



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370

FAX: (401) 783-3767

*evidence
coastal wetland
other side
of Boone St.*

*reference
diff
lot*

ASSENT

CRMC File No.: 2011-08-045

CRMC Assent No.: A2011-08-045

Whereas,
of

**Land Conservancy of North Kingstown
P.O. Box 1499
North Kingstown, RI 02852**

has applied to the Coastal Resources Management Council for assent to: conduct wetland restoration/Phragmites control; and represents that they are the owner(s) of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **conduct wetland restoration/Phragmites control**; located at plat 116, lot 065; Boone Street, North Kingstown, RI, in accordance with said plans submitted to this Council and approved by this Council. In accordance with revisions to RIGL 46-23-6.3 Expiration Tolling Periods (as amended effective June 8, 2011), ~~all work being permitted must be completed on or before July 1, 2016~~ after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).

Applicant agrees that as a condition to the granting of this assent, members of the Coastal Resources Management Council or its staff shall have access to applicant's property to make on-site inspections to insure compliance with the assent.

Licensee shall be fully and completely liable to State, and shall waive any claims against State for contribution or otherwise, and shall indemnify, defend, and save harmless State and its agencies, employees, officers, directors, and agents with respect to any and all liability, damages (including damages to land, aquatic life, and other natural resources), expenses, causes of action, suits, claims, costs (including testing, auditing, surveying, and investigating costs), fees (including attorneys' fees and costs), penalties (civil and criminal), and response, cleanup, or remediation costs assessed against or imposed upon Licensee, State, or the Property, as a result of Licensee's control of the Property, or Licensee's use, disposal, transportation, generation and/or sale of Hazardous Substances or that of Licensee's employees, agents, assigns, sublicensees, contractors, subcontractors, permittees, or invitees.

Land Conservancy of North Kingstown
CRMC Assent No. A2011-08-045
September 28, 2011
Page Two

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter.

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application.

Permits issued by the CRMC are issued for a finite period of time, confer no property rights, and are valid only with the conditions and stipulations under which they are granted. Permits imply no guarantee of renewal, and may be subject to denial, revocation, or modification.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

Application for future alteration of the shoreline or other construction or alteration within the CRMC jurisdiction shall be submitted to the CRMC for review prior to commencing such activity.

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld.

All local, state or federal ordinances and regulations must be complied with.

Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control of these facilities to prevent the dumping or discarding or refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said facilities or from land adjacent thereto.

No work that involves alteration to wetlands or waters of the United States shall be done under this Assent until the required Federal Permit has been obtained.

Non-compliance with this assent shall result in legal action and/or revocation of this permit.

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate

or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.

ATTENTION: ALL STRUCTURES AND FILLED AREAS IN THE TIDAL, COASTAL, OR NAVIGABLE WATERS OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ARE SUBJECT TO:

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;
2. The Superior Navigation Servitude of the United States;
3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED LANDS ARE GRANTED WITH THE PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

- A. For the purpose of this permit, the coastal feature shall be coastal wetland; and the inland edge of the coastal feature shall be the inland edge of the coastal wetland.
- B. The approved plans shall be those entitled "Description of Proposed Work by Kenny Raposa with Associated Aerial Photograph Depicting Treatment Areas," stamped CRMC approved 9/26/11. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.
- C. A copy of this permit and a copy of the approved site plans must be forwarded to DEM, Division of Agriculture for herbicide application permit. No work may be started until DEM herbicide approval is received and a copy forwarded to this office.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HISTORICAL PRESERVATION & HERITAGE COMMISSION
Old State House • 150 Benefit Street • Providence, R.I. 02903-1209
TEL (401) 222-2678 FAX (401) 222-2968
TTY / Relay 711 Website www.preservation.ri.gov

9 December, 2013

Anne Maxwell Livingston, Chair
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, Rhode Island 02879

RE: CRMC File# 2013-10-114
Applicant: Town of North Kingstown/Stanley Weiss Associates
80 Boston Neck Road, North Kingstown, Rhode Island

Dear Ms. Livingston:

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) staff has reviewed the information that was submitted to the CRMC regarding the above-referenced project.

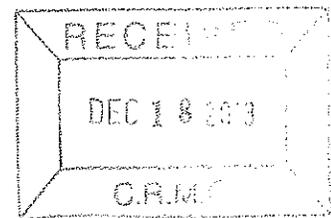
The Wickford Elementary School, at 80 Boston Neck Road in North Kingstown, was constructed in 1907 and is a contributing property in the Wickford Historic District, which is listed in the National Register of Historic Places. The construction of the school resulted in extensive ground-disturbance to the property, and we do not consider it sensitive for archaeological resources.

The applicant (Stanley Weiss) has applied to the RIHPHC and the RI Division of Taxation for 2013 State Historic Preservation Tax Credits for the project to redevelop the Wickford Elementary School building into a conference center with a hotel and restaurant. Provided that RIHPHC reviews and approves final design plans for this project in accordance with the 2013 State Historic Preservation Tax Credit program it will have no adverse effect on historic resources. We request that CRMC add a condition to its Assent requiring RIHPHC review and approval.

These comments are provided in accordance with Section 220 of the Coastal Resources Management Plan. If you have any questions, please contact Jeffrey Emidy, Project Review Coordinator of this office.

Very truly yours,


Edward F. Sanderson
Executive Director
Deputy State Historic Preservation Officer



131209.01

RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL
REPORT OF FINDINGS -- PRELIMINARY DETERMINATION

STATEMENT OF LIMITATIONS

The contents of this staff determination report shall be valid only for the period on and preceding the date of this report. This report is neither an approval or denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of 1/10/2014 as they pertain to the below stated proposal, including preliminary staff recommendations. Modifications to the below stated proposal may, upon the discretion of the CRMC, render this determination null and void.

APPLICANT INFORMATION

NAME: Town of North Kingstown **CRMC FILE NO.:** 2013-10-114
LOCATION: 99 Philips Street
CITY/TOWN: North Kingstown **PLAT(S):** 116 **LOT(S):** 109

CONTACT PERSON(S) & ADDRESS:

Jonathan Reiner Planning Director Town of North Kingstown 80 Boston Neck Road North Kingstown, RI 02852	Kevin Aguiar, P.E. BETA Group, Inc. 6 Blackstone Valley Place, Suite 101 Lincoln, RI 02865	Jay Litman, A.I.A. Litman Architecture 259 Water Street Warren, RI
---	---	---

PRELIMINARY REVIEW INFORMATION

PROPOSAL: Redevelopment and expansion of the former Wickford Elementary School into a 5,876-square foot conference center with a 36-room hotel and a 160-seat restaurant

PLAN(S) REVIEWED: "Boundary Survey Plan, 99 Philips Street, North Kingstown, Rhode Island, Client Town of North Kingstown...", sheet 1 of 1, revision no. 3 dated 9/24/13 and "Wickford Conference Center, CRMC P.D. Plan", sheet 1, dated 10/17/13

INVESTIGATOR

Richard Lucia, P.E.
Timothy J. Motte

DATE

TIME

MEASUREMENTS & OBSERVATIONS: conducted inspection of site, observed existing conditions of site and coastal features

PREVIOUS CRMC ACTIONS FOR SITE: CRMC File No. 2011-08-045 reviewed for adjacent site information

SIGNATURE: Richard Lucia **Supervising Civil Engineer**

SIGNATURE: Timothy J. Motte **Senior Environmental Scientist**

SUMMARY OF FINDINGS

CRMC JURISDICTION: (Y OR N)

TYPE WATER: Type 1 Conservation Area, Academy Cove and Type 1 Conservation Area and Type 2 Low-Intensity Use for the inner reaches of the southern portion of Wickford Cove

For the purpose of this review the coastal feature(s) include: 1.) coastal wetland and 2.) fringe marsh backed by coastal bluff.

CRMC FRESHWATER WETLAND JURISDICTION: not applicable

Applicability of CRMP and SAM Plans (as amended): RICRMP Sections - 120, 130, 140, 150, 200.1, 200.2, 200.3, 200.4, 200.5, 200.6, 210.1, 210.2, 210.3, 210.4, 210.5, 210.6, 210.7, 220, 300.1, 300.2, 300.3, 300.4, 300.5, 300.6, 300.7, 300.8, 300.9, 300.10, 300.11, 300.12, 300.13, 300.14, 300.15, 300.17, 300.18, 310, 320, 325, 330, 335, 400, other - not applicable

Preliminary Buffer and Setback Requirements:

SETBACK (ref. Section 140 CRMP) – 50-feet from inland edge of coastal feature

BUFFER (ref. Section 150 CRMP) – maintain existing coastal buffer zone and add to it where possible

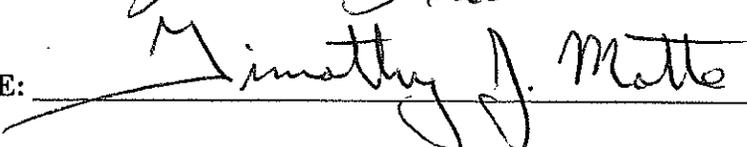
Note: Setbacks apply to “construction related activities” including filling, removing, and grading (ref. Section 300.2 CRMP). The coastal program requires a minimum setback of either 50’, or the buffer zone width plus 25’ (whichever is greater). Work within this minimum setback will require a variance per Section 120 of the CRMP. All variances must be requested in writing. No construction or construction related work shall occur within the required setback (exemptions include structural shoreline protection, outfalls and water dependant uses). Work within the required setback may require a Category “B” review (public notice and decision by the full coastal council) and would likely result in adverse CRMC staff recommendations to the Coastal Council during the review process.

Buffer zones are areas that must be retained in, or allowed to revert to, “an undisturbed natural condition.” All structures (excluding accessory structures) should be setback a minimum of 25’ from the buffer zone to allow for access, fire protection and maintenance without infringement into the buffer.

If applicable, the plan must show “area of land within 50 feet” in accordance with Rule 5.04 of The Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (the Rules), and label this area as a “buffer zone” in accordance with Rule 5.14. In addition, no activities (such as: drainage, grading, filling, etc.) may affect the freshwater wetland or the buffer zone. Where such alterations occur, or are proposed, an application shall be submitted in accordance with CRMC’s Freshwater Wetland Rules.

SEE ATTACHED SHEETS FOR STAFF REVIEW AND RECOMMENDATIONS

SIGNATURE:  Supervising Civil Engineer

SIGNATURE:  Senior Environmental Scientist

STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

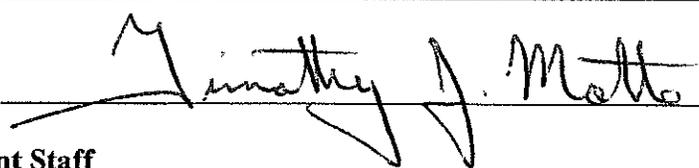
- Prior to the submittal of this application, a meeting was held at CRMC's offices on September 26, 2013. A property developer, Mr. Stanley Weiss, and his agents were present. The agents included representatives of Litman Architecture and BETA Group, Inc. Mr. Dave Reis, Supervising Environmental Scientist, and Mr. Tim Motte, Senior Environmental Scientist, represented this office. CRMC staff discussed CRMC requirements and the need to protect Academy Cove and the inner reaches of the southern portion of Wickford Cove and their associated coastal resources as part of any site redevelopment. As was pointed out in the meeting, a site plan should be developed that represents all of these water bodies and their coastal features which are in close proximity to the subject property. CRMC staff stated that any additions to the existing structural footprint should provide a minimum 50-foot setback from coastal features. Additionally, all of the existing coastal buffer zone and coastal features should remain completely and permanently undisturbed. Furthermore, it was requested that where possible the applicant try to provide additional, coastal buffer zone width on each end of the property bordering Academy Cove. Stormwater treatment consistent with the redevelopment requirements of the "Rhode Island Stormwater Manual" was also discussed. Options included green roofs and infiltration. Effort should be made to treat existing stormwater from the site as well. Finally, staff recommended that "state of the art", denitrifying septic technology should be utilized on the site, especially in light of proposed septic flows in excess of 10,000 gallons per day. This included discussion of a membrane filtration, small package plant approach to treatment with discharge to shallow narrow drainfields to maximize nitrogen removal.
- Staff notes that the application submitted lacks detail. The submitted "Wickford Conference Center..." plan does not appear to be complete. All water bodies and coastal features surrounding the property should be indicated. Existing and proposed buffer zones must be shown. Any and all proposed structures and earthwork need to be on the plan. Stormwater treatment and septic treatment must be fully addressed. A complete, detailed, plan set must be submitted that clearly differentiates all existing and proposed conditions with any future application.
- With respect to coastal feature flagging for the project, the coastal features ("1." and "2.") above) on the other side of Boone and Phillips Streets should be shown on the plan along with their associated water bodies. The coastal feature associated with Academy Cove ("3." above) was accurately represented on the plan provided.
- Additional coastal buffer zone should be provided on each end of the property abutting Academy Cove. In both cases, mowed grass areas should be permanently converted to undisturbed native vegetation.

SIGNATURE: _____ **Supervising Civil Engineer**

SIGNATURE:  _____ **Senior Environmental Scientist**

- The proposed septic treatment should maximize denitrification to the greatest extent practicable, i.e. incorporate advanced treatment approaches such as methanol dosing. "State of the art", denitrifying septic technology should be utilized on the site. Staff remains concerned with protecting coastal resources in and around the immediately adjacent, poorly flushed water bodies.
- As the proposed redevelopment of the site will have an impervious area of less than 40% of the site size, stormwater treatment consistent with new development is required for the entire project.
- Clearly address the status of the administrative subdivision for the portion of the site along Boone Street. Please note that much of this property appears to be within 200-feet of the coastal feature on the other side of Boone Street. This will not affect the administrative subdivision, but does have permitting implications for the newly sited structure on the property.
- Architectural review and approval should be coordinated with the Rhode Island Historic Preservation and Heritage Commission.
- Any future permit application for this project will require a Category B Application be submitted to this office.

SIGNATURE: _____ **Supervising Civil Engineer**

SIGNATURE:  _____ **Senior Environmental Scientist**

c.c. Enforcement Staff

