



December 28, 2022

Ms. Amy Silva, Supervising Environmental Scientist
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3, Wakefield, RI 02879

Re: Application for State Assent, Category A **(2022-06-127)**
Proposed Summer Winds Subdivision - A.P. 7, Lots 51
4772 Old Post Road, Charlestown, Rhode Island
Previous Filings: 2020-03-063, 2020-08-005

Dear Ms. Silva:

In regards to the above project, we are submitting revised plans and supporting information to address your comments dated 12/06/22. Listed below are the items included in this submittal;

- (4) Written Response to Comments from CRMC letter dated December 6, 2022
- (4) Written Response to Comments from Abutters
- (4) Revised Site Plan Sets (Revision 2, dated 12/16/22)
- (1) Plans with yellow highlight for revision reference (partial set – revised plans only)
- (4) Operation and Maintenance Manual (Revised December 2022)
- (1) CD of submittal

I will also be emailing you an electronic copy of this submittal.

Please note that underground infiltration No. 6 has been relocated about 100' or so to the east which will provide an area for landscape buffering along the property line of abutting Lot 48-1 on Plat 7. This relocation does not require changes to the underground infiltration system elevations, and does not increase the overall limit of disturbance area calculated for this project. These changes do not require edits to the Drainage Narrative and Assessment.

If you need additional information or have any questions, please contact me (brian.king@crossmaneng.com) or Steven Cabral (steven.cabral@crossmaneng.com) or at 401-738-5770, extension 26. Thank you for your attention to this matter.

Sincerely
CROSSMAN ENGINEERING

Brian R. King

Brian R. King PE
Senior Project Manager

Enclosures



**4772 Old Post Road, LLC
4772 Old Post Road, Charlestown
Plat 7 Lot: 51**

**Response to Comments from Coastal Resources Management Council
December 6, 2022**

1. Comment: Please provide detail, both in narrative and in plan form, for the proposed dry hydrant. The dry hydrant was not reviewed under the Preliminary Determination and is a new activity.

Response: The revised plan set provides a dry hydrant detail and installation notes on Miscellaneous Detail Sheet 8, drawing C8.7.

2. Comment: Please provide detail plans for the portion of Road C that passes between the two small freshwater wetlands. Please be reminded that staff strongly recommended the utilization of retaining walls to minimize fill and disturbance to these wetland features.

Response: Retaining walls are proposed for both sides of the road in this area, from station 205+50 to 208+30. To provide clarification, a 20-scale plan view of this area with additional call-outs and notes is provided in the revised plans, refer to Miscellaneous Detail Sheet 11, drawing C8.11.

3. Comment: It appears that fill is proposed within 10 feet of these wetlands, despite staff urging of a 10-foot Buffer Zone around the wetlands. Please address.

Response: Throughout the subdivision, the roadway width is 24' wide, which is the required road width in accordance with Charlestown standards. The roadway has been designed to straddle between the V-Series and W-Series wetlands, and between the X-Series and Z-Series wetlands, placed to minimize disturbance to the extent possible. Retaining walls are proposed on both sides of the roadway from station 205+50 to 208+30 to eliminate slope grading for the roadway shoulders. To further reduce the width of the roadway in this area, a 6" wide curb is used instead of the 1' wide cape cod berm. However, because of the narrow upland area between these small wetlands, there are two flags that are closer than 10' from the proposed retaining wall, (flag V100 at 7.5' & flag X121 at 5'). In all other areas, the wall is greater than 10' from the wetland flags.

On the revised plans, the limit of disturbance is referenced to avoid impacts to all wetlands. The limit of disturbance is upland of wetland flags V100 and X121, and inside the limit of disturbance a double row of erosion controls is proposed (silt fence and waddle/filter sock) for additional protection. After construction, the limit of disturbance areas will be re-seeded, using a slope mix between stations 205+50 to 208+30. In this area, wetland shrubs are also proposed. Refer to drawing C8.11.

4. Comment: Please clarify what (if anything) is being done with the existing structures on site.

Response: On drawing C1 and also C5.2 in the revised plans notes have been added to reference that the existing structures shall be properly inspected prior to demolition by a certified inspector to ensure that if asbestos or lead paint is present, it is removed in accordance with the requirements of all local, state and federal requirements. Demolition permits will be required prior to razing the existing structures, and this information will be provided with the



demolition permit application. The cesspool areas will be pumped and filled with sand/gravel/soil. The wells will be abandoned in place in accordance with the state requirements. Coordination with the fire department shall be conducted to ensure that there are no safety concerns with the abandonment process.

5. Comment: Please clarify what is proposed for the existing and new trails within CRMC designated Buffer Zone. Please be reminded that all CRMC designated Buffer Zones are required to be permanently undisturbed, and plans to maintain the pathways within the designated Buffer Zones would be considered Buffer Zone Management and require specific addressing.

Response: The existing trails shown on the open space plan were in place at the time the existing condition survey was conducted. The plans have been revised to reference that these trails will be abandoned and no trail maintenance is proposed for these trails. This note has been added to the Open Space Plan. There are no new trails proposed with this submission.

6. Comment: The submitted narrative states that no Buffer Zone Management is proposed at this time, yet the plans call out future management locations and reference plans notes that do not appear to be part of the plan set. Please remove all mention of future work from plans.

Response: The future view corridor and rest station areas referenced on the Open Space Plan have been removed from the plan set. Future view corridors and rest stations are not proposed.

7. Comment: Please provide permanent Buffer Zone Markers at the inland limit of all CRMC designated Buffer Zones. This includes 10-foot Buffer Zones around the smaller, isolated Freshwater Wetlands.

Response: The revised plans reference buffer zone markers every 100' along the buffer edge adjacent. Refer to revised drawings C4.1 – C4.5.

8. Comment: The OWTS on lot 19 does not appear to meet the required 225' Setback. Please address.

Response: The OWTS on lot 19 has been adjusted to be clear from the 225-foot setback.

9. Comment: Please clarify the responsible party for the operation and maintenance for stormwater. Will there be a Home Owners Association responsible for upkeep of roads and BMPs?

Response: The proposed roadway will become a Town roadway, plowed and maintained by the Town. A homeowner's association will be created for this subdivision and the homeowner's association will be responsible for the maintenance and operation of the drainage system and stormwater management system. Operation and maintenance of the drainage system and stormwater management system includes inspection and maintenance of the catch basins, manholes, drainage pipe, sediment forebays, infiltration systems, underground infiltrations systems, outlets and swales, and other drainage related items. Refer to notes on revised drawing C1.

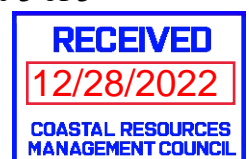
10. Comment: In addition, please revise the Stormwater Facility Maintenance Agreement to replace RIDEM with the Town of Charlestown as Local Jurisdiction.

Response: The Stormwater Facility Maintenance Agreement has been revised and is enclosed.



11. Comment: Please address public comment regarding discrepancies between the CRMC Submitted Plan set and the Town of Charlestown Master Plan approval plan set. There are may concerns of discrepancies. CRMC should be reviewing what the Town reviewed.

Response: Responses to the public comments is attached to this re-submission package.



**Summer Winds
Charlestown, RI**

**Response to Abutters Objections
November 2022**

Comment – Marisa A. Desautel, Esq. – File No. 2002-06-127

1. Comment: Please be advised that this office represents the Arnolda Improvement Corporation (“AIC”) with respect to the above-referenced matter. This correspondence serves as the AIC’s formal request for hearing on the Assent application for the above file. You will note that this is the second of such requests filed on behalf of the AIC, out of an abundance of caution, to provide “substantive objection,” to the extent that such objection is required to request a hearing. Please be advised that the AIC reserves the right to provide additional objection and comment in the future, before the full Council or otherwise. Pursuant to 650-RICR-20-00-3, the RICRMC’s Salt Pond Region Special Area Management Plan, cumulative effects and cumulative impacts associated with this project must be analyzed. “Managing for cumulative impacts is becoming one of the major issues for CRMC as nitrogen loading to the salt ponds increased and more and more people move to the salt pond watersheds.” Section 3.4.11 “Cumulative Impacts.” The reviewed application materials, to date, do not adequately address the cumulative impacts of OWTS, impervious areas, stormwater runoff, vegetation removal and soil erosion, residential activities, wetland alteration and noise and lighting impacts on habitat. Thank you for your prompt attention to this matter, and please feel free to reach out to me in the event you should have any questions or concerns.

Response: The design of this subdivision has been prepared in accordance with the CRMC and RIDEM guidelines for wetland and buffer protection, Stormwater Management design and On-Site Wastewater Treatment System design.

- OWTS: The onsite wastewater treatment systems proposed for each lot include a Advantex AX20 Series pretreatment system specifically to reduce the nitrogen in the domestic wastewater below 10 mg/l for this area. RIDEM requires pretreatment systems to have an Operation and Maintenance Agreement with a certified individual/company in place to conduct routine inspection, monitoring and if needed maintenance. In addition, a Subdivision Suitability approval for these systems has been received from the RIDEM OWTS Division.
- Impervious Surface: Runoff from all new impervious roadway areas will be collected in the proposed catch basins and piped to the proposed stormwater management systems. The stormwater management system is designed in accordance with the Rhode Island Stormwater Design and Installations Standards Manual (RISDISM), amended March 2015 to provide water quality pretreatment to runoff, water quality treatment prior to infiltration, recharge to the groundwater to match pre-construction conditions and peak flow attenuation for the 1-yr, 10-yr and 100-yr storm events.
- Stormwater Runoff: The stormwater management system is designed in accordance with the RISDISM, amended March 2015. The stormwater management system includes: catch basins, manholes, pipe, sediment forebays, infiltration basins and underground infiltration systems. For the design, the existing conditions are reviewed



and the design is conducted for the post development conditions to match or exceed the current infiltration volumes and reduce the current peak flow runoff rates.

- **Vegetation Removal:** Any vegetation removal shall be contained within the limit of disturbance lines shown on the plans. The perimeter around these areas will be protected by erosion controls such as silt fence, or waddles/filter socks or as approved by CRMC, the Town or Engineer.
- **Soil Erosion:** Soil Erosion and Sediment Control plans are provided in the Site Plan Set for the Contractor to follow during construction. Also, a Soil Erosion and Sediment Control Manual is provided. During Construction a responsible party is required to make weekly inspections of the entire site under construction and make repairs as needed, AA inspection report is to be filled out each week and kept on site during construction. This information is included in the CRMC submissions.
- **Residential Activities:** This property is zoned R-2 and the proposed lot sizes are a minimum of 40,000 square feet. Legal residential activities are allowed on this property.
- **Wetland Alteration:** There is no wetland alteration proposed.
- **Noise:** noise generated from this residential subdivision will be held to the Charlestown noise ordinances as all residences in the town are required to uphold.
- **Lighting Impacts on Habitat:** There are no roadway street lights proposed. Lighting would be residential lights chosen by the homeowner. All houses and yard areas are outside the buffer areas.

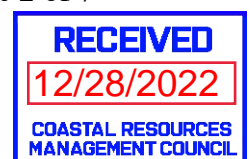
Comment: Jodi Viniello

I have several concerns and objections to the Summer Winds proposal. Transparency and honesty is one major concern. CRMC notified me as an abutter on 9/25/2022. They received a new proposal on 9/28/2022. I believe this is to obstruct abutters from knowing the true proposal and plan which contradicts several agreed upon decisions made in the Town Planning Board. My major concern is proximity to wetlands, groundwater, wildlife and vegetation.

1. **Comment:** It does not seem they are abiding by the 10-foot buffer from abutters that was agreed upon where trees would be put in to obstruct the view. On the new plan they have a proposed underground infiltration system which looks to be less than 10ft away from Plat 7 Lot 48-1. I have concerns about non-compliance with the agreed upon buffer zone, proximity to this lots well and inground fiberglass pool.

Response: The revised plans provide proposed landscaping within the buffer areas as discussed with the Charlestown Planning Board. The revised plans propose landscaping to screen the abutters along the southerly limits of the property, adjacent to the proposed lots 31 through 35. The proposed infiltration system has been relocated to maintain an area is greater than 10' from the property line. Also, proposed landscaping is shown to provide additional buffering and screening. In reference to the existing wells, research at RIDEM and field visits have been done to locate the existing adjacent wells on the abutting properties. All proposed OWTS shown on the design plans maintain the required separation distance of 150' from existing and proposed wells to the OWTS. The design is in accordance with the RIDEM OWTS guidelines and current regulations.

2. **Comment:** Future view corridor and gazebo behind Plat 7 – Lot 48-7 and Plat 7 – Lot 48-3



within the perimeter of Open Space C making it not really Open space as they want to construct and install a Gazebo see note #2. I believe this would have the Open Space proposed null and void as it would not be Open space if they are constructing a building.

Response: The revised plans do not reference a gazebo. A gazebo is not proposed. Any item referenced a 'future' item has been removed from the plan set.

3. Comment: Proposed dry hydrant in Open Space C looking to leverage wetlands in case of fire. This would compromise the ecosystem and potentially if used degrade the wetlands and ground water of abutters. This should not be allowed.

Response: Use of the dry hydrant is shown for emergency use only to be used by the Charlestown Fire Department if necessary, to fight a fire. This emergency situation may never occur. Additional installation details for the dry hydrant are provided on the Miscellaneous Detail Sheets in the Plan Set. Alternate water sources may be used if required during the permitting process.

4. Comment: Proposed sediment forebay 1, 2, and 3 in Open Space C all abutting wetlands these are designed to slow incoming stormwater and runoff. I am concerned with these so close to the wetlands it could compromise the wetlands and ecosystem. If storm water is pushed into these forebays it could overflow into the wetlands which are directly next to the sediment forebay. Having run off from roads so close to the wetlands is a risk. Does not seem to comply with Charlestown Subdivision 11.9a Erosion and sediment control and having it be 200 ft from any body of water.

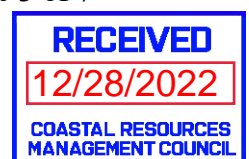
Response: Sediment forebays 1, 2 and 3 are designed as a stormwater pretreatment area which allows runoff to continue into the underground infiltration systems during all storm events through the 100-year storm. Runoff will not overtop the sediment forebay during these storms, all runoff will flow into the infiltration systems where it is retained and controlled before outflow. The stormwater management system is designed in accordance with the latest RIDEM and CRMC stormwater design guidelines which are in place to ensure that stormwater outflow does not compromise the wetlands or adjacent ecosystem. Section 11.9a in the Subdivision Regulations states that projects within 200' of wetlands require a soil erosion and sediment control plan. This project does have a soil erosion and sediment control plan and also has a soil erosion and sediment control manual to be followed during construction. This project complies to Section 11.9a of the Subdivision regulations.

5. Comment: Proposed sediment forebay 1, 2, and 3 in Open Space C also seems exceptionally close to the road potentially compromising the road infrastructure.

Response: The proposed sediment forebays maintain proper separation distanced from the roadway. In addition, runoff below grade flows away from the roadway infrastructure toward the wetland areas.

6. Comment: Proposed underground infiltration system 1, 2, 3 all are in Open space C which again is a concern with how close it is to the wetlands and ecosystem.

Response: The underground infiltration systems 1, 2 and 3 are designed in upland areas outside of the wetland buffer areas. Proper separation distances are proposed. The stormwater



management system is designed in accordance with the latest RIDEM and CRMC stormwater design guidelines which are in place to ensure that stormwater outflow does not compromise the wetlands or adjacent ecosystem.

7. Comment: I have concerns will all “future view corridors and future rest station viewing areas” in Open Space C as attempting to construct gazebos as commented in the note #2 referenced in these areas without proper infrastructure could lead to additional clearing and ecosystem disturbance of wetlands.

Response: The revised plans do not reference a gazebo. A gazebo is not proposed. Any item referenced a ‘future’ item has been removed from the plan set.

8. Comment: Proposed underground infiltration system 4 again abutting wetlands and fragile ecosystem.

Response: The proposed underground infiltration system will provide recharge of treated stormwater to the ground. All runoff from impervious surfaces will be treated for water quality prior to being infiltrated into the ground. Placement of the infiltration system is within the guidelines prepared by RIDEM and CRMC.

9. Comment: None of the above was in the proposal sent to me in the mail on 9/26/22 and I am not sure if it was approved in the masterplan or not just added after. It seems to completely change what was originally agreed upon at the planning board meetings.

Response: The final design plans submitted to CRMC are consistent with the Master Plan documents approved by the Charlestown Planning Board.

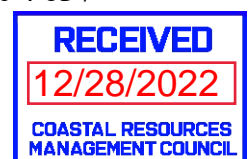
10. Comment: The emergency access lane documented was deemed by the fire department not large enough to fit a fire truck therefore would never be used as an emergency lane there should be not access to South Arnolda a private road or listed as emergency access lane as this is not accurate and false.

Response: Reference to an emergency access area has been removed from the plan set.

11. Comment: The documented emergency access lane that connects to South Arnolda Road has been maintained by 70 South Arnolda Road for over 15 years. Not sure how it’s even part of the subdivision.

Response: Reference to an emergency access area has been removed from the plan set.

12. Comment: The “trail” that they show connecting to Arnolda Round Road was cut by Jackson surveying with a Kubota Tractor in the early hours after the land was purchased to “present” as if an existing trail connected to Arnolda Round Road. This is not accurate and should not be allowed. Additional pedestrian traffic on Arnolda Round Road a private road should not be allowed. The trail is again overgrown and additional excavation should not be permitted to connect it back to Arnolda Round Road.



Response: Survey cut lines are not referenced on these plans as a trail. The revised plans indicate that the existing trails are to be abandoned. New trails are not proposed. There is no intent to install a new trail for pedestrian access to Arnolda Road.

13. Comment: There are 3-4 existing structures on this current property there is no mention of what will be done with these structures and why are they not included in the subdivision since they are existing structures. What is the plan with these structures, cesspools, well systems? Overdevelopment would be a concern as there is no mention of this in the plan.

Response: The plans have been revised to provide notes regarding this. The structures will be properly inspected prior to demolition by a certified inspector to ensure that if asbestos or lead paint is present it is removed in accordance with the requirements of all local, state and federal requirements. Demolition permits will be obtained and the structures will be razed. The cesspool areas will be pumped and filled with sand/gravel/soil. The wells will be abandoned in place. Coordination with the fire department shall be conducted to ensure that there are no safety concerns with the abandonment process.

14. Comment: I am concerned about additional traffic on Route 1a.

Response: A traffic study has been completed and the findings indicate that there are no adverse impacts to the adjacent roadways from this subdivision. A RIDOT Physical Alteration Permit is in place and will be issued once a Contractor retained and a bond is provided for the work in the state R.O.W.

15. Comment: The impact to wildlife that utilize the wetlands for water and fresh water bog that will now have limited access and potentially contaminated water from fertilization runoff from yards.

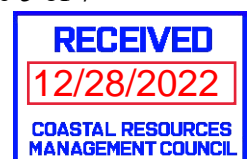
Response: All lots propose the house, OWTS, well and yard areas upland and outside the wetland buffer areas. The revised plans reference recommendations for seed and fertilizer placement, refer to drawing L2.1. In addition, homeowners should, and landscapers would, follow the application rates for fertilizer as recommended by fertilizer manufacturers.

16. Comment: When looking at NOAA flood plain projections over the next 20 years it looks that some of the proposed lots will be compromised and infrastructure could be underwater. I would highly suggest reviewing these projections based on the proposal especially based on what happened in Ft. Myers recently.

Response: All proposed improvements are outside the 100-year floodplain.

17. Comment: The biggest concern is the road being proposed from the front subdivision to the back subdivision which goes directly through wetlands. I believe they are calling this Road C. This should not be allowed as it completely compromises the ecosystem, groundwater, wildlife and vegetation. Lots 29 – 35 should not be approved as no road should be allowed through the delicate ecosystem and wetlands.

Response: All proposed roads are in upland areas. Guidelines for sediment control measures during construction are provided in the plan set and supporting documents. Site stabilization, seeding, and landscaping is proposed and provided in the plan set.



I officially protest this subdivision as proposed and would like to schedule a hearing. My mailing address Mathew Denecour and Johanna Viniello 60 South Arnolda Road, Charlestown, RI 02813. Email – jodevine@gmail.com, contact number 860-463-9876.

I have general concerns with potential misrepresentation of the applicant that I will be submitting to the Attorney General’s office where I am not even sure you have a legal applicant. I will include you in the documentation.

Comment: Alan Kline

1. Comment: As a direct abutter, we are concerned about the ecological damage to the entire plot of land, especially the road cutting through the wetlands area. Where will the wildlife go? How will the completed complex effect Charlestown’s “Dark Sky” policy? Mostly importantly, even though there are “water filtration systems”, how will the ground water effect our well? How will the ground water effect Ninigret Pond? As a direct abutter to the 4772 Old Post Road housing proposal, I would like to be heard. Alan D. Kline Email: KB1DJ@Yahoo.com 70 South Arnolda Rd. PO Box 986 Cell #1-617-275-1076

Response: The design of this subdivision has been prepared in accordance with the CRMC and RIDEM guidelines for wetland and buffer protection, Stormwater Management design and On-Site Wastewater Treatment System design.

- OWTS: The onsite wastewater treatment systems proposed for each lot include a Advantex AX20 Series pretreatment system specifically to reduce the nitrogen in the domestic wastewater below 10 mg/l for this area. RIDEM requires pretreatment systems to have an Operation and Maintenance Agreement with a certified individual/company in place to conduct routine inspection, monitoring and if needed maintenance. In addition, a Subdivision Suitability approval for these systems has been received from the RIDEM OWTS Division.
- Impervious Surface: Runoff from all new impervious roadway areas will be collected in the proposed catch basins and piped to the proposed stormwater management systems. The stormwater management system is designed in accordance with the Rhode Island Stormwater Design and Installations Standards Manual (RISDISM), amended March 2015 to provide water quality pretreatment to runoff, water quality treatment prior to infiltration, recharge to the groundwater to match pre-construction conditions and peak flow attenuation for the 1-yr, 10-yr and 100-yr storm events.
- Stormwater Runoff: The stormwater management system is designed in accordance with the RISDISM, amended March 2015. The stormwater management system includes: catch basins, manholes, pipe, sediment forebays, infiltration basins and underground infiltration systems. For the design, the existing conditions are reviewed and the design is conducted for the post development conditions to match or exceed the current infiltration volumes and reduce the current peak flow runoff rates.
- Vegetation Removal: Any vegetation removal shall be contained within the limit of disturbance lines shown on the plans. The perimeter around these areas will be protected by erosion controls such as silt fence, or waddles/filter socks or as approved by RIDEM, the Town or Engineer.
- Soil Erosion: Soil Erosion and Sediment Control plans are provided in the Site Plan Set for the Contractor to follow during construction. Also, a Soil Erosion and Sediment Control Manual is provided. During Construction a responsible party is required to



make weekly inspections of the entire site under construction and make repairs as needed, AA inspection report is to be filled out each week and kept on site during construction. This information is included in the CRMC submissions.

- Residential Activities: This property is zoned R-2 and the proposed lot sizes are a minimum of 40,000 square feet. Legal residential activities are allowed on this property.
- Wetland Alteration: There is no wetland alteration proposed.
- Noise: noise generated from this residential subdivision will be held to the Charlestown noise ordinances as all residences in the town are required to uphold.
- Lighting Impacts on Habitat: There are no roadway street lights proposed. Lighting would be residential lights chosen by the homeowner. All houses and yard areas are outside the buffer areas.

