



AGENDA

Semi-Monthly Meeting – Full Council
Tuesday, September 23, 2008; 6:00 p.m.
Narragansett Bay Commission, Boardroom
One Service Road, Providence, RI

Approval of the minutes of the previous meeting.
Subcommittee Reports.
Staff Reports.

Executive Director's Update from March 11th 2008 meeting with regard to Ocean SAMP – Grover Fugate

Applications which have been Out to Notice for 30 days and are before the Full Council for Decision:

2008-05-026 SNUG HARBOR MARINA – Replace cesspool with holding tank. Located at plat 88-1, lot 10; 410 Gooseberry Road, South Kingstown, RI.

2007-07-059 MATISSA, LLC -- Construct an addition onto an existing residence with associated drainage and landscaping improvements. Located at plat 3, lot 96; 17 Willow Way, Barrington, RI.

Public Hearing on Changes to the Rhode Island Coastal Resources Management Program:

1. Held from July 22, 2008 Semimonthly meeting:

Management Procedures Section 5.14 – Withdrawal of Applications

5.14. The applicant, at any time up to the date that final staff reports are filed, may withdraw the application without prejudice. After staff reports have been filed, the application may be withdrawn only with the permission of the Council. Once the application has been withdrawn, the only acceptable manner to re-instate the application is to file the application as if it were new along with the appropriate filing/application fee. matter may only be considered again if the applicant submits a new application.

Redbook Section 300.4.D.9 Recreational Boating Facilities/Prohibitions

300.4.D.9. Marine railway systems are prohibited except in association with: a marina; or, a commercial or industrial water dependent activity in type 3, 5 and 6 waters.

Redbook Section 300.16.E.1 Boat and Float Lift Systems/Standards

300.16.E.1. Marine elevator railway systems are prohibited at all residential boating facilities except in association with: a marina; or, a commercial or industrial water dependent activity in type 3, 5 and 6 waters.

2. Noticed for September 23, 2008 Semimonthly meeting:

Greenwich Bay SAMP

390.7B Regulations

Policies

1. CRMC will update and develop standards for coastal buffer zone management specifically within suburban areas. Once completed, the CRMC will amend the Special Area Management Plan to adopt the new standards.

2. The CRMC recognizes that there are many properties CRMC encourages the establishment of native vegetated areas along shorelines, tributaries, and freshwater and coastal wetlands in the Greenwich Bay watershed that do not have established vegetated buffers. Therefore, the CRMC encourages the planting on these lots of native plant communities to enhance wildlife habitat and improve water quality where designated coastal buffer zones or areas of existing undisturbed natural vegetation (non-landscaped areas) are not present. CRMC shall issue a certificate to property owners recognizing that they have voluntarily planted a native vegetated area on their property. Property owners holding a certificate may make alterations to the native vegetated area and will not be subject to the coastal buffer zone regulations unless these regulations are triggered by alterations to existing structures or new development on the lot.

3. It is the CRMC's policy to develop conservation easements for the Greenwich Bay watershed that permanently restrict development, such as docks, in coastal buffers.

4. No land shall be subdivided unless it can accommodate the required coastal buffer zone. The CRMC recognizes the proven benefits of using low impact development (LID) techniques such as rain gardens, biofiltration, pervious pavers, and other infiltration methods on individual lots to treat stormwater runoff and improve the quality of water entering Greenwich Bay and its tributaries.

Prohibitions

1. New structures are prohibited within the coastal buffer zone required around critical areas unless part of a buffer management plan. New commercial or residential structures are prohibited on lots abutting critical areas unless they can meet the required standards below.
2. Alterations to an existing commercial or residential structures or structures on a residential lot that result in the expansion of the structural lot coverage such that the square footage of the foundation increases by 50 percent or more are prohibited on lots abutting critical areas (defined in Section 390.7A.4) unless they can meet the required standards below without the establishment of the coastal buffer zone required in that area.
3. No land shall be subdivided to create a new buildable lot or lots unless said buildable lot(s) can meet the required coastal buffer zone, without a variance, that would be based on the area of the newly created lot(s). For purposes of this section, the term “buildable lot” shall be as defined in the Warwick Development Review Regulations presently codified in Article 10.7.

Standards

1. Applicants for new construction or alterations to existing commercial and residential structures that prompt coastal buffer requirements and that are adjacent to critical areas must meet one of the following:

(a) Applicants must meet the full required coastal buffer zone. No variances to the buffer width is permissible under this option, however, buffer zone management, view corridors, and recreational structures as provided under CRMP Section 150.F may be permitted; or

(b) Applicants may seek a variance to the required coastal buffer zone up to fifty (50) percent provided the applicant: (1) meets the variance criteria; (2) designs and constructs the project exclusively with approved low impact development (LID) methods in accordance with Table 12; (3) provides a conservation easement to the CRMC for the buffer area and any adjacent coastal shoreline feature within the property boundary; and (4) will meet the local coastal setback requirement (See Warwick Zoning Ordinance Section 503.1) or has received a variance from said requirement.

Table 12 - Lots Adjacent to Critical Areas and Coastal Wetlands

Trigger / Threshold	Requirement (Option 1)	Option 2 / Variance Requirement
<u>≥ 50% increase in structural lot coverage (as defined in RICRMP section 300.3); or new construction</u>	<u>Buffer Zone (Table 2a, RICRMP Section 150)</u>	<u>1. Buffer zone and coastal shoreline feature conservation easement granted to CRMC</u> <u>2. Manage first 1.0" runoff from all impervious cover using LID</u> <u>3. 50% of required buffer zone. In no case shall a buffer be less than 15ft.</u>

Section 910.2 Policies

1. CRMC will update and develop standards for coastal buffer zone management specifically within suburban areas. Once completed, the CRMC will amend the Special Area Management Plan to adopt the new standards.

2. The CRMC recognizes that there are many properties along shorelines, tributaries, and freshwater and coastal wetlands in the Greenwich Bay watershed that do not have established vegetated buffers. Therefore, the CRMC encourages the planting on these lots of native plant communities to enhance wildlife habitat and improve water quality. CRMC encourages the establishment of native vegetated areas along shorelines, tributaries, and wetlands in the Greenwich Bay watershed where designated coastal buffer zones or areas of existing undisturbed natural vegetation (non-landscaped areas) are not present. CRMC shall issue a certificate to property owners recognizing that they have voluntarily planted a native vegetated area on their property. Property owners holding a certificate may make alterations to the native vegetated area and will not be subject to the coastal buffer zone regulations unless these regulations are triggered by alterations to existing structures or new development on the lot.

3. It is the CRMC's policy to develop conservation easements for the Greenwich Bay watershed that permanently restrict development, such as docks, in coastal buffers.

4. The CRMC recognizes the proven benefits of using low impact development (LID) techniques such as rain gardens, biofiltration, pervious pavers, and other infiltration methods on individual lots to treat stormwater runoff and improve the quality of water entering Greenwich Bay and its tributaries. No land shall be subdivided unless it can accommodate the required coastal buffer zone.

Section 910.3 Prohibitions

1. New structures are prohibited within the coastal buffer zone required around critical areas unless part of a buffer management plan. New commercial or residential structures are prohibited on lots abutting critical areas unless they can meet the required standards below.

2. Alterations to an existing commercial or residential structures or structures on a residential lot that result in the expansion of the structural lot coverage such that the square footage of the foundation increases by 50 percent or more are prohibited on lots abutting critical areas (defined in Section 910.1.4) unless they can meet the required standards below, without the establishment of the coastal buffer zone required in that area.

3. No land shall be subdivided to create a new buildable lot or lots unless said buildable lot(s) can meet the required coastal buffer zone that would be based on the area of the newly created lot(s). For purposes of this section, the term "buildable lot" shall be as defined in the Warwick Development Review Regulations presently codified in Article 10.7.

Section 910.4 Standards

1. Applicants for new construction or alterations to existing commercial and residential structures that trigger coastal buffer requirements and that are adjacent to critical areas must meet one of the following:

(a) Applicants must meet the full required coastal buffer zone. No variances to the buffer width is permissible under this option, however, buffer zone management, view corridors, and recreational structures as provided under CRMP Section 150.F may be permitted; or

(b) Applicants may seek a variance to the required coastal buffer zone up to fifty (50) percent provided the applicant: (1) meets the variance criteria; (2) designs and constructs the project exclusively with approved low impact development (LID) methods in accordance with Table 12; (3) provides a conservation easement to the CRMC for the buffer area and any adjacent coastal shoreline feature within the property boundary; and (4) will meet the local coastal setback requirement (See Warwick Zoning Ordinance Section 503.1) or has received a variance from said requirement.

Table 12 - Lots Adjacent to Critical Areas and Coastal Wetlands

<u>Trigger / Threshold</u>	<u>Requirement (Option 1)</u>	<u>Option 2 / Variance Requirement</u>
<u>≥ 50% increase in structural lot coverage (as defined in RICRMP section 300.3); or new construction</u>	<u>Buffer Zone (Table 2a, RICRMP Section 150)</u>	<u>1. Buffer zone and coastal shoreline feature conservation easement granted to CRMC</u> <u>2. Manage first 1.0" runoff from all impervious cover using LID</u> <u>3. 50% of required buffer zone. In no case shall a buffer be less than 15ft.</u>

12. All coastal buffer zones shall be measured from the inland edge of the most inland shoreline (coastal) feature. In instances when the coastal feature accounts for 50 percent or more of the lot, CRMC may grant a variance to the required buffer width.

23. Coastal buffer zone requirements for new residential development. The minimum coastal buffer zone requirements for new residential development bordering Rhode Island’s shoreline are contained in Table 2a of RICRMP Section 150. The Coastal Buffer Zone requirements are based upon the size of the lot and the CRMC's designated Water Types (Type 1 - Type 6). Where the buffer zone requirements noted above cannot be met, the applicant may request a variance in accordance with this SAMP. A variance to 50 percent of the required buffer width may be granted administratively by CRMC’s executive director if the applicant has satisfied the burdens of proof for the granting of a variance. Where it is determined that the applicant has not satisfied the burdens of proof, or the requested variance is in excess of 50 percent of the required width, the application shall be reviewed by the full council.

34. *Coastal buffer zone requirements for alterations to existing structures on residential lots.* All calculations for the requirements of a coastal buffer zone shall be made on the basis of structural lot coverage. Structural lot coverage shall mean the total square foot area of the structure(s) on a lot or parcel (RICRMP § 300.3.A.5).

Where alterations to an existing structure or structures result in the expansion of the structural lot coverage such that the square footage of the foundation increases by less than 50 percent, no new coastal buffer zone shall be required.

Where alterations to an existing structure or structures result in the expansion of the structural lot coverage such that the square footage of the foundation increases by 50 percent or more, the coastal buffer zone requirement shall be established with a width equal to the percentage increase in the structural lot coverage as of August 8, 1995, multiplied by the value contained in Table 2a of RICRMP Section 150.

Coastal buffer zones shall not be required when a structure is demolished and rebuilt on the existing footprint. Where a structure is demolished and rebuilt and will result in an expansion of the structural lot coverage such that the square footage of the foundation increases by 50 percent or more, a coastal buffer zone shall be established with a width equal to the percentage increase in a structure's footprint, multiplied by the value contained in Table 2a of RICRMP Section 150.

Where the applicant demolishes a structure, any contemporary or subsequent application to rebuild must meet applicable setback requirements. Structures that are less than 200 square feet in area are excluded from these requirements.

In addition, the CRMC executive director shall have the authority to grant a variance to this requirement for category "A" assents in accordance with the burdens of proof for variances contained in the SAMP.

The purpose of the proposed changes is to address an existing prohibition on new or expanded construction on lots directly adjacent to Greenwich Bay SAMP critical areas (i.e., Baker's and Mary's Creeks) by developing a more rational basis for the prohibition.

Enforcement Report – August, 2008

Category "A" List

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