

CRMC DECISION WORKSHEET

2022-04-081

Robert & Tamarra Egan

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

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2022-04-081	Narragansett	Ocean Road		W	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	M			
		Owner Name and Address				
Date Accepted	5/5/2022	Robert & Tamarra Egan		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	9/15/2022	421 Wickham Road		Lease Required	<input type="checkbox"/>	
		North Kingstown, RI 02852				

PROJECT DESCRIPTION

Construct and maintain a single family two-bedroom dwelling with OWTS, town water, stormwater management and pervious driveway. Project will permanently disturb 108ft² of Freshwater Wetland; 2:1 Mitigation Wetland proposed

KEY PROGRAMMATIC ISSUES

Wetland Feature: Marsh, 50 foot perimeter

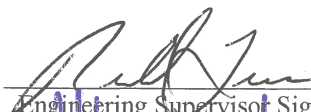

Variances and/or Special Exception Details: The application is a Formal Application to Alter Freshwater Wetlands

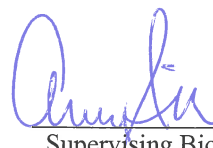
Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations): see report

STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: _____
 Biologist ALS Recommendation: No Objections
 Other Staff _____ Recommendation: _____


 Engineering Supervisor Sign-Off _____ date 9/15/22

 Executive Director Sign-Off _____ date 21 SEPT 22


 Supervising Biologist Sign-off _____ date 9/15/2022
 Staff Sign off on Hearing Packet (Eng/Bio) _____ date

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CRMC File No.: 2022-04-081
Staff Report



STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF REPORT TO THE COUNCIL

DATE: September 15, 2022
TO: Jeffrey M. Willis, Executive Director
FROM: Amy Silva

Applicant's Name:	Robert & Tamarra Egan
CRMC File Number:	2022-04-081
Project:	Construct and maintain a single family two-bedroom dwelling with OWTS, town water, stormwater management and pervious driveway. Project will permanently disturb 108ft ² of Freshwater Wetland; 2:1 Mitigation Wetland proposed
Location:	Ocean Road; Narragansett; Plat(s): M; Lot(s): 159-10
Wetland Feature:	Marsh
Plans Reviewed:	"Site Plan.. Ocean Rd....Robert Eagan...." Four sheets: Cover sheet and sheets 2-4 last revised 4/13/2022; sheet 2 last revised 3/27/2020

INTRODUCTION:

The application requests Assent under the Freshwater Wetlands in the Vicinity of the Coast regulations to construct maintain a single family two-bedroom dwelling with OWTS, stormwater management and driveway. As proposed, the project will permanently disturb 108ft² of Freshwater Wetland

The proposal was initially reviewed under Preliminary Determination (PD) 2019-03-042. This proposal was for a 1000ft² dwelling with unspecified number of bedrooms, which would permanently alter 565ft² of biologic Freshwater Wetland, and assumed relief from the Town front Setback.

The PD issued for the project stated that as proposed, impacts were not avoided and minimized, despite the relief from the front Setback. The applicant submitted a revised plan which better reduced impacts by reducing the size of the dwelling, and is essentially the plan in front of the Council (the wetland replication area was relocated – the dwelling remains the same). The applicant was notified that the revised plan would require a Formal Application to Alter if impacts were not further reduced.

The application before the Council was submitted in May 2022 and requests Assent for a 648ft² two-bedroom dwelling - essentially the same as the design reviewed by the revised PD. This proposal requires permanent altering of 108ft² of biologic wetland, and proposes 216ft² of mitigation/created wetland.

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One objection has been received.

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

The application falls under the Freshwater Wetlands in the Vicinity of the Coast Regulations. This application was submitted before July 2022, and falls under the “old” Regulations: 650-RICR-20-00-2.

A wetlands Impact and Avoidance narrative was submitted in accordance with Section 2.10(B)(4). This statement is the applicant’s demonstration that all impacts to identified wetlands have either been avoided or minimized to the maximum extent practicable.

Stormwater management for the dwelling in the form of a rain garden has been proposed. The driveway is noted to be permeable.

COMMENTS ON REQUEST:

The application narrative states that there is nowhere on the lot that can avoid wetland impacts. Staff concurs with the general statement, noting that there is no area of the lot out of Freshwater Wetland 50 foot jurisdiction. A very large Variance from the Town front Setback would likely allow for construction that would not alter any biologic wetland (A Setback of approximately 10’ or less). It should be noted that it is not common for Towns to grant Variances of that significance. The lot received a Variance to be 16.8’ from the front property line, an 8.2’ Variance to the 25’ Setback, or nearly 33%.

While it is possible to reduce the width of the dwelling from 36’, reducing the depth of the dwelling to less than the 18’ proposed is not particularly feasible. Reducing the dwelling to 18x30’, instead of 18x36’ (a 540ft² dwelling), would likely do very little to reduce the biologic wetland impacted by the proposal.

The applicant, as part of wetland impact mitigation, has offered 216ft² of wetland mitigation/creation – twice the amount that would be permanently altered by the project. This 2:1 ratio is not in the Freshwater Wetlands regulations – the applicant has chosen to utilize the mitigation standard in the “Red Book” regulations as their framework for mitigation.

It is the opinion of the reviewing biologist that impacts have been avoided and minimized to the greatest extent practicable and the mitigation size offered is sufficient. The applicant has not yet provided a mitigation plan, detailing the creation of the mitigation wetland. This shall be required to be submitted and approved by staff prior to start of construction.

COMMENTS ON OBJECTION:

On June 22, 2022 a letter was received from Attorney Stephen Surdut, representing an abuttor. The letter stated that the proposed project should be required to tie into a nearby sewer line rather than utilize the OWTS that was submitted.

In July, CRMC staff spoke with the Town of Narragansett Wastewater Department regarding the status/availability of sewer for the subject lot. Staff was informed that there is a small private system in the area, that services 5-6 dwellings, is believed to be fully built out, and is not accessible by the subject parcel. The Town confirmed that an OWTS was the option for this lot and CRMC notified the attorney

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On July 14, Attorney Surdut sent correspondence to CRMC stating that there was a petition for the Town to expand sewer service in the neighborhood. Mr. Surdut followed this with another correspondence stating that the petition was to be heard by the Town Sewer Commission Subcommittee.

While CRMC acknowledges that sewer service would be preferable to an OWTS system, the fact is that at this time, there is no sewer service to the subject lot. The applicant has applied for, and received a permit from DEM, for a de-nitrifying OWTS system, as required by CRMC Regulations.

It is staff's opinion that the objector's request to require the applicant to tie into an as-yet nonexistent sewer system does not constitute a substantive objection.

CONCLUSION & RECOMMENDATION:

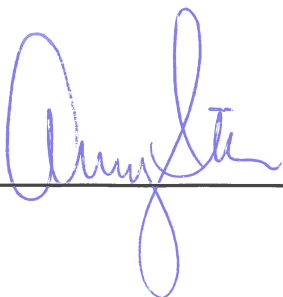
The proposed development has been reduced from that originally reviewed. The applicant has offered a 2:1 mitigation wetland to replace the wetland that will be lost due to this activity.

The applicant has requested and obtained permit for, an OWTS system to treat septage. As an OWTS is the only option for this property at the current time, the objector's request that the applicant be made to wait until sewers are available is not reasonable. Should sewer become available to this lot in the future, the property owner may opt to abandon the OWTS and tie in, or tie in prior to constructing OWTS.

There are no biological objections to the Council approval of this project and offers the following stipulations in addition to the standard Assent stipulations:

- B1 Prior to any activity on site occurring, the applicant must provide CRMC with a full and complete wetland creation/mitigation plan, including a detailing monitoring plan. No work may commence on site until the CRMC has reviewed and approved the mitigation plan.

Signed _____



Reviewing Biologist

Permitting Submission

Ocean Road

Narragansett, Rhode Island

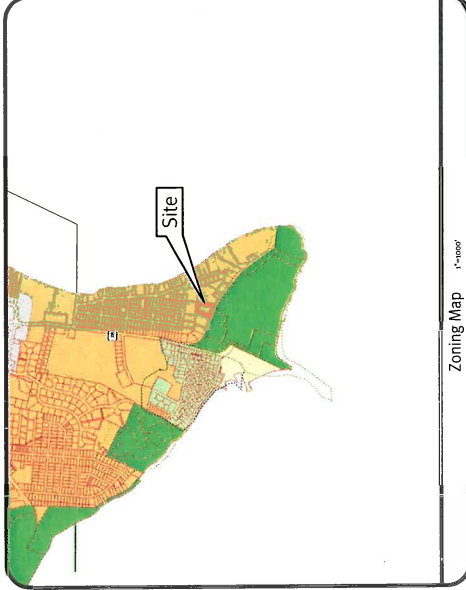
Assessor's Plat M Lot 159-10

Sheet Index

- 1 Cover Sheet
- 2 Boundary and Topographic Survey
- 3 Site Plan
- 4 Notes & Details



Location Map 1"=1000'



Zoning Map 1"=1000'



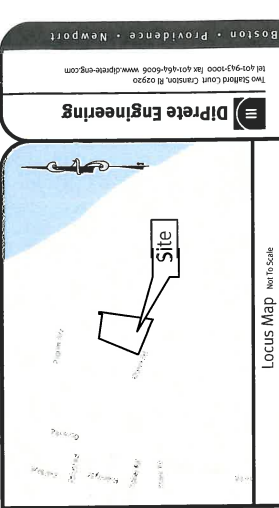
Aerial & Soil Map 1"=1000'



THIS PLAN SET MAY BE USED FOR CONSTRUCTION PURPOSES ONLY IF THE ENGINEER HAS REVIEWED THE CONSTRUCTION AND FOUND IT TO BE IN ACCORDANCE WITH THE PERMITS AND REGULATIONS OF THE STATE OF RHODE ISLAND. THE ENGINEER DOES NOT WARRANT THAT THE CONSTRUCTION WILL BE IN ACCORDANCE WITH THE PERMITS AND REGULATIONS OF THE STATE OF RHODE ISLAND. THE ENGINEER IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE CONSTRUCTION OR FOR ANY VIOLATION OF THE PERMITS AND REGULATIONS OF THE STATE OF RHODE ISLAND.

NO.	DATE	DESCRIPTION
1	08/20/2022	ISSUED FOR PERMITTING
2	08/20/2022	ISSUED FOR PERMITTING
3	08/20/2022	ISSUED FOR PERMITTING
4	08/20/2022	ISSUED FOR PERMITTING
5	08/20/2022	ISSUED FOR PERMITTING
6	08/20/2022	ISSUED FOR PERMITTING
7	08/20/2022	ISSUED FOR PERMITTING
8	08/20/2022	ISSUED FOR PERMITTING
9	08/20/2022	ISSUED FOR PERMITTING
10	08/20/2022	ISSUED FOR PERMITTING

Drawn By: KSD
Design By: JPC



General Notes:

1. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MASSACHUSETTS LAND SURVEYING ACT, CHAP. 270B, AS AMENDED, AND THE MASSACHUSETTS REGULATORY BOARD ON SURVEYING AND MAPPING, REG. 270B-10.00(1).
2. THE OWNER FOR DEED BOOK 66B, PAGE 608 IS ROBERT AND TAMARA R. EGAN.
3. BASED ON SPATIAL DATA, ONLY, THE PARCEL IS LOCATED IN ZONE X - FIVE FURNISHING. THIS ZONING MAP IS AVAILABLE FOR REVIEW BY THE TOWN ENGINEER, ZONING DEPARTMENT, 250 WASHINGTON STREET, FRAMINGHAM, MA 01901.
4. THE PARCEL IS ZONED B-10 BASED ON THE ZONING MAP OF THE TOWN OF FRAMINGHAM, MASSACHUSETTS, AS AMENDED, AND THE ZONING DEPARTMENT, 250 WASHINGTON STREET, FRAMINGHAM, MA 01901.
5. ALL UTILITIES SHOWN WERE IDENTIFIED BY VISUAL INSPECTION AND GROUND SURVEY. ANY UTILITIES NOT SHOWN WERE IDENTIFIED BY VISUAL INSPECTION AND GROUND SURVEY. ANY UTILITIES NOT SHOWN WERE IDENTIFIED BY VISUAL INSPECTION AND GROUND SURVEY.
6. FIELD SURVEY PERFORMED BY DIPRETE ENGINEERING ON MARCH 6, 2020. THIS PLAN REFLECTS ON THE GROUND CONDITIONS AS OF THAT DATE.
7. THIS SURVEY IS NOT RESPONSIBLE FOR ANY UNKNOWN OR UNRECORDED ENCUMBRANCES, DEEDS OR CLAIMS THAT A TITLE REPORT WOULD REVEAL.
8. CONSOLE DATA SHOWN ON THIS PLAN CORRESPONDS TO A TOPOMETRIC SURVEY PERFORMED AS A PART OF THE SURVEY. THIS SURVEY WAS PERFORMED BY THE BUREAU OF GEOGRAPHIC NAMES, DEPARTMENT OF THE ARMY, WASHINGTON, DC, IN 1954. THIS SURVEY WAS PERFORMED BY THE BUREAU OF GEOGRAPHIC NAMES, DEPARTMENT OF THE ARMY, WASHINGTON, DC, IN 1954.
9. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MASSACHUSETTS REGULATORY BOARD ON SURVEYING AND MAPPING, REG. 270B-10.00(1), AND THE MASSACHUSETTS REGULATORY BOARD ON SURVEYING AND MAPPING, REG. 270B-10.00(2).
10. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MASSACHUSETTS REGULATORY BOARD ON SURVEYING AND MAPPING, REG. 270B-10.00(1), AND THE MASSACHUSETTS REGULATORY BOARD ON SURVEYING AND MAPPING, REG. 270B-10.00(2).

Plan References:

1. EXISTING CONDITIONS PLAN, LOT 159-9 OF ASSESSORS MAP M, 1294 OCEAN ROAD IN THE TOWN OF FRAMINGHAM, MASSACHUSETTS, DATED SEPTEMBER 6, 2018. PLAN BY FRESHELL-BALCH & ASSOCIATES.
2. PLAN SHOWING BUILDING SITES AT POINT NORTH IN THE TOWN OF FRAMINGHAM, BEL PROPERTY OWNED BY JAMES S. DURKIN, RECORDED IN DEED BOOK 377, PAGE 110, JUNE 1988. PLAN BY A.L. D'AMBROSIO, CIVIL ENGINEER.
3. TWO TRACTS OF LAND AT POINT NORTH IN THE TOWN OF FRAMINGHAM, BEL PROPERTY OWNED BY JAMES S. DURKIN, RECORDED IN DEED BOOK 377, PAGE 110, JUNE 1988. PLAN BY A.L. D'AMBROSIO, CIVIL ENGINEER.
4. CERTIFICATE OF CONVEYANCE, DEED BOOK 377, PAGE 110, JUNE 1988. PLAN BY A.L. D'AMBROSIO, CIVIL ENGINEER.
5. DEED BOOK 377, PAGE 110, JUNE 1988. PLAN BY A.L. D'AMBROSIO, CIVIL ENGINEER.

Datum Notes:

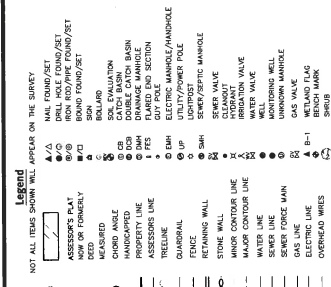
1. ELEVATIONS SHOWN HEREON, IN U.S. SURVEY FEET, ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83), EXCEPT AS INDICATED OTHERWISE.

Utility Notes:

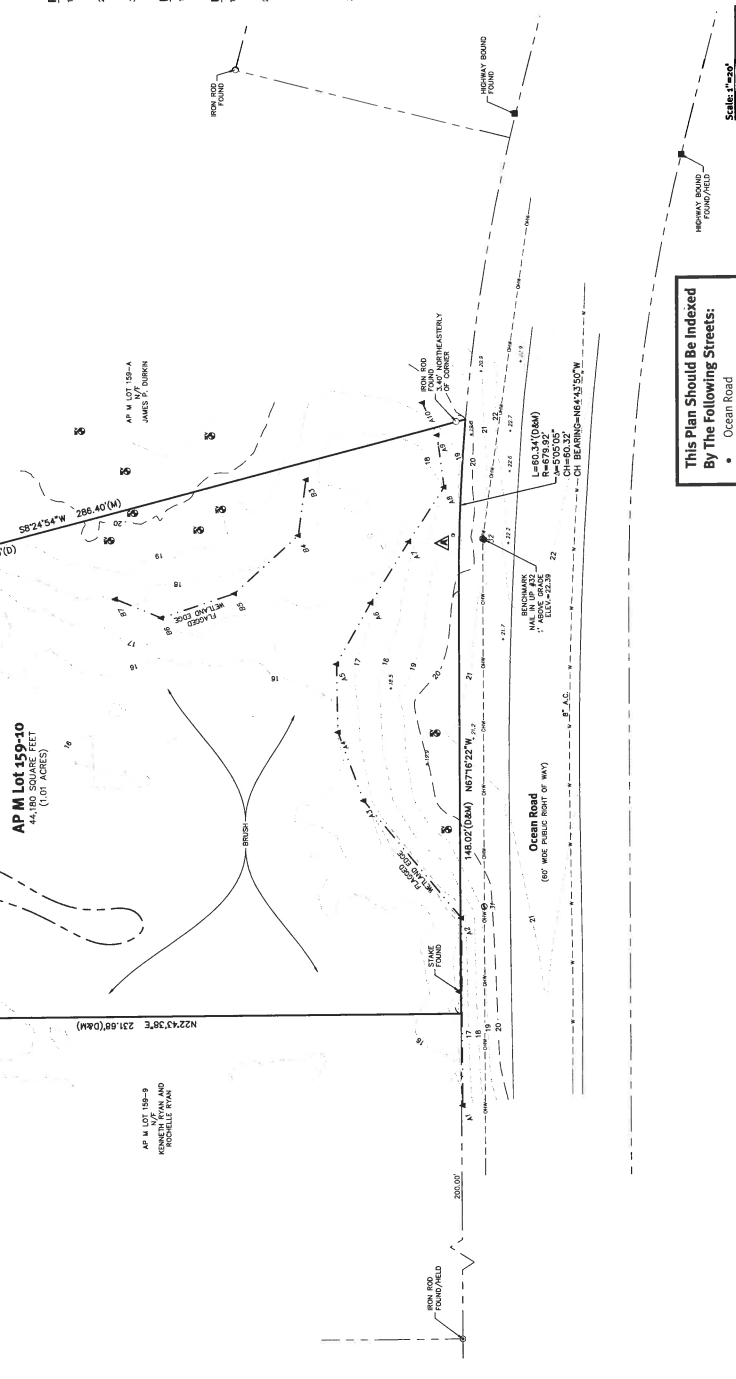
1. ALL EXISTING UTILITIES LOCATED ARE SHOWN ACCORDANCE WITH UTILITY LEVEL, D.A.S. OBTAINED IN 2018. EXISTING UTILITIES SHOWN WERE PROVIDED BY OTHERS AND ARE APPROXIMATE. ALL UTILITIES SHOWN ARE APPROXIMATE. THIS SURVEY IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY UTILITIES SHOWN.
2. ALL EXISTING UNDERGROUND UTILITIES SHOWN WERE PROVIDED BY OTHERS AND ARE APPROXIMATE. ALL UTILITIES SHOWN ARE APPROXIMATE. THIS SURVEY IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY UTILITIES SHOWN.
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Certification:
 I, ROBERT E. EGAN, CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF MASSACHUSETTS. I HAVE PERSONALLY CONDUCTED THIS SURVEY AND THE PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AND THE GROUND CONDITIONS AS FOUND.

ROBERT E. EGAN, REGISTERED PROFESSIONAL LAND SURVEYOR
 No. 2504
 Robert E. Egan, Inc.
 4718/2022



List of Possible Encroachments:
 1. GUY WIRE 2.7' OVER PROPERTY LINE



**This Plan Should Be Indexed
 By The Following Streets:**
 Ocean Road



