



DESAUTEL LAW

Marisa Desautel, Esq.
marisa@desautelesq.com
401.477.0023

December 1, 2022

VIA ELECTRONIC MAIL

Mr. Jeffrey Willis
Executive Director
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Rd. Suite 3
Wakefield, RI 02879-1900
jwillis@crmc.ri.gov
Cstaff1@crmc.ri.gov

**RE: FILE NO: 2022-06-127
4772 OLD POST ROAD, CHARLESTOWN, RI – PUBLIC Re-NOTICE**

Dear Mr. Willis,

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 supplemental request for hearing on the Assent Application for the above-referenced file. This request is filed on behalf of the AIC, out of an abundance of caution, to respond to the CRMC’s Public Re-Notice. Please be advised that the AIC reserves the right to provide additional objection and comment in the future before the full Council, or otherwise. This correspondence serves as our Client’s formal request for a hearing on this matter and that it be marked as a contested case.

CRMC Management Procedures regulation 1.5.1 (F) states, “in the event that during this thirty (30) day period formal written ... request for hearing is received by the Coastal Resources Management Council from an interested party and ... is substantiated by genuine and material reason as outlined in § 20-00-1.1.6(G) ... the matter shall then become a contested case ...” Our Client has a number of objections including, but not limited to:

Mr. Jeffrey Willis, Executive Director

December 1, 2022

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- Concern that the applicant is creating their own hardship with the density of homes proposed. The proposed infiltration practices (#2 and #5), closest to the wetlands propose a significant amount of fill (3'-5') in order to meet groundwater separation requirements. The Rhode Island stormwater treatment manual prohibits infiltration practices in fill when the infiltration practice is used to treat roadway runoff.
- Concern that the proposed infiltration practices near the freshwater wetlands do not meet the infiltration rate standards of 0.5 inches per hour as defined in RICR-150-10-8.21.B.3. Since there are no test pits for the locations, feasibility of these locations are unknown.
- Concern that with the amount of fill, and new slopes that the slope failure and seepages may occur which would create a failure of the underground infiltration systems. RICR-150-10-8.21.B.9 prohibits locating infiltration practices in locations that cause water problems (such as seepage or slope failure).
- Due to the size of the project, the extensive roadway contributions and the septic contributions, there is a concern that this project will unduly contribute to, or cause, water resource degradation. We request a pollutant loading analysis to determine the impact to the sensitive resource of Ninigret Pond. Ninigret Pond currently does not meet water quality standards and is sensitive to nitrogen loadings. This project has the potential to contribute to an increased degradation. In such cases, in accordance with RICR-150-10-8.36.A:

"the permitting agency may require applicants to document that a particular project does not unduly contribute to, or cause, water resource degradation (generally for sensitive resource areas or where an elevated concern for water quality exists)... In these cases, applicants may be required to calculate potential stormwater pollutant loadings for projects for pre-development and post-development conditions.


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 increases 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,

Mr. Jeffrey Willis, Executive Director
December 1, 2022
Page 3

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.

Respectfully,


Marisa Desautel, Esq. (MD)

Cc: Linda Lyall (lindalyall@me.com)
Alisa Richardson, PE (baejkrichard@gmail.com)



DESAUTEL LAW

Marisa A. Desautel
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October 26, 2022

VIA ELECTRONIC MAIL
RICRMC - O.S. Government Center
4808 Tower Hill Road
Wakefield, RI 02879
Cstaff1@crmc.ri.gov



RE: FILE NO. 2002-06-127
4772 OLD POST ROAD, CHARLESTOWN, RI - Amended Request for Hearing

To Whom it may Concern,

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 increases 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.

Sincerely,

Marisa Desautel, Esq.



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RICRMC - O.S. Government Center
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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.

Sincerely,

Marisa Desautel, Esq.



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October 26, 2022

VIA ELECTRONIC MAIL

RICRMC
O.S. Government Center
4808 Tower Hill Road
Room 116
Wakefield, RI 02879
Cstaff1@crmc.ri.gov



**RE: FILE NO. 2002-06-127
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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.

Sincerely,

Marisa Desautel, Esq.

Amy Silva

From: Jodi Viniello <jodevini@gmail.com>
Sent: Wednesday, October 26, 2022 9:49 AM
To: Amy Silva
Cc: Amy Silva; Imiguel@crmc.ri.gov; rluca@crmc.ri.gov; Ross Singer
Subject: Re: Summerwinds Objection

Thank you Amy this makes me feel a lot better. I found some crazy stuff on the LLC and some of the agreements are not honored in the new proposal so the timing made me very uneasy. Just a note, I am away for soccer tournaments starting Nov 17 - Dec 5th one in FL and one in AZ, if we could avoid scheduling during those dates.

Appreciate the clarify it makes me feel better.
Jodi

On Wed, Oct 26, 2022 at 9:19 AM Amy Silva <asilva@crmc.ri.onmicrosoft.com> wrote:

Jodi-

I am one of the staff members reviewing this application. I'd like to clear up the concern regarding the plan sets. The application was submitted in late June, and I requested plans that showed the open space plans. By early September I had not received any reply to that request so I sent what we had to notice. Plans arrived just a day or two after I sent the notice. I assure you, there is no effort to obstruct anyone from knowing what is proposed, and in fact, anyone who contacted requesting to see the plans was sent the more recent plan set. However, to alleviate these concerns, we will likely re-notice the project.

Your objection has been added to the file and you will be notified when the public hearing is scheduled.
-Amy

DO NOT REPLY TO THIS MESSAGE

Send all replies to asilva@crmc.ri.gov

From: Amy Silva <asilva@crmc.ri.gov>
Sent: Wednesday, October 26, 2022 9:14 AM
To: Amy Silva <asilva@crmc.ri.onmicrosoft.com>
Subject: Summerwinds Objection

From: Jodi Viniello [<mailto:jodevini@gmail.com>]
Sent: Tuesday, October 25, 2022 12:44 PM
To: cstaff1 <cstaff1@crmc.ri.gov>
Subject: Summerwinds - protesting application

Coastal Resource Management Council:

I have several concerns and objections to the Summerwinds 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. 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 lot's well and inground fiberglass pool.
2. 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 C. 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.
3. 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.
4. 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 200ft from any body of water.
5. Proposed sediment forebay 1, 2 and 3 in Open Space C also seems exceptionally close to the road potentially compromising the road infrastructure.
6. 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.
7. 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.
8. Proposed underground infiltration system 4 again abutting wetlands and fragile ecosystem.
9. 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.
10. 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 Arnold a private road or listed as emergency access lane as this is not accurate and false.

11. 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 its even part of the subdivision.
12. 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 exsiting 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.
13. 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 concerns as there is no mention of this in the plan.
14. I am concerned about additional traffic on route 1a.
15. 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.
16. 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.
17. 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.

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 - jodevini@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 generals office where I am not even sure you have a legal applicant. I will include you in the documentation.

Regards,

Jodi (Johanna) Viniello

60 South Arnolda Road

Charlestown, RI 02813

From: Jodi Viniello <jodevini@gmail.com>
Sent: Tuesday, October 25, 2022 12:44 PM
To: cstaff1
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Regards,

Jodi (Johanna) Viniello
60 South Arnolda Road
Charlestown, RI 02813

Amy Silva

From: Amy Silva <asilva@crmc.ri.gov>
Sent: Tuesday, October 25, 2022 10:40 AM
To: 'Alan Kline'
Subject: RE: CRMC Comment Received.

Thank you Mr. Kline-
Your comment will be added to the file and you will be notified when the public hearing is held.

I will let you know that the CRMC does not review for any of Charlestown's rules. The "dark sky" question is one for the Town to comment on.

Also, the road proposed does not impact biologic wetland – there is one area where the road will pass between two isolated wetlands, but no biologic wetland will be filled for roadway access. Its rather difficult to see that level of detail on the plans.

-Amy

Amy Silva
Supervising Environmental Scientist, CRMC
(401)-783-3370p / (401)-783-2069f
<http://www.crmc.ri.gov>

From: Alan Kline [mailto:kb1dj@yahoo.com]
Sent: Monday, October 24, 2022 6:14 PM
To: Amy Silva <asilva@crmc.ri.gov>
Subject: Re: CRMC Comment Received.

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 Ningret Pond?

On Monday, October 24, 2022 at 01:22:56 PM EDT, Amy Silva <asilva@crmc.ri.gov> wrote:

Dear Mr. Kline:

The CRMC has received your email requesting to be heard regarding the proposed subdivision at 4772 Old Post Rd, Charlestown.

Please note that the Public Notice states the following:

“You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed” (emphasis added).

In order for your request to be considered a substantive objection, could you please expand upon what regulation(s) you feel the application does not adhere to?

-Amy

Amy Silva

Supervising Environmental Scientist, CRMC

(401)-783-3370p/(401)-783-2069f

<http://www.crmc.ri.gov>

From: Alan Kline <kb1dj@yahoo.com>
Sent: Wednesday, October 19, 2022 10:24 AM
To: cstaf1@CRMC.RI.GOV
Subject: 4772 Old Post Rd.

As a direct abutter to the 4772 Old Post Road housing proposal, I would like to be heard.

**Alan D. Kline
70 South Arnolda Rd.
PO Box 986
Charlestown, RI 02813**

Email: KB1DJ@Yahoo.com

Cell # 1-617-275-1076