

CRMC DECISION WORKSHEET

2021-11-002

Matunuck Beach Road Partners, 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
2021-11-002	South Kingstown	Matunuck Beach Road		B	<input type="checkbox"/>	X
		Plat	92-2			
		Owner Name and Address				
Date Accepted	11/16/2021	Matunuck Beach Road Partners, LLC		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	3/7/2023	P.O Box 385 Wakefield, RI 02880		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

To construct and maintain: A 12-unit (3 affordable) subdivision, including 6 residential duplexes serviced by private roadway, private OWTS and stormwater management; Additionally, associated utilities (public water, electric, phone, cable) and establishment of a buffer zone and conservation easement are proposed. The project contains several Salt Pond Special Area Management Plan (SAMP, 650-RICR-20-00-3) watershed activities and a setback variance to Section 1.1.9(B)(1).

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal wetland complex

Water Type: Type 2, Low Intensity Use, Potter Pond

Red Book 650-RICR-20-00-01: 1.1.4(C), 1.1.6, 1.1.7, 1.1.9, 1.1.10, 1.1.11, 1.2.1(B), 1.2.2(C), 1.2.3, 1.3.1(A), 1.3.1(B), 1.3.1(C), 1.3.1(F), 1.3.4, 1.3.5, 1.8

SAMP 650-RICR-20-00-03: RI's Salt Pond Region, Lands Developed Beyond Carrying Capacity (Section 3.4)


Variations and/or Special Exception Details: 25' variance to buffer-derived construction setback (Redbook Section 1.1.9(B)(1)) for one-time grading.

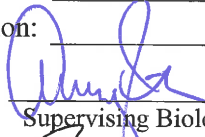
Additional Comments and/or Council Requirements: Consideration of public comment received

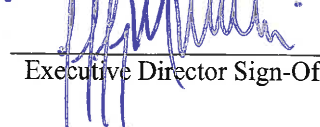
Specific Staff Stipulations (beyond Standard stipulations): 1--Conservation easement to be executed and recorded prior to issuance of an Assent; 2--copies of recorded Legal Documents to be submitted to CRMC within 45 days of any Assent issuance.

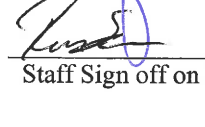
STAFF RECOMMENDATION(S)

Engineer	<u>RAS</u>	Recommendation:	<u>No Objections, Defer re Comments Received</u>
Biologist	<u>TAS</u>	Recommendation:	<u>No Objections , Defer re Comments Received</u>
Other Staff	_____	Recommendation:	_____


Engineering Supervisor Sign-Off _____ date 3/13/23


Supervising Biologist Sign-off _____ date _____


Executive Director Sign-Off _____ date 3/15/2023


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

Name: Matunuck Beach Road Partners, LLC
CRMC File No.: 2021-11-002
Staff Report



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

DATE: 7 March 2023
TO: Jeffrey M. Willis, Executive Director
FROM: T. Silvia, R. Singer, PE; Permitting Staff

Applicant's Name:	Matunuck Beach Road Partners, LLC
CRMC File Number:	2021-11-002
Project:	C/m: A 12-unit (3 affordable) subdivision, including 6 residential duplexes serviced by private roadway, private OWTS and stormwater management; Additionally, associated utilities (public water, electric, phone, cable) and establishment of a buffer zone are proposed. The project is regulated under the Salt Pond Special Area Management Plan (SAMP) 650-RICR-20-00-3 Watershed Activities and requires a 25' setback variance to Redbook 650-RICR-20-00-01 Section 1.1.9(B)(1)
Location:	Matunuck Beach Road; South Kingstown: Plat(s): 92-2; Lot(s): 56
Water Type/Name:	Type II, Low Intensity Use, Potter Pond (S Kingstown)
Coastal Feature:	Coastal wetland complex
Plans Reviewed:	<i>"Permitting Submission, Matunuck Beach Condos, Matunuck Beach Road, South Kingstown, AP 92-2, Lot 56.."</i> fifteen sheets last revised 6/29/22 by Christopher A. Duhamel, RPE <i>"Landscape Plans, Matunuck Beach Condominium, Piping Plover Drive, AP 92-2, Lot 56, South Kingstown.."</i> three sheets last revised 07-11-22 by John C. Carter, RLA
Recommendation:	No Objection ; Defer for Consideration of Comments Received

A—PROJECT TIMELINE:

1. #2019-03-087 Preliminary Determination report was issued for this project site in May, 2019. The current application was accepted for review in November, 2021 and sent for a thirty-day Public Notice period in January, 2022. Several comments were received in response to the Notice. Site visits were conducted during both project reviews.

2. An Information Request was sent to the applicant in March, 2022 seeking additional information re stormwater management, legal documents and response to objections, among other comments. Revisions and response were received throughout the spring and staff conducted a Zoom meeting with the applicant's consultants in May, 2022 re remaining outstanding items (legal documents, site plan revisions, stormwater options).
3. Revised plans/narrative were received in July, 2022 and a final update received in March, 2023. Draft legal documents submitted in October, 2022 were determined sufficient by CRMC Legal Counsel and staff advised the applicant that the earliest likely Council agenda would be in 2023.

B—PROPOSED PROJECT:

1. The application is for a twelve-unit subdivision on one lot, which contains six residential two-bedroom duplexes, with 3 affordable housing units and is serviced by municipal water and six OWTS. The lot is a pre-existing undeveloped 4.77a parcel stretching between Matunuck Beach Road to the west and Potter Pond to the east, which is also bordered to the north by dense residential development and to the south by dense predominantly seasonal development (Figure 1).
2. The coastal feature is the salt marsh and Phragmites wetland complex contiguous to Potter Pond (1.88a). There exist areas of mowed path and meadow openings as well mixed coastal shrub habitat on the parcel. No work is proposed within the coastal feature, buffer zone or 100-yr floodplain.
3. Stormwater management consists of underground water quality infiltration systems and the site will be accessed by a new private roadway.
4. The applicant went back to the Planning Board during review of this project to incorporate further comments from both municipal and CRMC staff as well as public comment. A Master Plan Comprehensive Permit Preliminary Plan Approval was obtained on 6/17/22 from the Town of SK.
5. The HOA (Homeowner's Association) documents, Operations and Maintenance (O&M) Plan and conservation easement/exhibit are drafted consistent with the proposed project and will need finalization as part of any Assent issuance (see below).

C—REDBOOK APPLICABILITY:

1. The project requires a 200' buffer zone per Section 1.1.11, which is incorporated into the design and is proposed to be undisturbed and demarcated. The entire buffer zone and coastal feature are to be included in the proposed conservation easement, which shall be executed and recorded prior to receiving any CRMC Assent. No buffer zone management is proposed for this area, which will serve as an isolated habitat area within the otherwise developed shoreline in this part of the Pond. Any area of required buffer zone which is currently altered or cleared shall be allowed to revegetate naturally following issuance of any approval.

2. The project also requires a 225' buffer-derived construction setback per Section 1.1.9, which is met with the exception of minor earthwork within 25'. The project greatly exceeds the minimum 50' setback from the coastal wetland and requires a temporary disturbance to the buffer-derived setback for installation of the stormwater management overflow. As the proposed location is in an appropriate area relative to the project layout as well as in an already altered/cleared area of the parcel, staff recommended this approach in order to provide stormwater management more consistent with the RI Stormwater Design and Installation Manual (RISDIM) than initially proposed.
3. The applicant has conducted a Coastal Hazard Analysis (CHA) per Section 1.1.10, which indicates the site is not directly affected by a 3' sea level rise (SLR). However, the site is likely to be exposed to Extreme flooding in future large storm events under continued Sea Level Rise (SLR) scenarios. The proposed First Floor Elevation of 18' and 19' on two buildings do not meet the recommended StormTools Design Elevation (SDE) of 20'+, however, there is no regulatory requirement to do. The remaining four buildings are proposed at elevations greater than the SDE. All construction meets FEMA requirements.
4. The location of the site is vulnerable to flooding from 100 year coastal storms, and this will likely worsen with predicted sea level rise. The applicant provided a response to staff comments regarding this potential flooding. To note, much of the surrounding neighborhood is predicted to suffer similar impacts. The project's proposed 200' buffer zone, contained within a conservation easement provides a potential area for the existing wetland habitat to migrate inland as sea levels continue to rise.
5. DEM RIPDES/UIC review are met should a CRMC Assent be issued, no separate Water Quality Certification is required. The project does not require federal review. The project site is located within the Potter Pond Archaeologic District, however a signoff the RI Historic Preservation and Heritage Commission was received.
6. A revised "*Stormwater Management Report*" was submitted by DiPrete Engineering on 7/15/22 consistent with Section 1.3.1(F). Stormwater is proposed to be treated by three separate underground infiltration systems and appropriate pre-treatment. Stormwater management is designed in accordance with the RISDIM and all minimum standards have been met. A Soil Erosion and Sediment Control Plan (SESC) and Operations and Maintenance (O&M) Plan have been submitted. Stormwater was also closely reviewed and accepted by the Town of South Kingstown Engineering Department.
7. The proposed onsite wastewater treatment systems (OWTS) plans were submitted and reviewed by RIDEM. Application #2132-091 was approved 7/21/21 for OWTS with denitrification technology.

D—SAMP APPLICABILITY:

1. The project site falls within Lands Developed Beyond Carrying Capacity under the Salt Pond Special Area Management Plan (SAMP) 650-RICR-20-00-3. Specifically, the project is regulated as several Watershed Activities under Section 3.4(B)(3)(b), including new subdivisions of 6 units or more,

development creating >40,000sf of total impervious surface, facility which generates >2000 gallons per day, water supply extension, and roadway construction.

2. The applicant submitted a stormwater management plan, erosion and sediment control plan and existing/proposed site conditions per Section 3.4(B)(6) of the SAMP.
3. Denitrification technology consistent with the Salt Pond SAMP is included in the DEM-approved OWTS.
4. The proposed water supply extension is consistent with previous CRMC/Town of South Kingstown permit conditions, which restrict new extensions within certain portions of the SAMP.

E—VARIANCES:

The applicant has submitted appropriate variance criteria per Section 1.1.7. The requested variance is for temporary impacts within the already disturbed area of the buffer-derived setback for purpose of grading a small swale and berm to accept excess runoff not infiltrated by a stormwater infiltration system. No structures are proposed within the setback. The purpose of the grading is to ensure that runoff is kept onsite and will not affect the southern abutting property. Staff is of the opinion that this location is environmentally appropriate and will create no significant impact to the existing site, while aiding in providing proper stormwater management for the proposed work.

F—COMMENTS RECEIVED:

1. Although much public comment was generated during local review of this project, including at the time of CRMC's prior PD report, less comments were received during this application stage. Specifically, some protested the project and requested a hearing to testify. Others were concerned with current and increased flooding and storm hazards as well as increased pollution and one specifically added concerns re a buffer between the development and adjacent existing residences.
2. Staff requested the applicant address the comments, specifically stormwater management and flooding issues at/near the site as well as the northern buffer issue. The initial planning approval required a 6' wooden fence along portions of the northern border, which became a 4' chain link fence in the final plans (following return to local process for review). While staff encouraged the applicant to adhere to the initial 6' wooden fence, there are no RICRMP regulations to require such and the final design now includes a 6' split-rail fence along the northern side to deter pedestrian cut-through.
3. Objections were raised due to concerns that the development would exacerbate flooding from additional stormwater runoff. Proposed stormwater management has been designed in accordance with the RISDIM. Stormwater will be infiltrated on site through the use of underground infiltration systems. There is adequate separation to groundwater and soils have been analyzed to show that they are well draining. The stormwater analysis submitted by the consultant shows that post-development peak runoff and velocities are less than the existing pre-development conditions to adjacent

properties. Specifically, concerns about flooding on Holden Street were addressed and show that the street is upgradient from the site and not in danger of additional runoff generated from the site.

4. Staff defers to the Council for consideration of the overall and remaining objections received.

G—SUMMARY:

The applicant has designed the project in accordance with the previous CRMC PD report as well as concerns raised during the current application review. The proposal meets the requirements of the Redbook and Salt Pond SAMP, including 200' buffer zone, 225' construction setback, stormwater management and denitrification technology. No public access is required for this project. While a small variance is required for initial re-grading of an already disturbed portion of the setback, the applicant has provided variance burdens of proof and the area will remain undisturbed following construction. It is staff's opinion that the disturbance is minimal in nature and will allow the project to better manage stormwater on the site.

Staff acknowledges the ongoing flooding issues in the area (specifically south/southwest of the project site), however, the applicant has demonstrated that this project is unlikely to exacerbate these conditions, as they are a product of existing topography and increasing sea level rise/intense storm events, to which the surrounding neighborhoods will also continue to be exposed.

There are no technical staff objections to the issuance of an Assent for this project. Should the Council approve the application, standard stipulations will be prepared, in addition to:

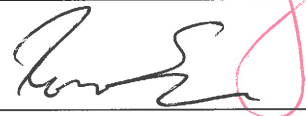
- Within 45 days of securing the final local approvals for the project and prior to any work at the site, the applicant shall submit one (1) final copy of the condominium association documents. The association documents shall identify association maintenance responsibilities and a method of securing funding for required maintenance (unit assessments). At a minimum, stormwater facility and OWTS maintenance shall be addressed. The association documents shall also contain the final conservation easement and CRMC Assent.
- The conservation easement shall be executed and recorded prior to issuance of a CRMC Assent.

Staff Biologist: _____



T. Silvia

Staff Engineer: _____



R. Singer

Figure 1

#2021-11-002



