

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 nor denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of 1/15/2021 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:** Ocean Pastoral Center, Inc.      **CRMC FILE NO.** D2020-06-052  
**LOCATION/POLE:** 4780A Tower Hill Road  
**CITY/TOWN:** South Kingstown      **PLAT:** 50-4      **LOT:** 12

**CONTACT PERSON(S) & ADDRESS:**

Ocean Pastoral Center, Inc.	Morgan & Schoen Hospitality
275 Mechanic Street	12 Grand Street
North Smithfield, RI 02896	Stonington, CT 06378

**PRELIMINARY REVIEW INFORMATION**

**PROPOSAL:** Redevelop an existing commercial structure (previous boarding school) into a 33-room destination resort, winery and event venue. It is proposed to utilize the existing denitrification OWTS which was installed in 2002 and to construct twelve bungalows (future phase), new utilities and an access road, pool and vineyards.

**PLAN(S) REVIEWED:** "CRMC Preliminary Determination Submission, Shepherd's Run, 4780 Tower Hill Road, South Kingstown, Rhode Island..." sheets 1-4, last revised 6/12/20, by Diprete Engineering, stamped by Eric Prive, P.E.

**INVESTIGATOR**

Tracy Silvia  
Richard Lucia

**DATE**

Various  
Various

**TIME**

**MEASUREMENTS & OBSERVATIONS:** Conducted inspection and measurements of site. Observed existing conditions of site and verified coastal feature.

**PREVIOUS CRMC ACTIONS FOR SITE:** None found

**Preliminary Buffer and Setback Requirements:**

**SETBACK** (ref. Section 1.1.7 CRMP): 225' (buffer + 25', 225' for OWTS)  
**BUFFER** (ref. Section 1.1.9 CRMP): 200' (from coastal feature & tributary wetlands)  
**FWWVC** (ref. 650 RICR-20-00-2): 100' (from wetland edge/streams less than 10' wide)

NAME: **Ocean Pastoral Center, Inc.**  
CRMC FILE NUMBER: **D 2020-06-052**

Note: **Setbacks** apply to “construction related activities” including filling, removing, and grading (ref: Section 1.3.1(B) 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 1.1.5 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.

**Coastal Hazard:** In accordance with Section 1.1.10, the applicant is encouraged to utilize CRMC’s “STORMTOOLS” mapping feature to better understand the impact of current and future Sea Level Rise and Storms on the subject property. Also, in accordance with Section 1.1.6(I), the applicant is required to complete a “Coastal Hazards Worksheet” to further understand the impact of climate change on a proposal (<http://www.crmc.ri.gov/coastal hazardapp.html>). While the RICRMP does not yet require structures to be designed for SLR scenarios, the applicant should consider SLR, Climate Change, and design life expectations in design planning.

Coastal feature verification shall be valid for one-year from the date of this Determination or until an erosion event (e.g., due to storm event, landslide, man-induced alteration, etc.) occurs that alters the coastal feature.

### **SUMMARY OF FINDINGS**

**CRMC JURISDICTION: YES**

**TYPE WATER: Type 1, Conservation Area, Pettaquamscutt Cove1 (Narrow River) Conservation Areas**

**For the purpose of this review the coastal feature(s) shall be the inland edge of coastal (including contiguous freshwater) wetland and the inland edge of coastal(s) feature shall be the inland edge of the contiguous freshwater wetland. Note tributary wetlands are also present on-site.**

**Applicability of CRMP Red Book and SAM Plans (as amended):**

**Red Book Sections:** 1.1.6, 1.1.7, 1.1.8, 1.1.9, 1.1.10, 1.1.11, 1.2.1.B, 1.2.2.C.D, 1.2.3, 1.3.1.A, 1.3.1.B, 1.3.1.C, 1.3.1.F, 1.3.2, 1.3.4, 1.3.5, 1.3.6,

**SAMP:** 650 RICR-20-00-4, Narrow River-Lands of Critical Concern, (Watershed Activities)

### **STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:**

- 1) The requestor contacted staff in spring 2020 to discuss possible redevelopment of this site and staff recommended the filing of this PD application. The Town of South Kingstown also reviewed this project in summer 2020 under a Conceptual Master Plan process and requested informal comment from CRMC. The Narrow River Land Trust also contacted CRMC regarding concerns with the potential impacts from re-use of this site.
- 2) The project site is a ~36a parcel located between US Route 1 and the Narrow River’s Pettamsquamscutt Cove (a Type 1 waterbody). However, the parcel is mainly separated from Route 1 by an existing school to the west and separated from the river by undeveloped US

NAME: **Ocean Pastoral Center, Inc.**  
CRMC FILE NUMBER: **D 2020-06-052**

Government property (nearby National Wildlife Refuge lands). Access to the site is and proposes to remain via an easement along the southern portion of the abutting school property. Much of the eastern and northern portions of the site are undeveloped, and the eastern section contains coastal and freshwater wetland as well. The interior of the lot is the site of a former religious institution and boarding school, which has remained inactive for some time. An existing basketball court, former gardens, outbuildings, OWTS, drainage system and asphalt driveway support the existing commercial structures and the surrounding developed land is mowed field/lawn. The northwest section of the parcel abutting Route one contains features utilized by the adjacent school and staff is unsure as to the future status of this area of the lot.

- 3) The applicant proposes to redevelop the parcel is essentially three Phases. The first Phase will be renovation of the existing commercial structure, with no new buildings into a 33-room destination hotel resort. Phase 2 is possible road and utility extension north from the existing structures and Phase 3 is the potential construction of twelve (12) new bungalow cottages north of the existing structure. Re-use of the court and gardens as parking and new gardens, as well as pool, outdoor tent and vineyard construction are also proposed, though staff is unclear as to which exact Phases these activities may fall under. How the municipality will review and permit the activities (single phased project) is also unclear at this time.
- 4) The regulated resources on this lot are the coastal (including contiguous freshwater) wetlands as well as the freshwater wetlands (including tributary stream/wetland). Riverbank wetland and upland buffer zone extend inland from these features. In particular, a 200' vegetated buffer zone applies from the coastal wetland and tributary wetland and a 100' riverbank wetland applies from the intermittent stream <10' wide (tributary).
- 5) In addition, a 225' construction setback applies to any new OWTS constructed on the parcel and a 225' buffer-derived construction setback applies to any new construction as well. Relief from these buffers and setbacks require the issuance of a Special Exception pursuant to Red Book Section 1.1.8, which includes a compelling public purpose.
- 6) Staff confirmed the wetland edge 9/17/2020 after requesting redelineation and access to the flagline from the consultant. The 50' perimeter wetland shown on the submitted plans is the minimum offset required to the wetland edge, however, in most cases it is contained well within the larger required 200' coastal buffer zone and is irrelevant in those area.
- 7) Provided no work is proposed within 225' of the coastal feature and no work is proposed which is regulated under the Narrow River SAMP's defined Watershed Activities, then no CRMC review is required for this project. However, it appears even though the existing Phase 1 renovation is landward of 225', and Phase 2 roadway and utility extension is proposed to meet the same offset, it is likely that the roadway/utility extension will be reviewed as a watershed activity (sewer line, new roadway, impervious >40,000sf are all cause for review) and Phase 3 new bungalow construction is also captured as a watershed activity (subdivision, additional units). As well, the proposed pool and portions of the vineyard and bungalow work all appear to be located within 225' of the coastal feature.
- 8) To be more specific, the following activities will trigger CRMC review and will need to be fully addressed in future Assent application:

NAME: **Ocean Pastoral Center, Inc.**  
CRMC FILE NUMBER: **D 2020-06-052**

- a—NR SAMP Section 4.4.B(3)(a)—activities within 200’ of a coastal feature (vineyards, pool)
- b—NR SAMP Section 4.4.B(3)(b)—Watershed Activities (bungalow units, 40,000sf impervious surface, sewer line, roadway construction, freshwater wetlands)

Under Lands of Critical Concern, the following shall be carefully addressed as well:

- a—Section 4.4.3(B)(1)(a-c) address subdivision requirements/density
  - b—Section 4.4.3(B)(1)(d&j) address the denitrification requirements, which the applicant states the current 2002 OWTS meets. Future upgrades or replacements to this system will require the same or better treatment and approval from RIDEM Water Resources.
  - c—Section 4.4.3(B)(1)(e) requires subdivisions with frontage on a sewer line to hook up to the sewer, which is not currently being proposed.
  - d—Section 4.4.3(B)(1)(f&g) address the required vegetated buffer zone and construction setback. Essentially, for existing development on-site, all naturally vegetated areas within 200’ are considered buffer zone and cannot be altered without a Special Exception. The most notable areas on the parcel which conflict are portions of the pool and eastern proposed vineyards. The proposed future OWTS upgrade appears to meet the 225’ setback, however, the bungalows and other work (tent, etc) will need redesign to meet this requirement. Additionally, future bungalow construction will trigger the conversion of non-buffer area within 200’ of that work to protected buffer area.
  - e—Section 4.4.3(B)(1)(i) provides the conditions for sewerage the parcel, including a deed restriction against future subdivision. This deed restriction shall refer to the creation of additional lots (not proposed bungalows on the existing lot).
- 9) If the entire project (Phases 1, 2 and 3) is submitted to CRMC all requirements detailed herein (buffer/setbacks/density/sewer) shall apply to the review of the project at that time. If the project is phased, and all work within Phase 1 is within the existing development landward of 225’, then the watershed activity requirements will not apply for that Phase (a CRMC permit may not be required for that Phase). Roadway construction proposed for Phase 2 will require a CRMC permit as a watershed activity and will be required to meet the state stormwater requirements. Specifically, treatment of stormwater shall be in accordance with the RI Stormwater Manual and RICRMP Red Book Section 1.3.1.F (Treatment of Stormwater and Sewage). A sewer line requirement will not apply for roadway construction. Phase 3 requires permitting as a watershed activity as well and the sewer line requirement will apply to proposed bungalows (including deed restriction). Phase 3 review will also apply all other SAMP watershed activity requirements for buffer/setback/stormwater etc. The applicant should note, however, should the Town require all Phases reviewed as a complete project and/or a sewer line connection, CRMC will support such requirements.
- 10) The RI Heritage & Historic Preservation Commission has provided an initial letter of no concern for the project, however the nearby Land Trust and others may have comments on the project when it commences the required 30-day public notice period.
- 11) In order to limit continued additional future development of the parcel, a conservation easement on the buffer zone as well as other significant undeveloped areas of the parcel (primarily to the north) shall be provided.
- 12) The applicant is required to address the Rules and Regulations Governing the Freshwater

