

**Section 325.**  
**Activities Located within**  
**Critical Coastal Areas**

**A. Definitions**

1. Critical coastal areas, which include watersheds of poorly flushed estuaries, are geographic areas which may vary in their ecological functions and generally require specific initiatives to manage them. Thus the CRMC has developed special area management (SAM) plans in order to address the specific environmental concerns of these priority management areas and to carry out its federal mandate for managing areas of particular concern. The CRMC SAM plan for Providence Harbor addresses issues such as water quality, public access, and urban waterfront development. The Interstate SAM plan for the Pawcatuck River Estuary and Little Narragansett Bay is a management plan which addresses public access, water quality, recreational boating, and inter-state coordination issues with Connecticut. The SAM plans for the Narrow River and Salt Pond regions address cumulative and secondary impacts of development in, and adjacent to, poorly flushed estuaries, and focus primarily on nonpoint source pollution, groundwater contamination, and on-site sewage disposal systems (OSDSs). The following apply to activities within critical coastal areas.

2. Subdivision: shall mean the division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale lease or other conveyance or for development simultaneously or at separate times. It also includes re-subdivision and when appropriate to the context, shall relate to the process of subdividing or to land subdivided. In computing six units or more the units shall be a total cumulative number of units on the property proposed after March 11, 1990, irrespective of ownership of the property or when the units are proposed.

**B. Findings**

1. It is the goal of the Council to manage the watersheds of poorly flushed estuaries and critical coastal areas as an ecosystem, and to maintain the scenic qualities and habitats of the region, in addition to the diversity and intensity of activity. This requires that the Council balance multiple

uses of the region, while preserving and, where possible, restoring the environmental quality. Managing these ecosystems requires managing the impacts associated with onsite sewage disposal, nutrient loadings to groundwater, stormwater runoff, erosion and sedimentation, changes in salinity levels, alterations to wetlands, and the degradation of other sensitive aquatic and terrestrial habitats as a result of development. Because the poorly flushed estuaries are particularly susceptible to the cumulative and secondary impacts of development, managing these ecosystems requires a comprehensive and coordinated long-term management approach as well as protective measures in excess of those afforded by the RICRMP.

Accordingly, the Council has developed Special Area Management Plans which contain ecosystem-based management strategies that address diverse issues consistent with the Council's legislative mandate to preserve and restore ecological systems. Central to this strategy is the recognition of complex interrelationships within the ecosystem. Special pollution concerns as well as cumulative and secondary impacts of various development activities on coastal resources require the Council to review specified activities inland of the 200 foot contiguous area within critical coastal areas because the activities have a reasonable probability of conflicting with the goals and objectives of the special area management plans and lead to clear impacts on coastal resources. The specified activities correspond to major land uses and impacts on the ecosystem.

**C. Policies**

1. Since, with the exception of those activities defined below, it is not practical for every activity that may come under Council jurisdiction to undergo review, the Council's policy is to assume the responsibility of informing parties proposing such inland activities or alterations when such a review is considered necessary.

The Council has determined that the following activities within the watersheds of poorly flushed estuaries have a reasonable probability of conflicting with the management goals and objectives of this program or the Council's special area management plans:

- a) Subdivisions, cooperatives, and other multi-

ownership facilities [of six (6) units or more];

(b) A structure serviced by an on-site sewage disposal system serving 2,000 gallons or more per day;

(c) An activity which results in the creation of 40,000 sq. ft. or more of impervious surface;

d) Construction or extension of municipal or industrial sewage treatment facilities and sewer lines; and,

e) Construction or extension of water distribution systems and/or supply lines.

Applicants proposing these activities within critical coastal areas are required to apply for a Council Assent.

2. Applicants proposing any of the activities identified above shall satisfy all applicable requirements specified in the RICRMP as well as the Council's special area management plans. Applicants are also required to submit the following with their applications:

a) A Stormwater Management Plan prepared in accordance with Section 300.6.

b) An erosion and sediment control plan prepared in accordance with the standards contained in Section 300.2.

c) A soils map of the property (suggested scale 1:200) with an accompanying analysis of the best-use potential of the soils present; the soils maps and use potentials analysis prepared by the U.S. Soil Conservation Service should be used as the basis for this analysis.

d) An overlay map showing the principle vegetation types or any significant features identified by the Natural Heritage Program of the Department of Environmental Management and the Historic Preservation Commission on the property; the maps prepared by McConnell (1974) and Kupa and Whitman (1972) may be the basis for information on vegetation.

e) An overlay showing the proposed subdivision layout, including buildings, roadways, parking areas, drainage systems, sewage treatment and disposal facilities, and undisturbed lands.

f) A Site Plan as detailed in the most recent version of the *Rhode Island Stormwater Design and Installation Standards Manual*.

The city or town in which the action is proposed shall be notified of the review and invited to participate. Applicants for subdivisions shall submit this information to the Council for review at the earliest stages of planning such projects and are required to utilize the Council's Preliminary Determination process in accordance with applicable requirements of the Land Development and Subdivision Review Enabling Act (R.I.G.L. 45-23-25 et. seq). Where so requested, all parties shall discuss their findings and recommendations at the municipality's pre-application conference, preliminary hearing, or similar proceeding. The findings and recommendations resulting from the coordinated, joint review shall be forwarded to the full Council. Where the Council finds a reasonable probability of conflict with this Program or with an adopted CRMC Special Area Management Plan, or finds there is a potential to damage the coastal environment, the Council shall require that suitable modification to the proposal be made or shall deny its Assent.

3. Applicable requirements of the RICRMP shall apply unless superseded by the requirements of a special area management plan.

4. In those cases where a subdivision has been approved by the Council, any person wishing to conduct an approved activity, in accordance with the stipulations of the Council Assent, need not apply for a separate Assent unless so required as a stipulation of Assent.

## **D. Standards**

1. See standards given in "Filling, Removing, or Grading" (Section 300.2) as applicable.

2. See standards given in "Residential, Commercial, Industrial, and Public Recreational Structures" (Section 300.3), as applicable.

3. See standards given in "Sewage Treatment and Disposal" (Section 300.6), as applicable.