

**COASTAL RESOURCES
MANAGEMENT COUNCIL**

**SEMI-MONTHLY
MEETING**

TUESDAY, MAY 09, 2017

6:00 P.M.

AGENDA



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

AGENDA

Semi-Monthly Meeting – Full Council Tuesday, May 9, 2017; 6:00 p.m. Administration Building; Conference Rooms B & C One Capitol Hill, Providence, RI 02908

Approval of the minutes of the previous meeting – April 11, 2017
Subcommittee Reports
Staff Reports

Applications which have been Out-To-Notice and are before the Full Council for Decision:

2016-02-024 CHRISTOPHER & ANNE SARGENT -- Construct and maintain a 4 bedroom single family dwelling with OWTS and private well. Located at plat 12, lot 9; 66 Sakonnet Point Road, Little Compton, RI.

Applications requiring a Public Hearing for Special Exception Request and are before the Council for Decision:

2017-01-034 CITY OF WARWICK/RI DEM – DIVISION OF PLANNING & DEVELOPMENT -
- Demolish and remove the remnants of the old Rocky Point Pier and construct a replacement facility consisting of: A fixed timber pier extending 281 feet from shore at a width of 20' for the nearshore portion and 10' for the offshore portion which terminates at a "T" head pier having dimensions of 110 feet long by 21' wide oriented parallel to shore. A roofed shade structure 36' long by 21' wide will be constructed on the "T" head pier along with bench seating. The full build-out including the "bid 1 alternative" further proposes a series of aluminum ramps and gangways which will provide access to floating dock structures having 4 finger piers designed to provide the boating public with access to Rocky Point. A cast-in-place headwall is proposed to provide a connection between the existing walk way and the new pier. The proposed pier is designed in accordance with ADA guidelines for recreational fishing piers and marinas. The project requires a special exception for the construction of a recreational structure (wharf/pier) and/or a boating facility which meets the definition of a "marina" (accommodates 5 or more recreational boats) in Type 2 (Low Intensity Use) Waters. This project is located at plat 380, lot 287, Rocky Point – Rocky Point Avenue, Warwick, RI.

2016-02-024 CHRISTOPHER & ANNE SARGENT

CRMC DECISION WORKSHEET

2016-02-024

Christopher & Anne Sargent

Hearing Date:			
Approved as Recommended			
Approved w/additional Stipulations			
Approved but Modified			
Denied		Vote	

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2016-02-024	Little Compton	66 Sakonnet Point Road		B	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Plat	12			
		Owner Name and Address				
Date Accepted	2/10/2016	Christopher & Anne Sargent		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	2/27/2017	4880 Glenbrook Road NW Washington, DC 20016		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

c/m a dwelling owt, well rain garden

KEY PROGRAMMATIC ISSUES

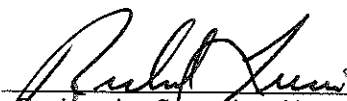
Coastal Feature(s)	Coastal Pond, Coastal Wetland
Water Type	Type 1, Conservation Area
CRMP	140, 145, 150, 200.1, 210.3, 300.1, 300.3, 300.6
SAMP	N/A

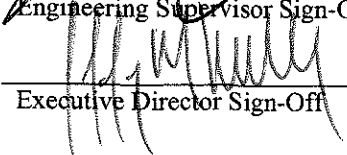
Variations and/or Special Exception Details: Greater than 50% Variance to both Buffer Zone and Setback requirements, for a variable buffer averaging 50 feet.


Additional Comments and/or Council Requirements:

STAFF RECOMMENDATION(S)

Engineer	_____	Recommendation:	_____
Biologist	ALS	Recommendation:	Defer to Council
Other Staff	_____	Recommendation:	_____

 5/1/17
 Engineering Supervisor Sign-Off date

 5/1/17
 Executive Director Sign-Off date

 5/1/17
 Supervising Biologist Sign-off date

 Staff Sign off on Hearing Packet (Eng/Bio) date



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL

BIOLOGIST SIGN-OFF

TO: Grover J. Fugate
DEPT: Executive Director, CRMC
FROM: Amy Silva
DEPT: CRMC PERMITTING SECTION
SUBJECT: Category A Application

PAGE: 1
DATE: April 28, 2017

CRMC File Number: 2016-02-024
Location: 66 Sakonnet Point Road, Little Compton
Water Type/Name: Type 1, Long Pond
Coastal Feature: Coastal Wetland
Project Description: Single Family Dwelling with OWTS

Name: Christopher & Anne Sargent
AP: 12 **Lot(s):** 9

Plans Reviewed: Proposed OWTS New Construction, Christopher & Anne Sargent...” last revised 12/19/16 by Civil Engineering Concepts, Inc.

PREVIOUS CRMC ACTIONS:

1989-02-036: Perc Tests for septic siting
2007-12-023: Application for single family dwelling - Returned Deficient
2008-12-062: Wetland Edge Verification & Preliminary Determination

INTRODUCTION:

The application requests approval for a single family dwelling located on land along Long Pond. The lot is very large but is almost entirely composed of wetland (coastal wetland associated with Long Pond). A small area of upland is located in the southernmost area of the lot, accessed by an existing gravel ROW that serves the home to the south, and another much smaller area of upland is adjacent to Sakonnet Point Rd in the north.

The property is almost entirely located within a Federally designated CBRA barrier- the area of the proposed dwelling is clearly within the barrier area. The location of the dwelling is also within a VE zone. According to the applicant’s agents, the applicant is aware of both these limitations.

The proposal requests a significant reduction in the required buffer zone. Because the reduction is more than 50% of the requirement, the application is considered Category B, and was sent to public notice. During the public notice period, objections were received.

REVIEW COMMENTS:

Based on CRMC’s file history, the applicant has been interested in developing this property since at least the late 1980s. While the property is quite large, almost the entire lot is composed of coastal wetlands. A very small area of upland is located at the northernmost corner of the property, adjacent to Sakonnet Point Rd.

Signed _____ Staff Biologist

This area of upland is far too small for development. The only other area of upland is the area of the proposed dwelling, also a relatively small area that is entirely encompassed within CRMC's 200 foot jurisdiction.

For a lot of this size on Type 1 waters, the Section 150 required buffer is 200 feet. As noted above, this small area of upland proposed for development is entirely located within 200 feet. At its deepest, the property line is approximately 165 feet from the wetland edge, and at its closest is less than 20 feet from the wetland edge. The 200 foot jurisdiction line intersects the dwelling to the south.

The proposed development consists of a 24'x'36' (864ft²) dwelling with associated OWTS, stormwater management and pervious driveway. The existing dirt & gravel ROW, which also services the adjacent house to the south will be extended to service the proposed dwelling. The applicant's agent has stated that the applicant has legal right to the ROW and that no improvements to the existing gravel ROW are proposed at this time.

As currently proposed, the development requires a 94% variance to the required buffer zone – offering a buffer of 50 feet around the dwelling, but only 12 feet for the proposed driveway.

The applicant also owns lot 12, located to the southwest of the subject lot. This lot appears to be composed entirely of wetland, and does not appear to offer an alternate location for development.

COMMENTS ON OBJECTIONS:

During the public notice period, three objections were received. The concerns can be consolidated to the following 5 issues:

Water level/wetland edge: the question of increased water level as a result of the Long Pond Phragmites control project, as well as the accuracy of the wetland edge flagging were raised. Staff is unaware of any data that has been taken on the water level of the pond before/after the Phragmites control/Long Pond restoration project, but is aware that the pond does have the appearance of having higher water, likely due to the lack of the dense Phragmites stands along its edge. The wetland edge on-site, verified in 2008, was re-established during this review for re-verification and was again determined to be accurate. Water levels within Long Pond are more likely driven by the status of the breach at the beach at its south end.

Location within a floodplain- Objectors pointed out that the site is located within a VE designated floodplain. The objection is incorrect in stating that CRMC does not allow construction in these areas. The applicant is aware of the floodzone designation, and the dwelling, if approved, will be constructed to the appropriate design criteria. The applicant is further aware that the site is within a federally designated CBRA barrier system and that no federal funds will be supported on this site.

Changes from 2007/2008 applications- One objection questions whether any changes have been made from previous applications. Staff would note that the 2007 request for development was returned deficient. Deficient files are not kept by CRMC, so no comparisons can be made. However the 2008 application was for wetland verification and review of potential development. Staff comments on the 2008 application suggest revisions to both the dwelling size and location to increase buffer zone and reduce variances. As can be seen by comparing the current proposal to the 2008 plan section attached, the applicant heeded staff advice, and made revisions as suggested.

Signed _____

Staff Biologist

Rare species – One objector points out that Long Pond is listed as natural heritage area, and that the site “has become the home to rare species”. The entire area of Long Pond is indeed noted as a Natural Heritage area (see attached), but staff was unable to determine details on specific rare species designation. Staff would note that the recent Phragmites removal project likely had a much larger adverse effect on any rare species, nesting sites, or other important habitat areas, as the entirety of the pond is within the natural heritage area, and the entirety of the pond was subject to intensive disturbance during the wetland restoration project. The pond vegetation is still in the process of re-vegetation/recovery.

Impact to long pond restoration/Water Quality- The objectors make reference to a recent wetland restoration effort that took place at Long Pond (Phragmites removal) and note that flooding of the property will degrade the water quality. Staff notes that according to STORMTOOLS, with 1 foot of SLR, a 5 year coastal storm will affect the site with floodwaters, but it does not appear that the OWTS will flood. A 10 year coastal storm may flood the OWTS. This is likely the only system on the pond with the potential to flood during nuisance coastal storms with 1’ of SLR. (The same appears true for 2’SLR).

COMMENTS ON RICRMP/FWW REQUIREMENTS:

The applicant has submitted a written narrative (dated December 15, 2016) that details the Section 120 Variance requirements, Sections 140, 145 & 150 (setbacks, Sea Level Rise, buffers), Sections 300.1 (Category B) as well as Rule 9 Freshwater Wetlands Impact and Avoidance Criteria. Staff offers the following comments on Regulatory Applicability:

The subject lot is very large and the only area suitable for development is the area proposed. The entire area is encompassed within CRMC’s 200 foot jurisdiction (the 200 foot line passes through the house to the south). Meeting the required buffer is impossible, as the 150 foot buffer falls on the adjacent lot - any development of this lot requires significant variances.

The applicant’s narrative states “*the applicant has reduced the overall scale of the project area as much as possible from previous, more desirable layouts*”. As noted above, the previous application to develop the lot was returned deficient and the file was picked up by the applicant or his agent. The Edge Verification request also functioned as a Preliminary Determination, in which staff reviewed potential development. . Staff comments on the 2008 application suggest revisions to both the dwelling size and location to increase buffer zone and reduce variances As can be seen by comparing the current proposal to the 2008 plan section attached, the applicant heeded staff advice, and made revisions as suggested – the footprint of the dwelling has been altered, and the location has been moved significantly closer to the property line, increasing the distance to the wetland.

In regards to Sea Level Rise (SLR), the applicant’s narrative states that there will be no effect to the property with a 1, 2 or 3 foot rise in sea level, based on STORMTOOLS mapping. This is only partially accurate. While there may be no impact to the property with those amounts of SLR, there will be impact to the property when coastal/nuisance storms are added to the STORMTOOLS predictions with SLR. With just one foot of SLR, a 5 year coastal storm will inundate a large portion of the developable area and cut off access on the ROW but it does not appear that the OWTS will flood (see attached). A 10 year coastal storm may flood the OWTS. This is likely the only system on the pond with the potential to flood during nuisance

coastal storms with 1' of SLR. With 1' of SLR, a 25 year Tropical/Extra-Tropical storm will inundate the entire site to nearly 4 foot water depth. So, while a rise in sea level may not impact the property on a day-to-day basis, the property will be impacted during storms in the future. It should be noted that STORMTOOLS is a tool for planning and guidance purposes only. The dwelling will be designed and constructed to meet current flood regulations.

In regards to the size of the Buffer Zone, the applicant's narrative frequently reference the size of the vegetated coastal wetland and distance to water's edge when discussing the functions and values of a buffer zone. Both of these are used to enhance the value of the vegetated buffer and demonstrate minimization of impact. However, the coastal wetland does not "count" as buffer zone as defined by Section 150. A buffer zone is upland area designated to protect the resource. Including the resource to minimize the impact of the buffer reduction/development is disingenuous. While the narrative correctly points out there is a significant area of vegetation between the edge of the water and the Buffer Zone Markers, the buffer zone provided on site is on average 50 feet in width (narrowing to nearly 0 feet along the driveway access, and extending to 90 feet on the north side of the site). This buffer zone is approximately 25% of the required 200 feet.

The applicant is correct to point out that no development can be accomplished without significant variances. The dwelling is located 25 feet from the nearest property line, and is 36x24' in size (864ft² footprint). To maximize buffer, the applicant has proposed minimal setbacks and revised the dwelling location from the 2008 review. The applicant may have requested relief from the town side zoning setback, but due to the presence of the ROW, a minimal adjustment of 5 feet would be gained, which may not result in any changes along the buffer zone due to requirements for siting the OWTS.

A portion of the existing driveway access does not fall within the ROW, and is quite close to the identified wetland. Staff contacted the applicant's engineer (Bill Smith) to discuss the potential to relocate the driveway onto the ROW and increase the distance between the wetland and the driveway. Mr. Smith expressed concern about the angle of approach entering the adjacent lot, stating that moving the driveway may impede turning access onto the adjacent property, and that he would investigate. To date Mr. Smith has not provided a response.

CONCLUSION & RECOMMENDATION:

The subject lot is very large and the only area suitable for development is the area proposed, which is already accessible via an existing gravel ROW. The entire area is encompassed within CRMC's 200 foot jurisdiction (the 200 foot line passes through the house to the south). Meeting the required buffer is impossible, as the 150 foot buffer falls on the adjacent lot - any development of this lot requires significant variances.

It is staff's opinion that the objections raised by the neighbors have been addressed either by the applicant's narrative or within this review. The concern about SLR and storm impact is a valid concern, and one that faces all residents along Long Pond. The proposal is designed to current standards – the RICRMP does not require projects to be designed for future scenarios.

The proposed dwelling is not large, at 24'x'36' (864ft²), and will be constructed to meet the flood zone requirements of the property. While the variances are large, they are primarily due to the conditions of the site – extensive wetland area - and not due to the design of the proposal.

Signed _____

Staff Biologist

CRMC File Number: 2016-02-024

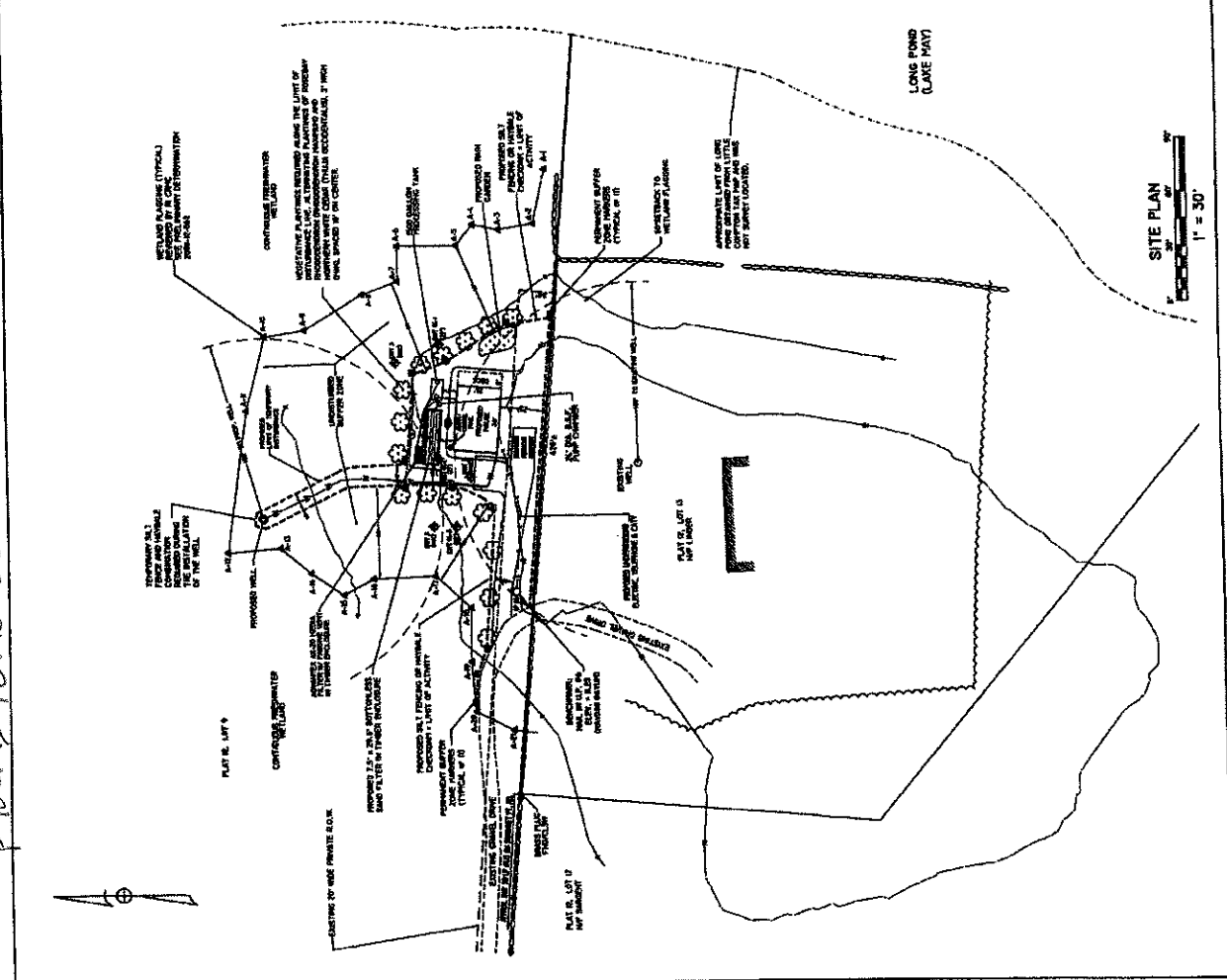
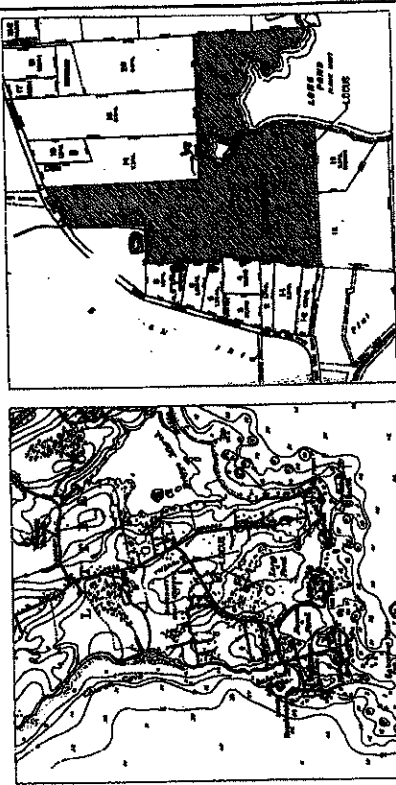
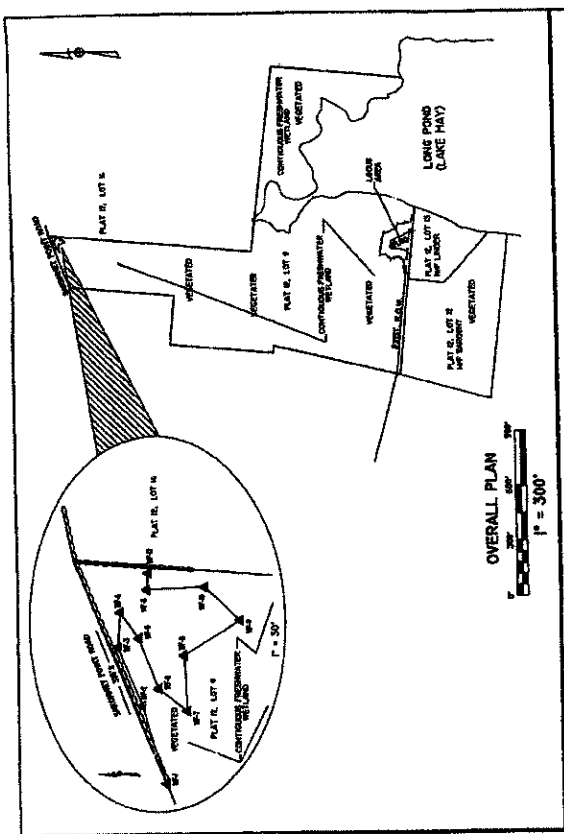
Name: Christopher & Anne Sargent

Page 4

It is the opinion of the reviewing biologist that the applicant has met the burdens of Section 120 Variance/Rule 9 FWW Impact Avoidance & Minimization, as evidenced by the revisions made in response to the Preliminary Determination comments in 2008, and adequately addressed the concerns of objectors. There are no staff objections to the approval of this application, however staff defers to the Council's decision based on the size of the variances and the multiple objections. Should the Council grant this request, standard Assent stipulations will be prepared.

Signed _____ Staff Biologist

Plans reviewed



PROPOSED ONITS NEW CONSTRUCTION
CHRISTOPHER & ANNE SARGENT
 R.S.M. and ARCHITECTURAL POINT ROAD
 LITTLE COMPTON, HAMPSHIRE, ENGLAND
 SCALE 1" = 30'
 DATE: SEPTEMBER 1, 1988

C&A Engineering
 LITTLE COMPTON, HAMPSHIRE, ENGLAND
 NEW BOSTON, VA. OFFICE
 478.533.3078
 478.533.3079
 478.533.3080

THE CLIENTS HAVE REVIEWED THESE PLANS AND HAVE AGREED TO THE PROPOSED CONSTRUCTION.
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GENERAL CONSTRUCTION NOTES

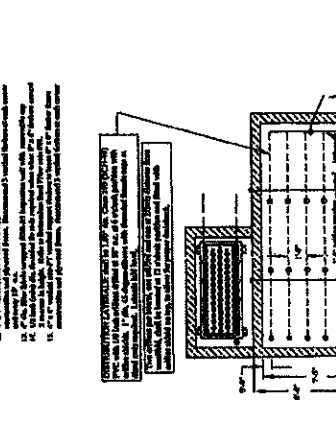
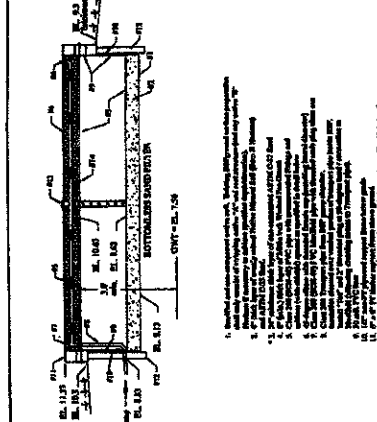
1. All dimensions are in feet and inches unless otherwise noted. All dimensions are to be finished unless otherwise noted.
2. All materials to be used shall be of the highest quality and shall conform to the specifications listed herein.
3. All work shall be done in accordance with the specifications and standards of the industry.
4. The contractor shall be responsible for obtaining all necessary permits and licenses.
5. The contractor shall be responsible for the safety of all workers and the public.
6. The contractor shall be responsible for the protection of all existing utilities.
7. The contractor shall be responsible for the removal of all debris and waste.
8. The contractor shall be responsible for the cleanup of all materials and equipment.
9. The contractor shall be responsible for the maintenance of all records and documents.
10. The contractor shall be responsible for the completion of all work within the specified time frame.
11. The contractor shall be responsible for the payment of all bills and invoices.
12. The contractor shall be responsible for the insurance of all workers and equipment.
13. The contractor shall be responsible for the bonding of all work.
14. The contractor shall be responsible for the coordination of all work with other trades.
15. The contractor shall be responsible for the communication of all changes and issues.
16. The contractor shall be responsible for the protection of all confidential information.
17. The contractor shall be responsible for the compliance with all applicable laws and regulations.
18. The contractor shall be responsible for the maintenance of all safety protocols.
19. The contractor shall be responsible for the protection of all intellectual property.
20. The contractor shall be responsible for the completion of all work in a professional and timely manner.

OTHER NEW CONSTRUCTION PLANS - GENERAL INQUIRY
CHRISTOPHER & ANNE SARGENT
 ARCHITECTS' PLAN # 107 9
 R.O.W. 497 SARGENT POINT ROAD
 LITTLE CREEPER, INDIAN BEACH

SCALE: NONE DATE: SEPTEMBER 1, 1984

Chil Construction Company, Inc.
 1410 N. W. 10th Street
 Ft. Lauderdale, FL 33304
 TEL: (305) 463-1111 FAX: (305) 463-1112

PROJECT NO. 107 9 SHEET # 1



BOTTOMLESS SAND FILTER DETAILS
 REF TO SHEET 107 9-1

1. Filter media shall be 20/40 mesh sand, 100% natural, with a minimum depth of 12 inches.

2. The filter tank shall be constructed of 1/2" thick stainless steel plate.

3. The filter tank shall be supported on 4" diameter steel legs.

4. The filter tank shall be equipped with a 1/2" diameter drain pipe at the bottom.

5. The filter tank shall be equipped with a 1/2" diameter vent pipe at the top.

6. The filter tank shall be equipped with a 1/2" diameter access door at the top.

7. The filter tank shall be equipped with a 1/2" diameter sight glass at the top.

8. The filter tank shall be equipped with a 1/2" diameter level indicator at the top.

9. The filter tank shall be equipped with a 1/2" diameter float valve at the top.

10. The filter tank shall be equipped with a 1/2" diameter overflow pipe at the top.

BUOYANCY CALCULATIONS

1. Buoyancy shall be calculated in accordance with the following formula:

$$B = \rho \times V \times g$$

Where:

- B = Buoyancy (lb)
- ρ = Density of water (62.4 lb/ft³)
- V = Volume of water displaced (ft³)
- g = Gravity (32.2 ft/s²)

2. The buoyancy shall be compared to the weight of the structure to determine if it will float.

3. If the buoyancy is greater than the weight, the structure will float.

4. If the buoyancy is less than the weight, the structure will sink.

5. The buoyancy shall be calculated for all components of the structure.

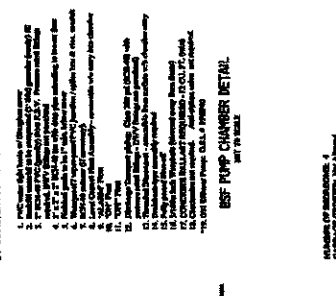
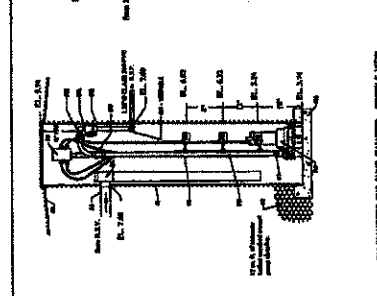
6. The buoyancy shall be calculated for the entire structure.

7. The buoyancy shall be calculated for the structure in all orientations.

8. The buoyancy shall be calculated for the structure in all conditions.

9. The buoyancy shall be calculated for the structure in all environments.

10. The buoyancy shall be calculated for the structure in all situations.



RV CONVERTER PUMP CHAMBER - PROFILE VIEW
 REF TO SHEET 107 9-1

1. The pump chamber shall be constructed of 1/2" thick stainless steel plate.

2. The pump chamber shall be supported on 4" diameter steel legs.

3. The pump chamber shall be equipped with a 1/2" diameter drain pipe at the bottom.

4. The pump chamber shall be equipped with a 1/2" diameter vent pipe at the top.

5. The pump chamber shall be equipped with a 1/2" diameter access door at the top.

6. The pump chamber shall be equipped with a 1/2" diameter sight glass at the top.

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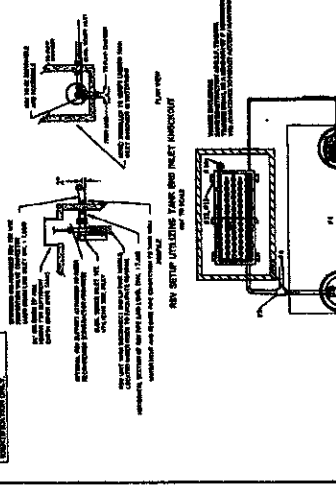
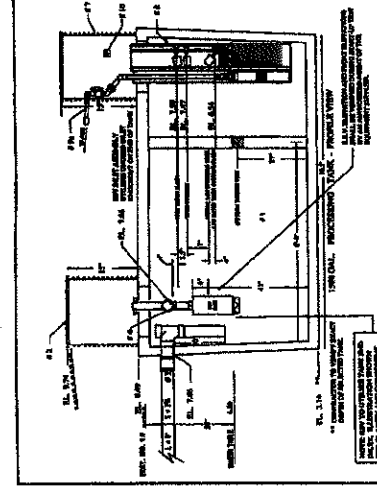
BASIS OF SUMMARY DESIGN

1. The design shall be based on the following assumptions:

- The structure shall be made of stainless steel.
- The structure shall be supported on steel legs.
- The structure shall be equipped with a pump.
- The structure shall be equipped with a filter.
- The structure shall be equipped with a collection tray.
- The structure shall be equipped with a drain pipe.
- The structure shall be equipped with a vent pipe.
- The structure shall be equipped with an access door.
- The structure shall be equipped with a sight glass.
- The structure shall be equipped with a level indicator.
- The structure shall be equipped with a float valve.
- The structure shall be equipped with an overflow pipe.

2. The design shall be based on the following conditions:

- The structure shall be used in a residential setting.
- The structure shall be used for water filtration.
- The structure shall be used for water storage.
- The structure shall be used for water distribution.
- The structure shall be used for water treatment.
- The structure shall be used for water purification.
- The structure shall be used for water disinfection.
- The structure shall be used for water decontamination.
- The structure shall be used for water desalination.
- The structure shall be used for water demineralization.
- The structure shall be used for water softening.
- The structure shall be used for water conditioning.



PROCESSING TANK / ADVANTEK AZEO FILTER DETAILS
 REF TO SHEET 107 9-1

1. The filter tank shall be constructed of 1/2" thick stainless steel plate.

2. The filter tank shall be supported on 4" diameter steel legs.

3. The filter tank shall be equipped with a 1/2" diameter drain pipe at the bottom.

4. The filter tank shall be equipped with a 1/2" diameter vent pipe at the top.

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7. The filter tank shall be equipped with a 1/2" diameter level indicator at the top.

8. The filter tank shall be equipped with a 1/2" diameter float valve at the top.

9. The filter tank shall be equipped with a 1/2" diameter overflow pipe at the top.

10. The filter tank shall be equipped with a 1/2" diameter overflow pipe at the top.

ELEVATION SCHEDULE

1. The elevation schedule shall be based on the following conditions:

- The structure shall be used in a residential setting.
- The structure shall be used for water filtration.
- The structure shall be used for water storage.
- The structure shall be used for water distribution.
- The structure shall be used for water treatment.
- The structure shall be used for water purification.
- The structure shall be used for water disinfection.
- The structure shall be used for water decontamination.
- The structure shall be used for water desalination.
- The structure shall be used for water demineralization.
- The structure shall be used for water softening.
- The structure shall be used for water conditioning.

2. The elevation schedule shall be based on the following assumptions:

- The structure shall be made of stainless steel.
- The structure shall be supported on steel legs.
- The structure shall be equipped with a pump.
- The structure shall be equipped with a filter.
- The structure shall be equipped with a collection tray.
- The structure shall be equipped with a drain pipe.
- The structure shall be equipped with a vent pipe.
- The structure shall be equipped with an access door.
- The structure shall be equipped with a sight glass.
- The structure shall be equipped with a level indicator.
- The structure shall be equipped with a float valve.
- The structure shall be equipped with an overflow pipe.

Sargent - Flood Zone/CBEA Barrier

STORMTOOLS for CRMC-draft for 010917



Microsoft | USGS, RIDOT, NOS, NGDC, USACOE | RIGIS, University of Rhode Island Environmental Data Center | RIGIS, University of Rhode Island Environmental Data Center (URIEDC), Rhode Island Department of Environmental Management (RIDEM) | URI OCE, RPS/ASA, URI EDC, RI CRMC, URI CRC | USACOE, NACCS, URI OCE, URI EDC | Rhode Island Sea Grant; University of Rhode Island Environmental Data Center (URIEDC): RI Division of Planning: RI CRMC | RIEMA | RIGIS | Esri. HERE. DeLorme. iPC

ArcGIS - Rhode Island Natural Heritage Areas

Modify Map Sign In

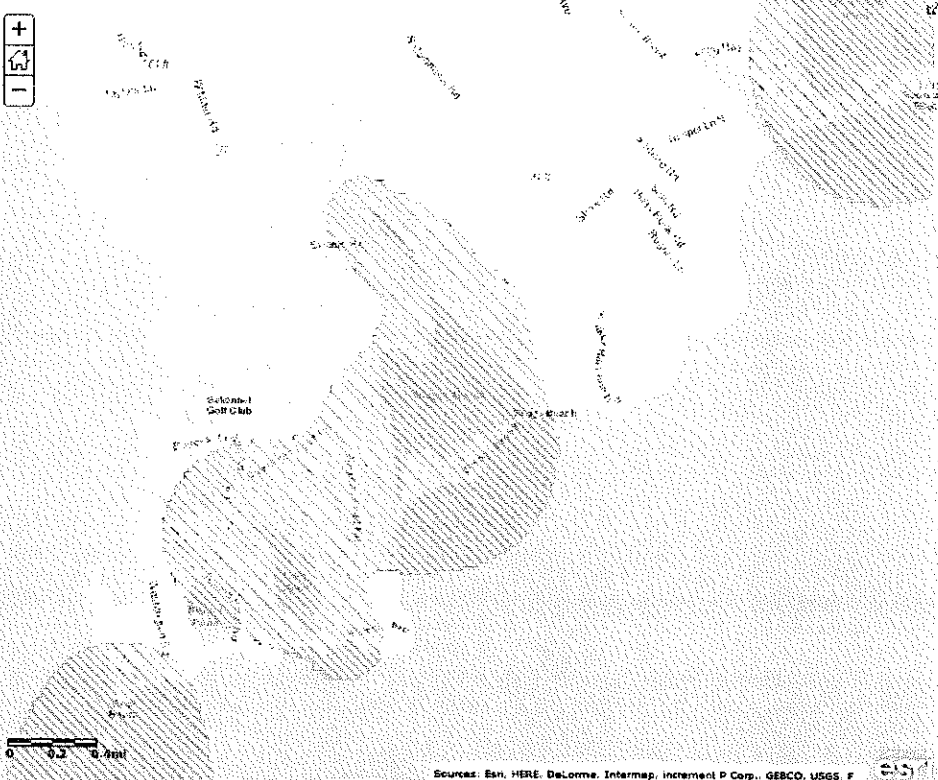
Details Basemap

Print Measure

Search input field with magnifying glass icon.

Contents

- ▶ Rhode Island Natural Heritage Areas
- ▶ Topographic



Scale bar: 0 0.2 0.4mi

Esri.com Help Terms of Use Privacy Contact Us Report Abuse

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, F...



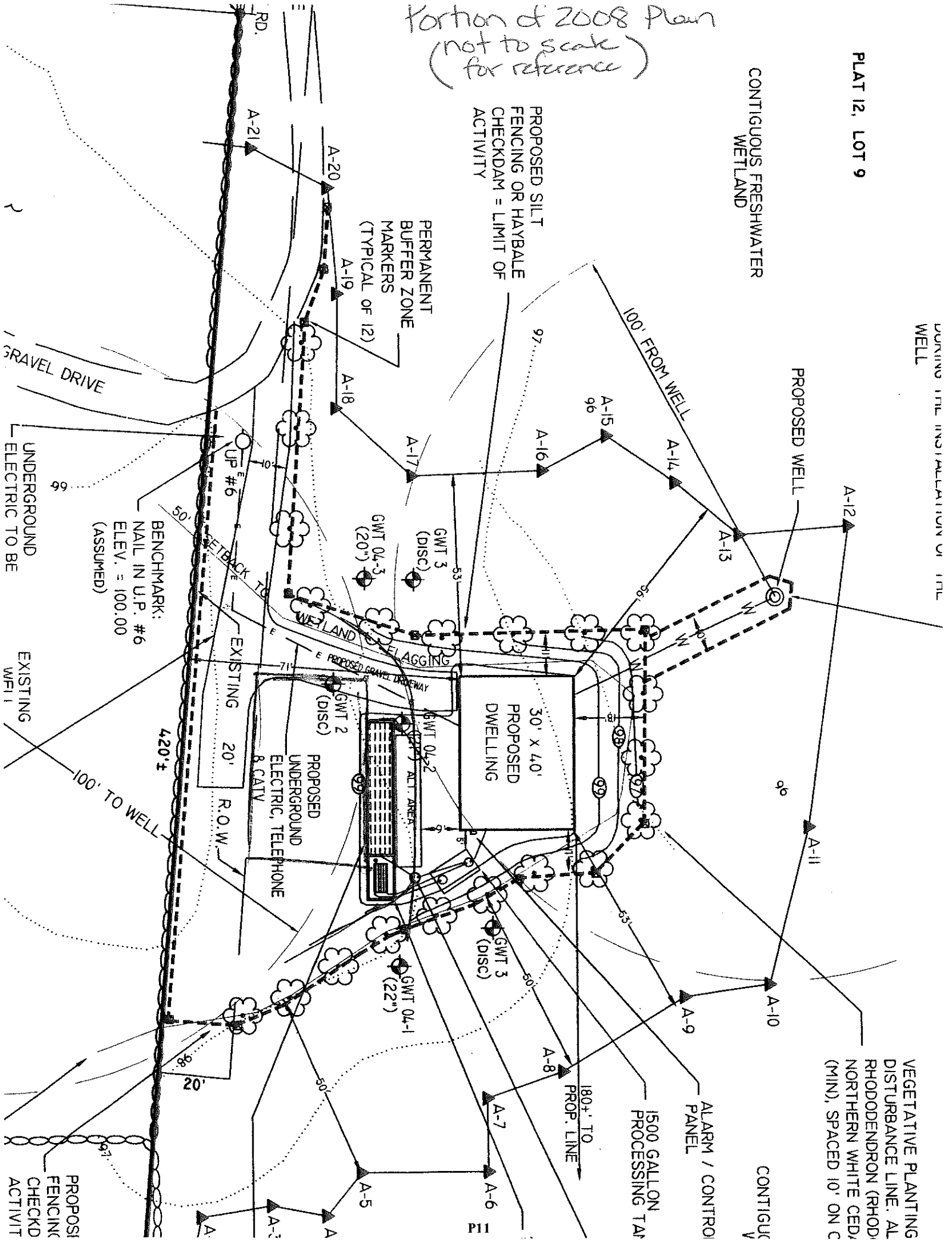
Portion of 2008 Plan
(not to scale
for reference)

PLAT 12, LOT 9

CONTIGUOUS FRESHWATER
WETLAND

DURING THE INSTALLATION OF THE
WELL

VEGETATIVE PLANTING
DISTURBANCE LINE. ALL
RHODODENDRON (RHOD,
NORTHERN WHITE CED,
(MIN), SPACED 10' ON C



PROPOSED
FENCING
CHECKD
ACTIVIT

EXISTING
WELLS

UNDERGROUND
ELECTRIC TO BE

GRAVEL DRIVE

RD.

2

2035: Nuisance Storms. Advanced STORMTOOLS

Flooding in 2035 (1' SLR): Nuisance Storms

5 year coastal storm w/ 1' SLR



USDA FSA, Microsoft | NACCS, URI OCE, URI EDC, RI CRMC, URI CRC | USACOE, NACCS, URI OCE, URI EDC | Esri, HERE, Garmin, iPC

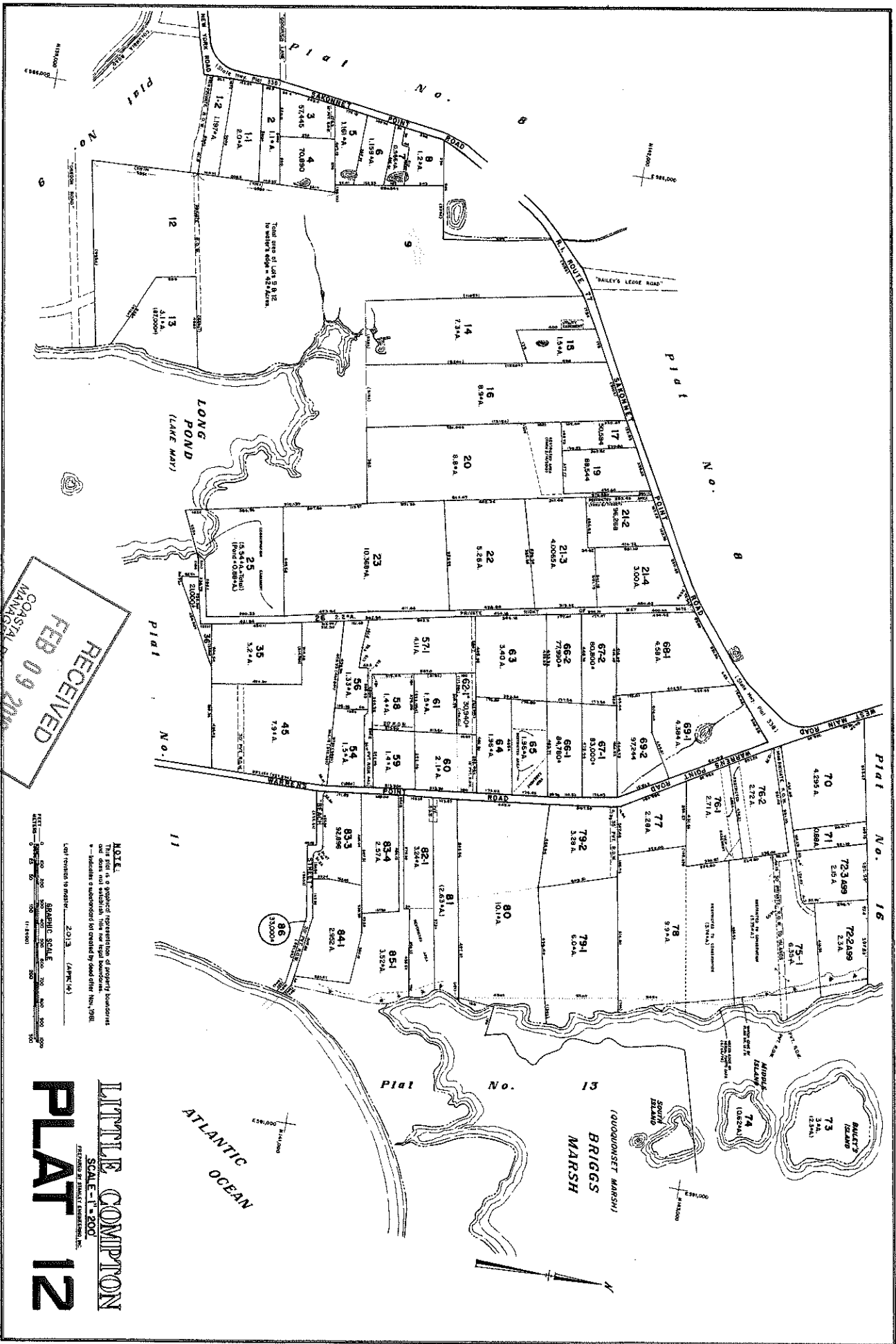
2035: Nuisance Storms. Advanced STORMTOOLS

Flooding in 2035 (1' SLR): Nuisance Storms

10 year coastal storm w 1' SLR



USDA FSA, Microsoft | NACCS, URI OCE, URI EDC, RI CRMC, URI CRC | USACOE, NACCS, URI OCE, URI EDC | Esri, HERE, Garmin, iPC



NOTE:
 This plat is a graphical representation of property boundaries and does not establish title. The new legal boundaries are indicated by a shaded area. This new legal boundaries are indicated by a shaded area. This new legal boundaries are indicated by a shaded area.
 * Indicates a subdivision lot created by deed after Nov. 1981.
 Lot 1 is shown in red. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86.

LITTLE COMPION
 SCALE - 1" = 200'
PLAT 12

Soils Legend

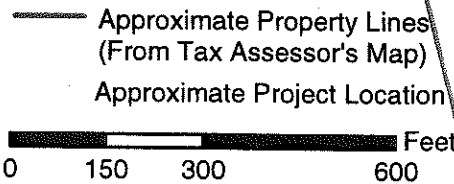
CeC - Canton and Charlton fine sandy loams, very rocky, 3-15% slopes: non-hydric
Ma - Mansfield mucky silt loam: hydric
Mk - Matunuck muck peat: hydric
PmA - Pittstown silt loam, 0-3% slopes: non-hydric
Se - Stissing silt loam: hydric



FOR ILLUSTRATIVE PURPOSES ONLY
NOT A SURVEY PLAN

USDA Soil Survey Map
Sakonnet Point Road
A.P. 12, Lot 9

Little Compton, RI



FEB 09 2016
COASTAL RESOURCES
MANAGEMENT COUNCIL



2014 USGS Digital True
Color Orthophotography
Natural Resource Services, Inc.
PO Box 311
180 Tinchant Lane
Hamlet, RI 02838
Tel: (401) 568-7595
Fax: (401) 568-7466
(c) 1990 RIGIS

Amy Silva

From: wsmithcec@aol.com
Sent: Friday, April 28, 2017 3:59 PM
To: asilva@crmc.ri.gov
Cc: dlough@haslaw.com; scott@nrswetlands.com
Subject: Christopher Sargent - Sakonnet Pont Road, Little Compton
Attachments: Sargent abutter list.pdf; sargent ltr size.pdf; sargent ledger size.pdf

Hello Amy;

I have attached an updated Abutters list for your use. I have also included letter size reduction of the plans as requested. Please note that the letter size is very difficult to read and I have also included a ledger size plan if you wish to use that.

We have reviewed the location of the existing driveway and its location relative to the right of way. Relocating in back onto the right of way would make the turn into the neighbors property extremely tight and limit access for any larger vehicles such as emergency vehicles, UPS truck, etc. Our preference would be to keep it the same. Changing the access to the neighbors property could also be problematic with the neighbor.

Bill Smith
Civil Engineering Concepts, Inc.
34A Main Street
Little Compton, RI 02837
401-592-0177 Ph
401-592-0178 Fax
Wsmithcec@aol.com



Virus-free. www.avg.com

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
 COASTAL RESOURCES MANAGEMENT COUNCIL
 4808 TOWER HILL ROAD; Suite 3, WAKEFIELD, RI 02819
 (401) 783-3370



FILE COPY

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

		File No.
Location No.	Street Sakonnet Point Rd	City/Town Little Compton
Owner's Name	Christopher Sargent	Plat No. 12
Mailing Address	4880 Glenbrook Rd NW	City/Town Washington State DC Zip Code 20016
Contractor RI Lic. #	Address	Tel. No.
Civil Engineering Designer	34A Main St Little Compton Address RI, 02837	Tel. No. 401-592-0177
Name of Waterway	Long Pond	Est. Project Cost \$ 300,000.00
		Fee/Costs \$ 1,750.00

Have you or any previous owner filed an application for and/or received an assent for any activity on this property? (If so please provide the file and/or assent numbers). 2008-12-062; 2007-12-023

IS THIS APPLICATION BEING SUBMITTED IN RESPONSE TO A COASTAL VIOLATION?
 YES _____ NO x

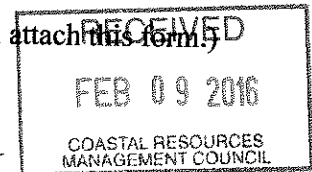
IF YES, YOU MUST INDICATE NOV OR C&D NUMBER _____

Name and Addresses of adjacent property owners whose property adjoins the project site. (Accurate addresses will insure proper notification. Improper addresses will result in an increase in review time.)

See attached abutters list

Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.)

Proposed construction of a single family home.



Christopher Sargent

 Owner's Signature

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicants property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

08/04

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the applicant's submission or in determining the fee to be paid, the applicant understands that additional fees may be assessed by the Coastal Resources Management Council. These fees must be paid prior to the issuance of any assent by the Coastal Resources Management Council.

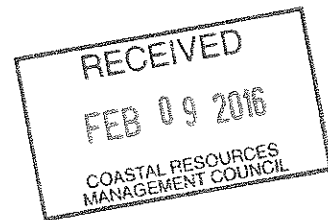
The applicant understands the above conditions and agrees to comply with them.

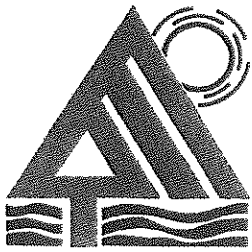
Christopher S. Sargent
Signature

2/3/16
Date

Christopher Sargent - 4880 Glenbrook Road NW Washington, DC 20016

Print Name and Mailing Address





Natural Resource Services, Inc.

December 15, 2016

Amy Silva
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

RE: Response to Additional Information Request
CRMC Application No. A2016-02-024
Christopher Sargent



Dear Ms. Silva:

Please accept this letter and the enclosures as the official response to your request for additional information. In your letter of October 26, 2016, you asked that Mr. Sargent provide information on the proposed right-of-way (ROW) maintenance, ROW ownership, and a response to Section 145 of the Coastal Resources Management Program (CRMP). I have enclosed revised copies of the site development plan from Civil Engineering Concepts, Inc. (CEC) and the written narrative prepared by my firm, Natural Resource Services, Inc. (NRS).

The revised plans from CEC no longer make any reference to maintaining the private ROW by adding crushed gravel. This language has also been removed from the written narrative. The ROW access services an existing single family home in its current condition. Should normal maintenance of the ROW be required, Mr. Sargent will submit a Request for Certificate of Maintenance, or other application as deemed appropriate, to the Coastal Resources Management Council (CRMC). The application before you is solely for the proposed dwelling and On-site Wastewater Treatment System (OWTS).

While your second comment may not be relevant now that the ROW maintenance has been removed, please be advised that Mr. Sargent is the fee simple absolute landowner of all of lot 9, all of lot 12 and the entirety of the ROW depicted on the Little Compton Tax Assessor's map for Plat 12. Mr. Sargent's attorney, David Lough of Hinckley Allen, has confirmed this for NRS and will provide you with a legal opinion if required.

Finally, your letter asks that the application address Section 145 of the CRMP relative to the effects of sea level rise. I have included a section in the revised narrative

to address this standard. According to the STORMTOOLS predictive model, the proposed dwelling would not be affected by 1, 2 or 3 feet of sea level rise. Scenarios of greater sea level rise do predict a level of encroachment onto the property.

Do not hesitate to contact me if you have any questions.

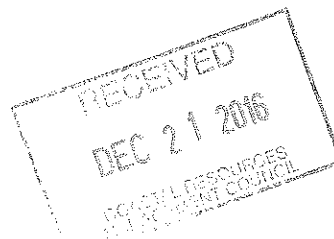
Very truly yours,

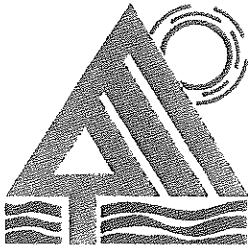


Scott P. Rabideau, PWS
Principal

Enclosures

Cc: Christopher Sargent
Robin Main





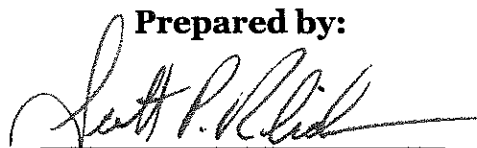
Natural Resource Services, Inc.

**Project Narrative in Support of Application for State Assent to
the RI Coastal Resources Management Council**

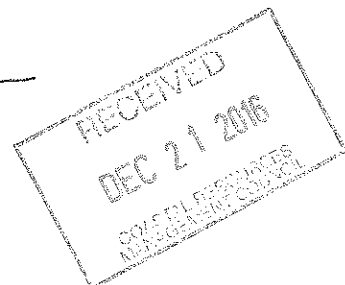
A.P. 12, Lot 9
Sakonnet Point Road
Little Compton, RI



Prepared for:
Christopher Sargent
4880 Glenbrook Road NW
Washington, D.C. 20016

Prepared by:

Scott P. Rabideau, PWS
Principal

December 15, 2016



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Appendices

Appendix A

USGS Topographic Map
USDA/NRCS SSURGO Soils Map
STORMTOOLS Map

Appendix B

Statements of Qualification

Introduction

The applicant is proposing the construction of a single family home within A.P. 12, Lot 9, in Little Compton, Rhode Island. The subject property is located on the west side of Long Pond with frontage that extends north to Sakonnet Point Road. This will include the construction of the house, associated yard, OWTS, rain garden, well, and underground utilities. Lot 9 is a 32 acre parcel with its road frontage on Sakonnet Point Road. The vast majority of this lot is comprised of contiguous freshwater wetland (CRMP, Section 210.3, A. 3.) that is associated with Long Pond (type 1 water). There is a portion of upland available off of an existing right of way (Part of Lot 9) that now serves as access to an existing dwelling on A.P. 12, Lot 13. The portion of upland located north of A.P. 12, Lot 13 is the location of the current proposal. The entirety of the proposed limit of disturbance is within the 200 foot Coastal Resources Management Council (CRMC) jurisdictional review area set from the contiguous freshwater wetland (CRMP, Section 100.1, A.). Due to the configuration of the wetland, a setback and buffer zone variance is required to be compliant with the policies of the CRMP (Coastal Resources Management Program).

Existing Conditions

Prior Applications: previous applications have been submitted and reviewed for this lot. Most recently a CRMC Preliminary Determination Application (CRMC file# D2008-12-062) was submitted for a proposed single family home on the same piece of upland as is currently proposed. Wetland flags A1 – A21 were field verified in conjunction with this earlier application. In response to comments received in this application, the applicant submits this current proposal with a number of changes from the original plan including;

- 1) reconfiguration of the OWTS to be further from the wetland,
- 2) reduction in size of the proposed house to a 24'x36' structure,
- 3) situation of the house further south away from the wetland,
- 4) implementation of a rain garden for stormwater management, and
- 5) proposal of a larger buffer zone than originally proposed.

In addition, this narrative addresses all pertinent sections of the CRMP as well as a written Impact Avoidance & Minimization Statement in accordance with Rule 9.02 of the Rules and Regulations Governing the Protection and Management of the Freshwater Wetlands in the Vicinity of the Coast.

Wetland Features: Site inspections revealed that a contiguous freshwater wetland extends over much of the subject property, dominating the site's eastern and northern regions and extending southward along the site's western boundary. The wetland feature appears to be directly associated with over 100 acres of wetland habitat on- and off-site, and is contiguous with Long Pond. The on-site portion of the contiguous freshwater wetland ranges between forested swamp and marsh habitat, and maintains a saturated to seasonally flooded hydrology. The majority of the swamp habitat is saturated and slopes

down to the seasonally flooded marsh to permanently flooded Coastal Pond. According to current regulations, the delineated edge of the wetland on-site represents the limit of the coastal feature associated with Long Pond. This coastal feature was determined to be a contiguous freshwater wetland (CRMP, Section 210.3, A., 3.) and is depicted as flags labeled A1 – A21 that were verified by CRMC in a previous application (CRMC file# D2008-12-062).

As previously mentioned the wetland was determined to be a contiguous freshwater wetland since it is contiguous with Long Pond. Long Pond is considered a coastal water body classified by the CRMC as Type 1 Waters. Type 1 waters includes “1) water areas that are within or adjacent to the boundaries of designated wildlife refuges and conservation areas, 2) water areas that have retained natural habitat or maintain scenic values of unique or unusual significance, and 3) water areas that are particularly unsuitable for structures due to their exposure to severe wave action, flooding, and erosion” (CRMP, Section 200.1).

Vegetative species found within the on-site portion of the contiguous wetland are outlined in the following table:

<i>Common Name</i>	<i>Scientific Name</i>	<i>Indicator Status</i>
Black Cherry	<i>Prunus serotina</i>	FACU
Common Reed	<i>Phragmites australis</i>	FACW
Highbush Blueberry	<i>Vaccinium corymbosum</i>	FACW-
Poison Ivy	<i>Toxicodendron radicans</i>	FAC
Pussy Willow	<i>Salix discolor</i>	FACW
Red Maple	<i>Acer rubrum</i>	FAC
Serviceberry	<i>Amalanchier canadensis</i>	FAC
Arrowwood	<i>Viburnum dentatum</i>	FAC

Coastal Buffer Zone and Upland Habitat: Due to the overall size of the subject parcel and the Type 1 water designation of nearby Long Pond, CRMP regulations would typically require the establishment of a 200-foot coastal buffer zone from the delineated edge of the coastal feature. An additional 25-foot construction setback would extend from the landward edge of the buffer zone. This combined coastal buffer and setback dominates much of this site.

The sole on-site area of significant upland habitat exists in the south-central portion of this property. This upland pocket spans about 27,000 square feet to the north of the established right-of-way. Roughly 170 linear feet exists between the site’s southern boundary and the northernmost edge of the wetland. As no on-site upland exists greater than 200 feet from the wetland’s identified edges, the required coastal buffer zone encompasses the entirety of the upland habitat on-site

Vegetative species identified within the coastal buffer zone are outlined in the following table:

<i>Common Name</i>	<i>Scientific Name</i>	<i>Indicator Status</i>
Black Cherry	<i>Prunus serotina</i>	FACU
Cinnamon Fern	<i>Osmunda cinnamomea</i>	FACW
Poison Ivy	<i>Toxicodendron radicans</i>	FAC
Red Maple	<i>Acer rubrum</i>	FAC
Southern Arrow-wood	<i>Viburnum dentatum</i>	FAC

Soils Information: The Rhode Island Soil Survey (USDA, 1981) depicts the area within the vicinity of the identified contiguous freshwater wetland to be mapped as multiple hydric soils, including Stissing silt loam (Se), Matunuck mucky peat (Mk), and Mansfield mucky silt loam (Ma). Each of these soil designations are characterized by fairly high water tables and accumulations of organic matter and would be consistent with the hydric soil conditions that were observed throughout the subject wetlands. The Soil Survey depicts the limited upland portions of the site mapped as the Canton and Charlton fine sandy loams (CeC). This non-hydric soil designation is consistent with NRS field observations throughout the upland regions of this site.

Proposed Alterations

The applicant is proposing the construction of a single family home within the subject property. This will be a single-family dwelling that will be constructed within the southern pocket of upland habitat. This house was reduced in size from previous versions of this plan to the now proposed 24'x 36' structure. A driveway will be constructed to connect this dwelling with the existing right-of-way located to the immediate south. The driveway will be constructed of at least three inches of ¾ inch crushed stone to be considered permeable surface in accordance with the Rhode Island Stormwater Design and Installation Standards Manual (RI DEM 2010). An advanced on-site wastewater treatment system (OWTS) that utilizes a recirculating tank, Advantex pretreatment system, and bottomless sand filter will be installed to the north of the house. In order to maintain the required setback distance from the OWTS, the proposed well would be located to the northwest of the dwelling. Underground utility lines will be installed under the driveway. A rain garden is proposed on the eastern side of the house to treat runoff emanating from the house during rain events. Finally, grading will be performed as necessary, and the limited recreational yard space will be established surrounding the proposed project area as depicted in the accompanying site plan.

Current regulations require that a 200-foot coastal buffer zone be applied to the delineated edge of the contiguous freshwater wetland on-site. As previously described, all upland areas fall within this 200-foot buffer. Thus, any development of the subject property would require some variance to the applicable standards.

The applicant has situated the entire project area within the available upland pocket to provide the least amount of impact to the greatest extent possible. As such, a minimum 50-foot buffer and additional 15-foot setback would be maintained between the

proposed dwelling and the nearest edge of the contiguous wetlands. In certain areas, this buffer zone would reach 90 feet or more.

A temporary disturbance on the property shall occur in close proximity to the delineated wetland edge. This disturbance shall entail the construction of an on-site well, a water main and the surrounding silt fence/haybale perimeter. As calculated on the design plans, the closest distance between the limit of disturbance surrounding the well and the delineated wetland edge shall amount to twelve feet. As such, the applicant requires a variance to the buffer zone standard; the 200 foot buffer zone would need to be reduced by 94% to allow for the installation of the well and the perimeter of erosion controls. However, once the installation of the well has been completed, the area shall revegetate naturally and retain its status as a buffer zone.

In conjunction with the project permanent buffer zone markers are proposed along the limit of the proposed buffer zone. These will be four inch by four inch wooden posts that will designate and protect the buffer zone for future occupants.

The following table details the current conditions on-site and the new variances that the applicant is seeking. The proposed buffer and setback conditions outlined below represent the coastal buffer that will remain around the proposed dwelling. Note that both the buffer and setback distances are the *minimum* proposed around the dwelling, and will actually exceed these distances in most areas.

	Coastal Buffer Zone	Construction Setback
Required Conditions	200 feet	225 feet
Proposed Permanent Conditions (House)	50 feet	65 feet
Proposed Permanent Conditions (Driveway)	12 feet	14 feet
Requested Variance	94%	94%

The applicant has incorporated proper mitigating measures in association with the overall project design. First, erosion controls would be established along all limits of disturbance to assist in preventing any erosive processes from compromising the integrity of the adjacent wetlands or the associated coastal waters. In addition, a dense alternating row of Rosebay Rhododendron (*Rhododendron maximum*) and Northern White Cedar (*Thuja occidentalis*) would be planted along the limits of disturbance to provide a year-round vegetative barrier between human and wildlife populations, while also creating a buffer from potential anthropogenic noise and visual disturbance. Additionally a rain garden will treat runoff emanating from the roof and a permeable driveway will be constructed to promote infiltration. These features will contribute significantly to the preservation of the contiguous wetland's existing water quality, and other related functions and values.

Part One of Coastal Resources Management Program

Section 120: Variances

- (1) *The proposed alteration conforms with applicable goals and policies of the Coastal Resources Management Program.*

It is our opinion that the project as proposed conforms with Parts Two and Three of the CRMP. This narrative addresses each of the corresponding program requirements.

- (2) *The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.*

The applicant seeks a 94% maximum reduction in the width of the required coastal buffer zone. This shall allow for the temporary construction of the well—a disturbed area which will be allowed to naturally revegetate upon its completion. In other locations, only a 55% buffer zone variance is required. The approval of this request will not result in any significant adverse impacts to the contiguous wetland or the associated coastal water body due to careful project design. The current design would allow a minimum 50 foot vegetated buffer to remain between the proposed dwelling and the nearby edge of contiguous wetland. This design will maintain a minimum distance of 65 linear feet between the dwelling and the closest part of the wetland edge. Additionally, a number of mitigation measures have been implemented as outlined in later sections of this report. Therefore, this project should not result in any adverse environmental impact or use conflicts.

- (3) *Due to conditions at the site in question, the applicable standard(s) cannot be met.*

It is evident, as seen in the accompanying site plan, that the extent and position of the contiguous freshwater wetland on-site renders the development of the subject property impossible without some activity within the required 200-foot coastal buffer zone. The entirety of the available upland is situated within the required 200 foot buffer zone as there is contiguous freshwater wetland to the east, north, and west. No use of this property for its zoned purpose as a residential lot is possible without some variance from the current standards. In order to lessen potential impacts resulting from this project, the applicant has reduced the overall scale of the project area as much as possible from previous, more desirable layouts.

- (4) *The modification requested by the applicant is the minimum variance to the applicable standard(s) necessary to allow a reasonable alteration or use of the site.*

The requested variance is the minimum necessary to allow the construction of a single family dwelling within any portion of the subject parcel. The position and extent

of the on-site contiguous wetland and the limited availability of nonjurisdictional upland has required the proposed variances to the coastal buffer zone and construction setback.

- (5) *The requested variance to the applicable standard(s) is not due to any prior action of the applicant or the applicant's predecessors in title. With respect to subdivisions, the Council will consider the factors as set forth in (B) below in determining the prior action of the applicant.*

The requested variance is not due to any prior action of the applicant. The aforementioned hardship is a result of the overwhelming presence of wetland habitat on-site and the corresponding lack of any non-jurisdictional upland habitat.

- (6) *Due to the conditions of the site in question, the standard(s) will cause the applicant an undue hardship. In order to receive relief from an undue hardship an applicant must demonstrate inter alia the nature of the hardship and that the hardship is shown to be unique or particular to the site. Mere economic diminution, economic advantage, or inconvenience does not constitute a showing of undue hardship that will support the granting of a variance.*

The hardship is based on the situation of the wetland, size of the lot, and water type associated with the wetland that result in a required 200 foot buffer zone and 225 foot setback from the delineated edge of the contiguous freshwater wetland that exists around the buildable upland on three sides. Thus, activities within relatively close proximity to the contiguous wetland would be unavoidable with any development of this site.

Section 140: Setbacks

CRMC regulations require a construction setback that extends out 25 linear feet from the established coastal buffer zone. While landscape activities are allowed within this setback area, structures, walls and significant grading require a variance from this standard. The scope of this project has been reduced to the greatest extent possible in order to allow a minimum setback of 15 linear feet from the closest edge of the proposed coastal buffer zone. This proposed setback will allow some separation between the proposed dwelling and the limit of the vegetated buffer zone that will be maintained as lawn.

Section 145: Climate Change and Sea Level Rise

It is understood that the CRMC recognizes that sea level rise is ongoing and accelerating in its rate. The Rhode Island coastline is at risk from this potential rate of sea level rise and applicants must acknowledge that they are in fact aware of the agency's predictive modeling. The policy set forth in Section 145 is to plan for a base rate of a 3 to 5 foot rise in sea level by 2100.

Based upon the STORMTOOLS predictive model, the Sargent property and the proposed dwelling would not be impacted by a 1, 2 or 3 foot rise in sea level. At the 5 foot interval the majority of the lot is inundated, but the home site would be above the

level. It is at the 7 foot mark that sea levels would begin to adversely impact the dwelling and OWTS. The STORMTOOLS map for the subject property is provided in Appendix A.

Section 150: Coastal Buffer Zones

The buffer zone is important for the preservation of any coastal feature. The six (6) benefits resulting from the utilization of buffer zones, as detailed by the Coastal Resources Management Program (CRMP), Section 150, include 1) the buffer's ability to serve as an erosion control measure, 2) the prevention of pollution to open water bodies, 3) the protection of native flora and fauna species, 4) the preservation and enhancement of scenic qualities, 5) aiding in the prevention of excess flooding, and 6) the protection of historic and archaeological resources.

Section 150, B., 3., (a) of the CRMP Regulations states that *"the presence of vegetation within a buffer zone, especially when on and adjacent to areas of steep slope, aids in the stabilization of soils, as well as slowing the velocity of runoff water"*.

As proposed, this project will maintain a minimum 50 linear feet of vegetated buffer zone around the proposed dwelling. This buffer, along with the undisturbed and vegetated areas of contiguous wetland, would continue to aid in the stabilization of soils, as well as slowing the velocity of potential runoff water. Additionally, the proposed rain garden will treat runoff emanating from the new impervious surface on the lot. The vegetation within the buffer will be augmented by the proposed planting of screening vegetation along select permanent limits of disturbance. It is important to note that the southern portion of this site exhibits a fairly level topography. Thus, the screening vegetation and remaining vegetated areas of buffer and contiguous wetland should be sufficient to serve this purpose.

Section 150, B., 3., (b) of the CRMP Regulations states that *"the presence of vegetation along the perimeter of water bodies effectively traps pollutants carried by runoff water, and absorbs nutrients from groundwater supplies. This benefit is noted to be especially important in areas abutting poorly flushed water bodies"*.

Although portions of this project will fall in close proximity to the on-site contiguous wetlands, the entirety of the development will remain at least 180 linear feet away from Long Pond. The dense shrub/forest vegetation within this interposing distance should be sufficient to effectively trap pollutant and absorb nutrients from groundwater supplies.

Section 150, B., 3., (c) of the CRMP Regulations states that *"an additional purpose of a coastal feature buffer zone is to protect the potential feeding and breeding environment, and overall habitat of native species of wildlife. Vegetation within buffer zones provide feeding, breeding, nesting, and resting areas, as well as providing cover, for a variety of wildlife species."*

Wildlife values on-site are currently unrestricted in most locations, with the exception of the site's western, northern and southern boundaries. These portions of the property exist in close proximity to existing residential developments and public roadways. Wildlife habitat utilization is most likely concentrated within interior portions of the delineated wetland and along the shoreline of Long Pond. These areas have the greatest potential to supply a variety of habitat values to various mammals, passerines, and amphibians, as well as shorebirds, waders, and fish populations within the pond itself.

The proposed project should not compromise any currently observed wildlife habitat values associated with this site. The construction of the proposed development will occur entirely within the site's southern upland pocket, in relatively close proximity to existing, off-site development to the south. There will be ample habitat space left undisturbed as a result of this project. The entire limit of disturbance represents approximately <1.0% of the entire lot. Any disturbances to result from the construction of the well shall revegetate naturally upon completion of this feature and its water main. Furthermore, the installation of screening vegetation along the permanent limit of disturbance will provide an additional measure of visual and auditory mitigation, as well as acting as a physical barrier against accidental intrusion into potential wildlife habitat. Therefore, the southern portion of this site and the remaining buffer zone should continue to offer value as potential wildlife habitat.

Section 150, B., 3., (d) of the CRMP Regulations states that *"the application of a buffer zone also aids in the preservation of the natural appearance of the shoreline. Section 150 of the CRMP Regulations notes that vegetation should be utilized to screen buildings in areas of rural character from vantage points on the water and adjacent shoreline"*.

The proposed project area is a minimum distance of 180 feet from the nearest coastal waters of Long Pond. This separation distance, along with the natural vegetation that will remain within this area, should continue to preserve the natural appearance of the shoreline. Additionally, this value will be further augmented by the proposed screening vegetation, and the creation of a minimum 50 foot vegetated buffer zone.

Section 150, B., 3., (e) of the CRMP Regulations states that *Coastal buffer zones reduce the velocity of runoff waters by encouraging infiltration into the ground. As such, excess water recharges the groundwater instead of flowing overland to flood low lying areas"*.

The proposed coastal buffer will remain vegetated and capable of reducing the velocity of potential runoff waters. This value will be further aided by the dense vegetative cover that exists throughout the contiguous wetland, between the proposed dwelling and Long Pond. These areas should offer sufficient space for the infiltration of runoff waters and the recharge of groundwater supplies.

Section 150, B., 3., (f) of the CRMP Regulations states that “*coastal buffer zones aid in the protection of historic and archaeological sites. Vegetation within the coastal buffer zones help to prevent intrusion into these areas in addition to protecting the site’s natural surroundings*”.

There were no historic or archaeological sites depicted in the vicinity of the intended project area indicated by the RI GIS data for this area. Furthermore, no such sites were observed during the site visits. However, a vegetated buffer will remain between the proposed project area and the nearby edge of contiguous wetlands, as well as Long Pond. These vegetated areas should continue to prevent intrusions and protect the site’s natural surroundings.

Part Two of Coastal Resources Management Program

Section 200.1

The waters directly abutting the subject property have been identified as Type 1 Waters. These waters are defined by the CRMP as: “1) water areas that are within or adjacent to the boundaries of designated wildlife refuges and conservation areas, 2) water areas that have retained natural habitat or maintain scenic values of unique or unusual significance, and 3) water areas that are particularly unsuitable for structures due to their exposure to severe wave action, flooding, and erosion.”

The CRMC protects Type 1 waters from activities and uses that have the potential to degrade scenic, wildlife, and plant habitat values, or which may adversely impact water quality or natural shoreline types.

This residential development project has been proposed at a location and scale specifically to meet these goals, and preserve and protect the functions and values of the identified resource areas. This project will not alter the landscape associated with Long Pond to a degree that is inconsistent with the water type classification in this area. The entirety of the vast, on-site contiguous wetlands would remain intact and undisturbed by this project, and protected by the proposed buffer zone. By allowing these potential habitat areas to remain intact, the overall value of this site for a variety of wildlife species should remain relatively constant. Therefore, no significant or adverse impact to the area’s ability to offer wildlife habitat and maintain scenic values is anticipated.

Section 210.3

One of the Council’s goals is to preserve and, where possible, restore coastal wetlands. The current project scope would avoid any direct alteration or subsequent disturbance to either the on-site contiguous wetlands or nearby Long Pond. The marsh portion of the wetland is dominated by the invasive *Phragmites australis*. This portion was subject to a recent invasive species management project that was conducted under a permit issued by the CRMC. The remaining coastal wetlands associated with this site are currently in good condition, having not been subject to any past, significant disturbances. The

forested and shrub dominated portion of the wetland are dominated by primarily native species including Arrowwood, Serviceberry, Willow, Red Maple, Sweet Pepper Bush, and Winterberry among other species. As such, further restoration of the wetlands is not necessary for this project.

Part Three of Coastal Resources Management Program

Section 300.1

The following responses address each of the 11 requirements outlined in Section 300.1 of the Rhode Island CRMP concerning Category B Requirements for work in tidal and coastal pond waters, on shoreline features, and their contiguous areas. These responses correspond numerically to each of the 11 concerns outlined in this section of the CRMP regulations.

(1) *Demonstrate the need for the proposed activity or alteration;*

The proposed house location is the only location available for such work on this lot since the majority of the property is comprised of a contiguous freshwater wetland associated with Long Pond. There is another upland area on the lot on the north most corner designated by wetland flagging 1 – 12. This area is significantly smaller than the proposed location and any proposal for this area would require a greater disturbance to the wetland, buffer zone, and setback than is currently proposed. As such, the currently proposed location was chosen to avoid and minimize potential impacts to the wetland resources. The required 200-foot coastal buffer zone encompasses the remainder of this site. Any development of this site would therefore require some variance from the applicable standards. This project has been proposed at a location and scope that would significantly limit the overall impact resulting from this project.

(2) *Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in Sections 300.2, 300.3, 300.6, 300.8, 300.9, 300.11, 300.13, 300.15 and 300.17; for projects on state land, the state building official, for the purposes of this section, is the building official;*

All applicable local zoning ordinances, building codes, and flood hazard standards have been met. In addition, all safety codes, fire codes, and environmental requirements have or will have been met upon completion of this project.

(3) *Describe the boundaries of the coastal waters and land area that are anticipate to be affected;*

Much of this site is encompassed by contiguous wetland habitat that is associated with a nearby coastal water body identified as Long Pond. A detailed description of these features and their associated 200-foot CRMC buffer zone can be found within the Exist-

ing Conditions section of this narrative. There is no work that will take place within the wetland, only the upland portion of the lot.

- (4) *Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters;*

The proposed project area will occur a minimum distance of 180 linear feet from the nearest edge of Long Pond. The intermediary area of contiguous wetland consists of dense overstory and understory vegetation. Both this vegetated area, and the proposed buffer zone, will reduce the potential for any erosion and/ or deposition to affect the shore of the identified tidal waters. Furthermore, Long Pond has minimal deposition processes acting as this pond is not tidally affected on a daily basis.

- (5) *Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;*

The current project design has been proposed within the extreme southern portion of this site, adjacent to an existing right-of-way and near off-site residential development. The nature of this area would suggest that visual and auditory disturbances are the highest here. The other natural, undisturbed portions of this site likely offer higher wildlife habitat values, as does the abutting shoreline of Long Pond. By allowing these natural areas to remain vegetated and undisturbed by this project, their current value for wildlife habitat should remain constant. Therefore, significant impact on the abundance and diversity of animal or plant species is anticipated.

- (6) *Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;*

Access to Long Pond or any other coastal waters will not be restricted or impacted by this project. The project area will be accessed by an existing private right-of-way, and will occur at least 180 linear feet from the coastal pond. No public access point to coastal waters will be utilized by this project.

- (7) *Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;*

This project will not result in disturbance to any portion of the contiguous wetlands, or to Long Pond. This design, along with the nature of this residential development project, should avoid any significant impact to water circulation, flushing, turbidity, or sedimentation. Furthermore, the implementation of proper erosion and sedimentation control measures in association with this project should ensure no impact results due to sedimentation.

- (8) *Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;*

The applicant has employed specific mitigating measures in order to protect the water quality of the contiguous wetlands, and nearby Long Pond. Specifically, erosion and sedimentation controls will be established along all limits of disturbance, as depicted by the accompanying site plan. Additionally, dense screening vegetation will be established along the permanent limit of disturbance, which would aid in reducing sedimentation and promoting natural nutrient removal. Finally, alternate technologies have been incorporated into the design of the proposed septic system. Combined, these measures will ensure the preservation of the existing water quality of all the identified resource areas.

- (9) *Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;*

There are no historic or archaeological areas on-site or in close proximity to the project area, as identified by RI GIS data. Likewise, no such features were observed within the proposed project area during the initial site visit. Therefore, no significant impact to areas of historic or archaeological importance is anticipated to result from this project.

- (10) *Demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;*

As currently proposed, this project does not have the potential to result in impacts to recreational boating, fishing, swimming, navigation, and/or commerce within any coastal waters. All activity will occur at least 180 linear feet away from Long Pond. Additionally, it should be noted that all recreational values offered by the on-site wetland habitat will be preserved by this project, as these wetlands will remain completely undisturbed and protected from encroachment by the proposed mitigation scheme.

- (11) *Demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 330).*

This project will not result in an adverse scenic impact associated with the nearby shoreline and is consistent with the policies outlined Section 330 (A. and B.) of the CRMP. Roughly 180 linear feet of thickly vegetated habitat will remain intact between the proposed project area and the closest edge of Long Pond. This vegetated area will continue to serve as a visual buffer against potential adverse scenic impacts.

Rule 9.02D: Avoidance and Minimization Requirement

As required by Rule 9.02D of the *Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast*, the applicant has made every attempt to avoid, minimize and mitigate any potential impacts resulting from the

currently proposed project. The following responses address each of the Rule 9.02D concerns and their respective criteria.

Rule 9.02D (1) – Impact Avoidance

The applicant has attempted to avoid potential wetland impacts to the greatest degree practicable. Specifically, the current proposal will utilize an existing access right of way to access the property and utilize the only substantial piece of upland on the property. By designing the project in this way, no direct impact to the wetland will be required. In addition, a rain garden and permeable driveway will be constructed to mitigate storm-water emanating from the new impervious surface on the lot. The OWTS will be designed to pretreat effluent and utilize a bottomless sand filter for maximum treatment. Erosion controls will be implemented around the entire limit of disturbance to minimize the potential that sedimentation occurs outside of the project area. Screening vegetation will be planted along the proposed buffer zone along with permanent buffer markers.

In accordance with Rule 9.02D (1) of the Regulations, the applicant has addressed the six (6) criteria concerning impact avoidance. The responses below correspond to each of these criteria:

- (a) *Consider and address whether the primary proposed activity is water-dependent or whether it requires access to freshwater wetlands as a central element of its primary purpose (e.g., a pier);*

This project is in no way water dependent, nor does it rely upon access to wetlands as part of its primary purpose. Due to the size and position of wetlands on the lot the required buffer and setback distances cannot be met. However, this project has been designed to protect the wetland and buffer zone.

- (b) *Consider and address whether any areas within the same property or other properties owned or controlled by the applicant could be used to achieve the project purpose without altering the natural character of any freshwater wetlands;*

The proposed house location is the only location available for such work on this lot since the majority of the property is comprised of a contiguous freshwater wetland associated with Long Pond. There is another upland area on the lot on the north most corner designated by wetland flagging 1 – 12. This area is significantly smaller than the proposed location and any proposal for this area would require a greater disturbance to the wetland, buffer zone, and setback than is currently proposed. As such, the currently proposed location was chosen to avoid and minimize potential impacts to the wetland resources. The natural character of the existing wetlands will remain virtually unchanged.

- (c) *Consider and address whether any other properties reasonably available to, but not currently owned or controlled by, the applicant could be used to achieve the project purpose while avoiding wetland alterations. A property is reasonably available if, in whole or in part, it can be acquired without excessive cost, taking*

individual circumstances into account, or, in the case of property owned or controlled by the same family, entity, group of affiliated entities, or local, state or federal government, may be obtained without excessive hardship;

No alternate property can be used to accomplish the project goal of constructing a house on this lot. There is no reasonably available developable land within close proximity to this lot that would not incur excessive cost. The applicant wishes to construct one single family home on the only available upland on this approximately 32 acre lot.

- (d) *Consider and address whether alternative designs, layouts or technologies could be used to avoid freshwater wetlands or impacts on functions and values on the subject property or whether the project purpose could be achieved on other property that is reasonably available and would avoid wetlands;*

The current project design, layout, and technologies were all chosen to provide the greatest level of impact avoidance possible, while still achieving project goals. As previously noted, the project was reduced in scale to minimize disturbance, and mitigation controls including, silt fence/haybales, buffer markers, screening vegetation, and stormwater management controls have been proposed to avoid and minimize potential impacts to the wetland features. No other designs or technologies could be used to achieve the project goals while also avoiding wetland impacts any more than the current proposal.

- (e) *Consider and address whether the applicant has made any attempts (and if so what they were) to avoid alterations to freshwater wetlands by overcoming or removing constraints imposed by zoning, infrastructure, parcel size or the like;*

The project does comply with local zoning ordinances however the building setbacks do not contribute to the necessity to work within the required buffer zone and setback. The situation of the wetland, water type associated with the wetland, and size of the lot require that any work on any part of the available upland be within the required 200 foot buffer zone. Furthermore, the house is situated only 25 feet from the southern property boundary, within close proximity to the neighboring structure. In addition, the neighboring property's well is situated only approximately 45 feet south of the southern property line. This, in combination with the required proposed well location leaves a narrow window for construction of the OWTS. Thus, the alleviation of any such concerns would not allow for a greater level of impact avoidance.

- (f) *Consider and address whether the feasible alternatives that would not alter the natural character of any freshwater wetlands on the subject property or on property that is reasonably available, if incorporated into the proposed project would adversely affect public health, safety or the environment.*

As previously noted, no other alternatives exist on the lot that would result in less of an impact to the wetland and buffer zone. Thus, it is the applicant's belief that the cur-

rent project design represents the optimum layout and will not result in any such adverse consequences to public health, safety, and/ or the environment.

Rule 9.02D (2) – Impact Minimization

Although the complete avoidance of wetland impacts cannot be attained, this project has been designed to minimize resultant impacts to the greatest extent practicable. For example, the house was reduced in size to a 24' x 36' structure so that a larger buffer zone could be incorporated into the project. Additionally, the layout has been revised from previous designs to minimize potential impacts by situating the house closer to the southern property line.

The proposed location for the well and its water main shall be situated twelve feet away from the delineated wetland edge; furthermore, the construction of the well shall be temporary and will revegetate naturally upon completion. Buffer markers and screening vegetation will also be installed along the proposed buffer zone to further protect the wetland resources.

The following information addresses each of the four (4) concerns outlined in Rule 9.02D(2) regarding minimization:

- (a) *Consider and address whether the proposed project is necessary at the proposed scale or whether the scale of the wetland alteration could be reduced and still achieve the project purpose;*

No further reduction in the scale of this project is possible without compromising the project goals to a prohibitive effect. The proposed work is necessary to allow for a modestly sized single family home with limited yard space. The project has already been reconfigured and reduced in size from previous, more desirable versions of this plan. In addition, none of the other necessary features such as the OWTS, stormwater mitigation, etc., could be eliminated or reduced in scale without requiring different measures to be incorporated into the design that would certainly have a more significant impact on wetland resources than those currently proposed.

- (b) *Consider and address whether the proposed project is necessary at the proposed location or whether another location within the site could achieve the project purpose while resulting in less impact to the wetland;*

As previously described, no other location on the property could satisfy the desired goal of creating a single family home on this 42 acre parcel. The other upland area identified on the lot (WF1 – WF12) would require a greater incursion into the buffer zone and setback and may even require filling of portions of wetland. Therefore it was determined the proposed location depicts the optimum location for the proposed single family home.

- (c) *Consider and address whether there are feasible alternative designs, layouts, densities or technologies that would result in less impact to the wetland while still achieving the project purpose;*

No feasible alternative designs, layouts, densities or technologies are available that would result in less impact to the wetland while still achieving the same project purpose. The current project layout significantly minimizes wetland impacts by reducing the size of the house, changing the layout of the plan, implementing screening vegetation, an advanced treatment OWTS, pervious driveway, rain garden, buffer markers, and erosion controls. As such, it is the opinion of the applicant that no alternative designs could be utilized that would result in less impact than that which is currently proposed.

- (d) *Consider and address whether reduction in the scale or relocation of the proposed project to minimize impact to the wetland would result in adverse consequences to public health, safety or the environment.*

There is no alternate scale, location, design, or layout for the project that would complete the project's goals while further reducing impacts to state jurisdictional wetlands. The project has been reduced in scale from previous versions and an additional reduction in size would be prohibitive to the project. The current project design represents the optimum layout and will not result in any such adverse consequences to public health, safety, and/ or the environment.

Rule 9.02D (3) – Mitigating Measures

In accordance with Rule 9.02D (3), the applicant has attempted to mitigate any potential impacts that may result from this project. Besides utilizing design methods to avoid and minimize potential impacts to state jurisdictional wetlands, this project has also proposed the implementation of several mitigating measures.

The first of these measures shall include the establishment of erosion and sedimentation control measures along all various limits of disturbance, as detailed by the accompanying site plan. Once established, such measures would remain in place and be monitored on a regular basis until all construction activity has ceased and the surrounding grade has stabilized. Strict application of this measure will ensure that neither erosion nor sedimentation potentially occurring during the construction process adversely or significantly impacts the overall water quality of nearby freshwater wetlands (Barrett et al. 1995; Knowen 1990).

Although the current design does call for an increase in the amount of impervious surface on the lot a pervious driveway and rain garden have been proposed in accordance with the Rhode Island Stormwater Design and Installation Standards Manual (RI DEM 2010). The driveway will be constructed of at least three inches of $\frac{3}{4}$ inch crushed stone to be considered permeable surface in accordance with the Rhode Island Stormwater Design and Installation Standards Manual. The rain garden will be a depressed vegetated

area that will have runoff from the roof directed to it where water will be retained, treated, and promoted to infiltrate into the groundwater.

In addition, permanent buffer zone markers and a dense alternating row of Rosebay Rhododendron (*Rhododendron maximum*) and Northern White Cedar (*Thuja occidentalis*) would be planted along the limits of disturbance to provide a year-round vegetative barrier between human and wildlife populations, while also creating a buffer from potential anthropogenic noise and visual disturbance.

Any disturbances accrued from the development of the well will be temporary in nature. As previously stated, this area shall be allowed to revegetate naturally upon the completion of the well and its associated water main. No further development shall commence on this portion of the project site.

As proposed, this mitigation scheme represents the applicant's attempt to ensure the stabilization of the site and protection of wetland water quality. As such, it is the applicant's contention that all impacts have been mitigated as required by the Rules and Regulations Governing the Protection and Management of the Freshwater Wetlands in the Vicinity of the Coast (Rule 9.02D).

Conclusion

The applicant is proposing the construction of a single family home within A.P. 12, Lot 9, in Little Compton, Rhode Island. This will include the construction of the house, associated yard, OWTS, rain garden, well, and underground utilities. The vast majority of this lot is comprised of contiguous freshwater wetland (CRMP, Section 210.3, A. 3.) that is associated with Long Pond (type 1 water). The project is proposed on a portion of upland available off of an existing right of way (r.o.w.) that now serves as access to A.P. 12, Lot 13.

Current regulations require that a 200-foot coastal buffer zone and 225-foot construction setback be applied to the delineated edge of the contiguous freshwater wetland on-site. The applicant has situated the entire project area within the available upland pocket to provide the least amount of impact to the greatest extent possible. As such, a minimum 50-foot buffer and additional 15-foot setback would be maintained between the proposed dwelling and the nearest edge of the contiguous wetlands. In certain areas, this buffer zone would reach 90 feet or more. However, a 94% reduction to the 200 foot buffer zone would be required to allow for the placement of the well. The disturbance of this well's construction shall be temporary in nature. Once completed, the applicant will allow for the area to revegetate naturally once the silt fence/haybale perimeter is removed.

The applicant has incorporated proper mitigating measures in association with the overall project design. First, erosion controls would be established along all limits of disturbance to assist in preventing any erosive processes from compromising the integrity of the adjacent wetlands or the associated coastal waters. In addition, a dense alternating

row of Rosebay Rhododendron (*Rhododendron maximum*) and Northern White Cedar (*Thuja occidentalis*) would be planted along the limits of disturbance to provide a year-round vegetative barrier between human and wildlife populations, while also creating a buffer from potential anthropogenic noise and visual disturbance. Additionally a rain garden will treat runoff emanating from the roof and a permeable driveway will be constructed to promote infiltration. These features will contribute significantly to the preservation of the contiguous wetland's existing water quality, and other related functions and values.

Literary References

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Smith, Susan B., Kathleen H. McPherson, Jeffrey M. Backer, Barbara J. Pierce, David W. Podlesak, Scott R. McWilliams. "Fruit quality and consumption by songbirds during autumn migration". *The Wilson Journal of Ornithology* 119(3):419–428, 2007.

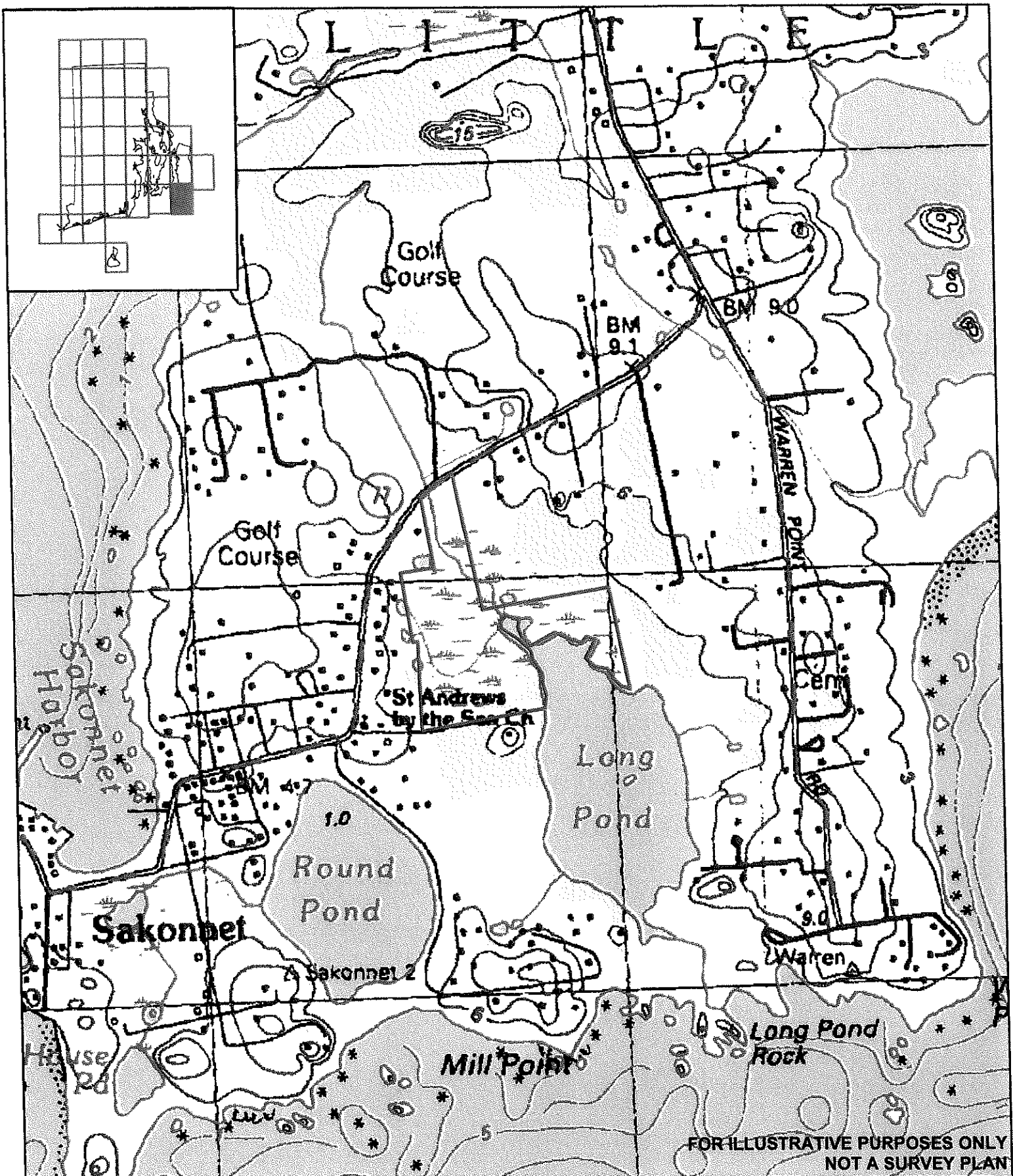
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Wetland BMP Manual: Techniques for Avoidance and Minimization, RI Department of Environmental Management, Office of Water Resources, 2010

Appendix A

USGS Topographic Map
USDA/NRCS SSURGO Soils Map
STORMTOOLS MAP



FOR ILLUSTRATIVE PURPOSES ONLY
NOT A SURVEY PLAN

USGS Topographic Map
Sakonnet Point Road
A.P. 12, Lot 9
 Little Compton, RI
 Sakonnet Point Quad Map

— Approximate Property Lines
 (From Tax Assessor's Map)
 USGS Topographic Series
 Contour Interval 10 Feet
 National Geodetic Vertical Datum of 1929

0 500 1 000 2,000 Feet

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Natural Resource Services, Inc.
 P.O. Box 311
 180 Tankham Lane
 Hartselle, RI 02630
 p (401) 568-7360
 f (401) 568-7460
 (c) RIGIS

Soils Legend

CeC - Canton and Charlton fine sandy loams, very rocky, 3-15% slopes: non-hydric
 Ma - Mansfield mucky silt loam: hydric
 Mk - Matunuck muck peat: hydric
 PmA - Pittstown silt loam, 0-3% slopes: non-hydric
 Se - Stissing silt loam: hydric



FOR ILLUSTRATIVE PURPOSES ONLY
 NOT A SURVEY PLAN

USDA Soil Survey Map
Sakonnet Point Road
A.P. 12, Lot 9

Little Compton, RI

— Approximate Property Lines
 (From Tax Assessor's Map)
 - - - - - Approximate Project Location



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2014 USGS Digital True
 Color Orthophotography
 Natural Resource Services, Inc.
 PO Box 311
 180 Tinkham Lane
 Harrisville, RI 02833
 p (401) 586-7380
 f (401) 586-7460
 (c) 1990 RIGIS

ArcGIS ▾ Advanced STORMTOOLS

Details

Basemap

Share

Print

Measure

66 Sakonnet Point R



Legend

Sea Level Rise (SLR) Scenarios

Sea Level Rise Scenarios

MHHW Plus 1' SLR



MHHW Plus 2' SLR



MHHW Plus 3' SLR



MHHW Plus 5' SLR



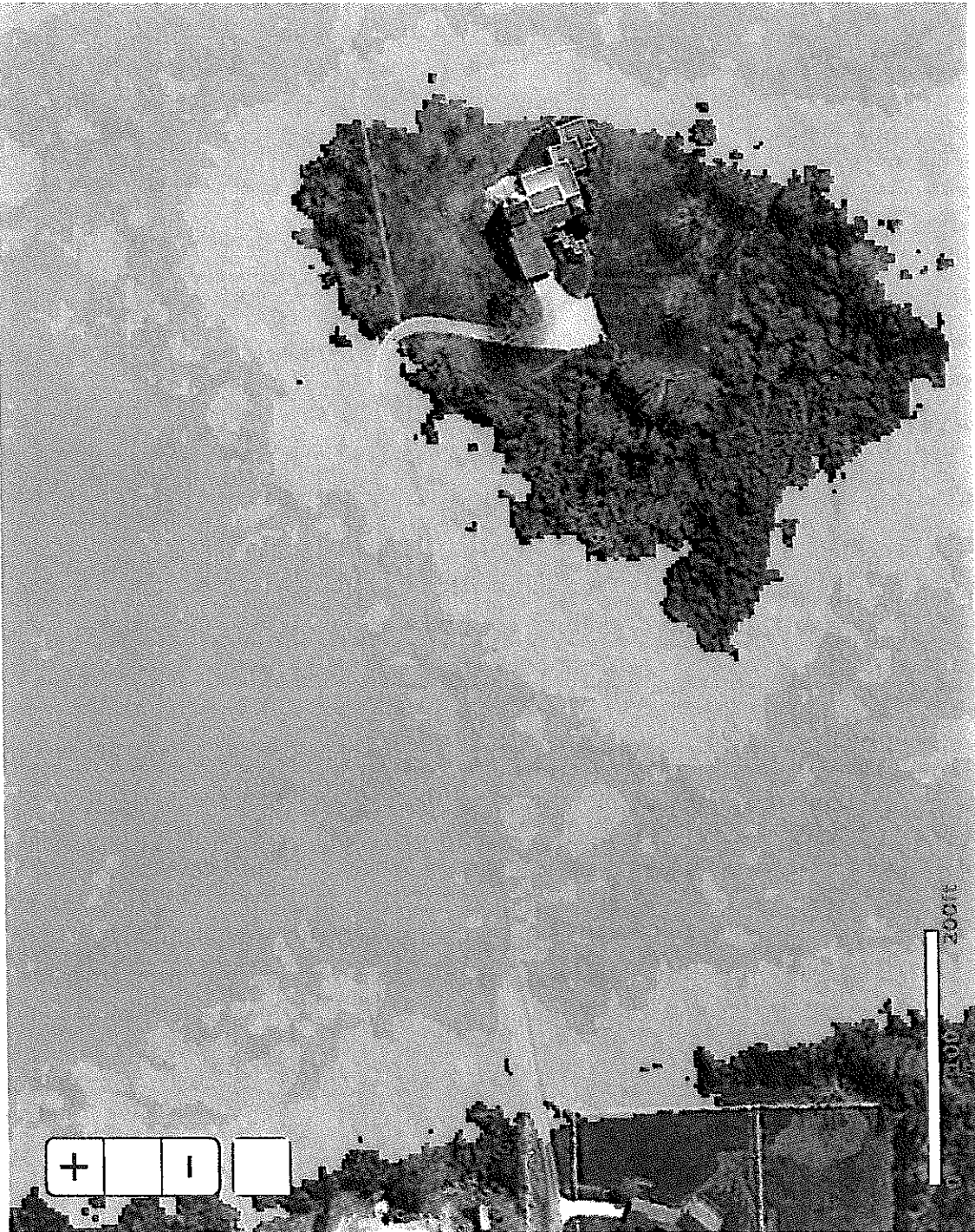
MHHW Plus 7' SLR



Mean Higher High Water (MHHW)



1-ft Sea Level Rise, Water Depth



Appendix B

Statements of Qualification

SCOTT P. RABIDEAU, PWS

President and Principal Biologist of Natural Resource Services, Inc.

180 Tinkham Lane
PO Box 311
Harrisville, RI 02859

401-568-7390
scott@nrswetlands.com

EXPERIENCE

President/Principal Biologist 1987–Present
Natural Resource Services, Inc., Harrisville, RI

NRS is a private environmental consulting firm specializing in freshwater and coastal wetland studies in Rhode Island and Massachusetts. The company was started in 1987 and has been in continuous operation since that time. Experience within the company includes wetland delineations, designing replacement wetlands, restoring wetlands, wildlife habitat evaluations, permitting alterations through state and federal agencies, representation at public hearing and expert testimony.

Soil Scientist 1989–1990
Project Earth Team, Middlebridge, MA

Project Earth Team was a volunteer program sponsored by the University of Massachusetts and the USDA, Natural Resource Conservation Service. The project required individuals to classify 1,000 acres of soils in Wareham, Massachusetts for the US Soil Conservation Service. Experience included both field work and aerial photo interpretation.

Wetlands Consultant 1986–1987
Drown and Rabideau Wetland Consulting

This partnership was formed in 1986 as a Massachusetts entity. The private environmental consulting firm specialized in wetland delineations, wetland evaluations, septic system designs and perc tests. Experience with the partnership included wetland delineations and evaluations.

Manager of Faxon Farm 1982–1985
Lincoln School, Providence, RI

The Lincoln School is a private K-12 girls school in Providence, RI. Faxon Farm is the urban school's off-site center for athletics. Experience at the school included managing a 32 acre environmental education center and athletic facility. Responsibilities included developing nature programs and managing wetland and upland habitat.

EDUCATION

M.S. Business Management Jan. 1986
Lesley College, Cambridge, MA

B.S. Natural Resource Science May 1982
University of Rhode Island, Kingston, RI

Graduate Credit, Soil Science Jan. 1991
University of Massachusetts, Amherst, MA

CERTIFICATIONS

Professional Wetland Scientist #1410
Society of Wetland Scientists

Technical Service Provider, Wildlife Habitat Improvements
US Department of Agriculture

Environmental Sub-Consultant, Wetlands
RI Department of Transportation

ELECTED POSITIONS

State Representative, District 60 1995–2002
RI General Assembly, Burrillville, RI

Ranking minority member of House Committee on Environmental
Accountability

Ranking minority member of Committee on Judiciary

Ranking minority member, Joint Committee on Energy and the Environment.

PUBLIC APPOINTMENTS

Judicial Nominating Commission 2014–Present
State of Rhode Island

Appointed by Governor Lincoln Chafee. The JNC is responsible for vetting candidates seeking appointments to all state courts (Supreme, Superior, District, Family, Workers Compensation and Traffic). The commission meets a minimum of quarterly and as required during the year to fulfill the statutory mandate for providing the governor with qualified candidates for judicial vacancies.

Special Master, Superior Court 2009–Present
Tillinghast v. RI Dept. of Environmental Management
State of Rhode Island

The court appointed the special master to act on its behalf to seek resolution of all matters in dispute between the defendant and the plaintiff. These matters are all of a technical nature related to freshwater wetland alterations.

Legislative Commission 2013–2015
Freshwater Wetlands Act Review

Appointed to the commission as a small business representative. The commission held hearings and heard testimony on changes to the R.I. Freshwater Wetlands Act. The commission prepared a final draft of a bill to replace the current statute. The act was passed by the General Assembly and signed into law by Governor Raimondo in July 2015.

Vice Chairman, Conservation Commission 1983–1985
Town of Rehoboth, MA

Board of Sewer Commissioners 2004–2008
Town of Burrillville, RI
Chairman 2006–2007

PROFESSIONAL ORGANIZATIONS

The Wildlife Society 1985–Present
Investment Review Committee Member 2013–Present

The IRC meets on a quarterly basis to review the TWS Endowment Accounts and is responsible for adjusting the account allocations in conformance with the TWS Executive Committee's guidelines.

RI Association of Wetland Scientists
Charter Member
President/Member of Board of Directors 1993–1994
Treasurer/Member of Board of Directors 1992–1993

Soil Science Society of America

Society of Wetland Scientists

PHILANTHROPIC ORGANIZATIONS

Member, Burrillville Land Trust 2000–2008

RI Forest Conservators Organization 2001–2002
Board of Directors

Ocean State Power Scholarship Foundation 1995–2002
Board of Directors

Ocean State Power Community Grant Foundation
Board of Directors 2001–2002

EXPERT QUALIFICATIONS

Wetland Delineations, Habitat Evaluations, Wetland Permitting

RI Department of Environmental Management
Administrative Adjudication Division

Wetland Delineations, Habitat Evaluations, Soil Science, Coastal Permitting

RI Coastal Resources Management Council

Wetland Delineations, Habitat Evaluations, Soil Science

Superior Court, Worcester County, Massachusetts
Superior Court, Bristol County, Massachusetts
Superior Court, Fall River, Massachusetts

Wetland Delineations, Habitat Evaluations, Soil Science, Wetland Permitting

Superior Court, Providence County, Rhode Island
Superior Court, Kent County, Rhode Island
Superior Court, Newport County, Rhode Island



Oliver Stedman Government Center
 4808 Tower Hill Road; Suite 116
 Wakefield, RI 02879
 401-783-3370

PUBLIC NOTICE

File Number: 2016-02-024 Date: March 21, 2016

This office has under consideration the application of:

Christopher & Anne Sargent
 4880 Glenbrook Road NW
 Washington, DC 20016

for a State of Rhode Island Assent to construct and maintain: a 4 bedroom single family dwelling with OWTS and private well.

Project Location:	66 Sakonnet Point Road
City/Town:	Little Compton
Plat/Lot:	12 / 9
Waterway:	Long Pond

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before April 21, 2016.

GENERAL CONSTRUCTION NOTES

- 1. Design and construction of all piping...
2. All piping shall be installed...
3. All piping shall be supported...
4. All piping shall be insulated...
5. All piping shall be painted...
6. All piping shall be tested...
7. All piping shall be labeled...
8. All piping shall be documented...
9. All piping shall be maintained...
10. All piping shall be replaced...

- 11. All piping shall be installed...
12. All piping shall be supported...
13. All piping shall be insulated...
14. All piping shall be painted...
15. All piping shall be tested...
16. All piping shall be labeled...
17. All piping shall be documented...
18. All piping shall be maintained...
19. All piping shall be replaced...

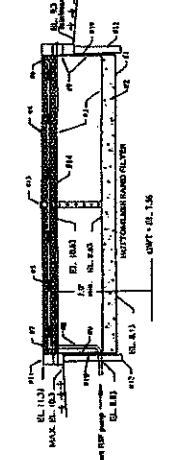
- 20. All piping shall be installed...
21. All piping shall be supported...
22. All piping shall be insulated...
23. All piping shall be painted...
24. All piping shall be tested...
25. All piping shall be labeled...
26. All piping shall be documented...
27. All piping shall be maintained...
28. All piping shall be replaced...

- 29. All piping shall be installed...
30. All piping shall be supported...
31. All piping shall be insulated...
32. All piping shall be painted...
33. All piping shall be tested...
34. All piping shall be labeled...
35. All piping shall be documented...
36. All piping shall be maintained...
37. All piping shall be replaced...

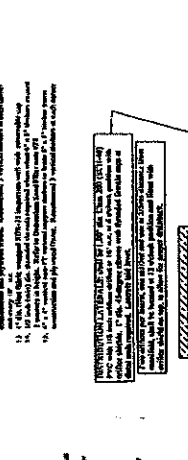
- 38. All piping shall be installed...
39. All piping shall be supported...
40. All piping shall be insulated...
41. All piping shall be painted...
42. All piping shall be tested...
43. All piping shall be labeled...
44. All piping shall be documented...
45. All piping shall be maintained...
46. All piping shall be replaced...

- 47. All piping shall be installed...
48. All piping shall be supported...
49. All piping shall be insulated...
50. All piping shall be painted...
51. All piping shall be tested...
52. All piping shall be labeled...
53. All piping shall be documented...
54. All piping shall be maintained...
55. All piping shall be replaced...

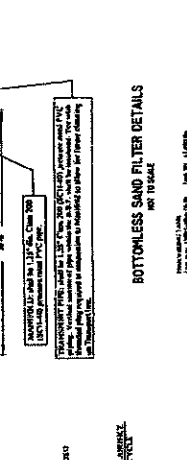
- 56. All piping shall be installed...
57. All piping shall be supported...
58. All piping shall be insulated...
59. All piping shall be painted...
60. All piping shall be tested...
61. All piping shall be labeled...
62. All piping shall be documented...
63. All piping shall be maintained...
64. All piping shall be replaced...



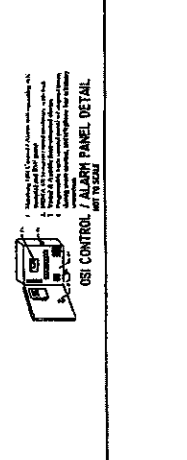
- 1. Filter media shall be...
2. Filter tank shall be...
3. Filter support shall be...
4. Filter inlet shall be...
5. Filter outlet shall be...
6. Filter cleaning shall be...
7. Filter monitoring shall be...
8. Filter maintenance shall be...



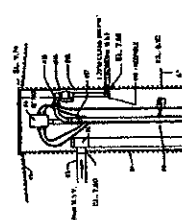
- 1. Pump chamber shall be...
2. Pump motor shall be...
3. Pump impeller shall be...
4. Pump shaft shall be...
5. Pump housing shall be...
6. Pump inlet shall be...
7. Pump outlet shall be...
8. Pump maintenance shall be...



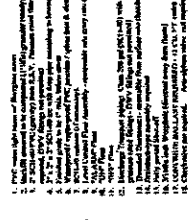
- 9. Pump chamber shall be...
10. Pump motor shall be...
11. Pump impeller shall be...
12. Pump shaft shall be...
13. Pump housing shall be...
14. Pump inlet shall be...
15. Pump outlet shall be...
16. Pump maintenance shall be...



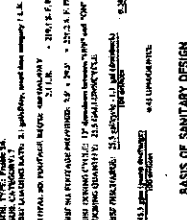
- 17. Pump chamber shall be...
18. Pump motor shall be...
19. Pump impeller shall be...
20. Pump shaft shall be...
21. Pump housing shall be...
22. Pump inlet shall be...
23. Pump outlet shall be...
24. Pump maintenance shall be...



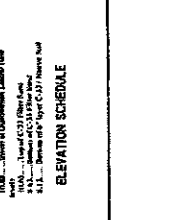
- 25. Pump chamber shall be...
26. Pump motor shall be...
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28. Pump shaft shall be...
29. Pump housing shall be...
30. Pump inlet shall be...
31. Pump outlet shall be...
32. Pump maintenance shall be...



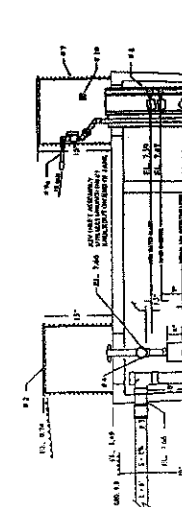
- 33. Pump chamber shall be...
34. Pump motor shall be...
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36. Pump shaft shall be...
37. Pump housing shall be...
38. Pump inlet shall be...
39. Pump outlet shall be...
40. Pump maintenance shall be...



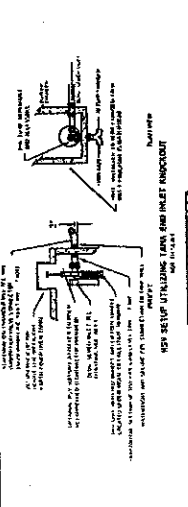
- 41. Pump chamber shall be...
42. Pump motor shall be...
43. Pump impeller shall be...
44. Pump shaft shall be...
45. Pump housing shall be...
46. Pump inlet shall be...
47. Pump outlet shall be...
48. Pump maintenance shall be...



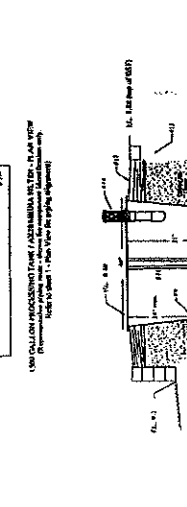
- 49. Pump chamber shall be...
50. Pump motor shall be...
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52. Pump shaft shall be...
53. Pump housing shall be...
54. Pump inlet shall be...
55. Pump outlet shall be...
56. Pump maintenance shall be...



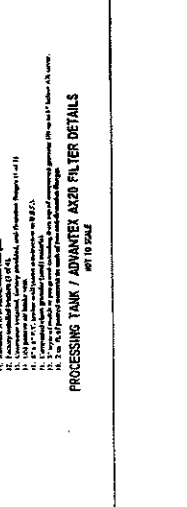
- 57. Processing tank shall be...
58. Advantex Azko filter shall be...
59. Processing tank inlet shall be...
60. Processing tank outlet shall be...
61. Advantex Azko filter inlet shall be...
62. Advantex Azko filter outlet shall be...
63. Processing tank maintenance shall be...
64. Advantex Azko filter maintenance shall be...



- 65. Processing tank shall be...
66. Advantex Azko filter shall be...
67. Processing tank inlet shall be...
68. Processing tank outlet shall be...
69. Advantex Azko filter inlet shall be...
70. Advantex Azko filter outlet shall be...
71. Processing tank maintenance shall be...
72. Advantex Azko filter maintenance shall be...



- 73. Processing tank shall be...
74. Advantex Azko filter shall be...
75. Processing tank inlet shall be...
76. Processing tank outlet shall be...
77. Advantex Azko filter inlet shall be...
78. Advantex Azko filter outlet shall be...
79. Processing tank maintenance shall be...
80. Advantex Azko filter maintenance shall be...



- 81. Processing tank shall be...
82. Advantex Azko filter shall be...
83. Processing tank inlet shall be...
84. Processing tank outlet shall be...
85. Advantex Azko filter inlet shall be...
86. Advantex Azko filter outlet shall be...
87. Processing tank maintenance shall be...
88. Advantex Azko filter maintenance shall be...

April 21, 2017

Ms. Lisa A. Turner, Office Manager
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

Dear Ms. Turner,

I am writing in response to a Meeting Notice I received regarding the application for State Assent of Christopher & Anne Sargent CRMC File Number 2016-02-024.

Unfortunately, I will be unable to attend the meeting. However, having known the Sargents for more than 40 years and being a neighbor of the intended building site, I can attest that the Sargents fully support the environment of Little Compton and would not construct a dwelling that would conflict with the environment. I fully support the Sargents in this endeavor.

Should you have any further questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Kauffmann', with a large, sweeping flourish above the name.

240 Gordon Clan Lane, Huntly, VA 22640

Tel: 540 636 1732 Fax: 540 635 7561

**STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL**

IN THE MATTER OF:

Christopher Sargent
4880 Glenbrook Road, NW
Washington, DC 20016

CRMC File No.: 2016-02-024

NOTICE OF APPEARANCE

I, Robin L. Main, hereby enter my appearance on behalf of Christopher Sargent in the above-referenced matter.

CHRISTOPHER SARGENT

By their Attorney,



Robin L. Main (#4222)
Hinckley, Allen & Snyder LLP
100 Westminister Street, Suite 1500
Providence, Rhode Island 02903
rmain@hinckleyallen.com
Phone: 401-457-5278
Fax: 401-277-9600

Dated: April 11, 2017

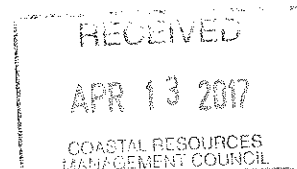
CERTIFICATE OF SERVICE

Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

I hereby certify that I mailed the within document in quadruplicate original to the CRMC in Wakefield, Rhode Island on April 11, 2017.



Robin L. Main



Lisa Turner

From: John Marshall <jemarshall3@hotmail.com>
Sent: Wednesday, April 20, 2016 3:01 PM
To: lturner@crmc.ri.gov
Cc: asilva@crmc.ri.gov
Subject: File Number 2016-02-024

Dear Staff and Council Members,

I write in the capacity of a butter to the Sargent property request in the subject file above. My land is in two lots at 54 and 60 Sakonnet Point Road. I have never met Mr. Sargent, but have appreciated his contribution to support treatment of *Phragmites australis* on Long Pond, a project that has been guided by CRMC staff (Dave Reis and Caitlyn Chaffee). I became president of The Group To Save Long Pond about three years ago when Sharon Linder began cancer treatment.

What Mr. Sargent wishes to do on his land is up to him, but not when it could affect the pond. My reading of the proposal brings forth concerns that should be considered, as follows:

All agree that this is a highly compromised site: "...vast majority of this lot is comprised of contiguous fresh water wetland," Scott Robideau proposal, p. 2.

"...only a 55% buffer zone variance is requested," Scott Rabideau proposal, p. 6. Pushing the limits.

"...house is situated only 25 feet from the southern property boundary, within close proximity to the neighboring structure. In addition, the neighboring property's well is situated only 45 feet south of the southern property line," Scott Rabideau proposal, p. 15. Pushing common sense.

According to the site plan drawn by William Smith, the proposed house is entirely within the 100 foot circle from the neighboring property's well, and the OWTS is 110 feet away. Limits in dry land should not be applied in an almost total wetland

Again, according to site plan, "...approximate limit of Long Pond obtained from Little Compton tax map and was not survey located." Residents find the water higher now than ever before. The nearby golf club stopped its CRMC-approved *Phragmites* plan in November because they could not operate machinery in the wet conditions. Who knows how accurate the town's tax map is?

I am neither a hydrologist nor a lawyer, but it seems that we are in a new era of rising water levels which require caution in new projects, and this proposal is using stale records to squeeze a tiny land mass within a swamp to accommodate technology that could be underwater during the year.

I am all for freedom to own and use property, especially if it adds to the tax base of the town, but not if it endangers a \$90,000 project to restore the natural resource Long Pond which belongs to all of us.

Please consider these concerns. If they are meaningless or just squeak by the law, do what you must. But, at the very least, get a certified, on-site measurement of where the pond edge is before you put your own credibility on the line.

I am willing to attend a hearing, if necessary.

John E. Marshall, III
54 Sakonnet Point Road

April 15, 2016

Dear Director Fugate,

My letter is to object to the proposed construction on Long Pond in Little Compton, RI (re:#2016-02-024). I object as both an abutter to the property at 66 Sakonnet Pt. Rd. and as the past President of the Group to Save Long Pond.

In 2007 Chris Sargent and his wife Anne (now deceased) applied for consideration of the same plan to construct a 4 bedroom dwelling, soon after that time, the proposal was withdrawn. In 2008 the Sargent's reapplied, again using the same plans for a 4 bedroom home. The CRMC engineer and marine biologist who inspected the property made several recommendations, one of which was the building site would only support a 2 bedroom structure.

During 2008, out of concern for the Sargent's plans, the abutters formed the Group to Save Long Pond. At the present time the Group to Save Long Pond (TGSLP) has more than 100 members who support our efforts.

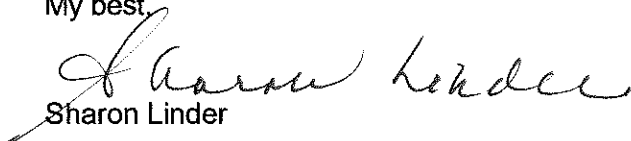
The mission of the TGSLP is to monitor phragmite control, water quality, wetland development and habitat restoration. To that end, CRMC and NRCS have supported our efforts by approving our plans and providing financial support in the form of grants, \$25k from the CRMC Trust and 100k from NRCS.

Since 2008, our community has made an investment of time and money to assure the restoration of Long Pond. Three years ago, as part of a ten year plan, 50 acres of Phragmites were removed from Long Pond. It is very exciting to see the beginning of indigenous growth and flocks of birds coming back to our fragile ecosystem.

At the same time, the water in the pond has been on the rise. We are experiencing the highest levels of water that my husband and I have seen in our 33 years living in that location. Many of the members of our coastal community directly support the efforts of CRMC, some of which are cited in the links below. At the recent Little Compton Town Hall meeting, Chris Sargent's plans were on the agenda. It was decided by the Council to write a letter to CRMC to ask how the possibility if Chris Sargent's plans, clearly in a floodplain, align with CRMC guidelines.

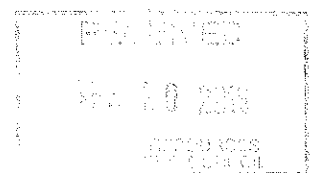
If possible, I would like to make a date to visit the property with the CRMC biologist to have him/her explain the logic of building there. My hope is that CRMC will review Chris Sargent's plans, verify the new shoreline and the wetland setbacks and come to a determination that construction should not be allowed to go forward in a floodplain, as currently cited in the plans. Thank you so much for time and consideration.

My best,


Sharon Linder

http://www.planning.ri.gov/documents/climate/RICoastalPropertyGuide_FINAL.pdf/

<http://www.beachsamp.org/resources/stormtools/>



<http://www.arcgis.com/home/webmap/viewer.html?webmap=b24d6c60ff3a4947a14fbd15a66390c6&extent=-72.3519,41.0712,-70.6655,42.0922>
<http://www.crmc.ri.gov/regulations.html#celcp>



LAW OFFICE OF STEPHEN G. LINDER

April 18, 2016

Grover Fugate, Executive Director
Coastal Resources Management Council
Stedman Government Center, Suite 303
4808 Tower Hill Road
Wakefield, RI 02879-1900

RE: File #: 2016-02-024

Dear Mr. Fugate:

In accordance with your Public Notice in this matter, I am providing you with this objection to CRMC granting of any permit to Christopher Sargent in the above referenced matter.

1. This is substantially the same application that was filed by Mr. Sargent in 2007 and 2008. Those applications bore the numbers 2007-12-023 and 2008-12-062.
2. The 2008 application resulted in an inspection of the property at the proposed site by both a staff biologist and a staff engineer. A copy of that document should be in your file. That 2008 application as well as the 2007 application were ultimately withdrawn by Mr. Sargent.
 - a) No notice of any changes, revisions, or applications modifications were received in regard to the 2007 and 2008 applications prior to their withdrawal.
3. There has been a major change in the surrounding wetlands and the surrounding Long Pond echo system since the earlier applications. Long Pond, since the 2007 and 2008 applications by Mr. Sargent, has been the subject of Phragmite removal. In addition, Hurricane Sandy and rising tides due to global warming have had an impact on Long Pond. Each has resulted in a rising of the pond's water level. Therefore, since Mr. Sargent's initial application, there has been a major change in the wetlands over which Mr. Sargent desires to build. Newspaper reports since the Phragmite removal talk about what has happened to the water in Long Pond surrounding the Sargent proposed building site on three sides.

As an abutting neighbor, I believe that a new inspection of the Sargent property should be undertaken by the CRMC staff Biologist and Engineer. Also, I believe:

1. The wetland setback as set forth on this application document is clearly not presently accurate and must be re-measured and verified;
2. Mr. Sargent's property as a Tributary and Coastal wetland require a two hundred foot (200') setback from the Edge of Long Pond;
3. Long Pond is seasonally open to the Ocean and is a listed Coastal Pond, therefore, there are additional State and Federal requirements that must be met;

155 SOUTH MAIN STREET
TELEPHONE 401-521-6800
radiolaw1@aol.com

PROVIDENCE, RHODE ISLAND 02903-2963
FACSIMILE 401-273-5290

APR 20 2016
11:17 AM

April 18, 2016
(Page 2)

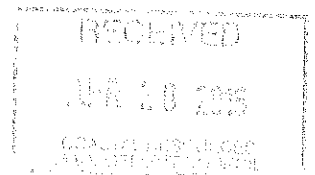
4. Long Pond is a Special Resource Protected Water and identified as a subject of the Natural Heritage Program. It is a rich habitat for rare species and birds. It must therefore, be protected. The Sargent property should not be permitted to effect the water quality of Long Pond.
5. In case of a flood, the Sargent property should not be permitted to degrade the water quality of Long Pond now that it has become home to rare species.
6. The site where Mr. Sargent desires to build is located in a "VE 17" flood zone. That zone has the highest risk of flooding and damaging Long Pond. It is in a location that CRMC does not now generally approve construction.
7. Mr. Sargent's property should be considered a "Conservation Area" that should be deemed unsuitable and unstable for structures due to its exposure to flooding.

I look forward to hearing from your staff in regard to a site inspection and as to any questions they have about this protest/objection in relation to Mr. Sargent's application No. 2016-02-024.

Very truly yours,



Stephen G. Linder



CRMC DECISION WORKSHEET

File No. 2017-01-034

City of Warwick and RIDEM

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION							
File Number	Town	Project Location			Category	Special Exception	Variance
2017-01-034	Warwick	Rocky Point State Park			B	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Plat		Lot			
		Owner's Name					
Date Accepted	January 18, 2017	The City of Warwick and RI Department of Environmental Management			Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	May 2, 2017				Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

Demolish and remove the remnants of the old Rocky Point Pier and construct a replacement facility consisting of: A fixed timber pier extending 281 feet from shore at a width of 20' for the nearshore portion and 10' for the offshore portion which terminates at a "T" head pier having dimensions of 110 feet long by 21' wide oriented parallel to shore. A roofed shade structure 36' long by 21' wide will be constructed on the "T" head pier along with bench seating. The full build-out including the "bid 1 alternative" further proposes a series of aluminum ramps and gangways which will provide access to floating dock structures having 4 finger piers designed to provide the boating public with access to Rocky Point. A cast-in-place headwall is proposed to provide a connection between the existing walk way and the new pier. The proposed pier is designed in accordance with ADA guidelines for recreational fishing piers and marinas. The project requires a special exception for the construction of a recreational structure (wharf/pier) and/or a boating facility which meets the definition of a "marina" (accommodates 5 or more recreational boats) in Type 2 (Low Intensity Use) Waters.

KEY PROGRAMMATIC ISSUES

Coastal Feature(s) Riprap protected coastal bluff (in disrepair), concrete seawall (east) and fringe coastal beach

Water Type **Type 2, Low Intensity Use, Narragansett Bay**

CRMP 200.2, 210.1, 210.4, 210.6, 300.1, 300.3, 300.4, 300.6, 330, 335


SAMP None

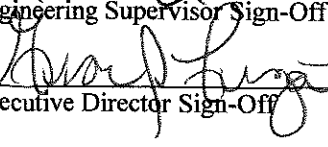
Variations and/or Special Exception Details: A special exception is required for constructing a "commercial pier and/or "marina" in Type 2 waters. **Staff believes SE criteria 1 and 2 are met, we defer on SE criteria #3**

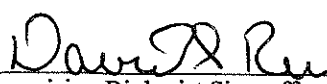
STAFF RECOMMENDATION(S)


Engineer RL Recommendation: No objection, defer SE #3

Biologist DR Recommendation: No objection, defer SE #3


 Engineering Supervisor Sign-Off 5/2/17
 date


 Executive Director Sign-Off 5/2/17
 date


 Supervising Biologist Sign-off 5/2/17
 date


 Staff Sign off on Hearing Packet (Eng/Bio) 5/2/17
 date

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
INTER-OFFICE MEMORANDUM**

TO: Grover J. Fugate
DEPT: CRMC Executive Director
FROM: David S. Reis
DEPT: CRMC Biology Section

DATE: 1 of 7
PAGE: May 2, 2017

RE: CRMC File No. 2017-01-034

Applicant's Name: The City of Warwick and the RI Dept. of Environmental Management

Project: Demolish and remove the remnants of the old Rocky Point Pier and construct a replacement facility consisting of: A fixed timber pier extending 281 feet from shore at a width of 20' for the nearshore portion and 10' for the offshore portion which terminates at a "T" head pier having dimensions of 110 feet long by 21' wide oriented parallel to shore. A roofed shade structure 36' long by 21' wide will be constructed on the "T" head pier along with bench seating. The full build-out including the "bid 1 alternative" further proposes a series of aluminum ramps and gangways which will provide access to floating dock structures having 4 finger piers designed to provide the boating public with access to Rocky Point. A cast-in-place headwall is proposed to provide a connection between the existing walk way and the new pier. The proposed pier is designed in accordance with ADA guidelines for recreational fishing piers and marinas. The project requires a special exception for the construction of a recreational structure (wharf/pier) and/or a boating facility which meets the definition of a "marina" (accommodates 5 or more recreational boats) in Type 2 (Low Intensity Use) Waters.

Location: Rocky point- Rocky Point Ave.

Water Type/Name: Type 2, Low-Intensity Use, Narragansett Bay

Coastal Feature: Riprap protected coastal bluff (in disrepair), concrete seawall (east) and fringe coastal beach.

BIOLOGIST'S REPORT

A. Staff Analysis: The RI Department of Environmental Management (RIDEM) and the City of Warwick proposes to replace the now defunct Rocky Point Pier with a public recreational fixed timber pier which includes a perimeter railing, shade structure, benches, solar lighting and an attached transient boating facility consisting of gangways, floats and slips. The pier will be used for recreational purposes including fishing while the transient boating facility will allow the public to visit the pier and Rocky Point Park by boat. The proposed recreational pier facility will be constructed on the shoreline of Rocky Point, in the same location as the now defunct (pre-CRMC) facility. These waters are currently designated "Type 2" by the RI Coastal Resources Management Program (RICRMP). (Note: Plans and materials for this application were provided by RIDEM as referenced in this report.)

Type 2 waters are designated for "Low-Intensity Uses" such as residential boating facilities and limited recreational boating facilities which accommodate a small number of boats (4 or less). Facilities which are designed to accommodate a larger number of boats (5 or more) such as marinas are allowed in Type 3 - "High-Intensity Use" waters, while commercial docks and wharfs are appropriate in waters designated as Type 5 waters - "Commercial and Recreational Harbors" or Type 6 waters - "Industrial Waterfronts and Commercial Navigation Channels".

Signed: David S. Reis **Supervising Environmental Scientist**

The large public pier facility/transient boating facility proposed by RIDEM is typically considered a "commercial pier/structure" (ref. RICRMP Section 300.3) by default since it does not meet the definitions for a residential or recreational boating facility (ref. RICRMP Section 300.4.A.3 or 300.4.A.4 respectively). The proposed facility may also be considered a "Marina" since it is designed to accommodate 5 or more boats/vessels. Based on the slip arrangement proposed, it appears the facility can accommodate at least 7 vessels as a transient facility. Both Commercial Piers and Marinas are considered high-intensity uses which are prohibited in Type 2 waters (ref. RICRMP Table 1 matrix for Type 2 waters and RICRMP sections 200.2.C.2 and 300.4.D.1). Relief from a prohibited activity can only be granted through the granting of a Special Exception (ref. RICRMP Section 130).

B. Review of Special Exception Request: Based on the proposed facility being prohibited in Type 2 waters, the RIDEM has submitted the required responses to the Special Exception criteria contained in RICRMP Section 130 and request that a Special Exception be granted for the proposed facility. The following is this reviewer's assessment of RIDEM's special exception request:

- **Special Exception Criteria #1 - *compelling public purpose*:** In summary, criteria #1 requires that the project serve a compelling public purpose that "...provides benefits to the public as a whole as opposed to individual or private interests." Furthermore, the activity must be one or more of the following: public infrastructure, a water dependent activity that generates substantial economic gain for the State, or an activity that provides public access to the shore for broad segments of the public. RIDEM's response states that the facility will enhance recreational fishing which accounts for 130 million dollars in total expenditures in RI each year and that the project will provide shoreline access including handicap fishing access to broad segments of the public thereby meeting criterial 1. CRMC Staff agrees with this assessment.
- **Special Exception Criteria #2 - *All reasonable steps shall be taken to minimize environmental impacts and/or use conflicts*:** RIDEM notes that the new facility will be located in the same location as the defunct facility (also resulting in the removal of abandoned and deteriorated sections of the pier that remain). CRMC Staff further believes the type of facility proposed which consists primarily of a properly elevated fixed timber pier structure designed to withstand the elements at this exposed rocky portion of the shoreline serves to minimize environmental impacts. CRMC Staff therefore agrees Criteria 2 is met.
- **Special Exception Criteria #3 - *No reasonable means or location for serving the compelling public purpose cited*:** RIDEM appropriately states that the entire shoreline of Rocky Point is designated Type 2 waters whereby no other location (at Rocky Point) would obviate the need for Special Exception. However, CRMC Staff believes it is appropriate to consider other available locations on the RI shoreline for future State owned public piers and those alternative locations should not be limited to the shoreline of Rocky Point. In fact, in

Signed: _____

David S. Ren

Supervising Environmental Scientist

2006 RIDEM completed a Recreational Fishing Report for Narragansett Bay which evaluated the potential development of fishing piers at 23 sites throughout Narragansett Bay. (The press release for this study is included in the Council's agenda packet.) This study included the possible construction of a State fishing pier at Plum Point near the North Kingstown side of the Jamestown Bridge. In this regard, CRMC Assent B91-11-021 was previously granted to retain a 1,500' length of the old Jamestown Bridge to provide a public fishing pier. To provide for this facility, the Coastal Council granted a Special Exception to retain the bridge approach ramp and to place additional fill on the barrier beach shore-form to provide a public parking lot for access to the fishing pier. This assent was granted to the RIDOT with the condition that RIDEM manage the facility (as was proposed at the time). Plans to retain a portion of the old Jamestown Bridge for a public fishing pier were later abandoned due to the poor condition of the bridge section to be retained for a pier. On that basis, the RIDOT re-applied to the CRMC pursuant to CRMC File No. 2009-06-014 for a two phase project which proposed to demolish the remaining portion of the Jamestown Bridge in Phase One and provide a "State Park" with the potential for a Public Fishing Pier to be managed by RIDEM in Phase Two. The facility was to be called "Plum Point Pier State Park". By providing public access to the previously approved parking lot which involved fill on the coastal feature, the project would continue to meet the special exception granted by the Council pursuant to CRMC Assent B91-11-021 even if a fishing pier was not ultimately constructed at this site (see attached information from CRMC Files). To assure the property was transferred from RIDOT to RIDEM for the public park, CRMC Assent A2009-06-014 stated:

"Prior to initiating work associated with this assent, the RIDOT shall submit a feasibility assessment as was previously discussed between the participating agencies in the Spring of 2009. This assessment shall evaluate the feasibility of a land transfer to RIDEM for the potential future development of a State Park. The feasibility assessment shall contain a summary evaluation of all technical, real estate transaction, title, legal, federal highway line provisions and any other considerations which would govern, effect or otherwise be needed to permanently transfer property from the RIDOT to the RIDEM. Consistent with these prior discussions, the RIDOT must be able to demonstrate that the proposed transfer for the proposed Phase 2 State Park development is possible, to allow the future development of a State Park, in a timely manner, as is proposed should funding become available."

To satisfy this requirement, RIDEM provided a memorandum dated January 27, 2009 indicated a Commitment for Title Insurance and Certificate of Condemnation had been obtained thereby concluding based on the Title Report that "...RIDEM will begin preparation of the Interagency Transfer Agreement." Furthermore, the Federal Highway Administration (FHWA) provided a letter dated October 14, 2010 stating: "Based upon the information provided herein, and based on our agreement that the general public will benefit from this property use, we intend to approve this proposed gratis transfer."

Signed: David S. Reen Supervising Environmental Scientist

In order to evaluate potential alternative sites for a State Pier system and the special exception requested by this application, CRMC Staff initiated discussions with both RIDOT and RIDEM regarding the status of the Plum Point Site. CRMC Staff have been informed that RIDEM plans to construct several fishing piers throughout the State and that neither Rocky Point nor Plum Point should be considered the only alternative locations for a State Fishing Pier. Rather, Rocky Point represents the first of several Pier locations being considered by RIDEM and that Plum Point may receive further consideration in the future. RIDEM indicated they would provide further information to address this issue at the Council hearing for the Rocky Point Pier.

With regard to the Type 2 waters bordering Rocky Point, the CRMC staff biologist agrees that the removal of the existing dilapidate pier for the construction of a new State Pier appears to be the most reasonable and least impactful location along the shoreline of Rocky Point.

Due to additional information to be provided by RIDEM at the hearing on this matter, the CRMC staff biologist defers to the Coastal Council with regard to Special Exception Criteria 3 (*No reasonable means or location for serving the compelling public purpose cited.*) The CRMC staff biologist is currently able to offer an opinion that the application meets Special Exception criteria 1 and 2.

- C. Shoreline Site Exposure:** Based on CRMC Staff's experience with permitting piers and boating facilities throughout Narragansett Bay, we believe it is important to comment on the exposed nature of the site. The site has an approximate 11 mile fetch from the southwest, a 4 (+/-) mile fetch from the east-northeast and a 6.5 (+/-) fetch from the southeast (see attachment). While winds from the east are typically less frequent and often associated with storms, winds from the southwest are common and are the dominant wind direction during the summer months. Due to the 11 mile fetch out of the southwest and considering staff experience, we believe the pier facility will experience frequent afternoon wind-driven chop in the summer which will make it a difficult location to dock a boat at the floating docks proposed. However, the elevated fixed timber fishing pier is not expected to be impacted by wind driven chop. Please refer to the staff engineer's report with regard to the facility's design to withstand storms and storm driven waves.
- D. Shoreline Navigation:** RIDEM has submitted a navigation plan which shows water depths and any obstructions (boulders and rock outcrops) in the vicinity of the proposed pier. This plan shows that the nearest mapped obstruction is 260 feet northward of the pier and it extends slightly seaward of the proposed pier. Experience boaters also know that the shoreline of Rocky Point contains submerged boulders. Due to concerns for boaters who may not be as knowledgeable or experienced, and out of an abundance of caution, CRMC staff contacted the U.S. Coast Guard to request an advisory opinion on whether aids to navigation should be considered. CRMC Staff Marine Infrastructure Coordinator Dan Goulet visited the site with the Coast Guard on April 27, 2017. Based on this coordination, the Coast Guard has recommended seasonal private aids-to-navigation (PATON) and dock lighting. The Coast Guard's recommendations which were transmitted via an email dated May 1, 2017 are included in the Council's Agenda packet

Signed: _____



Supervising Environmental Scientist

E. Consistency with Marina Standards: The recreational pier facility proposed meets the definition of a marina pursuant to RICRMP Section 300.4.A.1 which defines a marina as: "any dock pier, wharf, float, floating business, or combination of such facilities that accommodate five or more recreational boats." Since the facility meets the definition of a marina, the marina standards established by RICRMP Section 300.4 must be met (or a variance must be granted). However, at less than 25 slips, the facility may be considered a "limited marina". In the case of limited marinas: The Executive Director, in his discretion, shall have the authority to determine which of the above standards shall be applied to limited marinas."(ref., RICRMP Section 300.4.E.1(aa)). CRMC Staff recommends that the following marina standards should be considered.

1. **Sanitary Facilities (RICRMP Section 300.4.E.1(h)):** RIDEM has provided a plan showing two (2) existing composting toilet facilities within 800 feet to the west of the proposed pier and 620 feet to the north. On this basis, this standard is considered met.
2. **Parking (RICRMP Section 300.4.E.1(k)):** RIDEM has provided a plan which shows a parking area capable of accommodating 60 cars. Although remote from the proposed pier, staff believes this standard is appropriately met.
3. **Marina Perimeter (RICRMP Section 300.4.E.1(n)):** A navigation plan has been submitted which provides a suitable marina perimeter for the facility.
4. **Pump-out Facility (RICRMP Section 300.4.E(u) & (v)):** A pump-out facility is not proposed for this facility. Although the proposed facility qualifies as a marina by definition, its intended use is a recreational pier. Furthermore, as a "limited marina", the Executive Director may, in his discretion, determine that the standard need not apply to a limited marina. Considering the proposed use, CRMC staff recommends that the facility not be held to this standard.
5. **Other Marina Standards:** RICRMP Section 300.4 contains numerous other standards which including the requirement that a preliminary determination application be submitted prior to the submission of an application for work. The intent of a preliminary determination and many of the other standards is to assure that the proposed facility makes the best possible use of tidal waters while minimizing environmental impacts (through considering dry rack storage, meeting boat density requirements, utilizing appropriate marina geometry, etc.). Again, considering the proposed use, CRMC staff recommends that the facility not be held to these other standards. CRMC staff believes the facility is appropriately designed for the proposed use.

Signed: _____



Supervising Environmental Scientist

F. Recommendations: There are no biological or environmental objections to the proposed recreational boating facility. However, this report does identify concerns associated with the exposure of the site to the predominant southwest summer wind direction which may result in the proposed boat slips being a rough location for the docking of a boat. Concerns for navigation along this rocky shoreline are noted and have been discussed with the Coast Guard resulting in recommendation for private aids-to-navigation and dock lighting (see stipulations). With regard to the special exception needed to construct this facility in Type 2 waters, CRMC Staff believes the facility meets special exception criteria 1 and 2. However, as discussed herein, this reviewer defers to the Council with regard to special exception criteria 3. Specifically, this reviewer believes due consideration should be given to other "reasonable locations", in this case, a location where a special exception has already been granted by the Council which remains unfulfilled since public access has not yet been provided. Although, RIDEM has indicated they still remain committed to the Plum Point location.

G. Recommended Stipulations:

- 1. Aids-to-navigation and dock lighting:** Pursuant to CRMC Staff coordination with the U.S. Coast Guard, the RI Department of Environmental Management in cooperation with the City of Warwick shall work with the U.S. Coast Guard to install Coast Guard recommended private aids-to-navigation (PATON). Dock lighting shall also be coordinated with the Coast Guard.

Signed: _____

David S. Ren

Supervising Environmental Scientist



Google Earth



CRMC STAFF ENVIRONMENTAL
SCIENTIST'S REPORT

Page 7 of 7

FETCH DISTANCE TO SITE

- 11 MILES Southwest
- 6.5 MILES Southeast
- 4 MILES East Northeast

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
INTER-OFFICE MEMORANDUM

TO: Grover J. Fugate
DEPT: CRMC Executive Director
FROM: Richard Lucia, P.E.
DEPT: CRMC Engineering Section

DATE: 5/1/17
PAGE: 1 of 3

RE: CRMC File No. 2017-01-034

Applicant's Name: The City of Warwick and the RI Dept. of Environmental Management
Project: Demolish and remove the remnants of the old Rocky Point Pier and construct a replacement facility consisting of: A fixed timber pier extending 281 feet from shore at a width of 20' for the nearshore portion and 10' for the offshore portion which terminates at a "T" head pier having dimensions of 110 feet long by 21' wide oriented parallel to shore. A roofed shade structure 36' long by 21' wide will be constructed on the "T" head pier along with bench seating. The full build-out including the "bid 1 alternative" further proposes a series of aluminum ramps and gangways which will provide access to floating dock structures having 4 finger piers designed to provide the boating public with access to Rocky Point. A cast-in-place headwall is proposed to provide a connection between the existing walk way and the new pier. The proposed pier is designed in accordance with ADA guidelines for recreational fishing piers and marinas.

Location: Rocky Point- Rocky Point Ave.

Water Type/Name: Type 2, Low-Intensity Use, Narragansett Bay

Coastal Feature: Riprap protected coastal bluff (in disrepair), concrete seawall (east) and fringe coastal beach.

STAFF ENGINEER ANALYSIS

The existing pier structure, originally constructed as far back as 1847 and sporadically maintained throughout the years, is well beyond 50% destroyed. It is obvious that the site has been subject to substantial wave action throughout the years. This existing structure will be completely removed prior to construction of the new facility. The new boating facility will be constructed of timber pilings and timber deck. The pier will extend 281' perpendicular to the shore, a 110' x 21' T-Section will be at the terminus of the facility to provide for public fishing access. Additionally, a shade structure at the center of the T-Section will provide the public with an area to sit and enjoy the shoreline.

This CRMC staff review is limited to Engineering review with regards to the design and construction of the facility. With regards to RICRMP 300.4 Recreational Boating Facilities; it is staff's opinion that the facility meets the definition of a limited marina (less than 25 slips). Please refer to Supervising Environmental Scientist report regarding other applicable RICRMP requirements of Section 300.4.E.1. (Recreational Boating Facilities, Marine Standards).

Signed



Supervising Civil Engineer

Sea Level Rise Evaluation

Staff reviewed the potential sea level rise scenario utilizing Stormtools online mapping tools in accordance with RICRMP 145.C.4. Sea Level Rise, Policies, (“*In addition, the Council adopts and recommends the use of the StormTools online mapping tools...*”). Based on Stormtools, a 7’ sea level rise above Mean High Water is predicted in the year 2100. The facility is elevated to 8.58’ above Mean High Water therefore should not be overtopped during typical tidal cycles at that point in time.

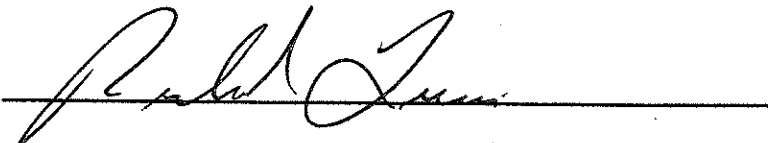
When considering a large 100 year storm events, FEMA Flood Maps indicate that the flood elevation will be 16’ (NAVD 88).⁽¹⁾ Using the NAVD 88 datum, the deck of the proposed facility is at 10.74’ (NAVD 88). Therefore, the facility will be overtopped during these large storm events. Although, this facility will be overtopped, it is staff engineer’s opinion elevating the structure any further would make the facility excessively high, for example the facility elevation would have to be increased to approximately 7’ more to be above the Flood Elevation or 20’ above Mean Low Water. In addition to engineering concerns and visual impacts that would come with elevating the structure to this height, this would also make the proposed floating dock structure very difficult or impossible to access.

Structural Evaluation

In order to analyze structural integrity further, a review of the wave environment is required. The site is exposed from the northeast to the southwest. The critical direction (highest fetch) examined is from 11 miles to the south and southwest. This direction is viewed as the most critical in terms of wind induced wave action affecting the site due to the total length over open water (fetch). Additionally this direction is where high frequency of wind occurs during the year.⁽²⁾

Utilizing the methods of the USACOE’s Shore Protection Manual the site will often be subject to approximately 1.5 to 2 foot chop (20 mph winds) with more severe conditions expected during large storm events. Additionally, when examining larger storm events *Stormtools: Coastal Environmental Risk Index (CERI)* shows that the expected wave height during a 100 year storm event (and 0’ sea level rise) will be approximately 4.7 feet. The FEMA Flood Insurance study of the area, predicts a larger wave height of approximately 7.7’.⁽³⁾ Please note that due to different computer modeling methodology these results from CERI and FEMA are apt to produce different results.⁽⁴⁾

It is the staff’s engineer’s opinion that the structure is adequately designed for the wave environment. In particular, the applicant’s engineer has designed the structure with 10 foot on center pier bents, 4 X 12 split caps (two per pile bent) that will support 4 X 10 stringers. The pier will be decked with 3 x 6 pressure treated timber decking. Importantly, the substructure will have batter piles one side

Signed  Supervising Civil Engineer

every other bent as well as 4 x 12 cross bracing. 12 inch diameter piles will be driven from -23' to as deep as -31' MLW (approximately a 20' pile penetration). Please note that Geotechnical Soil Boring were performed by GZA Inc., and it appears that the subsurface conditions are suitable for driving the piles and obtaining the adequate pile capacities.

The existing stone groin that is perpendicular to the shoreline, although in need of repairs, provides a barrier from waves approaching from the south. Although not part of this project, further elevating the top of the groin from existing elevation at 0' MLW and to a minimum of 5' above MLW (which is approximately equal to MHW (4.42' MLW) would further reduce wave chop on the northerly side of the proposed dock and therefore ease navigation into the proposed northern slips. Although not part of this project at this time it is recommended that the applicant examine the possibly of adding stone to elevate this groin prior to construction of the facility. This may be accomplished through a separate Maintenance Assent.

Please note that the Roofed Structure at the "T" head pier has not been formally engineered (a simple schematic representation of the facility has been shown on the submitted plans). In discussions (emails) with RIDEM a set of stamped Engineer plans will be submitted for approval prior to constructions to insure that the facility is designed to withstand the expected environmental loads (Wind/Wave/Live). (Reference Additional Stipulations).


Recommendations and Conclusion:-

Based on the above, the CRMC staff engineer has no objections to the project. Furthermore CRMC staff engineer concurs with the Supervising Environmental Scientists report and conclusion that the project is consistent with Special Exception criteria. On this basis, CRMC Staff recommends approval subject to Staff stipulations:

Additional Stipulations:

(E-1) Prior to construction of the "Roofed Shade Structure", the applicant shall submit to CRMC for approval, stamped engineered plans showing structural details and calculations indicating that this structure has been designed to withstand expected environmental (Wind/Wave) loading condition.

(E-2) Top of Float Tie-Off Piles shall be cutoff at the total elevation of V-Zone Elevation + Float Freeboard Elevation + 1 foot.

Signed  Supervising Civil Engineer

1. FEMA map # 44003C0153H, last revised September 18, 2013
2. Air Quality Monitoring Work Plan for T.F. Green Airport, by K.B. Environmental Science, Inc, Dated October 29, 2007.
3. FEMA Flood Insurance Study, Kent County, October 2, 2015, transect #23
4. Spaulding, M.L., Grilli, A., Damon, C., Crean, T., Fugate, G., Oakley, B.A., Stemple, P., Stormtools: Coastal Environmental Risk Index (CERI) Journal of Marine Science and Engineering;

LEGALS

STATE OF RHODE ISLAND SUPERIOR COURT KENT, SC ROBERT ELLIS Plaintiff, v. CMG HOLDING COMPANY, LLC Defendant
C.A. No. KB-2017-0325 ORDER APPOINTING TEMPORARY RECEIVER

This cause came on to be heard before Justice Stern on April 3rd, 2017, on Petition for Appointment of Receiver, and on consideration thereof, it is hereby ORDERED:

1. That Richard Land, of Providence, Rhode Island, be and hereby is appointed temporary receiver of the Defendant, CMG HOLDING COMPANY, LLC, and of all the estate and effects thereof of every name, nature and description with full authority to exercise all the powers conferred on the Receiver by this Order, together with the additional powers incidental to a Receiver.

2. That Receiver shall, no later than five (5) days from the date hereof, file herein a bond for the faithful performance of the Receiver's duties as Receiver in the sum of Ten Thousand Dollars (\$10,000) with surety of a surety company authorized to do business in the State of Rhode Island as surety thereon conditioned that the Receiver will well and truly perform the duties of the Receiver's office.

3. The Receiver hereby appointed shall take possession and charge of the property of Defendant and preserve same, be vested with the title to all assets, property, choses in action, and any rights of Defendant, and collect the debts and property belonging to it.

4. The Receiver be and hereby is authorized until further Order of this Court, in the Receiver's discretion and as said Receiver deems appropriate and advisable, to carry on the business of Defendant, to borrow money from time to time, to purchase for cash or on credit, merchandise, materials and other property, to engage counsel, and to engage employees and assistants, clerical or otherwise or cause to be done and performed, all other acts and things as are appropriate in the premises. Without limiting the foregoing, the Receiver may use the Defendant's pre-receivership deposit accounts, payment systems, and cash management systems. The Receiver shall obtain authorization from the Court before retaining accountants, business consultants, appraisers and special counsel. All disbursements by the Receiver shall be itemized in detail in the Receiver's reports to the Court and all disburse-

oforsaid person as Receiver herein is warranted and required because of said Receiver's specialized expertise and experience in operating businesses in receivership and in administering non-routine receiverships which involve unusual or complex legal, financial, or business issues.

6. The commencement, prosecution, or continuance of the prosecution of any action, suit, arbitration proceeding, hearing, or any foreclosure, reclamation or repossession, both judicial and non-judicial, or any other proceeding, in law or in equity, or under any statute or otherwise, against said Defendant or any of its property, in any Court, agency, tribunal or elsewhere, or before any arbitrator or otherwise by any creditor, equity security holder, corporation, limited liability company, partnership, trust, or any other person, association, entity or organization, or the levy of any attachment, execution or other process on or against any property of the Defendant, or the taking or attempting to take into possession any property in the possession of the Defendant or of which the Defendant has the right to possession, or the cancellation, rescission or termination at any time during the proceeding herein of any insurance policy, lease or other contract with the Defendant, or by any of such parties as aforesaid, other than the Receiver, or the interference with the Receiver in the discharge of the Receiver's duties by any of such parties as aforesaid, or the termination of telephone, electric, gas or other utility service to Defendant, by any public or private utility, without such parties' first obtaining approval thereof from this Court (in regard to which the Receiver shall be entitled to prior written notice and an opportunity to be heard), are hereby restrained and enjoined until further Order of this Court.

7. That a citation be issued to the Defendant, returnable to the Superior Court sitting at Kent, Rhode Island on April 24th, 2017, at 9:30 a.m. at which time and place this cause is set down for hearing on the prayer for the appointment of a Permanent Receiver, that the Clerk of Court shall give Notice of the pendency of the Petition herein by publishing this Order Appointing Temporary Receiver once in the Providence Journal on or before April 14th, 2017, and that the Receiver shall give further notice by mailing on or before April 12th, 2017, a copy of this Order Appointing Temporary Receiver to each of the creditors

NOTICE OF PUBLIC HEARING

CRMC File No.: 2017-01-034

Date: April 10, 2017
 In accordance with and pursuant to the provisions of the "Administrative Procedures Act" (Chapter 42-35 et. seq. of the General Laws of Rhode Island), and the Rules and Regulations of the Coastal Resources Management Council, a hearing will be held on the petition of:

City of Warwick
 Warwick City Hall
 3275 Post Road
 Warwick, RI 02886

RI Department of Environmental Management
 Division of Planning and Development
 235 Promenade Street
 Providence, RI 02908

relative to Title 46, Chapter 23, of Section 6 A, B, C, D, E, Title 46 Chapter 23 Section 18(b), Title 46, Chapter 6, Section 1, Title 46, Chapter 6, Section 2 of the Rhode Island General Laws of 1956, as amended, for a State of Rhode Island Assent to: Demolish and remove the remnants of the old Rocky Point Pier and construct a replacement facility consisting of: A fixed timber pier extending 281 feet from shore at a width of 20' for the nearshore portion and 10' for the offshore portion which terminates at a "T" head pier having dimensions of 110 feet long by 21' wide oriented parallel to shore. A roofed shade structure 36' long by 21' wide will be constructed on the "T" head pier along with bench seating. The full build-out including the "bid 1 alternative" further proposes a series of aluminum ramps and gangways which will provide access to floating dock structures having 4 finger piers designed to provide the boating public with access to Rocky Point. A cast-in-place headwall is proposed to provide a connection between the existing walk way and the new pier. The proposed pier is designed in accordance with ADA guidelines for recreational fishing piers and marinas. The project requires a special exception for the construction of a recreational structure (wharf/pier) and/or a boating facility which meets the definition of a "marina" (accommodates 5 or more recreational boats) in Type 2 (Low Intensity Use) Waters. This project is located at plat 380, lot 287, Rocky Point - Rocky Point Avenue, Warwick, RI.

The hearing will be held at 6:00 p.m. on Tuesday, May 9, 2017 at the Administration

STATE OF RHODE ISLAND PROBATE COURT OF THE TOWN OF NORTH PROVIDENCE

NOTICE OF MATTERS PENDING AND FOR HEARING IN SAID COURT THE COURT WILL BE IN SESSION AT TOWN HALL ON THE DATES SPECIFIED IN NOTICES BELOW AT 2:00 P.M.

Rubino, Anthony Jr. 9206 Estate - Petition for Probate of Will; for hearing April 17, 2017.

Ovoian, Rose V. 9193 Estate - Robert S. Ovoian Esq. of North Attleboro MA and Marjorie L. Slater of East Providence, RI has been appointed Co-Executors and Marjorie L. Slater of East Providence, RI is Appointed Registered Agent; creditors must file their Claims in the office of the Probate Clerk within the time required by law beginning April 7, 2017.

Marrone, Marie 9203 Estate - Petition for Sale of Real Estate designated in the Town of North Providence as Plat 14 Lot 62 for hearing; April 17, 2017.

Lester, George J. 9209 Estate - Kimberly Walsh of Smithfield, RI has been appointed Administratrix; creditors must file their claims in the office of Probate Clerk within the time required by law beginning April 7, 2017.

Rodriguez, Rafaela A. 8712 Estate - Petition for Sale of Real Estate designated in the Town of North Providence as Plat 1 Lot 180; for hearing April 17, 2017.

Freshman, Ernest 9194 Estate - Edward M. Pepe Esq. of Rhode Island and Joseph Tudino Esq. of Rhode Island have been appointed Co-Administrators C.T.A.; creditors must file their claims in the office of the Probate Clerk within the time required by law beginning April 7, 2017.

Brady Cataldo, Bobbi Jean 9213 Petition for Name Change from Bobbi Jean Brady Cataldo to: Bobbi Jean Brady for hearing; April 17, 2017.

Gobin, Beatrice A. 9210 Estate - Donald J. Gobin of North Providence, RI has been appointed Executor; creditors must file their claims in the office of The Probate Clerk within the time required by law beginning April 7, 2017.

Individuals requesting interpreter services for the hearing impaired must notify the office of the Probate Clerk at 232-0900 (Ext. 213) 72 hours in advance of the hearing date.

MaryAnn DeAngelus, Town Clerk

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

STATE OF RHODE ISLAND PROBATE COURT OF THE TOWN OF NORTH PROVIDENCE

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MaryAnn DeAngelus, Town Clerk

MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

CARE AND PROTECTION, TERMINATION OF PARENTAL RIGHTS, SUMMONS BY PUBLICATION, DOCKET NUMBER 17CP0003NE,

Trial Court of Massachusetts, Juvenile Court Department, COMMONWEALTH OF MASSACHUSETTS, Bristol County Juvenile Court, 75 No. Sixth Street, New Bedford, MA 02740

TO: Joshua L. Soto and/or any unnamed, unknown father of Baby Girl Luz, AKA Braylyne Serenity Soto: A petition has been presented to this court by DCF (New Bedford), seeking, as to the following child: Baby Girl Luz, that said child be found in need of care and protection and committed to the Department of Children and Families. The court may dispense the rights of the person(s) named herein to receive notice of or to consent to any legal proceeding affecting the adoption, custody, or guardianship or any other disposition of the child named herein, if it finds that the child is in need of care and protection and that the best interests of the child would be served by said disposition.

You are hereby ORDERED to appear in this court, at the court address set forth above, on the following date and time: 06/08/2017 09:00 AM Pre Trial conference (CR/CV). You may bring an attorney with you. If you have a right to an attorney and if the court determines that you are indigent, the court will appoint an attorney to represent you.

If you fail to appear, the court may proceed on that date and any date thereafter with a trial on the merits of the petition and an adjudication of this matter.

For further information call the Office of the Clerk-Magistrate at 508-990-4608. WITNESS: John S. Spinale, FIRST JUSTICE

Roger J. Oliveira, Acting Clerk Magistrate
 DATE ISSUED: 03/30/2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS FAMILY COURT JUVENILE CLERK'S OFFICE

ADVERTISEMENT PROVIDENCE COUNTY
 DATE: March 22, 2017
 Notice to: CAROLINE ANN GRIFFETH, GARY LEE DAURAY AND GARY & ALL PARTIES IN INTEREST

In Re: JACOB CHRISTIAN DAURAY; Born On: 27-NOV-2008; Juvenile Number: 201007581; Case Number: PTI-17-000029.

MORTG.

Assessor 244/ 3399 Post Warwick

The present mortgage subject to all prior liens on or directly in front of the virtue of the said mortgage H. Phelps, c 2013, and n 7881 at Page the Warwick Records, the said mortgage broken:

Said unit together with a centage inter Rhode Island. \$5,000.00 check or certificate of sale at time of sale

Bendett, 270 Farr

Farmin Attorney Holder

STATE OF RI Probate Court NOTICE OF PENDING HEARING IN THE COURT

sion at Town H specified in n 9:00 A.M. for matters

Marcoux, Hearing April 24, 2017

Surabian, R Boyajian, Aliso appointed

Creditors must file their claims in the office of the Probate Clerk within the time required by law

Esposito, Mi drew E. Espos Administrator. file their claims of the Probate the time required by law beginning April 7, 2017.

Jolicoeur, St E. Raymond E. appointed Executor must file their claims in the office of the Probate Clerk within the time required by law beginning April 7, 2017.

Pinto, John to appointed A Creditors must file their claims in the office of the Probate Clerk within the time required by law beginning April 7, 2017.

Adcock, Ine



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
 Oliver H. Stedman Government Center
 4808 Tower Hill Road, Suite 3
 Wakefield, RI 02879-1900

(401) 783-3370
 Fax (401) 783-2069

PUBLIC NOTICE

File Number: 2017-01-034

Date: February 1, 2017

This office has under consideration the application of:

The City of Warwick
 Warwick City Hall
 3275 Post Road
 Warwick, RI 02886

RI Department of Environmental Management
 Division of Planning and Development
 235 Promenade Street
 Providence, RI 02908

for a State of Rhode Island Assent to:

Demolish and remove the remnants of the old Rocky Point Pier and construct a replacement facility consisting of: A fixed timber pier extending 281 feet from shore at a width of 20' for the nearshore portion and 10' for the offshore portion which terminates at a "T" head pier having dimensions of 110 feet long by 21' wide oriented parallel to shore. A roofed shade structure 36' long by 21' wide will be constructed on the "T" head pier along with bench seating. The full build-out including the "bid 1 alternative" further proposes a series of aluminum ramps and gangways which will provide access to floating dock structures having 4 finger piers designed to provide the boating public with access to Rocky Point. A cast-in-place headwall is proposed to provide a connection between the existing walk way and the new pier. The proposed pier is designed in accordance with ADA guidelines for recreational fishing piers and marinas. The project requires a special exception for the construction of a recreational structure (wharf/pier) and/or a boating facility which meets the definition of a "marina" (accommodates 5 or more recreational boats) in Type 2 (Low Intensity Use) Waters.

Project Location:	Rocky Point – Rocky Point Avenue
City/Town:	Warwick
Plat/Lot:	380/287
Waterway:	Narragansett Bay

Plans of the proposed work may be seen at the CRMC office in Wakefield.

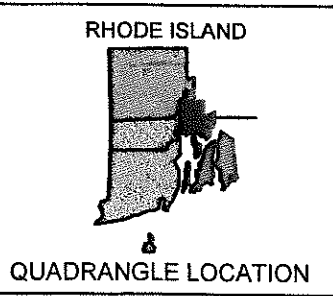
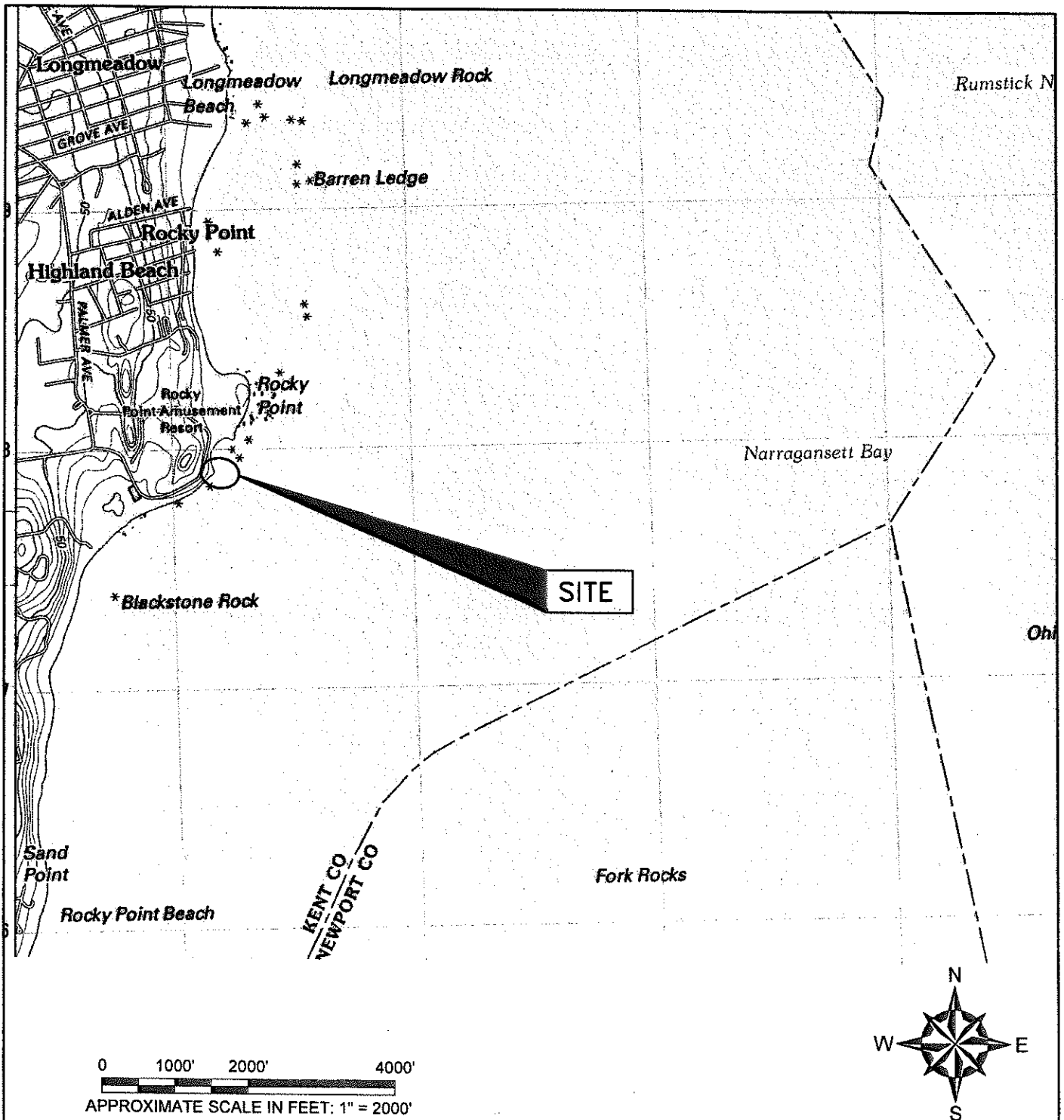
In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before March 2, 2017.

/lat

© 2015 - GZA GeoEnvironmental, Inc. GZA-J:\GEO\34065\JIM\FIGURES\CAD\DWGS\34065_F1-2_4-8-2015.DWG LOCUS JUNE 12, 2014 LISA THERIAULT



SOURCE:
BASE MAP FROM THE FOLLOWING USGS QUADRANGLE MAP:
BRISTOL, RHODE ISLAND (2012)
 DIGITAL TOPOGRAPHIC MAPS PROVIDED BY USGSSTORE.GOV.

CONTOUR ELEVATIONS REFERENCE NAVD 88.
 CONTOURS ARE SHOWN IN FEET AT 10 FOOT INTERVALS

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

**ROCKY POINT PIER
 WARWICK, RHODE ISLAND**

PREPARED BY:
GZA GeoEnvironmental, Inc.
 Engineers and Scientists
 www.gza.com

PREPARED FOR:
 RIDEM

LOCUS PLAN

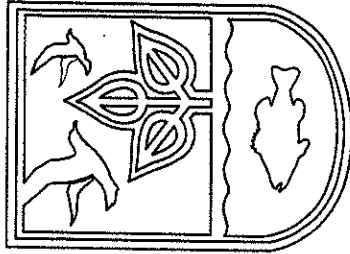
PROJ MGR: JJM	REVIEWED BY:	CHECKED BY: MEA
DESIGNED BY: PAS	DRAWN BY: LDT	SCALE: AS NOTED
DATE: APRIL 2015	PROJECT NO. 34065.00	REVISION NO. 0

FIGURE 1
 SHEET NO. 1 OF 2

Index of Drawings

Sheet No.	Dwg. No.	Description
1	-	COVER SHEET
2	1.0	GENERAL NOTES AND LEGEND
3	2.0	EXISTING CONDITIONS PLAN
4	3.0	PROPOSED SITE PLAN
5	4.0	PROPOSED SECTIONS & FRAMING PLAN
6	5.0	MISCELLANEOUS DETAILS
7	6.0	HANDRAIL DETAILS
8	7.0	BID ALTERNATE 1: FLOATING DOCKS & GANGWAY DETAILS

STATE OF RHODE ISLAND



DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF PLANNING AND DEVELOPMENT

ROCKY POINT PIER REPLACEMENT

WARWICK, RHODE ISLAND

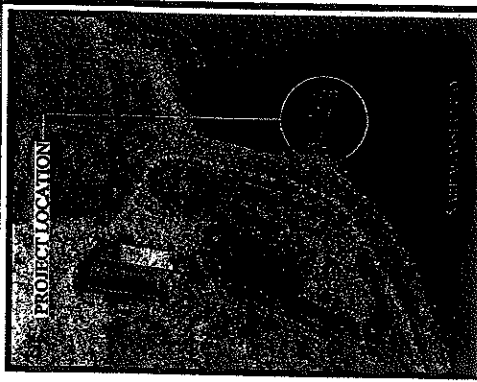
Pare Project No. 16152.00



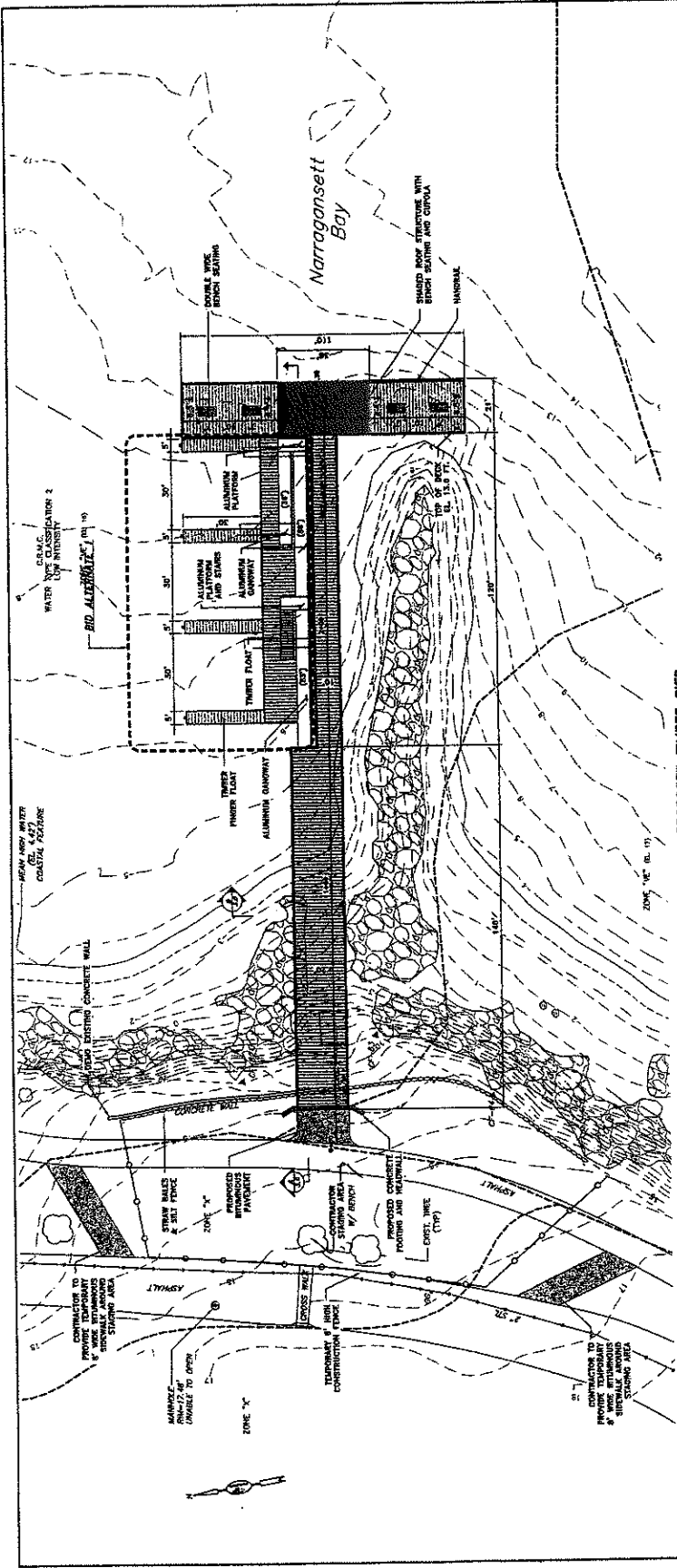
PARE CORPORATION
ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 02835
508-543-1755

OCTOBER 2016

60% DESIGN SUBMISSION
NOT FOR CONSTRUCTION



Locus Map
Scale: 1"=200'

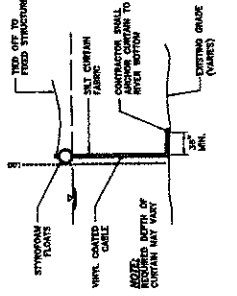
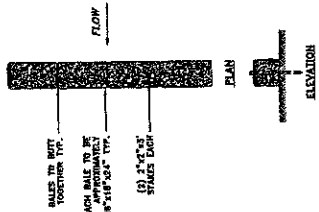


PROPOSED TIMBER PIER
SCALE 1/8" = 1'-0"

- BID ALTERNATE 1:**
1. INSTALL NEW TIMBER FLOAT SUPPORT PILES.
 2. INSTALL NEW TIMBER FLOATING DOCK SYSTEM INCLUDING MAIN PIER AND FINDER PLYATS.
 3. INSTALL NEW ALUMINUM PLATFORMS AND GANGWAYS.

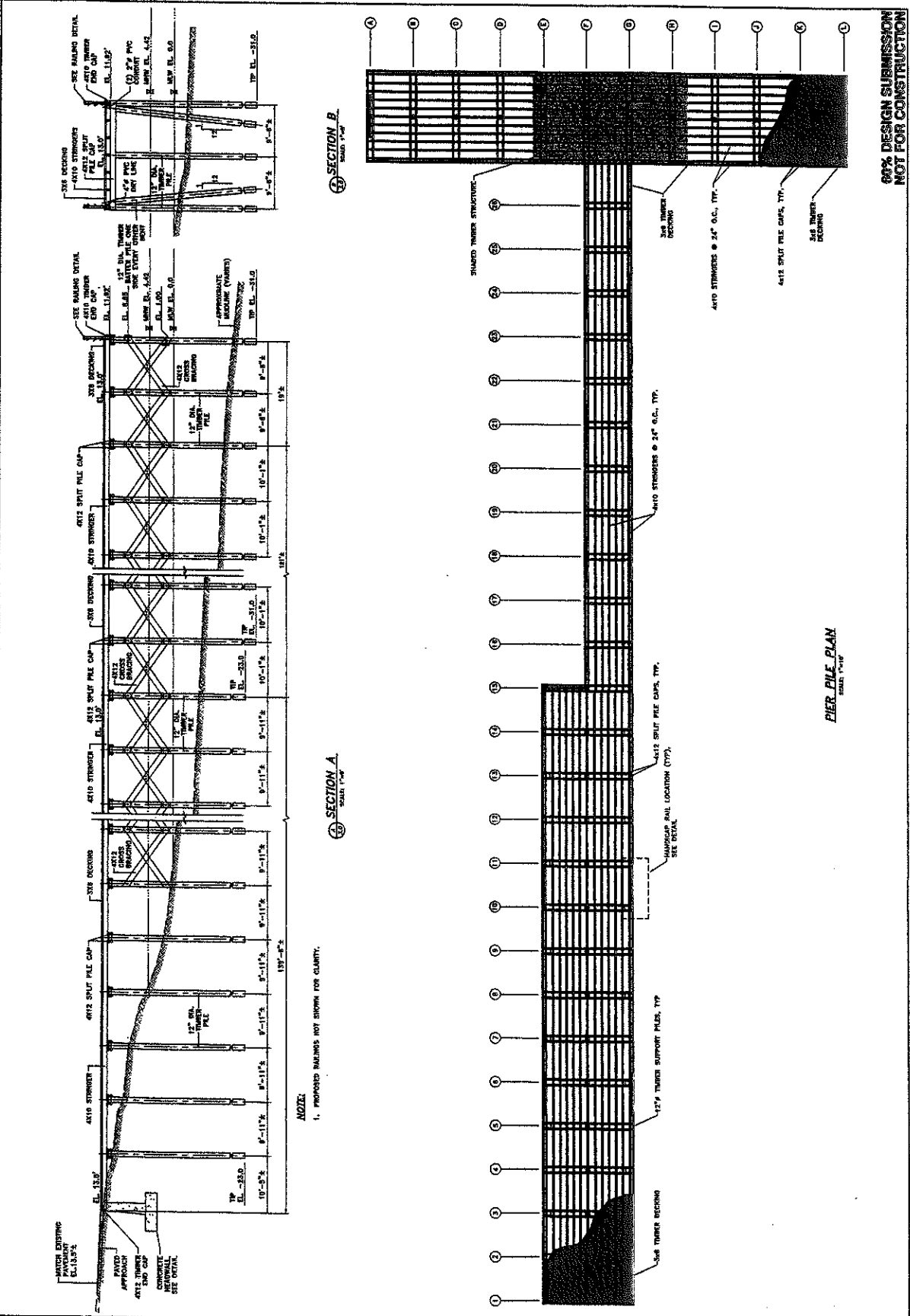
PROPOSED SCOPE OF WORK

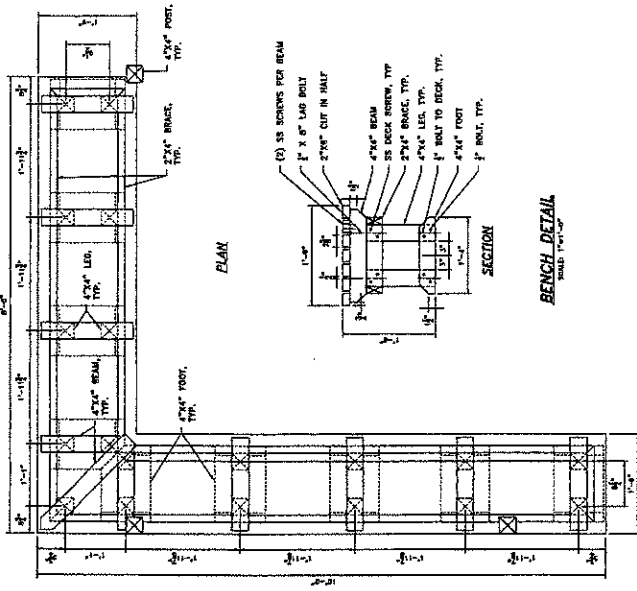
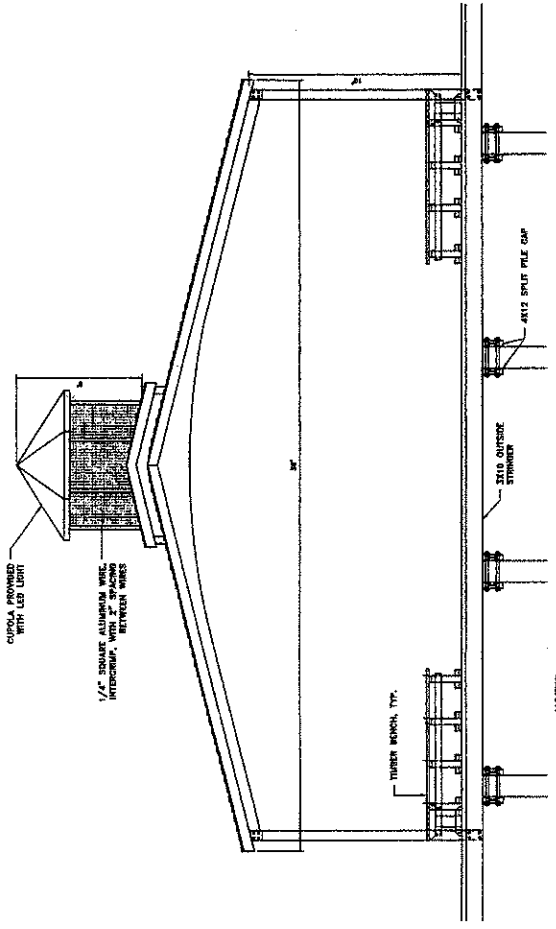
- BASE BID:**
1. EXISTING CONSTRUCTION, NOTES AND COMMENTS WITH ALL STATE, LOCAL AND FEDERAL AGENCIES AS REQUIRED. DETERMINE THE LOCATION OF EXISTING UTILITY AND NECESSARY TO PERFORM CONSTRUCTION OPERATIONS.
 2. REMOVE EXISTING CONSTRUCTION AND RESTORATION TO THE SITE. THE OWNER OR ENGINEER AS APPROPRIATE AND AS NECESSARY TO THE WORK SHALL BE RESPONSIBLE FOR COORDINATING WITH THE OWNER AND THE LOCAL.
 3. REMOVE AND RESET ALL CRANE AND BRANCHES AS REQUIRED.
 4. EXCAVATE THE EXISTING PIER AND BRANCHING COMPONENTS. REMOVE EXISTING CONSTRUCTION AND RESTORATION TO THE SITE. THE OWNER OR ENGINEER AS APPROPRIATE AND AS NECESSARY TO THE WORK SHALL BE RESPONSIBLE FOR COORDINATING WITH THE OWNER AND THE LOCAL.
 5. REMOVE AND RESET ALL CRANE AND BRANCHES AS REQUIRED. EXCAVATE THE EXISTING PIER, BRANCHING, THE EXCAVATION WITH CRANE CONNECTION OF THE PIER, BRANCHING AND TO PREVIOUSLY COMPACTED MATERIAL SHALL BE REQUIRED.
 6. CONSTRUCT NEW TIMBER PIER INCLUDING INSTALLATION OF NEW PILES, STRUCTURAL AND FINDER PLYATS, BRANCHES, BRANCHES, THICK SHAG PILE CAPS, STAIRS, ELEVATIONS.
 7. EXCAVATE AND LOCATIONS.
 8. INSTALL LIGHTING, CONDUIT, AND STANCHIONS AS INDICATED ON THE DRAWINGS.
 9. PERFORM SITE CLEANUP AND RE-SETTING OF AREAS AS NECESSARY. PERFORM FINAL WALK THROUGH WITH SET PROJECT PERSONNEL UPON COMPLETION.
 10. COMPLETE DEMONSTRATION AND PROTECT EXISTING.



TURBIDITY BARRIER DETAIL
SCALE 1/8" = 1'-0"
80% DESIGN SUBMISSION
NOT FOR CONSTRUCTION

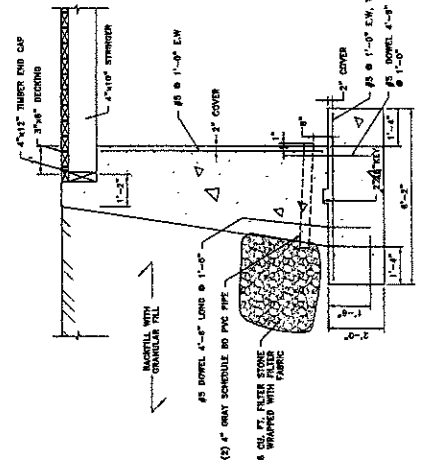
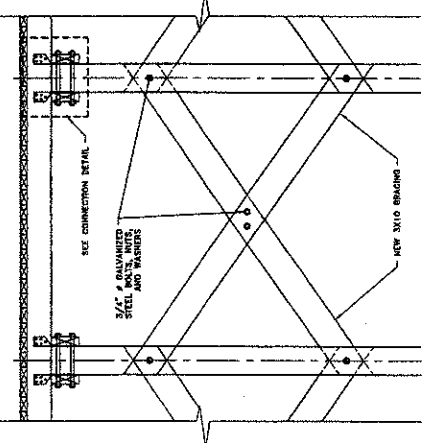
TYPE 1 EROSION CONTROL
SCALE 1/8" = 1'-0"





NOTES:
 1. TIMBER BOLT NOT SHOWN FOR CLARITY.
 2. CHAMFER EDGEMARK SHALL BE CEDAR FOREST PRODUCTS CO., LOW KITCH BEAM SHEET WITH PRE-BUILT CHAMFER EDGEMARK.
 3. TIMBER MEMBERS SHALL BE STRUCTURAL GLUE LAMINATED DESIGNED FOR SUPER LIFE LOAD ZERO WIND LOAD.

SHADED TIMBER STRUCTURE ELEVATION

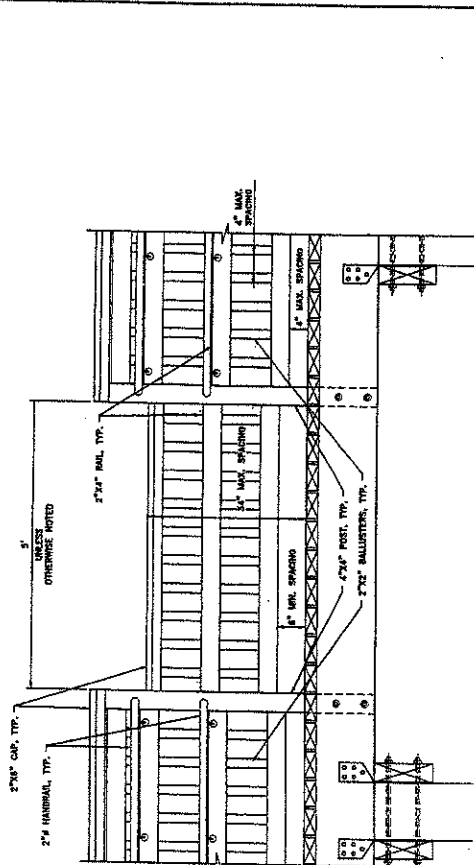


BATTER PILE CONNECTION DETAIL
 SCALE: 1/4" = 1'-0"

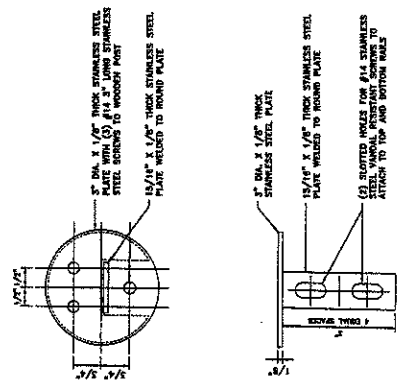
CROSS BRACING CONNECTION DETAIL
 SCALE: 1/4" = 1'-0"

CONCRETE HEADWALL DETAIL
 SCALE: 1/4" = 1'-0"

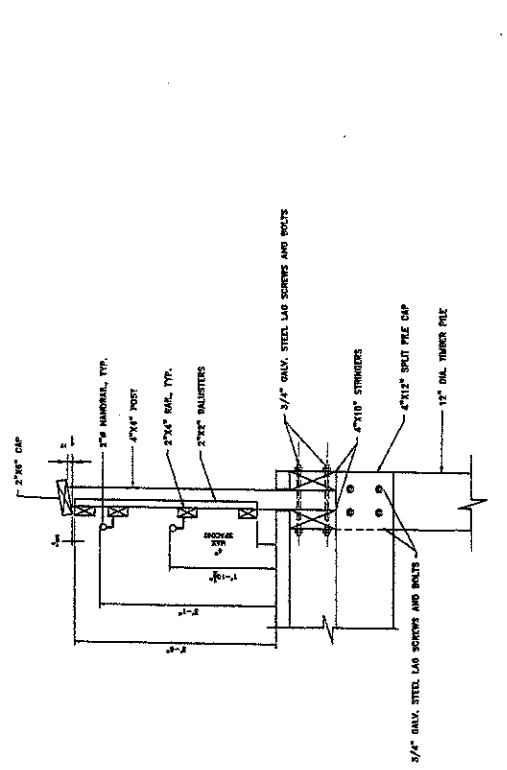
60% DESIGN SUBMISSION NOT FOR CONSTRUCTION



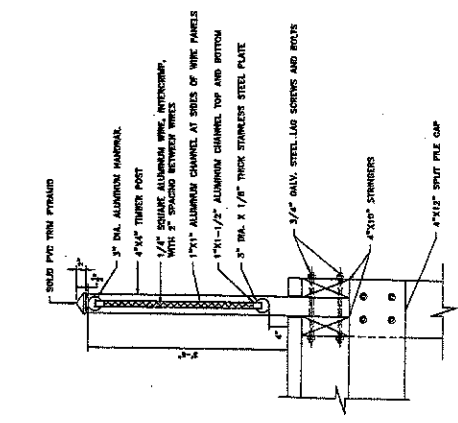
HANDICAP RAIL DETAIL
SCALE 1/4"



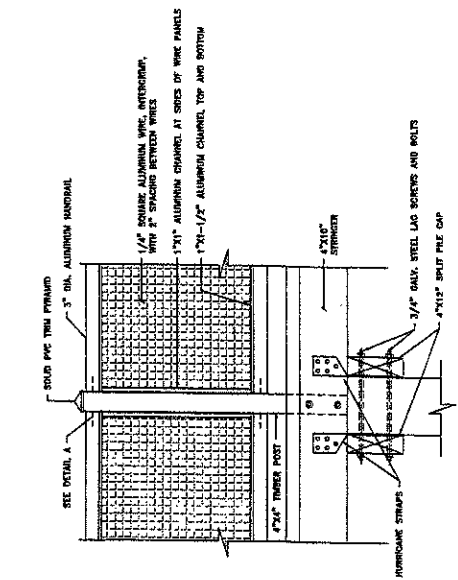
ADD/DEDUCT 1: RAIL SECTION DETAIL
SCALE 1/4"



TIMBER RAIL SECTION DETAIL
SCALE 1/4"

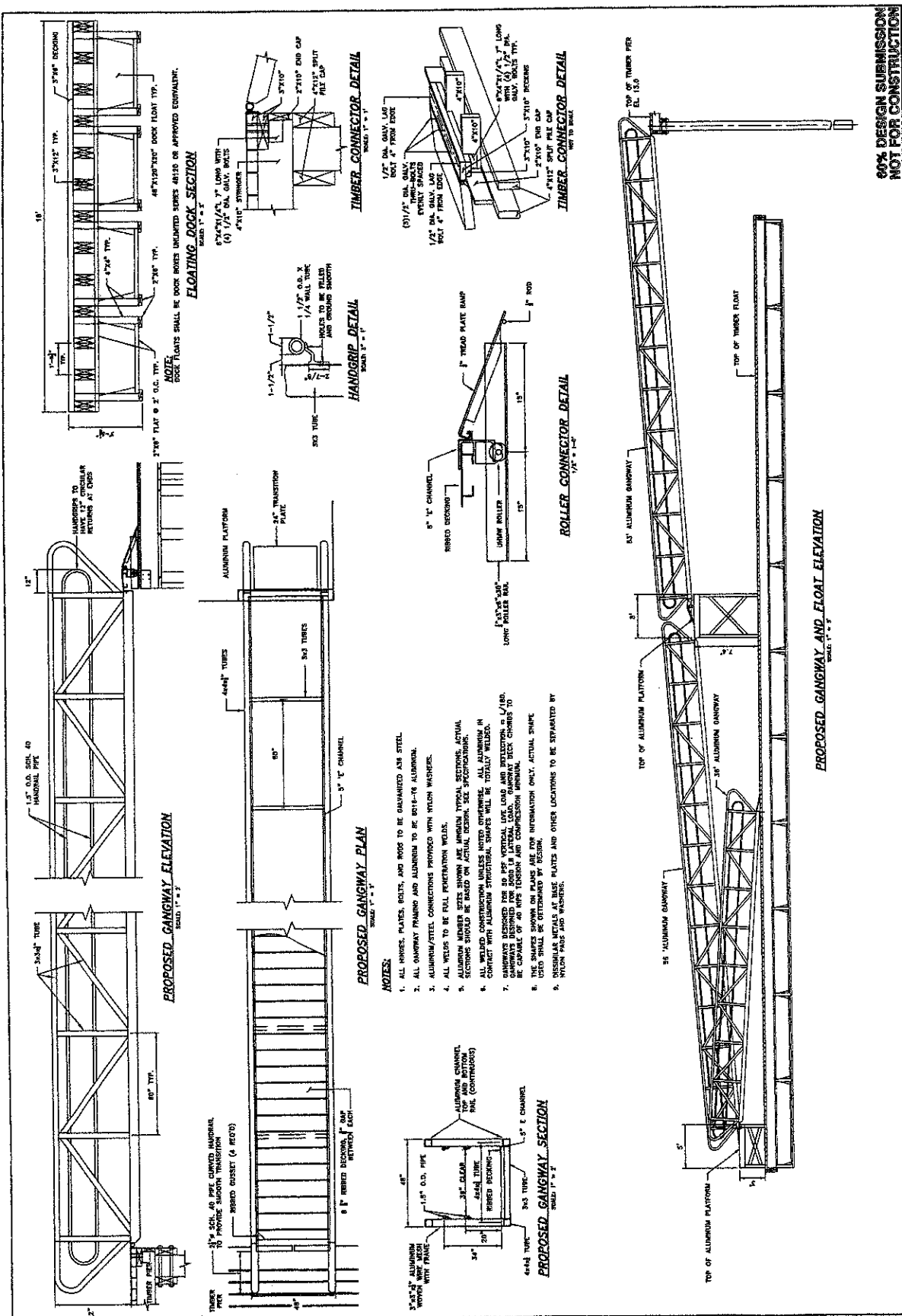


ADD/DEDUCT 1: RAIL SECTION DETAIL
SCALE 1/4"



ADD/DEDUCT 1: RAIL ELEVATION DETAIL
SCALE 1/4"

**60% DESIGN SUBMISSION
NOT FOR CONSTRUCTION**



60% DESIGN SUBMISSION
NOT FOR CONSTRUCTION



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

401-222-2776

December 21, 2016

Mr. Grover Fugate, Executive Director
RI Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Dear Mr. Fugate:

Enclosed, please find an Application for a State Assent prepared by the Rhode Island Department of Environmental Management, Division of Planning and Development, on behalf of the City of Warwick (Applicant) for the proposed reconstruction of the recreational pier at Rocky Point in Warwick, RI.

The project includes the complete removal and disposal of the existing pier remains, the reconstruction and expansion of the recreational pier, and the installation of a transient boating facility including gangways, floats, and slips.

This project requires a special exception and an assent from your office. Attached you will find one original and three copies of the following materials:

1. Application for State Assent containing the completed application form, location map, project narrative, abutters list, and site photographs.
2. Demonstration of Special Exception criteria addressing all applicable points.
3. Project plans entitled "Rocky Point Pier Replacement, Warwick, Rhode Island", dated October, 2016. Prepared by PARE Corporation. 10 Lincoln Rd, Suite 210, Foxboro, MA 02035.
4. Appendix A – "Geotechnical Data Report, Proposed Rocky Point Pier" dated April, 2015. Prepared by GZA GeoEnvironmental, Inc. 530 Broadway, Providence, RI 02909.

Also attached to this cover sheet, please find an 8.5"x11" reduced set of plans to be used for the public notice. Should you or your staff have any questions with this application, please contact me at 401.222.2776 ext. 4307, or Andres Aveledo at 401.222.2776 ext. 7235.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Primiano".

Lisa Primiano, Chief
Planning and Development

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
 COASTAL RESOURCES MANAGEMENT COUNCIL
 4808 TOWER HILL ROAD; Suite 3, WAKEFIELD, RI 02879
 (401) 783-3370

APPLICATION FOR STATE ASSENT

To perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

ROCKY POINT PIER REPLACEMENT			File No. 2017-01-034
Location No.	Street ROCKY POINT AV.	City/Town	WARWICK
Owner's Name	CITY OF WARWICK	Plat No. 380	Lot No. 287
Mailing Address	3275 POST ROAD		Res. Tel. # _____
City/Town	WARWICK	State RI	Zip Code 02886
Contractor RI Lic. #	TRD	Address	Tel. No.
Designer	FARE CORP.	Address 10 LINCOLN RD. SUITE 210 FOXBORO MA 02035	Tel. No. 508.543.1755
Name of Waterway	NARRAGANSETT BAY	Est. Project Cost \$	Fee/Costs \$ N/A

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?

(If so please provide the file and/or assent numbers). 2014-12-067
 2010-11-079
 2008-08-056

Is this application being submitted in response to a coastal violation? Yes _____ No

If yes, you must indicate NOV or C&D Number _____

Is this site within a designated historic district? No _____

Name and Addresses of adjacent property owners whose property adjoins the project site. (Accurate addresses will insure proper notification. Improper addresses will result in an increase in review time.)

SEE ATTACHED

Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.)

DEMOLITION AND RECONSTRUCTION OF TIMBER PIER AND FLOATS

Tru Media

Owner's Signature (sign and print)

STORMTOOLS (<http://www.beachsamp.org/resources/stormtools/>) is a planning tool to help applicants evaluate the impacts of sea level rise and storm surge on their projects. The Council encourages applicants to use STORMTOOLS to help them understand the risk that may be present at their site and make appropriate adjustments to the project design.

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

08/04



Project Narrative

This application is being submitted by the Rhode Island Department of Environmental Management (RIDEM) for the proposed demolition and reconstruction of the timber pier at Rocky Point in Warwick, RI. The proposed work includes:

1. The complete removal and disposal of the remnant pilings and structure of the old pier.
2. The reconstruction and expansion of the recreational pier.
3. The installation of a transient boating facility including gangways, floats, and slips.

Location:

In October 2014, the State celebrated the re-opening of the Rocky Point Park. This re-opening marked the first time in nearly 20 years that the public had the opportunity to tour the grounds of the former amusement park, cleared of remnants and hazards left behind after its closure. Rocky Point Park consists of 122 acres that includes the City of Warwick's 41 acres along the shoreline and the State's abutting 81 acres inland. Public access is provided via a walkway into the park from a public parking lot at the end of Rocky Point Avenue. The walkway traverses the entire length of the shoreline. DEM and the City have conceptually agreed to a development plan in order to provide additional amenities for the visiting public.

DEM has developed a close and positive working relationship with the City of Warwick on all park related issues. The City of Warwick has assisted DEM as needed and we anticipate a strong and long lasting partnership in the development and operation of this public resource.

Following the completion of cleanup and demolition, RIDEM and the City began taking steps to rebuild and add to the site. Topographical and bathymetric surveys as well as soil borings were contracted to aid in pier design. The pier will be built in the same location as the prior existing pier and will be used for fishing and recreation. The final design of the pier will include a series of floating docks and gangways for transient dockage, benches, railings, solar lighting, and a shade structure.

The site is classified as Type 2 water – Low Intensity Use. The construction of recreational structures in this water type is a prohibited activity; however, the project fulfills the requirements set forth in Section 130 of the CRMP allowing it to be permitted through the Special Exception process. See attached document outlining the criteria related to the special exception.

Review of available GIS data indicates that there are no eelgrass beds in the vicinity of the project and no conflict with navigation channels or mooring fields exist.

Existing Conditions:

Review of historical information indicates that a timber pier has existed at the Rocky Point site potentially as early as 1847. Throughout the years, as the use of the property evolved, the pier came to be the existing “L” shaped pier which served as one of the many amenities offered at the old Rocky Point Amusement Park. Subsequent to the park’s closure and abandonment, the pier fell into disrepair as it continued to suffer from persistent storm damage. The City of Warwick removed much of the landside part of the pier to address public safety concerns, while the rest of the pier was left in its current condition.

RIDEM contracted for an extensive bathymetric survey of the area surrounding the pier. Water depths at the pier end range between -11.0 to -12.0 feet below mean low water. This depth rises quickly to the top of the constructed stone jetty located adjacent to the pier. This type of bathymetric feature should prove to be a productive fishing location. A geotechnical analysis was contracted to determine soil conditions. The work included the completion of three soil borings. This report is attached to the application for reference.

Description of the Proposed Work:

RIDEM is proposing to remove and dispose of the remnant pilings and leftover structural components of the old pier to make way for the newly redesigned recreational pier. The proposed pier will be constructed of timber pilings and a timber deck. The pier is set to extend 281 ft. perpendicular from shore culminating in a 110ft. by 21ft. “T” shaped section to provide for public fishing access and enjoyment of the structure. As a design feature, RIDEM is proposing to add a shade structure at the center of the “T” section to provide the public with an area to sit in the shade at the end of the pier.

The pier structure will be constructed of pressure treated Southern Yellow Pine pilings at approximately 10ft. pile bents and 10ft. spacing. Pile caps will be 4x12 split caps (two per pile bent) that will support 4x10 stringers. The pier will be decked with 3x6 pressure treated timber decking. The sub-structure will be reinforced with batter piles one side every other bent as well as 4x12 cross bracing.

The robust structural design of the pier is intended to provide for resilience and protection against future storm events. The pier deck elevation has been raised to El. 13.0, above mean low water, to provide some additional protection against storm surge. This increase in elevation presents some challenges in the design of the floating dock components. A series of three aluminum gangways are needed to provide an accessible route to the floating docks.

The floating docks are to be constructed of heavy duty timber frames and polyethylene encased foam float drums. The docks are supported independently of the pier structure by driven timber pilings. Hinged connections will allow the floating dock assembly to come apart in sections so that the floats can be removed from the water and stored on land during the off-season. The floats are proposed to provide the boating community with the ability to arrive to Rocky Point by boat and take advantage of the various park amenities and occasional special events.

A cast-in-place concrete headwall will provide the landside connection between the pier and existing walkway. The surrounding landside area is set to be used as the construction staging area for equipment and materials brought in by land. The area will be blocked off and secured for public safety during construction with a 6ft. high construction fence. Users of the bike path will be rerouted around the work area using the old park road as shown in the plans.

The proposed pier is designed in accordance with the ADA guidelines for recreational fishing structures and marinas. The pier railings feature a number of areas where the height of the railing is reduced to 34" to allow for fishing from a wheelchair or sitting position. The pier will also feature a shade structure, a number of timber benches, and solar lighting fixtures. This project greatly enhances the public opportunity for fishing access from shore at this popular site. The goals and outcomes of this project are directly aligned with the Council's policies as outlined in Section 335 of the CRMP.

Method of Construction:

Work will be performed from both land and by barge. Pile driving shall be performed using a vibratory hammer or other approved method. All demolition debris will be removed from the site.

CRMC Section 130 Compliance
Special Exceptions

A. Special Exceptions may be granted to prohibited activities to permit alterations and activities that do not conform with a Council goal for the areas affected or which would otherwise be prohibited by the requirements of this document only if and when the applicant has demonstrated that:

- 1) The proposed activity serves a compelling public purpose which provides benefits to the public as a whole as opposed to individual or private interests. The activity must be one or more of the following: (a) an activity associated with public infrastructure such as utility, energy, communications, transportation facilities; (b) a water-dependent activity that generates substantial public economic gain to the state; and/or (c) an activity that provides access to the shore for broad segments of the public

130 (1) (b) This project will enhance the recreational fishing industry in Rhode Island's East Bay. It has been determined by a 2011 USFWS study that recreational fishing in Rhode Island accounts for approximately \$130 million in total expenditures per year¹. Investments to improve the state's fishing infrastructure are needed to maintain this cultural and economically significant activity.

130 (1) (c) This project serves a compelling public interest since it provides handicap accessible fishing access at a very popular access area in Rhode Island for all persons regardless of race, creed, gender, color, age, residence, or economic status.

- 2) All reasonable steps shall be taken to minimize environmental impacts and/or use conflict.

130 (2) Currently, the remains of the old Rocky Point Pier still stand at the site. The project proposes to construct the new pier in the same location to minimize environmental impacts. The proposed pier extends the same distance from shore as the original pier, but a "T" section has been added rather than the previous "L" end section. The "T" section is proposed to provide more area for fishing at the end of the pier.

- 3) There is no reasonable alternative means of, or location for, serving the compelling public purpose cited.

130 (3) Since the entire coastline at Rocky Point is Type 2 water no other location in the park exists that would accommodate the recreational structure without the need for a special exception.

¹ U.S. Fish and Wildlife Service "2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation" issued July 2007.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

401-222-2776

March 1, 2017

Mr. Grover Fugate, Executive Director
RI Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Dear Mr. Fugate:

Re: File # 2017-01-034 Rocky Point Pier Replacement – Warwick, RI.

Enclosed, please find two supplemental plans prepared to support the above noted application.

Plan sheet numbered AP-1 is entitled "Navigation Plan." This plan shows the proposed pier and floats at a smaller scale giving more context to the project within the surround area. The plan denotes offset distances to the nearest navigational hazards as identified by an extensive bathymetric survey of the area. The plan also shows the "marina perimeter limit" with associated coordinates, as required by Section 300.4 of the RICRMP. Given these distances and available water depths surrounding the proposed floating docks, RIDEM does not deem necessary the installation of navigational aids.

Plan numbered AP-2 depicts the proximity of parking and restroom facilities that currently exist at the site. The plan shows the approximate location of the two Clivus composting toilets installed last year (and permitted per the RIDEM/CRMC cooperative agreement). The distances from the pier to these facilities fall within the 1,000ft. limit established in Section 300.4 of the RICRMP. The number of currently available parking spaces also exceeds the regulatory requirements relative to the number of boat berths provided. Additionally, RIDEM expects to open an interior parking lot, just north of the former "Palladium" building for daytime users of the park and the pier, further increasing the availability for parking.

Additionally, we would also like to provide clarification relative to the special exception criteria of this application. Section 130 of the RICRMP requires an effort to seek all reasonable alternative locations for serving the compelling public purpose cited. With regards to this component, RIDEM has targeted three locations throughout Narragansett Bay where public infrastructure to support recreational fishing is necessary and feasible. The three locations targeted are Rocky Point in Warwick, 25 India Street (the old Shooters nightclub property) in Providence, and the naval property at the intersection of Burma Road and Green Lane in Middletown. RIDEM lobbied for the inclusion of funds in state bond initiatives for this purpose and we were instead granted the funds through the RI Capital Improvements fund in the state budget.

The project at Rocky Point is the first of the three to move forward based on public land control and a partnership agreement with the City of Warwick. The next project to follow will be the pier at 25 India Street. An RFP to initiate this design contract is currently being finalized and expected to go out to bid within the next couple of weeks. Lastly, the pier at Green Lane in Middletown has been delayed waiting for the Navy to convey the land over to the Town of Middletown. This project will proceed after land control is secured by the Town.

Although the project at Rocky Point is the only one of the three properties that would require a special exception with CRMC, the other sites should not be viewed as alternatives to the work at Rocky Point but rather ones that complement the broader view of public access for recreational fishing and boating statewide.

Should you or your staff have any questions with this application, please contact me at 401.222.2776 ext. 4307, or Andres Aveledo at 401.222.2776 ext. 7235.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Primiano". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Lisa Primiano, Chief
Planning and Development



PROPOSED PIER LOCATION/EXISTING PIER REMAINS



SHORELINE ADJACENT TO PROPOSED PIER



RIDEM DIVISION OF PLANNING & DEVELOPMENT
235 PROMENADE ST. PROVIDENCE, RI 401-222-2776

ROCKY POINT PIER REPLACEMENT
WARWICK, RI

SITE PHOTOGRAPHS

DECEMBER, 2016



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

401-222-2776

March 1, 2017

Mr. Grover Fugate, Executive Director
RI Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

Plans in file

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AP 2

PROXIMITY PARKING AND RESTROOMS

Scale: 1"=180'-0"

Date: February, 2017

Checked by: LP

Drawn by: AFA

Design by: AFA

ROCKY POINT
PIER REPLACEMENT
WARWICK, RI

STATE OF RHODE ISLAND
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
DIVISION OF PLANNING
AND DEVELOPMENT



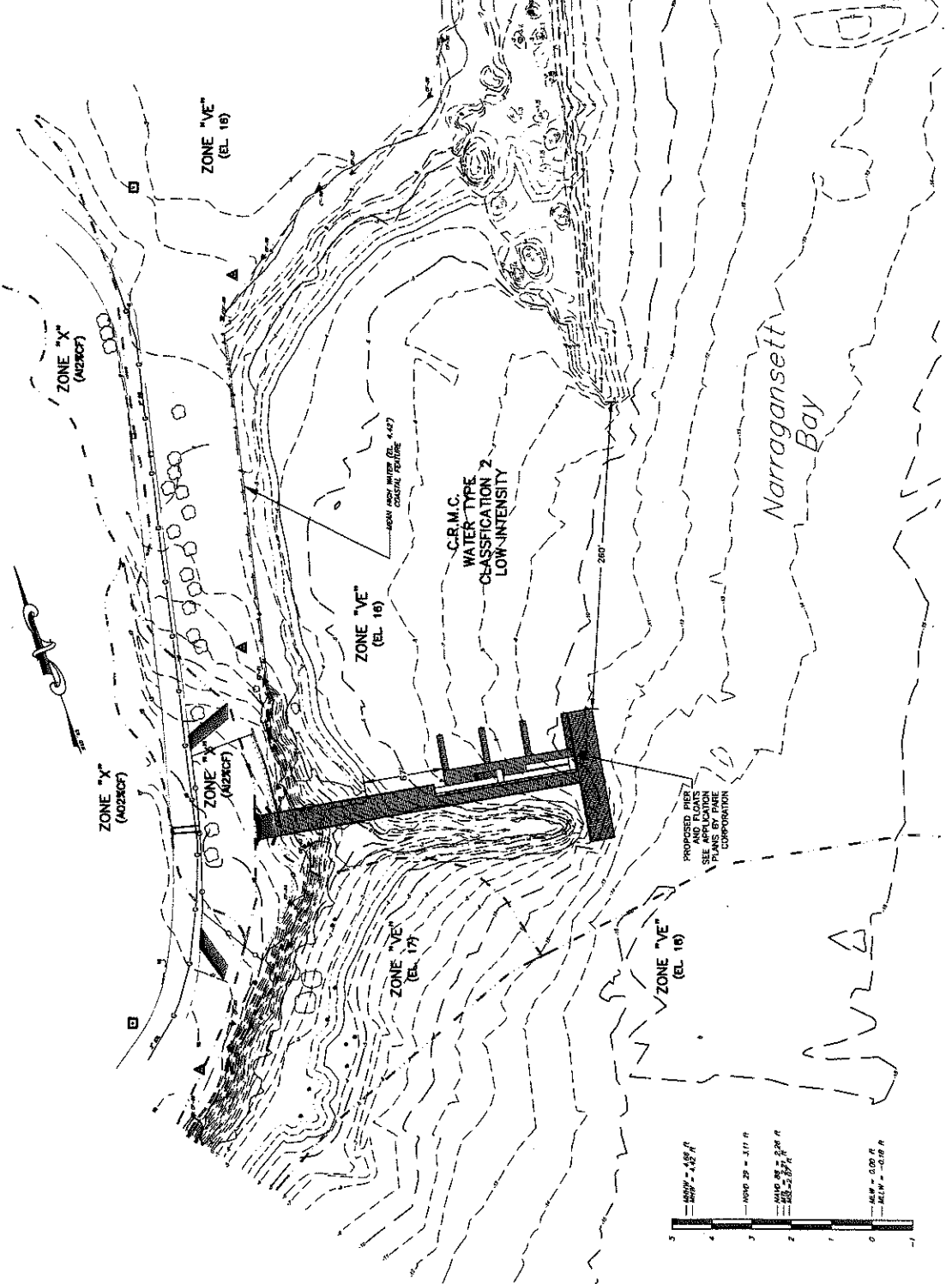
NOTE: 2014 IMAGERY SHOWN DOES NOT DEPICT EXISTING PARK CONDITIONS POST DEMOLITION AND CLEAN-UP OF ABANDONED AMUSEMENT PARK.



- NOTES:**
- 1.) THE PROJECT SITE IS LOCATED WITHIN MULTIPLE ZONES AS SHOWN ON THE CITY OF WARWICK, RI ZONING MAP FOR THE CITY OF WARWICK, RI, COMPLYING WITH THE CITY OF WARWICK, RI ZONING MAP FOR THE CITY OF WARWICK, RI, REVISIONS 18, 2013.
 - 2.) FLOOD ELEVATIONS SHOWN ARE ON NAD '83 DATUM.
 - 3.) THE UNDERGROUND UTILITIES SHOWN WERE LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS THE SURVEYOR MARKS AND UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE STRUCTURES ARE IN THE EXACT LOCATION AND SIZE AS SHOWN AND UTILITIES SHOWN ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AND UNDERGROUND UTILITIES. (PLEASE CONTACT DRESSER PRIOR TO CONSTRUCTION @ 1-888-344-7233)
 - 4.) HORIZONTAL DATUM: BRIDGE ISLAND STATE PLANE - NAD '83
 TIAL BENCH MARK 4203 B 1975 LOCATED AT 233 ALDERA WEDGE PROMENADE RI
 TIAL BENCH MARK 4203 B 1975 LOCATED AT 233 ALDERA WEDGE PROMENADE RI
 - 5.) CONTOUR ON GROUND SURVEY DATED APRIL, 2007.
 - 6.) SURVEY PERFORMED BY WATERMAN ENGINEERING, INC. DECEMBER, 2014 WITH BATHYMETRIC SURVEY DATA.
 - 7.) BASE PLAN DEVELOPED FROM PLAIN EXISTED TOASTING CONDITIONS & CONDITIONS OF THE SITE AS DEVELOPED BY ROCKY POINT MARINE, INC. PREPARED FOR THE CITY OF WARWICK, RI AND FOR THE CITY OF WARWICK, RI, REVISIONS 18, 2013, DECEMBER, 2014.

- LEGEND**
- CONCRETE
 - CATER BUSH
 - UNKNOWN USE MARKER
 - GAS LINE
 - GAS LINE
 - UTILITY POLE
 - CONTOUR (5)
 - CONTOUR (10)
 - CONCRETE WALL
 - RETAINING WALL
 - COASTAL FEATURE FLAG
 - FLOOD ZONE BOUNDARY
 - AREA WITH FLOOD DAMAGE POTENTIAL
 - ANNUAL FLOOD DAMAGE POTENTIAL
 - ANNUAL FLOOD DAMAGE POTENTIAL
 - ANNUAL FLOOD DAMAGE POTENTIAL
 - ANNUAL FLOOD DAMAGE POTENTIAL
 - ANNUAL FLOOD DAMAGE POTENTIAL
 - HORIZONTAL CONTROL
 - VERTICAL CONTROL

NOT FOR CONSTRUCTION



Design by: PAIRE CORP
Drawn by: AFA
Checked by: [Signature]
Date: February, 2017
Scale: 1"=40'-0"
Project No.:

ROCKY POINT
PIER REPLACEMENT
WARWICK, RI



STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF PLANNING AND DEVELOPMENT

No.	Description	Date

REVISIONS:

C1

NAVIGATION PLAN

SHEET 1 OF 1

Dave Reis

From: Dan Goulet <dgoulet@crmc.ri.gov>
Sent: Tuesday, May 02, 2017 10:32 AM
To: Dave Reis; 'Rich Lucia'; Jeff Willis; Grover Fugate
Subject: FW: RECOMMENDED PRIVATES AIDS TO NAVIGATION (PATON), NEW PIER AT ROCKY POINT PARK, WARWICK, RI

Danni Goulet, PE
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield, RI 02879

401-783-3370
Fax 401-783-3767

-----Original Message-----

From: LeBlanc, Edward G CIV [<mailto:Edward.G.LeBlanc@uscg.mil>]
Sent: Tuesday, May 02, 2017 8:54 AM
To: 'Elliott, Michael J CIV CENAE CENAD (US)'; Dan Goulet
Subject: RE: RECOMMENDED PRIVATES AIDS TO NAVIGATION (PATON), NEW PIER AT ROCKY POINT PARK, WARWICK, RI

RI DEM reached out to me. They'll provide the aids we recommended. My staff is working with DEM to procure the aids, secure the permits, etc.

Edward G. LeBlanc
Chief, Waterways Management Division
Coast Guard Sector Southeastern New England Office 401-435-2351 Cell 401-580-8747 Fax 401-435-2399
E-mail: Edward.G.LeBlanc@uscg.mil

-----Original Message-----

From: LeBlanc, Edward G CIV
Sent: Monday, May 01, 2017 11:21 AM
To: 'Elliott, Michael J CIV CENAE CENAD (US)'; 'Dan Goulet'
Cc: Chase, Timothy W BMCS; Rambo, Kevin W BM2; 'blackmax200@att.net'
Subject: RECOMMENDED PRIVATES AIDS TO NAVIGATION (PATON), NEW PIER AT ROCKY POINT PARK, WARWICK, RI

Good morning Mike, Dan,

My apologies for weighing in a bit late on this project...it slipped by me.

But I did get a chance to conduct a site visit last week with my aids-to-navigation experts, and we've put together a graphic (attached) where we recommend the pier owner (the state of RI? Warwick?)

establish three private aids-to-navigation (PATON) in the vicinity of the pier. These three PATON will help ensure navigation safety by guiding boaters around the ruins of the old pier, and away from shoal water to the northeast.

The only requirements are that the PATON (1) be Permitted through the USCG (a simple process we can assist with), and (2) conform to USCG standards (red/green, etc.)

In our view these PATON do not need to be lighted. We believe that lightweight foam or plastic buoys would suffice, as the buoys would only need to be installed on a seasonal basis, perhaps 1 May to 1 Nov.

Additionally, lightweight (and inexpensive) dor-mor type anchors should work to hold the buoys in place.

On a side note, I assume the pier itself will be well-lighted? I couldn't really tell from the drawings. The lights should clearly illuminate the pier while not blinding the mariner or interfering with navigation.

My staff is standing by to assist further should the pier owner wish to discuss number/placement of PATON, the PATON permitting process, potential sources of supply, etc.

Edward G. LeBlanc
Chief, Waterways Management Division
Coast Guard Sector Southeastern New England Office 401-435-2351 Cell 401-580-8747 Fax 401-435-2399
E-mail: Edward.G.LeBlanc@uscg.mil

-----Original Message-----

From: Chase, Timothy W BMCS
Sent: Monday, May 01, 2017 8:27 AM
To: LeBlanc, Edward G CIV
Cc: Reynolds, Elijah B BMC; Rambo, Kevin W BM2
Subject: FW:

Good day Sir,

Attached is a chartlet of Rocky Point where we met last Thursday. Kevin and I dropped three buoys on to the chart as reference positions for the proposed Private Aids we suggest. The owner of the Aids is of course welcome to request different positions to mark the channel to the new pier facility that is proposed and we will review and approve accordingly per the PATON permit process.

The positions we chose I think define the relatively narrow channel well and having the two reds on the north side of the channel will deter boaters from cutting the corner when departing and heading northerly to the Providence river.

Please forward along to the RI DEM, and the Harbor Master after reviewing and if you have any questions please let me know.

Regards
Senior

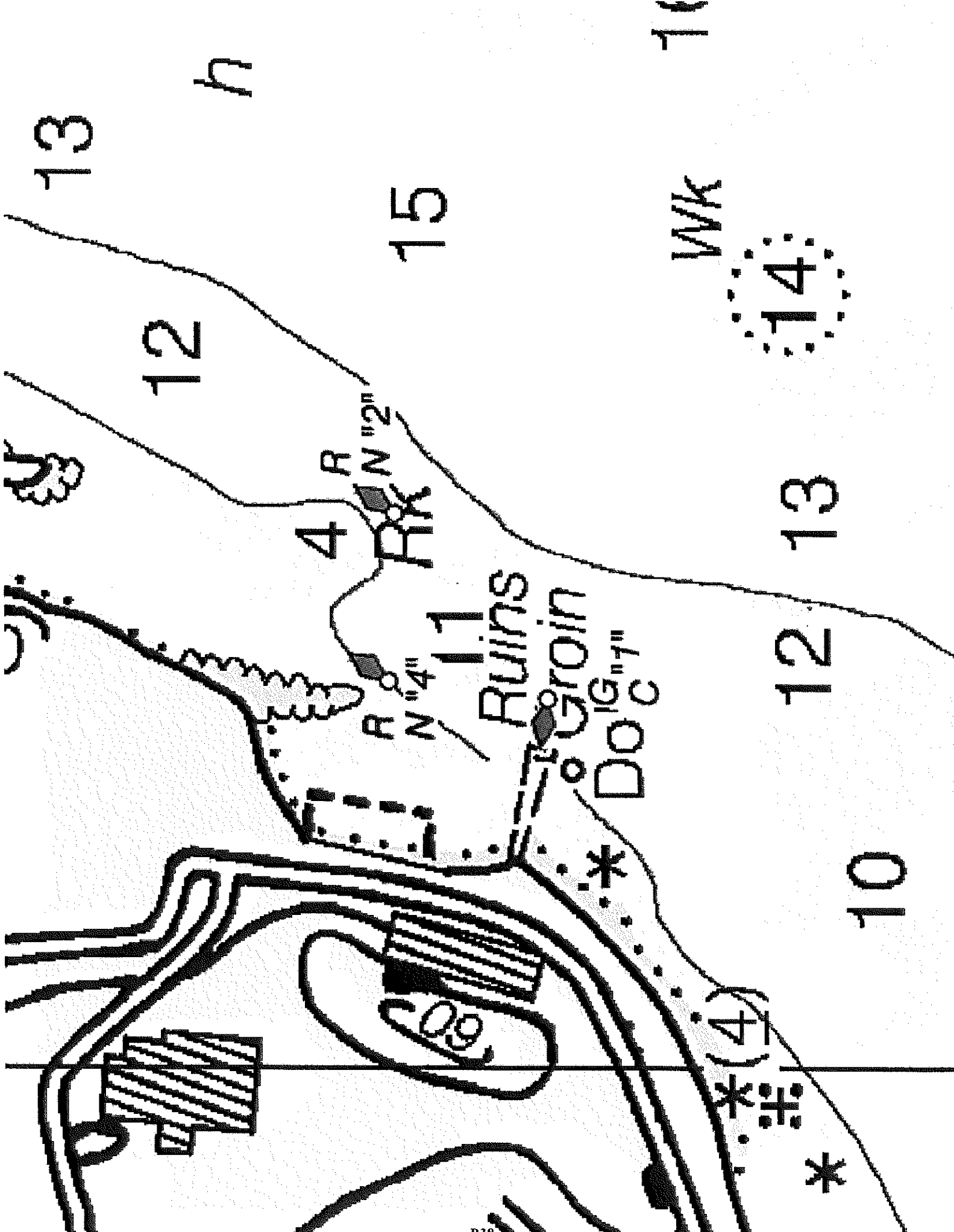
-----Original Message-----

From: Rambo, Kevin W BM2
Sent: Monday, May 01, 2017 8:04 AM
To: Chase, Timothy W BMCS
Subject:

Here ya go Senior Chief!

BM2 Kevin Rambo
Waterways Management
Sector SE New England
401-435-2353

This email has been checked for viruses by AVG.
<http://www.avg.com>



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RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 31, 2017

Mayor Scott Avedisian
City of Warwick
3275 Post Road
Warwick, RI 02886

**RE: Rocky Point Park Pier Replacement - Plat 380, Lot 287
Warwick, RI
WQC No. 17-021**

Dear Mayor Avedisian,

The RIDEM Office of Water Resources has reviewed the above referenced project for compliance with the State Water Quality Regulations. The project involves the removal of the remnants of the old Rocky Point Pier and construction of a new fixed timber pier extending 281 feet from shore, with a width of 20 feet for the nearshore portion and 10 feet for the offshore portion, which terminates at a "T" head pier. The "T" head pier shall be 110 feet long and 21 feet wide, and shall be positioned parallel to the shore. A 36 foot long portion of the "T" head pier shall be covered by a shade roof. The "bid 1 alternative" option indicated on the plan, consisting of a series of aluminum ramps and gangways to provide additional public access, and consists of ramps and finger piers for temporary daytime public boat access. The primary purpose for the pier is to be for public fishing access. The "bid 1 alternative" structures associated with the pier are limited in size and scope to the location and configuration shown on the submitted plans referenced below, and shall not exceed a nine (9) boat maximum at any one time.

The project design and use does not meet the definition of "Marina" pursuant to the 2015 FDA National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish Program's Model Ordinance. As such, the waters within and adjacent to the pier and docks can remain classified as Conditionally Approved and no change to the existing classification is warranted.

We have reviewed the subject application and site plans entitled "State of Rhode Island, Department of Environmental Management, Division of Planning and Development, Rocky Point Pier Replacement, Warwick, Rhode Island", dated October 2016", P.E. stamp date of January 5, 2017, sheet numbers 1 through 7 of 7, prepared by J. Matthew Belisle, P.E. of PARE Corp of Foxboro, MA.

It has been determined that the above project is in compliance with the requirements of the RI Water Quality Regulations provided that the Applicant complies with the above referenced application material and the following conditions:

- 1) You **must** notify the RIDEM contact person identified below of the anticipated date of construction and your contractor's contact information, prior to any site disturbance.

Mayor Scott Avedisian
Rocky Point Pier Replacement
WQC No. 17-021
March 31, 2017

- 2) Material used for fill and construction is clean and free of matter that could cause pollution of the waters of the State. No sewage, refuse, or waste of any kind shall be discharged into waters of the State from activities associated with the development of this project.
- 3) In order to maintain the current water use classification related to shellfishing within the vicinity of the pier, the total number of vessels docked at the pier **shall not** exceed nine (9) vessels at any one point in time.
- 4) Prior to construction, you **shall** erect or post a sign resistant to the weather and at least twelve (12) inches wide and (eighteen) inches long, which boldly identifies the initials "DEM" and the application number(s) assigned to this permit. The sign must be maintained at the site in a conspicuous location until such time that the project is complete.
- 5) A copy of this permit **must** be kept at the site at all times during site preparation, construction, and final stabilization. Copies of this permit must be made available for review by any DEM or City/Town representative upon request.
- 6) Any alterations, additions and/or modifications to the site design plans **must** be reviewed and approved by RIDEM prior to being effected.
- 7) This permit for the construction phase of this project shall expire on March 31, 2020. Project construction is to be completed by this date. You shall be required to submit a request for any modification(s) and/or extension(s).

In addition to any necessary enforcement actions stemming from the violation of any of the terms or conditions of this permit, issuance of this permit does not bar the Department, or any of its various Divisions, from instituting any investigation and/or enforcement actions that it may deem necessary for violations of any and all applicable statutes, regulations and/or permits, including but not limited to violations of the terms or conditions of any previous permit issued to you as an applicant or for this site.

This permit does not relieve your obligation to obtain any other applicable local, state and federal permits prior to commencing construction. This permit has the full force and effect of a permit issued by the Director. If you have any questions regarding the contents of the permit, you may contact Mr. Neal Personeus at (401) 222-4700, extension 7610.

Sincerely,



Neal B. Personeus
Senior Environmental Scientist, Project Manager
Federal 401 / State WQC Program
Office of Water Resources

ec: Dave Reis, CRMC
Mike Elliot, US ACOE
Andres Avecedo, RIDEM P&D



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

April 10, 2017

Regulatory Division
CENAE-R-RDB
Permit Number: NAE-2017-0319

The City of Warwick
Warwick City Hall
3275 Post Road
Warwick, Rhode Island 02886

RI Department of Environmental Management
Division of Planning and Development
235 Promenade Street
Providence, Rhode Island 02908

Dear Sir/Madam:

We have reviewed your application to perform work at the Rocky Point Pier located at Rocky Point Avenue in Warwick, Rhode Island. You will demolish and remove the remnants of the old Rocky Point Pier. You are authorized to construct and maintain a pier that is 20' x 140' near shore then narrows to 10' x 120' farther seaward and has a 21' x 110' T-head. A 21' x 36' roofed structure with benches will be installed on the T-head pier. A system of ramps will access a 10' x 110' main float with four 5' x 30' pile-secured finger floats. The project is described in your Coastal Resources Management Council (CRMC) application, File Number 2017-01-034. It is shown on the enclosed plans titled "ROCKY POINT PIER REPLACEMENT" dated "OCTOBER 2016."

Based on the information you have provided, we have determined that your project, which includes work and/or a discharge of dredged or fill material into waters of the United States, including wetlands, will have no more than minimal individual and cumulative adverse effects on the aquatic environment. Therefore, this work is authorized under General Permit #4 of the enclosed Federal permit known as the Rhode Island General Permits (GPs). This work must be performed in accordance with the terms and conditions of the GPs and the following special condition:

The Rocky Point Pier and its associated float system must be open to the public.

This authorization requires you to complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date.

RECEIVED

APR 10 2017

COASTAL RESOURCES
MANAGEMENT COUNCIL

You are responsible for complying with all of the GPs' requirements. Please review the enclosed GPs carefully, in particular the general conditions. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document and this authorization letter are at the project site throughout the time the work is underway.

This authorization expires on March 3, 2022, unless the GP is modified, suspended, or revoked before then. You must commence or be under contract to commence the work authorized herein by this expiration date and complete the work within one year of this expiration date. We recommend you contact us before these GPs expire to discuss permit reissuance.

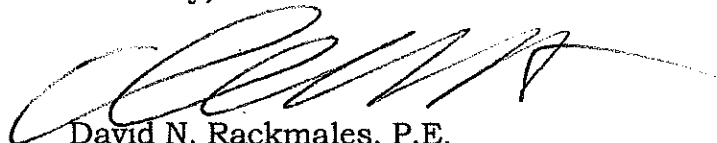
If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law, as listed in Section 2 of this GP. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the GP may subject you to the enforcement provisions of our regulations.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

Please contact Michael Elliott of my staff at (978) 318-8131 if you have any questions.

Sincerely,



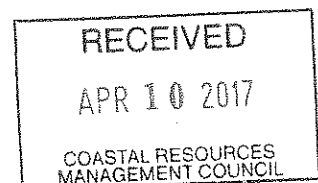
David N. Rackmales, P.E.
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosures

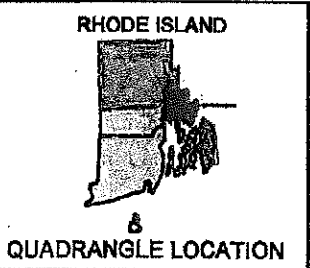
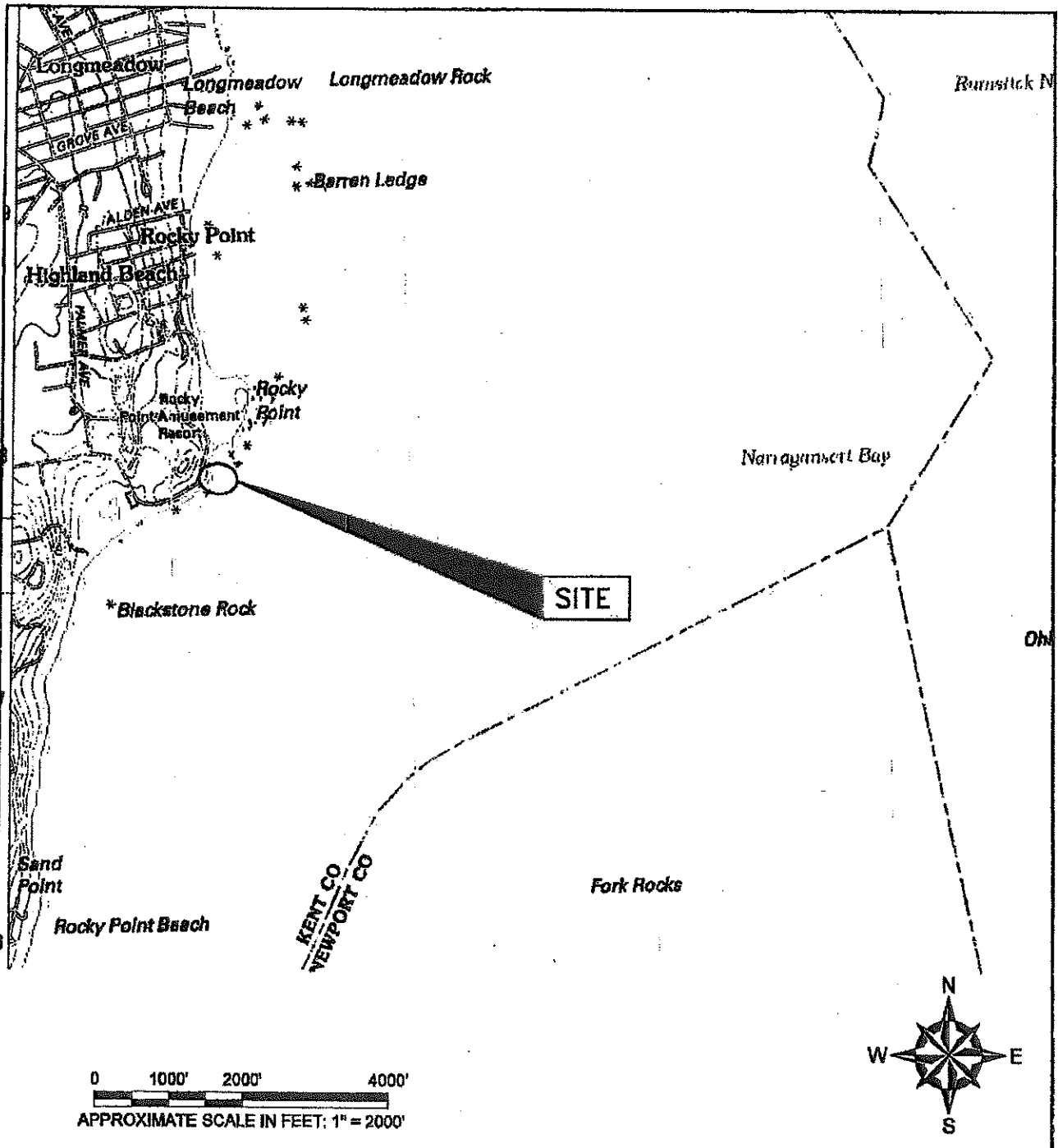
Copies Furnished:

Jenn Abbruzzese – CRMC - jabbruzzese@crmc.ri.gov

Pare Corporation – Engineer - spierce@parecorp.com



© 2015 GZA GeoEnvironmental, Inc. GZA-J:\GEO\34085\JM\FIGURES\CAD\DWGS\34085_F1-2_4-8-2015.DWG LOCUS JUNE 12, 2014 LISA THERAULT



SOURCE:
 BASE MAP FROM THE FOLLOWING USGS QUADRANGLE MAP RECEIVED
BRISTOL, RHODE ISLAND (2012)
 DIGITAL TOPOGRAPHIC MAPS PROVIDED BY USGSSTORE.GOV.

CONTOUR ELEVATIONS REFERENCE NAVD 88,
 CONTOURS ARE SHOWN IN FEET AT 10 FOOT INTERVALS

APR 10 2017
 COASTAL RESOURCES
 MANAGEMENT COUNCIL

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOSCIENCE & ENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THIS DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE INFORMATION SHOWN ON THIS DRAWING IS NOT TO BE REPRODUCED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSMISSION, REUSE, OR ALTERATION OF THIS DRAWING WITHOUT THE PRIOR WRITTEN CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY LIABILITY TO GZA.

**ROCKY POINT PIER
 WARWICK, RHODE ISLAND**

LOCUS PLAN

PREPARED BY: GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR: RIDEM	
PROJ MGR: JIM DESIGNED BY: PAS DATE: APRIL 2016	REVIEWED BY: DRAWN BY: LDT PROJECT NO.: 34085.00	CHECKED BY: MEA SCALE: AS NOTED REVISION NO.: 0	FIGURE 1 SHEET NO. 1 OF 2

Index of Drawings

Sheet No.	Draw. No.	Description
1	-	COVER SHEET
2	1.0	GENERAL NOTES AND LEGEND
3	2.0	EXISTING CONDITIONS PLAN
4	3.0	PROPOSED SITE PLAN
5	4.0	PROPOSED SECTIONS & FRAMING PLAN
6	5.0	MISCELLANEOUS DETAILS
7	6.0	HANDRAIL DETAILS
8	7.0	BID ALTERNATE 1: FLOATING DOCKS & GANGWAY DETAILS

STATE OF RHODE ISLAND

D ■ E ■ M



DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF PLANNING AND DEVELOPMENT

ROCKY POINT PIER REPLACEMENT

WARWICK, RHODE ISLAND
Pare Project No. 16152.00



PARE CORPORATION
ENGINEERS - SCIENTISTS - PLANNERS
10 LINCOLN ROAD, SUITE 210
FOXBORO, MA 01535
508-943-1725

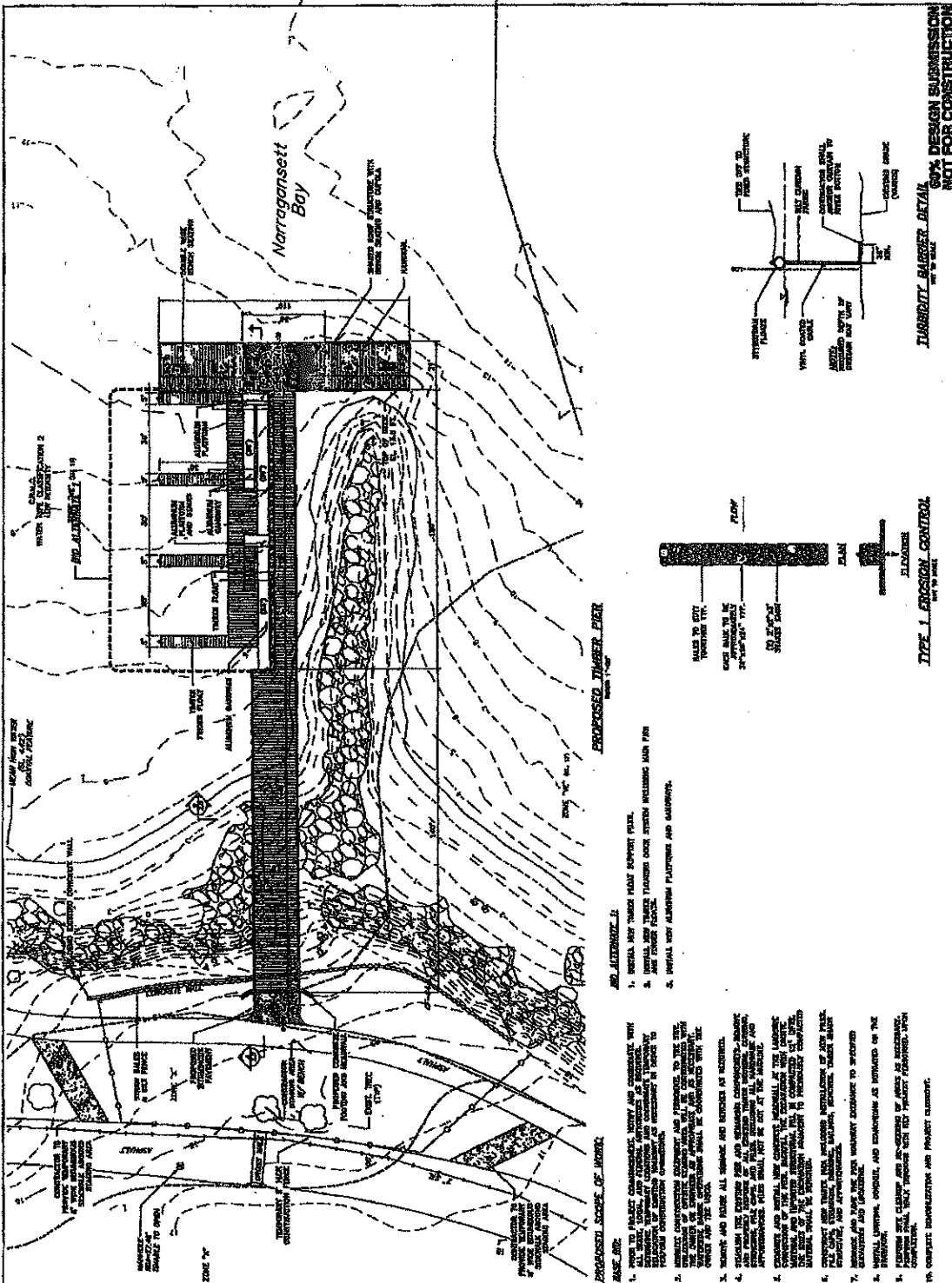
OCTOBER 2016

60% DESIGN SUBMISSION
NOT FOR CONSTRUCTION



Locus Map
Scale: 1"=200'

RECEIVED
APR 10 2017
COASTAL RESOURCES
MANAGEMENT COUNCIL



PROPOSED JAMBER PIER

SCALE: AS SHOWN

SEE ALTERNATE 2

1. SHOW TO MATCH COMPONENTS, MOULDS AND CONNECTIONS WITH ALL EXISTING PIER AND WALKWAY COMPONENTS - EXCEPT WHERE SHOWN OTHERWISE.
2. INSTALL AND TRIMMER JACKSON OVER SYSTEM INCLUDING MAIN PIER AND TRIMMER JACKS.
3. INSTALL NEW ALUMINUM PLATFORMS AND GARDERS.

TYPE 1 EROSION CONTROL

SCALE: AS SHOWN

SEE ALTERNATE 2

1. SHOW TO MATCH COMPONENTS, MOULDS AND CONNECTIONS WITH ALL EXISTING PIER AND WALKWAY COMPONENTS - EXCEPT WHERE SHOWN OTHERWISE.
2. INSTALL AND TRIMMER JACKSON OVER SYSTEM INCLUDING MAIN PIER AND TRIMMER JACKS.
3. INSTALL NEW ALUMINUM PLATFORMS AND GARDERS.

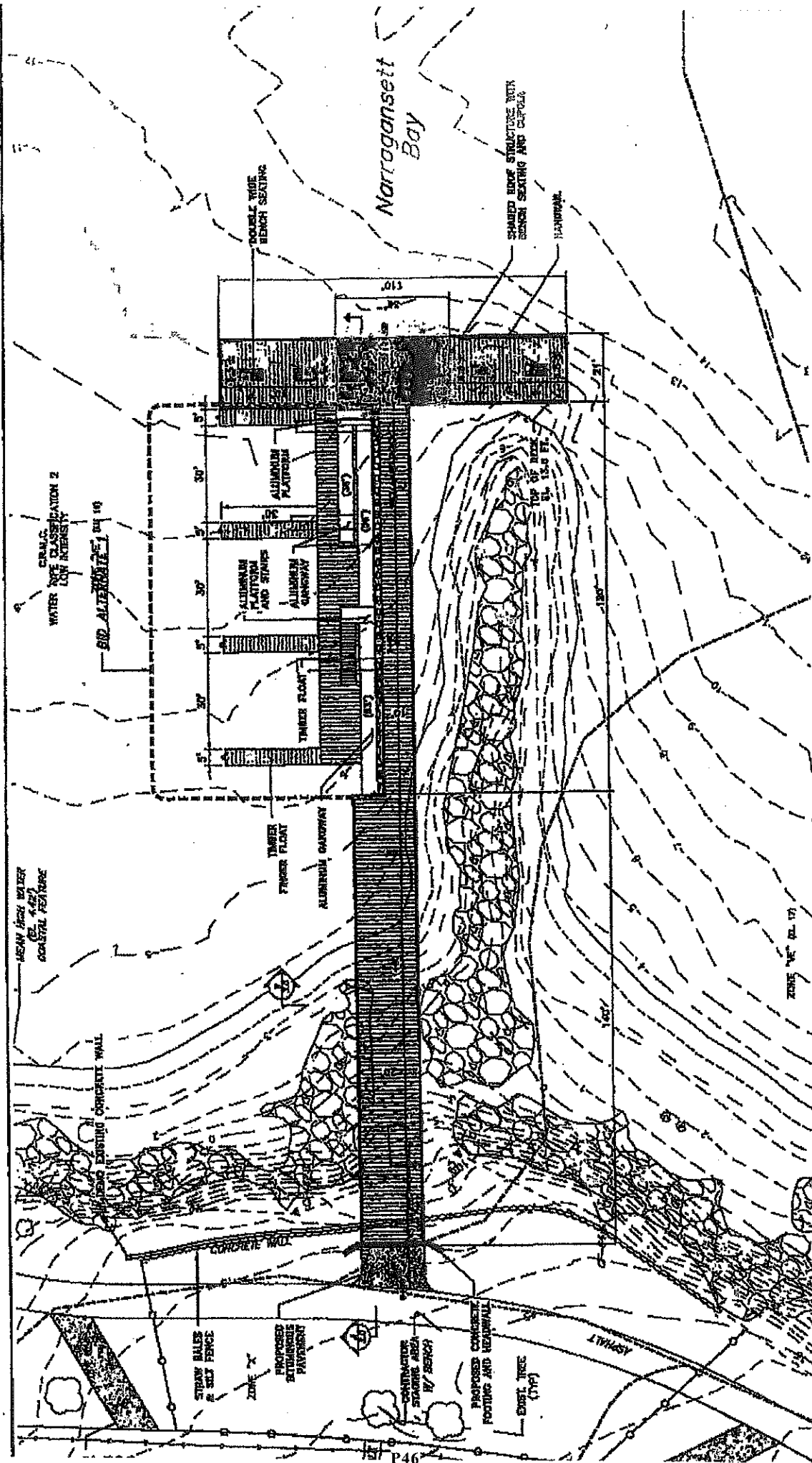
TURBIDITY BARBER DETAIL

SCALE: AS SHOWN

SEE ALTERNATE 2

1. SHOW TO MATCH COMPONENTS, MOULDS AND CONNECTIONS WITH ALL EXISTING PIER AND WALKWAY COMPONENTS - EXCEPT WHERE SHOWN OTHERWISE.
2. INSTALL AND TRIMMER JACKSON OVER SYSTEM INCLUDING MAIN PIER AND TRIMMER JACKS.
3. INSTALL NEW ALUMINUM PLATFORMS AND GARDERS.

RECEIVED
APR 10 2017
COASTAL RESOURCES
MANAGEMENT COUNCIL



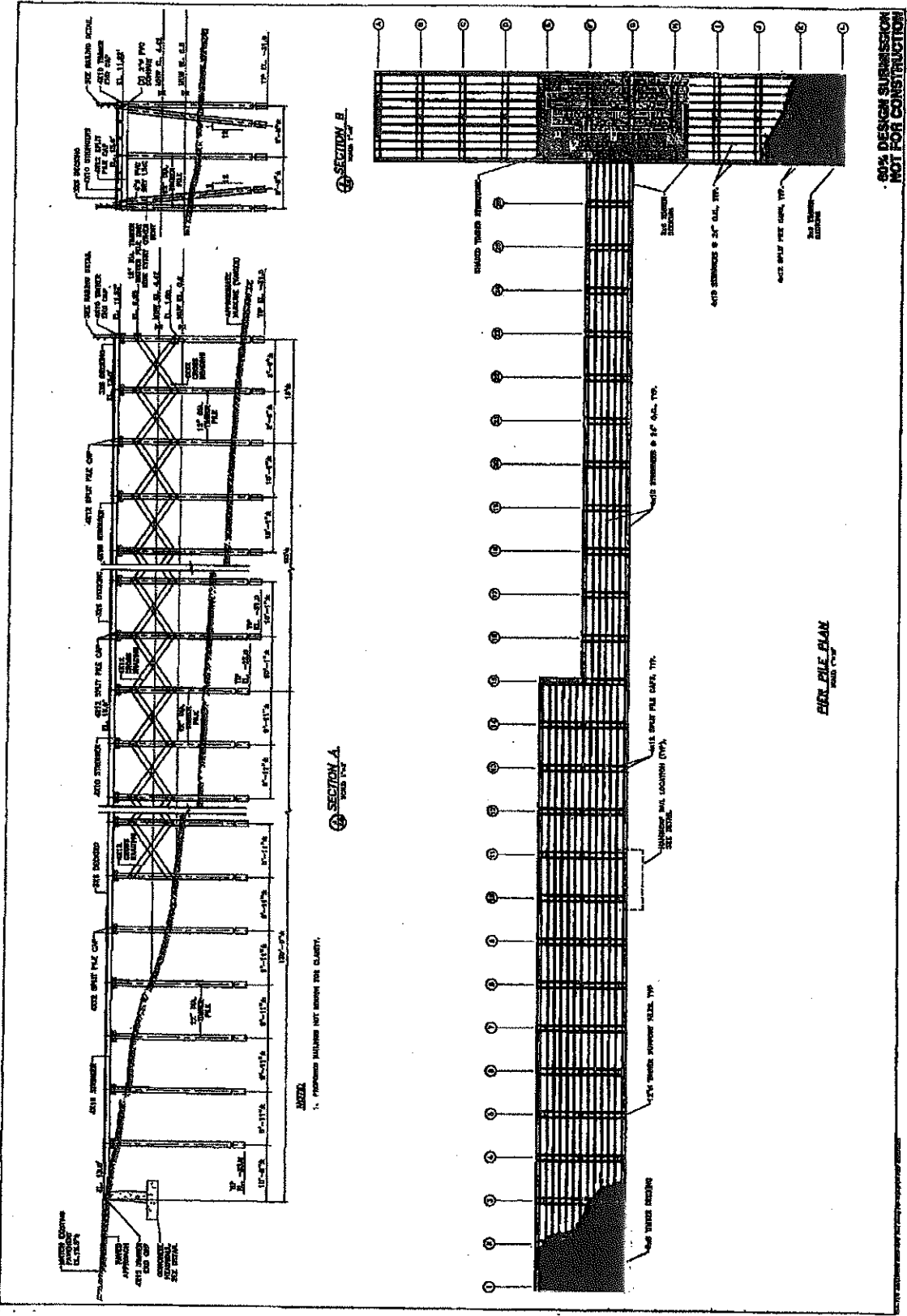
RECEIVED
 APR 10 2017
 COASTAL RESOURCES
 MANAGEMENT COUNCIL

PROPOSED TIMBER PIER
 SCALE: 1"=40'

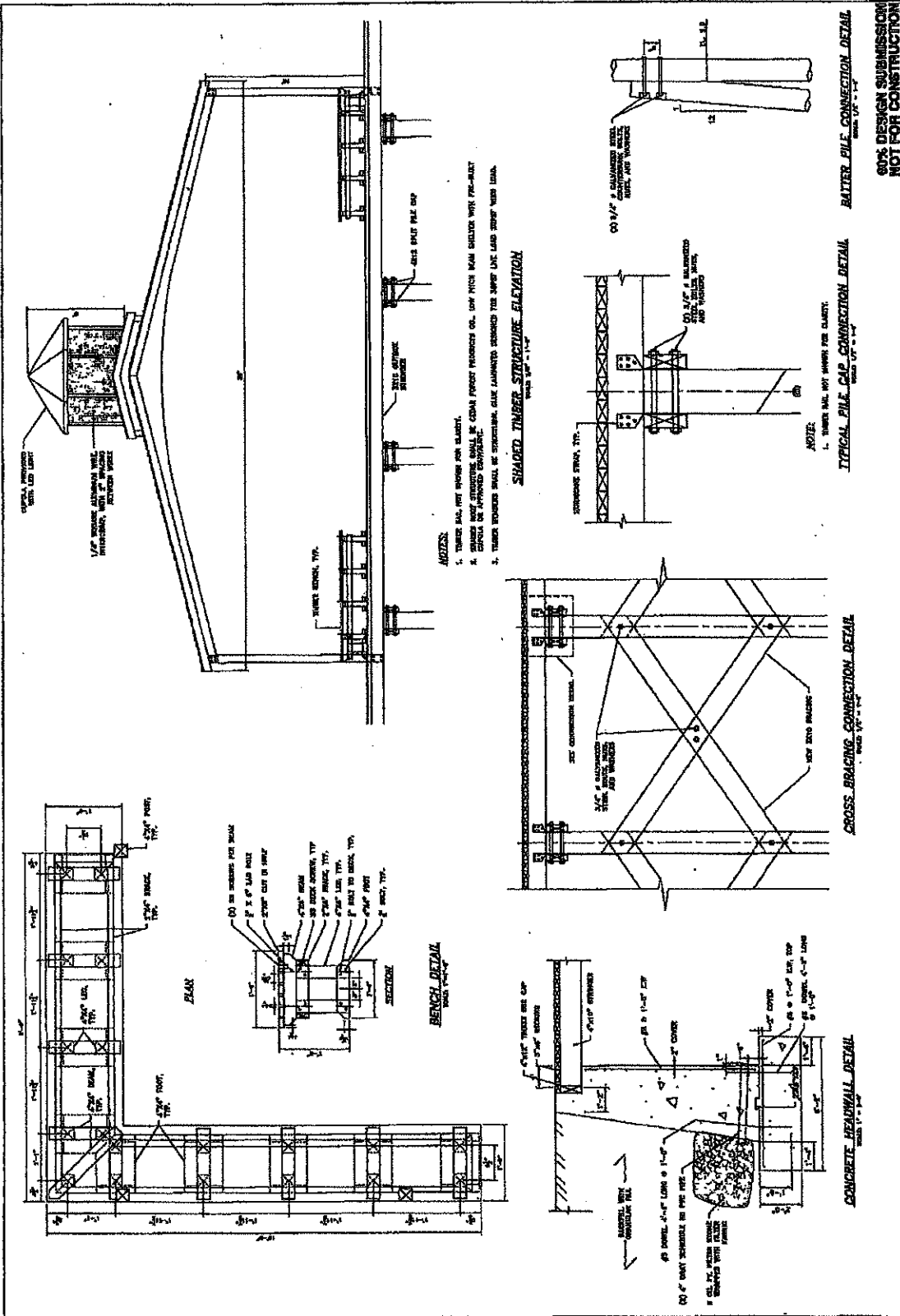
BID ALTERNATE 1

1. INSTALL NEW TIMBER FLOAT SUPPORT PILES.
2. DETAIL NEW TIMBER FLOATING ROCK SYSTEM INCLUDING WARR PIER AND TIMBER FLOATS.

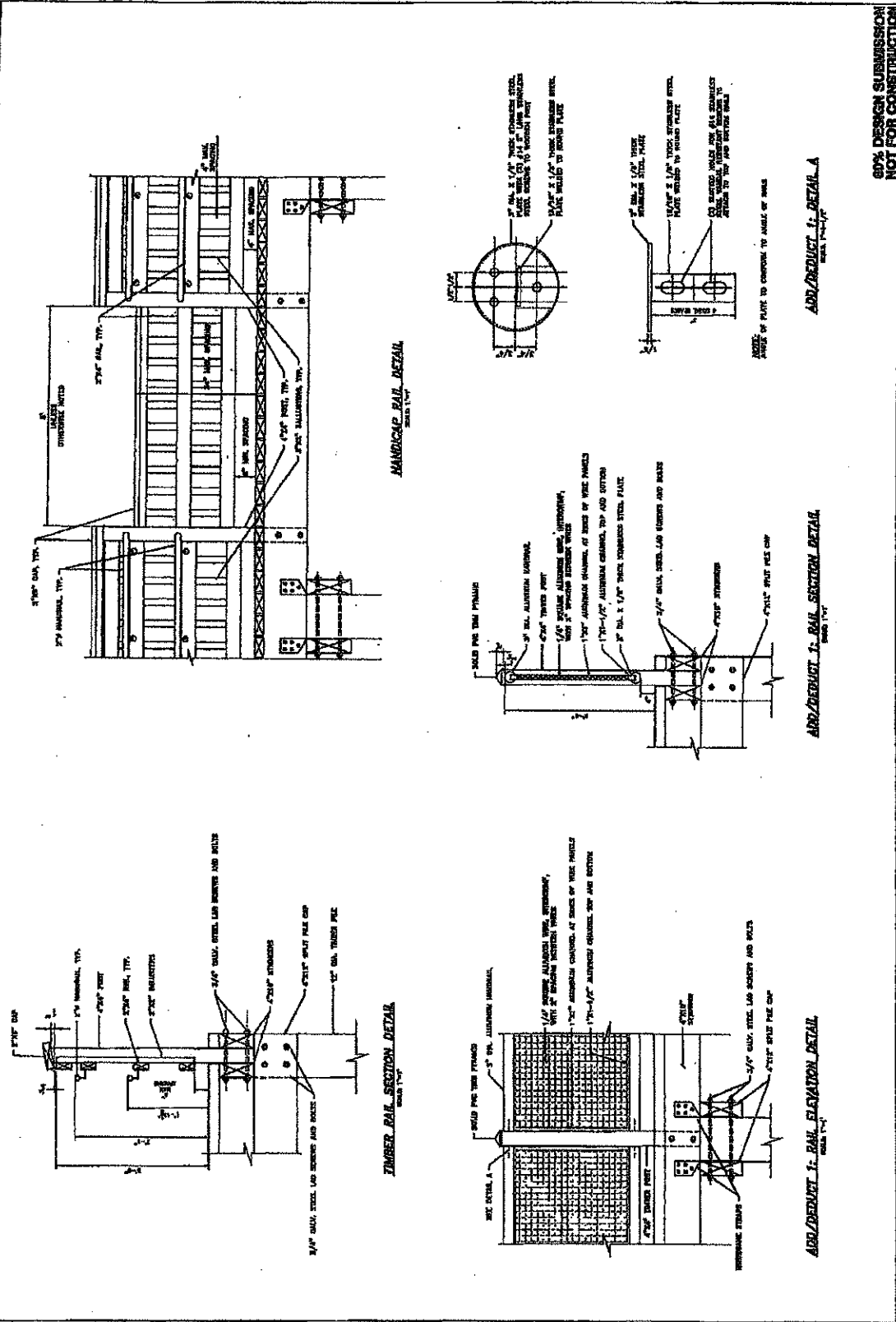
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 TO AND CHECKED AS SET FORWARDED TO
 BY AS NECESSARY IN ORDER TO



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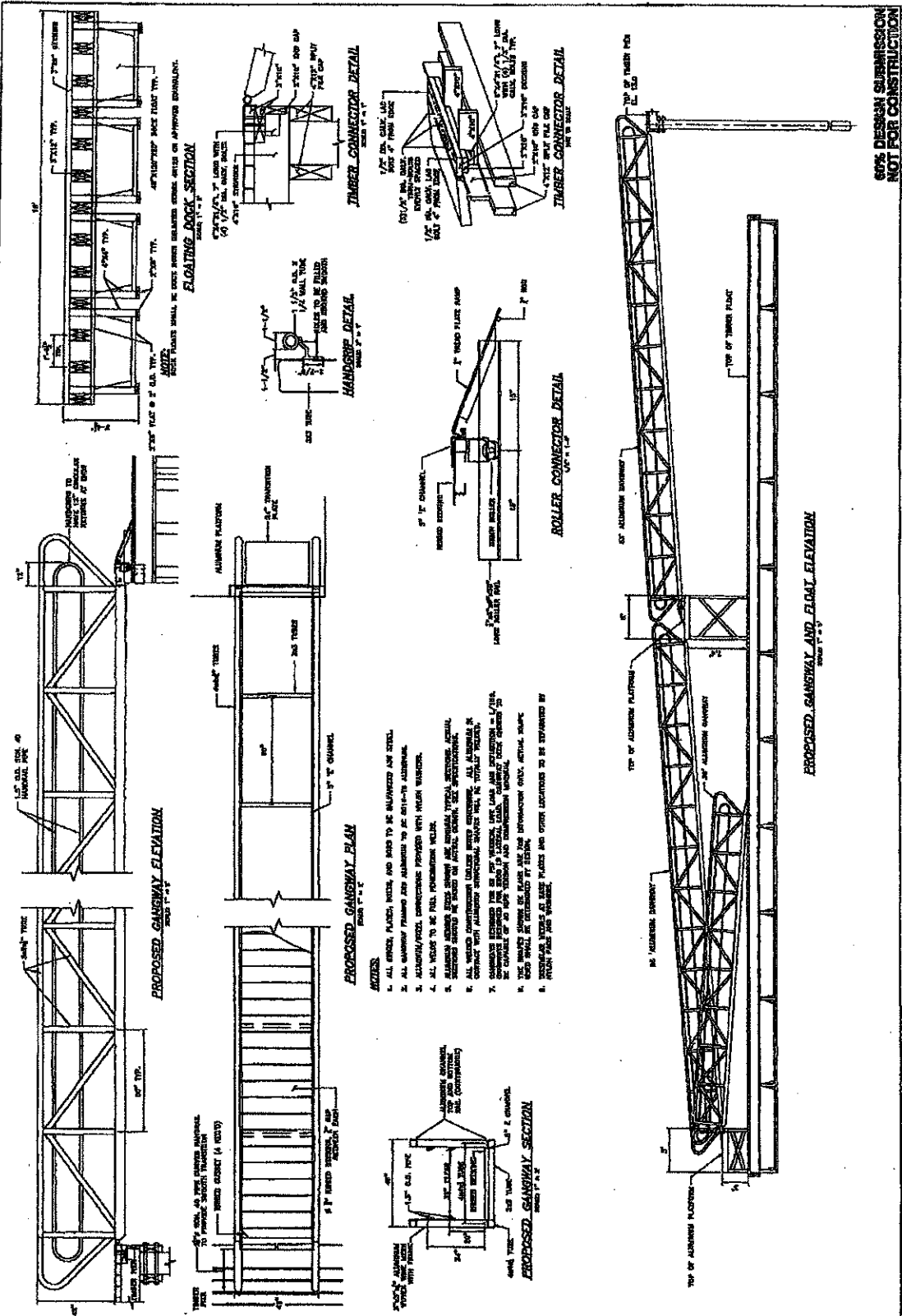
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ROCKY POINT PIER REPLACEMENT
WARWICK, RHODE ISLAND

PROJECT NO.	1001
DATE	10/1/70
DESIGNED BY	...
CHECKED BY	...
APPROVED BY	...
SCALE	AS SHOWN
PROJECT NO.	1001
DATE	10/1/70
DESIGNED BY	...
CHECKED BY	...
APPROVED BY	...
SCALE	AS SHOWN



SEE DESIGN SUBMISSION
NOT FOR CONSTRUCTION

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APR 10 2017
COASTAL RESOURCES
MANAGEMENT COUNCIL



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

HISTORICAL PRESERVATION & HERITAGE COMMISSION

Old State House • 150 Benefit Street • Providence, R.I. 02903-1209

TEL (401) 222-2678

FAX (401) 222-2968

TTY / Relay 711

Website www.preservation.ri.gov

Anne Maxwell Livingston
Coastal Resources Management Council
Stedman Government Center, 4808 Tower Hill Road
Wakefield, RI 02879

CRMC File Number: 2017-61-034

Applicant: City of Warwick

Town: Warwick

Response Date: 1/23/17

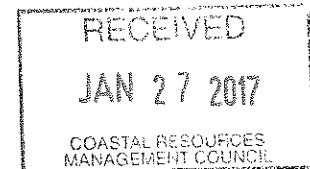
Dear Ms. Livingston,

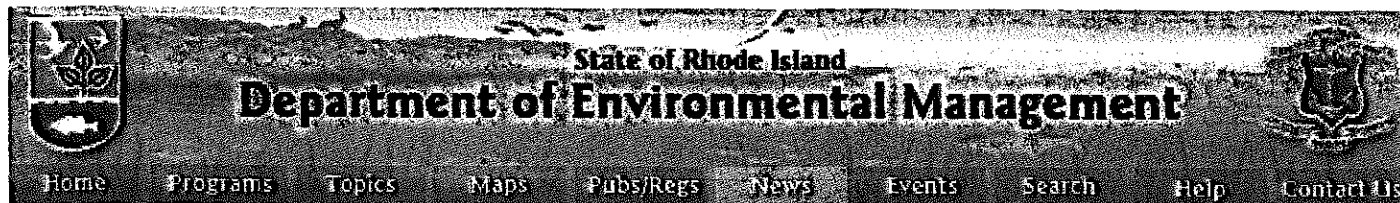
The Rhode Island Historical Preservation & Heritage Commission has reviewed the above- referenced project. It is our conclusion that this project will have no effect on any significant cultural resources (those listed on or eligible for listing on the National Register of Historic Places).

These comments are provided in accordance with Section 220 of the Coastal Resources Management Plan. If you have any questions, please contact Jeff Emidy, Project Review Coordinator, or Charlotte Taylor, Senior Archaeologist, at this office.

Very truly yours,

Edward F. Sanderson
Executive Director
State Historic Preservation Officer





[Home](#) > [News](#) > [News Item](#)

[Narragansett Bay Recreational Fishing Access Report](#)

News Release

RI Department of Environmental Management
235 Promenade Street, Providence, RI 02908
(401) 222-2771 TDD/(401) 222-4462

For Release: March 6, 2006

**Contact: Gail Mastrati 222-4700 ext. 2402
Stephanie Powell 222-4700 ext. 4418**

DEM ANNOUNCES COMPLETION OF NARRAGANSETT BAY RECREATIONAL FISHING ACCESS REPORT

PROVIDENCE - The Department of Environmental Management announces completion of its two-volume report, *Public Access to Shoreline Recreational Fishing in Narragansett Bay*. DEM and its consultant, Gordon R. Archibald, Inc. of Pawtucket, evaluated the potential development of fishing piers and improvements at 23 sites throughout Narragansett Bay. The study investigated a host of factors associated with each site, including the abundance and variety of fish species, water quality, environmental constraints, surrounding land use, and existing infrastructure.

The report lays the groundwork for moving forward to expand the state's system of public fishing piers and providing improved public access to Narragansett Bay and the Bay islands. DEM Director W. Michael Sullivan, Ph.D. presented an overview of the report to Governor Donald L. Carcieri on March 3. The Governor has asked DEM to speak with local officials about their ideas and concerns regarding the potential fishing piers before any final decisions are made. The Governor is most interested in expanding shoreline and fishing access for Rhode Islanders across the state, and the report does a thorough job in outlining the best options.

DEM Director Sullivan said the next step in the process would be to seek public input from the general public, local officials, neighborhood representatives, fishing groups, DEM, and DOT. "This detailed report will be of great assistance as we move forward with our efforts to provide enhanced public access opportunities to Narragansett Bay," he said. "We will use the report as a basis for discussions with local communities, and through an open, public process, we will continue to strategize on the best ways to make the Bay more accessible to fishermen and other Rhode Islanders."

Among the top potential sites for fishing piers and improvements identified by the study were the former Jamestown Bridge location in North Kingstown, and Midway Pier/Burma Road in Middletown. Goddard Park in Warwick, Palmer River Bridge in Barrington/Warren, Fort Adams in Newport, and Stone Bridge in Tiverton ranked in the second tier of potential sites that were evaluated by the study. The other sites evaluated by the study, while all potentially good fishing sites, did not score as high, generally because

they did not lend themselves as well to improvement and enhanced public use.

The report calls the former Jamestown Bridge location an excellent site for a recreational fishing pier, as it offers access to high-quality fishing opportunities, as well as promising infrastructure improvement possibilities.

The report also identifies the Midway Pier/Burma Road site in Middletown, currently owned by the Navy, as having high potential for development and improvement as a public fishing site. The Town of Middletown and the Aquidneck Island Planning Commission have already identified the site for such use through the recently published Aquidneck Island West Side Master Plan.

Sullivan noted that DEM is presently designing major repairs to the Prudence Island T Wharf for improved public fishing and boating access opportunities and is working with the Department of Transportation to develop the former Stone Bridge Pier in Portsmouth as a public fishing pier. In addition, DEM has for the last several years been upgrading public boat ramps and boating access sites throughout the state.

The comparative site analysis included an online fishing survey that was posted on the DEM web site last summer from June to September. A total of 387 responses were received during the survey period. In response to an open-ended question, 40 percent suggested the old Jamestown Bridge site as ideal for development of a fishing pier, making it by far the highest rated site. By contrast, the second highest rated site, Rocky Point in Warwick, which is privately owned, was named by eight percent of responders. Responses to the online survey helped DEM to develop rating criteria to analyze the alternative sites as well as verify findings with regard to fisheries diversity.

The entire report, along with site photos is available on DEM's website, www.dem.ri.gov by clicking "Programs" then "Planning and Development". Hard copies are available for review weekdays from 8:30 a.m. to 4 p.m. at DEM's Office of Planning and Development at DEM Headquarters, 235 Promenade Street in Providence.

-30-

For General Information 222-6800 • After Hours Emergencies 222-3070 • [Disclaimer](#)



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

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

(401) 783-3370
FAX: (401) 783-3767

ASSENT

CRMC File No.: 2009-06-014

CRMC Assent No.: A2009-06-014

Whereas,
of

**Department of Transportation
c/o Peter A. Healey, PE
2 Capitol Hill; Rm 226
Providence, RI 02903**

has applied to the Coastal Resources Management Council for assent to: Remove and dispose of the remaining portion of the Jamestown Bridge, namely 30 "trestle spans" totaling 1,650 linear feet. The removal will be conducted through conventional (non-explosive) means within a work window of approximately 6 months. As proposed, no bridge demolition debris greater than 1 foot in any dimension will be allowed to remain on the bay bottom. All bridge demolition material will be legally disposed of at upland site. The project will be separated into 2 phases. The first phase will include the demolition and removal of the trestle spans. The second phase will involve the construction of a state park and potentially, a new recreational fishing pier. A second application will be submitted for the phase 2 work. Should funding not become available for phase 2 within a timely manner, the fill previously authorized by CRMC Assent B91-11-21 through the granting of a special exception shall be removed. Specifically, the special exception was authorized to allow filling on a barrier beach (cusped foreland) for purposes of providing public access to the shore for a fishing pier. Phase 2 must either provide public access to the shoreline consistent with the special exception granted by the CRMC or the fill must be removed. They represent that they are the owners of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: Remove and dispose of the remaining portion of the Jamestown Bridge, namely 30 "trestle spans" totaling 1,650 linear feet. The removal will be conducted through conventional (non-explosive) means within a work window of approximately 6 months. As proposed, no bridge demolition debris greater than 1 foot in any dimension will be allowed to remain on the bay bottom. All bridge demolition material will be legally disposed of at upland site. The project will be separated into 2 phases. The first phase will include the demolition and removal of the trestle spans. The second phase will involve the construction of a state park and potentially, a new recreational fishing pier. A second application will be submitted for the phase 2 work. Should funding not become available for phase 2 within a timely manner, the fill previously authorized by CRMC Assent B91-11-21 through the granting of a special exception shall be removed. Specifically, the special exception was authorized to allow filling on a barrier beach (cusped foreland) for purposes of providing public access to the shore for a fishing pier. Phase 2 must either provide public access to the shoreline consistent with the special exception granted by the CRMC or the fill must be removed.

Project location is Jamestown Bridge, Jamestown, RI. All in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before June 29, 2012 after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).

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

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

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

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

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

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

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

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

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

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

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

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

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

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity.

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

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

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

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

SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

- A. The issuance of this CRMC Assent shall be contingent upon the submission and subsequent CRMC approval of a "Contractor's Work Plan" for bridge demolition, removal and disposal activities. It is recommended that the work plan development be coordinated with CRMC Staff prior to submission.
- B. Prior to initiating work associated with this assent, the RIDOT shall submit a feasibility assessment as was previously discussed between the participating agencies in the Spring of 2009. This assessment shall evaluate the feasibility of a land transfer to RIDEM for the potential future development of a State Park. The feasibility assessment shall contain a summary evaluation of all technical, real estate transaction, title, legal, federal highway line provisions and any other considerations which would govern, effect or otherwise be needed to permanently transfer property from the RIDOT to the RIDEM. Consistent with these prior discussions, the RIDOT must be able to demonstrate that the proposed transfer for the proposed Phase 2 State Park development is possible, to allow the future development of a State Park, in a timely manner, as is proposed should funding become available.
- C. With regard to the post demolition bay bottom survey, a multi-beam side scan sonar survey is preferred to the multi-beam hydrographic survey proposed. The applicant is advised that the CRMC may conduct a multi-beam side scan sonar sweep of the demolition area for verification purposes utilizing the RV Jack Reed. It is therefore recommended that the RIDOT or its contractors consult with CRMC's Dredging Coordinator with regard to the post demolition bottom survey to be utilized and its associated operational specifications. The bay bottom survey must be submitted within 60 days of the completion of trestle span demolition operations.
- D. The CRMC will reserve the determination of whether an "Environmental Compliance Monitor" shall be required until the "Contractors Work Plan" has been reviewed by CRMC Staff. It is recommended that the Contractor address monitoring and reporting provisions within the work plan submission. If found to be sufficient for the work methods proposed, the CRMC may determine that an Environmental Compliance Monitor is not necessary for this particular project.

RI Department of Transportation
CRMC Assent No. A2009-06-014
June 29, 2009
Page Five

E. The Contractors work equipment, trailers, materials, fill, debris, fencing and all other associated structures shall be removed from the filled work area at the base of the trestle span within 60 days of CRMC's approval of the bay bottom survey. This work area shall also be restored, properly graded for public safety and temporarily seeded within this time frame. The CRMC expects the site to be left in a safe, aesthetically pleasing condition. The contractor shall request a CRMC inspection of the work area prior to contract completion.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 29th day of June in the year two-thousand-nine.



Grover J. Fugate, Executive Director
Coastal Resources Management Council

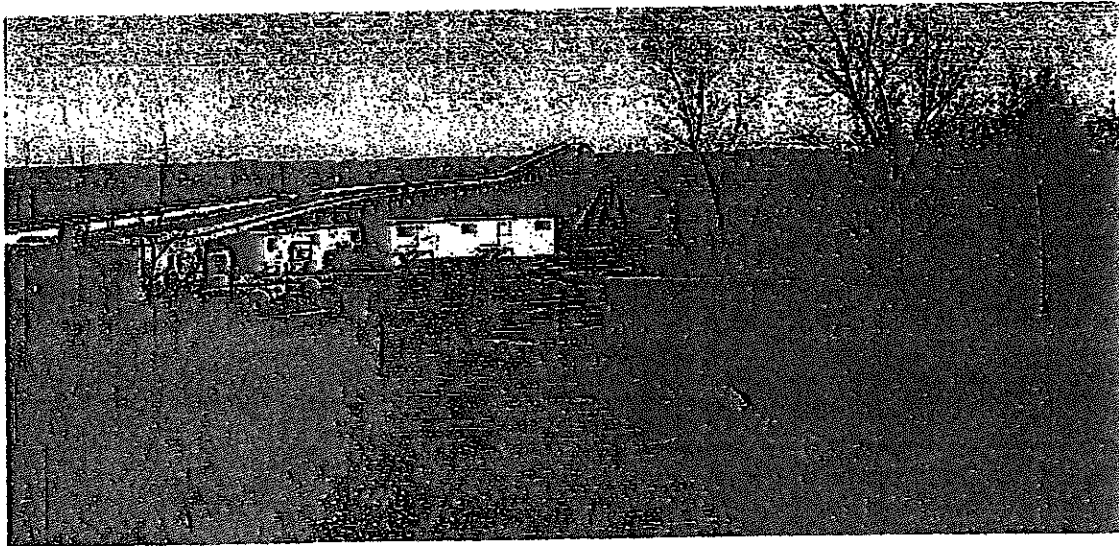
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AUG 13 2010
C.R.M.C.



Rhode Island Department of Transportation
Transportation Development Division / Design Section

Rhode Island Department of Environmental Management
Division of Planning and Development



FEASIBILITY ASSESSMENT OF PROPERTY TRANSFER

For the Proposed

Plum Point Pier State Park

State Route 138
North Kingstown, Rhode Island

Prepared by:



Gordon R. Archibald, Inc.
Civil and Environmental Engineers
200 Main Street
Pawtucket, Rhode Island

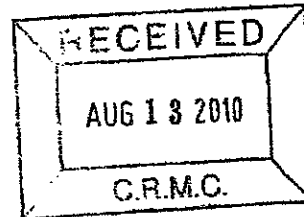
August 2010

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2.0 BACKGROUND	1
3.0 LAND TRANSFER	4
4.0 CONCLUSION	4

Appendix

- Commitment for Title Insurance
- Preliminary Plat Plans
- Preliminary Description of Land



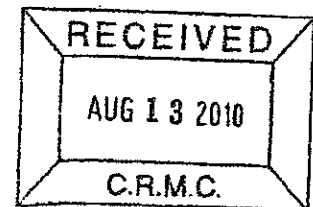
1.0 PURPOSE

In accordance with the Coastal Resources Management Council (RICRMC) Assent No. A2009-06-014, the Rhode Island Department of Transportation (RIDOT) is required to prepare and submit an assessment to evaluate the feasibility of a land transfer from RIDOT to RIDEM for the future development of a State Park. The feasibility assessment must contain a summary evaluation of all technical, real estate transaction, title, legal, federal highway line provisions and other considerations which would govern, effect or otherwise be needed to permanently transfer property from the RIDOT to the RIDEM. The RIDOT must be able to demonstrate that the proposed transfer for the proposed Phase 2 State Park development is possible, to allow the future development of a State Park, in a timely manner, as is proposed should funding become available.

2.0 BACKGROUND

The Rhode Island Department of Transportation (RIDOT) and the Rhode Island Department of Environmental Management (RIDEM) have been working together to facilitate the development of a State Park at the location of the Old Jamestown Bridge. In 2007 Gordon R. Archibald, Inc., Civil and Environmental Engineers prepared an extensive conceptual design study for the proposed Plum Point Fishing Pier State Park in North Kingstown, Rhode Island. The State Park would be located at the former west landing of the Old Jamestown Bridge (immediately south of State Route 138 and the Jamestown-Verrazano Bridge). The facility would provide public recreational fishing access to the West Passage of Narragansett Bay via a new pier structure to be constructed along the former location of the Old Jamestown Bridge.

The notion of developing a public recreational fishing facility at this shoreline location in North Kingstown dates back over twenty years ago to the Jamestown Bridge Replacement Project. In designing the replacement structure for the Old Jamestown Bridge, it was originally envisioned that a portion of the old bridge would be retained and rehabilitated/converted for use as a public recreational fishing pier. The State's intent to develop a public recreational fishing facility was made official in 1987 with the enactment of Rhode Island General Law § 24-12-51.1. This statute directs (a) the RIDOT to retain a portion of the North Kingstown side of the Old Jamestown Bridge for use as a public fishing pier and (b) the RIDEM to develop and maintain a park on State-owned land adjacent to the bridge in North Kingstown. Since this time, several developments have occurred including the feasibility of restoring the old bridge and/or the economic cost of constructing a new fishing pier. Accordingly, the General Law was revised recently to eliminate the requirement to retain a portion of the old bridge for a fishing pier. However, the law still requires the development of a public parking area and public shore access, reference Figure 1. The General Law § 24-12-51.1 as revised is provided herein.



NO.	DATE	BY	REVISION
1			
2			
3			

NOTE:

1. THESE PLANS ARE PROVIDED AS ATTACHMENTS TO THE REPORT ENTITLED CONCEPTUAL DESIGN STUDY REPORT FOR THE PLUM POINT FISHING PIER, RHOODE ISLAND, PREPARED FOR THE PLUM POINT FISHING PIER, RHOODE ISLAND, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND THE R.I. DEPARTMENT OF TRANSPORTATION AND HIGHWAYS. THE PLANS WERE PREPARED BY COLASAT, INC. THE LAYOUT AND PLACEMENT OF THE PLUM POINT FISHING PIER ARE INTENDED TO ILLUSTRATE THE DEVELOPMENT CONCEPT AND ARE FOR PRELIMINARY PLANNING PURPOSES ONLY.
2. BASE MAPPING DEVELOPED BY COLASAT, INC. FROM FREQUENCY AND AERIAL PHOTOGRAPHY. DATUM OF ELEVATIONS IS NGVD 83.
3. ROUTE 138 BASE LINES AND ALL STATE HIGHWAY / FREEWAY LINES DEPICTED ARE APPROPRIATE.

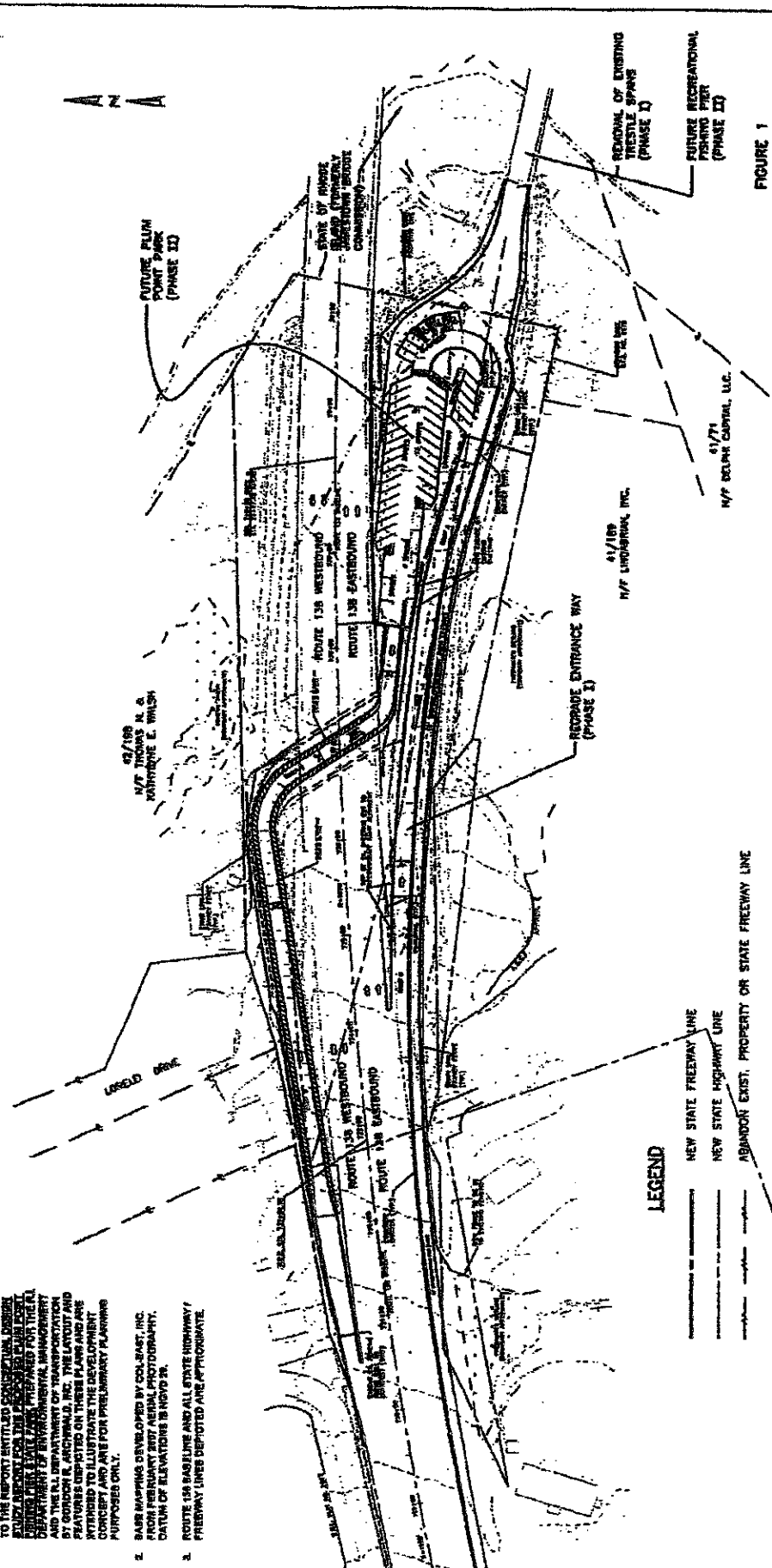


FIGURE 1

RHOODE ISLAND
DEPARTMENT OF TRANSPORTATION
CONCEPTUAL DESIGN STUDY
FOR THE
PLUM POINT FISHING PIER
RHOODE ISLAND

CONCEPTUAL GENERAL PLAN

NO.	DATE	BY	REVISION
1			
2			
3			

Prepared by: **COLASAT, INC.**
Professional Engineers
RHOODE ISLAND

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 AUG 18 2010
 C.R.M.C.

LEGEND

- NEW STATE FREEWAY LINE
- NEW STATE HIGHWAY LINE
- ABANDON EXIST. PROPERTY OR STATE FREEWAY LINE

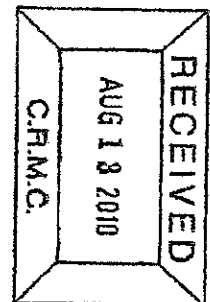
3.0 LAND TRANSFER

The Rhode Island Department of Transportation (RIDOT) and the Rhode Island Department of Environmental Management (RIDEM) are presently in the process of preparing documents to facilitate the transfer of land. Such land transfers have been successfully achieved in the past between these agencies. Accordingly, the following work has been performed to ensure the feasibility of the land transfer.

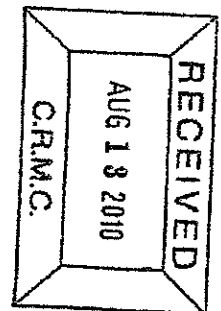
- The Rhode Island Department of Transportation has secured a Commitment for Title Insurance and Report conducted by Commonwealth Land Title for the property to be transfer to RIDEM for use as a State Park. This document indicates that the property title is secure and is owned by the State of Rhode Island and Providence Plantations. A copy of the document is provided in Appendix 1.
- The Rhode Island Department of Transportation has begun developing a highway Plat Plan to facilitate the transfer of land. The preliminary plat plans are attached. The plans provided indicate the locations of the new State Freeway Lines, the new State highway lines and the limits of the property to be transferred. The freeway lines and State highway lines have been coordinated with RIDOT's Design Section and Real Estate Section. A preliminary description of land transferred has also been provided in the appendix. At this time, the RIDOT is performing additional survey work to confirm the southerly property boundary limits prior to finalizing the Plat and Description.
- The RIDOT and RIDEM are currently coordinating to prepare legal agreements on roadway maintenance, right-of-way easements for drainage facilities and access to the new Jamestown Bridge.

4.0 CONCLUSION

The Rhode Island Department of Transportation (RIDOT) and the Rhode Island Department of Environmental Management (RIDEM) have performed due diligence to ensure the property title and to determine the location and type of property boundaries required. RIDOT and RIDEM have been successfully achieved such land transfers in the past. Accordingly, the land transfer is feasible and is currently in process.



COMMITMENT FOR TITLE INSURANCE AND REPORT





RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-221-4462

Division of Planning and Development
Telephone (401) 222-2776, extension 4307
Fax (401) 222-2069
e-mail lisa.primiano@dem.ri.gov

RECEIVED
JAN 28 2009

Department of Transportation
REAL ESTATE

MEMORANDUM

TO: Robert Jackson, RIDOT
Real Estate Section

FROM: Lisa Primiano, Supervisor
Land Conservation and Acquisition Program

DATE: January 27, 2009

RE: Jamestown Bridge Approach (North Kingstown Property)

RECEIVED
AUG 13 2010
CRM/C

Enclosed please find a copy of the Commitment for Title Insurance and Report conducted by Commonwealth Land Title for the North Kingstown property east of the highway line and west of the Narragansett Bay on the North Kingstown side of the Jamestown Bridge approach. The property is essentially the land under the bridge abutment.

The report includes a copy of a Certificate of Condemnation which we believe shows proof of RIDOT's ownership of the parcel as successor in interest to the Jamestown Bridge Commission.

Please review this report and provide any comments, questions, or concerns you feel necessary. Based upon the title report, RIDEM will begin preparation of the Interagency Transfer Agreement. RIDEM will forward a copy to you for review upon completion. We will need to work with you and your consultants to formalize a land description for the parcel to include in the Agreement.

Thank you for your assistance in this matter.

Cc: Peter Healy, RIDOT Supervising Civil Engineer
Joseph Dias, Chief
Mary Kay, Acting Executive Legal Counsel
James McGinn, Supervising Civil Engineer



U.S. Department
of Transportation
**Federal Highway
Administration**

Rhode Island Division

October 14, 2010

380 Westminster Mall, Rm 547
Providence, RI 02903
401-528-4541
401-528-4542 Fax

In Reply Refer To:
HRW-RI

Mr. Michael P. Lewis, Director
Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903-1124

Attention: Mr. David Sasso

Subject: **Conceptual Gratis Transfer of Land and Easements to RIDEM
FAP #BRF-0138 (002), Condemnation Plats 2275 Parcel 1
Approach to the Former Jamestown/Verrazano Bridge, N. Kingstown, RI**

Dear Mr. Lewis:

Reference your letter dated October 6, 2010 requesting Federal Highway Administration (FHWA) conceptual approval to convey by gratis interagency transfer of all remaining lands containing approximately thirty eight thousand two hundred twenty two (38,222) square feet originally acquired on Plat 2275 to acquired the approach to the former Jamestown Bridge in North Kingstown, RI. The land is identified as shown on State condemnation plats noted above on Plat 2275 Parcel 1.

Transfer of this property shall be undertaken according to the terms and conditions stipulated in the December 23, 2008 Inter- Office Memorandum from the Acting Managing Engineer/Highway Engineering to the Administrator/Transportation Support. The property was acquired for the construction of the approaches to the former Jamestown/Verrazano Bridge. The FHWA endorses this gratis transfer consistent with the Departments' enacted gratis disposal policies. Please ensure that the transfer documents contain necessary reversion language should the proposed need for this use be terminated.

Based upon the information provided herein, and based on our agreement that the general public will benefit from this property use, we intent to approve this proposed gratis transfer. If you have any questions regarding the above, please do not hesitate to contact this office for assistance.

Sincerely Yours,
/s/
J. Michael Butler
Realty Officer



FOR FILES & SCAN ✓

2009-06-014 ✓ ET

1991-11-021