example, the current coastal buffer regulations require that buffer zones be undisturbed, and allowed to grow naturally in order to gain the maximum wildlife habitat and water quality benefits possible. While it is still desirable to achieve the maximum habitat and water quality benefits possible within urban areas, the design of vegetative buffers must also acknowledge and support increased public access to the shoreline. In addition, urban buffers require thoughtful design and maintenance if they are to achieve water quality goals in areas dominated by impervious cover.~~

~~The RICRMC therefore endeavored to create a revised coastal vegetative buffer policy for the Metro Bay Region that could accommodate three primary goals: increased public access to the coast, improved water quality via on-site vegetative stormwater treatment, and the preservation and restoration of habitat corridors and the general aesthetic value of Rhode Island's urban shoreline. Although the federal mandate governing the RICRMC's activities also calls for the consideration of additional coastal values and functions, as discussed below, the Council recognizes that the use, size, and financial constraints of urban parcels require a more focused and flexible approach toward coastal management. This has been accomplished through the creation of four application zones in the Metro Bay Region. The balance between each of the RICRMC's responsibilities is achieved through the use of these zones and is integral to the policy success.~~

~~The policy that follows, the "Urban Coastal Greenway Regulations for the Metro Bay Region", is the result of RICRMC's efforts to involve multiple interests in the development of this new urban approach toward coastal vegetative buffers. The Council envisions a continuous Urban Coastal Greenway corridor along upper Narragansett Bay that will ensure the protection of coastal resources, as well as enhancement of the unique views available to this state's citizens and visitors as they travel along the urban~~

~~coast of the Metro Bay Region. The Urban Coastal Greenways program will also secure the ability of urban residents and visitors alike to access the shoreline that is tied to the rich history, culture and natural beauty of Rhode Island. The RICRMC has provided a series of options within this document to create a flexible approach toward meeting the Urban Coastal Greenway requirements.~~

~~120.2 Since the Providence Harbor Special Area Management Plan (SAMP) was adopted in 1983, the use of Rhode Island's urban shoreline has shifted from industrial and port-related to mixed commercial and residential. Public and professional opinions have also shifted toward greater support for urban greenspace. New development in the municipalities of the Metro Bay Region (Pawtucket, Providence, East Providence, and Cranston, see Figure 1) in conjunction with the development of many statewide programs with similar goals, provides a rare opportunity to create a continuous greenway along the coastline of upper Narragansett Bay that will facilitate mixed use of the waterfront while protecting water quality, public access, and important coastal habitats.~~

(Note: section 120.3 below moved to § 5.1 of this Part)

~~120.3 It is the responsibility of the Rhode Island Coastal Resources Management Council (RICRMC) to preserve, protect, develop, and where possible, restore the coastal natural resources of Rhode Island. The Federal Coastal Zone Management Act also charges the RICRMC with:~~

~~(a) assisting in the redevelopment of deteriorating urban waterfronts, and considering the need for economic development that is compatible with the ecological, cultural, historic, and aesthetic values of the coastal zone;~~

~~(b) ensuring the availability of public access points for coastal recreation;~~

~~(c) considering the need for siting of facilities for national defense, energy, fisheries development, ports and transportation, as well as appropriate siting of new commercial and industrial developments;~~

~~(d) timely review of projects through the streamlining of management activities; and~~

~~(e) providing opportunities for public involvement in the decisions regarding coastal management.~~

~~120.4 The CRMC encourages the incorporation of public access on new developments in Section 335 of the RICRMP.~~

5.4 ~~Metro Bay Region~~ Urban Coastal Greenway Policies (formerly § 130)

A. The Council herein establishes an Urban Coastal Greenway (or "UCG") policy specifically for projects to be located exclusively within the Metro Bay SAMP

boundary, and within the RICRMC jurisdiction of 200 feet inland from the coastal feature.

B. The establishment of an Urban Coastal Greenway is based upon the RICRMC's legislative mandate to preserve, protect, develop, and where possible, restore Rhode Island's coastal resources.

C. The Urban Coastal Greenway policy allows flexibility for urban sites that is different from the requirements of the RICRMP by four main tenets:

1. The Urban Coastal Greenway policy allows the implementation of a sustainable landscape using plantings that are designed and managed for an urban environment.

2. The UCG policy strongly encourages a public access component that integrates the need for urban shoreline access with the spatial constraints of urban lots.

3. The UCG policy allows for compact greenways provided the applicant meets the compensation requirements in § 5.13 of this Part. Compensation options will be available at such time as the Rhode Island General Assembly establishes a compensation statute; reductions in regulatory requirements provided by the compensation provision are not available until the trust is set up.

4. The UCG policy encourages low impact development (LID) stormwater management techniques that improve water quality and enhance the developer's ability to maximally utilize an urban lot.

D. It is the intent of this policy to establish a program that protects these ecological, economic, recreational, historic, cultural, and aesthetic values to the greatest extent practicable. The "Urban Coastal Greenway" program consists of a management area designed to accommodate development on the urban coastlines of the Metro Bay Region (see Figure 2 of § 5.4(K) of this Part), while still meeting the mandates of the Coastal Zone Management Act. The purposes of the Urban Coastal Greenway Policy are:

1. to preserve, protect, restore, and enhance the overall quality of Narragansett Bay's urban coastal waters;

2. to capture nutrients, sediment and other waterborne pollutants from surface runoff;

3. to minimize flood impacts and shoreline erosion;

4. to protect, preserve, enhance, and restore coastal fish and wildlife habitat;

5. to preserve and enhance the experiences available along the urban coast;

6. to achieve responsible shoreline development that will allow a mixture of land uses (residential, recreational, commercial, and industrial) that orient to northern Narragansett Bay, including the Seekonk and Providence Rivers;

7. to preserve, enhance, or create an aesthetically pleasing view from the water, as well as from opposing shorelines;

8. to maintain the accessibility and natural habitat of the Metro Bay regional shoreline, as well as access to established pedestrian and bicycle trails; and

9. to provide safe public access to and along the shoreline.

E. While each of the purposes mentioned above will be considered in the establishment of Urban Coastal Greenways, the preeminent goals of this UCG policy are to prevent further degradation of coastal waters by treating stormwater (through vegetative means where possible), to protect and/or restore coastal habitats, and to ensure public access to the urban shoreline while preserving an aesthetically appealing view from both the water and the shore. In addition, the UCG policy offers a mechanism to encourage thoughtful economic development of the Metro Bay Region shoreline in a way that contributes to the CRMC's goals of enhancing the natural, recreational, and industrial history of the region.

F. The goals of the Urban Coastal Greenway Policy will be met through the application of the regulations herein. Please refer to § 5.5.1 of this Part for the available coastal buffer options. §§ 5.6 through 5.9 of this Part define the requirements of the Urban Coastal Greenway policy for each particular zone. § 5.12 of this Part describes the policies and standards for Urban Coastal Greenways on RIDEM-designated brownfield sites, while § 5.13 of this Part describes the compensation options available in exchange for a reduction in UCG width. Compensation options will be available at such time as the Rhode Island General Assembly establishes a compensation statute; reductions in regulatory requirements provided by the compensation provision are not available until the trust is set up. These regulations, when applicable and as determined by RICRMC, will supersede applicable sections of Table 2 of § 1.4 of this Subchapter and §§ 1.1.5, 1.1.8, 1.1.10, 1.3.1(B), 1.3.1(G), 1.3.3, and 1.3.4 of this Subchapter. All other RICRMP requirements shall remain in full force and effect.

G. High priority conservation and restoration areas (formerly § 130.2)

1. High Priority Conservation Areas (HPCAs) and High Priority Restoration Areas (HPRAs) have been designated within the Metro Bay SAMP boundary as described in § 5.20 of this Part, and graphically depicted in § 5.21 of this Part. HPCAs are those sites with habitat quality rankings of C4 (highest quality habitat) to C1. Likewise, HPRAs are sites suitable for

restoration, with habitat quality rankings of R3 (highest priority restoration) to R1. High priority habitat areas shall be preserved and enhanced to the greatest extent possible, and shall also be afforded a higher level of protection. Fragmentation of the Urban Coastal Greenway corridor (specifically the alongshore component) shall be avoided wherever possible and the development of contiguous habitats will be required wherever possible.

H. Coastal and freshwater wetlands (formerly § 130.3)

1. All coastal wetlands, including salt marshes that are located within the Metro Bay Region, will be subject to the policies and standards in § 1.2.2(D) of this Subchapter. In those cases where impacts to coastal wetlands are unavoidable and approved by the Council, coastal wetland mitigation shall be conducted in accordance with § 1.3.1(L) of this Subchapter. Projects involving impacts or potential impacts to freshwater wetlands within the Metro Bay Region shall be subject to the Council's "Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast". The Council's policy is to avoid, minimize, and mitigate for any potential adverse impact to coastal or freshwater wetlands.

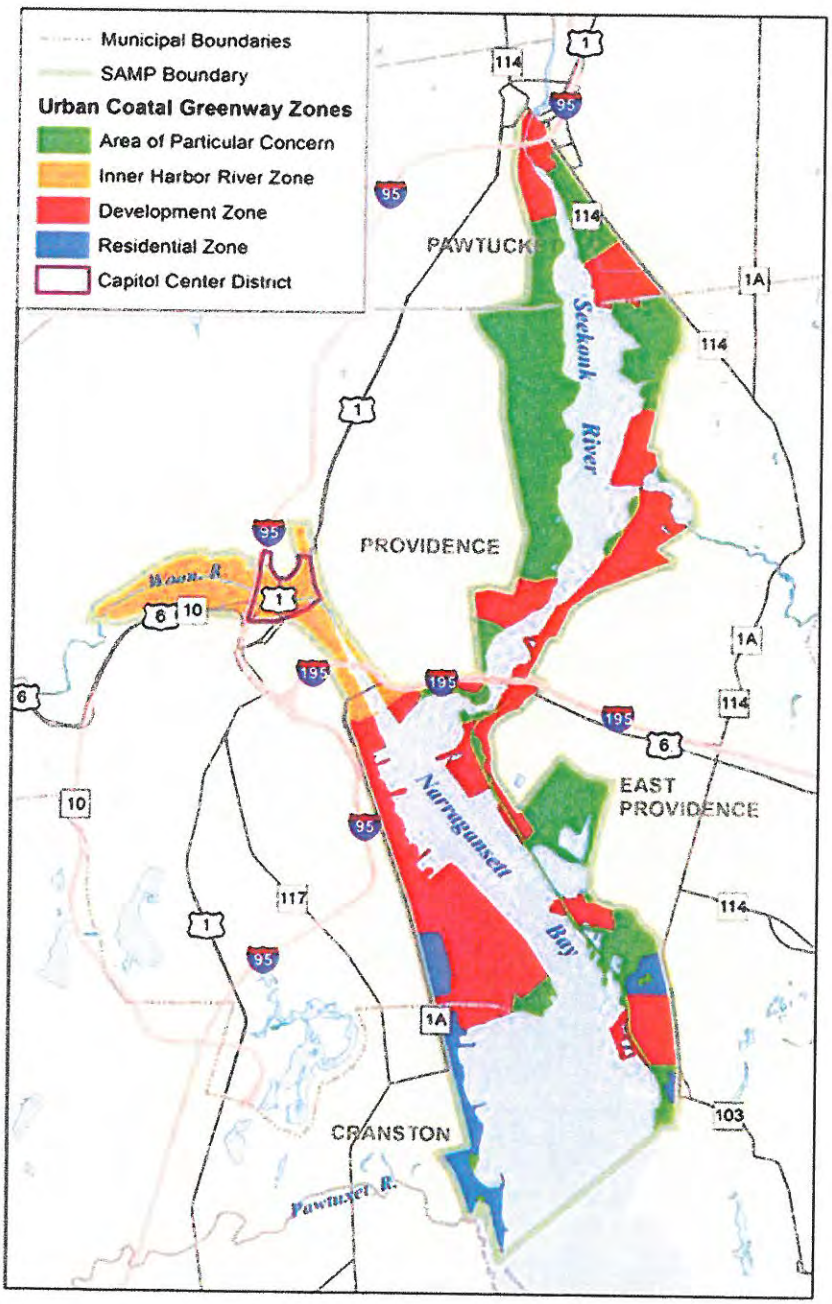
I. Building shading (formerly § 130.4)

1. The design of new structures and buildings should minimize shading of the shoreline and the Urban Coastal Greenway, such that the shoreline and UCG are not overwhelmed by tall and dense structures built to the setback line that rise vertically without relief from that line. Accordingly, structures should be designed to minimize the shadow cast upon the UCG and the adjacent shoreline. The RICRMC may negotiate and enter into agreements with the Metro Bay Region municipalities to allow for increased density on a development in exchange for appropriate building massing on the site.

J. Visual elements (formerly § 130.5)

1. The scenic and visual qualities of the Metro Bay Region coastal area shall be considered and protected as a resource of public priority. Development should be sited and designed to protect views to and along coastal areas, minimize the alteration of natural land forms, be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas in accordance with § 1.3.5 of this Subchapter. Detailed landscape plans and artist renderings are helpful to aid the CRMC in project review.

K. Figure 2: Urban Coastal Greenway zone map. Online version: http://edc.maps.arcgis.com/apps/MapSeries/index.html?appid=16a00ec4a7ab45fd992e7327a2047dfd&folderid=51a9e35a774c426ca844938a6492e2fe.



5.5 Urban Coastal Greenway Regulations

A. Application of the Urban Coastal Greenway regulations (formerly § 120.8)

1. The regulations herein shall apply to those projects or activities located solely within the boundaries of the Metro Bay Special Area Management Plan (Figure 1 in § 5.1 of this Part) and within the Council's coastal jurisdictional area.

2. Notwithstanding § 5.5(A)(1) of this Part, a Council Assent is required for any alteration or activity that is proposed for: tidal waters; shoreline features; and areas contiguous to shoreline features. Contiguous areas include all lands and waters directly adjoining shoreline features that extend inland two hundred (200) feet from the inland border of that shoreline feature. A Council Assent is required for any alteration or activity any portion of which extends onto the most inland shoreline feature or its 200 foot contiguous area. Other activities may also require a Council Assent as specified in § 1.1.4 of this Subchapter (RICRMP-Red Book).

3. Specific activities that trigger the Urban Coastal Greenway regulations are explained in § 5.5(C) of this Part.

B. The urban coastal greenway begins at the inland edge of the coastal feature.

1. At minimum, all applicants shall adhere to the Council's requirements for setbacks and buffers as specified in §§ 1.1.9 and 1.1.11 of this Subchapter and must meet the 15% minimum vegetative cover and stormwater management requirements specified in § 5.5.1(A) of this Part. An applicant, however, may select to use the urban coastal greenway options, as specified herein.

C. Activities that trigger urban coastal greenway requirements (formerly § 140)

1. Applicability

a. The following activities shall be subject to the Urban Coastal Greenway (UCG) requirements when an applicant chooses a UCG option, rather than the setback and buffer requirements in §§ 1.1.9 and 1.1.11 of this Subchapter, and shall be applied when any portion of a project extends onto a shoreline feature or its 200 foot contiguous area within the Metro Bay Region.

(1) Development – the construction of any new commercial, industrial, or residential structures as defined in § 1.3.1(C) of this Subchapter. This also includes structures accommodating a mix of uses within a single development, building, or tract, as allowed by a municipality.

(2) Redevelopment – the alteration or reconstruction of any existing commercial, industrial, or multi-residential structures that results in:

(AA) an increase of building or accessory structure footprints by twenty (20) per cent or more over existing conditions as of the adoption date of the UCG regulations. In computing the 20% or more expansion, all structures within 200 feet of the coastal feature shall be considered, as well as all structures subject to CRMC jurisdiction on the project site; or

(BB) an increase of ten thousand (10,000) square feet of gross floor area of any building or group of buildings on a project site; or

(CC) the addition of 20,000 square feet or greater of new impervious surface area (i.e., buildings or parking areas) on the project parcel (Note: Excludes resurfacing of existing paved areas.). State and local road projects are exempt from this standard, but must meet stormwater requirements in § 1.3.1(F) of this Subchapter.

2. Standards

a. Where a property owner owns adjoining lots, these lots shall be evaluated for the purposes of applying the Urban Coastal Greenway requirements to the project parcel, and ensuring that the appropriate UCG is established and fragmentation is avoided.

b. The entire extent of a development project must be submitted to the RICRMC, as part of any Preliminary Determination application and must be included for reference with any subsequent submittals for phased projects, regardless of parcel ownership. The applicant must include any plans for phased development on the tract(s) of land so that the RICRMC can review proposals for jurisdiction and/or project impacts.

c. In any case where an applicant is submitting phased portions of a development project for consideration, the applicant shall not create any circumstance that would preclude the installation of the Greenway on any phase of the project site. Accordingly, the applicant shall be cognizant that the Greenway requirements may still apply for any future development on the site, and subsequent phases of development must accommodate the UCG.

3. Other Projects

a. Projects that are subject to CRMC coastal jurisdiction within the Metro Bay Region, but do not meet the UCG thresholds specified in § 5.5(C)(1) of this Part, may voluntarily apply the UCG requirements with CRMC approval in lieu of the setback and buffer standards in §§ 1.1.9 and 1.1.11 of this Subchapter.

4. Exemptions.

a. The Urban Coastal Greenway requirements shall not be applied to the following activities:

(1) pre-existing structure(s), unless the structure(s) are razed for new development or meet the redevelopment threshold as defined above in § 5.5(C)(1)(a)((2)) of this Part;

(2) activities that qualify as maintenance pursuant to § 1.3.1(N) of this Subchapter;

(3) new development of individual structures with less than 200 square feet in building footprint area;

(4) commercial or industrial port activities including, but not limited to: bulk material transport; energy facilities; ship building, repair, maintenance; or any activity subject to US Coast Guard Maritime Security (MARSEC) jurisdiction (See: 33 C.F.R. Parts 104, 105, and 106); or

(5) projects on municipal or state-owned land may be considered compliant with relevant UCG requirements when the sole purpose of the project is to provide public access or other public amenities (e.g., ball fields, parks, playgrounds, public boat ramps or boating facilities, etc.).

D. The urban coastal greenway setback and buffer requirements may be waived on a site-specific basis for Council-approved water-dependent uses (e.g., docks, marinas, etc.), as described in the RICRMP Red Book (See Part 1 of this Subchapter).

5.5.1 Urban Coastal Greenway Development Standards for the Metro Bay Region (formerly § 150)

A. Standards applicable to entire development (formerly § 150.1)

1. Applicants within the Metro Bay SAMP area have a choice of meeting the setback and buffer requirements of §§ 1.1.9 and 1.1.11 of this Subchapter or providing an urban coastal greenway in accordance with the applicable zone designations of §§ 5.6 through 5.9 of this Part. Even if applicants choose to meet the RICRMP setback and buffer requirements for their

project in lieu of an UCG option, they must still meet the vegetative cover and stormwater management requirements as specified in §§ 5.5.1(A)(3) of this Part, below.

2. In those cases where an Urban Coastal Greenway is part of a project, the applicant shall grant an easement for the UCG area to the RICRMC. The easement shall be recorded in the land evidence records of the appropriate municipality, and also with the Homeowner or Condominium Association, or other ownership documents, where applicable.

3. Applicants following the Urban Coastal Greenway policy shall adhere to the following standards on the entirety of the development parcel, as well as those as found in §§ 5.5.1(B) through 5.15 of this Part. All proposals will be subject to a fifteen (15) day public notice period. Following the 15-day public notice period, any proposal that fully satisfies these UCG requirements, and has not received a substantive objection in accordance with § 1.1.6(G) of this Subchapter, will be processed as a Category A (administrative) assent. Variance requests under § 5.7 of this Part (Areas of Particular Concern), however, will not be processed as Category A applications.

   a. Minimum 15% vegetation requirement: Applicants must include sustainably landscaped areas in their proposals to achieve vegetative coverage of at least 15% of the surface area over the entire development parcel. This vegetation requirement may be met by the UCG or through a combination of the UCG and additional plantings elsewhere on the property, including green roofs. All planting plans shall be prepared by a licensed landscape architect (See: R.I. Gen. Laws § 5-51-16). The landscape plan shall use an appropriate mix of groundcovers, grasses, forbs, shrubs, and trees to achieve the goals of these regulations. The vegetated area may include landscaping elements of surface stormwater treatments, green roofs and bioretention areas, or other Low Impact Development (LID) vegetation alternatives. Within the UCG, the plantings should include an appropriate mix of trees, shrubs, and ground covers, with minimal use of high maintenance lawn sods and grasses.

   b. Stormwater management: All new development and redevelopment proposals shall meet the stormwater requirements in § 1.3.1(F) of this Subchapter and as specified in the most recent edition of the Rhode Island Stormwater Design and Installation Standards Manual to control peak flow rates and volumes, maximize infiltration of runoff, and improve water quality. Applicants shall incorporate LID techniques such as filter strips, vegetated swales, vegetated detention ponds, bioretention areas, stormwater infiltration planters, green roofs, etc. to the maximum extent practicable. Permeable

paving materials, vegetated buffers, and infiltration techniques should be used where ever feasible and desirable to support infiltration and groundwater recharge. If site conditions and/or other regulatory constraints do not allow these practices, appropriate non-vegetative stormwater treatment technologies (i.e., proprietary devices) may be permitted on a case-by-case basis. Applicants shall coordinate their stormwater management strategy with the RICRMC, RIDEM, and the municipality of jurisdiction. CRMC and DEM will coordinate for compliance with any required DEM Water Quality Certification or RIPDES permits. Furthermore, proprietary stormwater management technologies shall be maintained and monitored in accordance with § 5.21 of this Part.

c. Public access: It is the RICRMC's preference that applicants provide alongshore and arterial public access pathways within the development site, as described in § 5.5.1(E) of this Part. Public access may not be required for development activities subject to United States Coast Guard Maritime Security (MARSEC) jurisdiction. Public access shall always be required:

(1) where the proposed project impacts upon public trust resources;

(2) on sites that have existing public access areas; and

(3) on CRMC-designated rights of way (ROW) or previous easements granted under § 1.3.6 of this Subchapter.

d. Construction Setback: A construction setback of 25 feet is required for all new and existing residential, commercial, mixed-use, and other structures to provide for fire, safety, and maintenance purposes. The setback is measured from the inland edge of the UCG or buffer.

(1) At no time shall there be any private structures or encroachment into or above the UCG. Examples of such include, but are not limited to, decks, patios, balconies, restaurant or café tables and chairs, or private accessory structures. Such structures or uses shall be located within the setback area or other portion of the project site. These limitations must be clearly stated within the deed restrictions and applicable ownership documents for the project.

(2) The setback may be reduced when the applicant can clearly demonstrate that the project and its subsequent use and maintenance will not result in the privatization of, or preclude public use of, the UCG.

(3) The CRMC Executive Director may require additional setback when site conditions warrant, especially for areas susceptible to high erosion potential, to protect coastal resources or public safety.

e. Project Illumination: All exterior light fixtures shall use shielding and glare control devices to shield surrounding areas from excessive light trespass and glare.

B. Urban coastal greenway zones (formerly § 150.2)

1. Each UCG zone is described in its applicable section below and shown on Figure 2 in § 5.4 of this Part. Other applicable information and detailed zone maps are available for the Metro Bay Region online at: http://www.crmc.ri.gov/samp_mb.html.

2. UCG standards are applicable to all activities that meet the regulatory thresholds specified in § 5.5(C) of this Part.

3. The UCG zone in which the development is located, as described below and summarized in Figure 2 in § 5.4(K) of this Part, determines the specific Urban Coastal Greenway requirement.

4. Each UCG zone allows at least two options for implementation of a vegetated area on a proposed development. In each Zone (with the exception of the Inner Harbor and River Zone), the first option requires the creation of a naturally vegetated buffer that is to be left undisturbed in accordance with § 1.1.11 of this Subchapter. Additional options within each zone allow for a more compact vegetated area (an "Urban Coastal Greenway"), in exchange for various public amenities.

5. Reductions in the standard UCG widths shall only be permissible if the applicant provides compensation, as described in § 5.13 of this Part. Compensation options will be available at such time as the Rhode Island General Assembly establishes a compensation statute; reductions in regulatory requirements provided by the compensation provision are not available until the trust is set up.

C. General standards for urban coastal greenways (formerly § 150.3)

1. The Urban Coastal Greenway shall begin at the inland edge of the coastal feature. The coastal feature, the applicable UCG area, and construction setback must be clearly delineated on any site plans submitted for review to the RICRMC.

2. Applicants may utilize an averaging method, where compensatory UCG width is provided for a necessary reduction in UCG width in other areas of the site, provided the total square footage of the UCG area remains the

same. This averaging provision shall only be used with CRMC approval and in cases involving existing historic buildings or where DEM-required site remediation necessitates a specific location for a new structure(s).

3. The boundaries of the Urban Coastal Greenway easements shall be marked on all plans used for planning, permitting, and during construction. Additionally, the public access path and other public amenities (e.g., overlook, canoe or kayak launch, etc.) must be clearly delineated on site plans submitted for review to the RICRMC.

4. The UCG shall have appropriate signage approved by the RICRMC and the municipality, and its inland limits on all sites shall be marked on-site by permanent markers.

5. In the interest of public safety, project designs should facilitate the unobstructed observation of public spaces. These designs should:

   a. Provide pedestrians with a sense of direction while giving them some visible indication as to where access is encouraged or restricted.

   b. Provide a minimum number of access routes while allowing users some flexibility in movement.

   c. Use shrubbery and low-level plantings (those which attain heights no greater than 3 feet) within 10 feet of footpaths, with the exception of appropriately spaced trees. Plants in managed landscapes should be graded such that taller plants are next to walls or other structures.

   d. Avoid creating unused or unusable spaces or isolated pockets, except in areas designated for wildlife habitat.

   e. Ensure that access opportunities enhance and complement shoreline observation opportunities.

   f. Provide for emergency access to public spaces and areas.

   g. Provide access for maintenance of stormwater treatment measures.

6. In order to ensure ease of access for emergency services, all projects shall be consistent with applicable municipal requirements. When hardened fire lanes are required, applicants are encouraged to use permeable paving materials (open grid pavers, etc.) that can be driven upon but also allow stormwater infiltration.

7. Encroachments into the Urban Coastal Greenway shall only be allowed by the RICRMC for:

   a. Public access;

   b. Physical access to the coastal feature for public recreation;

   c. Emergency vehicle access;

   d. Public utility corridors;

   e. Structural shoreline protection; and

   f. UCG or utility maintenance corridors.

8. All Urban Coastal Greenways shall be dedicated for public use by way of a Conservation Easement granted to the CRMC that runs with the land and shall be recorded as such in the land evidence records of the applicable municipality.

D. Vegetation standards for all urban coastal greenways (formerly § 150.4)

1. The entirety of the Urban Coastal Greenway shall be vegetated with the exception of approved public access pathways (as described in § 5.5.1(E) of this Part). The UCG shall be wholly vegetated and maintained with native plant communities and/or sustainable landscapes using a mixture of groundcover, shrubs, and trees. Stormwater from any public access path shall be directed into vegetated areas designed for stormwater treatment.

2. Site and UCG landscaping elements for projects listed on the National Register of Historic Places or eligible for inclusion, as determined by the RI Historic Preservation and Heritage Commission (RIHPHC), may be reduced or modified at the discretion of the CRMC Executive Director to bring the project more in compliance with RIHPHC requirements. The resulting landscape elements shall balance between the CRMC UCG policies and maintaining the historical context of the project, as determined by RIHPHC and the CRMC Executive Director.

3. The vegetation within an Urban Coastal Greenway shall be properly managed in accordance with the standards contained in § 5.14 of this Part. In cases where native or sustainable vegetation does not exist within a UCG, or non-sustainable invasive vegetation currently occurs on the site, the Council may require restoration efforts that include, but are not limited to, replanting the UCG with non-invasive native or sustainable plant species. These species shall be chosen from the most current edition of Sustainable Trees and Shrubs, from the University of Rhode Island Cooperative Extension office or ~~another appropriate list approved by the RICRMC~~the CRMC Rhode Island Coastal Plant Guide at:

http://cels.uri.edu/testsite/coastalPlants/CoastalPlantGuide.htm. All plant species utilized shall be primarily low maintenance species with maximum habitat value. Salt-tolerant species shall also be included where site conditions warrant. The criteria for selection of appropriate non-invasive native or sustainable species are:

a. ability to perform the desired function(s);

b. anticipated survival and hardiness given site conditions, with minimal (if any) application of pesticides and fertilizer;

c. high wildlife value; and

d. aesthetic value.

4. Urban Coastal Greenways shall be designed as native plant communities and/or sustainable landscapes using noninvasive native and/or sustainable species of vegetation in order to promote the Council's goal of preserving, protecting, and restoring ecological systems. The Council may permit alterations to Urban Coastal Greenways that facilitate the continued enjoyment of Rhode Island's urban coastal resources. All alterations to a UCG or alterations to the natural vegetation (i.e., areas not presently maintained in a landscaped condition) within the Council's jurisdiction shall be conducted in accordance with the standards contained in this section, as well as all other applicable policies and standards of the Council. In order to ensure compliance with these requirements, the Council will require applicants to submit an Urban Coastal Greenway Management Plan. In cases where the preservation, protection or enhancement of wildlife habitat is the primary management goal (such as the Area of Particular Concern Zone and/or specific sites with high quality habitats), as determined by the RICRMC, native plant communities shall be preferred over sustainable landscapes.

5. Existing non-invasive vegetation, especially trees, shall be preserved in the Urban Coastal Greenway to the maximum extent practicable. Removal of these species will be allowed only after the Council has reviewed and approved a UCG Management Plan prepared by a RI-licensed landscape architect and in accordance with standards and specifications found in the Urban Coastal Greenway Design Manual.

E. Public access standards for all urban coastal greenways (formerly § 150.5)

1. Wherever public access is provided, the following public access standards shall be met:

a. The public access component shall be located within the UCG identified for the project. In certain cases, the RICRMC may allow the public access component to be located within the construction

setback or other portion of the site as conditions may require. Applicants, however, must ensure that the UCG primary public access path on their development site connects with any existing UCG public access path on adjacent parcels.

b. The applicant's engineer must certify that public access paths and associated elements shall be compliant, where applicable, with the most recent version of the Americans with Disabilities Act (ADA) Standards for Accessible Design (See: https://www.ada.gov/2010ADAstandards_index.htm) are incorporated by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations).

c. The Council prefers that all new multi-residential, commercial, and mixed-use developments provide primary (alongshore) public access within the Urban Coastal Greenway. These primary public access pathways shall be a minimum of eight (8) feet in width to accommodate pedestrians, but may be wider if designed to accommodate both pedestrian and bicycle access. Projects must design the UCG pathway to provide an extension of adjacent existing pedestrian or bicycle pathways, if consistent with a municipal or state pedestrian or bike path access plan.

d. All public access pathways should be constructed of a pervious surface. In those cases where pathways are constructed of impervious materials for bicycle access or to be consistent with existing adjacent impervious surface paths (e.g., Waterplace Park), the project must include stormwater treatments to minimize stormwater runoff, as described in the Urban Coastal Greenway Design Manual. Public access paths shall be designed to have a relatively flat profile and cross section to prevent stormwater runoff from eroding the path surface or adjacent soils. When paths are located directly adjacent to the coastal feature, they should be angled slightly to cause stormwater runoff to flow inland for treatment (e.g., bioretention area), rather than toward the coastal feature.

e. Each parcel with a UCG shall include at least one secondary (arterial or perpendicular) access path leading to the linear UCG public access path, unless adjoining parcels share a secondary public access path as described in § 5.5.1(E)(1)(g) of this Part.

(1) The access path must emanate from a public place. The secondary access path should be a minimum of eight (8) feet in width to accommodate pedestrian traffic, but may be up to twenty (20) feet in width when emergency vehicle

access is necessary. In the latter case, the pathways must be capable of supporting emergency and maintenance vehicles.

(2) The secondary access path shall connect sidewalk traffic with the alongshore UCG path, and may be a meandering path, as long as erosion is minimized. All public access pathways shall be recorded within the land evidence records and shall run with the land. The limited liability provision stated in § 1.3.6 of this Subchapter shall apply to these public access pathways.

f. Each Urban Coastal Greenway must include adequate provisions for emergency vehicle access paths from the nearest street to the shoreline. These vehicular paths shall be constructed of a permeable surface capable of supporting emergency vehicles.

g. Each project must provide at least one secondary public pedestrian or vehicular access pathway per 500 linear feet of shoreline. Adjoining parcels may share secondary pedestrian or vehicular access paths on their shared boundary, where applicable. The RICRMC may waive the 500-foot secondary pathway standard if the applicant provides ten (10) percent more public parking spaces than required in § 5.5.1(E)(1)(h) of this Part below, and can demonstrate that there is adequate available secondary public access.

h. In order to facilitate public access to the shoreline, each development with a UCG shall include a minimum of two (2) public parking spaces adjacent to an access point or incorporated within a project, and an additional space per 100 linear feet of shoreline (where "linear" refers to the shortest distance between lot boundaries) within the parcel. The placement of the public parking spaces shall be decided in consultation with the RICRMC and the municipality of jurisdiction. In cases where the project is directly adjacent to public parking, (defined as on-street parking and off-street parking available to the general public), such spaces may be included for purposes of satisfying the public parking requirements of this section

i. Acknowledgement of existing public access. The CRMC may allow reduced public access requirements within lots containing preexisting public access, provided there is no net loss of access and the following standards are met:

(1) Where existing public access pathways and public roads occur between the coastal feature and the development

parcel(s), the primary (alongshore) public access and construction setback requirements may be waived.

(2) Where public roads are immediately adjacent to the sides of the development perpendicular to the coastal feature, these public roads may count toward the urban coastal greenway secondary public access requirements. The road(s) must be usable for pedestrian and/or emergency vehicle access, as appropriate.

j. In order to facilitate public access to the shoreline and promote passive recreational uses of the waterways, and where appropriate based on site conditions, each project with a UCG must provide a minimum of one public access point that leads directly to the water in the form of a stabilized path or steps, canoe/kayak ramp, overlook, or other access method. Where appropriate, given the discretion of the CRMC Executive Director, this requirement may be satisfied if the UCG public access path directly abuts the shoreline feature. Applicants should consult with CRMC staff concerning the type and design of direct shoreline access methods.

F. Stormwater standards for all urban coastal greenways (formerly § 150.6)

1. The RICRMC requires the use of low impact development (LID) techniques, as described in the Urban Coastal Greenway Design Manual and the most recent version of the RIDEM RI Stormwater Design and Installation Standards Manual that distribute infiltration methods throughout the development site to the maximum extent practicable. These LID techniques may include, but are not limited to:

a. Minimization measures including decreased clearing and grading or reducing the use of pipes, curbs, and gutters;

b. Using alternative surfacing materials such as gravel, cobble, wood mulch, grass pavers, turf blocks, natural stone, and concrete pavers in cross walks, for example;

c. Discharge of runoff into open drainage systems, vegetative swales, and other bioretention areas to slow runoff, reduce discharges, and encourage more infiltration and evaporation;

d. Integration of, bioretention, biofiltration, storage, and capture of runoff systems into the site;

e. Planting large trees within a designated UCG and the site in general to promote evapotranspiration, restore urban forests, provide scenic relief, and vegetative screening;

f. The installation of green roofs to retain and naturally filter stormwater runoff;

g. The use of cisterns to temporarily store rainwater that can subsequently be used for irrigation of the property; and

h. The incorporation of rain gardens or other bioretention systems.

2. Stormwater treatment should, where possible, be designed to constitute a landscape amenity. Applicants should meet this goal primarily through vegetative means, in part by incorporating land shaping to create bioretention areas capable of treating runoff. When site topography necessitates traditional detention ponds or other non-vegetated means of stormwater treatment, these structures must be located within the setback or other portion of the project site, and not within the UCG.

3. In those cases where proprietary stormwater management technologies are used they shall be maintained and monitored in accordance with § 5.15 of this Part. In addition, these devices shall be located within the setback or other portion of the project site.

4. Untreated stormwater runoff shall not drain directly into coastal waters. Runoff shall be detained and slowly released through the use of best management practices (BMPs).Projects shall meet the stormwater management requirements of § 1.3.1(F) of this Subchapter and the most recent edition of the RIDEM RI Stormwater Design and Installation Standards Manual to control peak flow rates and volumes, maximize infiltration of runoff, improve water quality, and discharge non-erosively to tidal waters. Applicants shall incorporate LID techniques such as filter strips, vegetated swales, bioretention areas, stormwater infiltration planters, green roofs, etc. to the maximum extent practicable. LID techniques may be located with the UCG provided they are well landscaped and create a public amenity within the UCG.

5. All stormwater management techniques shall have a maintenance plan submitted as part of the RICRMC application package, in accordance with the most recent edition of the RIDEM RI Stormwater Design and Installation Standards Manual. Maintenance provisions shall be tailored to the specific stormwater management techniques that are proposed for the site, and shall include maintenance practices and frequency.

G. Structural shoreline protection standards for all urban coastal greenways (formerly § 150.7)

1. Riprap revetments shall be constructed with appropriately sized quarry stone in accordance with the standards specified in § 1.3.1(G) of this Subchapter. The revealed base of a revetment shall not be further

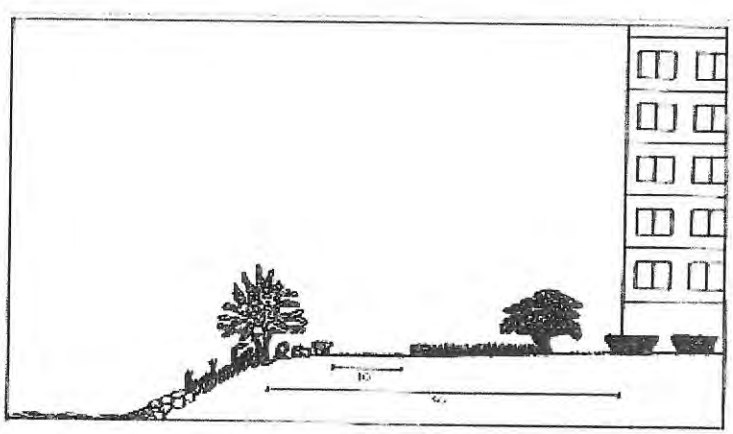
seaward than the mean high water line (MHWL). Revetments should be designed to account for sea level rise.

2. Existing shoreline protection structures may be utilized where consistent with § 1.3.1(N) of this Subchapter. In some locations within the Metro Bay Region there are existing bulkheads and seawalls constructed of local granite material. The historic value of structural shoreline protection shall be preserved or restored wherever feasible.

3. When the RICRMC finds seawall structural shoreline protection to be necessary, construction materials other than steel shall be used wherever possible. When steel is necessary, the seawall shall be faced with a similar material used for other seawalls (e.g., granite blocks) in the vicinity for consistency of appearance. Additionally, seawalls should be designed to account for sea level rise.

4. When structural shoreline protection is deemed necessary, all such structures must meet the requirements of § 1.3.1(G) of this Subchapter. To prevent revetment failure, trees and shrubs must not be planted directly on the revetment, but may be planted on vegetated slopes above the revetment. No stormwater treatment or public access shall be included upon the revetment.

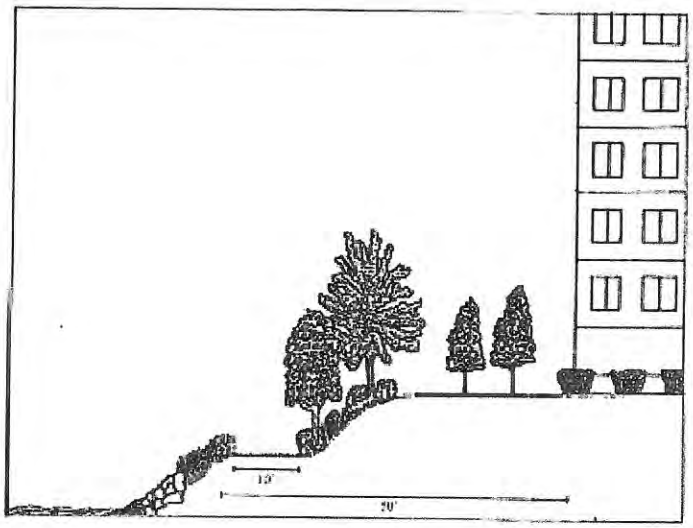
5. Figure 3: Hypothetical site plan showing a vegetated revetment on a site with parking on the ground level of the new structure. Drawing by Thomas VanHollebeke.



6. Terracing is permissible within the greenway and setback (see Figure 7 of this Part), however, all slopes within the greenway must be properly stabilized and vegetated. Rip-rap or other armored slopes shall not be incorporated as part of the greenway. Accordingly, revetments or armored slopes shall be located seaward or landward of the greenway. In addition, all slope designs and treatments ~~must be consistent with the~~may be designed as specified in the ~~USDA Natural Resources Conservation Service Engineering Field Handbook~~Rhode Island Soil Erosion and

Sediment Control Handbook (2016). See: http://www.dem.ri.gov/programs/bnatres/water/pdf/riesc-handbook16.pdf.

7. Figure 4: Hypothetical site plan showing a terraced UCG. Drawing by Thomas VanHollebeke.



H. Prohibitions

1. Upon completion of a project (or phase of a project) and its Urban Coastal Greenway, the following activities and uses shall be prohibited within the UCG:

   a. Petrochemical Storage;

   b. Storage of other hazardous materials;

   c. Parking or automobile storage within the UCG;

   d. Application of chemicals (e.g., pesticides, fertilizers, etc.) that have not been approved by the RICRMC;

   e. Storage or stockpiling of mulch, compost, or other organic materials;

   f. Storage or stockpiling of construction materials;

   g. Fueling and servicing of equipment and other motorized vehicles; and

   h. Recycling of construction materials.

2. No structure, building, roof, or skywalk subject to the UCG may be constructed over tidal waters with the exception of public infrastructure or

public access in accordance with the requirements set forth in § 1.1.8 of this Subchapter. See § 5.5(D) of this Part for water-dependent use exemption.

3. At no time shall any residential or commercial activity usurp the full use and enjoyment of the UCG. This includes the placement of decks, patios, or restaurant/cafe tables, even on a temporary basis, within the UCG.

4. Prohibitions may only be relieved through Special Exceptions granted by the Council in accordance with § 1.1.7 of this Subchapter.

5.6 Residential Zone (formerly § 160)

~~160.1 Definition: The residential zone primarily encompasses the area south from the Johnson and Wales University Campus in Cranston to the southern tip of Pawtuxet Neck, in addition to some areas of Providence and East Providence, as shown in the Urban Coastal Greenway Zone Map (Figure 2), and is predominantly composed of single and two-family residences.~~**(Note: Definition moved to § 5.2)**

A. Policy

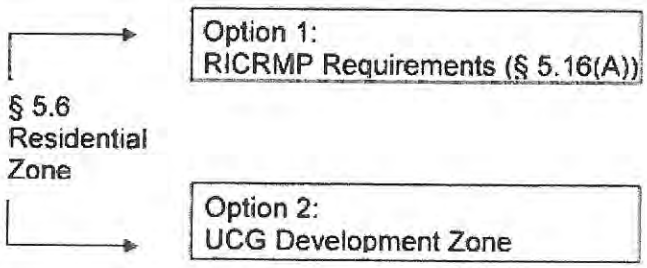
1. The Urban Coastal Greenways requirements do not apply to single or two-family residences within the Residential Zones. When an applicant wishes to undertake new construction or alteration of an existing single or two-family structure within a Residential Zone, it is the policy of the RICRMC to apply the setback and buffer requirements in accordance with §§ 1.1.9 and 1.1.11, respectively, of this Subchapter.

2. Applicants proposing to construct or alter any commercial development or multi-residential (equal to or greater than 3 units) project within a Residential Zone may choose either of the following options:

   a. Option 1: The project must meet the setback and buffer requirements of §§ 1.1.9 and 1.1.11 of this Subchapter. (See § 5.16(A) of this Part); or

   b. Option 2: The project must meet the Development Zone standards of § 5.9 of this Part.

B. Figure 5: Decision tree for residential zone requirements


Option 1:
RICRMP Requirements (§ 5.16(A))
§ 5.6
Residential
Zone
Option 2:
UCG Development Zone

5.7 Area of Particular Concern Zone (formerly § 170)

~~170.1 Definition: The area of particular concern (APC) zone incorporates areas within the Metro Bay SAMP boundary that have been identified either as highly significant habitats (High Priority Conservation or Restoration Areas) or as areas of significant recreational value. The conservation, restoration, and recreation designations were identified using a ranking system that includes habitat quality, use of the site by wildlife, presence of rare species, geographic relationships (i.e., contiguous parcels with habitat value), and restoration potential. The APC Zone is delineated in the Urban Coastal Greenway Zone Map (Figure 2), and the ranking system is described in Appendix 3.~~ **(Note: Definition moved to § 5.2)**

A. Policy

1. Within the APC Zone, it is the policy of the RICRMC to maintain and restore natural vegetated coastal buffers with maximum widths to protect the valuable habitats and/or contiguous vegetated corridors contained within the zone. The Council does not support projects that propose to alter existing natural areas having high environmental value for habitat, recreation, or scenic quality, as delineated on the Urban Coastal Greenway HPCA and HPRA Map (See § 5.16(D) of this Part). Accordingly, projects that propose to alter these habitats are inconsistent with this policy, and are strongly discouraged.

2. Applicants have a choice of either Option 1 (standard buffer width) or Option 2 (variance request) as detailed below for projects located in the APC Zone.

3. Any public access plans should be consistent with § 1.3.6 of this Subchapter.

4. Projects under either option must meet the 15% minimum vegetative cover and stormwater management requirements.

B. Standards

1. Option 1: Standard buffer width.

   a. All development proposals within the APC Zone that completely meet the requirements under this option will be processed as Category A applications in accordance with the RICRMP.

   b. Applicants choosing this option must adhere to the standard buffer width as determined in § 5.16(B) of this Part. In addition, all structures must be set back 25 feet from the inland edge of the buffer.

c. The buffer must be comprised of a mix of native plant species and must remain in a natural and undisturbed state. At the discretion of the CRMC, limited buffer zone management activities may be authorized only when it is clearly demonstrated that the habitat quality of the affected area will not be diminished.

d. The applicant must provide a public access plan in accordance with § 1.3.6 of this Subchapter.

e. Under Option 1, variances to the buffer width are not permissible.

2. Option 2: Variance request.

a. All development proposals within the APC Zone seeking a buffer variance shall be processed as Category B applications in accordance with the RICRMP.

b. An applicant may only reduce the standard APC Zone buffer width through the granting of a variance by the RICRMC in accordance with § 5.11 of this Part. At no time shall any applicant provide a buffer less than 50% of the required buffer width as determined in § 5.16(B) of this Part (Appendix 2). Furthermore, the minimum buffer width within an APC Zone shall be twenty-five (25) feet.

c. Any proposals for a buffer less than 50% of the required APC Zone buffer width shall require a Special Exception in accordance with § 1.1.8 of this Subchapter.

d. All structures must be set back 25 feet from the inland edge of the buffer.

e. In the event that a buffer variance is approved, the applicant must compensate for the difference between the required buffer width and any reduced buffer width at twice the rate described in § 5.13(A) of this Part. Variance requests for APC zone buffers may not use the compensation measures described in § 5.13(B) of this Part to meet their obligations under this section.

C. Figure 6: Decision tree for area of particular concern zone requirements

§ 5.7 Area of Particular Concern Zone

Option 1: Standard Buffer Width

- Category A Application
- Buffer width determined in § 5.16(B) of this Part plus 25' construction setback
- Buffer composed of natural vegetation using native species
- Buffer to remain undisturbed. Buffer management only with CRMC approval
- Project must meet stormwater requirements and 15% vegetative cover
- Applicant should provide public access in accordance with § 1.3.6 of this Subchapter

Option 2: Variance Request to Reduce Buffer Width

- Category B Application
- Must follow Variance procedure in § 5.11 of this Part herein
- If variance request is approved, buffer width may be reduced up to fifty per cent (50%) of the required buffer width as determined by § 5.16(B) of this Part (Appendix 2) in UCG Policy, but not less than 25-feet. 25-foot setback still required. Applicant must also compensate for any reduction in buffer width as described in § 5.13 of this Part herein
- Project must meet stormwater requirements and 15% vegetative cover
- Applicant should provide public access in accordance with § 1.3.6 of this Subchapter
- Buffer composed of natural vegetation using native species
- Buffer to remain undisturbed. Buffer management only with CRMC approval

5.8 Inner Harbor and River Zone (formerly § 180)

~~180.1 Definition: This zone incorporates extensively developed areas where, on the majority of parcels, public infrastructure (i.e., roads and/or sidewalks) already exists between the coastal feature and the proposed development at the time of promulgation of the Urban Coastal Greenway Regulations. The Inner Harbor and River Zone (IHRZ) specifically encompasses the area upriver and inland from the Providence hurricane barrier and along the Woonasquatucket and Moshassuck Rivers, including the Capital Center District (CCD), to the extent of the Metro Bay SAMP boundary as depicted in the Urban Coastal Greenway Zone Map (Figure 2). The CCD is defined as the area bounded by I-95, Smith Street, Francis Street, Gaspee Street, Canal Street, Steeple Street, Exchange Terrace, and West Exchange Terrace, and shown on Figure 2.~~ **(Note: Definition moved to § 5.2)**

A. Policy

1. It is the policy of the RICRMC to allow reduced UCG widths within this zone, due to the spatial constraints and existing hardscapes within these highly urbanized corridors, as well as the preexisting public access available there. Proposed developments within the Inner Harbor and River zone that will incorporate existing hardscapes shall strive to achieve the maximum vegetation practicable within the Urban Coastal Greenway.

B. Prohibitions

1. Within the Inner Harbor and River zone and upon completion of a project (or phase of a project) and its Urban Coastal Greenway, the following activities and uses shall be prohibited within 50 feet of the shoreline:

   a. Petrochemical storage;

   b. Storage of other hazardous materials;

   c. Application of chemicals (e.g., pesticides, fertilizers, etc.) that have not been approved by the RICRMC;

   d. Storage or stockpiling of mulch, compost, or other organic materials;

   e. Storage or stockpiling of construction materials;

   f. Fueling and servicing of equipment and other motorized vehicles; and

   g. Recycling of construction materials.

C. Standards

1. The majority of parcels located within the Inner Harbor and River Zone are separated from the coastal feature by an existing public roadway or sidewalk system. In some portions of the IHR Zone, there are no public roadways or sidewalks along the river (e.g., the area west of Hemlock Street). Accordingly, project options will be determined by the proximity and existence of public roadways and sidewalks as follows below. Applicants have the option of having projects reviewed under and adhering to the setback and buffer requirements set forth in §§ 1.1.9 and 1.1.11 of this Subchapter in lieu of the other UCG options below. Nevertheless, in such cases applicants must still comply with the 15% vegetative cover and stormwater management standards in § 5.5.1(A) of this Part. Projects located within the Capital Center District will be subject to Option C.

2. IHRZ-A: Public roadway and/or pathway exist between the project and coastal feature

   a. Option A: Standard UCG Width (20 feet).

      (1) All development proposals within the IHRZ that completely meet the requirements under this option will be processed as Category A applications in accordance with the RICRMP provided there are no substantive objections during the 15-day public notice period.

      (2) The standard Urban Coastal Greenway width within the Inner Harbor and River Zone under Option A shall be twenty (20) feet. If the distance between the inland edge of the coastal feature and the lot line is greater than twenty (20) feet, the applicant must still satisfy the 15% vegetation and stormwater requirements described in § 5.5.1(A)(3) of this Part, and any other applicable RICRMP requirements.

      (3) All structures must be set back appropriately from the inland edge of the UCG to meet the criteria specified in § 5.5.1(A)(3)(d) of this Part.

      (4) All of the standards specified within §§ 5.5.1 and 5.10 to 5.15 of this Part shall apply, with the following exceptions:

         (AA) Public access requirements shall be met in accordance with § 5.5.1(E) of this Part and may be contained within the setback.

         (BB) Where existing public access pathways and/or public roads occur between the coastal feature and the

development parcel(s), the primary (alongshore) public access and construction setback requirements may be waived at the discretion of the CRMC.

(CC) Where public roads and/or sidewalks are immediately adjacent to the sides of the development perpendicular to the coastal feature, these public roads and/or sidewalks may count toward the Urban Coastal Greenway secondary public access requirements at the discretion of the CRMC. Roads must be usable for pedestrian and/or emergency vehicle access, as appropriate.

3. IHRZ-B: Public roadway or walkway does not exist between the project and coastal feature

a. Option B-1: Standard UCG Width (50 feet).

(1) All development proposals within the IHRZ that completely meet the requirements under this option will be processed as Category A applications in accordance with the RICRMP provided there are no substantive objections during the 15-day public notice period.

(2) Where there is no existing public infrastructure (roads and/or sidewalks) between the coastal feature and the proposed development at the time of promulgation of the Urban Coastal Greenway Regulations, the standard Urban Coastal Greenway width shall be fifty (50) feet.

(3) All structures must be set back appropriately from the inland edge of the UCG, to meet the criteria specified in § 5.5.1(A)(3)(d) of this Part.

(4) All of the standards specified within §§ 5.5.1 and 5.10 to 5.15 of this Part shall apply.

b. Option B-2: Compact UCG Width (20 feet).

(1) All development proposals within the IHRZ that completely meet the requirements under this option will be processed as Category A applications in accordance with the RICRMP provided there are no substantive objections during the 15-day public notice period.

(2) Under this option, the UCG width may be reduced to a minimum of twenty (20) feet. If an applicant chooses this option, then they must provide compensation in accordance

with § 5.13 of this Part. Compensation options will be available at such time as the Rhode Island General Assembly establishes a compensation statute; reductions in regulatory requirements provided by the compensation provision are not available until the trust is set up.

(3) All structures must be set back appropriately from the inland edge of the UCG, to meet the criteria specified in § 5.5(A)(3)(d) of this Part.

(4) All of the standards specified within §§ 5.5.1 and 5.10 to 5.15 of this Part shall apply. Furthermore, the applicant must also provide twice (2X) the area (in square feet) of public amenities that are required in § 5.5.1(E) of this Part. For example, if the area of the primary public access path within a UCG on a project site is 1600 square feet (8' wide by 200' long path), then the applicant in this case would have to provide an additional 1600 sq. ft. in public amenities. Some examples of additional public amenities include, but are not limited to: pedestrian bridges, canoe/kayak launching ramps or docks, observation platforms adjacent to tidal waters, etc. This access may be distributed around the development site or otherwise as approved by the RICRMC. Bridge designs must have sufficient clearance for recreational uses of the rivers and tidal waters.

4. IHRZ-C: Capital Center District

a. Option C: Capital Center District (CCD).

(1) All development proposals within the IHRZ that are located within the CCD shall be reviewed in accordance with the Memorandum of Understanding between the CRMC and the Capital Center Commission dated February 2005~~, and Section 520.5 of the Providence Harbor Special Area Management Plan (Note: this will be incorporated into the Metro Bay SAMP~~.

(2) Under this option, the standard Urban Coastal Greenway width shall be 20 feet. Projects will be processed administratively as Category A applications.

(3) Projects within the CCD may seek a reduction in the UCG width up to a 25% for a total width not less than 15 feet. These variance requests may be granted administratively with concurrence of the CRMC Chairman.

(4) All of the other UCG requirements specified in §§ 5.5.1 and 5.10 to 5.15 of this Part shall apply to the project. This includes stormwater management and 15% vegetative cover requirements specified in § 5.5.1(A)(3) of this Part and compensation in accordance with § 5.13 of this Part for any reduction from the 20-foot standard UCG width. Compensation options will be available at such time as the Rhode Island General Assembly establishes a compensation statute; reductions in regulatory requirements provided by the compensation provision are not available until the trust is set up.

5.9 Development Zone (formerly § 190)

~~190.1 Definition: The development zone is composed of areas that have been specifically designated for high-density development by the local municipality or the state. Many parcels within this zone are formerly filled tidelands. This zone also incorporates large parcels within the Metro Bay SAMP boundary that may have been primarily industrial in their former use(s) and are therefore constrained by the existence of utility corridors and their associated easements, and/or the need for brownfield remediation prior to development. The boundaries of this Zone are identified on the Urban Coastal Greenway Zone Map (Figure 2).~~ **(Note: Definition moved to § 5.2)**

A. Policy

1. It is the policy of the RICRMC to establish a continuous UCG within the areas designated as development zones that will satisfy the overall goals of the urban coastal greenway policy, as well as the specific development standards described in § 5.5.1 of this Part.

B. Standards

1. All development proposals within the development zone that completely meet the requirements under one of the options below (Options 1-4) will be processed as Category A applications in accordance with the RICRMP provided there are no substantive objections during the 15-day public notice period. Applicants have the option of having projects reviewed under and adhering to the setback and buffer requirements set forth in §§ 1.1.9 and 1.1.11 of this Subchapter in lieu of the other options offered below. Regardless of the option selected, however, applicants must still comply with the 15% vegetative cover and stormwater management standards in §§ 5.5.1(A)(3) of this Part.

2. Option 1: Standard buffer width.

   a. Applicants choosing this option must adhere to the standard buffer width as determined in § 5.16(B) of this Part (Appendix 2). In

addition, all structures must be set back 25 feet from the inland edge of the buffer.

b. The buffer must be comprised of a mix of native plant species and remain in a natural and undisturbed state.

c. Variances to the buffer width are not permissible under Option 1.

d. The applicant must provide a public access plan in accordance with § 1.3.6 of this Subchapter.

3. Option 2: Standard UCG Width (100 feet).

a. The standard urban coastal greenway width within a development zone shall be one hundred (100) feet. All structures must be setback from the inland edge of the UCG in accordance with § 5.5.1(A)(3)(d) of this Part.

b. All of the standards specified within §§ 5.5.1 and 5.10 to 5.15 of this Part shall apply.

c. The project should provide public access in accordance with § 5.5.1(E) of this Part.

d. If applicants choose not to install and maintain public access, then mitigation must be provided in accordance with § 5.10 of this Part.

4. Option 3: Compact UCG Width (50 feet).

a. Applicants may choose a compact UCG width of fifty (50) feet, however, compensation must be provided in accordance with § 5.13 of this Part for the difference in width between Option 2 and 3. Compensation options will be available at such time as the Rhode Island General Assembly establishes a compensation statute; reductions in regulatory requirements provided by the compensation provision are not available until the trust is set up.

b. All structures must be setback from the inland edge of the UCG in accordance with § 5.5.1(A)(3)(d) of this Part.

~~b~~c. All of the standards specified within §§ 5.5.1 and 5.10 through 5.15 of this Part shall apply.

~~c~~d. The project should provide public access in accordance with § 5.5.1(E) of this Part.

~~d~~e. If applicants choose not to install and maintain public access, mitigation must be provided in accordance with § 5.10 of this Part.

5. Option 4: Small lot exemption (Compact UCG – less than 50 feet).

a. It is the policy of the RICRMC to allow for a compact UCG width of not less than 25 feet for qualifying small Development Zone lots due to the spatial constraints inherent on very small lots. In order to meet the vegetation target and on-site stormwater management requirements for Urban Coastal Greenways, designs for small lots are encouraged to include LID treatments, such as green roofs, bioretention areas, and stormwater recycling.

b. Small Lots shall be defined as lots with a depth of less than 300 feet. Lot depth shall be measured as the shortest distance from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the average lot depth shall be determined by measuring the distance between the midpoints of the front and rear lot lines.

(1) "Front lot line" shall be the lot line that demarcates the inland limit of the lot.

(2) "Rear lot line" shall be the lot line along the shore.

c. Development zone lots may qualify for a Small Lot Exemption if they are lawfully established lots as of October 10, 2006 and whose shallow depth of less than 300 feet may constrain their ability to meet the UCG standards as measured from the inland edge of a coastal feature, as set forth by the RICRMC.

d. The Urban Coastal Greenway width within Small Lots shall be no less than twenty-five (25) feet. All structures must be setback from the inland edge of the UCG in accordance with § 5.5.1(A)(3)(d) of this Part.

e. Applicants must provide compensation in accordance with § 5.13 of this Part for the difference between the required width in Options 3 (50 feet) and the Option 4 width (between 25-49 feet). Compensation options will be available at such time as the Rhode Island General Assembly establishes a compensation statute; reductions in regulatory requirements provided by the compensation provision are not available until the trust is set up.

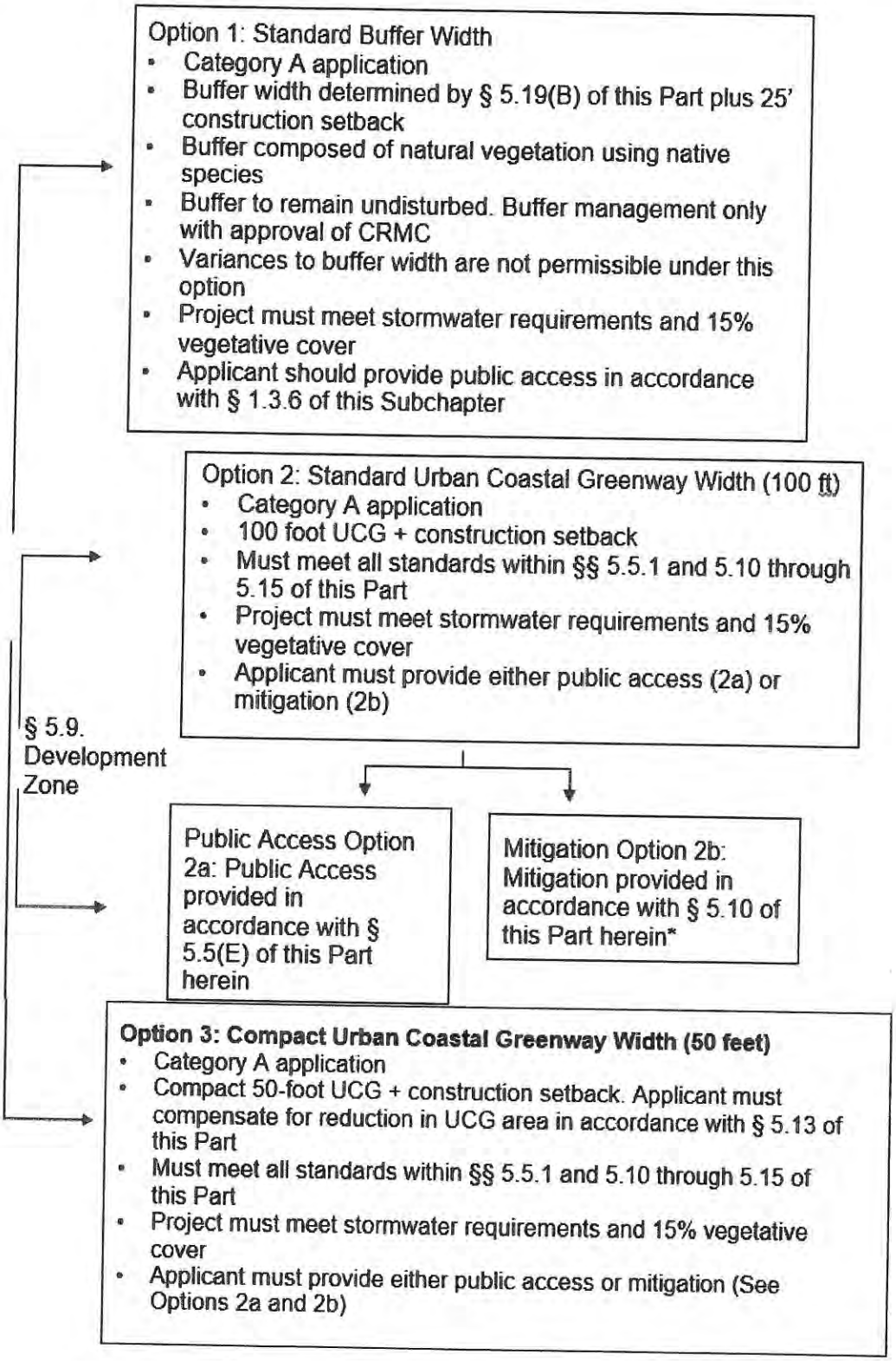
f. All of the standards specified within §§ 5.5.1 and 5.10 through 5.15 of this Part shall apply, with the following exceptions:

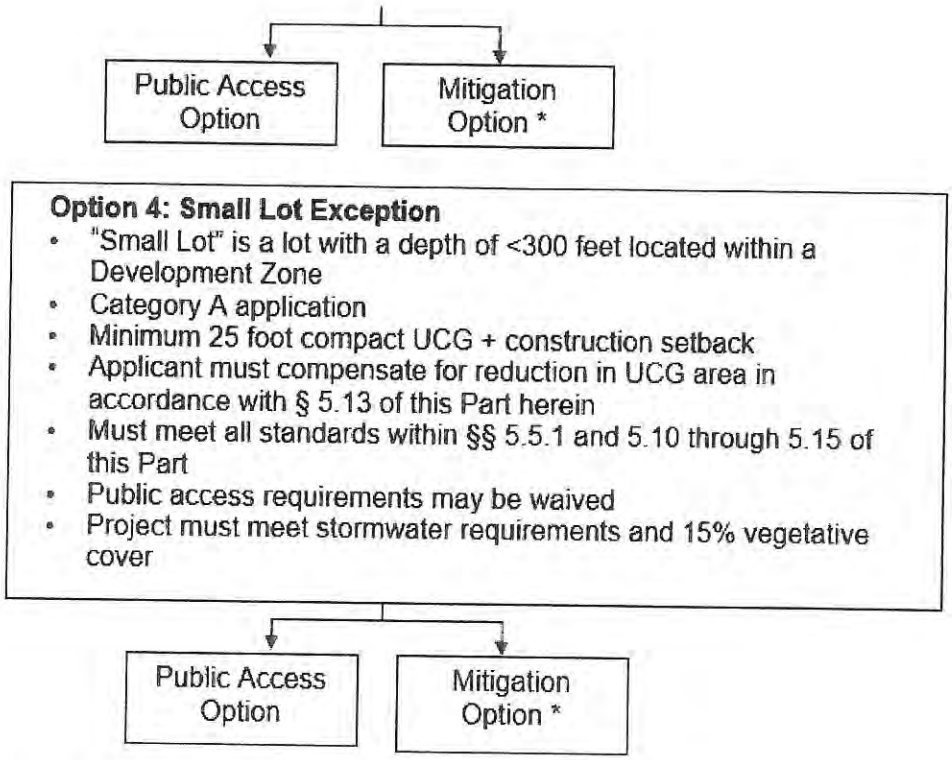
(1) Where existing public access pathways and/or public roads occur between the coastal feature and the development parcel(s), the primary (alongshore) public access and construction setback requirements may be waived.

(2) Where public roads are immediately adjacent to the sides of the development perpendicular to the coastal feature, these public roads may count toward the Urban Coastal Greenway secondary public access requirements. The road(s) must be usable for pedestrian and/or emergency vehicle access, as appropriate.

(3) Small lots may be excluded from the requirement for additional public parking spaces per 100 feet of linear shoreline (See § 5.5.1(E)(1)(h) of this Part).

C. Figure 7: Decision tree for development zone requirements





1. * - Mitigation: coastal wetland restoration projects require a separate Category B application

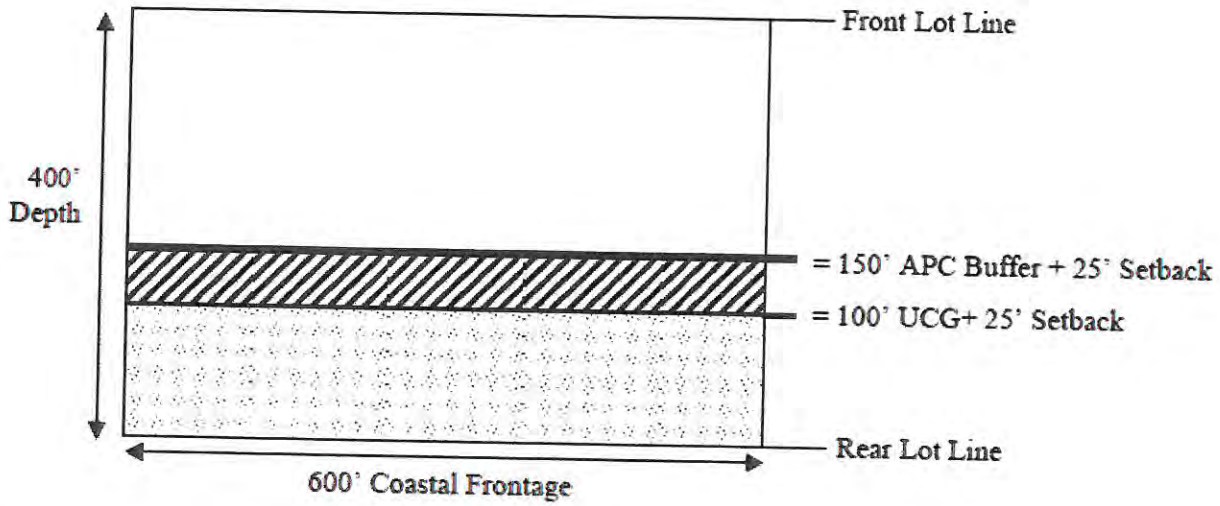
5.10 Mitigation Requirements in Lieu of Public Access (formerly § 200)

A. When an applicant chooses to adhere to the setback and buffer requirements of §§ 1.1.9 and 1.1.11 of this Subchapter, rather than the UCG requirements with public access, the applicant must mitigate for any public access that would have been installed as part of a UCG on the development site. This mitigation shall consist of the purchase and establishment of a habitat conservation or habitat restoration project. The area to be conserved or restored must be an identified High Priority Conservation Area (HPCA) or High Priority Restoration Area (HPRA) within the Metro Bay SAMP boundary, preferably within the municipality in which the development project is located.

B. Mitigation shall occur on a 2:1 basis. Specifically, the area to be restored must be twice the difference between the buffer width required under § 5.19(B) of this Part (Appendix 2) and the urban coastal greenway width proposed for the site. The restoration must be completed and its success secured for a minimum of one (1) growing cycle before a development project may proceed. The applicant must post a performance bond with the Council for a period to be determined on a case-by-case basis and may be up to 48 months to ensure successful restoration. The bond shall be of a sufficient amount to cover the total restoration cost plus the hiring of a consultant manager to oversee any subsequently needed construction work to complete the restoration project as approved.

C. The completed mitigation and appropriate documentation, including legal documentation of a permanent conservation easement on the mitigation site, must be presented to the RICRMC before the proposed development may proceed.

~~Figure 8. Example of a project in which the applicant follows development zone Option 2 and chooses not to provide public access. The applicant would therefore have to provide a total mitigation area of 60,000 square feet – twice the amount of lost green space on the development site (50 feet x 600 feet = 30,000 square feet), in accordance with § 5.10 of this Part. In this particular example, the implementation of a 100 foot Urban Coastal Greenway would provide vegetative coverage of 25% of the entire development site.~~ **(Note: Figure 8 moved to CRMC Metro Bay SAMP guidance document)**



5.11 Variance Requests (formerly § 210)

A. Applicants may request a variance under the following options only. Variance requests must be submitted in writing and meet the six criteria listed below in § 5.11(B) of this Part.

1. APC Zone Option 2

2. IHRZ Capital Center District

B. The application shall be granted an Assent only if the Council or Executive Director, as applicable, finds that the applicant has met the following six criteria:

1. The proposed alteration conforms to applicable goals and policies in §§ 1.2 and 1.3 of this Subchapter (Coastal Resources Management Program – Red Book).

2. The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.

3. Due to conditions at the site in question, the applicable standard cannot be met.

4. The modification requested by the applicant is the minimum variance to the applicable standard necessary to allow a reasonable alteration or use of the site.

5. The requested variance to the applicable standard is not due to any prior action of the applicant's predecessors in title. With respect to subdivisions,

the Council will consider factors as set forth in § 5.11(C) of this Part below in determining the prior action of the applicant.

6. Due to the conditions of the site in question, the standard will cause the applicant an undue hardship. In order to receive relief from an undue hardship an applicant must demonstrate inter alia the nature of the hardship and that the hardship is shown to be unique or particular to the site. Mere economic diminution, economic advantage, or inconvenience does not constitute a showing of undue hardship that will support the granting of a variance.

C. In reviewing requests for buffer zone variances for subdivisions of five (5) lots or less, the Council will review on a case-by-case basis the extent to which prior action of the applicant or its predecessor in title created or caused the need for the variance, whether the applicant has created the need for the variance by the subdivision, and whether the subdivision complies with local zoning requirements.

D. Relief from a standard does not remove the applicant's responsibility to comply with all other UCG and RICRMP requirements.

E. Prior to requesting approval for a CRMC variance, in those instances where a variance would be obviated if a variance for a setback were acquired from the local municipality, the applicant must first exhaust his remedies before the local municipality.

5.12 Brownfield Redevelopment with the Metro Bay Region (formerly § 220)

A. Urban Coastal Greenway policies on brownfields (formerly § 220.1)

1. RIDEM-designated brownfield sites shall receive additional consideration with regard to UCG requirements. The Council has established a maximum application fee of $5000 for all DEM-designated brownfield development projects (See § 10-00-1.4.6(A)(21) of this Title)

2. Brownfield sites pose unusual economic constraints, given the common need for remediation that may result in significant expense to the developer. The Council encourages thoughtful redevelopment of these contaminated sites, and believes that it is possible to proceed with such redevelopment in a manner that improves the natural environment while allowing for the fiscal realities of such an endeavor.

3. It is therefore the policy of the RICRMC to require the maximum UCG width practicable within brownfield sites while allowing for flexibility in the implementation of the UCG on these sites, based upon the applicant meeting the criteria defined in § 5.5.1 of this Part for vegetation targets,

stormwater treatment and public access. See the Urban Coastal Greenway Design Manual (http://www.crmc.ri.gov/samp_mb/UCG-Design-Manual.pdf) for recommended approaches to stormwater treatment and habitat improvement in brownfield sites.

B. Urban Coastal Greenway standards on brownfields (formerly § 220.2)

1. Brownfield sites shall adhere to the urban coastal greenway standards and policies regarding setbacks, view corridors, and public safety as stated in this document to the maximum extent practicable.

2. All development proposals for brownfield sites within RICRMC's jurisdiction shall require a pre-application meeting including the applicant, his/her planning and design staff, and representatives of the RICRMC, the Rhode Island Department of Environmental Management (RIDEM) Offices of Waste Management and Water Resources, and the municipality of jurisdiction. This meeting shall take place after RIDEM has notified RICRMC that the review of the investigation is complete. It is intended that this pre-application meeting be the first step in the remedial design process after a brownfield development proposal has been submitted, and is further intended to streamline the multi-agency regulatory process for proposed developments on these sites. Agency (RICRMC and RIDEM) and municipal representatives at this pre-application meeting will consider the applicant's proposed designs to ensure that the proposal satisfies RICRMC's Urban Coastal Greenway requirements, the RIDEM's brownfield and stormwater requirements, and the municipality's zoning ordinances.

3. Where the Executive Director, in consultation with DEM Site Remediation staff and CRMC staff, determines that a particular UCG standard poses a risk or is impractical due to site remediation requirements, the Executive Director may waive or reduce such requirement.

4. An applicant may request of RIDEM, that a proposal that satisfies the requirements of the Urban Coastal Greenway policy be used to offset some or all of the State's Natural Resource Damage Claims at the site (including claims for additional assessment).

5. Under circumstances at a brownfield site where it is desirable to limit infiltration, traditional stormwater infiltration techniques shall not be used in the Urban Coastal Greenway. The goal of total on-site stormwater treatment will still apply on brownfield sites, although the constraints of each site will be taken into consideration during the application process. Applicants are therefore encouraged to utilize vegetative stormwater management techniques such as green roofs and rain gardens with shallow-rooting plants, as well as alternative landscaping/land shaping (i.e., raised planting beds) to allow for the maximum possible on-site

treatment of stormwater. Refer to the Urban Coastal Greenway Design Manual (http://www.crmc.ri.gov/samp_mb/UCG-Design-Manual.pdf) for descriptions of recommended alternatives and reference sources for additional technical information regarding the implementation of those alternatives. These alternative stormwater abatement techniques shall protect the integrity of the containment cap/structure and be approved by the RICRMC and the RIDEM.

5.13 Compensation Options for Urban Coastal Greenway Requirements (formerly § 230)

A. Compensation is required whenever an applicant reduces an Urban Coastal Greenway from the standard UCG width for the applicable zone or requests a variance under the UCG regulations. In addition, the applicant must still meet the general UCG requirements regarding shoreline features, vegetation targets, public access, and minimum width as listed in § 5.5.1 of this Part. Similarly, the minimum 15% vegetation requirement and the stormwater management requirements for the development sites must be met in § 5.5.1(A)(3) of this Part regardless of whether or not compensation options are utilized. Compensation options will be available at such time as the Rhode Island General Assembly establishes a compensation statute; reductions in regulatory requirements provided by the compensation provision are not available until the trust is set up.

B. The compensation requirements are intended to accommodate a continuous Urban Coastal Greenway around the urban coastline of Narragansett Bay, as articulated in Section 270 of the CRMC Metro Bay SMAP guidance document. Compensation options for a reduced UCG width may include:

1. Urban Coastal Greenways Trust (Note: Trust not established by the General Assembly)

   a. In no case shall the Urban Coastal Greenway width be less than the minimum width defined within the applicable zone. When compensation is required, the applicant shall pay a fee into the Urban Coastal Greenways Trust. In order to calculate this fee, the RICRMC shall establish the representative waterfront value per acre for each Metro Bay Region municipality based upon professional appraisals of representative coastal parcels within each municipality. These values will be reassessed by the RICRMC every 12 months. The representative waterfront value will be multiplied by 50-percent to obtain the final dollar amount that shall be levied per square foot of UCG lost in a given municipality.

   ~~b. For example, if an applicant seeks a permit to construct a multi-use development on a site with 200 feet of coastal frontage. The site is within a development zone, and therefore the standard 100 foot Urban Coastal Greenway is applied in this case. Due to spatial~~

~~constraints within the property, the applicant chooses the compact UCG width of 50 feet. Assume that the representative waterfront value within the municipality of jurisdiction is $1,000,000 per acre. The fee would therefore be calculated as follows:~~

Representative waterfront value	=	**$1,000,000/acre**
Proposed decrease in UCG area	=	**(200 feet X 50 feet)**
	=	**10,000 square feet UCG lost**
Step 1: ($1,000,000/acre) X 50%	=	**$500,000/acre of UCG value/ 43,560 square feet/acre**
	=	**$11.48/square foot UCG lost.**

Step 2: ($11.48/sq. ft.) X (10,000 sq. ft.) = $114,800 compensation due.

~~Thus, the applicant would have to pay $114,800 into the Urban Coastal Greenways Trust by choosing the Compact UCG width (50 ft.) on the proposed development.~~ **(Note: Example moved to CRMC Metro Bay SAMP guidance document)**

b. Compensation fees paid to the Trust shall be used only for the acquisition of property interests (fee simple, conservation easements, and other lesser interests) that serve the purposes of coastal habitat conservation or coastal habitat restoration within designated HPCA or HPRA (See § 5.16(D) of this Part (Appendix 4)) within the Metro Bay Region. The CRMC shall prioritize the use of these funds based upon ~~four~~ three factors:

(1) Habitat quality ranking where a ranking of "C4" or "R3" denotes highest conservation or restoration priority and "C1" or "R1" denotes lowest priority, as described in § 5.16(C) of this Part (Appendix 3);

(2) High Priority Conservation Areas (HPCAs) within Area of Particular Concern zones shall have priority over HPCAs within other Urban Coastal Greenway zones; and

(3) Presence of a suitable HPCA. Restoration activities for High Priority Restoration Areas shall only be funded through this program if the CRMC determines that a suitable HPCA is not available. In the case where no suitable HPCA is available, habitat restoration of HPRAs shall be prioritized in the same manner described above for HPCAs.

2. Other possible compensation measures

a. At the discretion of RICRMC, an applicant may use one or a combination of the following measures to compensate for a reduction in the required UCG width. The compensation measures shall be equal or greater in value to the fee that would otherwise be contributed to the Urban Coastal Greenways Trust and must truly create new and additional public benefits.

(1) Creation of non-stormwater management wetlands such as new salt marsh or other appropriate coastal wetland areas. The establishment of non-stormwater management wetlands shall be on-site or adjacent to the development wherever possible, or in other areas within the Metro Bay Region SAMP boundary, as deemed appropriate in consultation with the RICRMC. Additionally, such projects must meet the bonding requirements of § 5.10(B) of this Part. The RICRMC will endeavor to pre-identify areas for these non-stormwater management wetlands projects.

(2) Restoration of an existing degraded wetland. The mitigation via restoration of degraded wetlands shall be on-site or adjacent to the development wherever possible, or in other areas within the Metro Bay SAMP boundary, as deemed appropriate in consultation with the RICRMC. Additionally, such projects must meet the bonding requirements of § 5.10(B) of this Part. The RICRMC will endeavor to pre-identify areas for these wetland restoration projects.

(3) Increase opportunities for public recreational use of coastal waters on the development site. This could be accomplished through the construction of a public canoe or kayak rack along the shoreline, accessible from the secondary public access pathway on the site. This option does not include construction of marinas.

(4) Increase amenities for public access pathways within the UCG. This might include enhancement of the pathway through the placement of benches, lookout points, bicycle paths, fishing piers or platforms, fish cleaning facilities, or interpretive signage.

(5) Purchase of land to establish UCG connections within the Metro Bay SAMP boundary. This may be accomplished through direct purchase of land or through conservation easements, with the intent of establishing continuous public access throughout the Metro Bay Region.

5.14 Urban Coastal Greenway Management and Maintenance Requirements (formerly § 240)

A. The owner of record of a property with an Urban Coastal Greenway is responsible for maintaining the UCG in accordance with the operative RICRMC Assent, unless the UCG is transferred to another agent (i.e., the municipality, a land trust, etc.) with that agent's agreement to provide maintenance. The Council shall be the beneficiary of any urban coastal greenway easements, and all easements shall be placed in the land evidence records of the municipality of jurisdiction.

B. All alterations within established Urban Coastal Greenways or alterations to natural vegetation (i.e., areas not presently maintained in a landscaped condition as of October 10, 2006) within the Council's jurisdiction may be required to submit an urban coastal greenway management plan for the Council's approval that is in compliance with the requirements of this section and the design guidance recommended within the Council's most recent edition of the "Urban Coastal Greenway Design Manual" (http://www.crmc.ri.gov/samp_mb/UCG-Design-Manual.pdf). Urban coastal greenway management plans shall include a description of all proposed alterations and methods of avoiding problem areas such as the proper placement and maintenance of pathways. Applicants should consult the Council's most recent edition of "Urban Coastal Greenway Design Manual" when preparing an urban coastal greenway management plan.

C. No encroachments shall be allowed within the UCG at any time.

D. Penalties: failure to adhere to these policies will result in enforcement action including fines, liens, restoration, and/or voiding of the Council Assent.

5.15 Maintenance and Monitoring of Innovative Stormwater Technologies (formerly § 250)

A. The RICRMC encourages the use of effective, innovative techniques to achieve runoff reduction, pollutant abatement, and hazard mitigation. Accordingly, experimental technologies to achieve these goals may be implemented within the urban coastal Greenway, at the discretion of the Council.

B. New proprietary stormwater treatment technologies may be used provided they are approved pursuant to the Technology Assessment Protocol (TAP) for Innovative and Emerging Technologies as detailed in the most recent version of the RIDEM RI Stormwater Design and Installation Standards Manual.

C. If the proprietary stormwater treatment device fails, retrofit or repair must commence immediately. Provisions shall be made on the development site to insure that a proven treatment practice can be accommodated and inserted on-site if an innovative technology fails.

D. It will be the responsibility of the property owner (or the appropriate surrogate, such as a homeowners' association) to ensure the inspection and maintenance of these experimental technologies on a regular basis, as approved by the RICRMC.

(Note: ~~struck through text~~ moved to CRMC Metro Bay SAMP guidance document)

~~260. Education~~

~~260.1 It is the policy of the RICRMC to encourage the education of landscape design and maintenance professionals as well as engineers, architects and the general public regarding the appropriate design, implementation, and maintenance of Urban Coastal Greenways.~~

~~260.2 This education may proceed through the use of demonstration projects to show the varied approaches toward Urban Coastal Greenway design, including ground shaping, Low Impact Development, the use of native plant communities and sustainable landscapes to create attractive habitat, and innovative pollution abatement technologies.~~

~~260.3 This education should also incorporate training for citizens, landscape design and maintenance professionals, engineers, and architects regarding the maintenance of Urban Coastal Greenways, as well as the proper use of fertilizers, pesticides, plant types, and surfacing materials.~~

~~260.4 The education program should include training programs that provide landowners, developers, local officials and contractors with the fundamentals and principles of how structural shoreline support can be designed and constructed to enhance the aesthetic and habitat values of a development, while providing the necessary protection from storm surge and/or flooding. Any such training program should also specify the proper methods for monitoring and maintaining structural shoreline support.~~

~~270. Findings of Fact Regarding Urban Coastal Greenways and Coastal Vegetative Buffers.~~

~~270.1 The establishment of Urban Coastal Greenways is based upon the RICRMC's legislative mandate under state and federal legislation to preserve, protect, develop, and, where possible, restore ecological systems.~~

~~270.2 Vegetative buffer zones have been applied as best management practices since the 1950s, to counteract erosion and nutrient inputs (due to agriculture and forestry) from adjacent land areas (Desbonnet et al., 1993). More recently, vegetated buffer zones have become common best management practices for the control and abatement of nonpoint source pollutants (contaminated runoff) (Desbonnet et al., 1993; NAS, 2002).~~

~~270.3 Urban parks have been used since the mid- 19th century to incorporate the ecological and aesthetic benefits of natural vegetation within urban space limitations, although the term "greenway" did not become popular until the 1970s (New England Greenway). In fact, the nation's first state greenway map was created in Rhode Island, in 1996 (RI Greenways Council, 2000).~~

~~270.4 Vegetative buffer zones and urban greenways provide multiple uses and multiple benefits to those areas where they are applied (Desbonnet et al., 1993; RI Greenspace & Greenways Plan, 1994). These vegetated zones provide more biologically important functions than uplands, in proportion to their area within a watershed (NAS, 2002). In the context of the Metro Bay Region, Urban Coastal Greenways can serve as vegetated buffer zones for an urbanized landscape. The multiple uses and benefits of these Urban Coastal Greenways include:~~

~~(a) Protection of Water Quality: Urban Coastal Greenways along the perimeter of coastal water bodies can be effective in trapping sediments and pollutants, and absorbing nutrients (particularly nitrogen) from surface water runoff and groundwater flow. The effectiveness of Greenways as a best management practice for the control of nonpoint source runoff is dependent upon their ability to reduce the velocity of runoff flow to allow for the deposition of sediment, and the filtration and biological removal of nutrients within the vegetated area. Vegetated buffer zones often intercept groundwater and provide a carbon-rich environment that allows for microbial removal and transformation of soluble nutrients contained in groundwater. The increased travel time of groundwater through the Greenway also provides a mechanism for the filtering and mortality of bacteria and pathogens before they reach the receiving waters. In general, the effectiveness of any Greenway is related to its width, slope, soil type, and species of vegetation, as well as upland land use intensity. Effective vegetative buffer zones for nonpoint source pollution control, which trap sediment and remove nutrients entering them, range from 15 feet to 600 feet in width (Desbonnet et al., 1994).~~

~~Urban areas tend to input large quantities of nonpoint source pollution into coastal aquatic ecosystems. This is due in large part to the increase in impervious surfaces, and the resultant increase in surface (overland) water flow. This overland flow travels at much greater speeds than surface flow across unpaved natural surfaces in a coastal ecosystem, leading to problems such as increased erosion and decreased control of nonpoint source pollutants. The establishment and protection of UCGs within these coastal urban areas will create a vegetated buffer between the sources that generate pollution and the coastal waterway.~~

~~(b) Protection of Urban Coastal Habitat: Urban Coastal Greenways can provide crucial habitat for native plants and animals. Vegetation within a UCG provides cover from predation and weather, and habitat for nesting and feeding by resident and migratory species. Narragansett Bay comprises part of the Atlantic flyway for migratory songbirds (Olsen et al., 1980), as it contains coastal habitats critical to these species during their migrations (Parrish, 2000). Expanded Urban~~

~~Greenways in the Metro Bay Region could significantly improve habitat quality for these species. In addition, some animals that use coastal vegetative buffer zones are now relatively uncommon, while others may be considered rare, threatened, or endangered. The relative paucity of vegetated corridors in coastal urban areas is a direct threat to the conservation of these species, and these native plants and animals are essential to the preservation of Rhode Island's valuable coastal ecosystems.~~

~~The ability of Greenways to function as wildlife habitat is dependent upon Greenway width and vegetation type. In general, a wider Greenway composed of a diverse native plant community will have greater value as wildlife habitat. Larger widths (> 300 feet) are typically needed for species that are more sensitive to disturbances. A diverse community of sustainable plant species and types (e.g., grasses, shrubs, and trees) can lead to improved habitat quality within the Greenway, and benefit native wildlife species throughout the region. The effectiveness of Greenways may be inhibited by the planting or encroachment of invasive and non-sustainable species (NAS, 2002). Greenways composed of sustainable vegetation allow for the natural functioning of the ecosystem and provide valuable habitat for resident and migrant species of wildlife.~~

~~(c) Protection of Scenic and Aesthetic Quality: One of the primary goals of the Council, in accordance with RICRMP Section 330, is to protect and restore the scenic value of the coastal region in order to retain the visual diversity and unique visual character of the Rhode Island coast as seen by hundreds of thousands of residents and tourists each year (RICRMP Section 330). Urban Coastal Greenways enhance and protect Rhode Island's scenic and visual aesthetic resources along our urban coastlines. Urban Coastal Greenways also preserve the natural character of the urban shoreline, while mitigating the visual impacts of coastal development. Visual diversity provides both contrast and relief between the coastal and inland regions, leading to greater aesthetic value of the landscape. Finally, Greenways provide an aesthetically pleasing view from the rivers and Narragansett Bay, as well as from the shorelines across from the Greenway.~~

~~(d) Erosion Control: Urban Coastal Greenways can provide a natural transition zone between open water, shoreline features, and upland development. Natural vegetation within a Greenway helps to stabilize the soil, reduces the velocity of surface water runoff, reduces erosion of the soil by spreading runoff water over a wider area, and promotes absorption and infiltration.~~

~~(e) Flood Control: Urban Coastal Greenways often occupy the flood plain and thus add to coastal flood protection in urban areas. Cities in the Metro Bay Region have experienced street and basement flooding during large storms, partially due to the loss of coastal wetlands that resulted from past filling of tidelands. Accordingly, the municipalities have recognized in their Hazard Mitigation Plans that (1) the flooding from these storms can cause the flow of contaminated runoff~~

~~into Narragansett Bay and its tributaries and (2) better flood protection can be achieved through the management of open space in the floodplain.~~

~~(f) Protection of Historic and Archaeological Resources: Many sites of archaeological importance are contained within the 200-foot jurisdiction of the RICRMC. Urban Coastal Greenways protect areas of cultural and historic importance (such as archaeological sites) by helping prevent intrusion and/or alteration while protecting the sites' natural surroundings. Much of this region was the hub of a thriving port during the period of the 18th, 19th, and early 20th centuries. Extensive shoreline areas and coastal resources have been heavily altered, former tidal lands have been filled, and river courses have been relocated. The once natural shoreline along most of this area has now been changed to revetments and bulkheads, although some high quality habitat areas remain.~~

~~(g) Public Access: Urban Coastal Greenways are a means of maximizing usable open space to provide opportunities for passive recreation and community gathering, and can be designed to ensure the accessibility of the shoreline for all Rhode Islanders. An open connection to the coast is especially important in the Metro Bay Region due to the limited recreational opportunities along the shoreline in this highly urbanized area. Furthermore, public access provides one of relatively few opportunities for residents of these heavily developed areas to experience and enjoy the outdoors in their natural state. The recreational opportunities in Urban Coastal Greenways include walking trails and bike paths (RI Greenspace & Greenways Plan, 1994). Greenways also address equitability concerns in urban areas, as many residents in the Metro Bay Region are often unable to travel outside of the city to the shorelines of southern Rhode Island.~~

~~(h) Economic Value: Greenways provide many economic benefits (NPS, 1995), including increased tourism opportunities. Programs such as the East Coast Greenway, whose goal is to connect the entire Atlantic coast of the United States by a greenway that includes trails for biking and walking (East Coast Greenways, 2005), benefit the tourism industry in an accessible, environmentally friendly manner. Furthermore, the economic value of developed properties abutting forests and vegetative buffers is increased due to the improved water quality and aesthetics of these green spaces (Palone & Todd, 1998; Schueler, 1995).~~

~~270.5 The goals of the CRMC with respect to the establishment of Urban Coastal Greenways are in accordance with numerous Rhode Island state agreements and municipal visions (e.g., Pawtucket Hazard Mitigation Plan, East Providence Special Waterfront Development District Plan, Rhode Island Greenspace and Greenways Plan, and John H. Chafee Blackstone River Valley National Heritage Corridor). The Metro Bay Region municipalities have also acknowledged the benefits of open space with regard to flood protection, minimization of development in floodprone areas, habitat, and public recreation (East Providence Hazard Mitigation Plan, 2002; Pawtucket Hazard Mitigation Plan, 1998; Providence Hazard Mitigation Plan, 2000). The successful implementation and~~

~~management of a continuous Urban Coastal Greenway along the urban coast of Narragansett Bay will preserve Rhode Island's natural, historic, recreational, and cultural values, and will continue Rhode Island's role as an innovator in coastal management.~~

~~270.6 Need for an Alternative Urban Buffer Policy~~

~~Sections 140 and 150 of the RICRMP establish setbacks and coastal buffers that apply to all Rhode Island shorelines. However, as described in UCG Section 120 and these findings, the RICRMC recognized the need for a more flexible approach in its coastal vegetative buffer requirements for urban development. These new urban buffer regulations mitigate for factors that result from the large-scale redevelopment that is anticipated along the Metro Bay Region shoreline, but also allow for economic development. These factors include, but are not limited to: the degradation of Narragansett Bay and its tributaries by stormwater runoff; the potential loss of unique coastal habitats, and the absence of public access along and to the Metro Bay Region shoreline.~~

~~290. References~~

~~Australian Capital Territory Department of Urban Services. 2000? Chapter 22: Soft Landscape Designs, *In* Design Standards for Urban Infrastructure. 21 pp.~~

~~Center for Watershed Protection and Maryland Department of the Environment. 2000. 2000 Maryland Stormwater Design Manual. Maryland Department of the Environment, Baltimore. (re: maintenance guidelines)~~

~~City of San Antonio. 2002. River Improvement Overlay (§35-338). San Antonio, TX. 39 pp. (re: public access policy, stormwater detention structure design) http://www.landuse.law.pace.edu/landuse/documents/laws/reg6/Reg6_TX_SanAntonio_River%20Improvement.pdf~~

~~City of Windsor. Official Plan, Volume 1: Urban Design. Windsor, Ontario. 31 pp. (re: emergency services access and framing elements policies)~~

~~East Coast Greenway. http://www.greenway.org Website accessed 2/7/05.~~

~~Georgia Forestry Commission. 2001. Georgia Model Urban Forest Book. 78 pp.~~

~~Hinman, C. 2005. Low Impact Development Technical Guidance Manual for Puget Sound. Puget Sound Action Team Publication No. PSAT 05-03. Olympia, WA. 247 pp.~~

~~(Available online at http://www.psat.wa.gov/Publications/LID_tech_manual05/lid_index.htm)~~

~~National Academy of Science. 2002. Riparian Areas: Functions and Strategies for Management. 436 pp.~~

~~National Park Service. 1995. Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors. 4th ed. (http://www.nps.gov/pwro/rtca/econindx.htm) Website accessed 2/7/05.~~

~~New England Greenway. http://www.umass.edu/greenway/Greenways/2GR-sig.html Website accessed 2/7/05.~~

~~Olsen, S., D.D. Robadue, Jr., and V. Lee. 1980. An Interpretive Atlas of Narragansett Bay. Coastal Resources Center University of Rhode Island. Marine Bulletin 40.~~

~~Palone, R.S. and A.H. Todd (eds). 1997. Chesapeake Bay Riparian Handbook: A Guide~~

~~for Establishing and Maintaining Riparian Forest Buffers. USDA Forest Service. NA-TP-02-97. Radnor, PA.~~

~~Parrish, J.D. 2000. Behavioral, energetic, and conservation implications of foraging plasticity during migration. *Studies in Avian Biology*. 20(1): 53-70.~~

~~Rhode Island Greenways Council. Talk presented at the American Planning Association Meeting. April, 2000. (http://www.planning.ri.gov/greenways/greencouncil/map1.pdf) Website accessed 2/7/05.~~

~~Sarkissian Associates Planners. 2000. Australian Capital Territory Crime Prevention and Urban Design Resource Manual. 58 pp. (re: urban crime prevention policies)~~

~~Schueler, T.R. 1995. Site Planning for Urban Stream Protection. Center for Watershed Protection. Metropolitan Washington Council of Governments. Silver Spring, MD. 222 pp.~~

~~Superfund/Brownfield Research Institute. 2003. Brownfields Redevelopment. A Guidebook for Local Governments and Communities. 2nd edition. International City/County Management Association. 450 pp.~~

~~University of Rhode Island Cooperative Extension. 1999. Sustainable Trees and Shrubs, 3rd ed. URI, Kingston, RI.~~

~~Wenger, S. and L. Fowler. 2000. Protecting Stream and River Corridors: Creating Effective Local Riparian Buffer Ordinances. Carl Vinson Institute of Government, University of Georgia. 68 pp.~~

~~Zimbler, R. 2002?. Driving Urban Environments: Smart Growth Parking Best Practices. Office of Smart Growth, State of Maryland. 43 pp. (re: LID policies)~~

5.16 Appendices

A. Appendix 1: Coastal Buffer Zone Designations for the Residential Development Zone

Lot size (square feet)	Required buffer width (feet) for development in CRMC water types 3, 4, 5 and 6.	Required construction setback (feet)
< 10,000	15	25

10,000 – 20,000	25	25
20,001 – 40,000	50	25
40,001 – 60,000	75	25
60,001 – 80,000	100	25
80,001 – 200,000	125	25
> 200,000	150	25

B. Appendix 2: Standard Coastal Buffer Width Requirements for Development within the Metro Bay SAMP Boundary.

Lot size (square feet)	Required buffer width (feet)
≤ 20,000	25
20,001 – 40,000	50
40,001 – 60,000	75
60,001 – 80,000	100
> 80,000	150

C. Appendix 3: Habitat Quality Ranking Criteria for High Priority Conservation and Restoration Areas.

1. One of the phases of the Metro Bay SAMP development process was to evaluate and classify open land within the SAMP boundary that might be considered for future development or redevelopment. Assessments were made without regard to property boundaries; instead this analysis looked at continuous blocks of habitat which may have contained more than one type of habitat. For example, one block might include a forest, a freshwater shrub swamp, and fringing salt marsh. The value of land as a biological community was the first consideration. Though many criteria could have been used to rank parcels of land, this analysis focused on the maturity and composition of the plant community as an index to habitat quality.

2. The following flowchart illustrates the ranking process for habitat quality. Please note that least valuable habitat has a rank of "1", and more valuable habitats are indicated by successively higher numbers.

Habitat Value	Poor →						Good
Vegetation Characteristics	Barren	<	All Exotic Vegetation	<	Mixture of Exotic and Native Vegetation	<	Mature Native Vegetation
Ranking	1	<	2	<	3	<	4

3. Supplementary information was also considered: the habitat's use by wildlife as observed during site visits or as previously noted by other biologists or naturalists; the use by state or federally listed species (resident or migratory); and the geographic relationship (linkage) of the parcels to other habitat, or recognized conservation and recreational lands as identified in the State Conservation and Recreational Openspace GIS data layer (Scorp90.shp). If the existing habitat quality on a parcel of land was poor, its potential to be restored and its importance if it were restored were considered. Good candidate restoration sites would include barren lots in the center of an otherwise high quality habitat corridor, sites that buffer important habitat or sites that could eventually serve to lengthen a habitat corridor. Most restoration sites, however, contained the lowest quality habitat and were therefore the least important to conserve. In some cases isolated parcels were identified that were vegetated with exotic species or isolated from other sites. These sites, while ranking low in habitat quality, were important to residential communities for scenic or recreational purposes. A separate ranking category was created for these sites.

4. Habitat was evaluated and ranked at 237 sites. Detailed field data were collected for 53 sites regarding species composition, dominant vegetation in the upper and understory, and estimated basal diameter of largest trees and/or dominant trees. An additional 63 sites were classified through "windshield surveys" that assessed species composition and maturity. Using 1997 and 2002 aerial orthophotos obtained from RIGIS, we classified habitat in the remaining 121 sites by photo-interpretation based on the visual signatures established during site visits. Based on our findings we developed the following ranking system for undeveloped lands in the Metro Bay SAMP area:

5. Conservation Zone

a. Sites with good habitat quality earmarked for conservation

b. In most cases native species are dominant

c. Rank:

(1) Vegetated with shrubby or small trees

(2) Maturing woods or woody fringe with most trees ≤1ft diameter

(3) Mature system: woods with many trees >1ft diameter, or emergent wetlands (salt marsh or fresh)

(4) Exceptional example of mature ecosystem

6. Restoration Zones

a. Potential site for restoration

b. In most vegetated areas exotic species are dominant

c. Rank:

(1) Paved or barren – no vegetation

(2) Partially vegetated with grass or shrubs

(3) Completely, or almost completely, vegetated with grass, shrubs, or trees

7. Scenic or Recreation Zone

a. Significant unprotected lands

b. Native or exotic vegetation

c. Rank:

(1) Mowed grass, may have shrubs, beside highway – no safe access

(2) Vegetated (green) patch in city neighborhood

(3) Vital scenic or recreational value – contributes to character or identity of neighborhood

8. Linkage

a. Habitat and greenway linkage – examining connectivity of wildlife habitat corridors or scenic/recreation areas

b. Rank:

(1) Isolated land (0)

(2) Land within 100 ft of other identified links or the waterfront (1)

(3) Land that meets at least one of the following criteria (2):

(AA) A "central link:" identified links separated by no more than 100 ft from two other links, or one link and the waterfront, or a link that has a perimeter more than ½ way surrounded by land identified as a link

(BB) A link within 100 ft of recognized conservation or recreational land (SCORP lands, private preserves, land trust holdings), a link within 100 ft. of adjacent links that connect it to recognized conservation or recreational land.

(4) A central link (defined in § 5.16(C)(8)(b)((3))(AA) of this Part) that forms part of a habitat corridor or potential greenway containing recognized conservation or recreational lands (3)

9. Evaluation

a. Type of analysis at each site

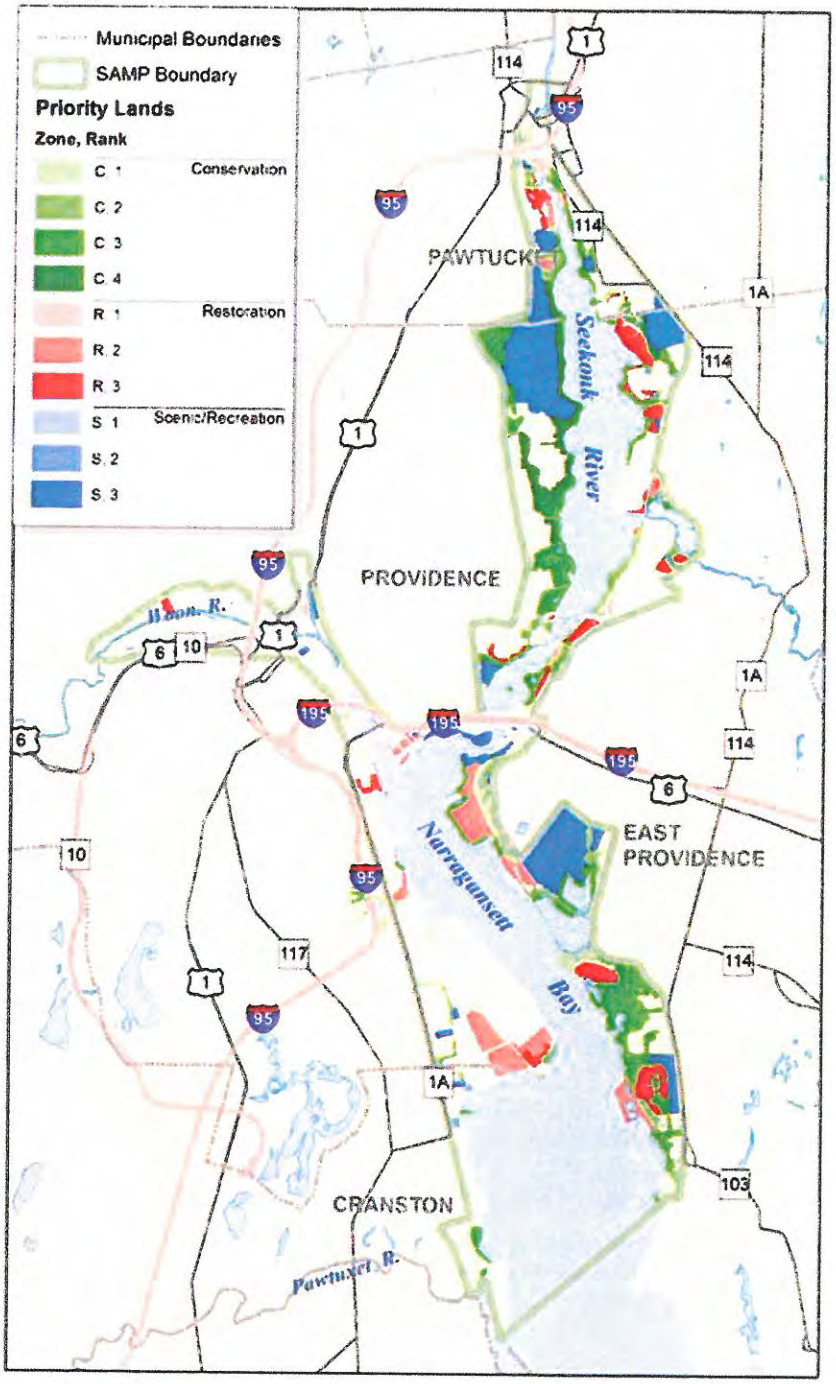
b. Rank:

(1) Photo-interpretation (2003 and 1997 RIGIS orthophotos)

(2) "Windshield survey" looking from outside in (1 and 2)

(3) Site visit (1, 2, and 3)

D. Appendix 4: Map of High Priority Conservation Areas (HPCAs) and High Priority Restoration Areas (HPRAs) in the Metro Bay Region.



Online version:
http://edc.maps.arcgis.com/apps/MapSeries/index.html?appid=16a00ec4a7ab45fd992e7327a2047dfd&folderid=51a9e35a774c426ca844938a6492e2fe