



Legislative Task Force

Meeting #7

Thursday, March 27, 2014
8:00 – 10:00 AM

Room 300, 3rd Floor

Department of Environmental Management

235 Promenade Street Providence, RI

Agenda

- 8:00** Welcome and Overview of Agenda– *Kevin Flynn, DOP*
- 8:05** Review/feedback on meeting notes for February 27, 2014 – (*All*)
- 8:10** Subject Topics and Technical Presentations:
- A. Local Wetland Review: Two Perspectives in Narragansett
 - a. *Guest Speaker:* Michael DeLuca, Director of Community Development, Narragansett (40 minutes)
 - b. *Task Force Member:* Scott Rabideau, President, Natural Resources Inc. (40 minutes)
- 9:30** Questions & Task Force Discussion – *All - moderated by Kevin Flynn, DOP*
- 9:55** Next Steps– *Nancy Hess, DOP*
- A. April meeting dates /topics
- 10:00** Adjourn



NARRAGANSETT WETLANDS REGULATIONS

MICHAEL J. DELUCA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
MARCH 27, 2014

HISTORY OF REGULATION IN NARRAGANSETT

- Environmental Coordinator created in 1980's
- Environmental Overlay Regulations – enacted Nov. 1987
 - Coastal & FW Wetlands
 - Coastal Resources
 - High Watertable Limitations
 - Special Flood Hazards
 - Steep Slopes

REGULATIONS OVERVIEW

- Subdivisions – Wetlands are subtracted from land area for purpose of density calculation
- Zoning – Apply the 5 overlays to site specific development review; need relief if standards cannot be met.
- Wetlands Overlay
 - Section 4.3.1 – wetland overlay includes all land within 150 feet of a verified edge. (100 if sewer)
 - Section 4.3.2 – sets forth prohibited uses (4)
 - Section 4.3.3 – Described uses allowed by SUP (7)
 - Section 4.3.4 – Sets forth development standards and performance criteria.

REGULATION OVERVIEW CONTINUED

- Section 7.6 – Restricts development of pre-platted lots that are >25% wetland.
- Section 16 – Authorizes staff to issue a “Staff Review” approval for sites seeking relief from any overlay regulation in Section 4 if the application meets one of seven eligibility criteria.
 - Construction located >50 feet from wetland edge.
 - Construction within 50 feet if no closer than existing .
 - Amendments to previously approved plans if in substantial conformance with original relief
 - Cutting /maintaining paths up to 6’ wide with CRMC approval
 - Sheds of 144sf or less when placed on existing lawn.
 - Activities subject to Section 4.5 where water table is no closer than 30” to surface.
 - In-ground pools and full basements subject to an engineers statement certifying to the HWTLO standards.

INLAND SITES

- RIDEM Insignificant Alteration Letter or Letter of Non-Jurisdiction is reviewed.
 - Staff confirms consistency of plans with conditions of approval.
 - Staff conducts analysis of impact on local wetland overlay.
 - On-site mitigation measures are reviewed
 - Impervious surfaces are calculated.
 - Floor plans and building elevations are checked to determine compliance with Town regulations

COASTAL SITES

- Staff reviews plan to confirm location of wetland and/or coastal edge.
- Reviews text of Preliminary Determination for any concerns the CRMC staff have expressed.
- On-site mitigation measures are reviewed.
- Impervious surfaces are calculated.
- Floor plans and elevations are checked to determine compliance with Town regulations.

IMPLEMENTATION PROCEDURES

- Subdivisions – Wetland edge verified at Master Plan stage.
 - Land “Unsuitable for Development” is subtracted out.
- Zoning Applications
 - Staff reviews building permit application
 - Building Official notifies applicant of needed relief
 - Applicant is directed to CD staff for guidance and forms
 - Upon receipt of an application CD staff reviews to identify any obvious flaws or omissions (triage)
 - Call applicant or send correspondence to describe what important items are missing. Date stamp and place in file.
 - Once complete, staff checks mapping to confirm site conditions.



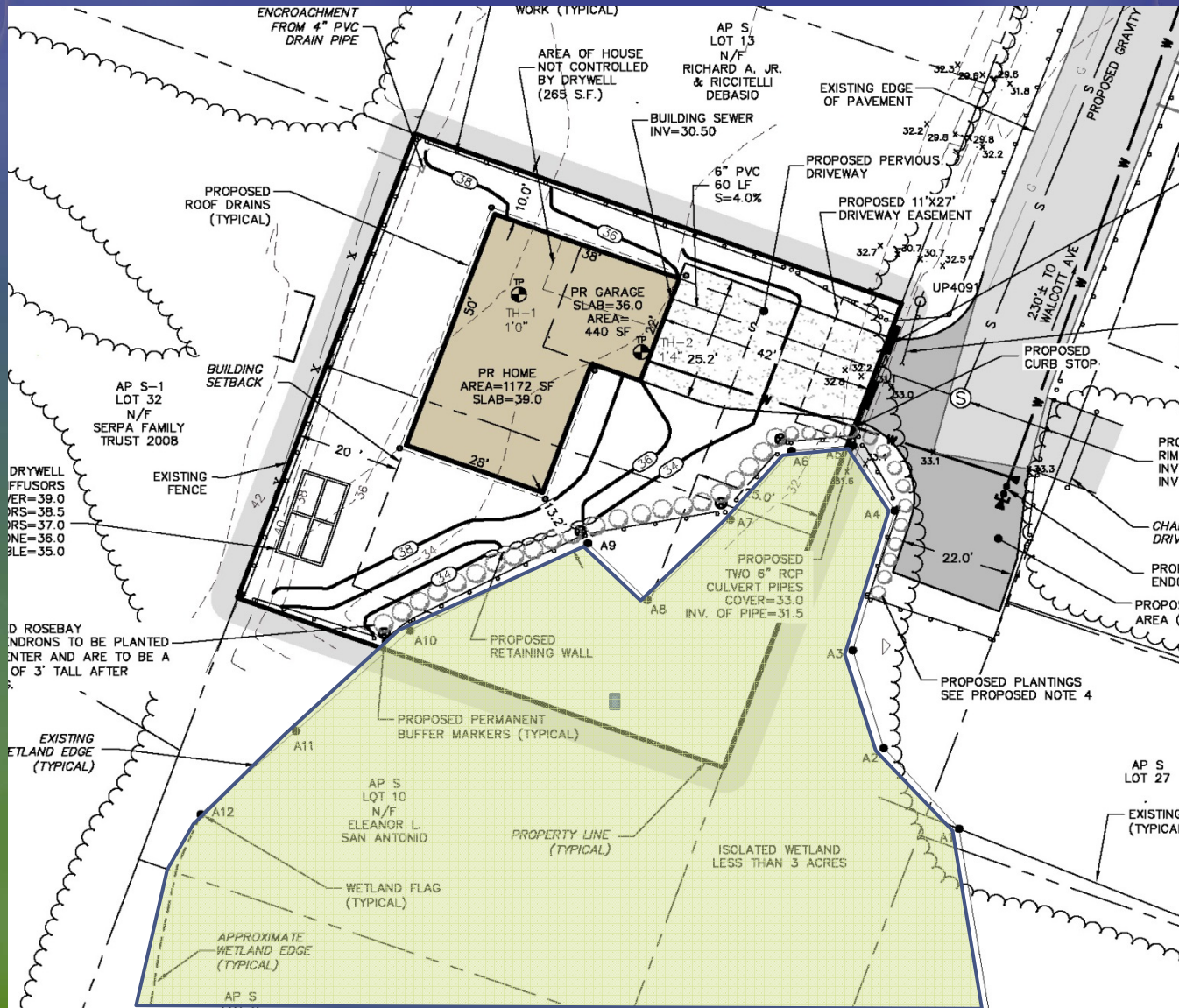
CASE STUDIES

SYLVAN ROAD SITE

- Existing Conditions:
 - Assessor's Plat "S" , Lot 11
 - Lot 11 is approximately 10,000 square feet in area and is currently vacant.
 - R-10 Zone

- Proposed improvements:
 - Construct a 28' x 50' irregularly-shaped dwelling with an unspecified number of bedrooms and attached garage.
 - Construction of pervious driveway approximately 735 square feet in area
 - Proposed lot coverage approximately 1,620 square feet (16.2%).

CLOSE-UP VIEW



FINDINGS

- On July 8, 2009 the RIDEM issued an Insignificant Alteration Permit (Application No. 09-0070) in response to the applicant's submitted Request for Preliminary Determination associated with this project.
- Lot 11 is located in the High Water Table Limitations Overlay District (Section 4.5). Depth to seasonal groundwater is presumed to be between 0 and 18" below grade (Zone A).
- Lot 11 is approximately 10,000 square feet in area and is located in an R-10 Zoning District.
- The project includes the construction of a 22' wide paved hammerhead at the terminus of Sylvan Road; however, this hammerhead extension will not extend along the entire frontage of Lot 11. As such, a road frontage variance of 48' is required.
- Public Water services this lot; Public sewer extension was approved with conditions.
- Site Plan indicates a parking area of 735 sf – sufficient for a 3-bedroom house.
- Future land use designation (LU Code 113) Medium Density residential.

FINDINGS CONTINUED

- Lot 11 is located in the Coastal and Freshwater Wetlands Overlay District (Section 4.3) as a portion of a moderately-sized isolated wetland extends onto the southeastern portion of the subject parcel. The flagged wetland edge, as shown on the Site Plan (last revised 8/25/09) produced by DiPrete Engineering was not verified by RIDEM. The closest point of the proposed dwelling will be located approximately 13.2' from the wetland edge.
- The future land use designation of this property is “113 – Medium Density Residential”. This project appears to comply with the Land Use component listed in the Comprehensive Plan.

APPLIED REGULATIONS

- Coastal and Freshwater Wetlands Overlay Regulation, (Section 4.3)
 - Roadway extension will not extend to the full frontage of the lot and will be constructed within 2 feet of the flagged wetland edge.
 - Southeast Corner of the house is proposed to be within 13 feet of the flagged wetland edge
 - Site grading to be supported by a retaining wall and located within 5-6 feet of the flagged wetland edge.

RELIEF REQUIRED

- Section 4.3 - Coastal and Freshwater Wetlands Overlay District
 - 86.8' Variance & Special Use Permit
- Section 25.1[4] – Road Frontage
 - 48' Road Frontage Variance

APPLICANT'S EXPERTS

- Wetland Biologist – Submitted report and described the wetland characteristics of the site. Testified the project would have a negligible effect on the wetland. Attested to development standards of Section 4.3
- Engineer – Described existing and future conditions and mitigation measures proposed for the site. Introduced several exhibits:
 - RIDEM Insignificant Alteration Permit
 - United Water Service letter
 - Town Engineer Infrastructure verification
 - Town Engineer Sewer Extension Approval
 - DPW – letter of approval of hammerhead and drainage culvert.

DECISION

○ Based on the information presented at the hearing the Board finds that the granting of the variances and special use permit:

- Will not be contrary to the public interest;
- Will further substantial justice;
- Will be consistent with the purposes and objectives of the zoning ordinance.

ALSO:

○ The applicant has demonstrated that the proposed relief:

- Is necessary for the full enjoyment of the property;
- Results from physical conditions peculiar to the subject land;
- That the hardship did not result from any act of the applicant.

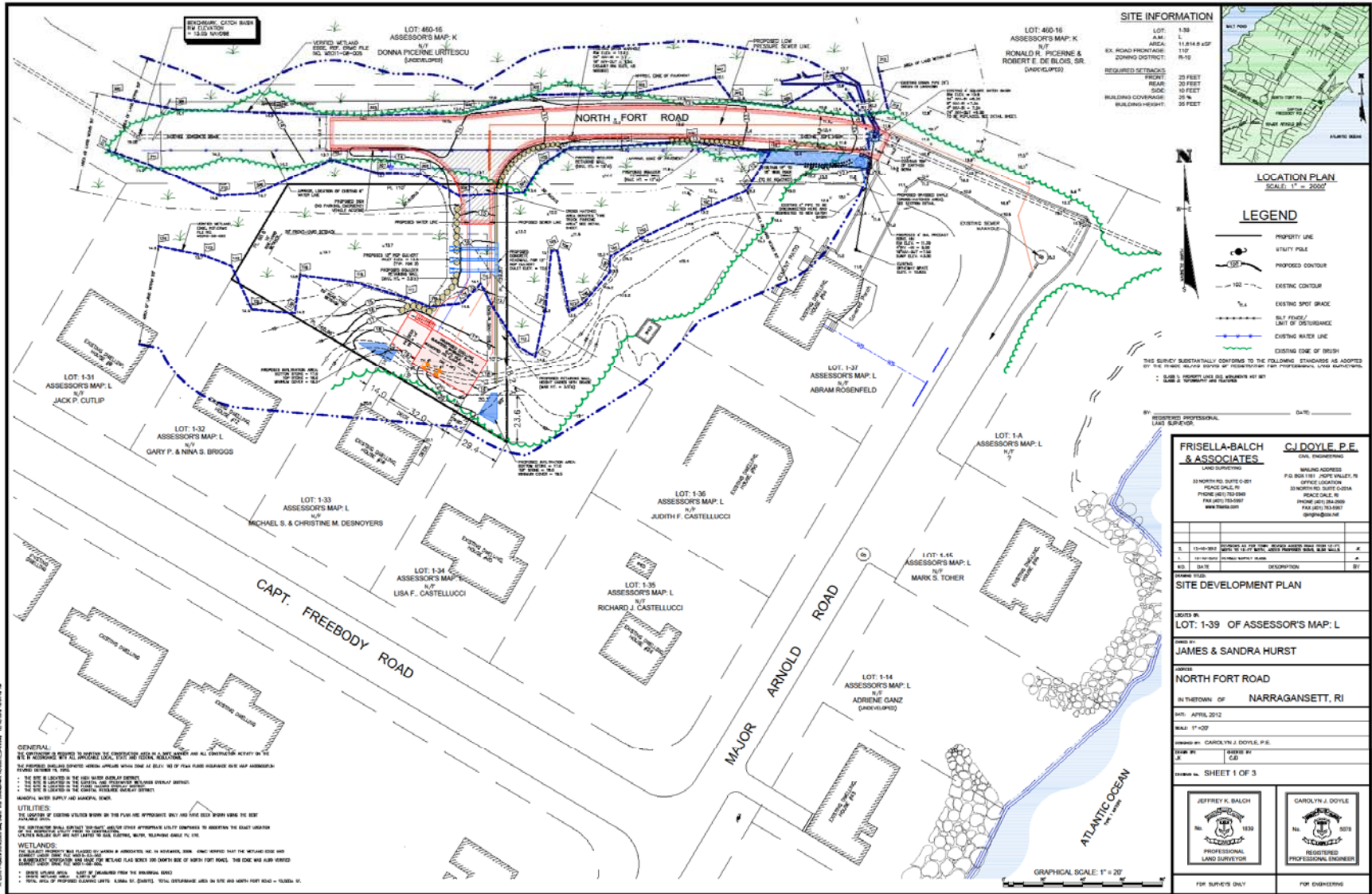
CONDITIONS

1. That all construction is done in strict conformance with the site plan completed by DiPrete Engineering, Inc. (last revised August 25, 2009).
2. That the limit-of-disturbance indicated on the Site Plan becomes permanent. Stone bounds, boulders, or some other permanent form of marker shall delineate this limit. No further clearing, cutting, or filling may occur to the wetland side of this limit.
3. That all conditions of the RIDEM Insignificant Alteration Permit (Application No. 09-0070) are adhered to.
4. That a Road Construction Permit from the Department of Public Works and permits from any and all underground utility providers are acquired prior to any work in the Sylvan Road right-of-way.
5. That any area of disturbance be reseeded or sodden with a low maintenance conservation grass mixture. Information relative to possible seed mixtures is available through the Department of Community Development. Only slow release fertilizers are permitted to maintain an intact vegetative cover.
6. That prior to the issuance of a building permit, the applicant must submit a comprehensive erosion control plan to the building official for their approval. The plan must be in accordance with the Rhode Island Soil Erosion and Sedimentation Control Handbook. Said erosion control measures must be in place prior to the start of any construction and shall be maintained or replaced throughout the construction phase. They may only be removed when vegetative cover has been restored.
7. That the southern side of the proposed dwelling is adjusted to extend no closer than 15'2" to the wetland edge (2' reduction from 13'2" setback proposed).

NORTH FORT ROAD SITE

- *Existing conditions: Lot 1-39*
 - *Area - 11,615 square feet in an R-10 Zoning District*
 - *Use - vacant.*
 - *Upland - 4,627 square feet of upland area (39.8% of total lot)*
 - *Wetland - 6,987.6 square feet of wetland area (60.2% of total lot).*
- *Proposed improvements:*
 - *Construct a 20' x 32' single-family dwelling with*
 - *an unspecified number of bedrooms*
 - *a 14' x 16' deck with 4' x 4' landing and 3' x 10' stairs.*
- *Site Improvement*
 - *Construction of a 16' gravel roadway (12' of some locations) within the North Fort Road right-of-way approximately 282' in length with a 55' long gravel access driveway into the Site completed with a crushed stone parking area in front of the proposed dwelling.*
- *The disturbance and filling of approximately 1,720 square feet of wetland area to construct a gravel/crushed stone driveway extending approximately 110' into the subject property.*

NORTH FORT ROAD



APPLIED REGULATIONS

- *Coastal and Freshwater Wetlands Overlay District (Section 4.3)*
 - *roadway will be constructed to within or less than 1' from the wetland located immediately north of the subject lot.*
 - *driveway to enter the Site will extend directly through an on-Site wetland, disturbing approximately 1,800 square feet of wetland area and the placement of at least 3' of fill within the wetland*
 - *CRMC verified the wetland flags delineated and shown on the subject Site*

REGULATORY RELIEF

- *RELIEF REQUIRED: (Section 7.6) Supplementary Lot and Bulk Regulations “No more than 25 percent of the minimum lot area required under this ordinance may be satisfied by land which is under water or a wetland.”*
- *Subject Site consists of 6,987.6 square feet (60.2% of total lot) of wetland area and 4,627.4 square-feet of upland area. As such, a 4,084 square foot (35.2%) Wetland Area Variance is required.*

RELIEF REQUESTED

- Section 4.3 - Coastal and Freshwater Wetlands Overlay District
 - 105' Variance & Special Use Permit
- Section 6.4 – Dimensional Regulations
 - 5' Rear-yard Setback Variance
- Section 7.6 – Supplementary Lot & Bulk Regulations
 - 4,084 square foot (35.2%) Wetland Area Variance
- Section 25.1[4] – Road Frontage
 - 110' Road Frontage Variance

APPLICANT'S EXPERTS

- *Applicant's engineer submitted a document addressing ZO Section 4.3, 4.4, 4.5, & 4.7 and a Stormwater Management Report. While the engineer certifies that impacts to the wetlands have been minimized to the extent practicable, potential impacts to the wetlands cannot be avoided.*

DECISION

- Based on the Findings of Fact and testimony and information presented during the Public Hearing, including but not limited to facts that the project shall be moved further from the rear-yard lot line as to not encroach upon the neighboring dwelling, the deck will be eliminated to allow greater flexibility to relocate the dwelling and the applicant demonstrated that this was the least amount of relief necessary as the size of the proposed dwelling is minimal (20' x 32'), and in accordance with Section 11 and Section 12 of the Zoning Ordinance, the Zoning Board finds that this project meets the following standards:

CONDITIONS

- 1. That the proposed deck is eliminated.
- 2. That the dwelling be limited to a maximum of 2-bedrooms and the Site Plan revised so as to require dimensional relief of 5' rear yard setback and 105' Variance & Special Use Permit from Section 4.3 of the Zoning Ordinance.
- 3. That the driveway within the North Fort Road right-of-way is constructed to the agreed standard as outlined in the March 20th project summary.
- 4. That Zoning Board approval is contingent upon the issuance of an assent by CRMC for this project as proposed. 5. That architectural plans are completed and submitted to the Department of Community Development for review and approval prior to the issuance of a building permit for this project to ensure compliance with NFIP Flood Zone regulations and Town parking requirements.
- 6. That the wetland edge or Limit of Disturbance becomes permanent. Stone bounds, boulders, or some other permanent form of marker shall delineate this limit in no greater than 50' increments. No further clearing, cutting or alterations of any kind be permitted on the wetland side of this limit.
- 7. That all conditions associated with the letter dated December 20, 2010 from the Engineering Department are strictly adhered to.
- 8. That a Road Construction Permit is acquired from the Department of Public Works prior to the commencement of any work associated with this project.

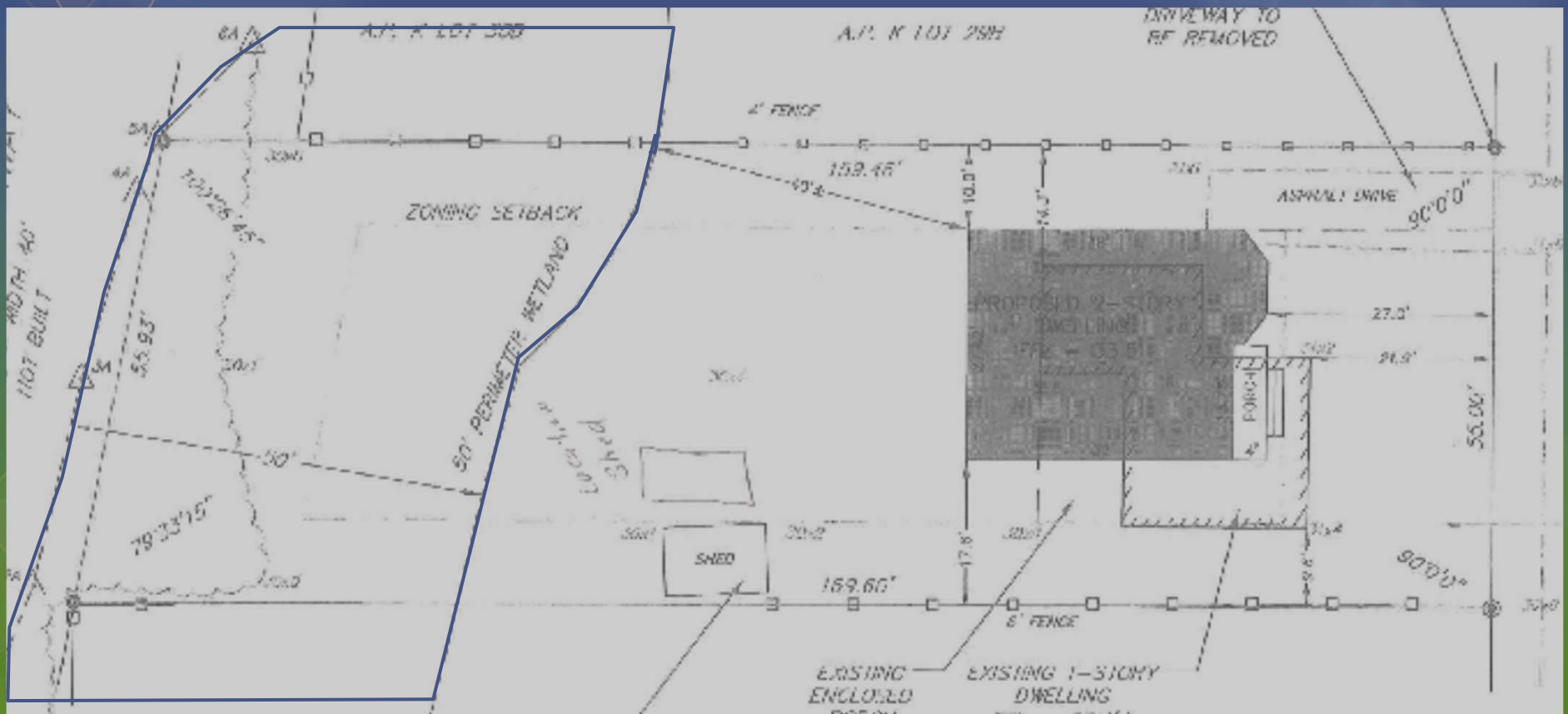
CONDITIONS CONTINUED

- 9. That applicant enters into a maintenance agreement with the Town for the North Fort Road right-of-way, prior to the issuance of a building permit for this project,
- 10. That an access easement is granted to the Town for that portion of the driveway serving the residence which is required for the turning of emergency vehicles.
- 11. That a *revised* Site Plan reflecting these conditions is completed and submitted to the Department of Community Development for review and approval prior to the issuance of a building permit for this project.
- 12. That any area of disturbance be reseeded or sodden with a low maintenance conservation grass mixture.
- 13. That prior to the issuance of a building permit, the applicant must submit a comprehensive erosion control plan to the building official for their approval.
- 14. A Row of arborvitae 3' on center 4'-5' in height be planted as a buffer between this property and the property directly south of the proposed dwelling.
- The motion passed 4-1 (Ayes -Anthony Brunetti; Geraldine Citrone; James Manning; Robert Mulligan. Nay - Dr. Robert O'Neill).

ADMINISTRATIVE STAFF REVIEW

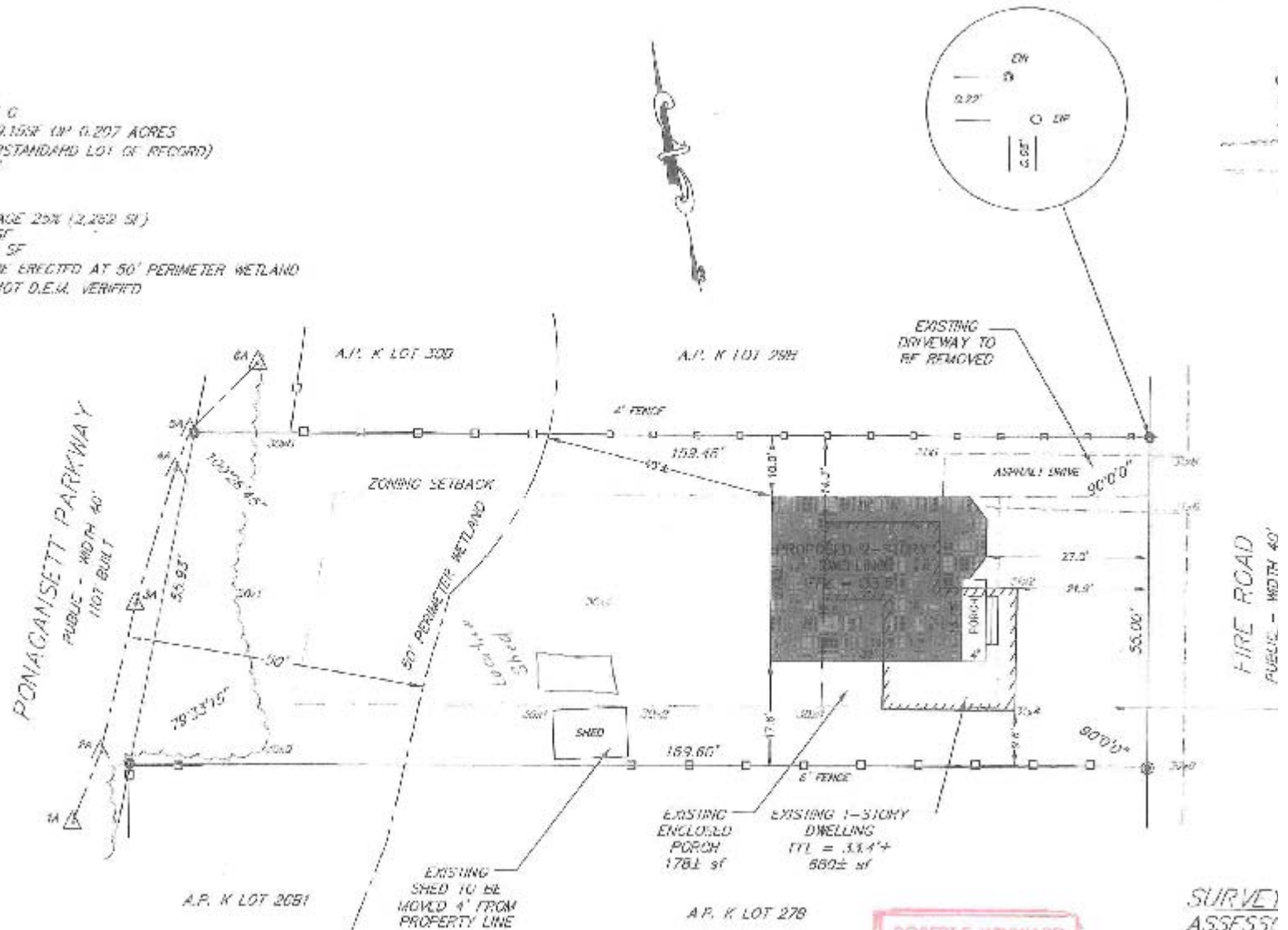
- Existing Conditions:
 - Existing 31' x 33' irregularly-shaped dwelling and 96 square-foot shed.
 - Existing lot coverage approximately 772 square feet (8.5%).
- Proposed improvements:
 - Demolition of existing dwelling
 - Shed to be relocated outside of the side-yard setback
 - Construction of a 28' x 38' irregularly-shaped 4 bedroom dwelling.
 - Proposed lot coverage approximately 1,077 square feet (11.9%).
- A. This project is located within the Coastal and Freshwater Wetlands Overlay District (Section 4.3). The closest point of the proposed dwelling will be located approximately 89' from the edge of the freshwater wetland to the west.
- B. In a letter dated December 2, 2013 the Engineering Department approved this project as it relates to Supplementary Drainage requirements of Section 7.7 with conditions.
- C. In a letter dated November 11, 2013 Robert Winward, PLS. certified that this project complies with the Development Standards of Section 4.3.

ADMINISTRATIVE STAFF REVIEW



NOTES

- 1) FEMA FIRM ZONE G
- 2) LOT AREA: 9,049.15SF OR 0.207 ACRES
- 3) ZONE R-10 (SUBSTANDARD LOT OF RECORD)
 FRONT YARD 25'
 SIDE YARD 10'
 REAR YARD 25'
 BUILDING COVERAGE 25% (2,262 SF)
 EXISTING 1,244 SF
 PROPOSED 1,155 SF
- 4) SIX FENCE TO BE ERECTED AT 50' PERIMETER WETLAND
- 5) WETLAND EDGE NOT D.E.M. VERIFIED



THIS SURVEY AND PLAN CONFORM TO THE FOLLOWING STANDARDS AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS.

BOUNDARY: CLASS 1



SURVEY
ASSESS
NARRAG
PREPARED
PREPARED

Level of Effort Discussion

Scott Rabideau, PWS
Natural Resource Services, Inc.



State Regulations

- 1) Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act.
- 2) Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast.

Rule 9.00 – Request for Preliminary Determination

Rule 10.00 – Application to Alter a Freshwater Wetland

Case Study #1

DEM Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act

Rule 9.00 – Request for Preliminary Determination

I) Establish Wetland Edge

- Field Delineation of Wetland
 - Report of Findings with Data Forms
 - Site Plan Review and Application
- Level of Effort – Staff Biologist – 10 hours

II) DEM Application Requirements

- Site Plan Review and Mitigation Measures
- Written Narrative for Application
 - Project Description/Scope
 - Impact Avoidance and Minimization
 - Mitigation

Level of Effort – Staff Biologist – 8 hours

Result

DEM Edge Verification Issued – 11-20-08

Insignificant Alteration Permit – 7-8-09

Total Level of Effort – 18 hours

III) Town of Narragansett Variance and Special Use Permit

- 1) Site Evaluation
- 2) Written Evaluation in Response to Section 4.3 Coastal and Freshwater Wetland Overlay District
- 3) Application Preparation Meeting with Engineer and Attorney
- 4) Review and Preparation for Expert Testimony
- 5) Planning Board Attendance and Testimony
- 6) Zoning Board Attendance and Testimony

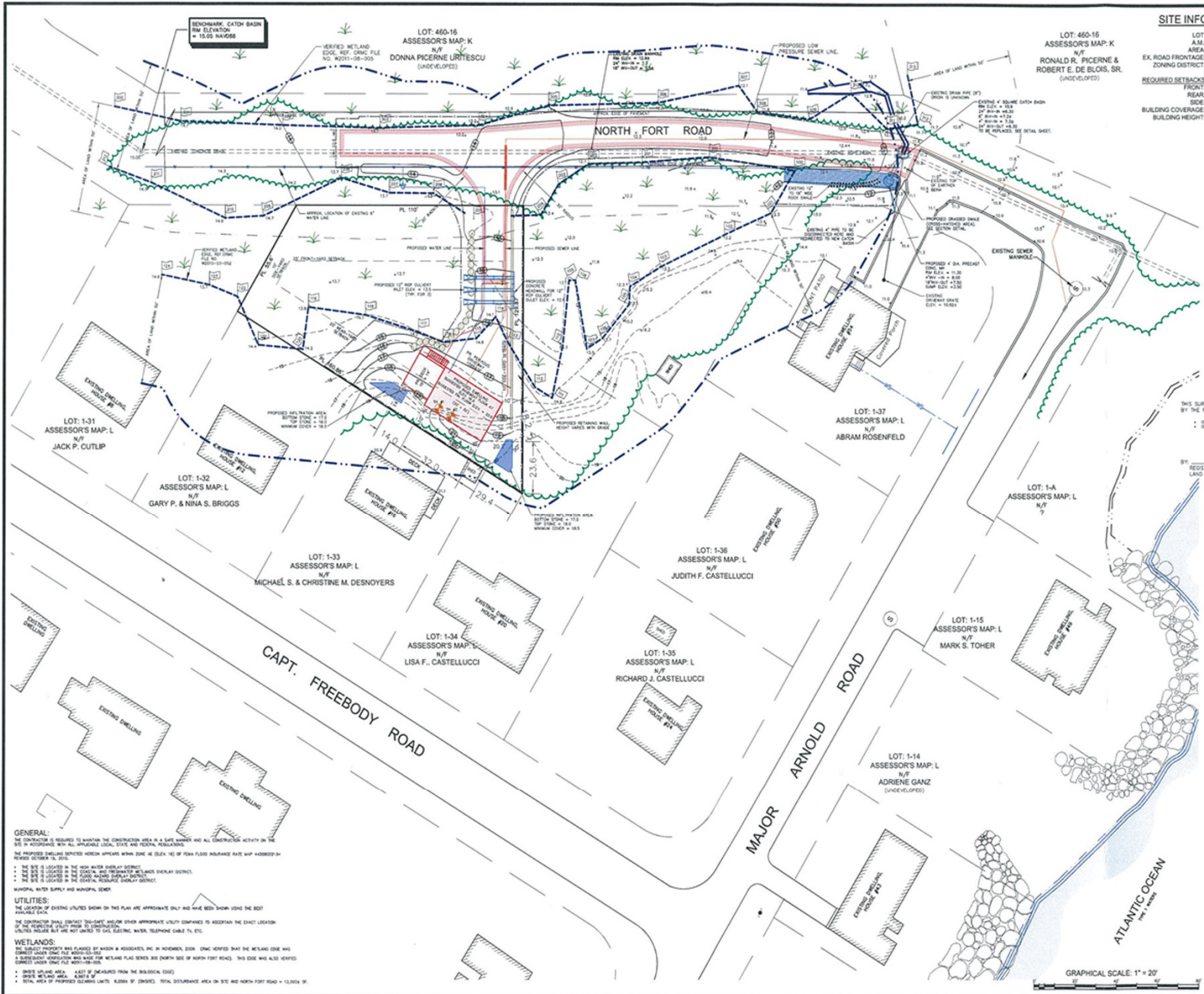
Level of Effort

Staff Biologist - Site Evaluation - 3 hours
- Report - 5 hours

Senior Biologist/Principal

- Attorney Meeting and Hearing Preparation - 4 hours
- Planning Board Hearing/Testimony - 3 hours
- Zoning Board Hearing/Testimony - 3 hours

**Additional Effort (Above DEM Permit)
18 hours**



SITE INFORMATION

LOT: 1-39
 AREA: 11,614.6 SQ FT
 EX. ROAD FRONTAGE: 157'-0"
 ZONING DISTRICT: R-10
 REQUIRED SETBACKS:
 FRONT: 25 FEET
 REAR: 20 FEET
 SIDE: 10 FEET
 BUILDING COVERAGE: 25 %
 BUILDING HEIGHT: 35 FEET



LOCATION PLAN
 SCALE: 1" = 2000'

LEGEND

- PROPERTY LINE
- UTILITY POLE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- EXISTING SPOT GRADE
- SALT FENCE / LIMIT OF DISTURBANCE
- EXISTING WATER LINE
- EXISTING EDGE OF BRUSH

THIS SURVEY SUBSTANTIALLY CONFORMS TO THE FOLLOWING STANDARDS AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS:
 CLASS I: PROPERTY LINES, ETC. WITHIN 1/8" PER 100'
 CLASS II: TOPOGRAPHY AND FINALS

FRISELLA-BALCH & ASSOCIATES
 LAND SURVEYING
 33 NORTH RD, SUITE C-201
 PEACE DALE, RI
 PHONE (401) 783-5887
 FAX (401) 783-5887
 www.frise.com

C. DOYLE P.E.
 CIVIL ENGINEERING
 MAILING ADDRESS
 P.O. BOX 1183 JOPLI VALLEY, RI
 OFFICE LOCATION
 33 NORTH RD SUITE C-201A
 PEACE DALE, RI
 PHONE (401) 783-5887
 FAX (401) 783-5887
 cdoyle@frise.com

NO.	DATE	DESCRIPTION	BY
1	10-10-2012	REVISED SURVEY PLANS	JK

SITE DEVELOPMENT PLAN

LOCATED ON:
LOT: 1-39 OF ASSESSOR'S MAP: L

OWNED BY:
JAMES & SANDRA HURST

ADDRESS:
NORTH FORT ROAD

IN THE TOWN OF:
NARRAGANSETT, RI

DATE: APRIL 2012
 SCALE: 1" = 20'

DESIGNED BY: CAROLYN J. DOYLE, P.E.
 DRAWN BY: JK
 CHECKED BY: CAD

DRAWING NO.: SHEET 1 OF 3

JEFFREY K. BALCH
 No. 1839
 PROFESSIONAL LAND SURVEYOR

CAROLYN J. DOYLE
 No. 5078
 REGISTERED PROFESSIONAL ENGINEER

FOR SURVEYS ONLY FOR ENGINEERING

GENERAL:
 THE CONTRACTOR IS REQUIRED TO MAINTAIN THE CONSTRUCTION AREA IN A SAFE MANNER AND ALL CONSTRUCTION ACTIVITY ON THE SITE IS CONFINED TO THE ALLIQUED LOCAL, STATE AND FEDERAL REGULATIONS.
 THE PROPOSED BUILDING SETBACKS ARE IN ACCORDANCE WITH ZONING DISTRICT R-10, RI OF FEMA FLOOD INSURANCE RATE MAP ABB000001N-REVISED OCTOBER 19, 2010.

- 1. THE SITE IS LOCATED IN THE HIGH WATER SURVEY DISTRICT.
- 2. THE SITE IS LOCATED IN THE COASTAL AND PROTECTED WETLANDS DISPLAY DISTRICT.
- 3. THE SITE IS LOCATED IN THE COASTAL AND PROTECTED WETLANDS DISPLAY DISTRICT.

UTILITIES:
 THE LOCATION OF EXISTING UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATE ONLY AND HAVE BEEN SHOWN USING THE BEST AVAILABLE DATA.
 THE CONTRACTOR SHALL CONTACT THE APPROPRIATE UTILITY COMPANIES TO VERIFY THE EXACT LOCATION OF THE UTILITIES PRIOR TO CONSTRUCTION.
 UTILITIES NOT SHOWN BUT NOT LIMITED TO GAS, ELECTRICAL, WATER, TELEPHONE, CABLE TV, ETC.

WETLANDS:
 THE SUBJECT PROPERTY WAS PLANNED BY HURST & ASSOCIATES, INC. IN NOVEMBER, 2008. ONCE NOTIFIED THAT THE WETLAND CODE WAS A CHANGED UNDER THE NEW REGULATIONS, A SUBSEQUENT REVISION WAS MADE FOR WETLAND FLAG SERIES AND (NORTH SIDE OF NORTH FORT ROAD). THIS CODE WAS ALSO REPEATED CORRECTED UNDER THE NEW REGULATIONS.

- 1. DRYED UPLAND AREA: 4,827 SQ. YARDS FROM THE BIOLOGICAL CODE
- 2. DRYED WETLAND AREA: 4,827 SQ. YARDS
- 3. TOTAL AREA OF PROPOSED CLEARING LIMITS: 4,827 SQ. YARDS. TOTAL DISTURBANCE AREA ON SITE AND NORTH FORT ROAD = 13,024 SQ. YARDS.

GRAPHICAL SCALE: 1" = 20'

Case Study #2

CRMC Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast

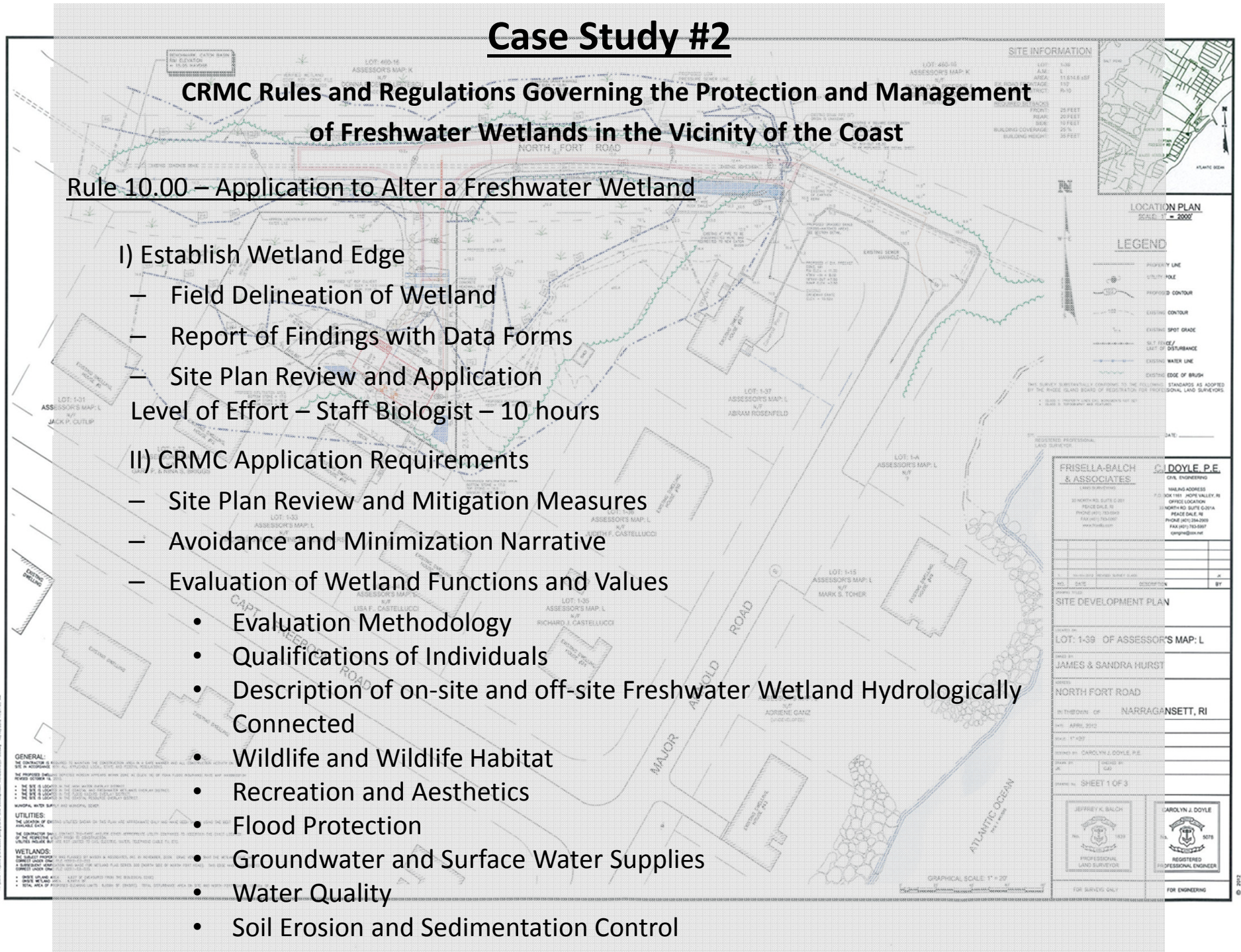
Rule 10.00 – Application to Alter a Freshwater Wetland

I) Establish Wetland Edge

- Field Delineation of Wetland
 - Report of Findings with Data Forms
 - Site Plan Review and Application
- Level of Effort – Staff Biologist – 10 hours

II) CRMC Application Requirements

- Site Plan Review and Mitigation Measures
- Avoidance and Minimization Narrative
- Evaluation of Wetland Functions and Values
 - Evaluation Methodology
 - Qualifications of Individuals
 - Description of on-site and off-site Freshwater Wetland Hydrologically Connected
 - Wildlife and Wildlife Habitat
 - Recreation and Aesthetics
 - Flood Protection
 - Groundwater and Surface Water Supplies
 - Water Quality
 - Soil Erosion and Sedimentation Control



III) Town of Narragansett Variance and Special Use Permit

- 1) Site Evaluation
- 2) Written Evaluation in Response to Section 4.3 Coastal and Freshwater Wetland Overlay District
- 3) Application Preparation Meeting with Engineer and Attorney
- 4) Review and Preparation for Expert Testimony
- 5) Planning Board Attendance and Testimony
- 6) Zoning Board Attendance and Testimony

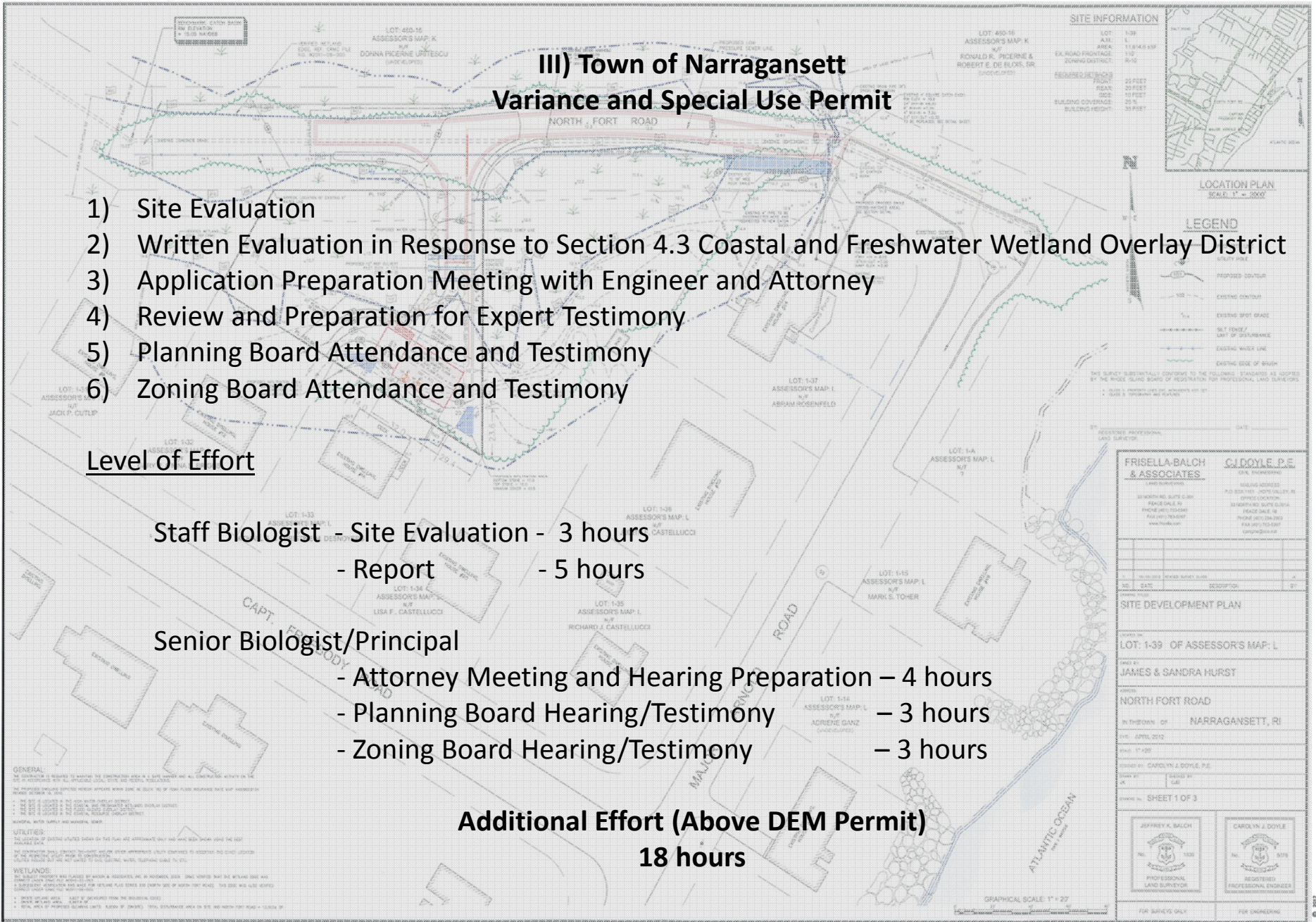
Level of Effort

Staff Biologist - Site Evaluation - 3 hours
- Report - 5 hours

Senior Biologist/Principal

- Attorney Meeting and Hearing Preparation – 4 hours
- Planning Board Hearing/Testimony – 3 hours
- Zoning Board Hearing/Testimony – 3 hours

Additional Effort (Above DEM Permit)
18 hours



FRISELLA-BALCH & ASSOCIATES PROFESSIONAL LAND SURVEYORS 30 NORTH RD, SUITE C-001 PISCATAWAY, NJ 07093 PHONE: 908-770-0000 FAX: 908-770-0001 www.frisella.com	C. DOYLE P.E. P.E. ENGINEER 1000 W. 10TH ST., SUITE 100 GREEN BROOK, NJ 07033 PHONE: 908-770-0000 FAX: 908-770-0001 cdoyle@frisella.com
---	--

NO.	DATE	SECTION	BY

SITE DEVELOPMENT PLAN	
NAME: LOT: 1-39 OF ASSESSOR'S MAP: L	
OWNED BY: JAMES & SANDRA HURST	
ADDRESS: NORTH FORT ROAD	
IN THE TOWN OF NARRAGANSETT, RI	
DATE: APRIL 2012	SCALE: 1" = 20'
DRAWN BY: CAROLYN J. DOYLE, P.E.	CHECKED BY: GAI
ISSUED BY: SHEET 1 OF 3	

<p>JEFFREY K. BALCH NO. 1339 PROFESSIONAL LAND SURVEYOR STATE OF RHODE ISLAND</p>	<p>CAROLYN J. DOYLE NO. 5076 REGISTERED PROFESSIONAL ENGINEER STATE OF RHODE ISLAND</p>
FOR SURVEY ONLY	FOR ENGINEERING

Michael J. DeLuca, AICP
Community Development Director
Town of Narragansett

- Current: Community Development Director, Town of Narragansett, RI
2005 – present
- Past: Principal Planner, City of Cranston, RI
1986 -2005
- RIAPA Professional Development Officer
1994-1996
RIAPA President
1996- 1998
- 2009, 2011, 2014 SNEAPA Conference Committee
2002-08 SNEAPA Conference Committees
1994 Chair - RI/MA APA & URI/CPAD Regional Planning Conference
- Education: MCP. University of RI, 1988, Environmental Planning
BS. University of RI, 1980, Resource Development
- Activities: Vice Chair – RI State Technical Committee – 2008- present
Vice Chair – RI Scenic Roadways Board – 2010 - present
Chair – Narragansett Planning Board 2004-05
Member – Narragansett Planning Board 1993 - 2005
Vice Chair – Narragansett Comprehensive Plan Advisory Committee
1989-1992
Member – Narragansett Affordable Housing Board
URI/CPAD Alumni Committee Chair
- Interests: Fishing
Running
Softball
Swimming
Friday nights “in” – with my family and a bottle of good red wine

Legislative Task Force Meeting #6

Thursday, February 27, 2014

8:00 AM – 10:00 AM

Conference Room B, 2nd Floor

Department of Administration

One Capitol Hill, Providence, RI



Task Force members in attendance were: Jim Boyd (Coastal Resources Management Council), Joseph Casali (Civil Engineer Representative), Russell Chateaufeuf (Civil Engineering Representative), Alicia Good (DEM Representative), Thomas D'Angelo (Builder's Trade Association), Gary Ezovski (Business Community Representative), Kevin Flynn (DOP-Associate Director), Lorraine Joubert (Environmental Entity), Thomas Kravitz (Municipal Representative – Burrillville), Tom Kutcher (Wetlands Biologist), Scott Moorehead (Business Community Representative), Eric Prive (Civil and Environmental Engineering Representative), Scott Rabideau (Business Community Representative), and Nancy Scarduzio (Office of Regulatory Reform).

The Division of Planning (DOP) and DEM also had several agency staff members present. From DEM, Carol Murphy and Ernie Panciera. Nancy Hess and Sean Henry were on hand from DOP.

Municipal Zoning Ordinance Matrix

Kevin Flynn started the meeting at 8:00 by introducing Sean Henry to discuss a tool he and others had created to help task force members understand wetlands regulation at the municipal level. Of the thirty-nine cities and towns that comprise the state, twenty-six of them have wetlands-related measures in their zoning ordinances. Generally, these ordinances fall into one of three categories: a setback from wetlands, a zoning overlay district that places additional requirements on the areas within it, or local onsite wastewater treatment systems (OWTS) standards. Members were provided with a hard copy of the matrix and Mr. Henry went through an example of each type of ordinance with the Task Force in order to demonstrate using the tool. He then addressed questions members had about the matrix. S. Rabideau noted that Narragansett's overlay district was not included.

Neighboring States' Regulatory Framework

The next speaker of the meeting was Carol Murphy of DEM Wetlands. She presented information on how neighboring states (Connecticut, Massachusetts, New Hampshire, Vermont, and Maine) regulate their wetlands. Members also posed questions and discussion throughout her presentation; however the basic regulatory regimes are as follows:

Connecticut:

The state regulates their wetlands under two laws: Inland Wetlands and Watercourse Act and the Tidal Wetlands Act. Freshwater wetlands are identified by their soil type, rather than vegetative surroundings. The laws do cover rivers and streams as well. The IWWA requires municipalities to establish inland wetlands agencies to implement the law, or delegate enforcement to an existing water commission. The CT DEP reviews state-level projects as well. The state also reviews (potential) structures within the tidal waters area, while municipalities review upland structures.

Massachusetts:

In Massachusetts, wetlands are all managed under the Wetlands Protection Act. Like Connecticut, this law is also implemented at the local level, here in the form of conservation commissions. There are 351 municipalities in MA with varying wetland standards. The law was revised in the 1990s to extend setbacks around rivers.

New Hampshire:

New Hampshire regulates wetlands under the fill and dredge, and Shoreland Water Quality Protection laws. All freshwater flows are protected under the law, with some qualifications for great ponds and other types. The laws are enforced by the NH DES; however the municipalities are kept involved throughout the approval processes and have the ability to identify "prime" wetlands for protection. The Shoreland Protection laws have tiered buffer systems depending on the adjacent water body.

Vermont:

Vermont's regulations are enforced under state statute as well. Vermont has two classes of wetlands, Class 1 and Class 2. Class 1 wetlands are considered "exemplary and irreplaceable" and receive a 100 foot buffer zone. Class 2 wetlands have a 50 foot buffer zone. All other wetlands have no buffer zone.

Maine:

Maine regulates their wetlands under the Natural Resource Protection Act (for organized territories) and by Land Use Regulatory Commission (for unorganized territories).

Task force members then discussed the different approaches of the other states in contrast with Rhode Island's regulatory structure. Many members agreed that Rhode Island's structure is more consistent and predictable than the neighboring states that leave enforcement to the municipalities. E. Prive spoke on wetland regulation in Attleboro. Great interest was expressed by the Task Force in obtaining further details of the NH regulatory system. A concern voiced about local review is that the local conservation commissions and zoning boards of appeal consist of volunteers, some of whom are not educated on scientific or biological issues of wetlands. Members also discussed the basis for setback distances and levels of protection regarding wildlife habitat and floodwater storage. Summaries

of the current scientific literature on buffers will be presented to the Task Force in future meetings.

Discussion on Developing Case Studies for Identifying Friction Points

Mr. Casali and Mr. Ezovski presented an example of a project review timeline for two different projects to demonstrate the regulatory slow points from a client's perspective. Using different colors to show how much time is spent on production and how much is spent waiting for regulatory matters (appearances before planning/zoning boards, application periods, etc.), the timelines indicated that much of a project timeline is spent waiting for approvals from state and local agencies, although the scope of these periods was not limited solely to wetlands-related issues. They also indicated that the length of the project timeline is also heavily dependent on which community the project is located in and their local regulations. Developers /land owners need predictability in reviews. It was re-discussed by the Task Force that their function was strictly concerned with the timelines /standards for local wetlands review not the entire timeline for development review in general. Members discussed how wetlands regulations could be restructured in order to alleviate some of these concerns.

Next Meeting

March had two dates reserved for meetings. The next meeting will be March 27th. S. Rabideau offered to develop for the next meeting a Narragansett resident's perspective of going through the wetlands regulation process for a residential (as opposed to commercial or industrial) project. Mike DeLuca, Narragansett Planner, will present the same examples from the municipal perspective. The Task Force agreed this would be a good topic for the next meeting.

Adjourn

10:00 AM