

# CRMC DECISION WORKSHEET

2022-01-010

Department of Environmental  
Management

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
2022-01-010	Narragansett	100 Sand Hill Cove Road			X	X
		Plat	J N			
		<b>Owner Name and Address</b>				
Date Accepted	1/24/2022	Department of Environmental Management		Work at or Below MHW		<input type="checkbox"/>
Date Completed	8/12/2022	Division of Planning and Development 235 Promenade Street Providence, RI 02908		Lease Required		<input type="checkbox"/>

## PROJECT DESCRIPTION

RIDEM proposes work at Roger Wheeler State Beach which includes constructing a new boardwalk comprised of precast piles, beams, and deck panels to be installed along the north side of the existing bulkhead over the existing impervious bituminous parking lot. A cast-in-place concrete wall will be constructed along the existing steel sheet pile wall alignment to support the south side of the boardwalk. Ancillary "bump-outs" along the southern side of the board walk include two shade structures, two patios, and two foot-wash stations. In addition to these bump-outs, numerous stairs and ramps will be located throughout the length of the boardwalk to provide ADA accessible access to boardwalk and shoreline.

## KEY PROGRAMMATIC ISSUES

**Coastal Feature:** Developed Barrier Beach, for the purpose of establishing setbacks the secondary coastal feature is the coastal beach and manmade shoreline (Steel Bulkhead).

**Water Type:** Type 1, Conservation Areas

**Red Book:** 1.1.7, 1.1.8, 1.1.9, 1.1.10, 1.2.1.B, 1.2.2.A, 1.2.2.B, 1.3.1.C

**SAMP:** Salt Pond Region Special Area Management Plan

Variations and/or Special Exception Details:

REFERENCE STAFF REPORT

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations):

REFERENCE STAFF REPORT

## STAFF RECOMMENDATION(S)

<p>Engineer <u>RML</u> Recommendation on: <u>Approval</u></p> <p> 8/17/22 Engineering Supervisor Sign-Off date</p> <p> 18 AUG 22 Executive Director Sign-Off date</p>	<p> 8/17/22 Supervising Biologist Sign-off date</p> <p>Staff Sign off on Hearing Packet (Eng/Bio) date</p>
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Name: Department of Environmental Management  
CRMC File No.: 2022-01-010  
Staff Report



STATE OF RHODE ISLAND  
COASTAL RESOURCES MANAGEMENT COUNCIL  
INTER-OFFICE MEMORANDUM

DATE: August 12, 2022  
TO: Jeffrey M. Willis, Executive Director  
FROM: Richard Lucia, P.E.  
SUBJECT: CRMC File No. 2022-01-010

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Applicant's Name: RI Department of Environmental Management

Project: RIDEM proposes work at Roger Wheeler State Beach which includes constructing a new boardwalk comprised of precast piles, beams, and deck panels to be installed along the north side of the existing bulkhead over the existing impervious bituminous parking lot. A cast-in-place concrete wall will be constructed along the existing steel sheet pile wall alignment to support the south side of the boardwalk. Ancillary "bump-outs" along the southern side of the board walk include two shade structures, two patios, and two foot-wash stations. In addition to these bump-outs, numerous stairs and ramps will be located throughout the length of the boardwalk to provide ADA accessible access to boardwalk and shoreline.

Location: 100 Sand Hill Cove Road, Narragansett, plat J|N, lot 35|175

Water Type/Name: Type 1, Conservation Area, Sand Hill Cove

Coastal Feature: Developed Barrier Beach, for the purpose of establishing setbacks the secondary coastal feature is the coastal beach and manmade shoreline (Steel Bulkhead).

**Plans Reviewed:** "Department of Environmental Management, Division of Planning and Development, Roger Wheeler State Beach Boardwalk, Narragansett, Rhode Island ...," sheets 1.0-4.2, dated December 2021, by Pare Corporation, stamped by J. Matthew Bellisle, P.E.

**Note:** the site has a long history of permitting (19 permits found), presented below are some of the previous related applications at the site: 1993-03-036 Repave Parking, 1996-06-031 Replace Beach Pavilion, 2016-04-037 Handicap Ramps, 2020-09-150 PD Demo/Alteration;

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**STAFF REPORT**

**A-Introduction/History:**

1. The project is located along Sand Hill Cove Road, Narragansett at Roger Wheeler State Beach. The Cove to the south is designated by the RICRMP as Type 1 shoreline, Conservation Area. The beach, the pavilion, and parking area is all located on a Developed Barrier Beach. Please note the RICRMP defines Developed Barrier as "...those that contain houses and/or commercial/industrial

*structures; they may also contain surfaced roads and structural shoreline protection facilities.”* RIDEM has been the owner of the property since the early 1900s. The site has had many renovations to the beach facilities. A large project for the site occurred in the 1990s (CRMC Assent 1996-06-031). The project included a new pavilion, shower facilities, a concession building, a lifeguard tower, and an environmental education area. There exists a 1400-foot-long low sheetpile bulkhead which defines the edge of the coastal beach and prevents sand from entering the parking area. A cedar fence was installed along the sheetpile wall in order to further control sand from migrating onto the parking area.

2. The current application is the largest redesign since the 1996 Assent. In order to gain CRMC staff guidance for the current project the applicant submitted a preliminary determination application for the proposed project (PD 2020-09-150). A public notice for this project was issued on 2/21/2022.

### **B-Review of Applicable Regulatory Requirements:**

As described in the consultant’s narrative “the bulkhead and fence are not sufficiently preventing sand from being blown into the parking lot, which requires a substantial cleanup effort from State crews. RIDEM’s goal is to replace the existing stockade fence with a new sand barrier to minimize the amount of sand that is transported to the parking lot, while maintaining a view of the water/beach from the new boardwalk. A new boardwalk comprised of precast piles, beams, and deck panels will be installed along the north side of the existing bulkhead over the existing impervious bituminous parking lot. A cast-in place concrete wall will be constructed along the existing steel sheet pile wall alignment to support the south side of the boardwalk”. More specifically, the following work is proposed:

On the landward side (north of the bulkhead):

- New sidewalks, curbing, and handicap access ramps providing access from the parking lot to the sidewalks.
- Five sets of concrete steps supported on concrete piles.
- Two concrete ramps supported on concrete piles.
- Eight raised flower plants installed within a new concrete sidewalk.
- An existing fire hydrant will be relocated into the concrete walkway east of the pavilion.
- New parking spots will be designated and painted.

On the seaward side (south of the bulkhead):

- Two 24-foot square timber shade structures supported on a concrete pile supported precast concrete deck.
- Two 45-foot by 28-foot patios with timber benches will be supported by concrete piles.
- Six sets of concrete steps will be constructed from the boardwalk to the ground supported on concrete piles.
- Two foot-washing stations will be incorporated into 10-foot by 12-foot concrete patios. Crushed stone drainage ditches will be installed underneath the foot-wash stations to collect water.
- Four concrete ramps supported on concrete piles.

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### **Section 1.1.10 Climate Change and Sea Level Rise:**

CRMC Staff and the design consultant reviewed the potential sea level rise scenario utilizing Stormtools online mapping tools in accordance with CRMP § 1.1.10 Climate Change and Sea Level Rise. The applicant has chosen a 40-year design live (for a 4' sea level rise (year 2060) for analysis. The lowest horizontal member (LHSM) will be constructed at 12.2 ft (NAVD88).

According to the FEMA Flood Insurance Rate Maps for the area (Map Numbers 44009C0307J & 44009C0326J, effective date October 16, 2013), mapped Floodplain located at the project site lies in Zone AE (14-foot elevation, NAVD 88). AE zones are areas of inundation by the 1-percent- annual-chance flood, including areas with the 2-percent wave runup, elevation less than 3.0 feet above the ground, and areas with wave heights less than 3.0 feet. The structure will be designed for these expected flood and wind impacts.

### **Piping Plovers**

As noted in the applicant's report "The site is entirely outside of any Natural Heritage Area (RIGIS 2019); however, RIDEM is aware of piping plover nesting areas at the beach, which are fenced off during the year for breeding. Piping plovers have historically nested in the parking lot medians as well, prompting the closure of the lot on February 16, 2021, under direction from State Fish and Wildlife staff, Pare emailed the US Fish and Wildlife Service (USFWS) Region 5 Migratory Bird office requesting information regarding any permitting considerations for work near piping plover habitat. Due to Covid19, the USFWS is short staffed and was unable to respond to our inquiries prior to the submission of this application. Regardless, the applicant proposes to restrict construction to timeframes outside of plover nesting habitat and will take practicable measures to ensure the species is not affected by the construction of the proposed project. Should the USFWS provide any requirements or guidance after the submission of this application, the applicant will incorporate the agency's input into the proposed project." To address this concern an additional stipulation regarding this construction restriction will be added to the CRMC Assent if approved.

### **Section 1.3.5 Guidelines for the Protection and Enhancement of Scenic Value of the Coastal Region:**

The applicant's narrative states that "The project is consistent with current development on the site and will not have an adverse impact on the scenic value of the Point Judith Harbor of Refuge and associated coastal resources. The project includes elements specifically proposed to improve the visual condition of the site. The project is not anticipated to adversely impact the scenic values of the coastline." CRMC Staff Engineer agrees that will not be any adverse impact to the Point Judith Harbor of Refuge as the portion of this Developed Barrier is already disturbed with the existence of the Beach Pavilion.

### **Section 1.3.6 Protection and Enhancement of Public Access to the Shore:**

It is CRMC Staff Engineer opinion that the project will improve public access with the construction of a new boardwalk, benches, timber shade structures. Also, the sand barrier should improve access to the shore by reducing the sand buildup on boardwalks and parking area. Additionally, improved stairways and ramps will offer ADA-compliant access to all visitors of the beach.

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### **C-Variances/Special Exceptions:**

#### **With regard to the required Special Exception:**

**A Special Exceptions is required for Alteration of a Coastal Beach adjacent to Type 1 waters per CRMP Red Book § 1.2.2(A)(1)(b). (i.e. Prohibited Activity). The alteration includes the shade structures and patios over the existing coastal beach.**

**Special Exception Criteria 1 § 1.1.8(A) (1),:** As stated in the applicant's narrative "*The project will serve a compelling public service and will provide benefit to the public as a whole and qualifies as permissible activities identified in § 1.1.8(A) (1) including public infrastructure and providing access to the shore for broad segments of the public.*" Therefore, CRMC staff agree that it represents a compelling public purpose.

**Special Exception Criteria 2 § 1.1.8(A)(2) :** CRMC Staff opinion that all reasonable steps have been taken to minimize environmental impacts.

**Special Exception Criteria 3 § 1.1.8(A)(3) :** CRMC Staff concludes that there does not appear to be any reasonable alternatives means of, or location for, serving the compelling public purpose cited. It is the opinion of CRMC reviewing staff that the applicant has met all the requirements for the granting of a special exception identified in CRMP Red Book § 1.1.8 and therefore, there are no objections to the granting of the Special Exception.

#### **With regard to the required Variance;**

A 50-foot construction setback is required for the new boardwalk, precast concrete wall and associated timber shade structures (per RICRMP 1.1.9.B), a 100% variance from this requirement per section 1.1.7(A) of the RICRMP is requested (structures are 0' from the inland edge of the coastal beach and manmade shoreline (coastal feature).

**It is staff opinion that the applicant has met the six variance criteria required for granting of the variance.**

### **D-With Regards to Public Notice/Objections:**

Please note that there were two objections to this project. One was submitted on March 18, 2022 from Helen Smith Barnett, PhD, 104 Sand Hill Cove Road and the other via email March 18, 2022 was from Cathy Horst-Forsyth (via Tiffany Maughn, Executive Assistant), 98 Sand Hill Cove Road.

The objection from Helen Smith Barnett was concern of the distance from the new boardwalk to the shared property line. Her property lies west of the beach facility. Also, her concern was that the stairs would lead the public onto her property. Staff visited the site and noted the distance. The distance to the property line is approximately 45 feet and the closest structure on her property is approximately 60 feet. Her property is vegetated up to the property line. Please see attached Google Photo Figure #1. With regards to statement that the stairs leading the public onto her property, the plans show the stairs going directly onto the State of RI towards the bathing beach.

Her other objection was the height of the boardwalk and the creation of visual intrusion and added noise. The boardwalk will be set at elevation 13.2' which is approximately 6' higher than the existing sheetpile wall. For a reference the see the Google Photo Figure #1.

Cathy Hors-Forsyth had similar concern regarding the proximity of the boardwalk she is located at 98 Sand Hill Cove Road, which is east of the beach facility. Her dwelling on her property is approximately 330 feet from the new boardwalk.

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Staff had spoken to both objectors and explained where the boardwalk would be constructed in relation to their property. Staff at this time has not received any response negative or positive since these conversations. Please note that the separation distance to property lines, noise impacts, and visual intrusion is beyond the scope of the RI Coastal Resources Management Program and CRMC staff review.

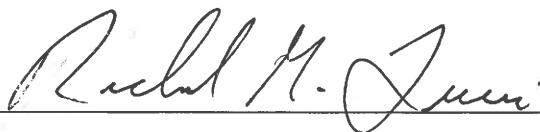
**E-Recommendations and Conclusion:**

Based on the above, CRMC staff has no objections to the project. Furthermore, it is the opinion of CRMC reviewing staff that the project met the requirements for granting the required variance and is consistent with Special Exception criteria for the granting of a prohibited activity. On this basis, CRMC Staff recommends approval subject to Staff stipulations:

**F-RECOMMENDED ADDITIONAL STIPULATION:**

(RL) RIDEM shall contact USFW to coordinate appropriate requirements for protecting piping plover's habitat construction. RIDEM shall incorporate these guidelines to this project.

Signed \_\_\_\_\_



Staff Engineer



FIGURE 1