

CRMC DECISION WORKSHEET

2021-03-090

RI Commerce Corporation

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
2021-03-090	North Kingstown	Thompson Road		FWW	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	192			
Date Accepted		3/29/2021		Work at or Below MHW		<input type="checkbox"/>
Date Completed		2/22/2023		Lease Required		<input type="checkbox"/>
Owner Name and Address RI Commerce Corporation c/o Steven King, P.E. 165 Dillabur Avenue North Kingstown, RI 02852						

PROJECT DESCRIPTION

Construct a 21.9 acre paved port lay down area, removal of a portion of Thompson Rd and relocation of road further inland, wetland restoration, stormwater management, public access

KEY PROGRAMMATIC ISSUES

- Coastal Feature:** Coastal Beach and Coastal Wetland
- Water Type:** Type 6, Industrial Waterfront/Navigation Channels
- Red Book:** 1.1.4(D), 1.1.11, 1.2.1(G), 1.2.2(A) & (C), 1.3.1(C), (F)
- SAMP:** N/A
- Freshwater Wetland Feature:** Swamp, Stream, 50 & 100 foot jurisdictional areas

Variances and/or Special Exception Details:

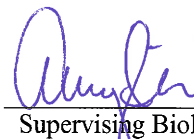
Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations): See Report

STAFF RECOMMENDATION(S)

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

 2/23/23
 Engineering Supervisor Sign-Off _____ date

 2/23/23
 Supervising Biologist Sign-off _____ date

 23 FEB 23
 Executive Director Sign-Off _____ date

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

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

DATE: February 22, 2023
TO: Jeffrey M. Willis, Executive Director
FROM: Amy Silva, Rich Lucia

Applicant's Name:	RI Commerce Corporation
CRMC File Number:	2021-03-090
Project:	Construct a 21.9 acre paved port lay down area, removal of a portion of Thompson Rd and relocation further inland, wetland restoration, stormwater management, public access
Location:	Thompson Road; North Kingstown: Plat(s): 192; Lot(s): 10, 9, 8, 7, 5, 2
Water Type/Name:	6, Narragansett Bay
Coastal Feature:	Coastal Beach, Coastal Wetland
Freshwater Feature:	Wooded Swamp, 50 foot Buffer, Stream, 100 foot Buffer
Coastal Feature:	Coastal Wetland
Plans Reviewed:	"QUONSET MULTIMODAL OFFSHORE WIND TRANSPORT CENTER (QMTC) AT QUONSET BUSINESS PARK" 17 sheets, dated March 2022 and last revised June 2022, by Quonset Development Corporation

INTRODUCTION:

The site maintains both Freshwater Wetlands and Coastal Feature/Coastal Wetlands. The site maintains a long stretch of Coastal Shoreline, which is regulated as Coastal Feature under the RICRMP (650-RICR-20-00-1) and Freshwater Wetlands in the Vicinity of the Coast (650-RICR-20-00-2). However, because the wetland impact is Freshwater, and in cases where both regulations are in effect, the more stringent shall apply, therefore the application has been submitted as a Freshwater Wetlands in the Vicinity of the Coast application, which also addresses "Red Book" regulations.

This application pre-dates the Freshwater Wetlands Regulation change and the Freshwater Wetlands portion of the application has been reviewed under the "old" Freshwater Wetland Regulations.

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RI Commerce Corporation is requesting Assent to construct a 21.9 acre paved port lay-down area located on a parcel between the Quonset Airport runway and the Quonset Marine Terminal. The proposal includes removing a portion of Thompson Rd and relocating it further inland. This portion of the project will permanently disturb approximately 38,420ft² of Freshwater Wetlands with the construction of the new Thompson Rd, and will create approximately 38,612ft² of Freshwater Wetland with the removal of Thompson Rd and restoration.

Thompson Rd currently serves as the “break” between Coastal Wetlands to the East, and the Freshwater/Tributary Wetland to the West. Removal of the road will increase the size of potential Coastal Wetland by removing a sizeable barrier quite close to the open water. (It should be noted that the original Coastal Wetland was subject to a restoration effort years ago as part of a different CRMC Assent. Restoration of the roadway area will expand this wetland with contiguous freshwater wetland).

The application went to public notice in April 2021 and received no comments from members of the public. The Town of North Kingstown, submitted a comment asking CRMC to consider reducing the amount of proposed increase impervious surface and that the setback from the proposed impervious surface to the Coastal Feature be increased.

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

The application is before the Council as a Formal Application to Alter Freshwater Wetlands, under the Freshwater Wetlands in the Vicinity of the Coast Program, as the primary wetlands impact due to the new Thompson Rd are to Freshwater Wetlands beyond CRMC’s 200’ Jurisdiction. The application was submitted prior to the regulation change and is reviewed under the “old regulations”.

During the initial review of the project, it was determined that the site lies within an identified Natural Heritage Area. Staff requested that the applicant contact DEM to determine the species identified within this area and address impacts to it/them as a result of the project. CRMC also reached out to DEM sources to determine this information. There are three species associated with this Natural Heritage Site: grasshopper sparrow (state threatened), upland sandpiper (state endangered), and least tern (state threatened).

An email from David Gregg (RI Natural History Survey) to Amy Silva (CRMC) dated May 19, 2022 states that Mr. Gregg spoke to the person (Charles Clarkson) who directed the bird atlas survey. He stated the following: “...you should consider upland sandpiper to be gone. Also, he said the only records they have for least tern breeding are all on the south coast. Grasshopper sparrow is not documented breeding at Quonset during the most recent Bird Atlas, but it was found to be breeding in the general vicinity and it is likely it is breeding at Quonset. He also said horned lark (state concern) is known to breed at only two sites, one of which is Quonset and that meadowlark (unlisted but still of conservation interest) is known to breed at only three sites in the state, one of which is at Quonset.”

The three species listed all require very short grass for their breeding sites. While there is area of grass on the subject property, the majority of the property is already developed or is wetland. The area of grass in the southern corner has been subject to disturbances from Thompson Rd, as well as soil/land disturbances inland of Thompson Rd. It does not seem likely that the subject property would be suitable breeding sites.

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It should be noted that the restoration of the former location of Thompson Rd will become contiguous Freshwater Wetland upon its completion, and that a small portion of coastal wetland in very close proximity to the former road will be “re-restored” to better match the conditions being created by Thompson Rd restoration.

The application was initially submitted on March 16, 2022 without Freshwater Wetlands impact and avoidance narrative. The applicant was advised that the full narrative in accordance with an Application to Alter was required and other information was requested in writing on May 10, 2022. Continued discussions occurred throughout the summer.

The revised application package was submitted on September 27, 2022. Through further discussion with the applicant during the fall and winter, additional information regarding the Buffer Zones (both Coastal and Freshwater Wetlands) was requested and a second revision was submitted on January 6, 2023.

Freshwater Wetlands Impact Avoidance & Minimization:

The submitted narrative from the applicant’s wetland consultant (Scott Rabideau) states the following in regards to the necessity of the impacts: *“The applicant is proposing to construct a new access road within the QBP and abandon the majority of the existing shoreline adjacent road, Thompson Road. This shall provide more security to the operations within Lot 2, as well as more security around the proposed development.”* And goes on to state that: *“Wetland alterations are necessary due to the project size, scope, security needs and location within the QBP.”*

The submitted plans show that with the exception of the new Thompson Rd, the 50 foot Buffer associated with the Freshwater Wetland will be maintained.

It is staff’s opinion that the necessity of the project has been sufficiently demonstrated.

Comments on Thompson Rd wetland creation:

Upon removal of the existing Thompson Rd, the applicant will restore the area to wetland, which it likely was decades ago before the construction of Thompson Rd. The submitted narrative states the following regarding the wetland creation: *“Once the road base is removed, six (6) to eight (8) inches of plantable topsoil shall be spread over the area. The area shall be seeded with a northeast wildlife conservation mix. If seeded manually the area shall be covered with a thin layer of loose straw. The area will then be planted with a mix of arrowwood, witch hazel, and sweet pepperbush. The shrubs shall be two (2) to three (3) feet tall once planted, spaced five (5) to six (6) feet on center.”*

As noted above, the area of wetland to be created is slightly bigger than the area of wetland to be altered with the relocation of Thompson Rd. CRMC will stipulate that a consultant monitor this wetland restoration to ensure its success.

Comments on Treatment of Sewage and Stormwater:

The applicant proposes to construct a 60,000 +/- square foot building, a new access roadway with wetland crossing, a helipad area with a taxiway connection to Quonset State Airport, Runway #16, a non-aviation port cargo expansion area, and parking areas to serve the facility.

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Since there were two separate designers (HDR and DiPrete Engineering) for different portions of the project, two drainage reports and plans were submitted for the proposed project. HDR consultants designed the stormwater system for the 1600' access road (reference drainage report dated November 24, 2021). The remainder and the large portion of the project was designed by DiPrete Engineering.

Both reports show that the applicant has met the requirements of RICMRP Section 1.3.1(F) (Treatment of Sewage and Stormwater) and the RI Stormwater Design and Installation Manual (RISDISM). The RICMRP 1.3.1(F) (and in accordance with RISDISM Section 3.3.3) requires that the water quality volume (WQv) be treated, the WQv is the runoff associated with the first 1.2 inch of rainfall over the impervious area (i.e. 1 inch of runoff). This is all being accomplished through the installation of stormwater treatment facilities.

Specifically, the structural stormwater treatment facilities consist of sediment forebays, infiltration ponds, Stormceptor propriety devices (only for pretreatment), and underground infiltration system (Stormtech Treatment Units). The facilities will also mitigate post development flows.

Please note, the HDR plan are lacking detail of the cross sections/profiles of the infiltration basin. Therefore, this needs to be shown on a set of plans. Since this will not likely significant alter the scope of the project, this will be managed with an Additional stipulation in the Coastal Assent.

Comments on Public Access (650-RICR 20-00-1.3.6):

Currently, there is no clear public access on site. At the southern portion of the site, an existing small path to the beach can be seen in aerial) imagery. As proposed, the site will have a specific parking area/turnoff with approximately 28 parking spots for public access as well as a bluestone pathway access to the beach.



Fig 1: *Aerial imagery of existing pathway, proposed plans for parking and bluestone path.*

There is a small parking area of four parking spots to the north of the shoreline, which shall remain in place upon removal of Thomson Rd.

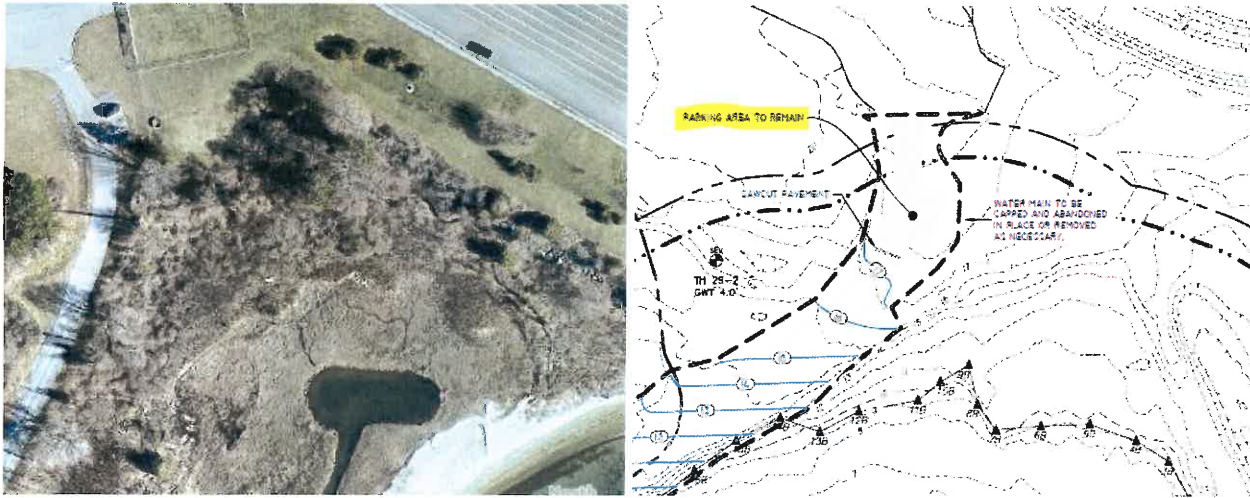


Fig 2: Aerial image of small parking area, plan set depicting this parking to remain.

It is staff's opinion that the public access requirement has been met.

Comments on Coastal Buffer Zone (650-RICR 20-00-1.1.11):

Throughout the pre-application process, going back years, CRMC has stated the necessity of a Coastal Buffer Zone on site. For commercial projects, there is no standardized Buffer Zone size, and Table 4 of Section 1.1.11 is utilized as guidance. For lots of this size on Type 6 waters, a residential Buffer Zone according to Table 4 would be 150 feet. Currently, the existing Thomson Rd, limits the extent of Buffer Zone provided on site.

The submitted narrative from Natural Resource Services, Inc focuses exclusively on Freshwater Wetlands. The submitted plans indicate a 150' Buffer Zone, extending nearly the entire shoreline.

CRMC will stipulate that all Buffer Zones be marked with permanent markers prior to any activity on site.

SUMMARY/RECOMMENDATION:

The above described project appears to have minimal impact on coastal biological processes. The identified impacts to Freshwater Wetlands have been adequately mitigated. Public access has been suitably provided. There are no staff objections to Council approval of this project, and offers the following stipulations in addition to standard Assent stipulations:

(E1) It is required that a cross-sectional and profile section of the proposed Infiltration Basin for treatment of the 1600' roadway extension (Designed by HDR consultants) be submitted prior to commencing construction at the site. Plans and any associated calculations shall show that the design is in accordance with the latest RI Stormwater Design and Installation Manual.

(B1) Prior to initiating any work on site, permanent markers at least 24" above grade must be installed along the inland edge of the buffer zone (Both Freshwater and Coastal) from each affected property boundary to any points in between which provide appropriate angle points necessary to delineate the full limit of the

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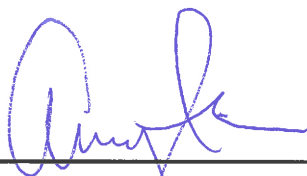
CRMC approved buffer zone. The intent of these markers is to provide permanent reference points on-site which are clear to present and future property owners. Acceptable permanent-type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap or granite or concrete bounds. A permanent-type fence at least 24" tall may be substituted for markers where desired. No alterations of the buffer zone are allowed.

(B2) An environmental consultant, experienced in site assessments and measures necessary to protect sensitive aquatic environments or sensitive ecosystems, must be employed prior to the commencement of site alterations to monitor the project and to ensure compliance with the terms and conditions of this permit, and ensure success of the project. The CRMC must be notified in writing of the consultant chosen to comply with this condition. Written progress reports shall be submitted to the CRMC during all phases of the project. Once the projects are complete, annual written monitoring reports shall be provided for a period of 3 years to insure long-term success. Monitoring reports shall be due by November 30 of each year. Where corrective actions are determined to be necessary by the consultant performing the monitoring work or by CRMC Staff, the (applicant) shall work with the CRMC to assure appropriate corrective measures are undertaken in a timely manner and in cooperation with CRMC Staff.

(B3) 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.

(B4) The screening plantings along the new Thompson Rd shall be as shown on the approved plans. The applicant is responsible for the survivorship of the plantings for one full growing season. Plants not surviving the first growing season shall be replaced as stated on the approved plans

SIGNED



STAFF BIOLOGIST

SIGNED



STAFF ENGINEER