

# Aquidneck Island

## Special Area Management Plan for Portsmouth, Middletown, and Newport

### **Coastal Development Regulations**



Adopted by the RI Coastal Resources Management Council  
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## Acknowledgements

(text placeholder)

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RI Coastal Resources Management Council  
Aquidneck Island Special Area Management Plan  
Coastal Development Regulations

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## **Coastal Resources Management Council Aquidneck Island Special Area Management Plan Coastal Development Regulations**

### **100. Executive Summary**

This document, the CRMC Aquidneck Island Coastal Development (ACD) Regulations, provides a permitting option that facilitates the regulatory process for new coastal development within the Aquidneck Island Special Area Management Plan (SAMP) located along the west side of the island, while preserving the valuable natural and recreational corridors and aspects within this region. The Aquidneck Island SAMP boundary is based upon the Aquidneck Island West Side Master Plan boundary area (See Figure 1.). Further, these ACD regulations support the Aquidneck Island West Side Master Plan, other local plans, and all state and federal CRMC requirements.

With the implementation of these new regulations, applicants within Redevelopment Zones will have a choice between following the existing standard coastal buffer and setback regulations, as set forth in the Rhode Island Coastal Resources Management Program (RICRMP) or using these Aquidneck Island Coastal Development regulations for their project that requires the installation and maintenance of a coastal greenway along the project shoreline. The SAMP will also identify Areas of Particular Concern that will be comprised of significant, ecologically important habitat areas or those areas that provide publicly-owned access, open space, and recreation areas. The Aquidneck Island SAMP and the Coastal Development Regulations will seek a balance between desirable coastal development and protection of significant ecologically sensitive areas.

This new policy establishes specific standards regarding overall vegetation coverage of a project site, management of stormwater runoff using Low Impact Development (LID) techniques, public access and open space, construction setbacks, and structural shoreline protection, as described in ACD Section 150. The increased regulatory flexibility is reflected in the establishment of three ACD Zones within the planning boundary of the Aquidneck Island Special Area Management Plan (SAMP). These three zones are: Area of Particular Concern Zone, Redevelopment Zone, and Other Zone (See Figure 2). The boundaries of these zones have been determined by the existing conditions of coastal habitat, public access and recreational infrastructure, and current municipal and regional plans for development and/or redevelopment. The requirements for each Zone are described in Aquidneck Island Coastal Development (ACD) Regulations Sections 160 through 180.

It is important to note that only those projects that are located within the CRMC coastal jurisdiction within the Aquidneck Island SAMP boundary are subject to the ACD Regulations, as further described in ACD Section 130. In addition, any new single -family homes or duplexes that are not part of a larger development project are exempt from these ACD regulations, but they still must meet all applicable RICRMP requirements. An example of existing residential development that would not be subject to the ACD regulations is the Point Neighborhood in Newport's north end. In addition, direct federal activities associated with the secured area of Naval Station Newport and subject to CRMC federal consistency review are exempt from these

ACD regulations. Other federal projects or actions within the AI SAMP region, however, shall be subject to all applicable policies and standards contained herein.

Freshwater wetlands within CRMC's jurisdiction in the Aquidneck Island SAMP will be subject to the Council's *Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast*. The CRMC will provide a thirty (30) day public notice period for all ACD projects. Provided there are no substantive objections (See RICRMP Section 110.3) following the public notice, an Administrative Assent will be issued for projects that fully meet applicable RICRMP and ACD requirements with the exception of buffer variance requests for projects located with Areas of Particular Concern (Category B review).

Flexibility is crucial to the management and protection of coastal resources along the West Side of Aquidneck Island. It is desirable to encourage responsible redevelopment of the Aquidneck Island West Side shoreline in order to promote reuse of former navy lands and brownfield sites. Similarly, it is important to protect existing natural coastal habitat and recreational spaces that offers unique environmental and social benefits to Aquidneck Island residents. The ACD Regulations provide a regulatory framework for accomplishing all of these objectives simultaneously.

**Figure 1. Aquidneck Island Special Area Management Plan Boundary**



Figure 2. Aquidneck Island Special Area Management Plan Zones





## **110. Title - Aquidneck Island SAMP Coastal Development (ACD) Regulations**

### **120. Intent and Purpose**

120.1 It is the intent of the Rhode Island Coastal Resources Management (CRMC) to develop and implement a Special Area Management Plan for the West Side of Aquidneck Island and the adjacent waters that protects the ecological, economic, recreational, historic, cultural, and aesthetic values of Aquidneck Island, and is in support of the Aquidneck Island West Side Master Plan, other local plans, and all state and federal CRMC requirements. The first element of the Aquidneck Island Special Area Management Plan (SAMP) will be achieved through the development and implementation of the Aquidneck Island Coastal Development (ACD) Regulations to guide development along the west side shoreline.

120.2 The primary purpose of the ACD regulations and the Aquidneck Island SAMP is to serve as a coastal management tool to ensure consistency between municipal, state and federal policies and regulations. The ACD regulations and the Aquidneck Island SAMP will focus on achieving the following goals: (1) Increase and maintain public access to and along the shoreline, (2) Encourage marine-related and other economic development based on coastal smart growth principles; (3) Preserve and restore the aesthetic value of this west side shoreline; and (4) Ensure CRMC water type designations are consistent with the adjacent proposed land uses.

120.3 Federal and state legislation directs the CRMC to preserve, protect, develop, and where possible, restore the coastal natural resources of Rhode Island. Therefore, through the ACD regulations and the Aquidneck Island SAMP, the CRMC will implement actions to:

- (a) preserve, protect, restore, and enhance the overall quality of Narragansett Bay's coastal waters;
- (b) mitigate nutrients, sediment and other waterborne pollutants from surface runoff;
- (c) minimize flood impacts and shoreline erosion;
- (d) protect, preserve, enhance, and restore coastal fish and wildlife habitat;
- (e) preserve and enhance public experiences available along the coast, including public access to and along the shoreline;
- (f) achieve responsible shoreline development that will allow a mixture of desirable land uses (residential, recreational, commercial, and industrial) that orient to Aquidneck Island;
- (g) preserve, enhance, or create an aesthetically pleasing view from the water; and
- (h) maintain the accessibility and natural habitat of the Aquidneck Island regional shoreline, as well as access to established pedestrian, bicycle, and blue water trails.

120.4 CRMC recognizes that the vision of the Aquidneck Island West Side Master plan is that: *The West Side will become recognized by the citizens of Aquidneck Island as an exceptionally well-managed corridor. The associated land and water will attain a sustainable balance among complementary uses and natural resources, each contributing to the high quality of life that distinguishes the unique cultural and natural environment of Aquidneck Island.*

120.5 In the spirit of continually striving to have one of the best coastal programs in the nation, CRMC will coordinate with local, state and federal partners to ensure that the ACD regulations and the Aquidneck Island SAMP contributes to achieving the goals identified in the legislatively-mandated and approved Marine Resources Development Plan (MRDP). The MRDP can be viewed here: <http://www.crmc.ri.gov/pubs/index.html>.

The MRDP goals are to:

- a) improve the health and functionality of Rhode Island's marine ecosystems;
- b) provide for appropriate marine-related economic development; and
- c) promote the use and enjoyment of Rhode Island's marine resources by the people of the state.

120.6 Through development and implementation of the Aquidneck Island SAMP, CRMC will apply, where appropriate, the US Environmental Protection Agency and National Oceanic and Atmospheric Administration's adopted *Waterfront and Coastal Smart Growth Elements*, which are:

- (a) Mix land uses and ensure that working waterfronts and water-dependent uses remain a viable and stable part of this mix.
- (b) Take advantage of compact building design to optimize waterfront and water-based activities in targeted areas.
- (c) Provide a range of housing opportunities and choices to meet the needs of both seasonal and permanent residents.
- (d) Create walkable waterfronts and shoreline communities with visual and physical access to and along the waterfront for public use.
- (e) Foster distinctive, attractive, disaster-resilient communities with a strong sense of place while protecting, preserving, and enhancing waterfront and coastal heritage.
- (f) Preserve open space, natural beauty, coastal features and dynamic processes by protecting critical ecological systems.
- (g) Strengthen and direct development to existing communities and encourage suitable waterfront revitalization.
- (h) Provide a variety of transportation choices including ferries and other water-borne modes to complement land-based options.
- (i) Make development decisions predictable, fair, and cost-effective through consistent policies and coordinated permitting processes.
- (j) Promote community and stakeholder collaboration in development decisions, including stakeholders who represent the public trust legacy of coastal waters.

120.7 The Federal Coastal Zone Management Act charges the CRMC with the following actions, and CRMC will achieve these federal mandates to the best of its abilities through the ACD regulations and the Aquidneck Island SAMP:

- (a) assist in the redevelopment of deteriorating waterfronts, and consider the need for economic development that is compatible with the ecological, cultural, historic, and aesthetic values of the coastal zone;
- (b) ensure the availability of public access points for coastal recreation;

- (c) consider the need for siting of facilities for national defense, energy, fisheries development, ports and transportation, as well as appropriate siting of new commercial and industrial developments;
- (d) timely review of projects through the streamlining of management activities; and
- (e) provide opportunities for public involvement in the decisions regarding coastal management.

120.8 The goals of the Aquidneck Island SAMP will be met through the application of the regulations herein.

### **130. Aquidneck Island SAMP Coastal Development Policies**

130.1 CRMC Jurisdiction - The CRMC herein establishes the Aquidneck Island Coastal Development (ACD) policy specifically for projects located within the Aquidneck Island SAMP boundary (See Figure 1). These provisions will be applied only to those upland projects or upland portions of projects located within CRMC jurisdiction located either on a coastal shoreline feature or the 200-foot contiguous area adjacent to a coastal shoreline feature to ensure compliance with the Coastal Resources Management Plan and applicable policies and standards of the AI SAMP. The policies herein include provisions for implementing a coastal greenway in lieu of a standard CRMC buffer. Therefore, applicants for projects abutting the shoreline will have a choice of either following the setback and buffer requirements as set forth in the RICRMP Sections 140 and 150 or adhering to the coastal greenway requirements as described below. Coastal properties within CRMC jurisdiction that do not directly abut the shoreline are not eligible for a coastal greenway, but must adhere to all other applicable AI SAMP provisions such as stormwater and vegetative cover requirements. Further, these ACD regulations, when applicable and as determined by RICRMC, will supersede applicable sections of Table 1A, 110, 140, 150, 300.2, 300.7, 320, and 325 of the RICRMP. **All other RICRMP requirements shall remain in full force and effect.**

- (a) Notwithstanding the preceding, a Council Assent is required for any alteration or activity that is proposed on (1) tidal waters; (2) shoreline features; and (3) areas contiguous to shoreline features. Contiguous areas include all lands and waters directly adjoining shoreline features that extend inland two hundred (200) feet from the inland border of that shoreline feature. A Council Assent is required for any alteration or activity any portion of which extends onto the most inland shoreline feature or its 200 foot contiguous area. Other activities may also require a Council Assent as specified in RICRMP Section 100.
- (b) All federal activities are subject to federal consistency review in accordance with Section 400 of the RICRMP.
- (c) Specific activities that trigger the Aquidneck Island Coastal Greenway Requirements are explained in following Section 140.

### 130.2 Coastal Greenway

- (a) A “Coastal Greenway” is a land area that:
1. is located within the Aquidneck Island SAMP boundary and adjacent to a coastal shoreline feature, as defined by the CRMC (See CRMP Section 210);
  2. is, or will be, appropriately vegetated with native, non-invasive plant communities with sustainable landscape methods that serve as a natural transition zone between the shoreline and adjacent upland development;
  3. will provide public access to and along the shoreline; and
  4. will be established, maintained, and managed to protect aquatic, wetland, shoreline, and terrestrial resources from man-made disturbances and coastal flood hazards, while providing for economic development.
  5. Will contribute to the economic development of the region.
- (b) The Coastal Greenway begins at the inland edge of the coastal shoreline feature.
- (c) At minimum, all applicants shall adhere to the CRMC requirements for setbacks and buffers as specified in the CRMP Sections 140 and 150. An applicant, however, may choose to use the Coastal Greenway option, as specified herein.
- (d) The establishment of a Coastal Greenway is based upon the CRMC’s legislative mandate to preserve, protect, develop, and where possible, restore Rhode Island’s coastal resources.
- (e) The Coastal Greenway setback and vegetation requirements may be reduced or waived on a site-specific basis for CRMC-approved water-dependent uses (e.g., docks, marina facilities, etc.), as described in the CRMP.

### 130.3 Coordinated Review Procedures

- (a) State law requires municipalities to review major land development and major subdivision projects in compliance with the provisions of R.I.G.L. § 45-23, also known as the “Rhode Island Land Development and Subdivision Review Enabling Act of 1992.” The Act requires municipalities to hold a pre-application meeting prior to Master Plan approval with applicable state agencies, including the CRMC when proposed projects are within coastal jurisdiction. The municipal pre-application meeting assists developers to understand local and state regulatory requirements pertinent to the proposed project.
- (b) The CRMC provides comments under this local pre-application meeting process in the form of a Preliminary Determination (PD), which details how the proposed project complies, or not, with the Coastal Resources Management Program (CRMP) and the requirements of any applicable SAMP. Deficiencies, if any, are detailed in the PD with recommendations for modifying the proposed project prior to submitting a full application for a CRMC Assent. This CRMC Preliminary Determination process helps developers to design, and modify where necessary, a proposed project for conformance

with the CRMP. The PD is issued to the applicant with a copy sent to the local municipality of jurisdiction. Once the PD is issued, the applicant may then proceed with an application for a CRMC Assent. As soon as the CRMC Assent is issued, the applicant may then file with the local municipality for Preliminary Plan approval.

130.4 Project Phasing – A project phasing plan for all multi-phase projects shall be a requirement of the permit application submittals and approval by the CRMC.

130.5 Conservation Development - The CRMC recommends the use of conservation development techniques for projects on large parcels of land. Natural resource inventories (e.g., coastal and freshwater wetlands, rare species habitat, etc.) should be conducted to identify critical resources not suitable for development on any lands proposed for development. Protective covenants (conservation easements or deed restrictions) should be implemented prior to project construction and recorded in the land evidence records to protect these critical resources.

130.6 Coastal and Freshwater Wetlands - All coastal wetlands, including salt marshes that are located within the Aquidneck Island SAMP will be subject to the policies and standards in CRMP Section 210.3. In those cases where impacts to coastal wetlands are unavoidable and approved by the CRMC, coastal wetland mitigation shall be conducted in accordance with CRMP Section 300.12. Projects involving impacts or potential impacts to freshwater wetlands within the Aquidneck Island SAMP boundary shall be subject to either the CRMC's *Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast* or the DEM Freshwater Wetland Rules, depending upon where the freshwater wetland is located. The CRMC and DEM have shared jurisdiction over freshwater wetlands in the state in accordance with Rhode Island General Law Chapter 46-23. See Appendix for maps of CRMC/DEM freshwater wetlands jurisdiction or the following web page: <http://www.dem.ri.gov/maps/wetjuris.htm>. The CRMC's policy is to first avoid, minimize, and when necessary, mitigate for any potential adverse impact to coastal or freshwater wetlands.

#### 130.7 High Priority Conservation and Restoration Areas

High Priority Conservation Areas (HPCA) and High Priority Restoration Areas (HPRA) have been designated within the AI SAMP boundary as described in Appendix X, and graphically depicted in Appendix XX) (Note: these are in the process of being identified and mapped by N. Mitchell). HPCA are those sites with high habitat value and are ranked from C4 (highest quality habitats) to C1. Likewise, HPRA are sites suitable for restoration, with habitat value ranking of R3 (highest priority restoration) to R1. High priority habitat areas shall be preserved to the greatest extent possible, and shall also be afforded a higher level of protection. Fragmentation of the Coastal Greenway corridor (specifically the alongshore component) shall be avoided wherever possible.

130.8 Open space and Public Access - The primary goal/standard for any development project along the shoreline must be a requirement to provide public access to and along the shoreline within the project property boundary. This would include all commercial projects (might need alternative path routing for industrial marine center at Melville), mixed-use projects, and all

public (municipal, state or federal) projects, including roadway improvements. For example, should the Shoreline Drive be subject to disposition by the Navy, subsequent redevelopment of the roadway by DOT must provide for public access from the roadway to the shoreline and a pedestrian/bike pathway along the shoreline side of the roadway. Areas identified as high hazard flood areas (V-zones) should be preserved as open space to minimize or eliminate risk susceptibility for new development in those areas.

#### 130.9 Visual Elements

The scenic and visual qualities of the West Side of Aquidneck Island coastal area shall be considered and protected as a resource of public priority. Development should be sited and designed to protect views to and along coastal areas, minimize the alteration of natural land forms, be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas in accordance with RICRMP Section 330. Detailed landscape plans and artist renderings are helpful to aid the CRMC in project review.

### **140. Activities That Trigger AI Coastal Greenway Requirements**

#### 140.1 Applicability

The following activities shall be subject to the Aquidneck Island Coastal Development (ACD) requirements when an applicant chooses the coastal greenway option, rather than the standard setback and buffer requirements of CRMP Sections 140 and 150. Further, these requirements shall be applied when any portion of a project extends onto a shoreline feature or its 200 foot contiguous area within the Aquidneck Island SAMP boundary area.

- (a) **Development** – the construction of any new commercial, industrial, or residential structures as defined in CRMP Section 300.3. This also includes structures accommodating a mix of uses within a single development, building, or tract, as allowed by a municipality.
- (b) **Redevelopment** – the alteration or reconstruction of any existing commercial, industrial, or multi-residential structures that results in:
  - 1. An increase of building or accessory structure footprints by twenty (20) per cent or more over existing conditions as of the adoption date of the AI SAMP CG regulations. In computing the 20% or more expansion, all structures within 200 feet of the coastal feature shall be considered, as well as all structures subject to CRMC jurisdiction on the project site; or
  - 2. An increase of ten thousand (10,000) square feet of gross floor area of any building or group of buildings on a project site; or

3. The addition of 20,000 square feet or greater of new impervious surface area (i.e., buildings or parking areas) on the project parcel. (Note: Excludes resurfacing of existing paved areas.); or
4. A material change or intensification of use of an existing structure or transfer of ownership from government, (municipal, state, or federal) for private development activity.

#### 140.2 Standards

- (a) Where a property owner owns adjoining lots, these lots shall be evaluated for the purpose of applying the Aquidneck Island Coastal Development requirements to the project parcel, and ensuring that the appropriate coastal greenway is established and fragmentation is avoided.
- (b) The entire extent of a development project must be submitted to the CRMC, as part of any Preliminary Determination application, regardless of parcel ownership. The applicant must include any plans for phased development on the tract(s) of land so that the CRMC can review proposals for jurisdiction and/or project impacts.
- (c) In any case where an applicant is submitting phased portions of a development project for consideration, the applicant shall not create any circumstance that would preclude the installation of the Coastal Greenway on any phase of the project site. Accordingly, the applicant shall be cognizant that the Coastal Greenway requirements may still apply for any future development on the site, and subsequent phases of development must accommodate the Coastal Greenway unless specifically waived by the CRMC for public safety concerns (See Section 140.4).

#### 140.3 Other Projects

Projects that are subject to CRMC coastal jurisdiction within the AI SAMP boundary, but do not meet the ACD applicability thresholds specified above, may voluntarily apply the Coastal Greenway requirements with CRMC approval in lieu of the setback and buffer standards in CRMP Section 140 and 150.

#### 140.4 Exemptions

The Aquidneck Island Coastal Development requirements shall not be applied to the following activities:

- (a) pre-existing structure(s), unless the structure(s) are razed for new development or meet the redevelopment threshold as defined above;
- (b) activities that qualify as maintenance pursuant to CRMP Section 300.14;

- (c) new development of individual structures with less than 200 square feet in building footprint area, including single -family homes and duplexes that are not part of a larger development project;
- (d) commercial or industrial port activities including, but not limited to: bulk material transport; energy facilities; ship building, repair, maintenance; or any activity subject to US Coast Guard Maritime Security (MARSEC) jurisdiction (See 33 CFR parts 104, 105, and 106); or
- (e) municipal, state, or federally-owned projects for which the sole purpose is to provide public access and other public amenities such as ball fields, parks, playgrounds, public boat ramps, public fishing piers or boating facilities, etc.; or
- (f) Direct federal activities associated with the secured area of Naval Station Newport and subject to CRMC federal consistency review. Other federal projects or actions within the AI SAMP region, however, shall be subject to all applicable policies and standards provided they do not impinge upon Naval Station Newport security.



## 150. Aquidneck Island SAMP Coastal Development Standards

### 150.1 Standards Applicable to Entire Development

In those cases where a Coastal Greenway is part of a project, the applicant shall grant an easement for the coastal greenway area to the CRMC. The easement shall be recorded in the land evidence records of the appropriate municipality, and also with the Homeowner or Condominium Association, or other ownership documents, where applicable.

Applicants following the Aquidneck Island Coastal Development policy shall adhere to the following standards on the entirety of the development parcel. (All proposals will be subject to a 30-day public notice period). Following the public notice period, any proposal that fully satisfies these ACD requirements, and has not received a substantive objection in accordance with CRMP Section 110.3, will be processed as a Category A (administrative) assent. Variance requests under Section 160 - Areas of Particular Concern, however, will only be processed as Category B applications.

- (a) **25% Minimum Vegetation Requirement:** Applicants must include sustainably landscaped areas in their proposals to achieve vegetative coverage of at least 25% of the surface area over the entire development parcel. This vegetation requirement may be met by the Coastal Greenway or through a combination of the Coastal greenway and additional plantings elsewhere on the property, including greenroofs. All planting plans shall be prepared by a licensed landscape architect (See: R.I.G.L. § 5-51-16). The landscape plan shall use an appropriate mix of groundcovers, grasses, forbs, shrubs, and trees to achieve the goals of these regulations. The vegetated area may include landscaping elements of surface stormwater treatments, green roofs and bioretention areas, or other Low Impact Development (LID) vegetated treatment alternatives. Within the coastal greenway, the plantings must include an appropriate mix of trees, shrubs, and ground covers selected from the CRMC/URI Coastal Plant list (See: <http://www.uri.edu/cels/ceoc/coastalPlants/CoastalPlantGuide.htm>). Turf grasses should be low maintenance, drought-resistant varieties to minimize the need for irrigation. (Place holder: insert URI Cooperative Extension protocol when available on web site)
- (b) **Stormwater Management:** All new development and redevelopment proposals shall meet the stormwater requirements of CRMP Section 300.6, and as specified in the most recent edition of the *Rhode Island Stormwater Manual* to control peak flow rates and volumes, and improve water quality. Communities should be implementing low impact development (LID) practices to meet the 2007 Cleaner Narragansett Bay Act (R.I.G.L. § 45-61.2), which requires LID as the primary means of managing and treating stormwater. **Applicants shall incorporate low impact development techniques such as bioretention areas, stormwater infiltration planters, tree box filters, green roofs, vegetated filter strips, vegetated swales, subsurface gravel wetlands, porous asphalt, and other approved methods to the maximum extent practicable.** Permeable paving materials, vegetated buffers, and infiltration techniques should be used where ever feasible to support infiltration and groundwater recharge. Applicants shall coordinate their stormwater management strategy with the CRMC, RIDEM, and the municipality of jurisdiction. CRMC and DEM will

coordinate for compliance with any required DEM Water Quality Certification or RIPDES permits.

- (c) **Open Space** - There are three aspects to open space designations of importance. First is the choice of the land that should be set aside and what qualities that land possesses, and second the links between the open space parcels that allow greenways through out the area and improve the value of the land and mobility for residents. The third is the design of the designated areas that will ensure their long-term value. Land within a development that is proposed to be set aside as open space must exhibit most of the following criteria, or be shown to be significantly important for more than one of the criteria:

1. Property that contains endangered, threatened, or ecologically significant species, or natural systems, and that is large enough to sustain the habitat for the species either by itself or combined with other protected property;
2. Property that is valuable to the community as open space due to its proximity to developing areas, or its impact on a view corridor;
3. Property that is valuable to a community because of its historical or cultural value or its proximity to an historically significant area;
4. Property that includes or contributes to important wildlife habitat or wildlife corridors;
5. Property with significant agricultural or forestry resources;
6. Property with wetlands or flood plains and others necessary for the protection of water quality and water resources, including erosion control;
7. Property that contains significant or unique ecosystems or natural features (geological hazards and formations could apply);
8. Property which is adjacent to or in close proximity of land already preserved by federal, state, local, or other conservation agencies; and,
9. Quality of the coastal beaches and adjacent estuarine habitat (or other unique ecosystem or natural feature).

- (d) **Public Access**: When applicants choose the Coastal Greenway option the CRMC requires that shoreline and arterial public access pathways be provided by the applicant within the development site, as described in ACD Section 150.5. Public access shall always be required:

1. where the proposed project impacts public trust resources (i.e., submerged lands);
2. on sites that have existing public access areas; and
3. on CRMC-designated rights of way (ROW) or previous easements granted under CRMP Section 335.

Further, public access requirements may be waived for development activities subject to United States Coast Guard Maritime Security (MARSEC) jurisdiction or located within the secured perimeter of US Naval Station Newport.

- (e) **Construction Setback**: A construction setback of 25 feet is required for all new and existing residential, commercial, mixed-use, and other structures to provide for fire, safety, and maintenance purposes. The setback is measured from the inland edge of the Coastal Greenway or buffer.

1. At no time shall there be any private structures or encroachment into or above the Coastal Greenway. Examples of such include, but are not limited to, decks, patios, balconies, restaurant or café tables and chairs, or private accessory structures. Such structures or uses shall be located within the setback area or other portion of the project site. These limitations must be clearly stated within the deed restrictions and applicable ownership documents for the project.
2. The setback may be reduced when the applicant can clearly demonstrate that the project and its subsequent use and maintenance will not result in the privatization of, or preclude public use of, the Coastal Greenway.
3. The CRMC Executive Director may require additional setback when site conditions warrant, especially for areas susceptible to high erosion potential, to protect coastal resources or public safety.

#### 150.2 Aquidneck Island Coastal Development Zones

- (a) Each ACD zone is described in its applicable section below and shown on Figure # (in development).
- (b) ACD standards are applicable to all activities that meet the regulatory thresholds specified in ACD Section 140, above.
- (c) The ACD Zone in which the development is located, as described below and summarized in Figure #, determines the applicable Coastal Greenway requirements.

#### 150.3 General Standards for Coastal Greenways

- (a) The Coastal Greenway shall begin at the inland edge of the coastal feature. The coastal feature, the applicable coastal greenway area, and construction setback must be clearly delineated on any site plans submitted for review to the CRMC.
- (b) Applicants may utilize an averaging method, where compensatory Coastal Greenway width is provided for a necessary reduction in greenway width in other areas of the site, provided the total square footage of the greenway area remains the same. This averaging provision shall only be used with CRMC approval and in cases involving existing historic buildings or where DEM-required site remediation necessitates a specific location for a new structure(s).
- (c) The boundaries of the Coastal Greenway easements shall be marked on all plans used for planning, permitting, and during construction. Additionally, the public access path and other public amenities (e.g., overlook, canoe or kayak launch, etc.) must be clearly delineated on site plans submitted for review to the CRMC.

- (d) The Coastal Greenway shall have appropriate signage approved by the CRMC and the municipality, and its inland limits on all sites shall be marked on-site by permanent markers.
- (e) In the interest of public safety, project designs should facilitate the unobstructed observation of public spaces. These designs should:
  - 1. Provide pedestrians with a sense of direction while giving them some visible indication as to where access is encouraged or restricted.
  - 2. Provide a minimum number of access routes while allowing users some flexibility in movement.
  - 3. Use shrubbery and low-level plantings (those which attain heights no greater than 3 feet) within 10 feet of footpaths, with the exception of appropriately spaced trees. Plants in managed landscapes should be graded such that taller plants are next to walls or other structures.
  - 4. Avoid creating unused or unusable spaces or isolated pockets, except in areas designated for wildlife habitat.
  - 5. Ensure that access opportunities enhance and complement shoreline observation opportunities.
  - 6. Provide for emergency access to public spaces and areas.
  - 7. Provide access for maintenance of stormwater treatment measures.
- (f) In order to ensure ease of access for emergency services, all projects shall be consistent with applicable municipal requirements. When hardened fire lanes are required, applicants are encouraged to use permeable paving materials (e.g., open grid pavers or other similar systems) that can be driven upon but also allow stormwater runoff infiltration.
- (g) Encroachment into the Coastal Greenway shall only be allowed by the CRMC for:
  - 1. Public access;
  - 2. Physical access to the coastal feature for public recreation;
  - 3. Emergency vehicle access;
  - 4. Public utility corridor maintenance;
  - 5. Structural shoreline protection repair or maintenance activities; and
  - 6. Coastal greenway maintenance.
- (h) Project Illumination: All exterior light fixtures shall use shielding and glare control devices to shield surrounding areas from excessive light trespass and glare.
- (i) All Coastal Greenways shall be dedicated for public use by way of a Conservation Easement granted to the CRMC that runs with the land and shall be recorded as such in the land evidence records of the applicable municipality.

150.4 Vegetation Standards for all Coastal Greenways

- (a) The entirety of the Coastal Greenway shall be vegetated with the exception of approved public access pathways (as described in ACD Section 150.5). The greenway shall be wholly vegetated and maintained with native plant communities and/or sustainable landscapes using a mixture of groundcover, shrubs, and trees. Stormwater from any public access path shall be directed into vegetated areas designed for stormwater treatment.
- (b) Site and greenway landscaping elements for projects listed on the National Register of Historic Places or eligible for inclusion, as determined by the RI Historic Preservation and Heritage Commission (RIHPHC), may be reduced or modified at the discretion of the CRMC Executive Director to bring the project more in compliance with RIHPHC requirements. The resulting landscape elements shall balance between the CRMC ACD policies and maintaining the historical context of the project, as determined by RIHPHC and the CRMC Executive Director.
- (c) The vegetation within a Coastal Greenway shall be properly managed in accordance with CRMC requirements. In cases where native vegetation does not exist within a proposed greenway, or invasive vegetation currently occurs on the site, the CRMC may require restoration that includes, but is not limited to, replanting the greenway with non-invasive native plant species. These species shall be an appropriate mix of trees, shrubs, and ground covers selected from the CRMC/URI Coastal Plant list (<http://www.uri.edu/cels/ceoc/coastalPlants/CoastalPlantGuide.htm>). Turf grasses should be low maintenance and drought-resistant varieties to minimize the need for irrigation (place holder for URI Cooperative Extension protocol when available on website). The criteria for selection of appropriate non-invasive native species are:
  - 1. ability to perform the desired function(s);
  - 2. anticipated survival and hardiness given site conditions, with minimal (if any) application of pesticides and fertilizer;
  - 3. high wildlife value; and
  - 4. aesthetic value.
- (d) Coastal Greenways shall be designed as native plant communities using noninvasive native species of vegetation in order to promote the CRMC's goal of preserving, protecting, and restoring ecological systems. The CRMC may permit alterations to a coastal greenway that facilitate the continued enjoyment of Rhode Island's coastal resources. All alterations to a greenway shall be conducted in accordance with the standards contained in this section, as well as all other applicable policies and standards of the CRMC. In order to ensure compliance with these requirements, the CRMC will require applicants to submit a Coastal Greenway Management Plan that details all maintenance activities that will be conducted within the coastal greenway.
- (e) Existing non-invasive vegetation, especially trees, shall be preserved within the Coastal Greenway to the maximum extent practicable. Removal of these species will be allowed

only after the CRMC has reviewed and approved a Coastal Greenway Management Plan prepared by a RI-licensed landscape architect and in accordance with standards and specifications found in the *Urban Coastal Greenway Design Manual* (See: [http://seagrant.gso.uri.edu/metrosamp/ucg\\_manual/index.html](http://seagrant.gso.uri.edu/metrosamp/ucg_manual/index.html)).

#### 150.5 Public Access Standards for all Coastal Greenways

Wherever public access is provided, the following public access standards shall be met:

- (a) The public access component shall be located within the coastal greenway identified for the project. In certain cases, the CRMC may allow the public access component to be located within the construction setback or other portion of the site as conditions may require. Applicants, however, must ensure that the coastal greenway primary public access path on their development site connects with any existing coastal greenway or other public access paths on adjacent parcels.
- (b) The applicant's engineer must certify that public access paths and associated elements shall be compliant, where applicable, with the most recent version of the Americans with Disabilities Act (ADA) Standards for Accessible Design (See: <http://www.usdoj.gov/crt/ada/stdspdf.htm>).
- (c) The CRMC requires that all new multi-residential, commercial, and mixed-use developments provide primary (alongshore) public access within the Coastal Greenway. These primary public access pathways shall be a minimum of eight (8) feet in width to accommodate pedestrians, but may be wider if designed to accommodate both pedestrian and bicycle access. Projects must design the coastal greenway to provide an extension of adjacent existing pedestrian or bicycle pathways, if consistent with a municipal or state pedestrian or bike path access plan.
- (d) All public access pathways should be constructed of a pervious surface. In those cases where pathways are constructed of impervious materials for bicycle access or to be consistent with existing adjacent impervious surface paths, then the project must include stormwater treatments to minimize stormwater runoff, as described in the *Urban Coastal Greenway Design Manual*. Public access paths shall be designed to have a relatively flat profile and cross section to prevent stormwater runoff from eroding the path surface or adjacent soils. When paths are located directly adjacent to the coastal feature, they should be angled slightly to cause stormwater runoff to flow inland for treatment (e.g., bioretention area), rather than toward the coastal shoreline feature.
- (e) Each parcel with a coastal greenway shall include at least one secondary (arterial or perpendicular) access path leading to the linear greenway public access path, unless adjoining parcels share a secondary public access path as described in ACD Section 150.5(g).
  - 1. The access path must emanate from a public place. The secondary access path should be a minimum of eight (8) feet in width to accommodate pedestrian traffic, but

may be up to twenty (20) feet in width when emergency vehicle access is necessary. In the latter case, the pathways must be capable of supporting emergency and maintenance vehicles.

2. The secondary access path shall connect sidewalk traffic with the alongshore coastal greenway path, and may be a meandering path, as long as erosion is minimized. All public access pathways shall be recorded within the land evidence records and shall run with the land. The limited liability provision stated in CRMP Section 335 shall apply to these public access pathways.

- (f) Each Coastal Greenway must include adequate provisions for emergency vehicle access paths from the nearest street to the shoreline. These vehicular paths should be constructed of a permeable surface capable of supporting emergency vehicles.
- (g) Each project must provide at least one secondary public pedestrian or vehicular access pathway per 500 linear feet of shoreline. Adjoining parcels may share secondary pedestrian or vehicular access paths on their shared boundary, where applicable. The CRMC may waive the 500-foot secondary pathway standard if the applicant provides ten (10) percent more public parking spaces than required in section 150.5(h), below, and can demonstrate that there is adequate available secondary public access.
- (h) In order to facilitate public access to the shoreline, each development with a coastal greenway shall include a minimum of two (2) public parking spaces adjacent to an access point or incorporated within a project, and an additional space per 100 linear feet of shoreline (where “linear” refers to the shortest distance between lot boundaries) within the parcel. This requirement may be satisfied by a single designated parking area with the required number of parking spaces at a coastal greenway access point, but must be located no farther than 200 feet from a coastal greenway access point. The placement of the public parking spaces shall be decided in consultation with the CRMC and the municipality of jurisdiction. In cases where the project is directly adjacent to public parking, (defined as on-street parking and off-street parking available to the general public), such spaces may be included for purposes of satisfying the public parking requirements of this section
- (i) Acknowledgement of Existing Public Access.

The CRMC may allow reduced public access requirements within lots containing preexisting public access, provided there is no net loss of access and the following standards are met:

- (1) Where existing public access pathways and public roads occur between the coastal feature and the development parcel(s), the primary (alongshore) public access and construction setback requirements may be waived.
- (2) Where public roads are immediately adjacent to the sides of the development perpendicular to the coastal feature, these public roads may count toward the coastal

greenway secondary public access requirements. The road(s) must be usable for pedestrian and/or emergency vehicle access, as appropriate.

#### 150.6 Stormwater Standards for all Coastal Greenways

- (a) The CRMC requires the use of low impact development (LID) techniques that distribute infiltration methods throughout the development site to the maximum extent practicable. These LID techniques may include, but are not limited to:
  - 1. Minimization measures including decreased clearing and grading or reducing the use of pipes, curbs, and gutters;
  - 2. Using alternative surfacing materials such as gravel, cobble, wood mulch, grass pavers, turf blocks, natural stone, and concrete pavers in cross walks, for example;
  - 3. Discharge stormwater runoff into open drainage systems, vegetative swales, and other bioretention areas to slow runoff, reduce discharge volumes, and encourage greater infiltration and evaporation;
  - 4. Integration of, bioretention, biofiltration, storage, and capture of runoff systems into the site;
  - 5. Planting large trees within a designated coastal greenway and the site in general to promote evapotranspiration, restore forests, provide scenic relief, and vegetative screening;
  - 6. The installation of green roofs to retain and naturally filter stormwater runoff;
  - 7. The use of cisterns to temporarily store rainwater that can subsequently be used for irrigation of the property or reused within the building; and
  - 8. The incorporation of rain gardens or other bioretention systems.
- (b) Stormwater treatment should, where possible, be designed to constitute a landscape amenity. Applicants should meet this goal primarily through vegetative means, in part by incorporating land shaping to create bioretention areas capable of treating runoff. When site topography necessitates non-LID methods and other non-vegetated means of stormwater treatment, these structures must be located within the setback or other portion of the project site, and not within the coastal greenway.
- (c) Untreated stormwater runoff shall not drain directly into coastal waters. Runoff shall be detained and slowly released through the use of best management practices (BMPs), as outlined in the *Urban Coastal Greenway Design Manual* (See: [http://seagrant.gso.uri.edu/metrosamp/ucg\\_manual/index.html](http://seagrant.gso.uri.edu/metrosamp/ucg_manual/index.html)). Projects shall meet the stormwater management requirements in CRMP Section 300.6, and as specified in the most recent edition of the *Rhode Island Stormwater Design and Installation Standards Manual*, to control peak flow rates and volumes, improve water quality, and discharge non-erosively to tidal waters. Applicants shall incorporate LID techniques such as filter strips, vegetated swales, bioretention areas, stormwater infiltration planters, green roofs,



etc. to the maximum extent practicable. LID techniques may be located within the coastal greenway provided they are well landscaped and create a public amenity.

- (d) All stormwater management techniques shall have a maintenance plan submitted as part of the CRMC application package. Maintenance provisions shall be tailored to the specific stormwater management techniques that are proposed for the site, and shall include maintenance practices and frequency.

#### 150.7 Structural Shoreline Protection Standards for Coastal Greenways

- (a) Riprap revetments shall be constructed with appropriately sized quarry stone in accordance with the standards specified in CRMP Section 300.7. The revealed base of a revetment shall not be further seaward than the Mean High Water Line (MHWL). Revetments should be designed to account for sea level rise (See CRMP Section 145).
- (b) Existing shoreline protection structures may be utilized where consistent with CRMP Section 300.14. The historic value of structural shoreline protection shall be preserved or restored wherever feasible.
- (c) When the CRMC finds seawall structural shoreline protection to be necessary, construction materials other than steel shall be used wherever possible. When steel is necessary, the seawall shall be faced with a similar material used for other seawalls (e.g., granite blocks) in the vicinity for consistency of appearance. Additionally, seawalls should be designed to account for sea level rise (See CRMP Section 145).
- (d) When structural shoreline protection is deemed necessary, all such structures must meet the requirements of CRMP Section 300.7. To protect revetment structural integrity, trees must not be planted directly on the revetment, but may be planted on vegetated slopes above the revetment. No stormwater treatment or public access shall be included upon the revetment.

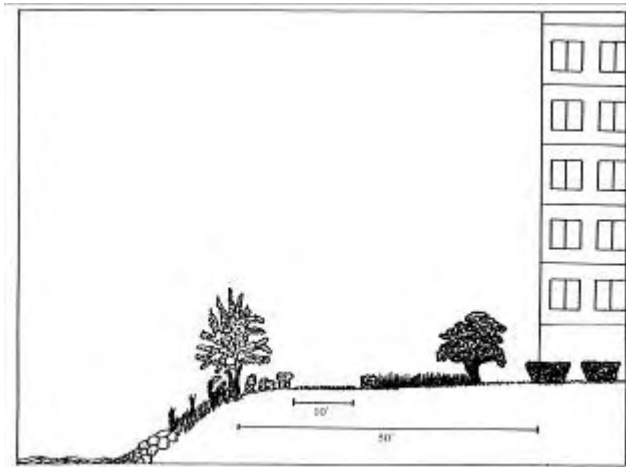


Figure 3. Hypothetical site plan showing a vegetated revetment on a site with parking on the ground level of the new structure. Drawing by Thomas VanHollebek, URI Coastal Resources Center/Rhode Island Sea Grant.

- (e) Terracing is permissible within the coastal greenway and setback (See Figure 3), however, all slopes within the coastal greenway must be properly stabilized and vegetated. Rip-rap or other armored slopes shall not be incorporated as part of the greenway. Accordingly, revetments or other armored slopes shall be located seaward or landward of the coastal greenway. In addition, all slope designs and treatments must be consistent with the USDA Natural Resources Conservation Service Engineering Field Handbook.

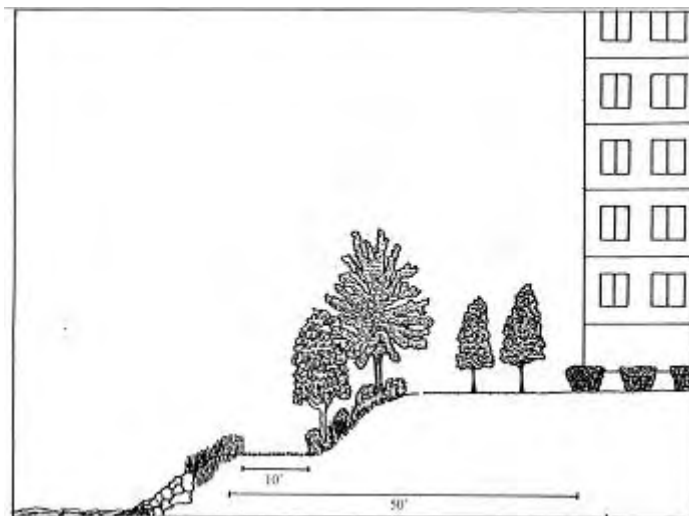


Figure 4. Hypothetical site plan showing a terraced coastal greenway. Drawing by Thomas VanHollebeke, URI Coastal Resources Center/Rhode Island Sea Grant.

150.8 Prohibitions

- (a) Upon completion of a project (or phase of a project) and its required Coastal Greenway, the following activities and uses shall be prohibited within the greenway:
  - 1. Petrochemical storage;
  - 2. Storage of other hazardous materials;
  - 3. Private parking or automobile storage within the Coastal Greenway;
  - 4. Application of chemicals (e.g., pesticides, fertilizers, etc.) that have not been approved by the CRMC;
  - 5. Storage or stockpiling of mulch, compost, or other organic materials;
  - 6. Storage or stockpiling of construction materials;
  - 7. Fueling and servicing of equipment and other motorized vehicles; and
  - 8. Recycling of construction materials.
- (b) No structure, building, roof, or skywalk may be constructed over tidal waters, with the exception of public infrastructure or public access in accordance with the requirements set forth in CRMP Section 130. See ACD Section 130.1(e) for water-dependent use exemption.
- (c) At no time shall any residential or commercial activity encroach upon or usurp the full use and enjoyment of the coastal greenway. This includes the placement of decks, patios, or restaurant/cafe tables, even on a temporary basis, within the coastal greenway.
- (d) Prohibitions may only be relieved through Special Exceptions, granted by the CRMC in accordance with CRMP Section 130.

## 160 Areas of Particular Concern

### 160.1 Definition

The Areas of Particular Concern (APC) Zone incorporates areas within the Aquidneck Island SAMP boundary that have been identified either as highly significant habitats or as areas of significant public recreation and open space value. The conservation parcel designations have been identified using a ranking system that includes habitat quality, use of the site by wildlife, presence of rare species, and geographic relationships (i.e., contiguous parcels with habitat value). The delineation of recreation and open space parcels are based primarily on priority areas identified in the West Side Master Plan. The APC Zone is delineated in the Aquidneck Island SAMP Map (Figure 2 - in development), and the ranking system is described in Appendix #.

### 160.2 Policy

- (a) Within the APC Zone, it is the policy of the CRMC to maintain and restore native vegetated coastal buffers (See RICRMP Section 150) with maximum widths to protect the valuable habitats and/or contiguous vegetated corridors contained within the zone (Figure #). The CRMC does not support projects that propose to alter existing natural areas having high environmental value for habitat, recreation, or scenic quality, as delineated on the AI SAMP map (Appendix #). Accordingly, projects that propose to alter these habitats are inconsistent with this policy, and are strongly discouraged.
- (b) Applicants have a choice of either **Option 1** (standard buffer width) or **Option 2** (variance request) as detailed below for projects located in the APC Zone.
- (c) Any public access plans should be consistent with Section 335 of the CRMP.
- (d) Projects under either option must meet the 25% minimum vegetative cover and stormwater management requirements described in Section 150.

### 160.3 Standards

#### **Option 1: Standard buffer width**

- (a) All development proposals within the APC Zone that completely meet the requirements under this option will be processed as Category A applications in accordance with the CRMP.
- (b) Applicants choosing this option must adhere to the standard buffer width as determined in Table 1 above. In addition, all structures must be set back 25 feet from the inland edge of the buffer.
- (c) The buffer must be comprised of a mix of native plant species and must remain in a natural and undisturbed state. CRMC may authorize limited buffer zone management activities only when it is clearly demonstrated that the habitat quality of the affected area will not be diminished.

- (d) The applicant must provide a public access plan in accordance with CRMP Section 335.
- (e) Under Option 1, variances to the buffer width are not permissible.

**Option 2: Variance request**

- (a) All development proposals within the APC Zone seeking a buffer variance shall be processed as Category B applications in accordance with the CRMP.
- (b) An applicant may only reduce the standard APC Zone buffer width through the granting of a variance by the CRMC in accordance with CRMP Section 120. At no time shall any applicant provide a buffer less than 50% of the required buffer width, as determined in Table 1 below. Furthermore, the minimum buffer width within an APC Zone shall be twenty-five (25) feet.
- (c) Any proposals for a buffer less than 50% of the required APC Zone buffer width shall require a special exception in accordance with CRMP Section 130.
- (d) All structures must be set back 25 feet from the inland edge of the buffer.
- (e) In the event that a buffer variance is approved, the applicant must provide compensation in the form of public amenities for the difference between the required buffer width and any reduced buffer width.

## **170. Redevelopment Zone**

### **170.1 Definition**

The Aquidneck Island Redevelopment Zone is composed of areas on the west side of Aquidneck Island that have been specifically designated for high density development by the local municipality or the state. Many parcels within this zone have been identified by the West Side Master Plan as Growth Centers. This zone also incorporates large parcels within the Aquidneck Island SAMP boundary that were formerly used by the US Navy for fuel or materials storage and are therefore constrained by the existence of utility corridors, and/or the need for site remediation prior to residential or commercial development. The boundaries of this Redevelopment Zone are identified on the Aquidneck Island SAMP Map (See Figure 2) and include the Newport Naval Hospital and the Weaver Cove/Melville Marine Center and the Arnold's Point area in Portsmouth. Specific redevelopment zones include the following large parcels:

#### **Portsmouth**

Arnold Point: The area generally known as Arnold Point is bounded by Musselbed Shoals on the north and the Carnegie Abbey Golf Course property on the south. Target uses include residential-resort, featuring golf, marina, equestrian, linked coastal walkways and related amenities. Developments should orient uses toward commanding vistas of Narragansett Bay, the Mount Hope Bridge and the former Weyerhaeuser Fire Pond.

Melville/Weaver Cove redevelopment area: The Melville/Weaver Cove redevelopment area is envisioned as a destination area for marina development and tourism. Sub-districts within this area include: 1) the Weaver Cove Village which includes land on both sides of Shoreline Drive south of the most southerly parcel boundary with frontage on Maritime Drive and Regatta Road; 2) the Melville Marine Center which includes the land north of Weaver Cove Village and the area identified as Tank Farm #1 in the West Side Master Plan; 3) Tank Farm #2 which includes the area identified in the West Side Master Plan as being occupied by the Navy Tank Farm on a hill east of Weaver Cove; and Tank Farm #3 is located near Defense highway and the Weaver Cove region.

#### **Middletown**

(No growth centers currently envisioned along the Middletown shoreline)

#### **Newport**

Newport Naval Hospital redevelopment area: The former U.S. Naval Hospital facility parcel (plat 9, Lot 219) just north of the Newport Bridge has waterfront access and sweeping views across the East Passage to Jamestown.

### **170.2 Policy**

It is the policy of the CRMC to establish and link public access along the entire west side shoreline within the Aquidneck Island SAMP boundary, including through the areas designated

as Redevelopment Zones that will satisfy the overall goals of the Aquidneck Island SAMP, as well as the applicable Redevelopment standards described herein.

### 170.3 Standards

All development proposals within the Redevelopment Zone that completely meet the requirements under either options below (Options 1 or 2) will be processed as Category A applications in accordance with the CRMP, provided there are no substantive objections during the public notice period. Applicants have the option of having projects subject to the setback and buffer requirements set forth in CRMP Sections 140 and 150 or the alternative options detailed below.

#### Option 1: Standard CRMP buffer width

- (a) Applicants choosing this option must adhere to the standard buffer width and setbacks as determined in Section 150 of the CRMP (See Table 1 below for buffer width requirements). All structures must be set back 25 feet from the inland edge of the required buffer.
- (b) The buffer must remain in a natural and undisturbed state; however, some limited maintenance activity is permissible in accordance with the CRMC “*Buffer Zone and Invasive Plant Management Guidance*” located on the CRMC website at: <http://www.crmc.ri.gov/pubs/index.html#coastlandscapes>. All new plantings within a buffer zone must be comprised of a mix of native plant species and adhere to the CRMC/URI Coastal Plant list also located at the preceding website URL.
- (c) Variances to the buffer width are not permissible under this option.

**Table 1. – CRMC Buffer Width Requirements**

Lot Size (square feet)	Required buffer width (feet)		Required Construction Setback (feet)
	CRMC Water Type 3, 4, 5, and 6	CRMC Water Type 1 and 2	
<10,000	15	25	25
10,000 – 20,000	25	50	25
20,001 – 40,000	50	75	25
40,001 – 60,000	75	100	25
60,001 – 80,000	100	125	25
80,001 – 200,000	125	150	25
Greater than 200,000	150	200	25

**Option 2: Coastal Greenway – 50-foot width**

- (a) Applicants may choose a Coastal Greenway of 50-feet in width that includes a public access path. All structures must be setback from the inland edge of the Coastal Greenway in accordance with CG Section 150.1(d).
- (b) All of the standards specified within ACD Sections 150 shall apply.
- (c) The project should provide public access in accordance with ACD Section 150.5.

**180. Other Areas Zone**

**180.1 Definition**

Areas that are not defined as Redevelopment Zones or Areas of Particular Concern must meet applicable requirements of the CRMP. Buffers will be assigned in accordance with Table 1 above and a public access plan must be provided as part of the project in accordance with CRMP Section 335.



## **190. Brownfield Redevelopment within the Aquidneck Island SAMP**

### **190.1 Aquidneck Island Coastal Development Policies for Brownfield Sites**

- (a) Rhode Island Department of Environmental Management (RIDEM)-designated brownfield sites shall receive additional consideration with regard to Aquidneck Island Coastal Development requirements. The CRMC has established a maximum application fee of \$5000 for all DEM-designated brownfield development projects (See CRMP Management Procedures)
- (b) Brownfield sites pose unusual economic constraints, given the common need for remediation that may result in significant expense to the developer. The CRMC encourages thoughtful redevelopment of these contaminated sites, and believes that it is possible to proceed with such redevelopment in a manner that improves the natural environment while allowing for the fiscal realities of such an endeavor.
- (c) It is therefore the policy of the CRMC to require the maximum coastal greenway width practicable within brownfield sites while allowing for flexibility in the implementation of these rules on these sites, based upon the applicant meeting the criteria defined in ACD Section 150, above for vegetation targets, stormwater treatment and public access. See the *Urban Coastal Greenway Design Manual* for recommended approaches to stormwater treatment and habitat improvement in brownfield sites.

### **190.2 Aquidneck Island Coastal Development Standards for Brownfields**

- (a) Brownfield sites shall adhere to the Aquidneck Island Coastal Development standards and policies regarding setbacks, view corridors, and public safety as stated in this document, to the maximum extent practicable.
- (b) All development proposals for brownfield sites within CRMC's jurisdiction shall require a pre-application meeting including the applicant, his/her planning and design staff, and representatives of the CRMC, the RIDEM Offices of Waste Management and Water Resources, and the municipality of jurisdiction. This meeting shall take place after RIDEM has notified CRMC that the review of the investigation is complete. It is intended that this pre-application meeting be the first step in the remedial design process after a brownfield development proposal has been submitted, and is further intended to streamline the multi-agency regulatory process for proposed developments on these sites. Agency (CRMC and RIDEM) and municipal representatives at this pre-application meeting will consider the applicant's proposed designs to ensure that the proposal satisfies CRMC's Aquidneck Island Coastal Development requirements, the RIDEM's brownfield and stormwater requirements, and the municipality's zoning ordinances.
- (c) Where the Executive Director, in consultation with DEM Site Remediation staff and CRMC staff, determines that a particular ACD standard poses a risk or is impractical due to site remediation requirements, the Executive Director may waive or reduce such requirement.

- (d) An applicant may request of RIDEM that a proposal that satisfies the requirements of the Aquidneck Island Coastal Development policy be used to offset some or all of the State's Natural Resource Damage Claims at the site (including claims for additional assessment).
- (e) Under circumstances at a brownfield site where it is desirable to limit infiltration, traditional stormwater infiltration techniques shall not be used within the Coastal Greenway. The goal of total on-site stormwater treatment will still apply on brownfield sites, although the constraints of each site will be taken into consideration during the application process. Applicants are therefore encouraged to utilize vegetative stormwater management techniques such as green roofs and lined rain gardens or lined bio-retention areas with shallow-rooting plants, as well as alternative landscaping/land shaping (i.e., raised planting beds) to allow for the maximum possible on-site treatment of stormwater. Refer to the CRMC *Urban Coastal Greenway Design Manual* for descriptions of recommended alternatives and reference sources for additional technical information regarding the implementation of those alternatives. These alternative stormwater abatement techniques shall protect the integrity of the containment cap/structure and be approved by the CRMC and the RIDEM.

## **200. Coastal Greenway Management and Maintenance Requirements**

200.1 The Owner of Record of a property with a Coastal Greenway is responsible for maintaining the Greenway in accordance with the operative RICRMC Assent, unless the Greenway is transferred to another agent (i.e., the municipality, a land trust, etc.) with that agent's agreement to provide maintenance. The Council shall be the beneficiary of any Coastal Greenway easements, and all easements shall be placed in the land evidence records of the municipality of jurisdiction.

200.2 All alterations within established Coastal Greenways or alterations to natural vegetation (i.e., areas not presently maintained in a landscaped condition as of the effective date of this policy) within the Council's jurisdiction may be required to submit a Coastal Greenway Management Plan for the Council's approval that is in compliance with the requirements of this section and the Council's most recent edition of the *Urban Coastal Greenway Design Manual*. Coastal Greenway Management Plans shall include a description of all proposed alterations and methods of avoiding problem areas such as the proper placement and maintenance of pathways. Applicants should consult the Council's most recent edition of *Urban Coastal Greenway Design Manual* when preparing a Coastal Greenway Management Plan.

200.3 No encroachments shall be allowed within the Coastal Greenway at any time.

200.4 Penalties - Failure to adhere to these policies will result in enforcement action including fines, liens, restoration, and/or revocation of the Council Assent

Figure 5 – Map of CRMC/DEM Freshwater Wetlands Jurisdictional Boundary - Portsmouth

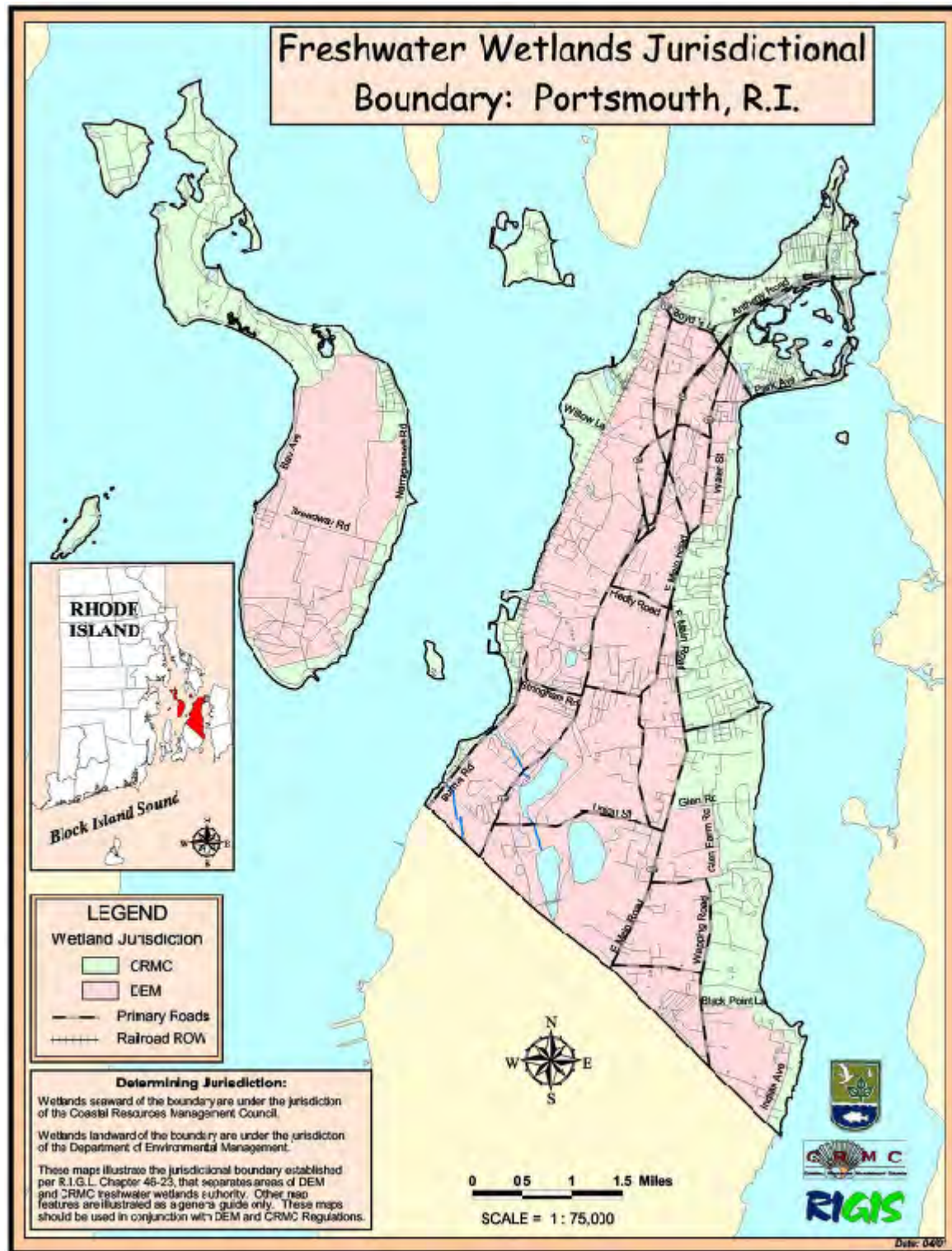




Figure 6 – Map of CRMC/DEM Freshwater Wetlands Jurisdictional Boundary - Middletown



