

CRMC DECISION WORKSHEET

2022-06-127

4772 Old Post Road, LLC

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

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2022-06-127	Charlestown	4772 Old Post Road		B	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	7			
		Owner Name and Address				
Date Accepted	06/29/2022	4772 Old Post Road, LLC		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	02/08/2023	P.O. Box 233 Charlestown, RI 02813		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

Construct and maintain: 36 lot subdivision to be serviced by OWTS and private wells, new roadway, stormwater and landscaping. The proposal represents a "Watershed Activity" under the Salt Pond SAMP

KEY PROGRAMMATIC ISSUES

Coastal Feature: Ninigret Pond; Freshwater Wetlands in the Vicinity of the Coast

Water Type: Type 2, Ninigret Pond

Red Book: 100.3; 100.4; 1.1.6(F); 1.1.10; 1.1.11; 1.2.1(C); 1.2.2(C); 1.3.1(A); 1.3.1(F); 1.3.4; 1.3.6;

SAMP: Salt Pond SAMP

Variations and/or Special Exception Details:


Additional Comments and/or Council Requirements: The application is classified as a "watershed activity" under the Salt Pond Special Area Management Plan (SAMP): Lands of Critical Concern. It is classified as a Category "B" application before the Council. The application also falls under the Freshwater Wetlands in the Vicinity of the Coast program/regulations

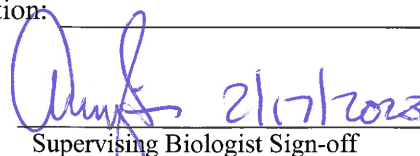
Several Objections were received.


Specific Staff Stipulations (beyond Standard stipulations): see staff report

STAFF RECOMMENDATION(S)

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

 2/16/23
 Engineering Supervisor Sign-Off date

 2/17/2023
 Supervising Biologist Sign-off date

 21 Feb 23
 Executive Director Sign-Off date

Staff Sign off on Hearing Packet (Eng/Bio) date



NOTE:
 RUNOFF AND INFILTRATION BUFFER ZONE WARNERS EXIST FOR 30' AROUND INFILTRATION SYSTEMS TO PROTECT FROM WETLAND ZONES U, V, W, X AND Z. SEE DRAWINGS C01-C05.

LEGEND

[Green Area]	OPEN SPACE = 72.98 ACRES
[Light Green Area]	ROAD-OF-WAY (PUBLC) = 53.9 ACRES
[Yellow Area]	RESIDENTIAL = 34.6 ACRES

WETLAND AREA = 15.7 ACRES
 WETLAND BUFFER = 20.8 ACRES
 TOTAL = 72.98 ACRES

GRAPHIC SCALE
 1" = 100' (1" = 30.48 M)
 0 50 100 150 200 300 400

DRAWING TITLE:
OPEN SPACE PLAN

DATE: JUNE 2022 **SCALE:** 1"=100'

DRW. NO.: 2400-01-001A SPACE Plan

NO.	REVISION	DATE
1	DATE COMPLETED	7/15/22
2	DATE COMPLETED	12/14/22

PROJECT INFO:
SUMMER WINDS RESIDENTIAL DEVELOPMENT
 PLAT MAP 7, LOT 51
 DISTRICT R2A
 RESIDENTIAL 2-ACRE DISTRICT
 4772 OLD POST ROAD
 CHARLESTOWN, RI

PREPARED FOR:
 4772 OLD POST ROAD, LLC
 P.O. BOX 233
 CHARLESTOWN, RI 02813

CROSSMAN ENGINEERING
 110 Crossman Road
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REGISTERED PROFESSIONAL ENGINEER
 STATE OF RHODE ISLAND
 No. 4247

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C2



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

DATE: February 8, 2023
TO: Jeffrey M. Willis, Executive Director
FROM: Amy Silva, Ross Singer

Applicant's Name:	4772 Old Post Road, LLC
CRMC File Number:	2022-06-127
Project:	Construct and maintain: 36 lot subdivision to be serviced by OWTS and private wells, new roadway, stormwater and landscaping. The proposal represents a "Watershed Activity" under the Salt Pond SAMP.
Location:	4772 Old Post Road; Charlestown: Plat(s): 7; Lot(s): 51
Water Type/Name:	Type 2, Low intensity Use
Coastal Feature:	Ninigret Pond; Salt Pond SAMP; Freshwater Wetlands in the Vicinity of the Coast
Plans Reviewed:	"Site Plan Set for Summer Winds Subdivision..." 38 sheets (including cover), dated June 2022, all sheets last revised 12/16/2022 by Crossman Engineering

Site History:

2020-03-063: Wetland edge verification

2020-08-005: Preliminary Determination/review of proposed subdivision

INTRODUCTION:

The application is classified as a "watershed activity" under the Salt Pond Special Area Management Plan (SAMP): Lands of Critical Concern. It is classified as a Category "B" application before the Council. The application also falls under the Freshwater Wetlands in the Vicinity of the Coast program/regulations.

The site is very large (appx. 115 acres) and contains both tributary wetland (connected to coastal waters via culvert/watercourse) and several smaller isolated wetlands. Both the Freshwater Wetlands in the Vicinity of the Coast and the SAMP Regulations apply to this application. The application was submitted prior to July 1, and falls under the "old" Freshwater Wetlands regulations.

It should be noted that the wetlands edge verification was limited to wetlands shown on the submitted plans and contained the language "*Please note that our inspection of the subject property was limited to the area depicted on Sheets 2 and 3 of the submitted plans, which did not include the entire property. Therefore, you should not infer that any verification of wetland edge(s) carried out by the CRMC to date represents a determination that this is the extent of all wetlands on your property. The CRMC has verified only those*

Signed:  Staff Biologist

Signed:  Staff Engineer

edges delineated and shown by you on-site and on site plans submitted with your application and as qualified in this letter. Should you wish to verify the edge of any additional wetlands, an additional application will be required.” Review of aerial photography and soils show that there are likely additional wetlands located in the northern portion of the property, along Arnolda Round Rd, and appear to fall entirely within an area designated as “open space C” (Ref Figures 1 & 2).

After the issuance of the PD in September 2020, meetings were held between CRMC Staff and the applicant and their agents, to discuss SAMP regulations and Freshwater Wetland impacts. The proposal was revised and the PD re-issued in January 2021.

The application for Assent was submitted in June of 2021. The public notice was sent twice due to a new set of plans depicting open space proposals being submitted days after the initial notice was sent. Several objections have been received.

On December 6, 2022 staff sent a detailed Information Request with several items that needed to be addressed and/or clarified. Response was received on December 28, 2022.

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

Sea Level Rise:

(Reference Figure 3). Utilizing CRMC’s STORMTOOLS browser, Sea Level Rise (SLR) impact on the proposed subdivision was reviewed at the 3’ and 5’ SLR scenarios. As can be seen in the screenshots, the tributary wetland is expected to rise and would also be impacted in the 100 year storm scenario. It does not appear that any impacts would exceed the required 200’ Buffer Zone.

None of the proposed development area fell within CRMC’s Stormtools Design Elevation (SDE) layers.

SAMP Regulations:

The property falls within the Salt Pond SAMP (650-RICR-20-00-3), and is classified as Lands of Critical Concern.

Section 3.4.3(B)(1)(a) states that subdivisions “*shall not exceed an average density of one residential unit per 120,000 square feet*”. The proposed subdivision meets this density requirement.

Section 3.4.3(B)(1)(d) requires nitrogen reducing technology for all OWTS systems. Nitrogen reducing OWTS systems are proposed.

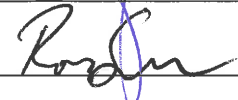
Section 3.4.3(B)(1)(df) states that “*A minimum 225-foot setback from the salt ponds, their tributaries, and coastal wetlands, including tributary wetlands...*”

Section 3.4.3(B)(1)(g) requires “*A 200-foot buffer zone from the salt ponds, their tributaries, and coastal wetlands, including tributary wetlands...*”. A 200 foot Buffer has been provided around the identified Tributary Wetland. This Buffer (and all Buffers on site) will be marked with Permanent Markers.

FWWVC Regulations:

The application falls under the “old” Freshwater Wetland Regulations, and as such, only one wetland received a designated Buffer. The other, smaller isolated wetlands were strongly suggested to receive a minimum 10’ Buffer.

Signed:  _____ Staff Biologist

Signed:  _____ Staff Engineer

Of specific concern to staff was the proposed road that passed between two small wetlands. Staff was concerned about effect the width of the road and its associated grading would have on both the suggested Buffer and the biologic wetland. This was discussed in detail at the post-PD meetings. The applicant has proposed to utilize a retaining wall for the road between these two wetlands to minimize the impact of the grading. No biologic wetland will be altered to accommodate the road.

Staff asked for additional detail on this area, as the road passes quite closely between the two wetlands, and we had suggested a 10' Buffer around all smaller isolated wetlands. Revised plans with Buffer Markers and additional detail on this portion of the road were received on December 28, 2022.

Dry Hydrant:

This application requests Assent to construct a dry hydrant in a Freshwater Wetland Pond that was not reviewed under the Preliminary Determination. No information on this hydrant was included in the initial application submission, and staff asked for additional detail, some of which was provided to CRMC on Dec. 28, 2022. The plan set was changed to provide plan notes and a typical cross-section, but no narrative detail was included. Staff requested this additional information on February 3, 2023. Reponses on February 7, stated that the hydrant will be installed for emergency fire suppression purposes only, and is not expected to be utilized on a regular basis.

Stormwater:

Stormwater is proposed to be treated and controlled through the use of multiple underground infiltration systems and pre-treatment devices. All proposed BMPs are designed in accordance with 250-RICR-150-10-8 Stormwater Management, Design, and Installation Rules, and are proposed to be located outside setbacks from wetlands and OWTS. The completed drainage analysis indicates that the water quality and recharge volumes are met. The underground infiltration systems are sized to infiltrate stormwater from a 100 year event, and the drainage design demonstrates that flows generated from a 1, 10, and 100 year storm event will be managed to be less than the existing pre-development flow patterns. An Operations and Maintenance Plan and Soil Erosion and Sediment Control were supplied in the application.

The dwellings in the subdivision are proposed to be supplied by private wells and onsite wastewater treatment systems (OWTS). The proposed OWTS will utilize nitrogen reducing technology in accordance with the SAMP. A Preliminary Subdivision Suitability Determination by the Department of Environmental Management was issued and supplied in the application.

Staff requested additional detail on Operations & Maintenance, which was received on December 28, 2022.

COMMENTS ON OBJECTION:

During the notice period, several objections were received. Staff will summarize the general concerns raised rather than review each individual objection.

Road “through” wetlands: multiple objectors commented on their concern regarding the road going through wetlands. Staff believes that this is a misunderstanding of the roadway proposed to go between two small wetlands (C5.3). The PDF of the plans is of such a scale that it is likely that observers mistook the small print for wetland disturbance. The proposed road will not alter wetlands.

Staff did raise concern regarding this road in both the PD and in the subsequent meetings. Staff asked for additional detail on this tight spot and the retaining walls being proposed. The applicant has demonstrated that they are protecting these two small wetland resources to the maximum extent practicable.

Signed:  _____ Staff Biologist

Signed:  _____ Staff Engineer

Water Quality: Concern regarding the impact of 36 new dwellings on the water quality has been raised. The proposed dwellings will utilize nitrogen reducing OWTS systems as required, and stormwater management is proposed for the new impervious roads, as required. Further, the tributary wetland will have a 200' vegetated Buffer and a minimum 225' setback to any OWTS system. All water quality protection requirements have been met.

Open Space: Concerns regarding the use of the open space have been raised. While most of those concerns should be directed to the Town of Charlestown and their requirements for open space, the fact that some of the open space is also dedicated CRMC Buffer Zone raises this concern to CRMC's attention as well.

In accordance with the Salt Pond SAMP, activities may occur within the designated Buffer "*may include various management options consistent with CRMC's buffer zone management guidance...*". At this time, there is no proposal for management within the required Buffer Zones, and the application narrative notes that any work within CRMC designated Buffer Zone will require separate review and Assent.

Trails on site: Comments regarding the trails on site as well as newer survey paths were raised. The applicant has stated that all paths/trails on site will be allowed to revegetate naturally and any new paths within CRMC jurisdiction will be applied for under a separate Assent request.

Existing Structures: The existing structures located on the site are outside all CRMC jurisdiction. The applicant has stated that the structures will be safely removed upon investigation of asbestos/lead paint and any required remediation.

COMMENTS ON APPLICANT'S OBJECTION RESPONSE:

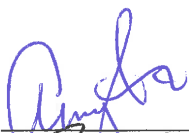
All objections were provided to the applicant, and the applicant chose to submit a lengthy and detailed response to many, if not all, of the concerns raised. The response is included in this Council Package, and staff will not reiterate it here.


CONCLUSION & RECOMMENDATION:

The applicant has submitted a complete application under both the CRMC "SAMP" Regulations and the CRMC Freshwater Wetlands in the Vicinity of the Coast Program. The applicant has provided additional information to staff as requested as well as a detailed response to objections received to this application.

It is the opinion of reviewing staff that this project appears to have minimal impact on coastal biological processes. There are no staff objections to Council approval of this project. Should the Council approve this application, standard Assent Stipulations will be prepared in addition to the following.

- 1. Homeowner's Association Documents:** Within 45 days of securing the final local approvals for the project and prior to any work at the site, the applicant shall submit one (1) copy of the homeowner association documents. The association documents shall include the approved Stormwater Operations and Maintenance Plan detailing association maintenance responsibilities and a method of securing funding for required maintenance (unit assessments). At a minimum, stormwater facilities and OWTS maintenance shall be addressed.

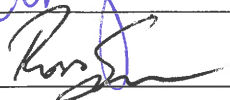
Signed:  _____ Staff Biologist

Signed:  _____ Staff Engineer

2. All construction activities involving soil disturbances within wetlands or watercourses must be limited to the low flow period (i.e., the period from July 1 to October 31 of any calendar year). Soil disturbance in these wetlands or watercourses must temporarily cease in the event of any abnormally high stormwater runoff event during the low flow period.

Signed:  _____

Staff Biologist

Signed:  _____

Staff Engineer

Figures 1 & 2. Location of possible additional wetlands

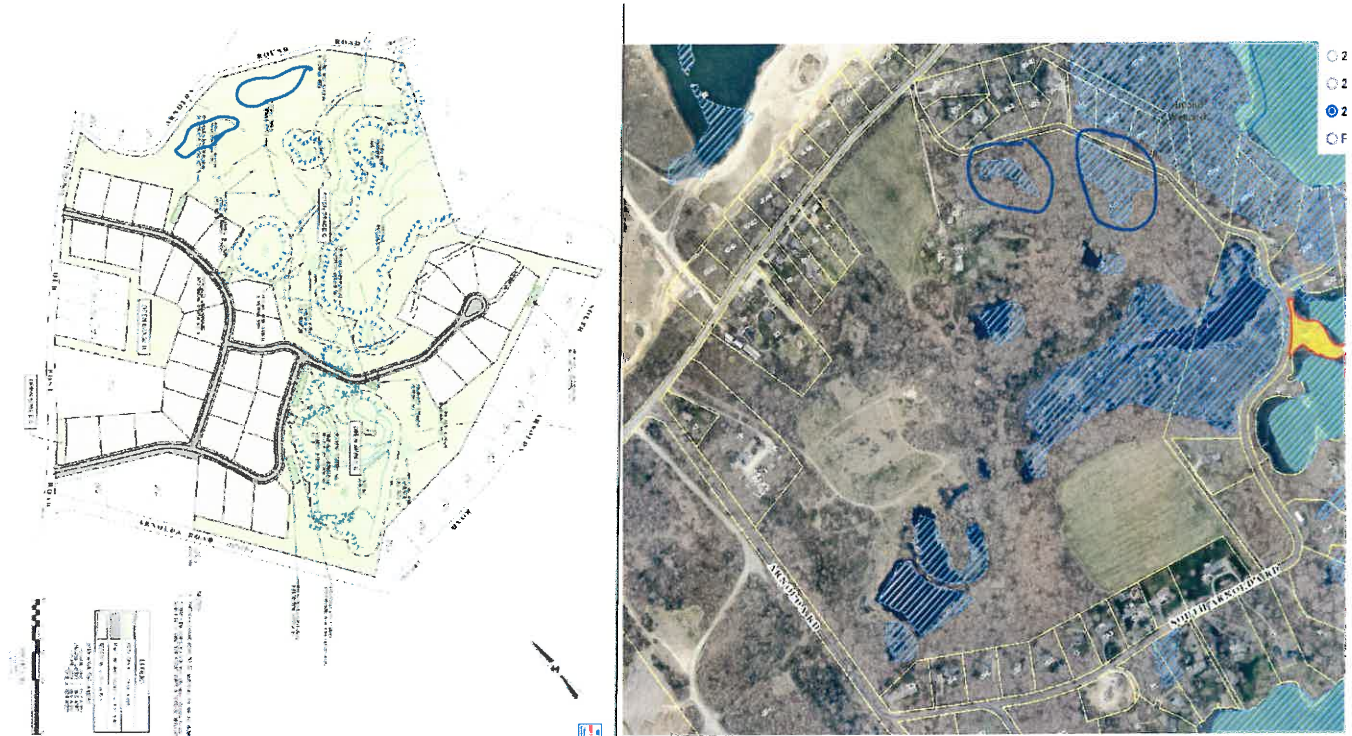


Figure 3- Sea Level Rise/Storm scenarios (CRMC STORMTOOLS)

3 feet of SLR

5 feet of SLR:



Signed: AS

Staff Biologist

Signed: [Signature]

Staff Engineer

Name: 4772 Old Post Road, LLC
CRMC File No.: 2022-06-127
Staff Report

100yr Storm:



Signed: AS

Staff Biologist

Signed: [Signature]

Staff Engineer