

CRMC DECISION WORKSHEET

2024-10-023

Wickford Olde Theatre 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 |
| 2024-10-023 | North Kingstown | 84 & 90 Phillips Street | | A | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | | Plat 92 | Lot 40, 41 | | | |
| | | Owner Name and Address | | | | |
| Date Accepted | 10/17/2024 | Wickford Olde Theatre LLC | | Work at or Below MHW | <input type="checkbox"/> | |
| Date Completed | 02/01/2026 | 2 Charles Street BLDG C3-1 Providence, RI 02904 | | Lease Required | <input type="checkbox"/> | |

PROJECT DESCRIPTION

Convert an existing theater, garage and duplex to 18 condominium units. The garage will be moved to a new location 34.3' from the coastal feature which is within the required 50-foot setback (Ref RICRMP 1.1.9). Development will be serviced by municipal sewer service. In total, the applicant is seeking a 15.7% reduction in the setback standard. Buffer Zone plantings shall be installed.

KEY PROGRAMMATIC ISSUES

- Coastal Feature:** Coastal Wetland backed by Bluff
- Water Type:** Type 1, Conservation Area
- Red Book:** 1.1.7; 1.1.9; 1.1.10; 1.1.11; 1.2.1(B); 1.2.2(C); 1.3.1(C); 1.3.1(F); 1.3.5
- SAMP:** N/A

Variances and/or Special Exception Details: Variance to Setback requested

Additional Comments and/or Council Requirements: Eligible for administrative approval – before Council due to objections.

Specific Staff Stipulations (beyond Standard stipulations): Recommended stipulation to plant three native evergreen trees to replace three spruce trees to be removed.

STAFF RECOMMENDATION(S)

| | | | |
|-------------|------------|-----------------|-----------------|
| Engineer | <u>RML</u> | Recommendation: | <u>Approval</u> |
| Biologist | <u>PJO</u> | Recommendation: | <u>Approval</u> |
| Other Staff | | Recommendation: | |

Engineering Supervisor Sign-Off _____ date _____

02/01/2026

5/7/26
Supervising Biologist Sign-off _____ date _____

Executive Director Sign-Off _____ date _____

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



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

DATE: May 1, 2026
 TO: Jeffrey M. Willis, Executive Director
 FROM: Amy Silva, Richard Lucia, PE

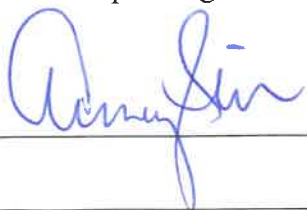
| | |
|-------------------|---|
| Applicant's Name: | Wickford Olde Theatre LLC |
| CRMC File Number: | 2024-10-023 |
| Project: | Convert an existing theater, garage and duplex to 18 condominium units. The garage will be moved to a new location 34.3' from the coastal feature which is within the required 50-foot setback (Ref RICRMP 1.1.9). Development will be serviced by municipal sewer service. In total, the applicant is seeking a 15.7% reduction in the setback standard. Buffer Zone plantings shall be installed. |
| Location: | 84 & 90 Phillips Street; North Kingstown: Plat(s): 92; Lot(s): 40, 41 |
| Water Type/Name: | Type 1 Waters/Wickford Cove |
| Coastal Feature: | Coastal Fringe Marsh backed by Vegetated Coastal Bluff |
| Plans Reviewed: | "Permitting Submission, Olde Theater Condominiums...." 9 sheets, Sheets 1-9 dated 4-13-22 and last revised 3-3-26 by DiPrete Engineering "Olde Theater Condominiums.....Planting Plan" dated 1/6/2026 and received by CRMC 3/31/2026 by BETA Inc. |

INTRODUCTION:

This application is the second application for redevelopment along Philips St, North Kingstown. The first was 2024-05-085 to convert the former Wickford Schoolhouse to condos and was approved administratively in October of 2025. This application has come before the Council due to objections that have been submitted.

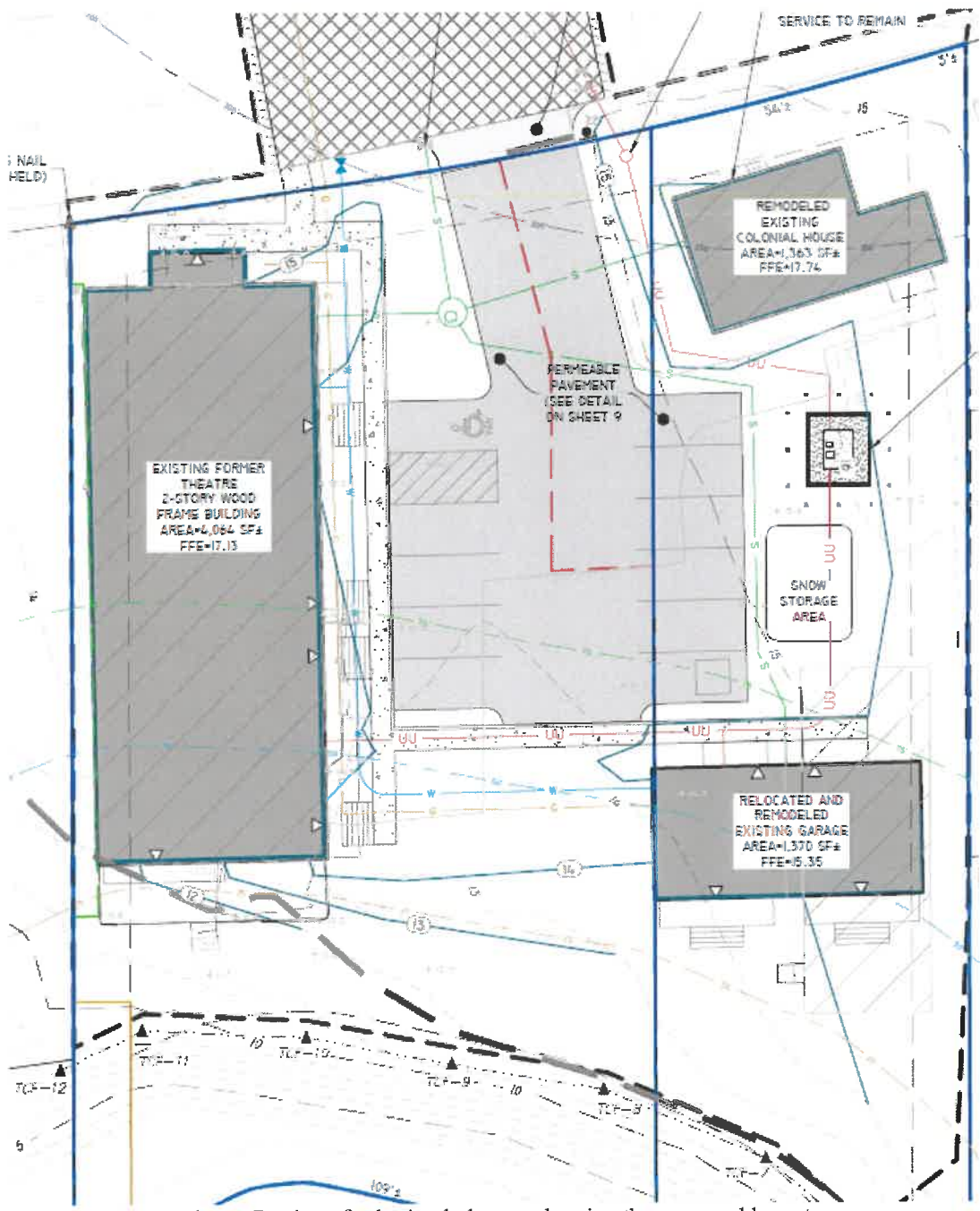
This application requests Assent to convert the existing Olde Theatre building, garage and duplex dwelling structure to 18 condominium units. The garage structure currently shall be moved to a new location 34.3' from the coastal feature which is within the required 50-foot setback (Ref RICRMP 1.1.9). In total, the applicant is seeking a 15.7% reduction in the setback standard.

While no Buffer is required by this proposal, there is little to no Buffer in place currently, and as the proposal increases development pressure on the property/Coastal Feature, in response to staff concern and regulatory guidance, Buffer Zone plantings shall be installed along the Coastal Feature.

Signed:  Staff Biologist

Signed: _____ Staff Engineer

The proposal is for 18 condominium units with 10 parking spaces. According to the application narrative, some of the parking necessary to support the residences on site shall be located off site to the north within the larger property of the Wickford School (approved by CRMC in October 2025). Concrete sidewalks shall be established to grant access to the theater and garage buildings.



Above: Portion of submitted plan set showing the proposed layout

During the public notice period, two objections were received.

- Previous CRMC Activity:
- 2013-04-147: Maintenance Lot 40 (replace windows etc)
- 2014-03-056: Maintenance Lot 41 (replace decks)

Signed: _____

Staff Biologist

Signed: _____

Staff Engineer

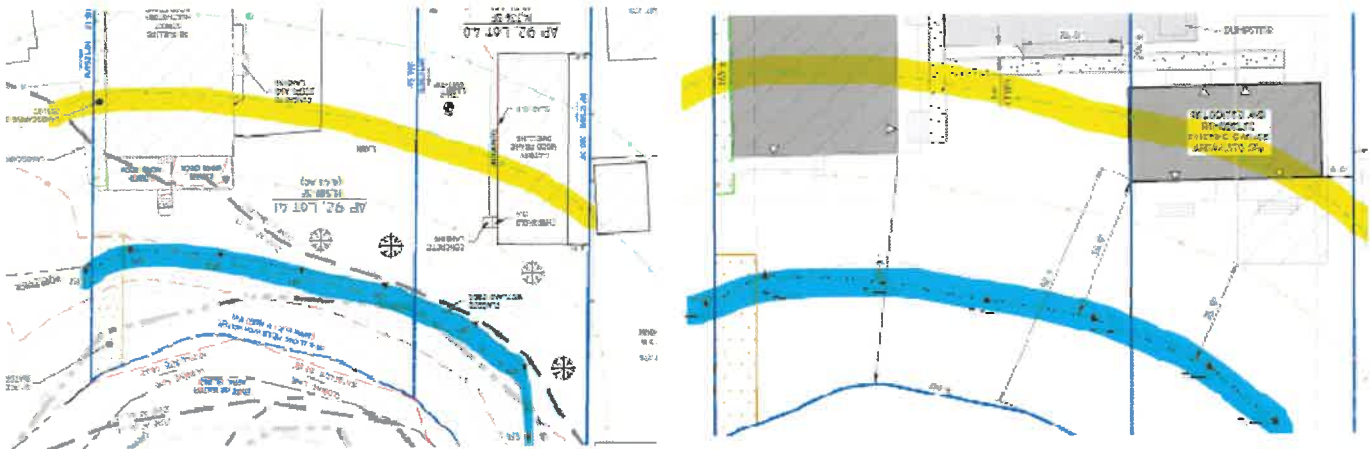
2022-04-090: Preliminary Determination (PD) Feasibility of converting to condominium complex
 25-0192: Enforcement Action – disturbance/earthwork within 50'. Violation Cleared

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:
 650-RICR-20-00-: “Red Book”

| Red Book Section | Description | Comments |
|------------------|--------------------------------------|---|
| Section 1.1.6(I) | Coastal Hazards Assessment | A CHA was submitted |
| 1.1.7 | Variances | Variance Request submitted |
| 1.1.9 | Setbacks | See below |
| 1.1.10 | Climate Change and Sea Level Rise | |
| 1.1.11 | Coastal Buffer Zones | See below |
| 1.2.1(B) | Type 1 Water | See below |
| 1.2.2(C) | Coastal Wetlands | |
| 1.3.1(C) | Residential, Commercial...Structures | |
| 1.3.1(F) | Treatment of Sewage and Stormwater | Municipal Sewers, stormwater BMPs provided; See Below |
| 1.3.5 | Protection of Scenic Value | See Buffer below |

Section 1.1.9- Setbacks:

As currently situated, both the garage and the olde theater building do not meet the minimum 50' setback required. The olde theater building is proposed to remain in its current location, and the garage structure will be rotated 90 degrees. Unlike the proposal within the Preliminary Determination, the garage structure will not change in footprint. Rotating the garage structure will slightly reduce the area of structure within the Setback, as shown below:



Above: Portion of existing layout plan and portion of proposed layout plan with Coastal Feature highlighted in Blue and Setback highlighted in yellow (not to scale, for illustrative purposes)

The applicant has submitted a Variance Request which addresses the Setback associated with the relocated garage building.

Section 1.1.11- Coastal Buffer Zones & Section 1.2.1(B) Type 1 Water:

The site is located on Type 1 Waters, the highest natural habitat or scenic values. Section 1.1.11(C)(4) states: “Coastal buffer zone requirements for all commercial and industrial development and activities subject to the requirements of §§ 1.3.1(H), (M) or 1.3.3 of this Part shall be determined on a case-by-case basis by the Council. § 1.1.11(C)(6)(a) of this Part (Table 4) may be used as appropriate guidance”.

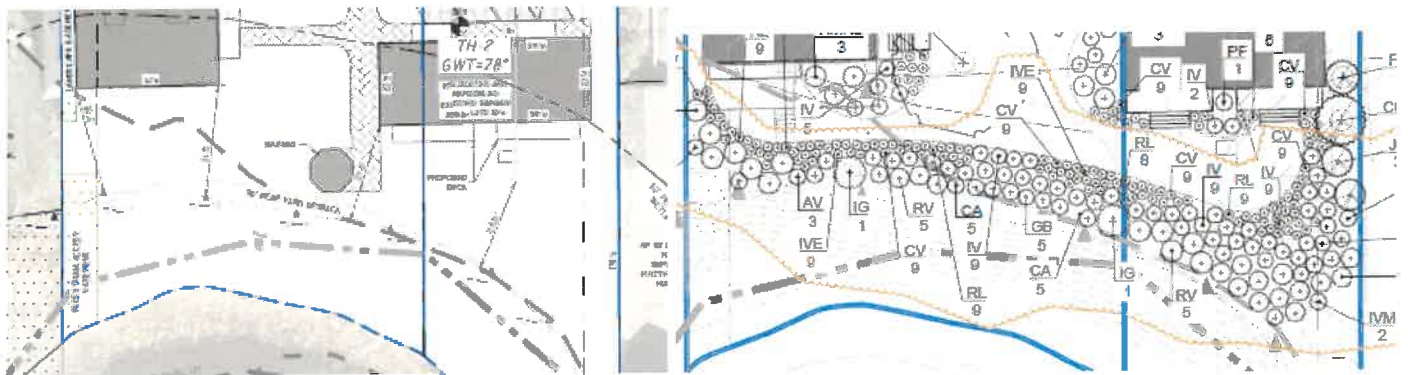
Signed: _____
 Signed: _____

Staff Biologist

Staff Engineer

While this project on its own does not require the implementation of a Coastal Buffer Zone, the guidance for commercial development combined with the Agency’s commitment to protecting Type 1 shorelines, resulted in staff recommending a Buffer Zone in the initial PD and again after submission of this application. Utilizing Table 4, a standard Buffer Zone would be 75 feet (the combined lot size is 27250ft² on Type 1 Water).

The 2022 Preliminary Determination requested that a Buffer Zone be implemented along the shore as none was proposed at that time, and the layout increased the Setback Variance beyond what was currently on site with existing development. At application submission, the garage structure had been altered and the proposed gazebo removed, but still no Buffer Zone was proposed. Staff questioned this, revised plan was received on March 31. The Buffer Zone proposed is less than the guidance 75 feet due to the location of the two existing buildings on site. Currently there is little to no Buffer Zone on site, and a variable width Buffer will be densely planted with Native Species. Staff requested that the applicant add three evergreen trees to replace those being removed. At the time of this writing, there has been no response, and staff would recommend Council stipulate this planting.



Above: Portion of PD proposed layout and portion of landscape plan depicting proposed plantings & variable width. (not to scale, for illustrative purposes)

Section 1.3.1(F)- Treatment of Sewage and Stormwater:

Beyond the renovation of the existing theater building and dwelling to condominiums as well as relocating the garage building; the existing impervious parking areas will be removed, and permeable pavement parking will be constructed. Under the Rhode Island Stormwater Design and Installation Manual (RISDISM), the site is considered a “redevelopment” since the existing site is over 40% impervious, which triggers a reduced scope of reporting under Section 3.2.6 of the RISDISM. This redevelopment requires minimum stormwater management standards 2, 3 and 7-11 to be addressed. The treatment of stormwater runoff from the proposed development BMP will consist of Pervious Pavement.

The required water quality and recharge volume must include 50% of the redevelopment area. The project area will consist of a 12.6% reduction in impervious cover. This will result in a decrease in stormwater runoff from pre to post development conditions for all design storm events, reducing the impact to Wickford Harbor.

The system has been designed to meet the RIDEM Stormwater Design and Installations Standards Manual and Section 1.3.1(F) of the CRMC Red Book (650-RICR-20-00-1).

Signed: _____
 Signed: _____

Staff Biologist

Staff Engineer

COMMENTS ON VARIANCE REQUEST:

The applicant sent a written Variance request with the initial submission, which addresses the Setback Variance. The application narrative noted that the project did not require a Buffer Zone, and all Setback discussion is measured from the Coastal Feature. As the Buffer provided has been agreed to voluntarily, staff has not required the Setback discussion/Variations to change to 25 feet beyond the Buffer. However, henceforth, for all future applications, the Setback shall be 25 feet inland of the Buffer Zone.

Staff offers the following comments on the Variance Request:

1.1.7(2)- Environmental Impact: Staff is in agreement that the proposal will not result in significant environmental impact on the coastal resource. The utilization of municipal sewer eliminates a source of nutrients, and the recent addition of a vegetated Buffer will offer increased benefits such as habitat, erosion protection and scenic value.

1.1.7(3)- Standards Cannot be Met: The current site maintains two structures that fall within the 50 foot Setback. The historic Wickford Theatre building is proposed to remain in place and receive renovation in accordance with HPHC requirements. The garage structure is proposed to be rotated to increase the Setback from the feature, adding 8.5’ in distance. The applicant has provided the majority of the parking for the development across the street at the location of the Wickford School Development to minimize the utilization of this site.

1.1.7(4)- Minimum Necessary: The applicant has demonstrated that through the combination of retaining a historic structure, relocating another structure and placing infrastructure off-site, they have requested the minimum Variance necessary.



1.1.7(5)- Previous Action of the Applicant/Prior Owner: the applicant asserts that the Variance is not due to a previous action of the applicant or owner. Staff disagrees with this assessment, as the site maintains two structures that long pre-date the CRMC, and are clearly the actions of a predecessor in title. The Wickford Theatre structure is noted to have been constructed in 1884, while the dwelling on site is listed as 1854. While there is no date on the property record for the garage structure, staff presumes that also predates the CRMC. Retaining the historic theater building in its current location due to its historic significance is an entirely reasonable request, and relocating the garage structure further away demonstrates meeting the minimum variance necessary.

The proposal submitted is demonstrably different from that reviewed under PD request 2022-04-090 in that the garage structure is no longer increasing in footprint and increases the Setback, the gazebo structure has been removed, and the applicant has agreed to provide a densely planted Buffer Zone. It is staff’s opinion that they have met the burdens of proof to receive a Variance to the 50’ Setback.

COMMENTS ON OBJECTION:

During the public notice period two objections were received. One, received via email simply requested a hearing and provided no specific objection details. The other included several details.

It should be noted that letters of support from the North Kingstown Town Manager’s office, the North Kingstown Director of Planning and Development, the Town of North Kingstown Conservation Commission, and the Town Council.

Signed:  _____ Staff Biologist
Signed:  _____ Staff Engineer

The objection letter notes the lack of sign-off from the HPHC. At the time of the public notice, the HPHC had voiced several concerns. The applicant spent quite a bit of time working with HPHC. In March of 2026 the HPHC sent a follow-up letter stating that the proposal would have no significant adverse impact on historic resources.

The objection also notes the increase in development pressure by converting to 18 condominium units and laments the lack of a vegetated Buffer Zone. Since the submission of the objection, the applicant has submitted a Buffer Zone planting plan which will densely plant the shoreline.

The objection goes on to assert that there are design options that will meet the 50' Setback. It is staff's understand that relocation of the historic theatre building is not possible, and while the garage structure could be relocated, it has been relocated to allow for the greatest extent possible while allowing for the project. Staff has already opined on the Variance request and that the applicant has met the burdens of proof to receive a Variance.

Section 1.1.6(G) Substantive Objections:

In accordance with Section 1.1.6(G): *“Substantive objections are defined by one or more of the following:*

- a. threat of direct loss of property of the objector(s) at the site in question;*
- b. direct evidence that the proposed alteration or activity does not meet all of the policies, prerequisites, and standards contained in applicable sections of this document;*
- c. evidence is presented which demonstrates that the proposed activity or alteration has a potential for significant adverse impacts onthe coastal environment”*

It is the opinion of reviewing staff that the submitted objections have not met criteria “a” – there is no direct loss of property. The objection correctly notes criteria “b” – that the proposal does not meet the regulatory standards. The applicant has appropriately requested relief from the standard and staff supports this request. The objection has not demonstrated any significant adverse impacts on the coastal environment and staff has opined above that the project will not result in any such effects.


It is the opinion of reviewing that the objection does not rise to substantive objection.

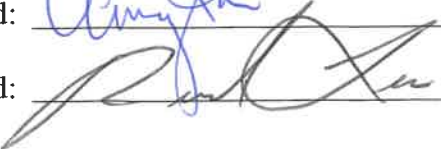
CONCLUSION & RECOMMENDATION:

This application is the second application for redevelopment along Philips St, North Kingstown. The first was to convert the former Wickford Schoolhouse to condos, and was approved administratively in October of 2025. This application also would have been approved administratively, except objections were submitted, requiring Council Decision.

As part of the larger redevelopment plan, this application requests Assent to convert the existing Olde Theatre building, garage and duplex dwelling structure to 18 condominium units. The garage structure currently will be rotated to a new location 34.3' from the coastal feature which is within the required 50-foot setback (Ref RICRMP 1.1.9). In total, the applicant is seeking a 15.7% reduction in the setback standard.



The applicant has appropriately requested relief from the standard and staff supports this request. It is the opinion of the reviewing staff that the submitted objections do not rise to substantive as defined by Section 1.1.6(G).

Signed:  _____ Staff Biologist

Signed:  _____ Staff Engineer

Reviewing staff has no objection to the Council approval of this request. Standard Assent stipulations will be prepared upon approval. Staff recommends the following specific stipulation:

Three native evergreen trees shall be planted within the Buffer Zone. These trees shall be eastern red cedar or Atlantic white cedar or similar. Staff shall be notified of the native evergreen trees chosen prior to issuance of this Assent.

Signed:  _____ Staff Biologist
Signed:  _____ Staff Engineer