

**COASTAL RESOURCES  
MANAGEMENT COUNCIL**

**SEMI-MONTHLY  
MEETING**

**TUESDAY, JUNE 26, 2018**

**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, June 26, 2018; 6:00 p.m.**  
**Administration Building; Conference Room A**  
**One Capitol Hill, Providence, RI 02908**

**Approval of the minutes of the previous meeting – June 12, 2018**

**Subcommittee Reports**

**Staff Reports**

### APPLICATIONS REQUESTING EXTENSION REQUESTS BEFORE THE FULL COUNCIL

- 2004-08-029 ARMAND DeLUISE** – Extension of Assent to construct a three bedroom single family dwelling with deck, and denitrifying ISDS. Located at plat 334, lots 252, 253; Spadina Avenue, Warwick, RI.
- 2004-09-091 DAVID & KATHLEEN CLOXTON** – Extension of Assent to construct a four bedroom single family dwelling with driveway and DEM approved ISDS to be serviced by municipal water. Located at plat 382, lot 137; Kirby Avenue, Warwick, RI.
- 2005-10-068 RUBEN SERGIO & CYNTHIA RUTH SOLANOT** – Extension of Assent to construct and maintain a sewerred dwelling and associated buffer zone management as per the approved plans. Located at plat 26, lot 357; Adams Point Road, Barrington, RI.

### APPLICATIONS WHICH HAVE BEEN OUT-TO-NOTICE AND ARE BEFORE THE FULL COUNCIL FOR DECISION:

- 2018-04-057 ISLAND MARINE CORP/TOWN OF NEW SHOREHAM** – Construct and maintain a public access commercial structure (public dinghy dock) for short term use by transient visitors to Block Island. Components include one ADA (American Disabilities Act) compliant gangway from shore to a fixed pier landing area, one ADA compliant gangway from the fixed pier landing area to a 12' x 20' timber framed float and eight 8' x 20' timber frame floats and associated timber anchor plies as shown on the submitted plans. Located at plat 5, lot 67; Great Salt Pond seaward of Ocean Avenue, North of Dead Eye Dicks Restaurant, 218 Ocean Avenue, New Shoreham, RI.
- 2013-09-097 WARREN PACK** -- Construct and maintain an approximately 170 linear foot riprap revetment. Located at plat 2, lot 101; 648A West Beach Road, Charlestown, RI.
- 2017-05-012 KIRK DEXTER** -- Construct and maintain “As-built” tie off piles on the north side of the existing facility, requiring a Variance to Section 300.4.E.3k. Located at plat 17, lot 125; 35 Shore Road, Warren, RI.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road; Suite 3  
Wakefield, RI 02879  
(401) 783-3370

CRMC ASSENT EXTENSION REQUEST FORM

File Number of Assent/Permit: CRMC File # 2004-08-029

Expiration Date (including any extensions): MAY 2018

Name which assent was issued to: Armand Deluise

Location of Project: WARWICIC

Plat: 334 Lot: 252, 253

City/Town: WARWICIC

Present Owner: Armand Deluise

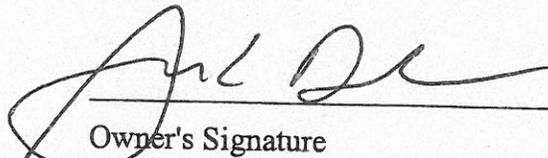
Mailing Address: 28 SPADINA AVE

State WARWICIC, RI Zip Code 02889

Phone Nos. Bus. 401-837-2777 Home \_\_\_\_\_ Contact Person No. \_\_\_\_\_

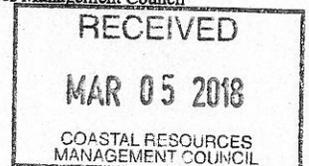
Indicate the reason why an extension is being requested: Arranging Funding

Please indicate what if any work has been done on site: ISDS Approved and permitted AquanTex system has been installed.



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. 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. The filing of false information can result in the Coastal Resources Management Council revoking state assent.



## INSTRUCTIONS

To submit a request for an extension of assent, the following must be submitted:

**\*\* Filing fee**

a. Single family residence = \$75.00

b. All others = \$250.00

c. Aquaculture renewals = \$75.00

**\*\* One (1) copy of the CRMC Assent.**

**\*\* One (1) copy of this form, signed by the owner.**

**\*\* If the request is by a new owner (not the original applicant), a letter from the local tax assessor stating ownership of the property must be submitted.**

Mail the above information to:

ATTN: APPLICATION COORDINATOR  
COASTAL RESOURCES MANAGEMENT COUNCIL  
OLIVER H. STEDMAN GOVERNMENT CENTER  
4808 TOWER HILL ROAD; SUITE 3  
WAKEFIELD, RI 02879



26041 Bk: 5905 Pg: 252

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

RESIDENTIAL ASSENT

CRMC File No.: 2004-08-029 CRMC Assent No.: A2004-08-029

Whereas,  
of

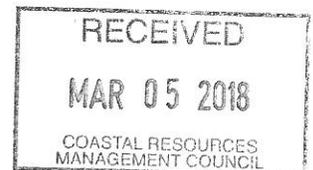
Armand DeLuise  
c/o Susan Chiariello Esq.  
188 Airport Road  
Warwick, RI 02889

has applied to the Coastal Resources Management Council for assent to: construct a three bedroom single family dwelling with deck, denitrifying ISDS, and hereby represents that He is the owner 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: **construct a three bedroom single family dwelling with deck, denitrifying ISDS; located at plat 334, lots 252,253; Spadina Avenue, Warwick, RI;** in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before September 9, 2008 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.

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.

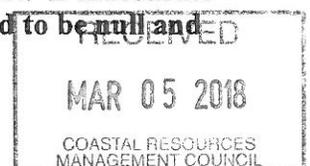
Please be advised that as a further conditions of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality, and shall exercise such supervision over and control 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**



Armand DeLuise  
CRMC Assent No. A2004-08-029  
September 9, 2005  
Page Three

**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.

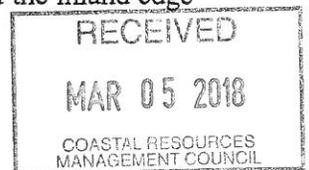
**THE SUBMERGED AND SUBMERSIBLE LANDS OF THE TIDAL, COASTAL, AND NAVIGABLE WATERS OF THE STATE ARE OWNED BY THE STATE AND HELD IN TRUST FOR THE PUBLIC. CONVEYANCE OF THESE LANDS IS ILLEGAL; TITLES PURPORTING TO TRANSFER SUCH LANDS ARE VOID. ASSENTS THAT INVOLVE THE FILLING OR USE OF THE STATES SUBMERGED 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 applicant shall record this assent in its entirety in the land evidence records of the City of Warwick within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.**

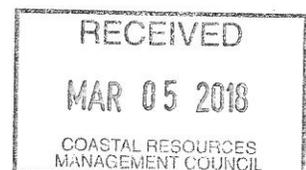
**B. For the purpose of this permit, the coastal feature shall be the coastal wetland; and the inland edge of the coastal feature shall be the inland edge of the coastal wetland.**



- C. The approved site plan shall be those entitled "Site Plan For CRMC Application....A.P. 334 Lots 252 & 253 Spadina Ave Warwick..." Prepared by Angelo M. Raimondi. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.
- D. The coastal buffer zone (Ref. CRMP Section 150) shall be as shown on the approved plan.
- E. The setback line (Ref. CRMP Section 140) shall be as shown on the approved plan.
- F. As of the date of assent issuance, all vegetation in the coastal buffer zone is to remain in a permanently undisturbed condition. Any and all activities or alterations within coastal the buffer zone not specifically addressed herein including mowing, pruning, trimming, thinning, require written authorization from the CRMC.
- G. Proposed screening vegetation shall be properly installed prior to completion of the dwelling.
- H. Plantings which do not survive the first growing season shall be replaced.
- I. Due to the high environmental value of the adjacent resource area and the significant variance granted for the project, this assent is issued with the stipulation that no cutting or management of the buffer zone is permitted at this time or at any time in the future.
- J. This assent is issued with the condition that there shall be no future additions or other alterations to the property which require any additional buffer or setback variances.
- K. Unless specifically approved as being within the accepted limits of disturbance, no alterations or activities shall be allowed in an area of beach grass; nor shall materials be stockpiled nor disposed of on the area of beach grass, nor shall any heavy machinery operate within this area.
- L. No alterations (vegetative or otherwise) or activities are allowed on the coastal feature(s) or in the waterway adjacent to the site.
- M. All driveway and parking areas shall have a permeable pavement and subbase consisting of gravel, crushed stone, shells, or similar highly permeable material.
- N. All runoff of surface water into the stipulated coastal buffer zone shall be maintained as sheet flow. No concentrated sources of runoff flow (such as pipes or swales) shall be directed into the buffer zone.

**Earthwork Stipulations**

- A. The standards and specifications set forth in the most recent RI Soil Erosion and Sediment Control Handbook (RISESCH) shall be strictly adhered to.



B. No operations of heavy equipment shall occur on the coastal feature, in coastal waters, or in any areas designated as setback or coastal buffer zone in accordance with CRMP Sections 140 and 150.

C. Prior to initiation of any grading, construction, or earthwork activity, a line of staked haybales and/or silt fence in accordance with RISESCH Standard "ST" shall be placed along the downslope perimeter of the proposed area of construction. This line shall not be located on a coastal feature nor within a stipulated buffer zone. Bales and/or silt fence shall be "toed in" 4 inches to prevent the underwash of sediments. This line shall be maintained by the replacement of bales as needed and by the proper upland disposal of accumulated sediments until permanent site revegetation is established. No soils nor any other materials shall be allowed to enter beyond this line, neither temporarily nor permanently.

D. Upon successful stabilization of exposed soils all haybales and stakes shall be removed from site and disposed of at a suitable, legal upland location.

E. All catch basins and drains in the area, into which sediment laden waters may flow shall be ringed with haybales staked and toed in 4 inches or protected per Standard "SD" of the RISESCH. These controls shall be properly maintained by timely removal of accumulated sediment and replacement of bales as needed.

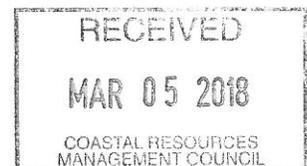
F. All discharges which result from dewatering operations, must flow into sediment traps consisting of staked haybale rings enclosing crushed stone to disperse inflow velocity in accordance with RISESCH Standard "FB". Haybales shall be "toed in" 4 to 6 inches into the ground to prevent underwash of sediments. These devices shall be maintained by removal and proper disposal of accumulated sediments and by replacement of bales and stone as needed. The devices shall not be located on any coastal feature nor in any designated coastal buffer zone. If necessary, a matting device shall be used below the traps. These devices must be completely removed upon completion of dewatering operations.

G. There shall be no stockpiling or disposal of soils, construction materials, debris, etc., on the coastal feature, within \_\_\_\_\_ feet of the inland edge of the coastal feature, in coastal waters, or in any areas designated as a CRMC setback or coastal buffer zone.

H. All excess excavated materials, excess soils, excess construction materials, and debris shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location outside of CRMC jurisdiction. No materials shall be deposited on the coastal feature, in coastal waters, or in any areas designated as a CRMC setback or coastal buffer zone.

I. All excavated material shall be cast on the upslope side of the excavation so as to minimize sedimentation.

J. All fill materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.



K. All areas of exposed soil which are disturbed by construction and related activities shall be revegetated as immediately as is physically possible so as to minimize erosion and sedimentation. If the season is not conducive to immediate revegetation, all exposed soils shall be temporarily stabilized with hay mulch, jute mat netting or similar erosion control materials. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extent possible.

L. Excavation and grading shall be limited to the area approved. Excess earthwork beyond that authorized by this assent is not permitted.

M. There shall be no discharge or disposal of hazardous wastes or hazardous materials which may be associated with construction machinery, etc. on the site or in the waterway. All used oil, lubricants, construction chemicals, etc. shall be disposed of in full compliance with applicable State and Federal regulations.

**Sewage Disposal Stipulations**

A. The approved ISDS plan shall be that plan having DEM/ISDS approval number 9735-1479 dated 12/2/03. Except/unless as stipulated herein, all details and specifications thereon shall be strictly adhered to.

B. The total number of bedrooms allowed in the dwelling shall not exceed three (3). Any future increase in the total number of bedrooms or the total square footage of the structure shall require CRMC approval and may require DEM/ISDS approval. Prerequisite DEM/ISDS review is required prior to application to CRMC.

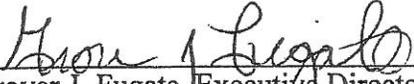
C. The septic tank shall be maintained according to DEM and the manufacturer's specifications.

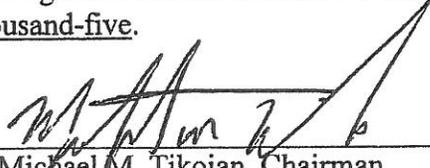
D. A curb or similar vehicular barrier shall be installed to prevent vehicular traffic over the septic system area.

**Building Stipulations**

A. All pertinent requirements of the RI State Building Code as administered by the local building official shall be strictly adhered to.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this ninth day of September in the year two-thousand-five.

  
Grover J. Fugate, Executive Director  
Coastal Resources Management Council

  
Michael M. Tikoian, Chairman  
Coastal Resources Management Council

/pjc



Recorded  
09/28/2005 03:16:08PM  
Marie T. Bennett, City Clerk  
City of Warwick, RI  
Rest Fee: 50.00 Loc Fee: 1.00



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road; Suite 3  
Wakefield, RI 02879  
(401) 783-3370

CRMC ASSENT EXTENSION REQUEST FORM

File Number of Assent/Permit: 2004-09-091

Expiration Date (including any extensions): July 17, 2018

Name  
which assent was issued to: DAVID & KATHLEEN CLOXTON

Location of Project: KIRBY AVENUE WARWICK RI Plat:  
382 Lot: 137 City/Town:  
WARWICK

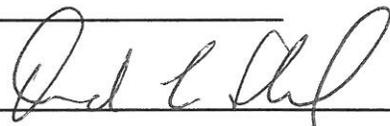
Present Owner: DAVID + KATHLEEN CLOXTON

Mailing Address: 110 LAKE VIEW ROAD CRANSTON  
State R.I. Zip Code 02920

Phone Nos. Bus. 640-1064 Home \_\_\_\_\_ Contact Person No. 640-1064

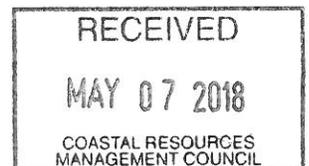
Indicate the reason why an extension is being requested: BEY set BACKS  
with CAPITAL for the project. our intentions are to get  
started this year.

Please indicate  
what if any work has been done on site: NONE

  
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. 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. The filing of false information can result in the Coastal Resources Management Council revoking state assent.

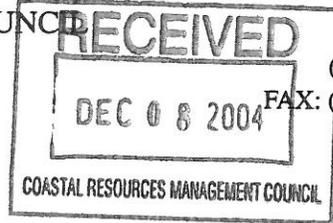
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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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. 2004-09-091

CRMC Assent No. W2004-09-091

Whereas,  
of

Barbara Warnock  
223 Kirby Avenue  
Warwick, RI 02889

has applied to the Coastal Resources Management Council for assent to: construct a 4 bedroom single family dwelling with driveway and DEM approved ISDS and to be serviced by municipal water; as shown on the approved plans, and hereby represents that She is the owner of any 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: **Construct a 4 bedroom single family dwelling with driveway and DEM approved ISDS and to be serviced by municipal water. Located at Kirby Avenue, plat 382, lot 137, Warwick, RI**, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before **November 15, 2007** 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.**

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 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 tidal and/or fresh 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 feature or construction or alteration within the jurisdiction of the CRMC must be submitted for review to the CRMC prior to commencing such activity.**

ATTENTION: AS APPLICABLE, 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 COASTAL 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

##### Fresh Water Wetland Stipulations

- A. **Within thirty (30) days of the receipt of this permit, you must record this permit in the land evidence records of the City of Warwick and supply the CRMC with written documentation obtained from the City/Town showing this permit was recorded.**
- B. This permit is specifically limited to the project, site alterations and limits of disturbance as detailed on the site plan(s) submitted with your application and received by the CRMC on September 3, 2004. A copy of the site plan(s) stamped approved by the CRMC is enclosed. Changes or revisions to the project which would alter freshwater wetlands are not authorized without a permit from the CRMC.
- C. The approved site plans shall be those titled "Proposed Site Plan A. P. 382 Lot 137 Warwick RI..." prepared by Richard T. Bzdyra PLS.
- D. The effective date of this permit is the date this letter was issued. This permit expires three (3) years from the effective date unless renewed pursuant to Rule 9.07.
- E. Prior to commencement of site alterations, you shall post the CRMC assent card. This assent card must be maintained at the site in a conspicuous location until such time that the project is complete.

- F. A copy of this permit and a copy of the approved site plan(s) must be forwarded to the ISDS Section of DEM's Division of Groundwater and ISDS prior to commencing any work on this project.
- G. The setback line (Ref. Rule 5.96.F) shall be as shown on the approved plan.
- H. The buffer zone (Ref. Rule 5.14) shall be 50-feet as shown on the approved plan.
- I. As of the date of assent issuance, all vegetation in the coastal buffer zone is to remain in a permanently undisturbed condition. Any and all activities or alterations within the buffer zone not specifically addressed herein including mowing, pruning, trimming, thinning, require written authorization from the CRMC.
- J. Prior to initiating any work on site, permanent markers at least 24" above grade must be installed along the inland edge of the buffer zone from each affected property boundary to any points in between which represent angle points necessary to delineate the full limit of the CRMC approved buffer zone by line-of-sight between markers. The intent of these markers is to provide permanent reference points on-site which are clear to present and future property owners. Acceptable permanent-type markers include 4" x 4" pressure treated timber posts, galvanized fence posts with cap or granite or concrete bounds. A permanent-type fence at least 24" tall may be substituted for markers where desired. Prior to initiating any unauthorized work or other alterations within the CRMC approved buffer zone, written CRMC approval must be obtained.
- K. Any material utilized in this project must be clean and free of matter which could pollute any freshwater wetland.
- L. Temporary erosion and sediment controls detailed or described on the approved site plans shall be properly installed at the site prior to or commensurate with site alterations. Such controls shall be properly maintained, replaced, supplemented, or modified as necessary throughout the life of this project to minimize soil erosion and to prevent sediment from being deposited in any wetlands not subject to disturbance under this permit.
- M. The standards and specifications set forth in the most recent RI Soil Erosion and Sediment Control Handbook (RISESCH) shall be strictly adhered to.
- N. Upon successful stabilization of exposed soils, haybales and stakes shall be removed from the site and disposed of at a suitable, legal, upland location.
- O. All areas of exposed soil which are disturbed by construction and related activities shall be revegetated as immediately as is physically possible so as to minimize erosion and sedimentation. If the season is not conducive to immediate revegetation, all exposed soils shall be temporarily

stabilized with hay mulch, jute mat netting or similar erosion control materials. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extent possible.

P. You are responsible for the proper operation, maintenance and stability of any mitigative features, facilities, and systems of treatment and control which are installed or used in compliance with this permit to prevent harm to adjacent wetlands.

Q. You are obligated to install, utilize and follow all best management practices detailed or described on the approved site plans in the construction of the project to minimize or prevent adverse impacts to any adjacent freshwater wetlands and the functions and values provided by such wetlands.

R. All runoff of surface water into the stipulated buffer zone shall be maintained as sheet flow. No concentrated sources of runoff flow (such as pipes or swales) shall be directed into the buffer zone.

S. No work is allowed beyond the Limit of Disturbance shown on the approved plan. This area is to remain permanently undisturbed.

### Sewage Disposal Stipulations

T. The approved ISDS plan shall be that plan having DEM/ISDS approval number 9235-1608 dated 8/25/04. Except/unless as stipulated herein, all details and specifications thereon shall be strictly adhered to.

U. The total number of bedrooms allowed in the dwelling shall not exceed 4. Any future increase in the total number of bedrooms or the total square footage of the structure shall require CRMC approval and may require DEM/ISDS approval. Prerequisite DEM/ISDS review is required prior to application to CRMC.

V. The septic tank shall be maintained according to DEM and the manufacturers' specifications.

W. Suitable access to the septic tank or cesspool shall be maintained for maintenance purposes.

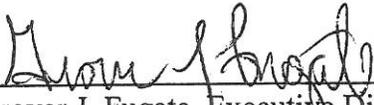
X. Grading around the ISDS shall direct the flow of surface runoff water away from the ISDS.

Y. There shall be no connection between the proposed structure/ISDS/ and any storm drain(s), existing or proposed.

Barbara Warnock  
CRMC Assent No. W2004-09-091  
November 15, 2004  
Page Six

34185 Bk: 5498 Pg: 266

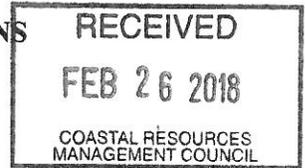
In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this fifteenth day of November in the year two-thousand-four.

  
\_\_\_\_\_  
Grover J. Fugate, Executive Director  
Coastal Resources Management Council

Recorded  
12/06/2004 03:30:44PM  
Marie T. Bennett, City Clerk  
City of Warwick, RI  
Rec Fee: 50.00  
Hist Fee: 1.00      Loc Fee: 1.00



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road; Suite 3  
Wakefield, RI 02879  
(401) 783-3370



CRMC ASSENT EXTENSION REQUEST FORM

File Number of Assent/Permit: 2005-10-068

Expiration Date (including any extensions): July 11, 2018

\_\_\_\_\_ Name  
which assent was issued to: Ruben Sergio + Cynthia Ruth Solano

Location of Project: Adams Point Road Plat: \_\_\_\_\_  
26 Lot: 357 City/Town: \_\_\_\_\_

Barrington, RI 02806

Present Owner: Ruben Sergio + Cynthia Ruth Solano

Mailing Address: 750 Ferry Lane

State Barrington, RI Zip Code 02806

Phone Nos. Bus. 401-489-4296 Home \_\_\_\_\_ Contact Person No. 617-515-8859

Indicate the reason why an extension is being requested: \_\_\_\_\_  
Land is for sale

\_\_\_\_\_ Please indicate  
what if any work has been done on site: \_\_\_\_\_

C Solano  
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. 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. The filing of false information can result in the Coastal Resources Management Council revoking state assent.

From: **SERGIO SOLANOT** sergiosolanot@me.com   
Subject: CRMC extension  
Date: February 8, 2018 at 10:25 AM  
To: Cynthia Solanot cynthiasolanot@me.com



State of Rhode Island and Providence Plantations  
Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4805 Tower Hill Road, Suite 3  
Waketield, RI 02879-1900

(401) 283-3370  
Fax (401) 283-3361

June 23, 2017

Ruben Sergio & Cynthia Ruth Solanot  
75 Ferry Lane  
Barrington, RI 02806

**RE: Extension of CRMC Assent No. 2005-10-068**  
Site Location: Adarus Point Road, Barrington  
Plats: 26 Lots: 357

Dear Sir/Madam,

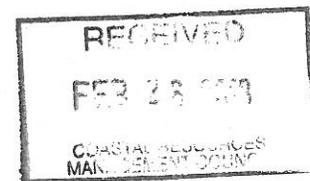
Coastal Resources Management Council Assent File No. A2005-10-068, is granted a one year extension from July 11, 2017 and will expire on July 11, 2018.

All future Assent Extensions will be subject to the provisions of Rhode Island Coastal Resources Management Council Management Procedures Section 5.12.

Sincerely,

  
Jeffrey M. Willis, Deputy Director  
Coastal Resources Management Council

lat





# CRMC DECISION WORKSHEET

**File No. 2018-04-057**  
**Island Marine Corp &**  
**Town of New Shoreham**

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
2018-04-057	New Shoreham	218 Ocean Avenue		<b>B</b>	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
		Owner Name and Address				
Date Accepted	April 16, 2018	Island Marine P.O. Box 33 New London, CT 06320 and; Town of New Shoreham P.O. Box 220 New Shoreham, RI 02807		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	June 19, 2018			Lease Required	<input type="checkbox"/>	

## PROJECT DESCRIPTION

Construct and maintain a public access commercial structure (public dinghy dock) for short term use by transient visitors to Block Island. Components include one ADA (American Disabilities Act) compliant gangway from shore to a fixed pier landing area, one ADA compliant gangway from the fixed pier landing area to a 12' x 20' timber framed float and eight 8' x 20' timber frame floats and associated timber anchor plies as shown on the submitted plans.

## KEY PROGRAMMATIC ISSUES

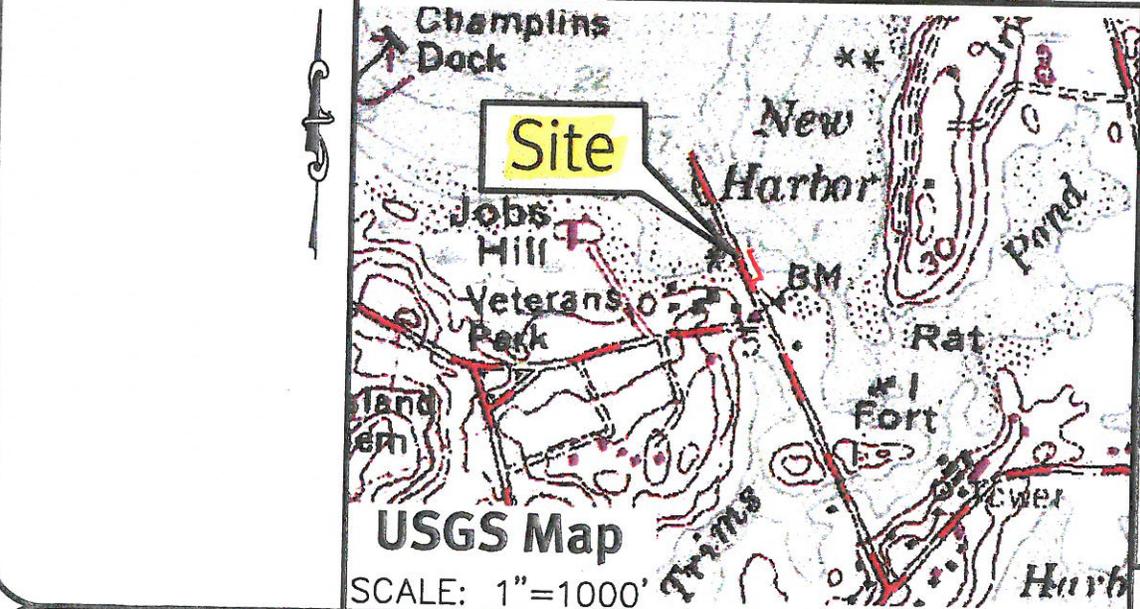
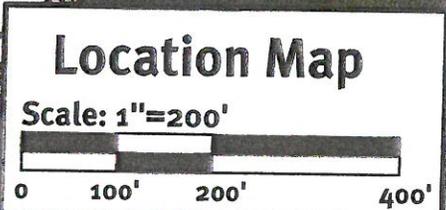
**Coastal Feature(s)** Manmade shoreline – riprap revetment  
**Water Type** Type 3, High Intensity Boating, Trims Pond at entrance from Great Salt Pond  
**CRMP** 1.2.1(C), 1.2.2(F), 1.3.1(A), 1.3.1(C), 1.3.6

**Variations and/or Special Exception Details:** None

## STAFF RECOMMENDATION(S)

Engineer   DG   Recommendation:   Approval    
 Biologist   DR   Recommendation:   Approval    
 Other Staff \_\_\_\_\_ Recommendation: \_\_\_\_\_

Engineering Supervisor Sign-Off \_\_\_\_\_ date \_\_\_\_\_  
 Supervising Biologist Sign-off   David S. Reis     6/19/18   date  
 Executive Director Sign-Off   M. Wilkin   date \_\_\_\_\_  
 P1 Staff Sign off on Hearing Packet (Eng/Bio)   David S. Reis     6/19/18   date



RECEIVED  
 MAY 02 2018  
 COASTAL RESOURCES  
 MANAGEMENT COUNCIL

AUDIE D. OSGOOD  
 No.   
 REGISTERED  
 PROFESSIONAL ENGINEER  
 (CIVIL)

SHEET  
**2**  
 OF 3

**Site Location**  
**Public Dinghy Dock**  
 A.P. 5 Lot 67, New Shoreham, Rhode Island  
 Property Owner & Applicant: **Island Marine Corp.**  
 P.O. Box 33  
 New London, CT 06320  
 Co-applicant: **Town of New Shoreham**  
 P.O. Box 220  
 Block Island, RI 02807  
 04-30-18

**DiPrete Engineering**  
 Two Stafford Court Cranston, RI 02920  
 tel 401-943-1000 fax 401-464-6006 www.diprete-eng.com  
 Boston • Providence • Newport

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COASTAL RESOURCES MANAGEMENT COUNCIL  
STAFF BIOLOGIST'S REPORT

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

DATE: June 19, 2018  
PAGE: 1 of 6

RE: CRMC File No. 2018-05-011

**Applicant's Name:** Island Marine Corp and the Town of New Shoreham

**Project:** Construct and maintain a public access commercial structure (public dinghy dock) for short term use by transient visitors to Block Island. Components include one ADA (American Disabilities Act) compliant gangway from shore to a fixed pier landing area, one ADA compliant gangway from the fixed pier landing area to a 12' x 20' timber framed float and eight 8' x 20' timber frame floats and associated timber anchor plies as shown on the submitted plans.

**Location:** North of 218 Ocean Avenue ("Dead Eye Dicks Restaurant")

**Water Type/Name:** Type 3, High Intensity Boating, Trim's Pond near entrance channel

**Coastal Feature:** Manmade shoreline – riprap revetment

- A. **Staff Summary:** CRMC Staff recommends approval of the application. Two objections have been submitted as addressed in section "D" of this report. CRMC Staff believes the objections are not substantive particularly if the Council adopts a stipulation that limits the facility to public use.
- B. **Plans Reviewed:** "Ocean Avenue Public Dinghy Dock..., Property Owner & Applicant, Island Marine Corp., Co-applicant, Town of New Shoreham...", by DiPrete Engineering, sheet 1 of 1 dated June 6, 2018 and sheets 1 of 3 through 3 of 3 dated May 31, 2018 except sheet 2 of 3 dated May 4, 2018.
- C. **Staff Analysis:** This application is the result of discussions which began in the fall of 2017 with the Town of New Shoreham Harbor Master, Mr. Steve Land. Mr. Land initially called to discuss the public dinghy dock located at the Block Island Boat Basin Marina. According to Mr. Land, the Marina operators at the Block Island Boat Basin no longer wished to continue operating the public dinghy dock which is the primary landing location for dinghies traveling from vessels moored in the Great Salt Pond. In response to this information, CRMC Staff searched the permit history for the marina and determined that the existing dinghy dock at the Block Island Boat Basin was not a requirement of previous CRMC assents; namely CRMC Assent A94-10-21 which established the marina perimeter limit and vessel count. Rather, the public dinghy dock portion of the marina was the result of a separate application which was authorized by CRMC Assent A98-4-106. Since the dinghy dock was the result of a "voluntary" application rather than a public access "requirement" consistent with current CRMC standards for marinas and marina expansions (ref. RICRMP Section 1.3.6.B.3.b), there are no CRMC requirements which require the dock to remain in place as a public dinghy dock. On that basis, the marina operator is free to remove it or apply to use the dock for another use such as space for additional vessels. Based on a meeting with Tony Edwards, manager of the BI Boat Basin on March 20, 2018, Mr. Edwards confirmed that the marina operators wanted to remove the public dinghy dock or convert it to another use. CRMC permitting requirements were discussed for converting it to additional marina vessel space but no specific plans were discussed or presented.

Signed: \_\_\_\_\_

*David S. Reis*

Supervising Environmental Scientist

In preparing for the loss of the public dinghy dock location, the Town began considering other locations and inquired about the possibility of the location now proposed. Based on CRMC Staff's initial consideration of the location, staff responded that the location appeared to be acceptable with regard to the CRMP water type (Type 3), coastal feature impacts (manmade shoreline) water depth and what appears to be minimal impacts on navigation. Other issues such as parking, trash disposal and restroom facilities were subsequently discussed. With regard to parking, while this facility is considered a commercial structure as opposed to a marina, only one parking space is required for each 25 vessels at a "destination marina" such as those on Block Island. Further, dinghies are not considered "vessels" and on this basis, there are no parking space requirements for a facility of this type. However, the Town did note that the proposed dinghy dock location is already utilized as a taxi pick-up/drop-off location as shown on the submitted plans.

The Town responded to the trash collection and restroom facility issues by providing a plan (copy attached at pg. 5 of 6) which shows a proposed dumpster location for trash disposal and the location of the existing public restroom facility with respect to the proposed dinghy dock. Based on staff measurements using Google Earth, the proposed dumpster is located approximately 280 feet from the dinghy dock while the restrooms are approximately 375 feet from the dinghy dock. In comparison, CRMC marina standards require that a public restroom facility be located within 1,000 feet of the most distant slip in a marina. Based on this comparison, CRMC Staff believes both the dumpster and restroom facilities are located within a reasonable distance of the proposed facility. Signage will be provided as shown on the plan directing mariners to the trash-recycling station and restrooms. A post mounted pet waste station will also be provided at the dock landing.

With regard to the proposed location in tidal waters, the project is consistent with the Council's policies for Type 3 waters and there are no significant environmental concerns associated with construction this facility along a manmade riprap revetment where there is already adequate water depth to avoid the need for dredging. Further, in CRMC Staff's opinion, the proposed location is "tucked-in" from the navigable channel entrance into Trim's Pond and is no closer to the "channel of use" than the adjacent Payne's Marina facility. This is quite evident on the photos and plans submitted in support of the application. In fact, rafting of boats at the adjacent Payne's Marina facility well into and sometimes across the channel into Trim's Pond has been a significant and persistent issue. A recent objection dated May 10, 2018 is attached to this report (see page 6 of 6). *CRMC Staff review further indicates the Category B requirements have been met as addressed by DiPrete Engineering's letter of April 11, 2018 (see copy in Council's agenda package).*

**D. Consideration of Objections:** Two objections were submitted during the public notice period for the project. One objection was submitted by Attorney Nicholas Gorham on behalf of Payne's Dock and Clifton Payne and one was submitted by Special Assistant Attorney General Gregory S. Schultz on behalf of the RI Attorney General's Office. Each of these objections is addressed below with staff's response provided in red text:

1. **Payne's Objection:** This objection raises several concerns which are addressed below in bulleted format:

Signed: David S. Reis Supervising Environmental Scientist

- **Island Marine does not own the lot in question; the lot may be a part of Ocean Road:** Staff believes this issue is moot since the Town is a co-applicant for the facility. If it is ultimately determined that Island Marine does not own the property, the owner by default is the Town of New Shoreham. Both Island Marine and Town are co-applicants and both are in favor of the application as noted by the Town's objection response letter dated June 15, 2018.
  - **The Dinghy Dock License Agreement does not protect public access:** As addressed by the objection, the license agreement allows either party to terminate the agreement which appears to be a valid issue with regard to assuring public access to the facility. However, the Town's objection response letter states: "As specifically set forth in the Application for Assent filed by the Town and Island Marine, the proposed dock is for public access and the CRMC can certainly make maintenance of public access a condition of its approval for the dock's construction." In this regard, a stipulation has been recommended in this report which would nullify any assent granted by the Council and require the facility to be removed from tidal waters should it be used for any other purpose other than a fee-free public dinghy dock.
  - **The CRMC should protect public access:** In order to protect public access, the objection suggests the CRMC should determine if a public right-of-way exists at the proposed location. Considering the primary purpose of the project is to provide public access and make public access improvements at the site, CRMC staff believes this issue is moot. The stipulation suggested by Staff to assure the proposed facility is used only for a public dinghy dock further alleviates the objection.
  - **Harm to Payne's Marina:** With regard to roadway traffic issues, the Town may wish to speak to this but as noted in the objections, the area already receives significant use as a dinghy landing. Regarding Payne's private waste receptacles and restroom facilities, CRMC staff believes it is the Payne's responsibility to police his own facilities and that the area is already prone to large crowds and heavy use by tourists thereby requiring such policing.
2. **RI Office of the Attorney General Objection:** The Office of the Attorney General's objection reiterates the ownership questions raised in the Payne objection. As discussed in Staff's response to the Payne objection, the ownership question appears to be moot since the Town is a co-applicant and a stipulation is recommended to secure public use of the facility specifically for access to the shore for the boating public. Further, it should be noted that the heavy public usage shown in the photo attached to this objection indicates that a dinghy dock would enhance the existing dinghy landing usage by providing a safe and controlled facility with signage directing the public to restrooms and waste disposal facilities. The facility will further include a pet waste station.

Signed: \_\_\_\_\_

*David S. Rea*

Supervising Environmental Scientist





2005-08-044

May 10, 2018

Dear Block Island Harbor Master:

Why is Payne's Dock allowed to encroach into the channel? And why are they still allowed to "raft" boats?

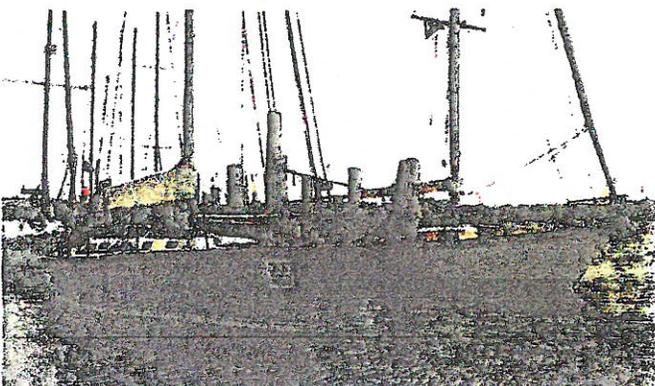
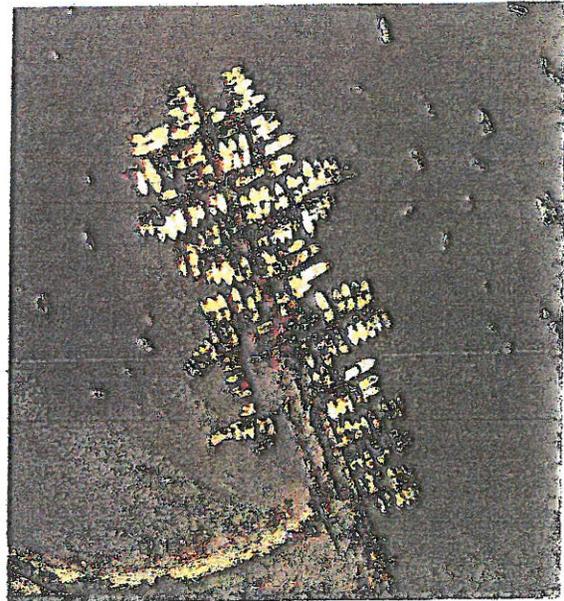
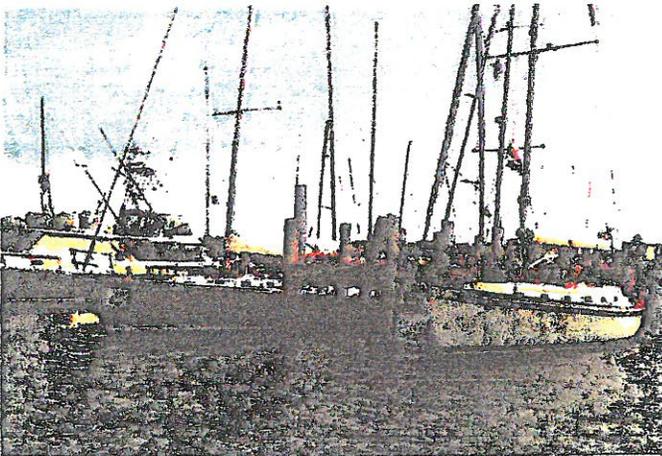
Do they get to charge wharfage for the 10' or more of a boat that impedes the channel? They are making money off of water that they have NO right to charge for. They do this solely to increase their revenue. There was no other boat astern of the white sloop.... but still they only tied up half of the boat to their pier.

They are also creating a navigational hazard by encroaching into the channel along the east side of their dock.

These are just a couple of photos of their arrogant disregard to regulations. Actions like this are not allowed by the Newport harbor master. Multi-million dollar yachts are not allowed to stick out into the channel in Newport harbor. Their harbor master enforces regulations.

The aerial photo was taken off of a facebook page.

Since I am a customer of Payne's I am not signing my name. I am sending this because regulations should be enforced and everyone should abide them. The lack of my name does not change what the facts of the situation are.



cc: Block Island Town Manager  
RI Coastal Zone Management  
US Coast Guard - Navigation



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COASTAL RESOURCES MANAGEMENT COUNCIL  
ENGINEERING REVIEW**

TO: Grover J. Fugate, Executive Director  
DEPT: Coastal Resources Management Council  
FROM: Danni Goulet, PE  
DEPT: CRMC Engineering Section

Date: June 18, 2018

SUBJ: **CRMC File No.:** B2018-04-057

**Owner:** Island Marine Corp  
**Site Address:** 218 Ocean Avenue Plat: 5 Lot: 67  
**Site Town:** New Shoreham

**Project:** Construct and maintain a public access commercial structure (public dinghy dock) for short term use by transient visitors to Block Island. Components include one ADA (American Disabilities Act) compliant gangway from shore to a fixed pier landing area, one ADA compliant gangway from the fixed pier landing area to a 12' x 20' timber framed float and eight 8' x 20' timber frame floats and associated timber anchor plies as shown on the submitted plans.

**Water Type/Name:** Type 3, High Intensity Boating  
**Coastal Feature:** Manmade Shoreline

**Plans Reviewed:** "Ocean Avenue Public Dinghy Dock..., Property Owner & Applicant, Island Marine Corp., Co-applicant, Town of New Shoreham...", by DiPrete Engineering, sheet 1 of 1 dated June 6, 2018 and sheets 1 of 3 through 3 of 3 dated May 31, 2018 except sheet 2 of 3 dated May 4, 2018.

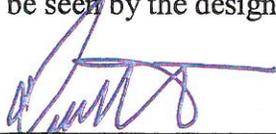
**Staff Comments/Recommendation:**

This report is limited to the engineering aspects of the proposed dinghy dock, all other issues including a detailed history of the application will be covered in the biological report.

The dinghy dock design has been modified several times during the application process in order to better comply with RICRMP rules and guidelines as well as limit the long term maintenance necessary when structural members are repeatedly submerged. The proposal only provides details for the fixed portion of the proposed facility, leaving the specific design of the floating elements to be provided at a later time. The general layout of the floating portion including piles has been provided and is enough information for permitting purposes. The facility design elevation has been maximized as much as the site will allow thus limiting the frequency of extreme tides and storm surge inundate the structural members, however this facility will be submerged from time to time. The fixed portions of the dock have been designed to allow them being submerged.

It is the opinion of the engineering staff that the plans provided are sufficient for Council deliberations. There are many significant structural design details not included in the permit plans. These can be seen by the designation "(By Others)". In an effort to insure a complete "final"

Signed



Staff Engineer

project that adheres to the goals and requirements of the RICRMP, staff has included three proposed stipulations for the Councils consideration.

It is the opinion of the staff engineer that the engineering portion of the design and proposed layout meet the RICRMP requirements and approval is recommended with the two proposed stipulations.

**Recommended Stipulations:**

1. The Structural Perimeter Limit (SPL) shall be modified as shown on the Staff Mark up to meet the 10' dimensional requirement.
2. All float support piles shall have a cut off elevation of at a minimum the FEMA VE zone elevation of 12 plus the float freeboard with 1' added. The plans stipulate that these will be designed by others so no elevation can be stipulated at this time.
3. All of the floatation units be encased as required by Section 1.3.3(D).



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

## MEETING NOTICE

June 15, 2018

Site Address: 218 Ocean Avenue; plat 5; lot 67  
Site Town: New Shoreham  
Proj. Desc: Construct and maintain a dinghy dock

The application for State Assent of Island Marine Corp CRMC File Number 2018-04-057 will be reviewed at the next meeting of the Coastal Resources Management Council. If you are the applicant, it is necessary that you be present at the meeting to answer any questions that may arise. Please be advised that a copy of the CRMC staff engineer and biologist reports may be obtained from the CRMC offices in Wakefield for the applicant or his/her attorney. Interested parties may attend and present evidence for or against, or for informational purposes in accordance with CRMC rules. Parties interested in this matter are encouraged to review the latest information contained in this file and also should refer to Management Procedures 5.3(8) among others for additional information.

The meeting is to be held at **6:00 p.m.** (*please be advised that the CRMC Educational series begins at 6:00 p.m.*) on **Tuesday, June 26, 2018** in **Conference Room A, at the Administrative Building, One Capitol Hill, Providence, RI.** Evidence or testimony regarding this case may be submitted at the time of the meeting (see CRMC Management Procedures). The CRMC office policy for public review of files scheduled for review by the full Council states that they are available to the public until 12:00 p.m. on the day of the meeting. **Please confirm application's hearing status via CRMC website ([www.crmc.ri.gov](http://www.crmc.ri.gov)) or by calling 401-783-3370.**

Parties interested in/or concerned with the above mentioned matter are invited to be present and/or represented by counsel at the above mentioned time and place. This meeting place is accessible to individuals with disabilities. The meeting location is accessible to handicapped persons. Any individual requiring a reasonable accommodation in order to participate in this meeting should contact CRMC offices at least 72 hours prior to the meeting.

Sincerely yours,

Lisa A. Turner, Office Manager  
Coastal Resources Management Council

/lat

Mailing List for file: Island Marine Corp/Town of New Shoreham  
File Number 2018-04-057

Island Marine Corp  
P O Box 33  
New London, CT 06320

Town of New Shoreham  
P O Box 220  
Block Island, RI 02807

Payne's Dock  
P O Box 646  
Block Island, RI 02807

CRMC (2018-04-057)  
O. S. Government Center  
4808 Tower Hill Road, Rm 116  
Wakefield, RI 02879

DiPrete Engineering  
Two Stafford Court  
Cranston, RI 02920

Nicholas Gorham  
Gorham & Gorham Inc.  
P O Box 46  
25 Danielson Pike  
North Scituate, RI 02857

Gregory S. Schultz, Esq.  
Special Assistant Attorney General  
Department of Attorney General  
150 South Main Street  
Providence, RI 02903



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: 2018-04-057 Date: May 5, 2018

This office has under consideration the application of:

<b>Island Marine Corp</b>	<b>Town of New Shoreham</b>
<b>P.O. Box 33</b>	<b>P.O. Box 220</b>
<b>New London, CT 06320</b>	<b>Block Island, RI 02807</b>

for a State of Rhode Island Assent to construct and maintain:

**A public access commercial structure (public dinghy dock) for short term use by transient visitors to Block Island. Components include one ADA (American Disabilities Act) compliant gangway from shore to a fixed pier landing area, one ADA compliant gangway from the fixed pier landing area to a 12' x 20' timber framed float and eight 8' x 20' timber frame floats and associated timber anchor plies as shown on the submitted plans.**

Project Location: Great Salt Pond seaward of Ocean Avenue, North of Dead Eye Dicks Restaurant  
 Street & Number: 218 Ocean Avenue  
 Pole Number: \_\_\_\_\_ City/Town: New Shoreham  
 Plat Number: 5 Lot Number(s): 67  
 Waterway: Great Salt Pond at the Trim's Pond entrance channel

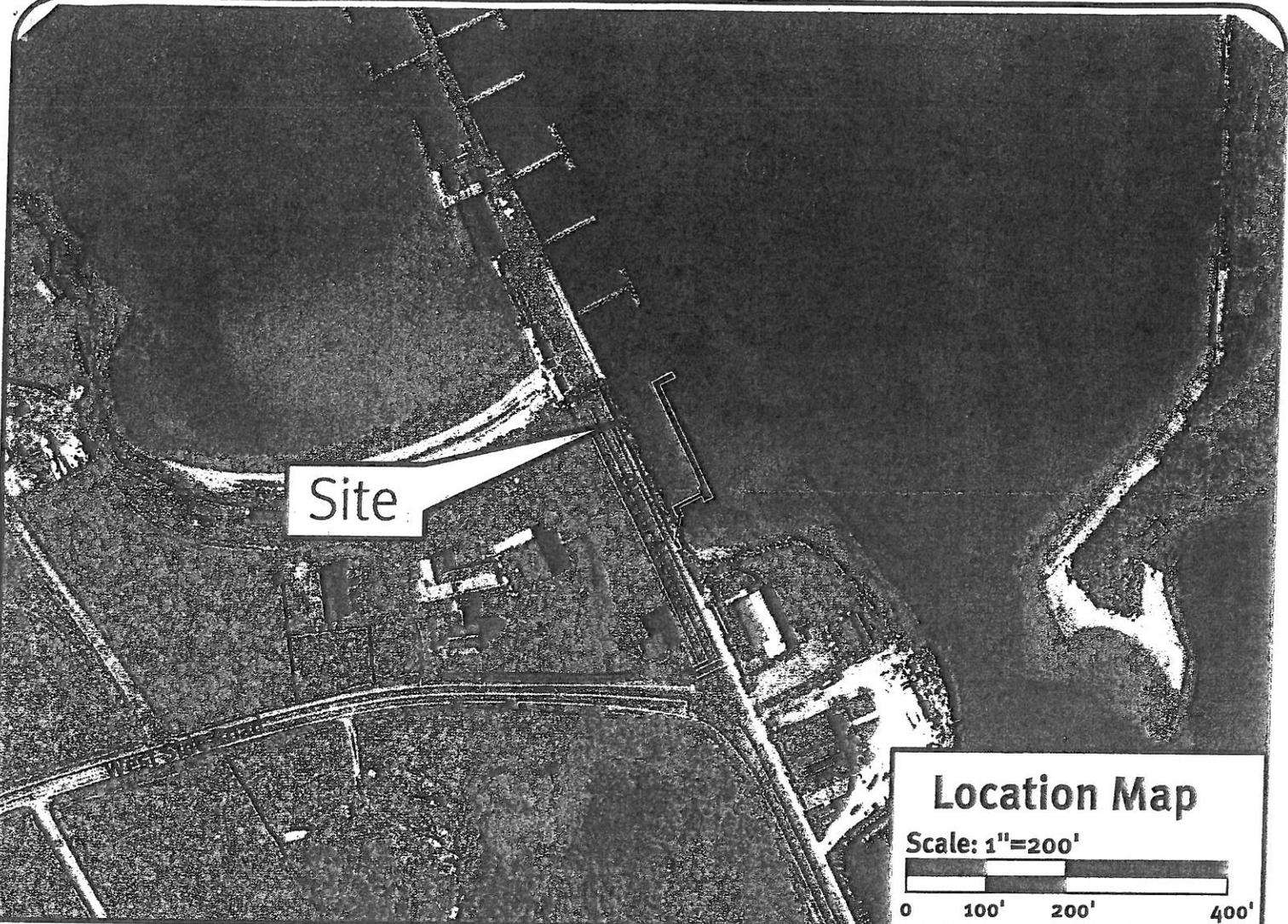
Plans of the proposed work may be seen at the CRMC office in Wakefield.

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

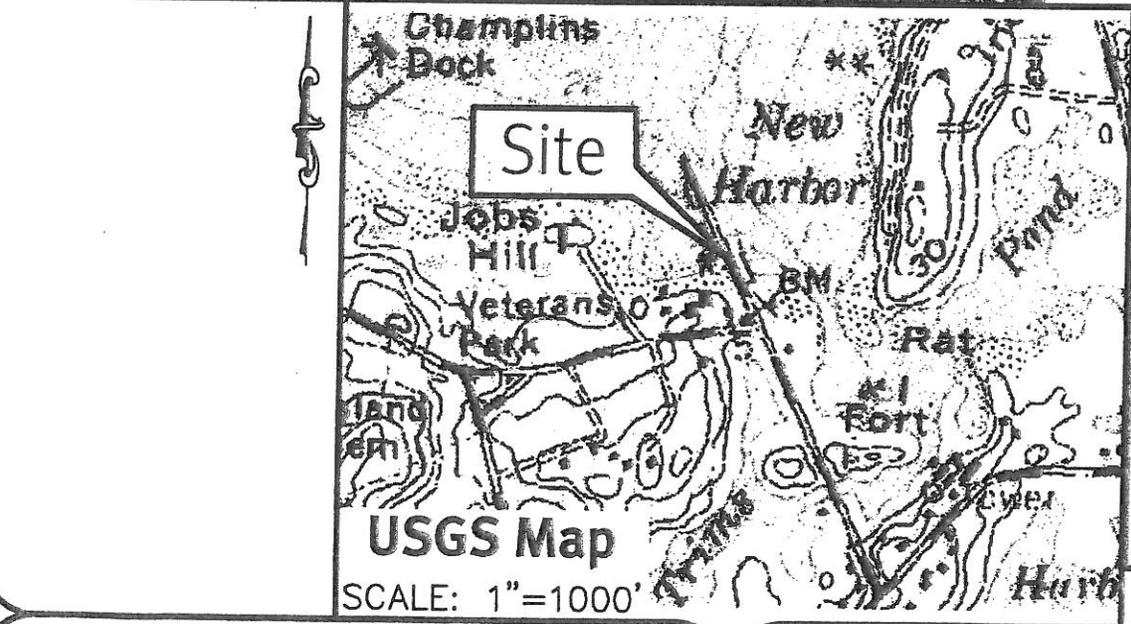
You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what 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 and be received at this office on or before June 3, 2018.

/lat



**Location Map**  
 Scale: 1"=200'



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 MANAGEMENT COUNCIL

AUDIE D. OSGOOD  
 No.   
 REGISTERED  
 PROFESSIONAL ENGINEER  
 (CIVIL)

**USGS Map**  
 SCALE: 1"=1000'

SHEET 2 OF 3

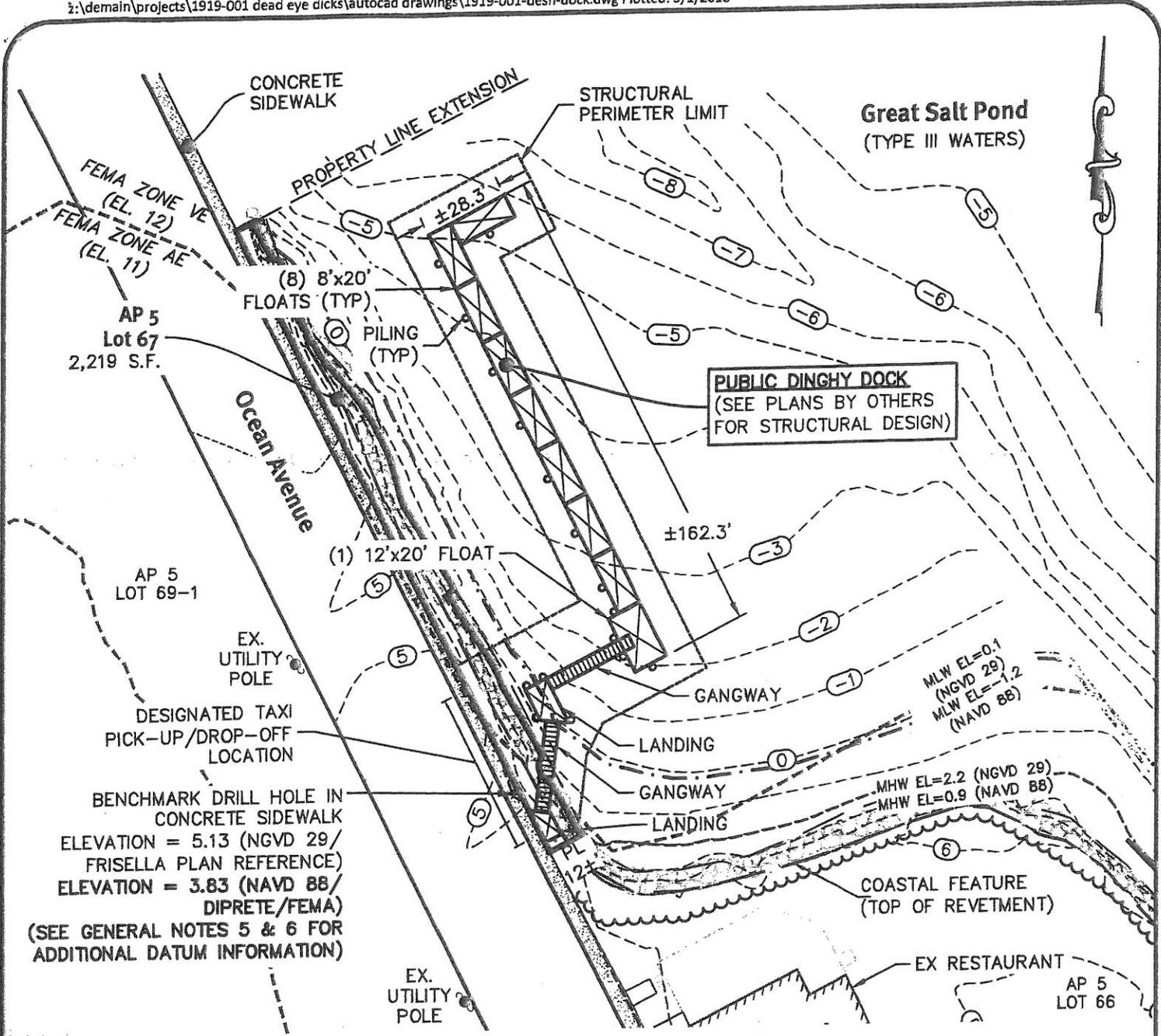
**Site Location**  
**Public Dinghy Dock**

A.P. 5 Lot 67, New Shoreham, Rhode Island  
 Property Owner & Applicant: **Island Marine Corp.**  
 P.O. Box 33, New London, CT 06320  
 Co-applicant: **Town of New Shoreham**  
 P.O. Box 220, Block Island, RI 02867



Two Stafford Court Cranston, RI 02920  
 tel 401-943-1000 fax 401-464-6006 www.diprete-eng.com

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AP 5 Lot 67  
2,219 S.F.

AP 5  
LOT 69-1

EX. UTILITY POLE

DESIGNATED TAXI  
PICK-UP/DROP-OFF  
LOCATION

BENCHMARK DRILL HOLE IN  
CONCRETE SIDEWALK  
ELEVATION = 5.13 (NGVD 29/  
FRISELLA PLAN REFERENCE)  
ELEVATION = 3.83 (NAVD 88/  
DIPRETE/FEMA)  
(SEE GENERAL NOTES 5 & 6 FOR  
ADDITIONAL DATUM INFORMATION)

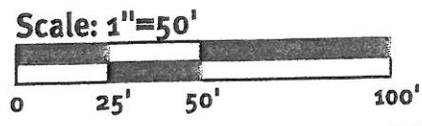
**PUBLIC DINGHY DOCK**  
(SEE PLANS BY OTHERS  
FOR STRUCTURAL DESIGN)

**Great Salt Pond**  
(TYPE III WATERS)

**AUDIE D. OSGOOD**

No. 05/10/2018  
9313

**REGISTERED  
PROFESSIONAL ENGINEER  
(CIVIL)**



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**Site Plan**

**Public Dinghy Dock**

A.P. 5 Lot 67, New Shoreham, Rhode Island

Property Owner & Applicant: **Island Marine Corp.** Co-applicant: **Town of New Shoreham**

SHEET 1 OF

**DiPrete Engineering**

Two Stafford Court Cranston, RI 02920  
tel 401-943-1000 fax 401-464-6006 www.diprete-eng.com

### General Notes:

1. THE SITE IS LOCATED ON THE TOWN OF NEW SHOREHAM ASSESSOR'S PLAT 5 LOT 67.
2. THE SITE IS APPROXIMATELY 2,219 SF OR 0.05± ACRES AND IS ZONED NHC. SITE IS ON GREAT SALT POND, TYPE III WATERS.
3. THE OWNER & APPLICANT OF AP 5 LOT 67 IS:
 

ISLAND MARINE CORP.  
P.O. BOX 33  
NEW LONDON, CT 06320
4. THIS SITE IS LOCATED IN FEMA FLOOD ZONES AE AND VE. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44009C0362J, MAP REVISED OCTOBER 16, 2013.
 

ZONE AE (ELEV 11) – THIS SITE IS LOCATED IN FEMA FLOOD ZONE AE. ZONE AE ARE SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD. BASE FLOOD ELEVATIONS HAVE BEEN DETERMINED AT ELEVATION 11.

ZONE VE (ELEV 12) – THIS SITE IS LOCATED IN FEMA FLOOD ZONE VE. COASTAL FLOOD ZONE WITH VELOCITY HAZARD (WAVE ACTION); BASE FLOOD ELEVATIONS DETERMINED AT ELEVATION 12.
5. TOPOGRAPHY AND BOUNDARY LINE SHOWN FROM PLAN ENTITLED "SITE PLAN SHOWING THE PROPOSED DECK EXPANSION FOR "DEAD EYE DICKS RESTAURANT" REVISION DATE 5-4-10, SHEET 1 OF 1 BY FRISELLA ENGINEERING, 23 ARNOLD STREET, WAKEFIELD, RI 02879 (DATUM = NGVD 29).
6. ELEVATIONS AND RHODE ISLAND STATE PLANE COORDINATES USED FOR STRUCTURAL DESIGN ARE IN U.S. SURVEY FEET, ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AS DETERMINED BY DIPRETE ENGINEERING USING REAL TIME KINEMATIC G.P.S. OBSERVATIONS.
7. ALL EXISTING UTILITIES SHOWN ARE FROM VISIBLE INFORMATION, DRAWINGS FROM OTHERS, OR INFORMATION PROVIDED TO DIPRETE ENGINEERING AND ARE SUBJECT TO CHANGE. THE LOCATIONS OF UNDERGROUND PIPES AND CONDUITS HAVE BEEN DETERMINED FROM AFOREMENTIONED PLANS OF RECORD AND ARE APPROXIMATE ONLY. PRIOR TO CONSTRUCTION, THE PROPER UTILITY ENGINEERING DEPARTMENTS SHALL BE CONTACTED AND THE ACTUAL LOCATION OF SUBSURFACE STRUCTURES SHALL BE DETERMINED IN THE FIELD. CALL THE DIG SAFE CENTER TOLL FREE AT 1-888-7233, 72 HOURS PRIOR TO EXCAVATION. ANY DAMAGE TO UTILITIES WHICH ARE SHOWN ON THE PLANS OR DETAILED BY DIG SAFE SHALL BE THE SITE CONTRACTORS RESPONSIBILITY.
8. NO WATER, SEWER, OR ELECTRIC SERVICE IS PROPOSED FOR THE DOCK.
9. DURING THE WINTER MONTHS (OFF SEASON) THE FLOAT SECTIONS WILL BE CRANED ONTO A BARGE AND STORED OFF SITE AT THE OWNER'S STORAGE FACILITY LOCATED IN NEW LONDON, CT.
10. OTHER THAN THE LANDING ADJACENT TO THE EXISTING SIDEWALK, ALL CONSTRUCTION WORK WILL BE COMPLETED FROM BARGES.
11. SOIL DISTURBANCE WILL REMAIN UNDER 0.5 ACRES AND BE CONFINED TO THE LOCATION OF THE WOODEN PILINGS AND THE CONCRETE LANDING PAD.
12. CONSTRUCTION IS ANTICIPATED TO BEGIN SPRING 2018 OR WHEN ALL PERMITTING IS COMPLETE. CONSTRUCTION WILL END APPROXIMATELY 30 DAYS AFTER START OF CONSTRUCTION.

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AUDIE D. OSGOOD

No. 9313

05/01/2018

REGISTERED  
PROFESSIONAL ENGINEER  
(CIVIL)

SHEET  
3  
OF 3

### General Notes Public Dinghy Dock

A.P. 5 Lot 67, New Shoreham, Rhode Island

Property Owner & Applicant: **Island Marine Corp.**  
P.O. Box 33

Co-applicant: **Town of New Shoreham**  
P.O. Box 220

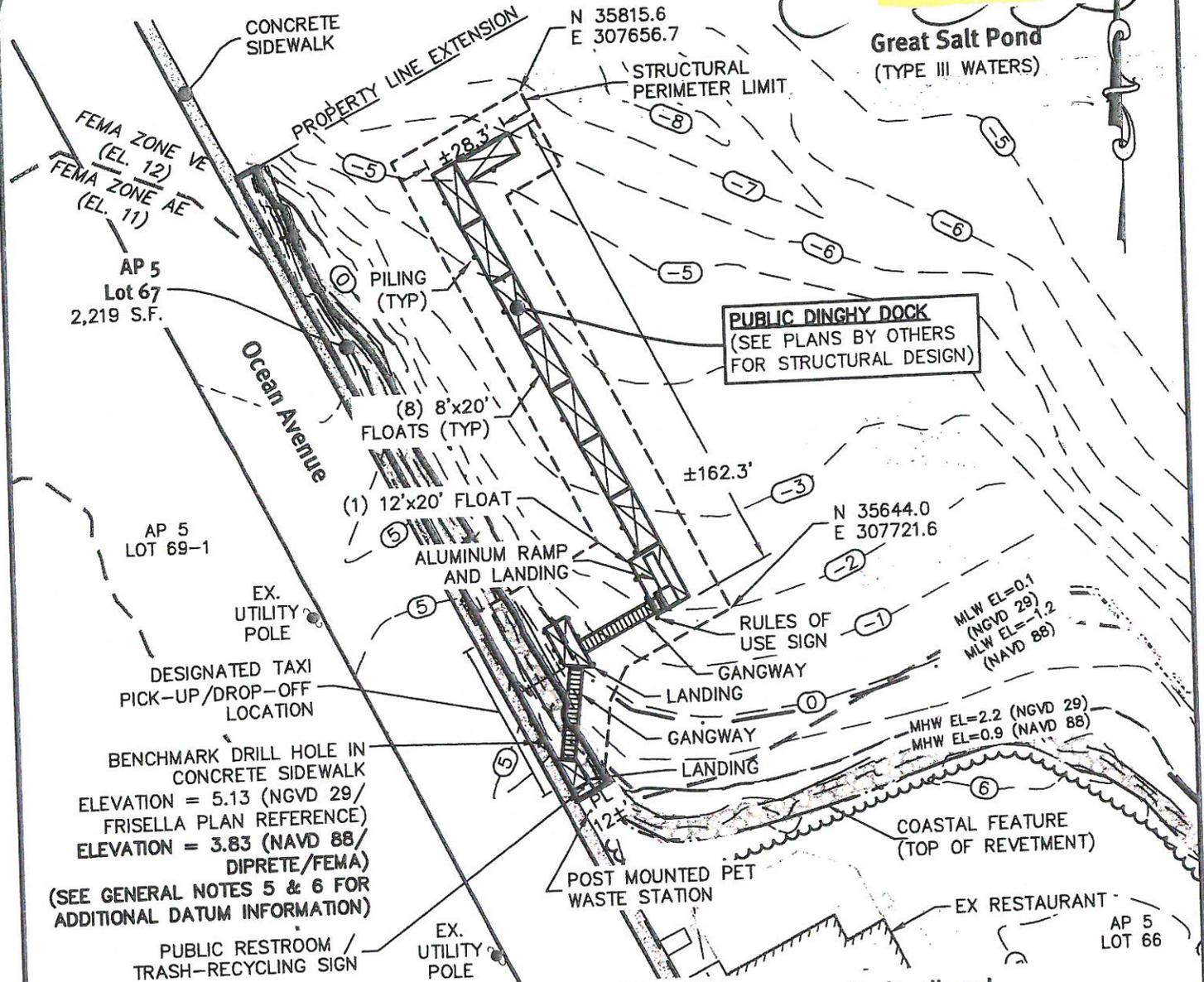


### DiPrete Engineering

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tel 401-943-1000 fax 401-464-6006 www.diprete-eng.com

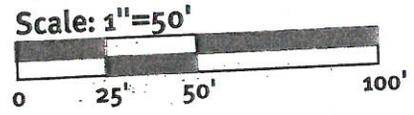
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**MOST RECENT PLANS**



**PUBLIC DINGHY DOCK**  
(SEE PLANS BY OTHERS FOR STRUCTURAL DESIGN)

BENCHMARK DRILL HOLE IN CONCRETE SIDEWALK  
ELEVATION = 5.13 (NGVD 29/  
FRISSELLA PLAN REFERENCE)  
ELEVATION = 3.83 (NAVD 88/  
DIPRETE/FEMA)  
(SEE GENERAL NOTES 5 & 6 FOR  
ADDITIONAL DATUM INFORMATION)



**AUDIE D. OSGOOD**  
No.   
**REGISTERED PROFESSIONAL ENGINEER (CIVIL)**

- Public Restroom / Trash-Recycling Sign**
- PUBLIC RESTROOMS ARE AVAILABLE ADJACENT TO THE BLOCK ISLAND MARITIME INSTITUTE
  - TOWN TRASH AND RECYCLING FACILITIES ARE AVAILABLE AT THE BLOCK ISLAND BOAT BASIN
  - DUMPSTER FOR DINGHY DOCK USERS AVAILABLE ADJACENT TO THE BLOCK ISLAND MARITIME INSTITUTE

- Dinghy Dock Rules of Use Sign**
- DINGHIES 12' AND UNDER ONLY
  - NO OVERNIGHT DOCKAGE
  - DINGHIES LEFT ON THE DOCK FOR MORE THAN 24 HOURS WILL BE REMOVED
  - VESSELS IN VIOLATION WILL BE IMPOUNDED AND FINED \$100.00 PER DAY

- Sign Notes:**
1. SIZE, COLORS, FONTS, LETTERING HEIGHT, ETC. TO BE PER TOWN OF NEW SHOREHAM STANDARDS.
  2. WORDING OF SIGNS TO BE AS BELOW OR ALTERNATE AS APPROVED BY RI CRMC.

**Site Plan**  
**Public Dinghy Dock**  
A.P. 5 Lot 67, New Shoreham, Rhode Island  
Property Owner & Applicant: **Island Marine Corp.**  
P.O. Box 33, New London, CT 06320  
Co-applicant: **Town of New Shoreham**  
P.O. Box 220, Block Island, RI 02807  
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*D. Reis*  
REVISION SET DIFFERS SLIGHTLY FROM ROLL PLANS.



Site

**Great Salt Pond**  
TYPE III WATERS

West Side Road

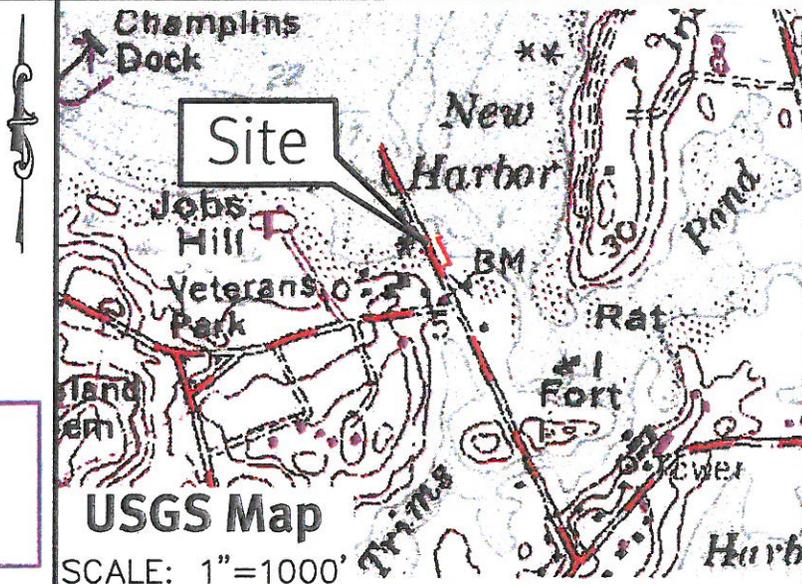
DUNBAR AVENUE

**Location Map**

Scale: 1"=200'



0 100' 200' 400'



Site

**USGS Map**

SCALE: 1"=1000'

AUDIE D. OSGOOD

No. 9313

REGISTERED  
PROFESSIONAL ENGINEER  
(CIVIL)

RECEIVED  
JUN 06 2018  
COASTAL RESOURCES  
MANAGEMENT COUNCIL

SHEET 2 OF 3

**Site Location**  
**Public Dinghy Dock**  
A.P. 5 Lot 67, New Shoreham, Rhode Island  
Property Owner & Applicant: **Island Marine Corp.**  
Co-applicant: **Town of New Shoreham**  
P.O. Box 33, New London, CT 06320  
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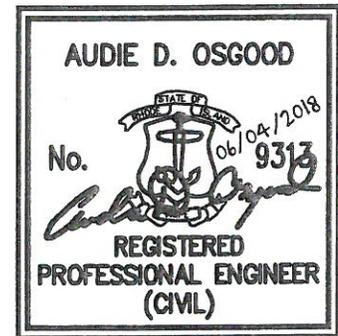
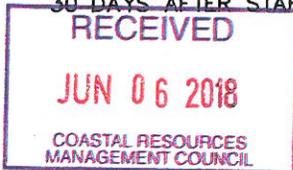
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8. NO WATER, SEWER, OR ELECTRIC SERVICE IS PROPOSED FOR THE DOCK.
9. DURING THE WINTER MONTHS (OFF SEASON) THE FLOAT SECTIONS WILL BE CRANED ONTO A BARGE AND STORED OFF SITE AT THE OWNER'S STORAGE FACILITY LOCATED IN NEW LONDON, CT.
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SHEET  
**3**  
OF 3

## General Notes Public Dinghy Dock

A.P. 5 Lot 67, New Shoreham, Rhode Island

Property Owner & Applicant	Co-applicant
<b>Island Marine Corp.</b>	<b>Town of New Shoreham</b>
P.O. Box 33 New London, CT 06320	P.O. Box 220 Block Island, RI 02807

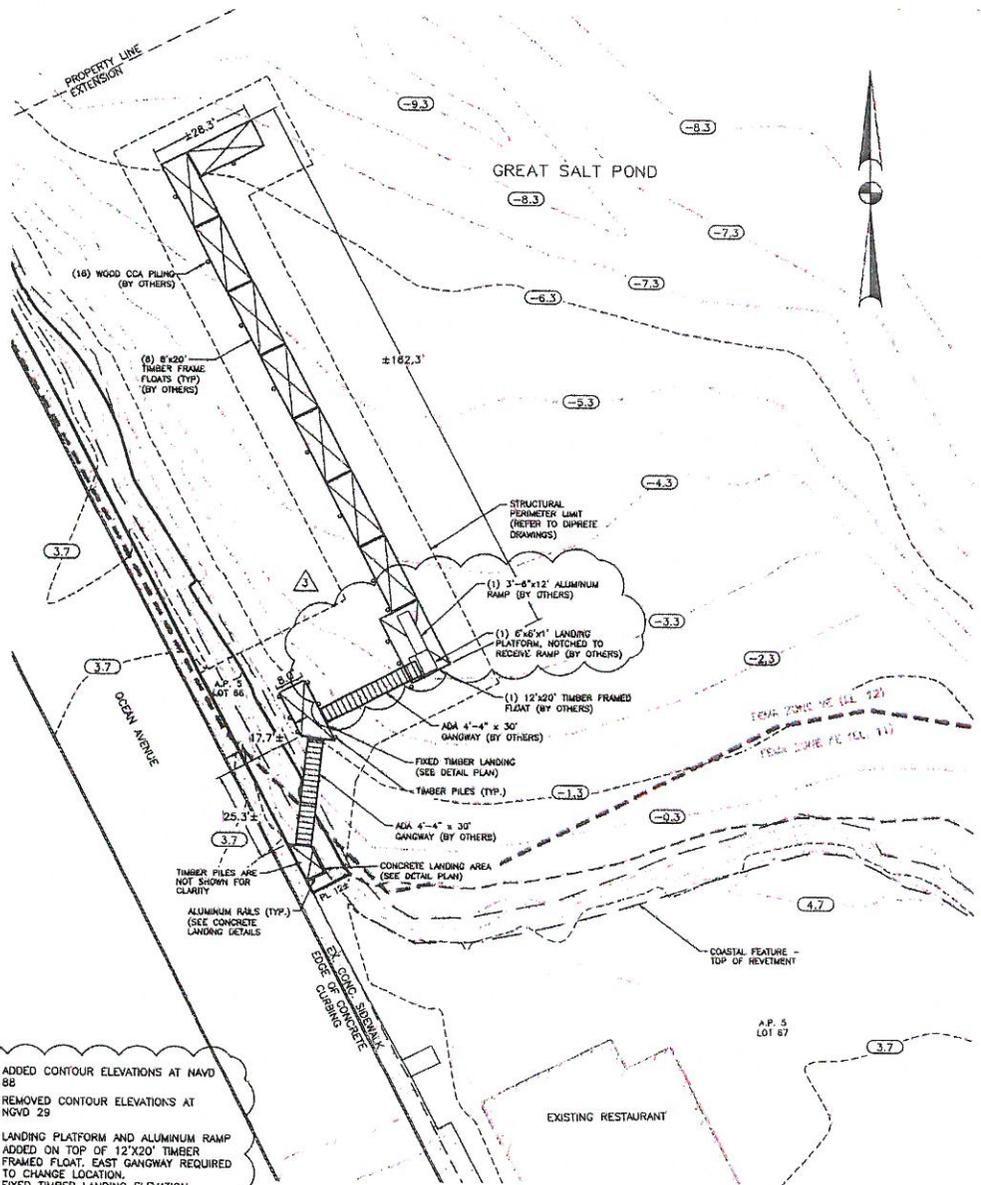
06-04-18



## DiPrete Engineering

Two Stafford Court Cranston, RI 02920  
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**GENERAL LAYOUT PLAN**  
SCALE: 1/16" = 1'-0"

- ▲ ADDED CONTOUR ELEVATIONS AT NAVD 88
- ▲ REMOVED CONTOUR ELEVATIONS AT NAVD 29
- ▲ LANDING PLATFORM AND ALUMINUM RAMP ADDED ON TOP OF 12'x20' TIMBER FRAMED FLOAT, EAST GANGWAY REQUIRED TO CHANGE LOCATION.
- ▲ FIXED TIMBER LANDING ELEVATION UPDATED TO MATCH THE CONCRETE LANDING AREA. BRACING ADDED BETWEEN PILES

**REFERENCES:**

1. UNIFIED FACILITIES CRITERIA (UFC) DESIGN: PIERS AND WHARVES, (UFC 4-152-01), 24/01/2017.
2. TIMBER PILE DESIGN & CONSTRUCTION MANUAL, 2016.
3. RI STATE BUILDING CODE, 11TH EDITION.
4. ACI 318-11, BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE.
5. ASCE/SEI 7-10 MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES, SECOND PRINTING, INCORPORATING ERRATA IDENTIFIED THROUGH APRIL, 2011.
6. FEMA P-550, RECOMMENDED RESIDENTIAL CONSTRUCTION FOR COASTAL AREA, BUILDING ON STRONG AND SAFE FOUNDATIONS, SECOND EDITION/DECEMBER 2009 IS USED FOR LOAD DEVELOPMENT AS A REFERENCE.
7. FEMA P-55, COASTAL CONSTRUCTION MANUAL, PRINCIPLES AND PRACTICES OF PLANNING, SITING, DESIGNING, CONSTRUCTION, AND MAINTAINING RESIDENTIAL BUILDINGS IN COASTAL AREAS, FOURTH EDITION IS USED FOR LOAD DEVELOPMENT AS A REFERENCE.

**GENERAL NOTES:**

1. DURING THE WINTER (OFF SEASON) THE FLOAT SECTION WILL BE CRANED ONTO A BARGE AND STORED OFF SITE AT THE OWNER'S STORAGE FACILITY IN NEW LONDON, CT.
2. OTHER THAN THE LANDING ADJACENT TO THE EXISTING SIDEWALK, ALL CONSTRUCTION WORK WILL BE COMPLETED FROM BARGES.
3. NO WATER, SEWER, OR ELECTRIC SERVICE IS PROPOSED FOR THE DOCK.
4. DESIGN INFORMATION SHOWN ON STEERE DRAWINGS IS ONLY FOR FIXED CONCRETE AND FIXED TIMBER LANDING AREAS.
5. ALL HARDWARE SHALL BE GALVANIZED.
6. CONCRETE LANDING AREA IS LOCATED IN FEMA AE/VE ZONE.
7. TIMBER LANDING AREA IS LOCATED IN FEMA VE ZONE.

**STRUCTURAL NOTES:**

1. ALL TIMBER SHALL BE PRESSURE TREATED.
2. TIMBER PILES SUPPORTING THE CONCRETE LANDING AREA SHALL BE CLASS B SOUTHERN PINE, 30 FEET LONG.
3. TIMBER PILES SUPPORTING THE TIMBER LANDING AREA SHALL BE CLASS A SOUTHERN PINE, 30 FEET LONG MINIMUM.
4. ULTIMATE BEARING CAPACITY OF TIMBER PILE 27 KIP (MINIMUM).
5. ALL TIMBER PILES SHALL BE PRESERVATIVE TREATED. PILE PRESERVATIVE TREATMENT SHALL COMPLY WITH AWPA C3 STANDARDS.
6. TIMBER PILES SHALL CONFORM, TO ASTM D25 STANDARD SPECIFICATIONS FOR ROUND TIMBER PILES.
7. ALLOWABLE STRESS DESIGN VALUES FOR TREATED ROUND TIMBER PILES GRADED IN ACCORDANCE WITH ASTM D25.  
F<sub>c</sub>= 1250 psi (AXIAL COMPRESSION)  
F<sub>b</sub>= 1950 psi (BENDING)  
F<sub>w</sub>= 180 psi (SHEAR, PERPENDICULAR TO GRAIN)
8. SINCE THE CONCRETE AND TIMBER LANDING AREA ARE LOCATED BELOW FEMA BASE FLOOD ELEVATION (BFE), THEY HAVE BEEN DESIGNED FOR A SUBMERGED CONDITION.
9. EARTHQUAKE LOADS ARE NOT CONSIDERED.
10. SINCE THE LANDING AREA SITS DIRECTLY ON THE GROUND, IT HAS NOT BEEN DESIGNED CONSIDERING WIND LOAD.
11. LANDING AREAS ARE DESIGNED FOR 60 psf UNIFORM LIVE LOAD.
12. LANDING AREAS ARE DESIGNED FOR 25 psf UNIFORM SNOW LOAD.
13. 1 FT OF EROSION DEPTH IS CONSIDERED IN THE DESIGN.
14. ALL STRUCTURAL CONCRETE SHALL BE A PLANT BATCHED READY MIX.
15. THE CEMENT MIX SHALL BE OF STANDARD STRENGTH AGGREGATES ABLE TO ACHIEVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 4000 PSI.
16. THE USE OF CALCIUM CHLORIDES SHALL NOT BE PERMITTED.

**BASE OF LEVELS:**

1. ALL ELEVATIONS SHOWN ARE BASED ON NAVD 1988 ▲

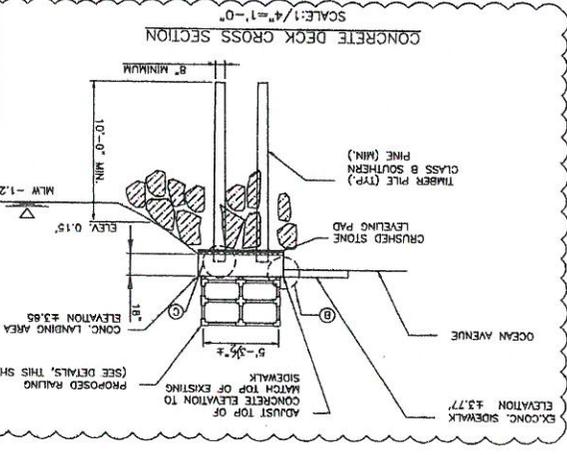
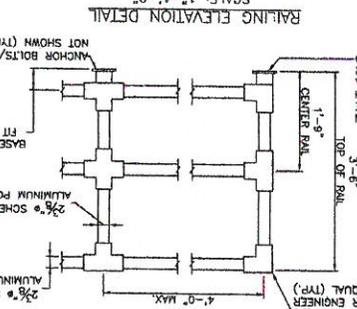
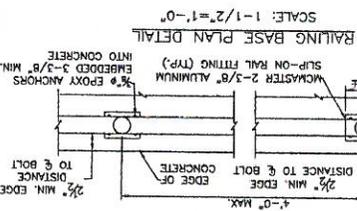
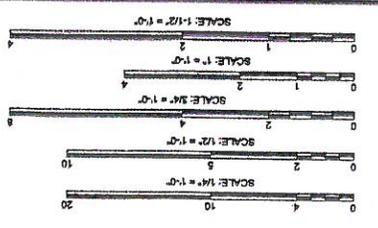
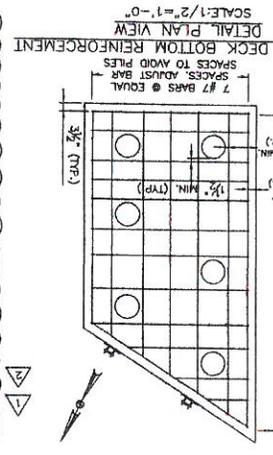
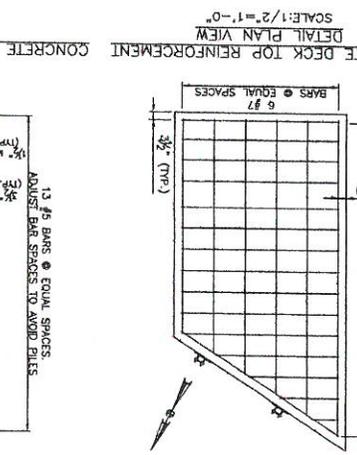
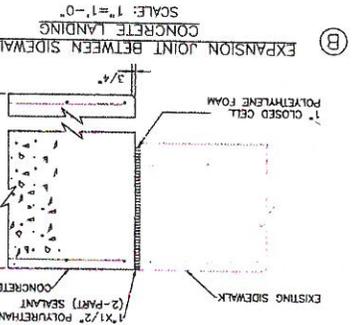
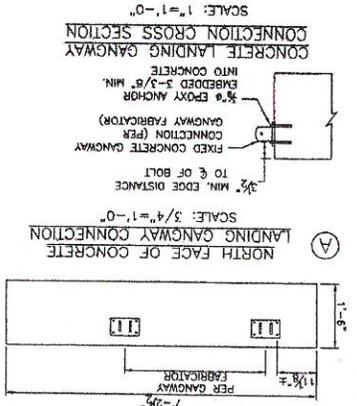
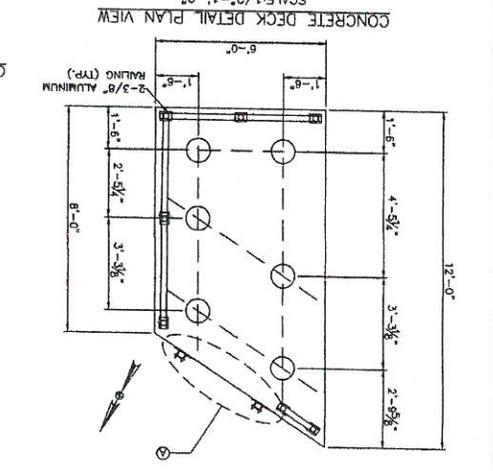
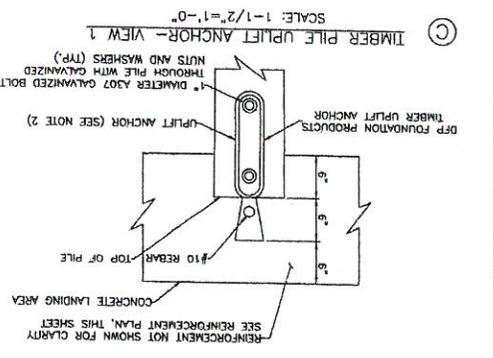
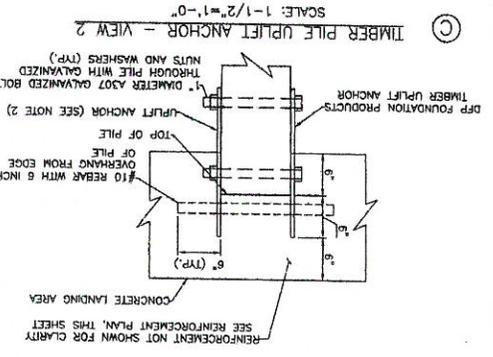


**RECEIVED**  
**JUN 06 2018**  
 COASTAL RESOURCES  
 MANAGEMENT COUNCIL  
**P-20**

NO.	DATE	BY	DESCRIPTION
1	06/06/18	MD	ISSUED FOR PERMIT
2	06/06/18	MD	ISSUED FOR PERMIT
3	06/06/18	MD	ISSUED FOR PERMIT
4	06/06/18	MD	ISSUED FOR PERMIT
5	06/06/18	MD	ISSUED FOR PERMIT
6	06/06/18	MD	ISSUED FOR PERMIT
7	06/06/18	MD	ISSUED FOR PERMIT
8	06/06/18	MD	ISSUED FOR PERMIT
9	06/06/18	MD	ISSUED FOR PERMIT
10	06/06/18	MD	ISSUED FOR PERMIT



**GENERAL LAYOUT PLAN**  
 Ocean Avenue Dinghy Dock  
 Newport  
 Near Sherman, Rhode Island 02879  
 Island Marine Corp.  
 PO Box 33, New London, CT 06250



- NOTES:
1. RAILING AND POSTS SHALL BE SIZE 2 (2-3/8" DIAMETER) SCHEDULE 40 ALUMINUM PIPE FROM KOMASTER, ASTM B241, 8061 TO MINIMUM OR ENGINEER APPROVED EQUAL.
  2. THE TIMBER UPLIFT ANCHORS SHOWN SHALL BE DFP TP-807/TYP A ANCHORS BY DFP FOUNDATION PRODUCTS OR ENGINEER APPROVED EQUAL.
  3. ALL REINFORCING STEEL SHOWN ON THIS SHEET SHALL BE EPOXY COATED OR GALVANIZED.
  4. ALL ANCHOR BOLTS SHALL BE HIT-2-R EPOXY ANCHORS OR ENGINEER APPROVED EQUAL.



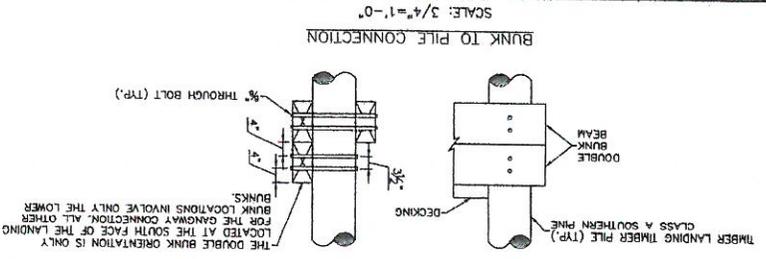
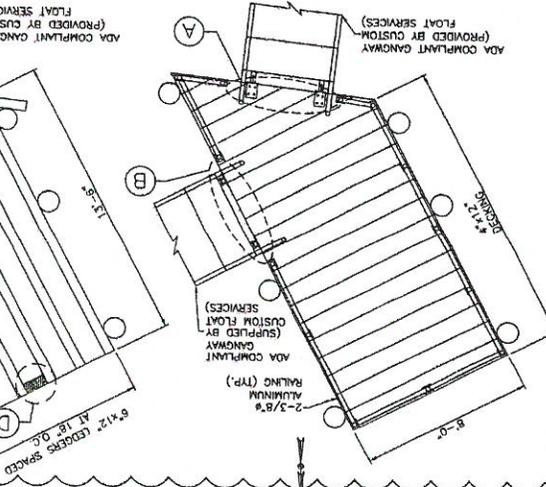
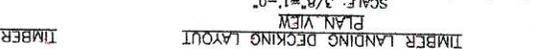
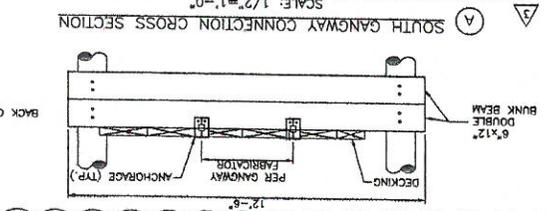
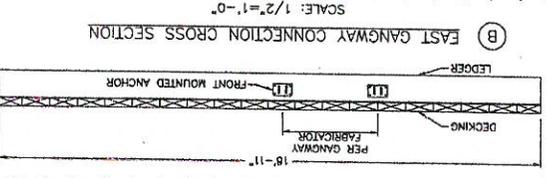
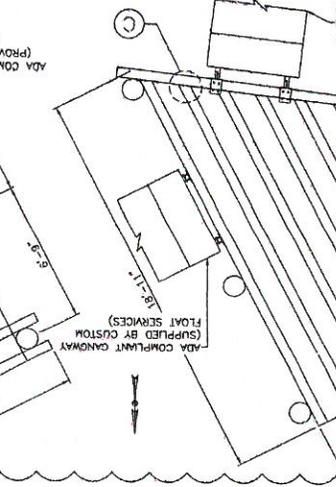
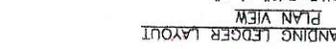
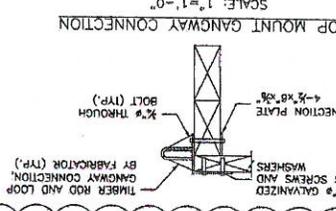
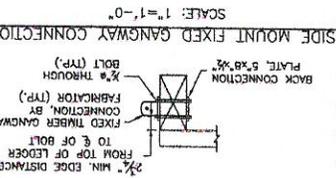
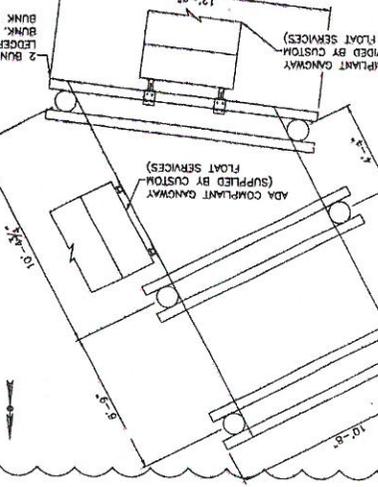
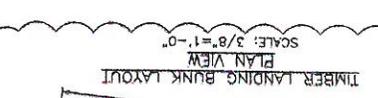
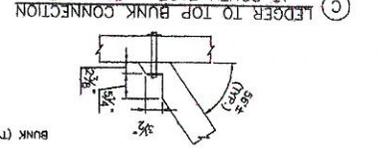
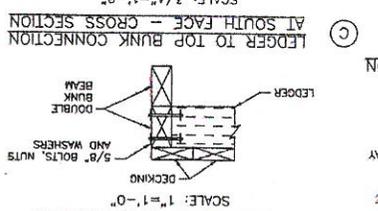
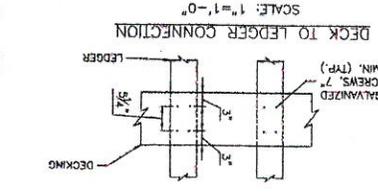
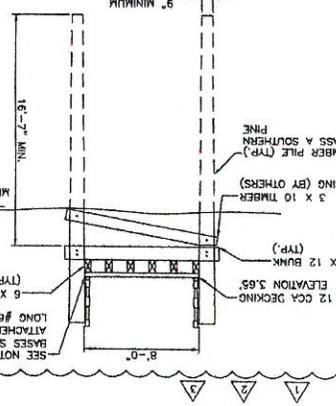
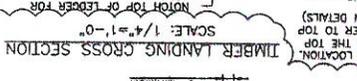
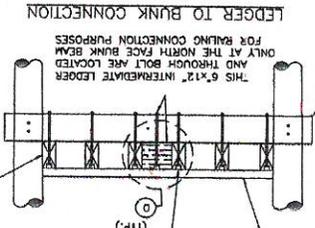
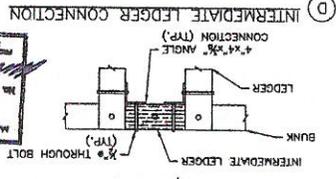
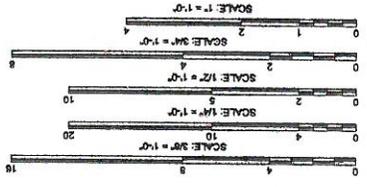
CONCRETE LANDING DETAILS  
Ocean Avenue Dinghy Dock  
2200 Fowl Road, Suite 100  
P.O. Box 533, New London, CT 06320

NO.	DATE	DESCRIPTION
1	06/06/2018	ISSUED FOR PERMIT
2	06/06/2018	ISSUED FOR PERMIT
3	06/06/2018	ISSUED FOR PERMIT
4	06/06/2018	ISSUED FOR PERMIT
5	06/06/2018	ISSUED FOR PERMIT
6	06/06/2018	ISSUED FOR PERMIT
7	06/06/2018	ISSUED FOR PERMIT
8	06/06/2018	ISSUED FOR PERMIT
9	06/06/2018	ISSUED FOR PERMIT
10	06/06/2018	ISSUED FOR PERMIT

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MANAGEMENT COUNCIL  
P21

Steere  
ENGINEERING  
2200 Fowl Road, Suite 100  
New London, CT 06320  
Phone: (860) 753-9360

- NOTES:**
- FOR RAILING NOTES AND DETAILS, SEE CONCRETE LANDING DETAILS. FOR TIMBER LANDING, SUBSTITUTE  $\frac{3}{4}$ " EPOXY ANCHORS WITH 8" LONG #6 GALVANIZED LAG SCREWS.
  - TIMBER DECKING SHALL BE ANCHORED TO LEDGERS WITH A MINIMUM OF FOUR SCREWS PER CONNECTION. SCREWS SHALL BE 7" LONG (MIN.) #6 LAG SCREWS.
  - ALL CONNECTION BOLTS, NUTS, AND WASHERS SHALL BE GALVANIZED.

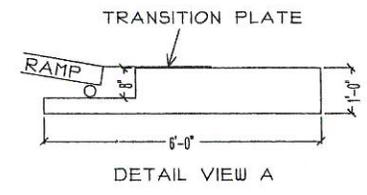
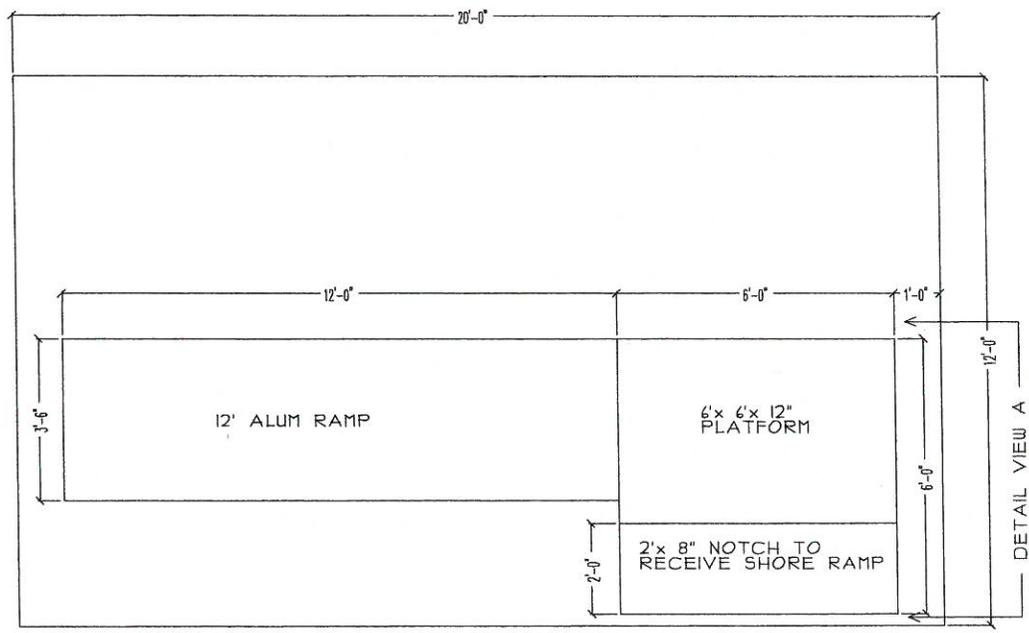


**FIXED TIMBER LANDING DETAILS**  
Ocean Avenue Dinghy Dock  
Steere Engineering  
200 Paul Road, Suite 100  
Farmington, Connecticut 06030  
Tel: 860.633.1111  
Fax: 860.633.1112

NO.	DESCRIPTION	QTY	UNIT
1	2x12 LEDGER	1	LINEAL FOOT
2	6x12 BUNN	1	LINEAL FOOT
3	2x12 LEDGER	1	LINEAL FOOT
4	6x12 BUNN	1	LINEAL FOOT
5	2x12 LEDGER	1	LINEAL FOOT
6	6x12 BUNN	1	LINEAL FOOT
7	2x12 LEDGER	1	LINEAL FOOT
8	6x12 BUNN	1	LINEAL FOOT
9	2x12 LEDGER	1	LINEAL FOOT
10	6x12 BUNN	1	LINEAL FOOT

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JUN 06 2018  
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MANAGEMENT COUNCIL

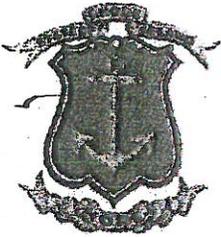
**Steere**  
ENGINEERING  
200 Paul Road, Suite 100  
Farmington, CT 06030  
Phone: 860.633.1111  
Fax: 860.633.1112



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MANAGEMENT COUNCIL

PLATFORM FOR RAMP		REV: —
FOR:	CROSS SOUND FERRY	DATE: 5/23/18
DRAWN BY:	MPD	FLOATATION: N/A
DESIGNED BY:		





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

## APPLICATION FOR STATE ASSENT

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

File No. (CRMC use only): <u>C-2018-04-057</u>		
Project Location: <u>218</u>	Ocean Avenue	New Shoreham
Number	Street	City/Town
Owner's Name: <u>Island Marine Corp</u> Co-applicant: <u>Town of New Shoreham (lease holder)</u>		Plat: <u>5</u>
Mailing Address: <u>P.O. Box 33 New London, CT 06320</u>		Lot(s): <u>67</u>
Contractor RI Lic. # <u>TBD</u> Address:		Res. Tel. #:
Designer: <u>DiPrete Engineering</u> Address: <u>2 Stafford Court, Cranston, RI 02920</u>		Bus. Tel. #: <u>(401) 466-2654</u>
Waterway: <u>New Harbor Great Salt Pond</u> Est. Project Cost: <u>\$110,000</u>		Tel. No.
		Tel. No.
		Fee/Costs: <u>\$1,000</u>
Description of work proposed (a brief description of all elements of work <u>MUST</u> be included here, additional sheets may be attached):  Proposal to construct a public access commercial structure (public dinghy dock) for short term use by transient visitors to Block Island. Components include 1-ADA compliant gangway from shore to a fixed pier landing area, 1-ADA compliant gangway from fixed pier to 12'x20' timber framed float, 8 - 8'x20' timber framed floats, and associated piles.		

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): A2016-04-015, 2012-02-04; 2009-09-096; 1993-04-022; 1987-01-096

Is this site within a designated historic district?  YES  NO

Is this application being submitted in response to a coastal violation?  YES  NO

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.)  
AP 5 Lot 66 - Island Marine Corp; P.O. Box 33, New London, CT 06320  
AP 5 Lot 0 - Paynes Dock Inc; P.O. Box 646, Block Island, RI 02807

**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.



Owner's Signature (sign and print) JESSICA WRONOWSKI

Edward L. Roberts (aka)

**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.

  
Signature

4/27/18  
Date

Jessica Wronowski Island Marine Corp, P.O. Box 33, New London, CT 06320  
Print Name and Mailing Address

  
Co-applicant's Signature

April 27, 2018  
Date

**LICENSE AGREEMENT**

THIS INDENTURE, made this 27 day of April, 2018, by and between ISLAND MARINE CORP., a corporation organized and existing under the laws of the State of Connecticut, having its principal place of business in New London, Connecticut (hereinafter called "Licensor"), and the TOWN OF NEW SHOREHAM, a municipality in the State of Rhode Island (hereinafter called "Licensee").

**WITNESSETH:**

Licensor does hereby license to Licensee and Licensee does hereby license from Licensor that certain area to provide access to and from a dinghy dock which area is located partially in the riparian rights area and partially on land owned by the Licensor at 218 Ocean Avenue, in the Town of New Shoreham, and State of Rhode Island (the "Licensed Premises") all as more particularly contemplated and described in Schedule A annexed hereto and made a part hereof.

**I. TERM, RENT, CONSTRUCTION AND USE**

1.1.

a. The term of this License Agreement shall be twenty (20) years and shall commence on 12:01 a.m. on the 1<sup>st</sup> day of June, 2018, subject to renewal as set forth herein.

b. Sixty days prior to the termination of the initial License term above, Licensor shall notify Licensee of the proposed license fee for a renewal term of an additional twenty (20) years and Licensee shall have the option to renew this License Agreement for an additional twenty (20) years at such proposed license fee and otherwise on the terms hereof. In the event such proposed license fee is less than or equal to the license fee for the initial term and Licensee does not exercise its right to renew, Licensor shall have the option to buy back the Improvements for One Dollar (\$1.00).



c. Either party, in its sole discretion, shall have the right to terminate this License Agreement upon providing six months' advanced written notice to the other party, provided in the event of a termination by Licensee, Licensor shall have the option to buy back the Improvements for One Dollar (\$1.00). Licensee will utilize the Licensed Premises upon conditions and covenants as follows:

1.2. Upon execution of this License Agreement, the Licensee shall pay to the Licensor a license fee of twenty dollars (\$20.00), which fee represents the annual license fee of one dollar (\$1.00) for the next twenty years. In the event of a renewal, Licensee shall pay to Licensor the license fee for such renewal term.

1.3. PERMITTING AND CONSTRUCTION OF THE IMPROVEMENTS. Both Licensor and Licensee shall cooperate in obtaining all local, state and federal licenses, permits and authorizations required for the construction of the dinghy dock, floats, gangways, lighting and other physical improvements shown in Schedule A (the "Improvements") and for the uses of the Improvements contemplated by this License Agreement. Licensor shall be solely responsible for all costs and expenses for engineering, permitting, including but not limited to filing fees and professional fees, and construction of the Improvements. Upon completion of the Improvements, Licensor shall gift the dinghy dock, floats and gangways to the Licensee.

## II. INSURANCE

2.1. Licensee covenants that:

Licensee will maintain liability insurance of not less than THREE MILLION (\$3,000,000) DOLLARS each occurrence, through a policy of insurance issued by the Rhode Island Interlocal Risk Management Trust (the "Trust") and Licensee will furnish to Licensor certificate or

certificates of such insurance which state that the Trust agrees, subject to the limitations, terms and conditions set forth in such policies, to pay on behalf of Licensee all sums the Licensee shall be obligated to pay by reason of the liability imposed upon Licensee by law or assumed by the Licensee under contract or agreement. Licensee shall maintain the following coverages:

- a. Marine General Liability
- b. Marina Operator's Legal Liability
- c. Wharfinger's Legal Liability

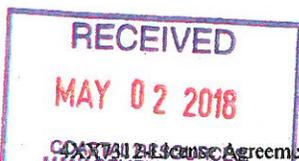
If the Licensee shall fail to take out and maintain in full force and effect such insurance, then without otherwise affecting Licensor's other rights and remedies Licensor may take out and maintain such insurance and collect the cost of the same as additional rent hereunder.

### III. GENERAL COVENANTS OF LICENSEE

3.1. Licensee shall be responsible for maintenance, repair, taxes, winter storage and all daily operations relating to the Improvements including, without limitation, repairs and maintenance of the lighting, trash removal, cleaning, and policing; provided, however, that in the event that the cost of repairs shall exceed the sum of fifty thousand dollars (\$50,000) the Licensee, in its sole, discretion may immediately terminate this License Agreement without the necessity of making any such repairs. In the event of termination by Licensee hereunder, Licensor shall have the option to buy back the Improvements for One Dollar (\$1.00).

3.2 Licensee will take good care of the Licensed Premises and Improvements.

3.3. Licensee will commit no waste, and will, at the end, expiration or other termination of this License Agreement, remove the dinghy dock, floats and gangways unless Licensor exercises its repurchase option hereunder.



3.4. Licensee will not, without Licensor's prior written permission which it may withhold in its sole discretion, assign this License.

3.5.a. Licensee will comply with all applicable by-laws, rules, regulations and ordinances of the Town of New Shoreham and of the State of Rhode Island, and the departments thereof, including, but not limited to, those relating to health, nuisance, sidewalks, fire and safety, and will save Licensor harmless from all fines, penalties and costs for violation of or non-compliance with the same.

3.5.b. Licensor will comply with all applicable by-laws, rules, regulations and ordinances of the Town of New Shoreham and of the State of Rhode Island, and the departments thereof, including, but not limited to, those relating to health, nuisance, sidewalks, fire and safety, as such by-laws, rules, regulations and ordinances relate to the real property portion of the Premises and the construction of the Improvements and will save Licensee harmless from all fines, penalties and costs for violation of or non-compliance with the same.

3.6. Licensee shall not alter the Licensed Premises or Improvements without the prior written consent of the Licensor.

3.7. Licensee shall provide Licensor or its lenders with estoppel certificates that confirm the status of this License Agreement; provided, however, that nothing contained in any such certificates shall increase the liability and/or obligations of the Licensee under this License Agreement.

#### IV. EXONERATION AND INDEMNIFICATION OF LICENSOR

Licensee hereby fully and unconditionally releases Licensor, W Food Group LLC and Island Caterers, Inc. and shall indemnify, defend, and hold harmless Licensor, W Food Group

LLC and Island Caterers, Inc from and against any and all liabilities, fines, suits, claims, demands, damages, costs, or injuries to person or property (collectively "Damages") incurred by or asserted against Licensor, W Food Group LLC, Island Caterers, Inc or any of their members, managers, directors, officers or agents, as a result of any activities conducted by or under the supervision of the Licensee including, without limitation, any Damages suffered and/or cause by invitees, guests, or agents of the Licensee. The liability of Licensee under this indemnification provision shall be limited to the extent of applicable insurance, except in the event of intentional acts by Licensee, its agents or employees. Licensee makes this release and indemnity voluntarily and with full knowledge of its consequences.

#### V. RIGHT TO ENTER

Licensor, or Licensor's agents, shall have the right at all times to enter on the Licensed Premises and Improvements.

#### VI. CASUALTY

If all or part of the Improvements shall be damaged by fire or other casualty or subject to condemnation, either party by written notice may terminate this License Agreement. In the event of termination hereunder, Licensor shall have the option to buy back the Improvements for One Dollar (\$1.00).

#### VII. DEFAULT

If Licensee shall be in default in any of Licensee's covenants herein contained, and Licensee shall not have cured such default within thirty (30) days after written notification by Licensor to Licensee of such default, then this License Agreement shall, at Licensor's option,



thereupon terminate, and Licensee shall remove the Improvements and, upon Licensee's failure to do so, Licensor may remove the Improvements and store the same at Licensee's expense.

#### VIII. NOTICES

All notices to be rendered hereunder shall be sent certified or registered mail, return receipt requested, or by any nationally recognized overnight delivery service that provides proof of delivery, addressed to Licensor as follows:

Island Marine Corp.  
P.O. Box 33  
New London, CT 06320

and addressed to Licensee as follows: TOWN MANAGER

Town of New Shoreham  
PO Box 220  
Block Island, RI 02807

#### IX. LICENSE AGREEMENT SUBORDINATE

This License Agreement shall be subordinate to any bona fide mortgage that may hereafter be placed upon the Licensed Premises by any insurance company, bank or trust company, and the Licensee shall execute without charge any instrument which may be required to effectuate this subordination; provided, however, that nothing contained in any such instrument shall increase the liability and/or obligations of the Licensee under this License Agreement.

#### X. GENERAL

11.1 The covenants, conditions and agreements of this License Agreement shall jointly and severally inure to the benefit of and shall, jointly and severally, be binding upon the Licensor and Licensee and upon their respective successors, assigns, and legal representatives; the words

"Licensor" and "Licensee" and any pronoun referring to them shall be read in the singular or plural and in such gender as the context may require.

11.2 This License Agreement shall be construed and enforced in accordance with the laws of the State of Rhode Island.

11.3 This License Agreement contains the entire agreement between the parties relating thereto. All prior negotiations or stipulations concerning any matter which preceded or accompanied the execution hereof are conclusively deemed to be superseded hereby.

11.4 This License Agreement shall be interpreted without regard to any presumption or other rule requiring construction against the party which drafted this License Agreement.

[Signatures to follow.]



IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first above written.

LICENSOR:

ISLAND MARINE CORP.

By:   
\_\_\_\_\_  
Jessica Wronowski  
Its vill president

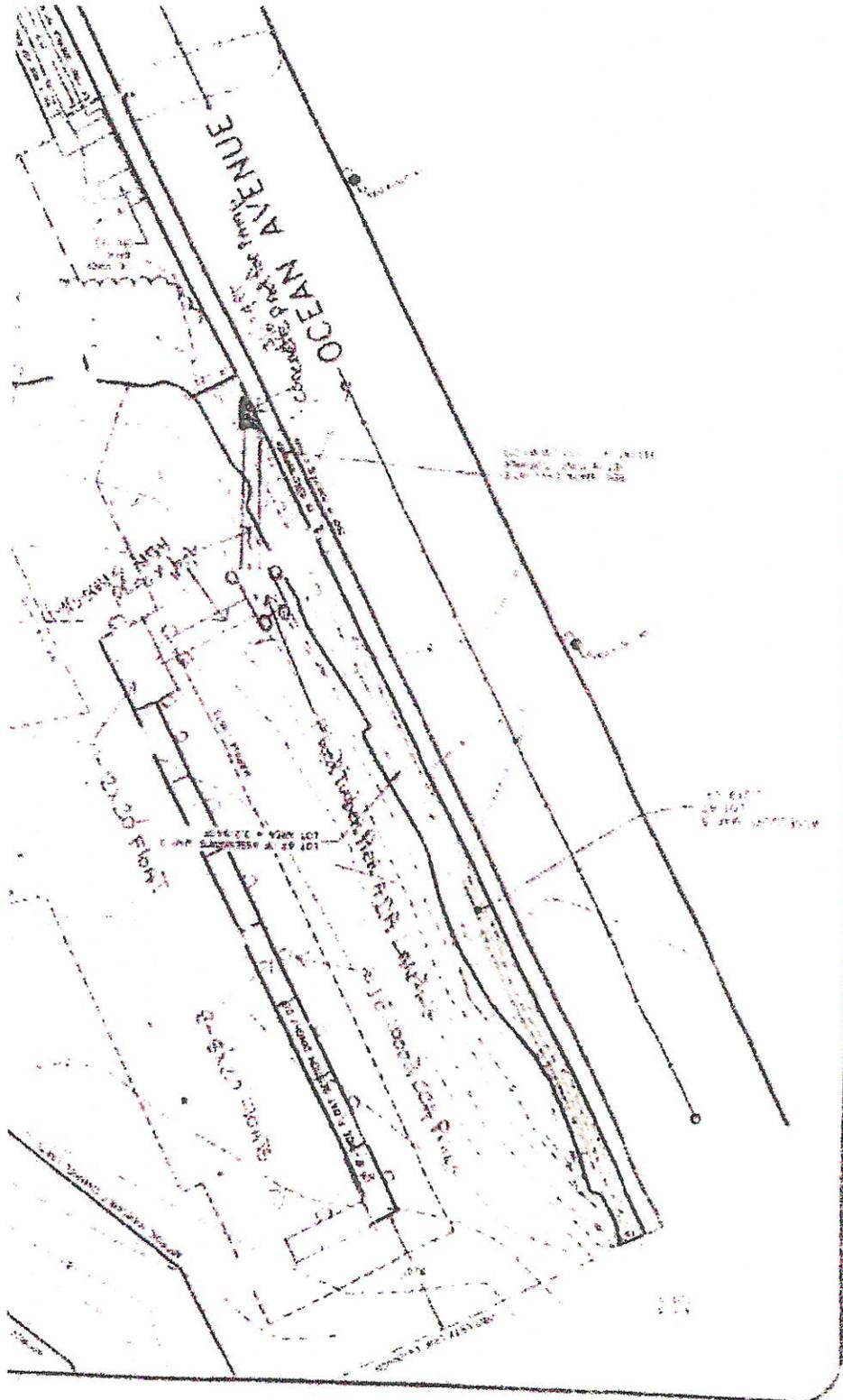
LICENSEE:

TOWN OF NEW SHOREHAM

By:   
\_\_\_\_\_  
EDWARD L. ROBERGE  
Its TOWN MANAGER

[SIGNATURE PAGE TO LICENSE AGREEMENT BY AND ISLAND MARINE CORP.  
AND TOWN OF NEW SHOREHAM]

**SCHEDULE A**



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MANAGEMENT COUNCIL



# DiPrete Engineering

April 11, 2018  
Revised May 1, 2018

David Reis, Permitting Staff  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, Rhode Island 02879

**RE: Ocean Avenue Public Dinghy Dock  
218 Ocean Ave, New Shoreham, Rhode Island 02807  
Project #: 1919-001**

Dear Mr. Reis:

On behalf our client and the applicant, Island Marine Corporation and co-applicant, the Town of New Shoreham, we have prepared this cover letter to address the requirements for the CRMC Assent Submission. The development site is located on Ocean Avenue in New Shoreham, Rhode Island on Assessor's Plat 5 Lot 67. The proposed work is the construction of a public use commercial structure (public access dinghy dock) for short term use by transient visitors to Block Island. The dock is to be operated by the Town as a public facility (see attached license agreement).

Components include 1-ADA compliant gangway from shore to a fixed pier landing area, 1-ADA compliant gangway from fixed pier to 12'x20' timber framed float, 8 - 8'x20' timber framed floats, and associated piles. The proposed activity requires a Category B review by CRMC. As such, a response to each Category B requirement has been included below. Also attached are site photos for your reference and orientation.

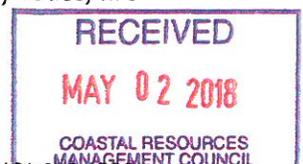
**CRMC 1.3.1.A In Tidal and Coastal Pond Waters, on Shoreline Features and Their Contiguous Areas (formerly §300) Category B Requirements (formerly §300.1)**

**A. Demonstrate the need for the proposed activity or alteration;**

The town lost access to a previously used dinghy dock on Great Salt Pond. Construction of this new public access dinghy dock will replace the lost public access, providing a safe location for boaters to tie up dinghies for brief trips to shore.

**B. 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;**

All applicable local zoning ordinances, building codes, flood hazard standards, safety codes, fire codes, and environmental requirements will be met.



**C. Describe the boundaries of the coastal waters and land area that is anticipated to be affected;**

The proposed gangways and floats are located in New Harbor, a portion of Great Salt Pond. The majority of the dinghy dock will consist of removable floats, with a fixed gangway and associated landing pad providing access from shore.

**D. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal water;**

Due to the small size of the crafts accessing to the dock, there will be no significant impact on erosion and/or deposition processes along the shore and in tidal waters.

**E. Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;**

Due to the small size of the crafts seeking access to the dock (dinghies 12' and under only), there will be no significant impact on the abundance and diversity of plant and animal life.

**F. 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;**

The nature of the project is to improve public access and use of tidal waters.

**G. Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;**

The floats, landing areas, and associated pilings will not result in significant impacts to water circulation, flushing, turbidity, or sedimentation.

**H. Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;**

There will be no significant deterioration in the quality of the water in the immediate vicinity, as defined by DEM.

**I. Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;**

There will be no significant impacts to areas of historic and archaeological significance.

**J. 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;**

The dinghy dock will improve the public's ability to enjoy recreational boating activities.

K. Demonstrate that measures have been taken to minimize any adverse scenic impact.

The dinghy dock is low profile and will have minimal scenic impact.

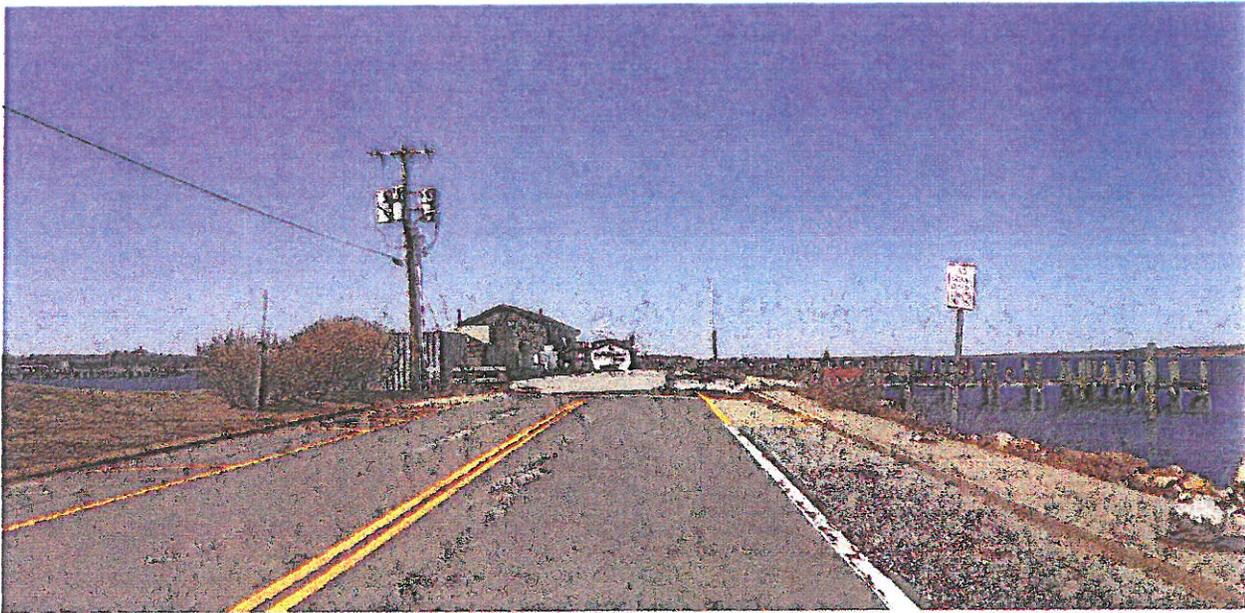
Aerial View of Site (from Google Maps)



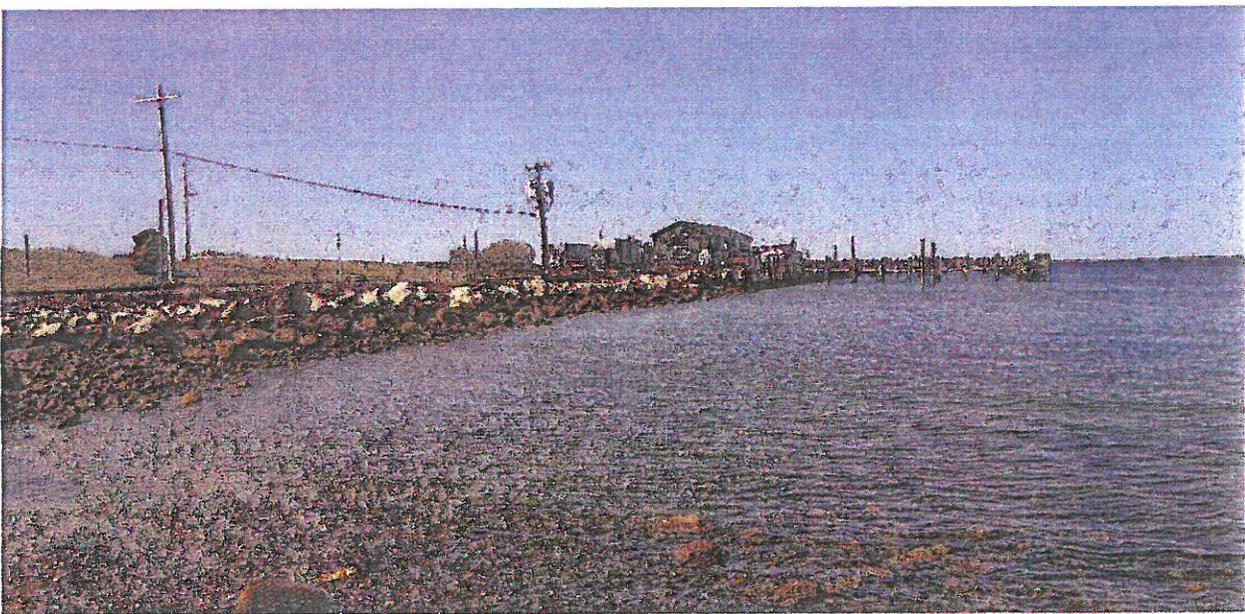
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Page 4 of 5  
Ocean Avenue Dinghy Dock  
218 Ocean Ave, New Shoreham, RI 02807  
April 11, 2018  
Revised May 1, 2018

Site and Coastal Feature looking North from Ocean Avenue

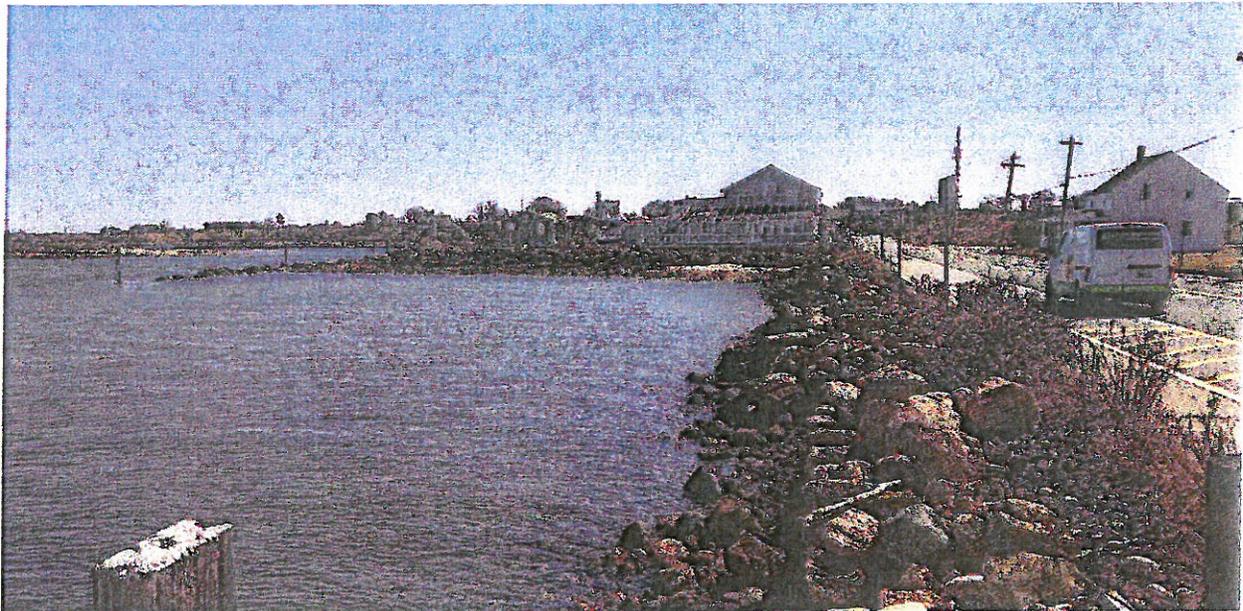


Site and Coastal Feature looking North from Property



Page 5 of 5  
Ocean Avenue Dinghy Dock  
218 Ocean Ave, New Shoreham, RI 02807  
April 11, 2018  
Revised May 1, 2018

Site and Coastal Feature looking South from Ocean Avenue



If you have any further questions on this matter, please feel free to contact me at your earliest convenience.

Sincerely,  
DiPrete Engineering Associates, Inc.

Handwritten signature of Audie Osgood in red ink.

Audie Osgood, PE, LEED AP  
Senior Project Manager  
aosgood@diprete-eng.com





[eroberge@new-shoreham.com](mailto:eroberge@new-shoreham.com)

**From:** Audie Osgood [<mailto:aosgood@diprete-eng.com>]  
**Sent:** Thursday, May 3, 2018 3:16 PM  
**To:** Dave Reis  
**Cc:** 'Dan Goulet'; Marc Tillson; Jessica Wronowski; Ed Roberge  
**Subject:** RE: 2018-04-057 Dinghy Dock

Dave,

Thanks for the email. The response in my resubmission was per the Town Manager. I've copied him on this email, so he can provide input on how to address the issue. I'll get back to you as soon as possible.

Thanks,  
Audie

*\*Please note my e-mail address has changed to [aosgood@diprete-eng.com](mailto:aosgood@diprete-eng.com)*

**Audie D. Osgood, P.E., LEED A.P.**  
Senior Project Manager

401-595-7410 | **DiPRETE ENGINEERING**

**From:** Dave Reis <[dreis@crmc.ri.gov](mailto:dreis@crmc.ri.gov)>  
**Sent:** Thursday, May 3, 2018 3:00 PM  
**To:** Audie Osgood <[aosgood@diprete-eng.com](mailto:aosgood@diprete-eng.com)>  
**Cc:** 'Dan Goulet' <[dgoulet@crmc.ri.gov](mailto:dgoulet@crmc.ri.gov)>; Marc Tillson <[buildingofficial@new-shoreham.com](mailto:buildingofficial@new-shoreham.com)>  
**Subject:** 2018-04-057 Dinghy Dock

Audie,

I forgot to mention the waste collection issue. Not having waste collection at the public dinghy dock is a permitting problem for us. I have spoken with the manager of the BI Boat Basin and they do not want to receive this waste as suggested in your latest response. In fact, the waste issue was one of the primary reasons the BI Boat Basin wants to give-up the public dinghy dock. According to Tony Edwards, the manager of the BI Boat Basin, the dinghy dock generates about a dumpster a week of waste in the summer. So, if this "loading rate" of waste is a known issue associated with the dinghy dock and it is the only connection to land for boaters in Great Salt Pond – it has to be dealt with at this location. And, you can expect that a lot of this is food and food preparation waste associated with people sleeping on their boats. If there is no good place to dispose of this waste on land, it is likely to be dumped overboard. No one wants decomposing, smelly food waste on board a boat in the summer heat. We must face this known fact and deal with it as the important issue it is.

Thanks,  
Dave

David S. Reis  
Supervising Environmental Scientist  
Coastal Resources Management Council

## Dave Reis

---

**From:** Ed Roberge <eroberge@new-shoreham.com>  
**Sent:** Friday, May 04, 2018 1:00 PM  
**To:** Audie Osgood; Dave Reis  
**Cc:** 'Dan Goulet'; Marc Tillson; Jessica Wronowski  
**Subject:** RE: 2018-04-057 Dinghy Dock  
**Attachments:** Public Facilities Plan - Dinghy Dock 20180504.pdf

Good afternoon Dave:

Thanks for taking the time to discuss these matters recently.

The co-applicants met earlier today and reviewed opportunities to address solid waste issues as well as the potential for dog walking and waste in the dinghy dock area along Ocean Avenue. As we discussed, solid waste as well as a number of other community issues prevalent in the New Harbor area have been at discussion with Town Council for some time. Opportunities for refuse collection are few in the area and present a challenge.

Staff reviewed opportunities to locate a refuse dumpster on Town owned land abutting the dinghy dock parcel. Attached, please find a sketch prepared by staff outlining the proposed placement of a dumpster on the boat ramp parcel along Ocean Avenue. With signage to be placed on the dinghy dock, wayfinding to both dumpster and public rest rooms will be provided. This provides a reasonable solution to solid waste demands in New Harbor. It is also the intent to keep the existing dumpster locations at the Boat Basin in service for the dinghy dock use at that location.

The co-applicants also discussed an opportunity to install a dog waste station adjacent to the dinghy dock on Wronowski property. The Conservation Commission raised this question during their review and suggested the same. We will pursue the installation of a dog waste station with the appropriate permitting authorities for public use at this location. We would anticipate locating the station on Wronowski property just south of the dock landing platform behind the sidewalk. This offers convenient public use.

I appreciate your assistance on this important project. As always, please don't hesitate to call me should you have any questions.

Thanks,  
Ed



**Edward L. Roberge**, Town Manager  
Town of New Shoreham  
16 Old Town Road, PO Box 220  
Block Island, RI  
(401) 466-3210



TOWN OF NEW SHOREHAM  
OFFICE OF THE TOWN MANAGER

EDWARD L. ROBERGE  
TELEPHONE: (401) 466-3200  
FAX: (401) 466-3219  
TTY: (800) 745-5555  
EROBERGE@NEW-SHOREHAM.COM

June 15, 2018

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

*Re: Application for CRMC Assent of the Town of New Shoreham and Island Marine, Inc.;*  
*CRMC File Number: 2018-04-057*

Dear Chairperson Cervenka:

This correspondence is in response to the comments which the CRMC received regarding the above-referenced application for assent to build a dinghy dock on land adjacent to Ocean Avenue and the Great Salt Pond (Plat 5, Lot 67) (the "Ocean Ave Property").

One of the primary concerns referenced in the comments is ownership. In this regard, the Town of New Shoreham submits that this should really be a non-issue in terms of the application process because based on the title work performed by the applicants (Attorney Wallin letter of 6/10/18 attached), title to the Ocean Avenue property is either held by the Town of New Shoreham ("Town") or Island Marine, Inc. ("Island Marine"). As noted in Attorney Wallin's letter, this issue will be finalized shortly; however, resolution of the issue should not delay the assent approval process because the Town and Island Marine are co-applicants and it is not the role of the CRMC to determine ownership issues. The important point is that regardless of whether it is determined through the final title report that the Town or Island Marine own the Ocean Ave property, both have submitted the application and both are earnestly in favor of construction of a public dinghy dock at that location.

Another concern raised by the comments involves public access. A review of the photographs submitted by Attorney Schultz demonstrates the critical need for a proper public dock facility at that location. The proposed public access dinghy dock will provide much greater access for the public as well as an increased level of safety. As depicted in the photographs, members of the public often access Ocean Avenue by securing their dinghies to

Jennifer Cervenka, RI CRMC

June 15, 2018

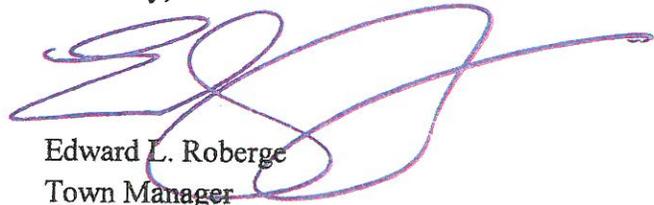
Page 2 of 2

rocks and boulders, resulting in the occupants of the dinghies having to climb over the rocky obstructions. Getting a secure foothold on these boulders can be treacherous as they are large, uneven, and often slippery. In addition, a greater number of dinghies can tie up to the proposed public dinghy dock, thus increasing public access and safety. As specifically set forth in the Application for Assent as filed by the Town and Island Marine, the proposed dock is for public access and the CRMC can certainly make maintenance of public access a condition of its approval for the dock's construction.

Lastly, with regard to the concerns raised involving solid waste and public restroom facilities, please refer to the Application for Assent for a discussion of how the Town proposes to handle these matters. A dumpster for solid waste collection will be added on Town property adjacent to the dinghy dock and wayfinding signage directing users to those public facilities have been added to the dock facility.

The construction of this proposed public access dinghy dock is a top priority for the Town and, on behalf of the Town of New Shoreham; I respectfully request that the CRMC approve the Application for Assent.

Sincerely,



Edward L. Roberge  
Town Manager

Law Offices of  
**K. ERIK WALLIN**

A Professional Corporation

June 10, 2018

Katherine A. Merolla, Esquire  
Merolla, Accetturo and Lough  
469 Centerville Road, Suite 206  
Warwick, Rhode Island 02886

RE: Assessors Plat 5, Lot 67  
Ocean Avenue  
New Shoreham, Rhode Island

Dear Katherine:

As you and I discussed earlier today, Attorney Robert D. Tobin engaged me on behalf of Island Marine, Inc. to search the title to the above referenced property. After reviewing a title letter prepared by Attorney Joseph Priestley and viewing documents and maps on file with the Town of New Shoreham, I can give an opinion with reasonable certainty that title is either in the Town of New Shoreham, based upon layout of Ocean Avenue as a Town Road in 1895, or in Island Marine, Inc., pursuant to a deed dated January 4th, 1973. I will need to do additional research to determine whether in fact I can give a definitive answer as to whether the Town of New Shoreham or Island Marine, Inc. holds title, and I believe I can complete that research and deliver a report by the end of next week.

My final report will provide analysis of the recorded documents and the reasons for my conclusions, and if any contradictory information comes to light, I will include that in my report as well.

I understand that Island Marine has requested this report in connection with a joint application with the Town before the Coastal Resources Management Council, and that time is of the essence. I will endeavor to deliver that report to you as soon as possible, along with all supporting documentation, consistent with my client's instructions.

If there is anything else you need in the meantime, do not hesitate to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Erik Wallin". The signature is fluid and cursive, with the first name "K." and last name "Wallin" clearly distinguishable.

K. Erik Wallin

cc: William R. Sweeney, Esquire



**GORHAM & GORHAM**  
INCORPORATED

NICHOLAS GORHAM  
JANE G. GURZENDA\*  
DAVID M. D'AGOSTINO<sup>oo</sup>  
SARAH F. MALLEY<sup>++</sup>

ATTORNEYS AND COUNSELLORS AT LAW  
25 DANIELSON PIKE  
P.O. BOX 46  
NORTH SCITUATE, RI 02857  
TEL. 401-647-1400 FAX 401-647-1446  
WWW.GORHAMLAW.COM

SAYLES GORHAM  
(1925-1976)  
BRADFORD GORHAM  
(1964-2015)

\*ALSO ADMITTED IN  
CONNECTICUT  
<sup>++</sup>ALSO ADMITTED IN  
MASSACHUSETTS  
<sup>oo</sup>ALSO ADMITTED IN  
WASHINGTON, D.C.

June 1, 2018

Via Hand Delivery to  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road Suite 3  
Wakefield RI 02879-1900

**Payne's Dock and Clifton Payne Objection to Island Marine Corp. Application for State Assent #2018-04-057**

Dear CRMC:

I represent Payne's Dock Inc., abutter in the within matter, and its principal Clifton Payne. Please accept this letter as objection to the above captioned application for Assent on behalf of both. Their objection is that the proposed "Dinghy Dock" is not in the public interest, will jeopardize public access to the Great Salt Pond, will result in a purported privatization of valuable public access to the Great Salt Pond, and is otherwise inconsistent with the policies, regulations and edicts of the CRMC. The "Dinghy Dock" will also have an adverse impact on objectors' abutting property to the North, causing them harm.

**1. Island Marine Corporation Does Not Own Plat 5 Lot 67**

According to title attorney Joseph Priestley, the applicant Island Marine Corp (a Connecticut corporation) does not own Plat 5, Lot 67, and has no chain of title to support its claim of ownership. The land is part of Ocean Avenue and is not private property. (See enclosed Priestley Report). The Report establishes that in 1986 the applicant "acquired" plat 5 lot 67, by quit claim deed, without any basis in title, and for no consideration. "It appears to me from a visual inspection of the property and from a complete analysis of the deeds which relate to it that the narrow strip [plat 5 lot 67] is a part of Ocean Avenue." See Report page 10.

**2. The Dinghy Dock "License Agreement" Does Not Protect Public Access**

The "License Agreement" between the applicant and the Town of New Shoreham appears to be a long term partnership between the Town of New Shoreham and Island Marine Corporation. But it is not. The Agreement specifically provides that Island Marine, "in its sole discretion, shall have the right to terminate this License Agreement upon providing six months' advanced written notice" to the Town, and then gives Island Marine the right to buy all improvements from the town for \$1.00. The "Dinghy



Dock,” and all putative public access to it, can be converted to a private enterprise, dispensing with the Town and excluding the public, in one winter season.

**3. The CRMC Should Protect Public Access, Especially if the Town of New Shoreham Acquiesces In It’s Execution of the “License Agreement”**

By signing the “License Agreement” with Island Marine, the Town of New Shoreham has attempted to abandon all public rights in Plat 5 lot 67 to a private, Connecticut corporation. The Town is an agent of the State of RI for purposes of public access to the Great Salt Pond. But the Town is not the only, and certainly not the final, arbiter of public access to the shore. In these unusual circumstances, notwithstanding the Town’s refusal to protect access to the shore, the CRMC should carefully consider and protect the public’s rights by determining if the land in question is a public right of way. CRMC has this power, and should exercise it.

GL 46-23-6(5) provides that:

(5) *Rights-of-way.*

(i) The council is responsible for the designation of all public rights-of-way to the tidal water areas of the state, and shall carry on a continuing discovery of appropriate public rights-of-way to the tidal water areas of the state. [emphasis added]

Section 5 goes on to provide that the Council “shall consider the following matters” in designating public rights of way:

- (A) Land evidence records;
- (B) The exercise of domain over the parcel such as maintenance, construction, or upkeep;
- (C) The payment of taxes;
- (D) The creation of a dedication;
- (E) Public use;
- (F) Any other public record or historical evidence such as maps and street indexes;
- (G) Other evidence as set out in § 42-35-10.

Section 5, “*Rights of Way*” provides that a “determination by the council that a parcel is a right-of-way shall be decided by substantial evidence.” GL 46-23-6(5)(viii). The General Assembly has thus made clear that the CRMC may find that plat 5 lot 67 itself is a “right of way” giving access to the public, even if the question of fee simple title is left to the Superior Court. *See e.g. Perrywinkle Realty LLC v. Tikoian WC-2010-0647* (February 14, 2018). Thus, while the ultimate question of fee simple ownership of plat 5 lot 67 is to be decided by the Superior Court, that does not preclude the CRMC from finding that the parcel is an existing “public right of way.” *See e.g.* CRMC’s own pamphlet *A Citizen’s Guide to Assisting in the ROW Designation Process* page 4, stating that “It should be noted that the CRMC designation process does not determine ownership of a public ROW [...] Rather, a CRMC



designation clearly identifies preexisting ways over which the public has the right to pass and ensures the preservation and protection of these sites for current and future generations.” The importance of the public’s rights in this arena cannot be overstated, See RI Const. Art. I sec. 17.

Mr. Priestley will present additional, compelling evidence as to why the land in question must be treated as a public right of way, regardless of the reluctance of Town of New Shoreham to acknowledge this, or the claim made by Island Marine as to ownership.

Payne’s respectfully requests that CRMC not even consider the merits of Island Marine’s application until it first determines if the property is a public right of way. If CRMC so finds, the application for Assent is inapposite and need not be considered on the merits.

**4. There will be significant harm to Payne’s if the application is approved**

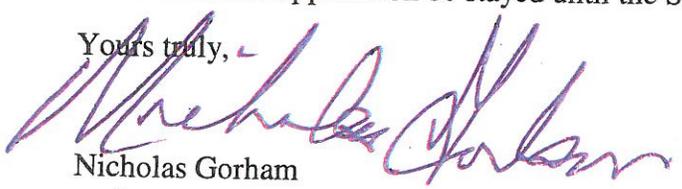
The proposed “dinghy dock” is intended to provide a dinghy landing spot for boaters with moorings, or who anchor in Great Salt Pond. Many of these moorings are owned by the Town of New Shoreham and leased to boaters on a seasonal or overnight basis. In addition, there are a significant number of privately held moorings who also pay fees to the town, along with several yacht club moorings. All of these boaters and their guests and pets will likely come ashore at the Dinghy Dock on property that abuts nearby Payne’s Dock. Payne’s concerns are that the Dinghy Dock will:

- Exacerbate existing traffic problems at the nearby intersection of Ocean Ave and West Side Road.
- Require additional policing and maintenance of Payne’s private bathrooms and showers, which are for the use of Payne’s customers only. Dinghy Dock users will prefer to use the nearest bathrooms and showers in sight when they step ashore: Payne’s private bathrooms and showers.
- Require additional policing of Payne’s trash receptacles and dumpsters. Dinghy Dock users will prefer to use the nearest dumpster in sight when they step ashore: Payne’s private dumpster. The dumpster proposed by the applicant is located nearly ¼ mile away
- Many boaters using moorings, particularly seasonal moorings, maintain vehicles, mopeds and/or bicycles on the Island during the boating season. Parking and storage in and around New Harbor is already beyond capacity. The location of the Dinghy Dock will make the parking and storage problem much worse.

The length of the Dinghy Dock is also of concern to Payne’s, which already maintains a docking area directly to the North.

Payne’s Dock hereby requests full hearing and designation of a public right of way over plat 5 lot 67, and a hearing on all other issues pertaining to this application. Payne further requests that any decision on the application be stayed until the Superior Court determines fee simple title to plat 5 lot 67.

Yours truly,

  
Nicholas Gorham  
enclosures



**JOSEPH A. PRIESTLEY, JR.**  
ATTORNEY AT LAW  
85 BEACH STREET  
WESTERLY, RHODE ISLAND 02891-2763  
(401) 596-8710  
FAX NO. (401) 541-5735  
email [joe@joe Priestley Law.com](mailto:joe@joe Priestley Law.com)

February 12, 2018

Nicholas Gorham  
Gorham & Gorham Inc.  
PO Box 46  
25 Danielson Pike  
Scituate, RI 02857

This title opinion addresses the issue of ownership of the narrow strip of land in the Town of New Shoreham, County of Washington, State of Rhode Island identified by the New Shoreham Tax Assessors as Lot No. 67 on Assessors' Plat No. 5. It is a narrow strip of land consisting mostly of boulders along the easterly edge of Ocean Avenue between Dead Eye Dick's (A.P. No. 5, Lot No. 66) and Payne's Dock (A.P. No. 5, Lot No. 0).

The question arises in part from a Notice of Intent to Dispute Claim of Title dated March 21, 1986 and filed in the Land Evidence Records of the Town of New Shoreham July 31, 1986 in Book 77 at page 64. This notice disputed title to the narrow strip of land and asserted the following:

Title to the above described parcel having been acquired by John C. Champlin by deed from Samuel D. Mott dated December 27, 1985 (sic), and recorded in the Land Evidence Records of the Town of New Shoreham in Book 17 at page 496.

-----

The Chain of Title to the real estate described in the Deed from Samuel D. Mott to John C. Champlin recorded in Book 17 at page 496.

By Quitclaim Deed dated December 27, 1895 and recorded December 23, 1898 in Book 17 at page 496 of said Land Evidence Records, Samuel D. Mott conveyed real estate described as follows to John C. Champlin:



One certain tract or parcel of land situated in the central part of said New Shoreham containing by estimation about eight acres be the same more or less, and is butted and bounded as follows to wit: Westerly on land of the grantor or the new highway, known as the northerly part of Ocean Avenue, so called, northerly on the Great Salt Pond a tributary of the Atlantic Ocean and partly on land of George W. Willis; Easterly partly on land of George W. Willis and partly on the easterly end of the Indian Head Neck Pond, so called, and partly on land of Francis Willis, and partly on land of Christopher E. & John C. Champlin; and southerly on land of Christopher E. & John C. Champlin and land now or formerly belonging to William R.S. Mott and the said Ocean Avenue, or however otherwise said tract or parcel of land may appear to be butted, bounded or described, it being intended hereby to include all of the land and that portion of Trim's Pond, so called, and Indian Head Neck Pond belonging to the said Samuel D. Mott that is situated on the easterly side of said public highway.

By Quitclaim Deed dated December 24, 1898 and recorded December 24, 1898 in Book 17 at page 497 of said Land Evidence Records, John C. Champlin conveyed an undivided one-half interest in the property described in the deed in Book 17 at page 496 (using essentially the identical description) to Christopher E. Champlin. This conveyance contained the following language after the description of this parcel of land:

together with an undivided one-half of a two-thirds part of a certain wharf or pier adjoining said above described tract of land at the terminus of said Ocean Avenue and extending northerly, sixty feet wide, into Great Pond Harbor about Two hundred and fifty-five feet, to the wharf or pier of the New London Steam Boat Company; together with an undivided one half part of a certain building used as a market at the northerly end and adjoining said wharf.

The deed from John C. Champlin and Christopher E. Champlin describes both the real estate at issue and the Payne's Dock real estate. I will follow the chains of title to the respective properties from this deed.

There were several conveyances of parcels for the eight (8) eight acre parcel John C. Champlin acquired from Samuel D. Mott in the above-referenced deed. Two (2) of the conveyances have significance. One is significant because it locates the southerly



border of Dead Eye Dick's and has a survey attached which provides a clear picture. The other is the conveyance of the parcel that eventually became Dead Eye Dick's.

The conveyance of the wharf or pier described in the deed from John C. Champlin to John C. Champlin and Christopher E. Champlin will be found to describe what is now Payne's Dock.

Relevant Conveyance for the  
Eight (8) Acre Parcel

The property conveyed to the American Oyster Company by Christopher E. Champlin and John C. Champlin is referred to in the earliest deeds of Dead Eye Dick's as its southerly boundary. The deed had a survey attached to it which clearly demonstrates that the real estate referred to in the deeds of Dead Eye Dick's as its southerly boundary is the real estate now identified by the Town of New Shoreham as Lot No. 64-1 and the highway identified as Lot No. 65 on Assessors' Plat No. 5 (see portion of Assessors' Plat No. 5 attached hereto).

American Oyster Company Property

By Warranty Deed dated April 30, 1913 and recorded May 2, 1913 in Book 20 at page 22 of said Land Evidence Records, Christopher E. Champlin and John C. Champlin conveyed to the American Oyster Company real estate described as follows:

A certain parcel of land situated in said New Shoreham, near the new Harbor, so called, and bounded and described as follows, Northerly on a public way, Easterly and Southerly on a wall running along the inner harbor partially and partially on land of the grantors and Westerly on the public highway, known as Ocean Avenue as designated and shown on a plan of said premises hereto annexed: together with the privilege to construct a wharf around said parcel of land and extending Southerly in front of the said highway twenty-five feet all as shown and indicated on a plan of said Wharf, approved by the Secretary of War December A.D. 1908 and shown on said plan annexed hereto.

Dead Eye Dick's Property

The title to the Dead Eye Dick's property remained in Christopher E. Champlin and John C. Champlin until their respective deaths. The initial conveyances out were made by the heirs of John C. Champlin and the Mortgagee from William A. Champlin, the heir of Christopher E. Champlin. Dead Eye Dick's is described identically in both these deeds and it is important to compare the description of the northerly



boundary of Dead Eye Dick's in these deeds with the description of the northerly boundary of the eight (8) acre parcel conveyed by Samuel D. Mott to John C. Champlin.

The Dead Eye Dick's property was conveyed to Richard A. Dodge (who was nicknamed "Dead Eye Dick") and Cecile D. Dodge by the following two (2) deeds, each conveying an undivided one-half interest in this property:

1. Warranty Deed from the Ocean Land Company dated December 15, 1937 and recorded December 21, 1937 in Book 23 at page 274 of said Land Evidence Records.
2. Warranty Deed from John W. Sweeney dated December 15, 1937 and recorded December 21, 1937 in Book 23 at page 276 of said Land Evidence Records.

The property conveyed in each deed was described as follows:

that certain tract or parcel of land with all buildings and improvements thereon situated on the Easterly side of Ocean Avenue in the Town of New Shoreham, County of Washington, and State of Rhode Island, commonly known as the "Restaurant Property" and bounded and described as follows: Westerly on the public highway known as Ocean Avenue, Northerly on the Great Salt Pond Harbor, so called, Easterly on the channel leading from Great Salt Pond Harbor to Indian Head Neck Pond and Southerly on land of the American Oyster Company.

The chain of title from John C. Champlin and Christopher E. Champlin to John W. Sweeney and the Ocean Land Company is set forth in brief in Appendix A attached hereto.

A release of dower in an undivided one-half interest in this property was conveyed to Richard A. Dodge and Cecile D. Dodge by Quitclaim Deed of Anna H. Ball dated May 27, 1938 and June 7, 1938 in Book 23 at page 295 of said Land Evidence Records.

By Warranty Deed dated December 28, 1965 and recorded December 29, 1965 in Book 31 at page 42 of said Land Evidence Records. Richard A. Dodge and Cecile D. Dodge conveyed the Dead Eye Dick's property to Dead Eye Dick's Inc., described as follows:

Westerly on the public highway known as Ocean Avenue, Northerly on the Great Salt Pond Harbor, so called, Easterly on the channel leading from the Great Salt Pond Harbor to Indian Head Neck Pond and Southerly on land now or formerly of the American Oyster Company; *except that as to that portion*

*of said premises just north of said America Oyster Company land, including the "Old Road" so called, formerly used as a public highway, and as to that portion of land so used as a public highway, these Grantors quitclaim the same to said Grantee. (Italics added)*

This description in essence is the same as the previous description. The italicized portion refers to the "HIGHWAY" shown on the Plan attached to the deed from Christopher E. Champlin and John C. Champlin to the American Oyster Company referred to above recorded in Book 20 at page 22 of said Land Evidence Records.

The first description of the "parcel of land" now identified by the Tax Assessors' Plat No. 5 (the narrow strip of land) as a separate lot is derived from a quitclaim deed from Dead Eye Dick's Inc. to Mott Enterprises, Inc. in 1973. There were two deeds recorded on the same day from Dead Eye Dick's Inc. to Mott Enterprises, Inc., as follows:

1. Warranty Deed from Dead Eye Dick's Inc. to Mott Enterprises, Inc. dated January 4, 1973 and recorded January 9, 1973 in Book 38 at page 321 of said Land Evidence Records. This deed describes the premises conveyed identically to the description in the deed from Richard A. Dodge and Cecile A. Dodge to Dead Eye Dick's, Inc. referred to above and recorded in Book 31 at page 42 of said Land Evidence Records.
2. Quitclaim Deed from Dead Eye Dick's Inc. to Mott Enterprises, Inc. dated January 4, 1973 and recorded January 9, 1973 in Book 38 at page 322 of said Land Evidence Records. The description in this deed, recited in full, is as follows:

Any and all right, title and interest which the grantor may have in and to that certain strip of land situated along the Easterly side of Ocean Avenue in the Town of New Shoreham, County of Washington and State of Rhode Island, extending Southerly from the New Harbor dock to land formerly of the grantor conveyed to the grantee by deed of even date herewith.

The identical parcels were conveyed from Mott Enterprises, Inc. to Island Marine Corp as follows:

1. Warranty Deed dated March 26, 1986 and recorded March 27, 1986 in Book 74 at page 128 of said Land Evidence Records from Mott Enterprises, Inc. to Island Marine Corp. describing the property conveyed identically to the Warranty Deed from Dead Eye Dick's, Inc. to Mott Enterprises, Inc. (see subparagraph 1 above).
2. Quit Claim Deed dated March 26, 1986 and recorded March 27, 1986 in Book 74 at page 130 of said Land Evidence Records from Mott Enterprises, Inc. to Island Marine Corp. describing the property conveyed

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COASTAL RESOURCES  
MANAGEMENT COUNCIL

identically to the Quitclaim Deed from Dead Eye Dick's, Inc. to Mott Enterprises, Inc. ( see subparagraph 2 above).

CHAIN OF TITLE  
TO  
PAYNE'S DOCK

ACTS OF THE NEW SHOREHAM TOWN COUNCIL

At its regular meeting July 1, 1895, the New Shoreham Town Council "authorized and permitted" Christopher E. Champlin and John C. Champlin "to build and construct a wharf or pier into the Great Salt Pond in New Shoreham near the terminus of the highway that leads across Fort Island so called on the shore of the pond". (Town Council Book D, p.224)

At its regular meeting June 1, 1896 the Town Council "permitted, authorized and empowered" the New London Steam Boat Company

to construct a pier or wharf into the Great Salt Pond in New Shoreham, from the privilege heretofore on the 1<sup>st</sup> day of July, A.D. 1895 by this Council granted to Christopher E. and John C. Champlin in the general direction of the highway which terminates on the shore of said pond known as Ocean Avenue, and within the width of said highway into said pond about 300 ft. in accordance with a resolution of the General Assembly of the state of Rhode Island passed at the May session A.D. 1896, provided the same be constructed and completed on or before July 1, 1896. (Town Council Book D, p. 272)

CONVEYANCES FROM  
CHRISTOPHER E. CHAMPLIN AND JOHN C. CHAMPLIN  
ULTIMATELY VESTING TITLE IN FRANK C. PAYNE

By Quitclaim Deed dated April 23, 1906 and recorded May 8, 1906 in Book 18 at page 434 of said Land Evidence Records, John C. Champlin and Christopher E. Champlin conveyed what is now known as Payne's Dock to The New England Navigation Company, describing the real estate and interests conveyed as follows:

That certain parcel of land with all buildings and improvements thereon, in the Town of New Shoreham and the State of Rhode Island bounded and described as follows: Beginning at the



northerly end of Ocean Avenue, so called, at high water mark and extending with a width of sixty (60) feet northerly for a distance of two hundred fifty-five feet (255), more or less, into the Great Salt Pond, so called, being that wharf or pier and extension thereof built, constructed and maintained under authority of a vote of the Town Council of the Town of New Shoreham July 1<sup>st</sup> A.D. 1895; together with all of the grantors' rights and privileges to maintain said wharf or pier; *said wharf extends from Ocean Avenue to the pier constructed and maintained by the New London Steamboat Company under authority of the General Assembly at its May Session AD 1896, and by vote of the Town Council June 1<sup>st</sup> AD 1896. (Italics added).*

By Quitclaim Deed dated April 7, 1907 and recorded April 13, 1907 in Book 19 at page 27 of said Land Evidence Records, The New England Navigation Company conveyed essentially the same real estate and interests to The Consolidated Railway Company.

By Quitclaim Deed dated June 28, 1912 and recorded August 3, 1912 in Book 19 at page 406 of said Land Evidence Records, the New York, New Haven and Hartford Railway Company, successor in interest to The Consolidated Railway Company, conveyed essentially the same real estate and interests to the New England Steamship Company.

By Quitclaim Deed dated July 26, 1921 and recorded September 2, 1921 in Book 21 at page 180 of said Land Evidence Records, the New England Steamship Company conveyed Payne's Dock as described hereinbelow to Thomas E. Quillen:

That certain piece or parcel of land with the buildings thereon, situated, lying and being in the Town of New Shoreham, County of Newport and State of Rhode Island bounded and described as follows:

Beginning at the southerly end of Ocean Avenue, so called, at the high water mark and extending with a width of sixty-two (62) feet, more or less, for a distance of five hundred fifty-seven (557) feet, more or less, into Great Salt Pond or New Harbor, so called, *comprising that wharf and the extensions therefrom acquired by the New London Steamship Company by deed from The New York New Haven and Hartford Railroad Company dated June 28, 1912 and recorded in Volume 19 at Page 406 of the Land Evidence Records of the Town of New Shoreham, Rhode Island, and deed from The New England Navigation Company dated May 19, 1917 and recorded in Book 20 at page 324 of the records of said town to which deeds*

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MANAGEMENT COUNCIL

*reference is hereby made; together with all The New England Steamship Company rights and privilege to maintain said wharf or pier. (Italics added).*

There is a survey plan attached to this deed which clearly clarifies where the northerly end of Ocean Avenue was located.

By Quitclaim Deed dated September 25, 1928 and recorded September 29, 1928 in Book 22 at page 227 of said Land Evidence Records, Thomas E. Quillen conveyed essentially the same real estate and interests to Edward T. Quillen.

By Warranty Deed dated August 28, 1930 and August 30, 1930 and recorded September 6, 1930 in Book 22 at page 382 of said Land Evidence Records, Edward T. Quillen conveyed essentially the same real estate and interests to Rhode Island Marine Transportation Company, with the description expanded as follows:

That certain piece or parcel of land with all buildings and improvements thereon, situated, lying and being in the Town of New Shoreham, County of Newport and State of Rhode Island, and bounded and described as follows:

Beginning at the southerly end of Ocean Avenue, so called, at high water mark, and extending with a width of sixty-two (62) feet, more or less, for a distance of five hundred fifty-seven (557) feet, more or less, into Great Salt Pond or New Harbor, so called comprising *that wharf or pier, and the extensions thereof, the shore end of which was acquired by The New England Navigation Company from John C. Champlin and Christopher E. Champlin, by deed dated April 23, 1906 and recorded in Volume 18 at page 434 of the Land Evidence Records of said Town of New Shoreham, and the outer end of which wharf or pier was originally constructed and maintained by the New England Navigation Company, successor to The New London Steamship Company, under authority of the General Assembly of the State of Rhode Island and the Town Council of New Shoreham granted in the year 1896, the right of the New England Navigation Company to said entire wharf or pier being confirmed by vote of the Town Council of New Shoreham passed on May 7, 1906. Together with all rights and privileges to maintain said wharf or pier, and the extensions thereof, herein conveyed, said wharf or pier, and the extensions thereof, being substantially as delineated on the plan entitled "Block Island Dock New England Steamship Company, Newport, R.I. Oct. 25, 1916, Scale: 1"=20"', which said plan is attached to and made a part of a deed from The New England Navigation Company to the New England Steamship Company dated May 9, 1917 and recorded in Volume 21 at page 324 in said Land Evidence Records of New Shoreham.*



By Warranty Deed dated May 19, 1932 and recorded June 30, 1932 in Book 23 at page 8 of said Land Evidence Records, Rhode Island Marine Transportation Company conveyed essentially the same real estate and interests to James G. Holt.

By Warranty Deed dated October 31, 1932 and recorded August 2, 1933 in Book 23 at page 81 James G. Holt conveyed essentially the same real estate and interests to James M. McGarry. The title McGarry obtained by this deed was subject to a mortgage from Holt to Henry S. Wirsching which was subsequently foreclosed divesting McGarry of title to the property.

By Mortgagee's Deed dated May 22, 1936 and recorded May 26, 1936 in Book 23 at page 196 of said Land Evidence Records, Ernest E. Fuchs, assignee of Henry S. Wirsching, mortgagee of James G. Holt, conveyed essentially the same real estate and interests to Frank C. Payne.

#### CONCLUSION

The deed from Samuel D. Mott to John C. Champlin in Book 17 at page 496 conveyed all the land Samuel D. Mott owned easterly of Ocean Avenue. The strip of land at issue is easterly of Ocean Avenue and would have been conveyed by the deed if it had been in existence and owned by Samuel D. Mott at the time.

The northerly boundary of the property owned by Samuel D. Mott easterly of Ocean Avenue was described in the deed in Book 17 at page 496 as follows:

northerly on the Great Salt Pond a tributary of the Atlantic Ocean and partly on land of George W. Willis.

This should be compared to the original deed for what is now known as the Dead Eye Dick's property. The northerly boundary of this property is described identically in the deed from mortgagee of the heir of Christopher E. Champlin to John W. Sweeney (Book 22, page 208) and in the deed from the heirs at law of John C. Christopher to Ocean Land Company. (Book 22, page 321), as follows:

Northerly on the Great Salt Pond Harbor.

The Dead Eye Dick's property is the northwesterly corner of the 8 acre parcel described in Book 17 at page 96. There is no land of Samuel D. Mott easterly of Ocean Avenue and northerly of the Dead Eye Dick's property.

The Payne's Dock property extends northerly into Great Salt Pond from the high water mark at the northerly terminus of Ocean Avenue. This is most clearly shown on the map attached to the deed from the New England Steamship Company to Thomas E.



Quillen. (Book 21, page 180). It is clear from this sketch that the Payne's Dock property does not include the narrow strip of land.

The narrow strip of land, which consists of boulders adjacent to Ocean Avenue which appear to form a base for the highway and is clearly not an accretion to the highway, was first described in the Land Evidence Records in the Quitclaim Deed from Dead Eye Dick's Inc. to Mott Enterprises, Inc. (Book 38, page 322). This deed was given along with the Warranty Deed, from Dead Eye Dick's Inc. to Mott Enterprises, Inc., of the Dead Eye Dick's property using the historical description as it had descended for the time of John C. Champlin and Christopher E. Champlin. It was created here out of whole cloth. If the land had existed at the time of the deed from Samuel D. Mott to John C. Champlin, the Quitclaim Deed would not be needed since it would have been consumed within the description of the Dead Eye Dick's property.

In my opinion, title to the narrow strip was not conveyed by the Quitclaim Deed from Dead Eye Dick's Inc. to Mott Enterprises, Inc. Whatever title Dead Eye Dick's Inc. possessed in the narrow strip of land was consumed in the Warranty Deed from Dead Eye Dick's Inc. to Mott Enterprises, Inc.

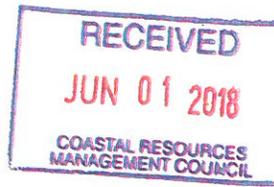
It appears to me from a visual inspection of the property and from a complete analysis of the deeds which relate to it that the narrow strip is a part of Ocean Avenue.

Respectfully Submitted,

  
Joseph A. Priestley, Jr.  
Attorney No. 2438  
85 Beach Street, Unit C  
Westerly, RI 02891  
(401) 596-8710  
[joe@joe Priestleylaw.com](mailto:joe@joe Priestleylaw.com)

JAP/dmm  
Enclosures

Cc: Clifton Payne



APPENDIX A

CHAIN OF TITLE  
OUT OF  
CHRISTOPHER E. CHAMPLIN

1. Mortgagee's Deed from John W. Sweeney, Attorney and Assignee of William R. Champlin, to John W. Sweeney dated August 28, 1928 and recorded August 31, 1928 in Book 22 at page 208 of said Land Evidence Records. The property is described as follows:

Bounded Northerly on the Great Salt Pond Harbor;  
Easterly on the channel; Southerly on land of the American  
Oyster Company and Westerly on Ocean Avenue.

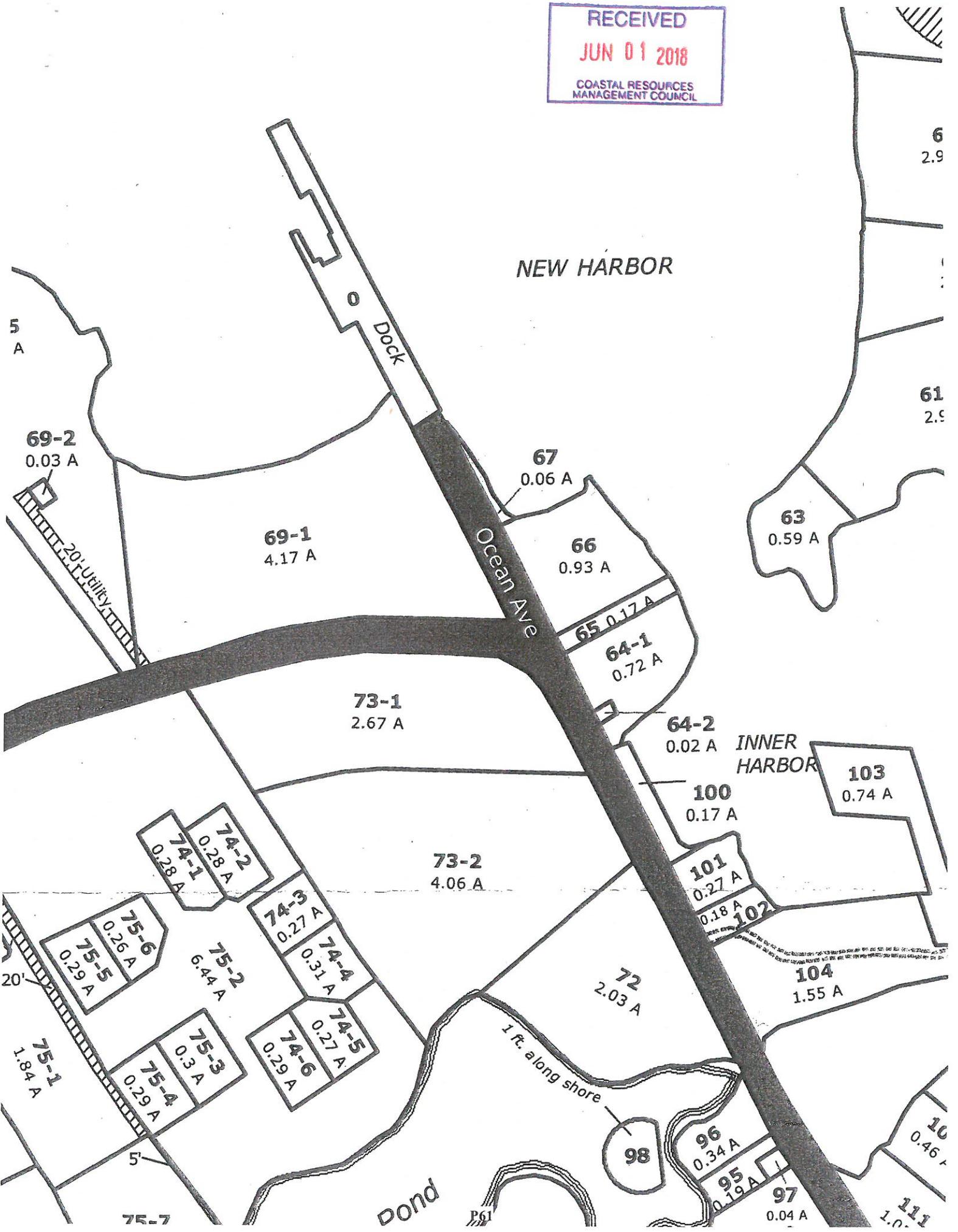
CHAIN OF TITLE  
OUT OF  
JOHN C. CHAMPLIN

1. Quitclaim Deed from John C. Champlin, Bella C. Payne, Rose C. Starr and Christopher A. Champlin, heirs of John C. Champlin, to Charles H. Eden dated September 10, 1929 and recorded September 23, 1929 in Book 22 at page 321 of said Land Evidence Records.
2. Quitclaim Deed from Charles H. Eden to Ocean Land Company dated November 8, 1929 and recorded November 9, 1929 in Book 22 at page 337 of said Land Evidence Records.

The property conveyed was described identically in both these deeds, as follows:

Northerly on the Great Salt Pond Harbor; Easterly on the  
channel; Southerly on land of the American Oyster Company;  
Westerly on Ocean Avenue...

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NOTICE OF INTENT TO DISPUTE  
CLAIM OF TITLE

TO LOT 67 ON ASSESSORS PLAT 5.

TO: MOTT ENTERPRISES, INC., HEIRS AT LAW OF SAMUELS D. MOTT,  
TOWN OF NEW SHOREHAM AND ISLAND MARINE CORP.

FROM: OCEAN LAND COMPANY AND HEIRS AT LAW OF JOHN C. CHAMPLIN,  
FRANK C. PAYNE, JR., HARRIET P. PHELAN, ANN C. TODD,  
F. ALBERT STARR, ANN JOSEPHINE DUGAN, ROSE C. MURPHY,  
C. CHAMPLIN STARR, JR., ROSEANNETTE STARR, AND CARDER  
P. STARR.

Notice is hereby given pursuant to Section 34-7-6 of the  
General Laws of Rhode Island, 1984 Reenactment, as amended, by  
the Ocean Land Company and the above named heirs at law of  
John C. Champlin the legal owners of the land described herein  
to Mott Enterprises, Inc., a Rhode Island corporation, the heirs  
at law of Samuel D. Mott, the Town of New Shoreham and Island  
Marine Corp. of it and their intentions to dispute any right  
title, interest or claim which the said Mott Enterprises, Inc.,  
the Town of New Shoreham, or Island Marine Corp., or any person  
claiming through or under them, may make in and to the certain  
parcel of land situated on the easterly side of Ocean Avenue  
near its terminus at the New Harbor dock in the Town of New  
Shoreham, County of Washington and State of Rhode Island, laid  
out and designated as Lot 67 on Assessor's Plat 5 as recorded  
in the office of the Town Clerk for the said Town of New  
Shoreham, being further bounded and described as follows:

Northwesterly on land of Frank C. Payne, Jr. and the  
Great Salt Pond.

Northeasterly on Great Salt Pond.

Southeasterly on land now or formerly of Mott Enterprise,  
Inc.

Southwesterly on Ocean Avenue.

Title to the above described parcel having been acquired  
by John C. Champlin by deed from Samuel D. Mott dated December  
27, 1985, and recorded in the land evidence records of the Town  
of New Shoreham in Book 17 at page 496.

WITNESS our hands this 21st day of March, 1986.

The Ocean Land Company by its  
Attorney,

*F. Albert Starr*

F. Albert Starr  
Frank C. Payne, Jr., Harriett P.  
Phelan, Ann C. Todd, F. Albert  
Starr, Ann Josephine Dugan, Rose  
C. Murphy, C. Champlin Starr, Jr.,  
Roseannette Starr and Carder P.  
Starr, all individually and as  
heirs at law of John C. Champlin,  
deceased, and as owners of all the  
stock of the Ocean Land Company.

By their Attorney,

*F. Albert Starr*

F. Albert Starr

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COASTAL RESOURCES  
MANAGEMENT COUNCIL

VOL 77 PAGE 065

STATE OF RHODE ISLAND  
COUNTY OF WASHINGTON

AFFIDAVIT OF SERVICE

I, William E. Millikin, Town Sargeant of the Town of New Shoreham, make affidavit and say that on the 4 day of April, 1986, I made service of the attached "NOTICE OF INTENT TO DISPUTE TITLE" upon the Town of New Shoreham by delivering a true copy thereof to Edith L. Blane, First Warden of the said Town of New Shoreham.

*William E. Millikin*  
New Shoreham Town Sargeant  
April 5, 1986

AFFIDAVIT OF SERVICE

I, Steven J. Votta, on oath made affidavit and say that on the day of April, 1986, I made service of the attached NOTICE OF INTENT TO DISPUTE CLAIM OF TITLE by delivering a true copy thereof to Alton Mott, Treasurer of Mott Enterprises, Inc. at 805 Wake Robin Road, Lincoln, Rhode Island, and that I am a disinterested party.

Witness my hand this 4<sup>th</sup> day of April, 1986

*Steven J. Votta*

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

Subscribed and sworn to before in Providence before me this 4<sup>th</sup> day of April, 1986

*Carol A. Antonelli*  
Notary Public

AFFIDAVIT OF SERVICE

Upon Defendant Island Marine Corp.

Providence, SC;

In Providence, in said County, I have this 17th day of July A.D. 1986, made service of the within Notice of Intent to Dispute Claim of Title as commanded by leaving an attested copy of the same in the hands and possession of said Defendant, within my precinct.

Service \$ 8.00

*Anthony Curran*  
Anthony Curran, Deputy Sheriff

RECEIVED FOR RECORD IN  
NEW SHOREHAM, R.I.  
DATE 7/31/86 TIME 12:15 PM  
BY JANICE C. RUTAN, TOWN CLERK

NOTE: MORE TITLE INFO (P63) IN FILE (NOT PROVIDED) AS PER V.L.M.



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903  
(401) 274-4400 - TDD (401) 453-0410

*Peter F. Kilmartin, Attorney General*

June 4, 2018

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

**Re: Comment and Request for Hearing on Application for CRMC Assent by Island Marine Corp. and Town of New Shoreham; CRMC File Number: 2018-04-057**

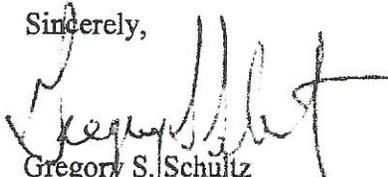
Dear Chairperson Cervenka:

I am writing to express Rhode Island Attorney General Peter F. Kilmartin's concern in a vital aspect of this Application; specifically, the ownership of the subject land adjacent to Ocean Avenue and the Great Salt Pond (Plat 5, Lot 67) (the "Subject Land"). This small strip of land carries with it extremely important public access and public littoral rights, which could be severely impacted by the approval of this Application. Attached hereto as Exhibit A are two aerial photos of the Subject Land (circled in black) showing the extent of public use of this area.

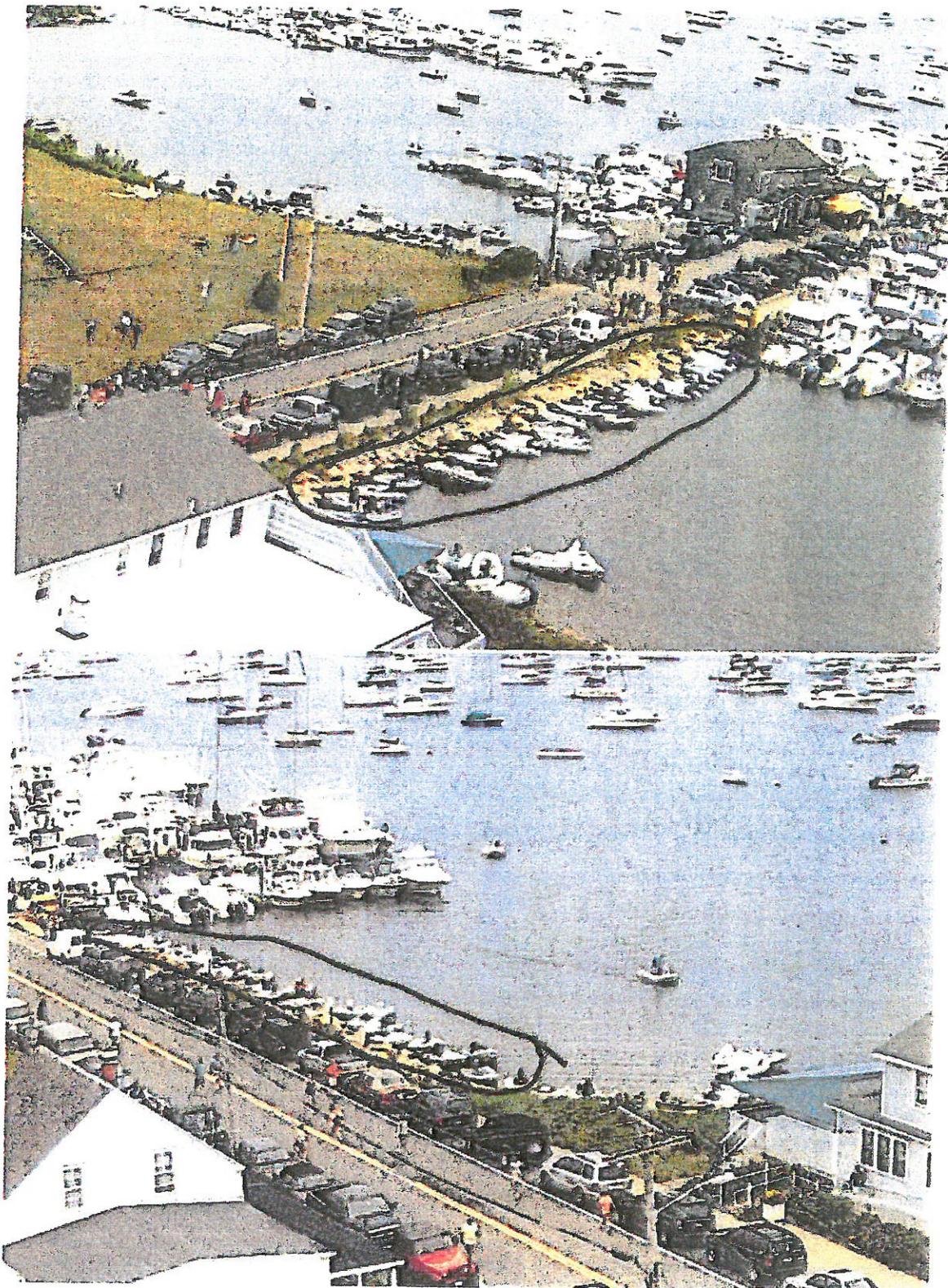
It appears that the question of ownership of the Subject Land is unclear. It is imperative that CRMC fully review this land title issue in order to protect the public's right of access to and use of the Great Salt Pond. Although CRMC is not the arbiter of fee ownership of this land, pursuant to R.I.G.L. § 46-23-6(5)(i), "[t]he council is responsible for the designation of all public rights-of-way to the tidal areas of the state, and shall carry on a continuing discovery of appropriate public rights-of-way to the tidal water areas of the state." (emphasis added).

A public hearing on the issue of title to the Subject Land, as well as public access and public littoral rights, would clarify this very important issue.

Sincerely,

  
Gregory S. Schultz  
Special Assistant Attorney General

# Exhibit A





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](http://www.preservation.ri.gov)

Jennifer R. Cervenka, Chair  
Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road  
Wakefield, Rhode Island 02879

CRMC File Number: 2018-04-057

Applicant: Island Music Corp

Town: New Shredon

Response Date: 5/2/18

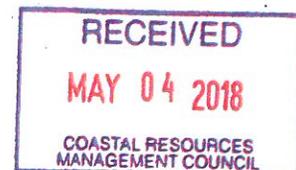
Dear Ms. Cervenka:

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) staff 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 Council. If you have any questions, please contact Glenn Modica, Project Review Coordinator, or Charlotte Taylor, archaeologist, at this office.

Very truly yours,

Jeffrey Emidy  
Acting Executive Director, RIHPHC



BACKGROUND  
INFORMATION -  
NAVIGATION  
INTO TRIM'S  
POND

SOURCE:

CRMC FILE 2005-08-044

PAYNE'S MARINA

PHOTO DATE 4/15/03

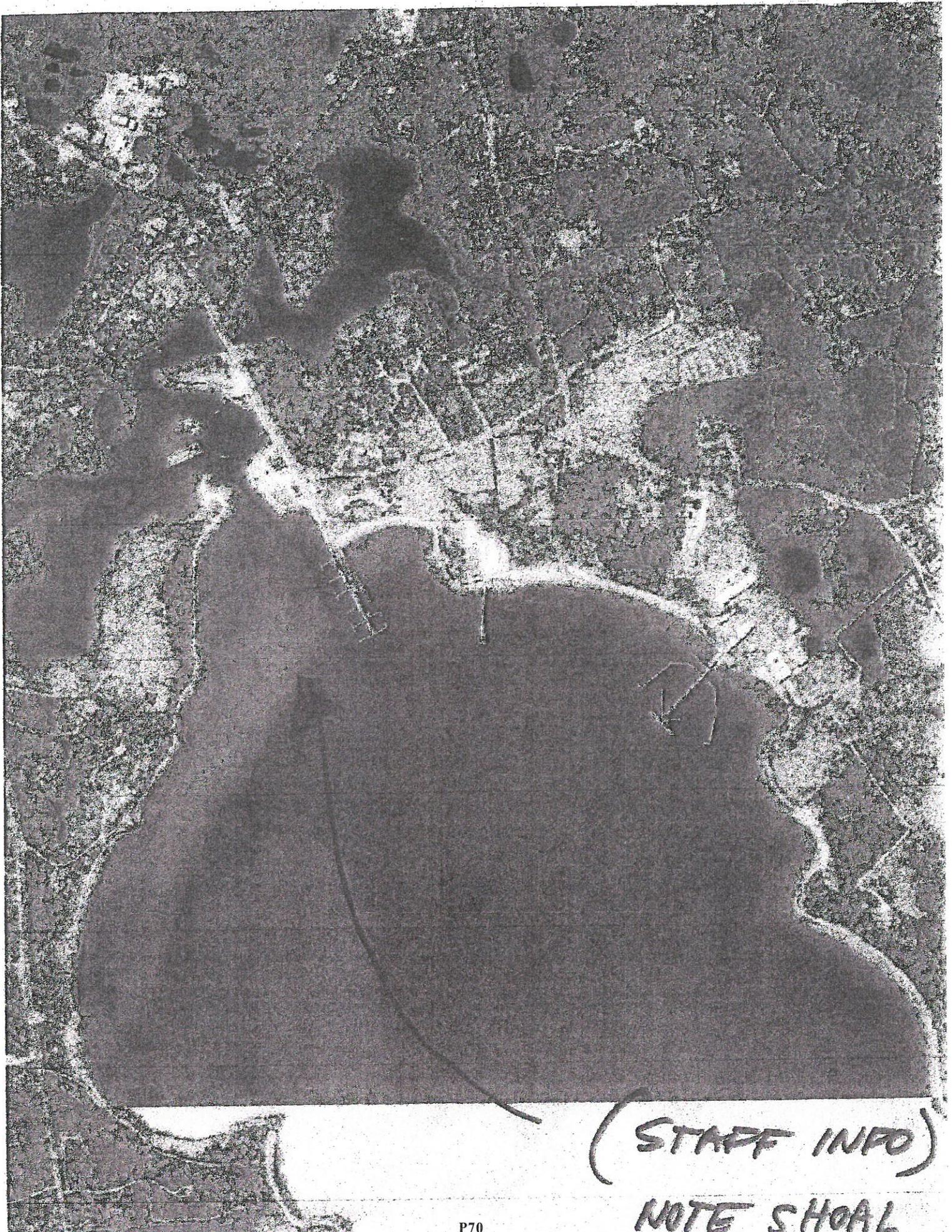
MOORING  
FIELD

1-200-1

MOORING  
FIELD  
B

A  
NORTH

STAFF ENCL  
REPORT  
15 APR 03



(STAFF INFO)

NOTE SHOAL

BLOCK ISLAND  
BOAT BASIN  
PRE - EXISTING  
MARINA & PUBLIC  
DINGHY DOCK  
BACKGROUND  
INFORMATION

Tony Edwards Mgr 241-6251  
Jon Frazier - Owner

Vol 208 No 115 64



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL  
Oliver H. Stedman Government Center  
4808 Tower Hill Road  
Wakefield, R.I. 02879-1900  
(401) 277-2476

RECEIVED FOR RECORD IN  
NEW SHOREHAM, R.I.  
DATE 6-4-98 TIME 1:33  
BY SUSAN R. SHEA, TOWN CLERK

Tony Edwards mtg 3/20/18

Explained Assent

- Bring dinghy dock to MPC
- Check boat count

**DINGHY DOCK  
AUTHORIZATION**

RESIDENTIAL ASSENT

File Number: 98-4-106

Assent Number: A98-4-106

Whereas,

ELEANOR T. MOTT  
BOX 186

of

BLOCK ISLAND, RI 02807

has applied to the Coastal Resources Management Council for assent to: install 5' x 100' float, and ramp, within marina perimeter limit, for dinghy dockage, and hereby represents that SHE is the owner 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: install 5' x 100' float, and ramp, within marina perimeter limit, for dinghy dockage, located at "Block Island Boat Basin", West Side Road, New Shoreham, Plat 5, Lot 69-5, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before May 19, 2001, 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

Eleanor T. Mott  
CRMC Administrative Assent A98-4-106  
May 19, 1998  
Page 2

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BY SUSAN R. SHEA, TOWN CLERK

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.

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.

A copy of the legal decision from the full Council 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.

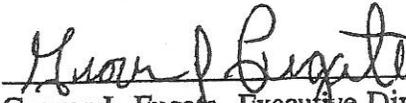
No work that involves alteration to wetlands or waters of the United States, shall be done under this Assent until the required Federal Permit has been obtained.

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

Eleanor T. Mott  
CRMC Administrative Assent A98-4-106  
May 19, 1998  
Page 3

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NEW SHOREHAM, R.I.  
DATE 6-4-98 TIME 1:33  
BY SUSAN R. SHEA, TOWN CLERK

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this nineteenth day of May in the year nineteen hundred ninety-eight.

  
\_\_\_\_\_  
Grover J. Fugate, Executive Director  
Coastal Resources Management Council

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.

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.

V. L. R. C. T. A. S. S. E. N. T.  
Eleanor T. Mott  
CRMC Administrative Assent A98-4-106  
May 19, 1998  
Page 4

*Modified Slip recorded  
called 6-12-98 for  
complete copy of  
assent  
will for*

**SPECIFIC STIPULATIONS OF APPROVAL**

A. The applicant shall record this assent in its entirety in the land evidence records of the Town of NEW SHOREHAM within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.

B. The approved plan shall be that entitled "Proposed 5' x 100' dinghy dock, Plat 5, Lot 69-5", in one sheet, dated 16 April 1998. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.

C. No increase in the facility overall boat count established per CRMC Assent 94-10-11 shall be authorized by this approval.

**Pier/Float Stipulations:**

D. All metal connection hardware shall be hot dipped galvanized. However, when utilizing dissimilar metals, caution must be used, as galvanic corrosion should be avoided.

E. No creosote shall be applied to any portion of the structure.

F. Floatation devices shall be securely contained.

G. Adequate water depth beneath the float shall be provided to prevent the float from contacting the pond bottom during usage.

H. No sewage, refuse, or waste of any kind may be discharged from this facility or from any vessel utilizing it.

I. The owner is required to maintain this facility in good working condition. This facility may not be abandoned. The owner shall remove from tidal waters and coastal features any structure or portions of structures which are destroyed by any natural or man-induced manner.

/jmm

RECEIVED FOR RECORD IN  
NEW SHOREHAM, R.I.  
DATE 6-4-98 TIME 1:33  
BY SUSAN R. SHEA, TOWN CLERK



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL  
Oliver H. Stedman Government Center  
4808 Tower Hill Road  
Wakefield, R.I. 02879-1900  
(401) 277-2476

June 2, 1998

Eleanor T. Mott  
Box 186  
Block Island, RI 02807

RE: CRMC Assent A98-4-106 -- Relocation of assented float, Block Island Boat Basin, West Side Road, Plat 5, lot 69-5, Block Island, RI.

Dear Ms. Mott:

The Coastal Resources Management Council has reviewed your request for Modification of Assent No. A98-4-106 and approve the modification with the following additional stipulations.

- Specific Stipulations of Approval "B" is herein amended to reflect revised float location plan received by CRMC 5/29/98, to relocate 5' x 90' dinghy float to east side of main pier.
- All remaining conditions remain in full force and effect.

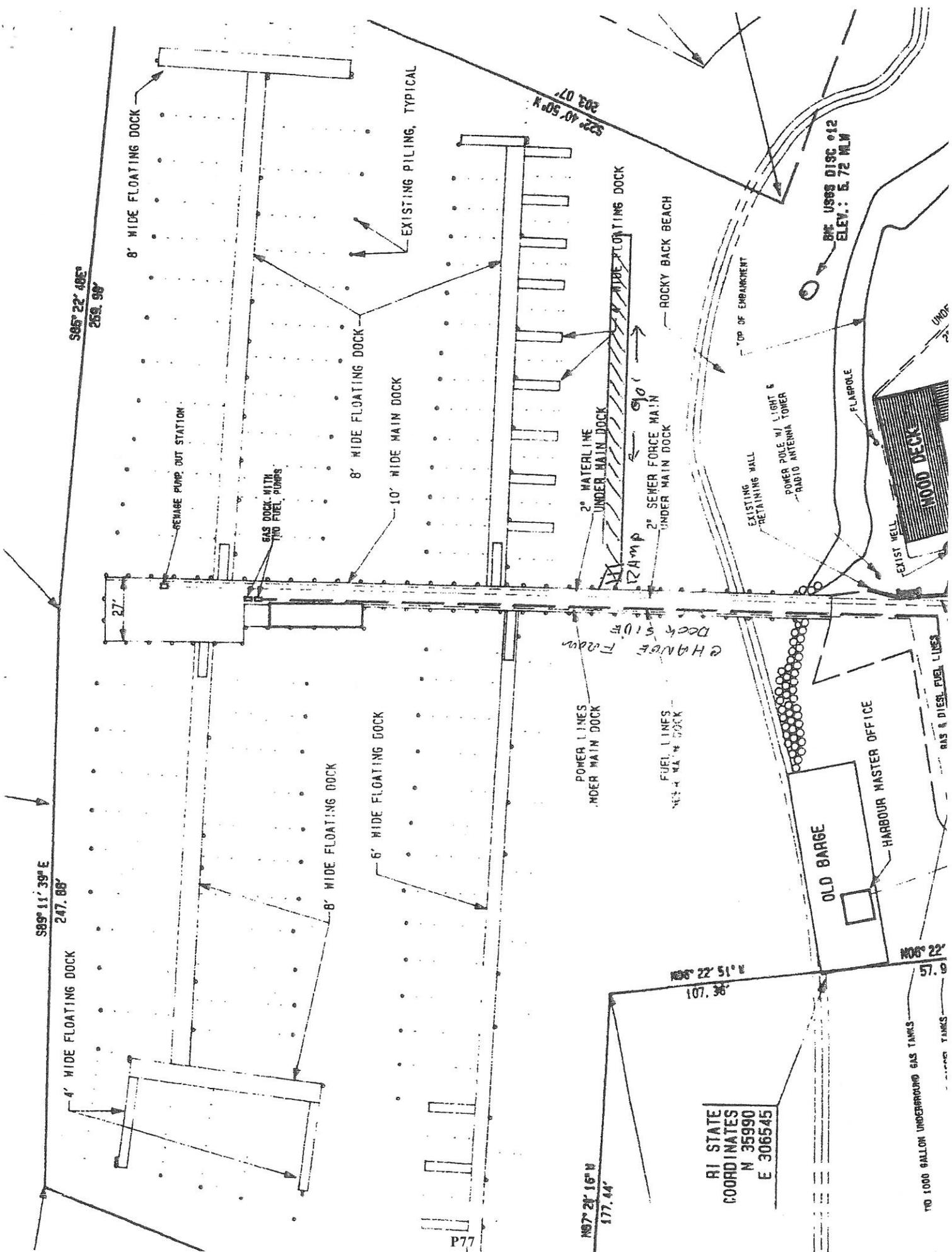
Please note that the original expiration date remains the same.

Sincerely,

Grover J. Fugate, Executive Director  
Coastal Resources Management Council

GJF/lam

cc: K. Anderson, CRMC  
M. Tillson, BI Building Official  
R. Migliaccio, BI Boat Basin  
L. Constantine, BI Harbor Master



RI STATE  
 COORDINATES  
 N 35990  
 E 306545

100 GALLON UNDERGROUND GAS TANKS  
 57.6

OLD BARGE  
 HARBOUR MASTER OFFICE

N87° 21' 16" W  
 177.44'

N86° 22' 51" W  
 107.38'

N06° 22'  
 57.6

S22° 40' 50" N  
 203.07'

S86° 22' 48" E  
 259.98'

S89° 11' 39" E  
 247.88'

P77

12/13/94



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL  
Oliver H. Stedman Government Center  
4808 Tower Hill Road  
Wakefield, R.I. 02879-1900  
(401) 277-2476

NO REQUIREMENT  
FOR PUBLIC  
DINGHY DOCK

ASSENT

File Number: 94-10-11

Assent Number: A94-10-11

Date: November 18, 1994

Whereas, Eleanor Mott  
c/o Edward Manning  
Manning, West, & Santaniello  
1500 Hospital Trust Tower  
of Providence, RI 02903

has applied to the Coastal Resources Management Council for assent to: establish marina perimeter limit and boat capacity of 120 boats at existing recreational boating facility; and hereby represents that she is the owner(s) 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: establish marina perimeter limit and boat capacity of 120 boats at existing recreational boating facility; located at plat 5, lot 69-1, 69-4, 69-5; "Block Island Boat Basin", Off West Side Road, New Shoreham, RI in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before November 18, 1997, 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

Eleanor T. Mott  
CRMC File Number 94-10-1  
November 18, 1994  
Page Two

(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.

A copy of the legal decision 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.

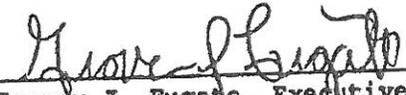
Eleanor T. Mott  
CRMC File Number 94-10-1  
November 18, 1994  
Page Three

VOL 166 PAGE 159

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.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 18th day of November in the year nineteen hundred ninety-four.

  
Grover J. Fugate, Executive Director  
Coastal Resources Management Council

#### 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.

ATTENTION: ALL STRUCTURES 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.

Eleanor T. Mott  
CRMC File Number 94-10-1  
November 18, 1994  
Page Four

SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

A. THE APPLICANT SHALL RECORD THIS ASSENT IN ITS ENTIRETY (ALL PAGES OF IT) IN THE LAND EVIDENCE RECORDS OF THE TOWN OF NEW SHOREHAM WITHIN THIRTY (30) DAYS OF THE DATE OF ISSUANCE. ALL PAGES OF THIS ASSENT MUST BE CERTIFIED BY THE TOWN CLERK'S OFFICE THAT THIS STIPULATION IN FACT HAS BEEN COMPLIED WITH. COASTAL RESOURCES MANAGEMENT COUNCIL SHALL BE FURNISHED WITH, BY THE APPLICANT, A FULL COPY (ALL PAGES) OF THE ASSENT STAMPED BY THE TOWN CLERK'S OFFICE WITHIN FIFTEEN (15) DAYS THEREAFTER. FAILURE TO COMPLY WITH THIS PROVISION WILL RENDER THIS ASSENT NULL AND VOID.

B. The approved marina certification plan(s) shall be that entitled "Site Plan of Block Island Boat Basin for Eleanor T. Mott, Block Island Rhode Island" dated October, 1994, stamped by R. C. Cournoyer, PLS, in one sheet. Except/unless as stipulated/modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.

Pier/Float Stipulations

C. No sewage, refuse, or waste of any kind may be discharged from this facility or from any vessel utilizing it.

D. The owner is required to maintain this facility in good working condition. This facility may not be abandoned. The owner shall remove from tidal waters and coastal features any structure or portions of structures which are destroyed by any natural or man-induced manner.

Marina Perimeter Limit

E. The approved marina perimeter limit shall be that shown on the approved plan.

F. The assented capacity of the marina shall be 120 boats.

G. This marina and its facilities are subject to whatever public trust rights.

H. This marina and its facilities are subject to whatever public rights-of-way exist at this site.

/lam

RECEIVED FOR RECORD IN  
NEW SHOREHAM, R.I.  
DATE 12-13-94 TIME 9:05  
BY SUSAN R. SHEA, TOWN CLERK



1. THIS PLAN AND THE PLAN SHOWN IN REFERENCE MAP NO. 1, 200 S.T. AREA ARE TO BE CONSIDERED AS ONE PLAN FOR THE PURPOSES OF THE TOWN OF NEW SHOREHAM, VERMONT.

2. THE TOWN OF NEW SHOREHAM, VERMONT, HAS THE HONOR OF APPROVING THIS PLAN AND THE PLAN SHOWN IN REFERENCE MAP NO. 1, 200 S.T. AREA.

3. THE TOWN OF NEW SHOREHAM, VERMONT, HAS THE HONOR OF APPROVING THIS PLAN AND THE PLAN SHOWN IN REFERENCE MAP NO. 1, 200 S.T. AREA.

4. THE TOWN OF NEW SHOREHAM, VERMONT, HAS THE HONOR OF APPROVING THIS PLAN AND THE PLAN SHOWN IN REFERENCE MAP NO. 1, 200 S.T. AREA.

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6. THE TOWN OF NEW SHOREHAM, VERMONT, HAS THE HONOR OF APPROVING THIS PLAN AND THE PLAN SHOWN IN REFERENCE MAP NO. 1, 200 S.T. AREA.

7. THE TOWN OF NEW SHOREHAM, VERMONT, HAS THE HONOR OF APPROVING THIS PLAN AND THE PLAN SHOWN IN REFERENCE MAP NO. 1, 200 S.T. AREA.

8. THE TOWN OF NEW SHOREHAM, VERMONT, HAS THE HONOR OF APPROVING THIS PLAN AND THE PLAN SHOWN IN REFERENCE MAP NO. 1, 200 S.T. AREA.

9. THE TOWN OF NEW SHOREHAM, VERMONT, HAS THE HONOR OF APPROVING THIS PLAN AND THE PLAN SHOWN IN REFERENCE MAP NO. 1, 200 S.T. AREA.

10. THE TOWN OF NEW SHOREHAM, VERMONT, HAS THE HONOR OF APPROVING THIS PLAN AND THE PLAN SHOWN IN REFERENCE MAP NO. 1, 200 S.T. AREA.

LEGEND

--- ASPHALT DRIVE

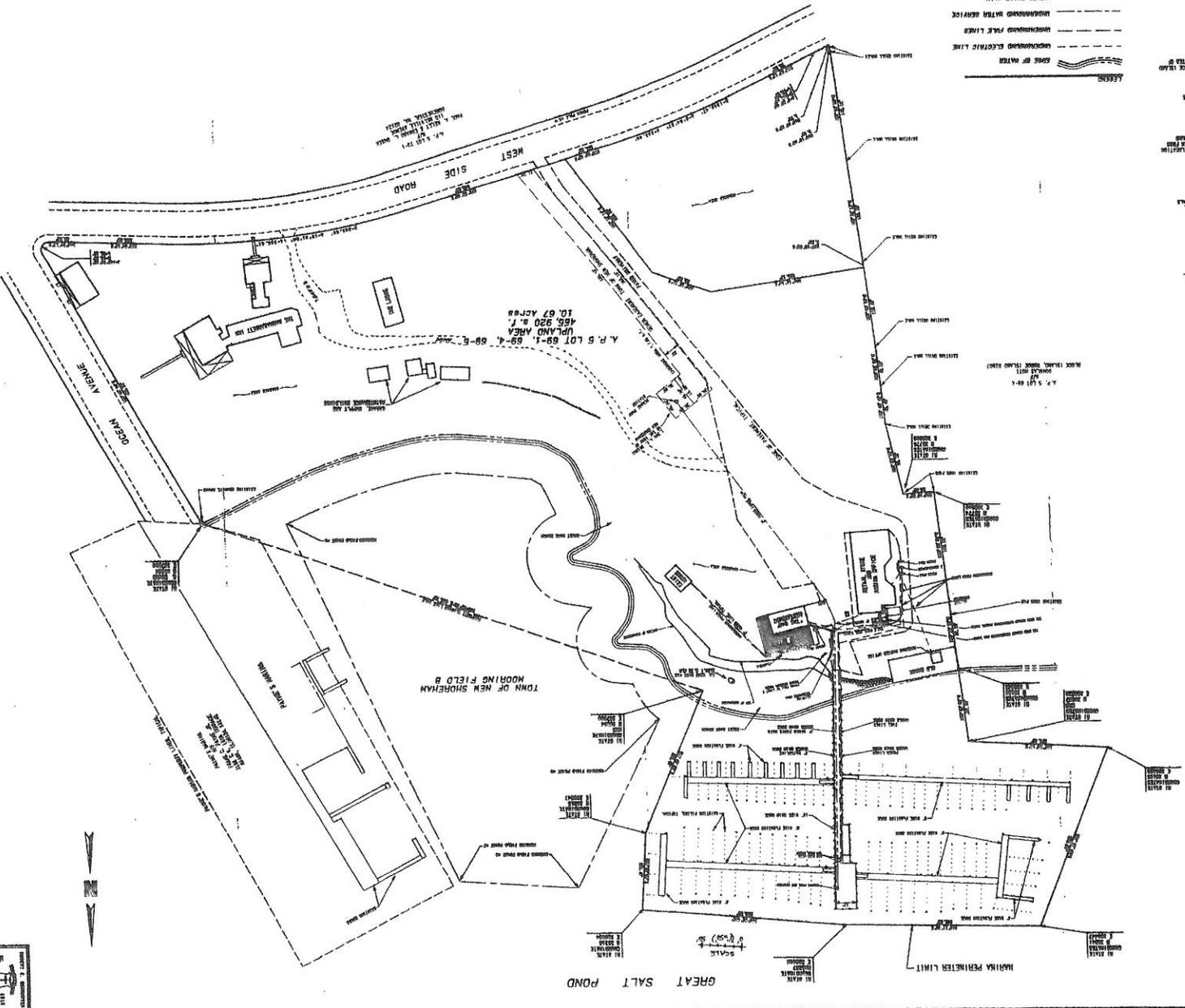
--- ASPHALT DRIVE SERVICE

--- ASPHALT DRIVE LINES

--- ASPHALT DRIVE LINES

--- ASPHALT DRIVE LINES

--- ASPHALT DRIVE LINES



DRAWING NO.: REVISED

SHEET NO.: 1 OF 1

DATE: OCTOBER, 1994

SCALE: 1" = 50'

DRAWN BY: N. UPSWALL

SITE PLAN OF BLOCK 1 GLADY BOAT DAC IN FOR ELAND T. POIT BLOCK 1 ISLAND, RODE 1 ISLAND

PC CONDOYER ENTERPRISES INC 297 CONESTOGA AVENUE SUITE 7 WEST MARIETTA, VT. 05488 (401) 826-8811





(Total C)  
30

(Total M)  
4

GREAT SALT POND

MARINA DOCKAGE

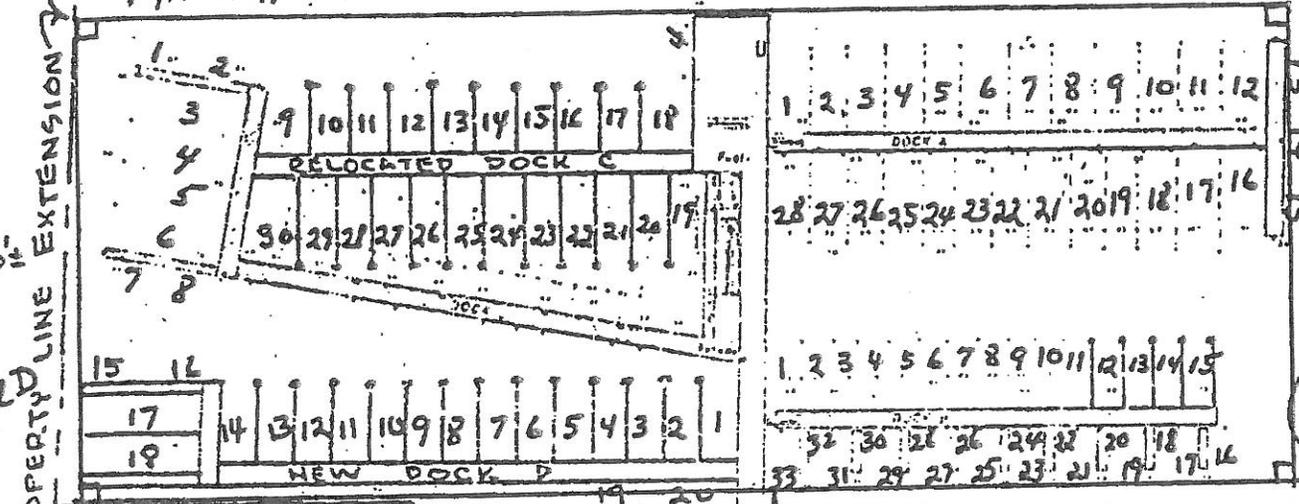
510' ± PERIMETER

PROPERTY LINE EXTENSION  
200' ±  
20

(Total A)  
28

(Total B)  
33

Total D



A	-	28
B	-	33
C	-	30
D	-	20
M	-	4
		<b>115 Total</b>

NOTES:

- 1) EXISTING WOOD PILING OF DOCK "C" TO BE REMOVED
- 2) NEW DOCK "C" AND "D" TO CONFORM TO STATE OF R.I. COASTAL RESOURCES STANDARDS FOR FLotation DOCKS

PROPOSED EXPANSION

OF  
 BLOCK ISLAND  
 BOAT BASIN  
 NEW SHOREHAM, R.I.  
 1" = 80'  
 JAN., 1983

PETER V. CIPOLLA, JR.  
REGISTERED SURVEYOR





# CRMC DECISION WORKSHEET

2013-09-097

Warren Pack

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
2013-09-097	Charlestown	648A West Beach Road		<b>B</b>	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	2			
		<b>Owner Name and Address</b>				
Date Accepted	9/27/13	Warren Pack		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	10/13/17	P.O. Box 429		Lease Required	<input type="checkbox"/>	
		Hohenwald, TN 38462				

## PROJECT DESCRIPTION

Structural Shoreline Protection consisting of a riprap stone revetment. Also landward of main riprap section will be covered with sand and planted with Coastal vegetation.

## KEY PROGRAMMATIC ISSUES

Coastal Feature(s) Coastal Beach on Coastal Headland, dike/dune

Water Type: Type 1, Conservation Areas

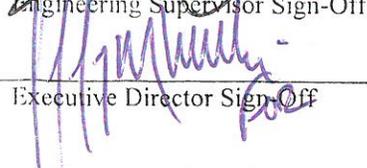
RICRMP: 110.2, 200.1, 210.1, 210.4, 210.7, 300.1, 300.7

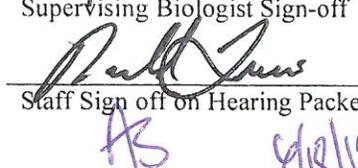
Variations and/or Special Exception Details:

Additional Comments and/or Council Requirements:

## STAFF RECOMMENDATION(S)

Engineer RML Recommendation: No Objections  
 Biologist ALS Recommendation: No Objections

 10/13/17  
 Engineering Supervisor Sign-Off date  
 17 OCT 2017  
 Executive Director Sign-Off date

 10/16/17  
 Supervising Biologist Sign-off date  
 10/20/17  
 Staff Sign off on Hearing Packet (Eng/Bio) date  
 AS 9/18/18

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COASTAL RESOURCES MANAGEMENT COUNCIL

REPORT ADDENDUM

June 13, 2018

CRMC File Number: 2013-09-097

Name: Warren Pack

After completion of the staff report and scheduling before the Council, the applicant's attorney requested a continuation to the hearing. Continuation was granted.

Shortly after the continuation, an objection was received from the attorney for the abutter to the east. The objection reiterates the objection that was submitted in 2014. Staff would direct the Council to the comments on the original objection in the above staff report.

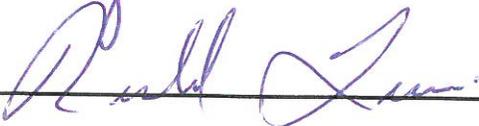
Staff recommendation & conclusion remains the same.

Signed



Staff Biologist

Signed



Staff Engineer



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COASTAL RESOURCES MANAGEMENT COUNCIL

STAFF SIGN-OFF

TO: Grover J. Fugate  
DEPT: Executive Director, CRMC  
FROM: Amy L Silva/Richard M. Lucia, P.E.  
DEPT: CRMC PERMITTING SECTION  
SUBJECT: Category B Application

PAGE: 1 of 3  
DATE: October 12, 2017

**CRMC File Number: 2013-09-097**

**Name: Pack**

**Location: 648A West Beach Road, Charlestown**

**AP: 2 Lot(s): 101**

**Water Type/Name: Type 1; Conservation Area, Block Island Sound**

**Coastal Feature: coastal beach on coastal headland, dike/dune**

**Project Description:** Structural Shoreline Protection consisting of a riprap stone revetment. Also landward section of main riprap section will be covered with sand and planted with coastal vegetation. Also a landing and a set of stairs are proposed for shoreline access.

**Plans reviewed:** "Revetment Installation Plan..." last revised 11/26/14 by Crossman Engineering

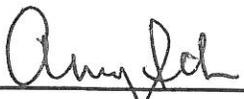
**COMMENTS:**

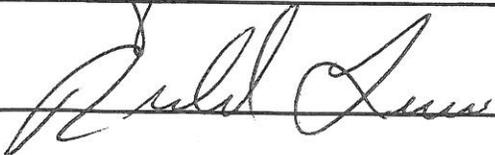
The application requests construction of a rip-rap revetment on a portion of shoreline designated at Type 1 waters.

In the aftermath of Post Tropical Storm Sandy, the property was issued an emergency permit (2013-02-047) to re-establish the coastal bank/dune. At that time, the applicant's consultant was informed by this reviewing staff member that construction of structural shoreline protection is prohibited on Type 1 waters.

The applicant's attorney argued to the Executive Director that the property is subject to increased wave action due to the presence of an existing rip-rap revetment immediately adjacent to the east, and concrete seawalls nearby to the west. The Executive Director and Coastal Geologist determined that the circumstances of the site and the immediate surrounding area qualified the property to be considered "infill" and man-made shoreline, thus allowing for a request for structural shoreline protection (Shoreline Protection is not prohibited on Type 1 Manmade Shoreline, see Coastal Geologist's report).

The application was initially believed to qualify for RICRMP Section 110 review, but was ultimately determined to require public notice. Public notice was issued in February 2014; two objections were received.

Signed  Staff Biologist

Signed  Staff Engineer

**Objections Received:**

**EASTERN ABUTTER:**

The direct eastern abutter (A.P. 2, lot 101-1) Joseph and Barbara Walsh are objecting to the proposed shoreline protection. A letter dated March 7, 2014 from their attorney Thomas J. McAndrew, Esq. has stated that "...the plans presented by Crossman Engineering do not show or recognize the Walsh's existing easement over Mr. Pack's Property. Moreover, the proposed work plan will adversely impact the Walsh's existing deeded rights. In addition, the plan does not provide or maintain suitable stair access in the riprap with 6" steps."

The applicants attorney Mr. Joe DeAngelis countered in a letter dated April 22, 2014 that their objection "...is not valid given that Walsh is not entitled to stair access as per the terms of the easement." Additionally the attorney states that the Walsh's were granted permission to construct a stairway over their riprap and "One of the rationales for the construction of the stairs was to ameliorate the Walsh's overuse of the Easement Area for simple ingress and egress to the beach, which is a clear violation of the terms of the Easement."

The nature and ownership of this easement is beyond the CRMC staff review and the RICRMP.

**WESTERN ABUTTER:**

The neighboring western abutter (Ms. Pinney) (A.P. 2, Lot 100) has stated that they have six concerns (reference letter dated March 4, 2014:

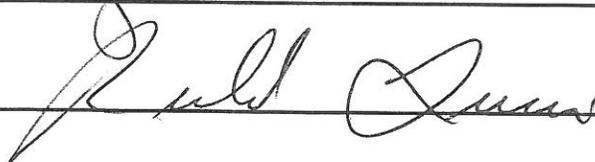
- *The revetment will contact the existing concrete steps and return wall at the southeast corner of the trust property.*
- *Plans state that the revetment will match the height of their return wall but appear ambiguous and they would like assurance that the height west part of the revetment will not exceed the height of our return wall. Also plan is unclear on the height of the revetment as it adjoins the steps leading from their wall to the sand. Furthermore, they wish to insure that no parts of the revetment above sand level adjoins the steps themselves.*
- *Chink stones in gaps may become projectiles in a storm and wish they would be eliminated.*
- *Would like to see the sand height reduced to below the level of their return wall.*
- *Request additional plantings of Carolina Rose (Beach Plum).*
- *Reconsideration of the proposed observation/entertainment deck. Plans do not indicate if the deck will be constructed on a foundation.*

Signed



Staff Biologist

Signed



Staff Engineer

ADLER POLLOCK & SHEEHAN P.C.

One Citizens Plaza, 8th floor  
Providence, RI 02903-1345  
Telephone 401-274-7200  
Fax 401-751-0604 / 351-4607

175 Federal Street  
Boston, MA 02110-2210  
Telephone 617-482-0600  
Fax 617-482-0604

www.apslaw.com

June 19, 2018

**VIA FIRST CLASS MAIL & E-MAIL**

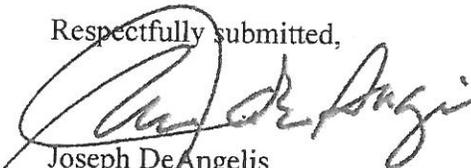
Mr. Grover Fugate  
Executive Director  
Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road  
Wakefield, Rhode Island 02879-1900

**Re: 648A West Beach Road, Charlestown, RI**  
**Plat/Lot: 2/101**  
**File No.: 2013-09-097**

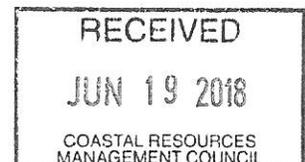
Dear Mr. Fugate:

In accordance with the management procedures of the CRMC and in anticipation of the meeting presently scheduled for June 26, 2018, please be advised that Mr. Pack will present as an expert witness, Mr. Steven M. Cabral, Professional Engineer and a member of the Crossman Engineering firm. Mr. Cabral is expected to testify as to the necessity for the installation of the revetment and the type of revetment that is proposed to be constructed on the property of Mr. Warren Pack.

Respectfully submitted,

  
Joseph De Angelis

JD:mb



**File: 2013-09-097**

**Name: Pack**

**Page 3 of 4**

To address the western abutters and CRMC staff concerns, revisions were submitted by the applicant's consultant in July of 2014. Revisions included removal of proposed mortar and chink stone, revised riprap height to match of abutters return wall, relocating the deck off the feature, removal of non-native *Rosa rugosa*.

In light of these changes CRMC staff requested a letter of no objection to the project from the western abutter. No such letter was submitted. Staff followed up with the applicant's attorney in early 2015, again requesting the letter that staff was assured was forthcoming. In February 2015, a new set of plans were received and the applicant's attorney stated that the Mrs. Pinney would not rescind her objection until those most recent plans were submitted. With a new set of plans submitted, staff awaited the no objection letter. The applicant's engineer (Steve Cabral, P.E.) had stated that he met with Ms Pinney and reviewed these revisions. He had stated that she indicated they have met her concerns.

Staff spoke with the objector (date not noted, early 2016), and she stated that she still had concerns and may not send a letter of no objection. Staff never received a letter from the objector and in May of 2017, with no forward action on the application, contacted the applicant's engineer again, questioning the status of the objector. In June, Mr. Cabral replied via email, stating that the applicant's attorney (Mr. DeAngelis) would like to proceed to the Council decision. To date, no letter of no objection/withdrawal of objection has been received from Mrs. Pinney.

**RICRMP 300.7 Shoreline Protection Facilities:**

The site is subject to heavy wave action because of its unlimited fetch. Based on the FEMA flood maps the site is located in a Flood Zone of VE15. The FEMA flood study indicates a wave crest of 15 feet (NAVD88) and a stillwater elevation of 10.1 feet for a 100 year storm event (1% return). Using this information for design of the revetment, these values indicate a predicted design wave height (H10) of approximately 9 feet.

Based on this design wave of 9 feet, the proposed riprap revetment was designed in accordance with the standards of RICRMP 300.7.F. (Construction of Shoreline Protection Facilities, Standards). In particular, RICRMP 300.7.F.7. states "Equivalent designs using appropriate siting and design methods as described in the most recent version of the U.S. Army Corps of Engineers Shore Protection Manual may be substituted in place of the above design guidelines." Please note the referenced guidelines in RICRMP 300.7 refer to a smaller stone size (8000 pounds) then what is proposed. Accordingly, the proposed revetment stone size will have a weight of 9,000-10,000 pounds (approximately 4 foot in size). Additionally, an earthen slope will cover the riprap revetment which consists of dune plantings and salt tolerant shrubs (Virginia Rose and Bayberry).

Signed  \_\_\_\_\_ Staff Biologist

Signed  \_\_\_\_\_ Staff Engineer

**Conclusion and Recommendation:**

Based on the CRMC staff (Executive Director and Coastal Geologist) determination that the property is an "infill" lot with a manmade shoreline (Shoreline Protection is not prohibited on Type 1 Manmade Shoreline), there are no objections to the Council's approval of this project (Also reference CRMC Geologist Report).

Signed  Staff Biologist

Signed  Staff Engineer

## Amy Silva

---

**From:** DeAngelis, Joseph <JDeAngelis@apslaw.com>  
**Sent:** Tuesday, June 20, 2017 8:39 AM  
**To:** Amy Silva  
**Subject:** RE: warren pack Charlestown seawall

Thanks send it along when it is done.

**From:** Amy Silva [<mailto:asilva@crmc.ri.gov>]  
**Sent:** Tuesday, June 20, 2017 8:37 AM  
**To:** DeAngelis, Joseph <[JDeAngelis@apslaw.com](mailto:JDeAngelis@apslaw.com)>  
**Cc:** Rich Lucia <[rlucia@crmc.ri.gov](mailto:rlucia@crmc.ri.gov)>  
**Subject:** RE: warren pack Charlestown seawall

Joe-  
Its not completed yet. We were just told on Friday by Steve Cabral to proceed with the information we have.

-Amy

Amy L. Silva  
Senior Environmental Scientist  
CRMC  
4808 Tower Hill Rd.  
Wakefield, RI 02879  
(401)783-3370p/(401)783-3767f

---

**From:** DeAngelis, Joseph [<mailto:JDeAngelis@apslaw.com>]  
**Sent:** Tuesday, June 20, 2017 8:34 AM  
**To:** Amy Silva  
**Subject:** warren pack Charlestown seawall

Amy

Is there a staff report on the warren pack seawall application?

### JOSEPH DEANGELIS, ESQ.

[V-CARD](#) | [BIO](#) | [WEBSITE](#) | [JDEANGELIS@APSLAW.COM](mailto:JDEANGELIS@APSLAW.COM)

One Citizens Plaza, 8th Floor, Providence RI 02903  
401.274.7200 | fax 401.351.4607 | cell 401.338.8800



PROVIDENCE - BOSTON - NEWPORT - NEW HAMPSHIRE



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**Amy Silva**

---

**From:** Steven Cabral <steven.cabral@crossmaneng.com>  
**Sent:** Friday, June 16, 2017 10:26 AM  
**To:** 'Steven Cabral'; 'Rich Lucia'; 'Amy Silva'  
**Subject:** RE: Pack Seawall

Good Morning Rich,

Attorney Joe DeAngelis, Warren Pack's lawyer, asked me to let you know that he would like to proceed with a hearing.

If you need anything from us, please email or call.

Thank you,  
Steve

Steven M. Cabral

**CROSSMAN ENGINEERING**  
**Consulting Engineers & Surveyors**

**Rhode Island Office**  
151 Centerville Road  
Warwick, Rhode Island 02886

**Massachusetts Office**  
103 Commonwealth Avenue  
North Attleboro, MA 02763

Phone: 401-738-5660  
Fax: 401-738-8157

Phone: 508-695-1700  
Cell: 401-556-4699

[www.crossmaneng.com](http://www.crossmaneng.com)

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---

**From:** Steven Cabral [mailto:steven.cabral@crossmaneng.com]  
**Sent:** Monday, May 22, 2017 11:47 AM  
**To:** 'Rich Lucia'; 'Amy Silva'  
**Subject:** RE: Pack Seawall

Hello Rich,

This email slipped by into junk email (sorry for the delay in responding). Going back a year or so, I met with Ms. Pinney to discuss the project on the property. She and her husband were in agreement at that time but they never did provide a letter or respond afterwards. I can give it one more try.

Steve

Steven M. Cabral

**Amy Silva**

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**Sent:** Monday, May 22, 2017 11:47 AM  
**To:** 'Rich Lucia'; 'Amy Silva'  
**Subject:** RE: Pack Seawall

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Steve

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## Amy Silva

---

**From:** Rich Lucia <rlucia@crmc.ri.gov>  
**Sent:** Tuesday, May 16, 2017 10:32 AM  
**To:** 'Steven M. Cabral'; Amy Silva  
**Subject:** RE: Pack Seawall

Steve, this goes way back but do you ever get a letter from the abutter (Ms. Pinney) who objected to this project? We have to proceed with this and go to the council the way it is or do they want to cancel their application all together? Please note that there are the issues from the other abutter (Walsh) about easement, etc.

Richard Lucia, P.E.  
Supervising Civil Engineer  
RICRMC  
4808 Tower Hill Road  
Wakefield RI, 02879  
(401) 783-3370

---

**From:** Steven M. Cabral [<mailto:steven.cabral@crossmaneng.com>]  
**Sent:** Wednesday, April 02, 2014 3:24 PM  
**To:** [rlucia@crmc.ri.gov](mailto:rlucia@crmc.ri.gov)  
**Subject:** Pack Seawall

Hello Rich,

I received your phone message. Thanks for calling.

We will drive down and pick up a copy of the second abutter's letter or can it be emailed? I will also call Thursday morning.

In regards to the first abutter's letter, we have met with them and will be meeting with them once more. We are making progress in satisfying their concerns and we hope to confirm soon.

Steve

Steven M. Cabral, Ph.D., P.E.

**CROSSMAN ENGINEERING**  
**Consulting Engineers & Surveyors**  
151 Centerville Road  
Warwick, Rhode Island 02886

Phone: 401-738-5660  
Fax: 401-738-8157  
Cell: 401-556-4699

## Amy Silva

---

**From:** DeAngelis, Joseph <JDeAngelis@apslaw.com>  
**Sent:** Wednesday, February 11, 2015 3:51 PM  
**To:** Amy Silva  
**Subject:** Re: Attached Image

The last I heard only Walsh was objecting. Will check Monday. An away this week

Sent from my iPhone

### JOSEPH DEANGELIS, ESQ.

[V-CARD](#) | [BIO](#) | [WEBSITE](#) | [JDEANGELIS@APSLAW.COM](mailto:JDEANGELIS@APSLAW.COM)

One Citizens Plaza, 8th Floor, Providence RI 02903

401.274.7200 | fax 401.351.4607 | cell 401.338.8800



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On Feb 11, 2015, at 2:32 PM, "Amy Silva" <[asilva@crmc.ri.gov](mailto:asilva@crmc.ri.gov)> wrote:

Joe-

What's the story on the objector on this one? We are going through our old/inactive files to cancel or activate them, and this one has been inactive since last summer. This one is going to Council regardless (I understand that Mr. Walsh is still objecting). If we don't get the withdrawal soon (like in the next two weeks) we will send it up with two objections.

-Amy

Amy L. Silva  
Senior Environmental Scientist  
CRMC  
4808 Tower Hill Rd.  
Wakefield, RI 02879  
(401)783-3370p/(401)783-3767f

---

**From:** DeAngelis, Joseph [<mailto:JDeAngelis@apslaw.com>]  
**Sent:** Wednesday, July 23, 2014 2:26 PM  
**To:** Amy Silva  
**Subject:** Re: Attached Image

We are working on getting the first objection withdrawn

Sent from my iPhone

## Amy Silva

---

**From:** Amy Silva <asilva@crmc.ri.gov>  
**Sent:** Wednesday, February 11, 2015 2:36 PM  
**To:** 'DeAngelis, Joseph'  
**Cc:** 'Rich Lucia'  
**Subject:** RE: Attached Image

Joe-

What's the story on the objector on this one? We are going through our old/inactive files to cancel or activate them, and this one has been inactive since last summer. This one is going to Council regardless (I understand that Mr. Walsh is still objecting). If we don't get the withdrawal soon (like in the next two weeks) we will send it up with two objections.

-Amy

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Senior Environmental Scientist  
CRMC  
4808 Tower Hill Rd.  
Wakefield, RI 02879  
(401)783-3370p/(401)783-3767f

## Amy Silva

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**From:** DeAngelis, Joseph <JDeAngelis@apslaw.com>  
**Sent:** Wednesday, July 23, 2014 2:26 PM  
**To:** Amy Silva  
**Subject:** Re: Attached Image

We are working on getting the first objection withdrawn

Sent from my iPhone

On Jul 23, 2014, at 2:23 PM, "Amy Silva" <[asilva@crmc.ri.gov](mailto:asilva@crmc.ri.gov)> wrote:

Joe-

Haven't heard from you on this one -- Also, no plans have been received to date.

-Amy

Amy L. Silva  
Senior Environmental Scientist  
CRMC  
4808 Tower Hill Rd.  
Wakefield, RI 02879  
(401)783-3370p/(401)783-3767f

---

**From:** DeAngelis, Joseph [<mailto:JDeAngelis@apslaw.com>]  
**Sent:** Tuesday, July 15, 2014 12:35 PM  
**To:** Amy Silva  
**Subject:** FW: Attached Image

Re 2013 09 097 Warren Pack

Amy

This application for an in fill revetment received 2 objections. I am attaching correspondence which resolves the Pinney objection. Revised plans will be filed with CRMC tomorrow. The Walsh objection cannot be resolved. There is a long standing dispute between these 2 property owners and this will require Council action. As stated in our April 22, 2014 reply to the Walsh objection, Walsh only has a right to access the beach for the sole purpose of transporting small boats and nothing more.

Please advise if this is ready for hearing.

Joseph DeAngelis, Esq.  
ADLER POLLOCK & SHEEHAN P.C.  
One Citizens Plaza, 8th Floor  
Providence, RI 02903

E-Mail: [JDeAngelis@apslaw.com](mailto:JDeAngelis@apslaw.com)  
Phone: 401-274-7200  
Mobile: 401-338-8800 Fax: 401-351-4607

## Amy Silva

---

**From:** Amy Silva <asilva@crmc.ri.gov>  
**Sent:** Wednesday, July 23, 2014 2:05 PM  
**To:** 'DeAngelis, Joseph'  
**Subject:** RE: Attached Image

Joe-

Haven't heard from you on this one -- Also, no plans have been received to date.

-Amy

Amy L. Silva  
Senior Environmental Scientist  
CRMC  
4808 Tower Hill Rd.  
Wakefield, RI 02879  
(401)783-3370p/(401)783-3767f

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Mobile: 401-338-8800 Fax: 401-351-4607  
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## Amy Silva

---

**From:** Amy Silva <asilva@crmc.ri.gov>  
**Sent:** Tuesday, July 15, 2014 12:50 PM  
**To:** 'DeAngelis, Joseph'; 'Rich Lucia'  
**Subject:** RE: Attached Image

Joe-

We are going to need something from the objector specifically stating that the objection is withdrawn. The attachment you sent doesn't specifically state that. Its best that the neighbor include the plan title and date to ensure that we have the same plan in front of us.

The file is not ready for hearing yet – its been on hold pending your negotiations with the abutters. When we receive the new plans Rich and I can review and get reports together for Council.  
-Amy

Amy L. Silva  
Senior Environmental Scientist  
CRMC  
4808 Tower Hill Rd.  
Wakefield, RI 02879  
(401)783-3370p/(401)783-3767f

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Please advise if this is ready for hearing.

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## Amy Silva

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**Sent:** Tuesday, July 15, 2014 12:35 PM  
**To:** Amy Silva  
**Subject:** FW: Attached Image  
**Attachments:** 1296\_001.pdf; \_Certification\_.htm

Re 2013 09 097 Warren Pack

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**Rhode Island Coastal Resources Management Council  
Geologist's Report**

CRMC File No. 2013-09-097

---

Report Completion Date: 11-12-13

Owner: Warren Pack

Town: Charlestown

Location: P.O. Box 429

Plat: 2 Lot: 101 Pole #:

Waterway: Block Island Sound

RICRMP Use Category: A

Project Description: Construct a 175 linear foot stone revetment and walkway with stairs to the beach

Coastal Feature(s): Coastal beach on Coastal headland, dike/dune on Type 1 waters.

Backing Upland Feature (note elevations): Quonochontaug Headland is a low lying feature composed of glacial till with highest elevations of little more than 20 feet NGVD. The barrier/headland delineation is very fuzzy due to the bedrock and glacial till outcropping and the extent of overwash sand. Boulder and cobble terraces formed by the erosion of the till outcrops are found in the nearshore area adjacent to the headland.

Existing Upland Development (on site and surrounding): Some residential development to the west along the ocean and breachway, higher density residential development to the east on the Quonochontaug Headland.

Soils Information (Site or SCS Soil Survey of RI): Ba, Cb

Flood Zone Information: VE15, AE12

Waterway Circulation and Flushing Information: Block Island Sound

Other Review Items Used: 1999 shoreline GPS study, 1992-07-113 photos of adjacent shoreline structures

Aerial Photos (date and scale): Google earth 1995 – 2012, 1992 vertical aerial photo,

Geologic comment regarding CRMC: The property is located adjacent to Type 1 waters on a glacial headland that is comprised of bedrock and glacial outcrops, beach, overwash sand deposits, and nearshore cobble/boulder terrace. Several properties directly to the east are fronted by revetments (figure 1) and to the west are concrete seawalls and bedrock outcrop (figure 2). A dune/dike was reconstructed on the site following extra-tropical storm Sandy (2013-02-047). The dike crest is roughly coincident with the top of the revetment to the east (figure 1). The distance between shoreline structures is 175 feet. The house porch is located approximately 85 feet landward from the proposed top of the structure. A new shoreline

Staff Signature: \_\_\_\_\_

Page 1

**Rhode Island Coastal Resources Management Council  
Geologist's Report**

**CRMC File No. 2013-09-097**

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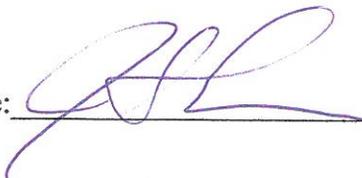
protection structure is prohibited at this location because it is located on Type 1 waters. It may be considered for approval only because it is sandwiched between two hardened structures and therefore subject to wave focusing that has the potential to increase erosion on this property. The shoreline structure to the east was built following Hurricane Carol and was maintained under CRMC Assent number 1992-07-113. In the opinion of the staff geologist, the shoreline currently fits the description of man-made shoreline in that it is characterized by concentrations of shoreline protection structures (210.6.A), although the natural shoreline features seaward of the shoreline structures are still dominant.

Other Comments: A shoreline structure is not likely to increase erosion on adjacent or downdrift properties due to the heavy concentration of structures already in the area. The current erosion rate in this area exceeds 1 foot per year. This rate may increase with the addition of the revetment which will reflect the wave energy off the structure, thus eroding the beach. In addition sea levels are rising. Figure 3 shows the position of the MHHW line from the average daily high tide under various sea level rise scenarios. This does not include waves or future erosion in the scenarios. Consequently, the loss of shoreline lateral access, a shoreline privilege guaranteed under Article 1, Section 17 of the RI State Constitution, may occur much sooner than suggested by the given scenarios. Provisions should be made to assure that there is no loss in public lateral shoreline access. This should include stairs at both the east and west ends of the revetment and a surface appropriate for walking along the top of the revetment. The use of this pathway by the public will be triggered when the access along the beach has been compromised by sea level rise and erosion.

Recommendations:

See Stipulations Sheets: JHF

Staff Signature: \_\_\_\_\_



Page 2

Rhode Island Coastal Resources Management Council  
Geologist's Report

CRMC File No. 2013-09-097

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Figure 1: Properties to the east fronted by revetments. The dike crest is coincident or slightly north of the top of the revetment.

Staff Signature: \_\_\_\_\_

A handwritten signature in purple ink, consisting of stylized initials and a surname, written over a horizontal line.

Rhode Island Coastal Resources Management Council  
Geologist's Report

CRMC File No. 2013-09-097

---



Figure 2: Concrete seawalls on bedrock to the west.

Staff Signature: \_\_\_\_\_

A handwritten signature in blue ink, appearing to be 'D. Johnson', written over a horizontal line.

Rhode Island Coastal Resources Management Council  
Geologist's Report

CRMC File No. 2013-09-097

Home - Sea Level Rise Map

Modify Map - Sign In

Details Basemap

Share Print Measure

Find address or place

Legend

Legend

- 1' Sea Level Rise (High Tide)  
(flooding in feet)
- 2' Sea Level Rise (High Tide)  
(flooding in feet)
- 3' Sea Level Rise (High Tide)  
(flooding in feet)
- 5' Sea Level Rise (High Tide)  
(flooding in feet)
- 7' Sea Level Rise (High Tide)  
(flooding in feet)
- Today's High Tide (MHHW)  
Mean Higher High Water (MHHW)



Figure 3. The area with the proposed revetment (in red) and the position of the MHHW line under various sea level rise scenarios. These scenarios do not include wave run-up or future erosion.

Staff Signature: 

Owner: Warren Pack  
 Site Address: 648A West Beach Road Plat: 2 Lot: 101  
 Site Town: Charlestown  
 Proj. Desc: c/m stone revetment

File Number: 2013-09-097

**RipRap Stipulations** (r1, r2, r3...)

1. <i>m</i>	All backfill shall be coarse, clean, and free-draining. A filter layer shall be used to minimize the washout of the backfill and to provide a stable base. <del>This filter layer shall consist of _____.</del>
2. <i>m</i>	The _____ end of the wall shall <i>be as shown on approved plan</i> The _____ end of the wall shall <i>be as shown on approved plan.</i>
3.	Construction shall be done from atop the bank. No heavy machinery shall operate seaward of the proposed structure.
4.	The structure shall be located
5. <i>m</i>	The toe of the proposed structure shall be located <i>as shown on the approved plan.</i>
6. <i>m</i>	<del>The base of the proposed structure shall be set at the elevation of _____.</del> After construction of the base of the structure, the original beach grade shall be reestablished utilizing original beach materials.
7.	The maximum slope of the riprap wall shall be
8. <i>RL</i>	Riprap stone used shall be stone which is durable, compact, angular, and of minimum unit weight of 165 lbs. per cubic foot. <del>The stone size for the cover layer shall be _____ or approximately _____ cubic yard size, or larger. Riprap shall be placed, not dumped.</del>
9. <i>pm</i>	On site beach materials shall not be used as construction material.
10.	Prior to construction, CRMC staff shall be contacted to stake the approved location of the toe. The owner shall contact CRMC staff to do this.

G-1

Geo1. Construction of the revetment will result in the loss of lateral public access as sea levels rise. The proposed revetment shall include stairs or other access on the east and west ends of the revetment and a surface suitable for pedestrians to walk between the stairways. The lateral access across the revetment will be triggered by loss of access along the beach through erosion and sea level rise.

Staff: \_\_\_\_\_ Owner: Warren Pack  
 File #: 2013-09-097







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.

		File No. <u>2013-09-097</u>
Location No. <u>648A Street West Beach Road</u> City/Town <u>Charlestown</u>		
Owner's Name <u>Warren Pack</u>	Plat No. <u>2</u>	Lot No. <u>101</u>
Mailing Address <u>P.O. Box 429</u> City/Town <u>Hohenwald</u> State <u>TN</u> Zip Code <u>38462</u>		Res. Tel. # <u>772-234-0396</u> Bus. Tel. # <u>N/A</u>
Contractor RI Lic. # <u>TBD</u> Address <u>151 Centerville Road</u>		Tel. No.
Designer <u>Crossman Eng.</u> Address <u>Warwick, RI 02886</u>		Tel. No. <u>401-738-5660</u>
Name of Waterway <u>Atlantic Ocean</u>	Est. Project Cost \$ <u>175600 Shoreline Pr.</u>	Fee/Costs \$ <u>2,625</u>

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). 2013-02-047, 2010-10-013  
1999-10-023, 1996-02-046

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.)

Joseph and Barbara Walsh, 55 Baldwin Farms South, Greenwich, CT 06831

Bobelis George A. 2009 Qual Per Res Trust & Bobelis Elena 2009 Qual Per-Res Trust, 128 Belltown Road  
South Glastonbury, CT 06073

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

Installation of Stone Revetment as shoreline protection on manmade shoreline

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

Law Offices of  
THOMAS J. McANDREW & ASSOCIATES

One Turks Head Place, Suite 205  
Providence, Rhode Island 02903

[rmcandrew@tjmcandrewlaw.com](mailto:rmcandrew@tjmcandrewlaw.com)

Tel: (401) 455-0350 (401) 490-6800

Fax: (401) 455-0882

March 7, 2014

Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill road, Suite 116  
Wakefield, RI 02879

Re: 648A West Beach Road, Charlestown, RI  
Plat/Lot: 2 / 101  
File No.: 2013-09-097

Dear Sir:

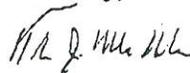
Please be advised that this office represents Joseph and Barbara Walsh who received notification from your office of the above-referenced application for a State of Rhode Island Assent to construct and maintain on or about February 10, 2014.

On behalf of Mr. and Mrs. Walsh, this office wishes to object to this application for a number of reasons, but most particularly because the plans presented by Crossman Engineering do not show or recognize the Walsh's existing easement over Mr. Pack's property. Moreover, the proposed work plan will adversely impact the Walsh's existing deeded rights. In addition, the plan does not provide or maintain suitable stair access in the riprap with 6" steps.

We believe that the contractor would have to consider and more carefully construct for pedestrian access, perhaps with smaller stones in the easement area. Based upon preliminary observations, it would appear that the current site conditions hinder proper access.

In summary, it is apparent from the proposed plans that Mr. and Mrs. Walsh's existing easement has been extinguished. Moreover, there is insufficient pedestrian access and Petitioner's plan should be modified accordingly to address these issues.

Sincerely,



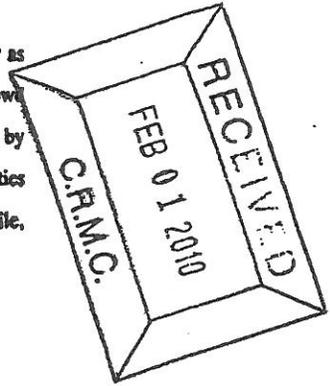
Thomas J. McAndrew, Esq.

TJM/klm

CC Joseph Walsh  
Jeffrey Balch

TRUSTEE'S DEED

H. DOUGLAS RANDALL, III, of South Kingstown, Rhode Island, in his capacity as Special Trustee for Warren B. Pack, Ronald J. Holmes, Barbara Holmes and the DOWD Condominium Association, pursuant to a certain agreement dated December 16, 1993, by virtue of the power conferred upon me in said agreement and all other powers and authorities me thereunto enabling, for consideration paid, grants to WARREN B. PACK, of Mobile, Alabama, the following described real estate:



Assess  
L 101

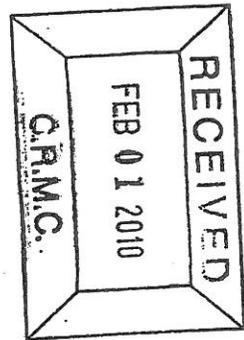
That certain tract or parcel of land situated on the southerly side of West Beach Road, so-called, in the Town of Charlestown, County of Washington and State of Rhode Island, being shown and delineated as Lot 1 (One) on that certain plan entitled "Subdivision Plat DOWD BEACH PARK, West Beach Road, Charlestown, Rhode Island, Scale: 1"=40", December 8, 1993, DiCesare-Bentley Engineers, Inc." as revised for recording in the Charlestown Land Evidence Records.

Said premises are conveyed Together with all rights appurtenant and Subject to the following:

1. Right of way of record as depicted on said plan for the benefit of land now or formerly of George A. Bobelis et ux, subject to relocation rights of record.
2. Utility service easements for the benefit of Narragansett Electric Company and New England Telephone and Telegraph Company of record.
3. The obligation of the owners of said lot to refrain from clearing the natural areas thereof except in accordance with appropriate governmental environmental regulation.
4. The obligation of the owners of said lot to cause the septic system contained thereon to be pumped not less than once every two years.
5. Said lot shall not be re-subdivided.
6. The exclusive right and privilege of the owner(s) of Lot 2 (Two) on said plan to cultivate, improve and otherwise enjoy that certain portion of Lot 1, as described as Easement Area 1 on Exhibit A, attached hereto and made a part hereof, expressly reserving for the owners of the servient estate, the right to compel the owners of the dominant estate to keep the easement area free from structures, unsightly obstructions or nuisances of any kind.
7. The non-exclusive right and privilege of the owner(s) of Lot 2 (Two) on said plan to pass and repass by foot over and across that certain portion of Lot 1, as described as Easement Area 3 on Exhibit A, attached hereto and made a part hereof, for the limited purpose of transporting small boats to and from the shore of the Atlantic Ocean.
8. Outstanding municipal and quasi-municipal assessments, if any, which the grantees assume and agree to pay.

The consideration for this transaction is such that Rhode Island Transfer Stamps and Rhode Island non-resident withholding are not required.

BK 135P60600



This instrument is delivered as part of a plan of termination of Dowd Condominium pursuant to the provisions of the Condominium Declaration, the appropriate provisions of the Rhode Island General Laws and the appropriate actions of the Unit Owners. Express reference is hereby made to that certain "Notice of Termination of Dowd Condominium" recorded prior hereto in said records.

The grantor covenants to and with the grantee that, without limitation of the powers conferred upon a trustee by Rhode Island law, he is authorized and empowered to acquire, hold and convey real estate as set forth in a Resolution and Agreement of the Unit Owners of Dowd Condominium, which is in full force and effect as of the date of this instrument.

IN WITNESS WHEREOF, I have hereunto my hand and seal as Special Trustee, aforesaid, this 21<sup>st</sup> day of December, 1993.

*H. Douglas Randall, III*  
H. Douglas Randall, III - Special Trustee

STATE OF RHODE ISLAND  
COUNTY OF WASHINGTON

In *Charlestown*, this 21<sup>st</sup> day of December, 1993, before me personally appeared H. Douglas Randall, III, to me known and known by me to be the person executing the foregoing instrument, and he acknowledged said instrument, by him so executed as Special Trustee aforesaid, to be his free act and deed in said capacity.

*Charles B. Solovitz*  
Charles B. Solovitz  
Notary Public  
My commission expires: 6-24-95

Grantee's address:  
200 Virginia Avenue  
Mobile, Alabama 26603-2018

TOWN OF CHARLESTOWN, R.I.  
MARCIA D. CARSTEN  
TOWN CLERK

93 DEC 21 PM 3:14 P  
mac



*Handwritten initials*

Mr. Grover J. Fugate  
Executive Director  
Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road, Suite 116  
Wakefield, RI 02879

March 4, 2014



Re: File Number 2013-09-097  
Shoreline Stabilization  
Plat Map 2, Lot 101  
648A West Beach Road  
Charlestown, RI

Dear Mr. Fugate,

I am writing to request a hearing for the above-captioned revetment project pursuant to the public notice I received dated February 6, 2014. I am the Trustee of a trust holding the residence at 648B West Beach Road, Charlestown, RI that has been in my family since 1966 and abuts the subject property along its westerly line.

I met with Mr. Rich Lucia as soon as his schedule allowed on February 25, 2014 at CRMC's offices to discuss this project. I also had to locate and discuss the project with a coastal and waterfront engineer. Based on these discussions, and not having sufficient time to resolve my concerns prior to the deadline of March 6, 2014 specified in the notice, I must and do request a hearing at which I may present my concerns and objections.

In general, I do not object to the project as a protection for the applicant's property, but there are certain specific aspects of the project that will affect the trust property and the dune in which the project is to be constructed. Briefly, there are currently six identified concerns as follows:

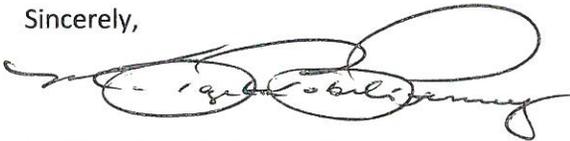
- It appears that the proposed revetment will directly contact the existing concrete steps and return wall at the southeast corner of the trust property. The coastal engineer with whom I consulted has advised me that this concrete wall should normally be protected from the large granite stones of the revetment by installing a sheet pile or a cheek wall.
- The plan that I reviewed with Mr. Lucia has a notation that the revetment will be matched to the height of our return wall but the plan drawing is a bit ambiguous and I would like assurance that the highest part of the revetment will not exceed the height of our return wall. I am also concerned that the plan is unclear on the height of the revetment as it adjoins the steps leading from our wall to the sand. I wish to be sure that no part of the revetment above sand level adjoins the steps themselves (so a misstep lands you in the sand, not on a rock).
- The coastal engineer was also concerned with the use of stone pieces (chink stone) in gaps between major stones because they tend to become missiles in a storm. Perhaps these should

be eliminated, particularly if the granite blocks of the revetment are as geometrically regular as the plan drawing shows.

- Following Storm Sandy, sand was brought in forming a mounded addition to the dune across the width of the applicant's property making it higher than our property rather than lower than our return wall as it was prior to Sandy. I would like to see the sand height reduced to somewhat below the level of our return wall at least for some reasonable distance to the east to avoid sand migrating from the dune to our lawn.
- The plans for this project call for two rows of Carolina Rose (beach plum) plantings across the width of the project (east-west). The established beach plum vegetation was largely responsible for saving much of the dune during Sandy and I would request that additional such plantings be included along the line of our property (north-south) and for a distance immediately east of this line in lieu of sea grass and in keeping with the vegetation on the dune prior to Sandy and as I have observed and photographed it over the last 50 years.
- Also, in keeping with preserving the natural setting of the dune as best as possible, I will ask for appropriate reconsideration of the proposed observation/entertainment(?) deck with railings that the plan has placed in the dune just to the north of the revetment at the end of the proposed walkway. The plan is silent on whether this deck will float on the sand or be constructed on a foundation. Given the lack of detail in the plan, it is difficult to comment on the deck but any revision that would keep this structure consistent with a simple walkway and better preserve the natural esthetic of the dune would be appreciated.

I regret that there has not been sufficient time to address these concerns prior to requesting a hearing. I would appreciate your consideration of these matters in the interest of protecting both the applicant's and our property and, importantly, the long-existing dune.

Sincerely,



M. Sigita Bobelis Pinney, Trustee  
128 Belltown Road  
South Glastonbury, CT 06073  
(860) 633-3915  
Email: wpinney@murthalaw.com



April 22, 2014

Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill Road, Suite 116  
Wakefield, RI 02879

**Re: 648A West Beach Road, Charlestown, RI**  
**Plat/Lot: 2/101**  
**File No.: 2013-09-097**

To Whom It May Concern:

I represent Mr. Warren B. Pack the applicant with respect to the above-referenced matter. This letter is in response to the letter objection dated March 7, 2014 received from Thomas J. McAndrew, Esq. on behalf of Joseph and Barbara Walsh ("Walsh") with respect to the above-referenced application.

In his objection, Walsh references a limited easement he holds over Mr. Pack's property. Walsh claims that Mr. Pack's proposed revetment does not allow for the preservation of this limited easement. The terms of the limited easement allows for the non-exclusive right to pass by foot over and across the easement area for the limited purpose of transporting small boats to and from the shore of the Atlantic Ocean ("Easement Area"). Please find attached a copy of the Deed describing this easement at Exhibit 1.

At present, the Easement Area does not have a clear path of egress or ingress. Therefore, Walsh's objection that the plan does not "provide for or maintain suitable stair access in the riprap with 6" steps" is not valid given that Walsh is not entitled to stair access as per the terms of the easement.

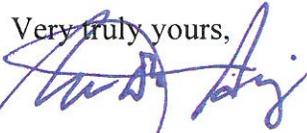
Moreover, Walsh applied to CRMC and was granted permission to construct a stairway over his riprap to the beach. One of the rationales for the construction of the stairs was to ameliorate the Walsh's overuse of the Easement Area for simple ingress and egress to the beach, which is a clear violation of the terms of the Easement. This overuse was previously the subject of litigation. Despite the fact that Walsh now has direct access to the beach with stairs from his property, he is objecting to Pack's application without a well-founded basis.

Coastal Resources Management Council  
April 22, 2014  
Page 2

Lastly, there is no requirement that Mr. Pack's plan display the Easement Area on the proposed plans.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Joseph DeAngelis

JD:mb  
Enclosure

cc: Mr. Warren Pack

July 23, 2014

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

Re: Warren Pack Parcel  
648A West Beach Road, Charlestown  
CRMC File No. 2013-09-097  
Previous CRMC File Nos. 2010-10-013, 2013-02-047

2013-09-097

Dear Ms. Silva,

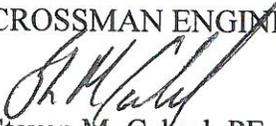
Based upon our recent discussions and meetings with the western abutter, Ms. Sigita Pinney, we have amended the attached Plans (4 copies enclosed) in a manner that does not alter the disturbance but satisfies her concerns. In general, the Plans were edited to reflect the following:

- The revetment height is transitioned near the westerly property line to match the height of the existing wall.
- Within 52 feet of the westerly property line, the stone revetment will receive an initial covering of sand.
- Additional dune plantings were provided near the westerly line.
- Construction fencing will be installed to protect the existing vegetation near the westerly line.
- Additional underground armor stone will be placed adjacent to the existing concrete wall to protect the existing wall.
- Concrete repair (by hand) of the existing concrete wall will be made if existing cracks are found during the installation.
- Excavation will occur by hand within 3 feet of the existing concrete wall along the southerly property line.

We understand that a letter of support will be forwarded directly to your office from the Pinneys to confirm the above. We appreciate your assistance, and if you have any questions or concerns, please contact me or Brian King at 401-738-5660 or via email at [steven.cabral@crossmaneng.com](mailto:steven.cabral@crossmaneng.com).

Sincerely,

CROSSMAN ENGINEERING

  
Steven M. Cabral, PE  
President





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

**PUBLIC NOTICE**

File Number: 2013-09-097 Date: February 6, 2014

This office has under consideration the application of:

Warren Pack  
 P.O. Box 429  
 Hohenwald, TN 38462

for a State of Rhode Island Assent to construct and maintain: an approximately 170 linear foot riprap revetment.

Project Location:	648A West Beach Road
City/Town:	Charlestown
Plat/Lot:	2 / 101
Waterway:	Block Island Sound

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 6, 2014.



**GENERAL NOTES**

1. WORK SHOWN ON THE PLANS FOR WHICH THERE ARE NO PARTICULAR DETAILS OR SPECIFICATIONS DOES NOT RELIEVE THE CONTRACTOR FROM FURNISHING AND INSTALLING THE WORK. THE CONTRACTOR SHALL THOROUGHLY EXAMINE THE CONTRACT DOCUMENTS AND PLANS AND INSPECT THE SITE, AND THE BID PRICE SHALL INCLUDE ALL SERVICES AND MATERIALS NECESSARY TO COMPLETE THE PROJECT. ANY CHANGES TO THE PROJECT OR THE INSTALLATION OF AN ITEM FOR WHICH NO PARTICULAR DETAIL OR SPECIFICATION WAS PROVIDED MUST BE REVIEWED BY AND MUST BE ACCEPTABLE TO THE ENGINEER.
2. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL EXISTING CONDITIONS DIMENSIONS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY WORK.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT PRIOR TO THE INITIATION OF WORK. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS, RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.
4. THE CONTRACTOR SHALL OBTAIN COPIES OF PERMITS FOR THIS SITE AND SHALL ADHERE TO ANY PERMIT CONDITIONS THESE PERMITS INCLUDE: RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL.

**LAYOUT NOTE**

THE LAYOUT SHOWN REPRESENTS A GRAPHICAL DESIGN, AND PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL ENGAGE A PROFESSIONAL LAND SURVEYOR (PLS) REGISTERED IN THE STATE TO SET AND VERIFY ALL LINES AND GRADES. ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS ARE TO BE CONFIRMED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY ITEM FOUND WHICH DOES NOT MATCH THE PLANS MUST BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO CONSTRUCTION FOR REVIEW. NO WORK SHALL PROCEED UNTIL AUTHORIZED BY THE ENGINEER.

**GENERAL PROJECT WIDE NOTES**

1. SILT FENCES SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, MAINTAINED ON A REGULAR BASIS, AND SHALL BE PLACED TO PREVENT SEDIMENTATION ONTO ADJACENT PROPERTY.
2. THE CONTRACTOR MUST REPLACE AND/OR RESEED ANY VEGETATION THAT DOES NOT DEVELOP/SURVIVE WITHIN THE PERIOD OF ONE YEAR AND HE SHALL DO SO AT NO ADDITIONAL EXPENSE TO THE OWNER.
3. ALL SILT FENCES OR TEMPORARY PROTECTION SHALL REMAIN IN PLACE UNTIL AN ACCEPTABLE STAND OF APPROVED GROUND COVER IS ESTABLISHED AND POTENTIAL SEDIMENTATION SOURCES ARE REMOVED.
4. AREAS DAMAGED DURING CONSTRUCTION SHALL BE RESTORED AT THE CONTRACTOR'S EXPENSE.
5. STOCKPILES SHALL HAVE NO SLOPE STEEPER THAN 2:1 AND SHALL BE SURROUNDED BY STAKED HAY BALES OR SILT FENCING.
6. STOCKPILES EXPOSED FOR EXCESSIVE PERIODS SHALL RECEIVE TEMPORARY TREATMENT CONSISTING OF HAY, STRAW OR FIBER MATTING.

**INSPECTION/MAINTENANCE NOTES**

1. PRIOR TO COMMENCING CLEARING AND GRUBBING OPERATIONS, SILT FENCING SHALL BE PLACED SO AS TO PREVENT SEDIMENT FROM ENTERING COASTAL FEATURES AND ADJUTING PROPERTIES.
2. ALL DISTURBED AREAS WHICH BECOME SUBJECT TO EROSION TENDENCIES WHETHER THEY BE NEWLY FILLED OR EXCAVATED SHALL RECEIVE SLOPE PROTECTION - SUCH AS REP-RAP.
3. DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING DRAINAGE AND RUNOFF FLOW DURING PERIODS OF RAINFALL.
4. DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EROSION CONTROL MAINTENANCE AND SHALL INSPECT / REPLACE DAILY DURING CONSTRUCTION, FOLLOWING RAINFALL AND WEEKLY DURING NON CONSTRUCTION PERIODS.
5. ADDITIONAL SILT FENCING SHALL BE LOCATED AS CONDITIONS WARRANT OR AS DIRECTED BY THE ENGINEER.
6. THE "EIL SOIL EROSION AND SEDIMENT CONTROL HANDBOOK" PREPARED BY THE U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE, 1989, MUST BE UTILIZED BY THE CONTRACTOR AS A GUIDE.
7. THE CONTRACTOR IS RESPONSIBLE FOR ALL DUST CONTROL AND FOR THE ENTIRE PROJECT DURATION, INCLUDING TEMPORARY SHUT-DOWN PERIODS, MUST MONITOR AND REPAIR, AS NEEDED, ALL SLOPES TO ENSURE A STABLE PRODUCT.

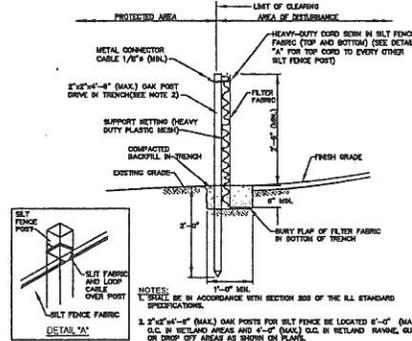
**FLOOD ZONE NOTE**

THE PROPOSED PROJECT AREA IS LOCATED WITHIN FLOOD ZONE VE (EL. 13). AREAS SUBJECT TO INUNDATION BY THE 1-PERCENT-ANNUAL-CHANCE FLOOD EVENT WITH ADDITIONAL HAZARDS DUE TO STORM-INDUCED VELOCITY WAVE ACTION, BASE FLOOD ELEVATION DETERMINED, AS SHOWN ON FLOOD INSURANCE RATE MAP, WASHINGTON COUNTY, RHODE ISLAND (ALL JURISDICTIONS) PANEL 279 OF 366, MAP NUMBER 4400902279H, EFFECTIVE DATE: OCTOBER 19, 2010.

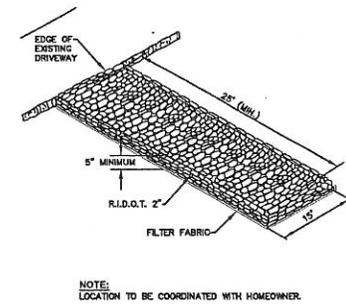
**ALTERNATE CONTROL MEASURES**

ALTERNATE SOIL EROSION AND SEDIMENT CONTROL MEASURES MAY BE UTILIZED BUT MUST BE APPROVED BY ENGINEER PRIOR TO INSTALLATION. LISTED BELOW ARE "POTENTIAL ALTERNATE CONTROL MEASURES".

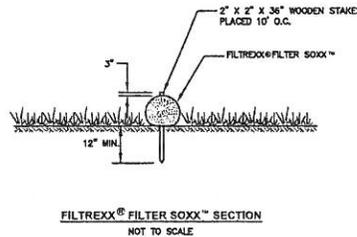
- |                  |  |
|------------------|--|
| PROPOSED MEASURE | ALTERNATE MEASURE UPON ENGINEER APPROVAL |
| • SILT FENCE     | • STAKED HAYBALES                        |
|                  | • FILTREXX FILTER SOXX                   |



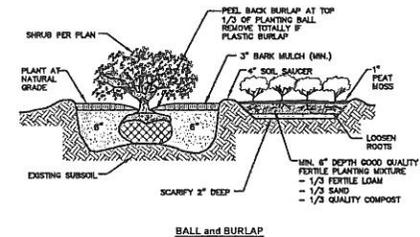
**SILT FENCE DETAIL**  
NOT TO SCALE



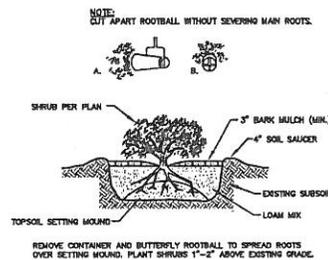
**TEMPORARY CONSTRUCTION ACCESS DETAIL**  
NOT TO SCALE



**FILTREXX FILTER SOXX SECTION**  
NOT TO SCALE



**SHRUB and GROUND COVER PLANTING DETAIL**  
NOT TO SCALE



**CONTAINER GROWN PLANTING DETAIL**  
NOT TO SCALE



**CROSSMAN ENGINEERING**  
181 Cranford Road | Warwick, Rhode Island 02886  
Phone: (401) 738-6660 | Fax: (401) 738-6127  
Email: ce@crossmaneng.com

THESE DRAWINGS ARE THE PROPERTY OF CROSSMAN ENGINEERING AND SHALL BE PREPARED FOR THEIR CLIENT FOR A SPECIFIC SITE AND PROJECT. THESE DRAWINGS ARE NOT TO BE COPIED OR USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF CROSSMAN ENGINEERING.

**PROJECT TITLE:**  
**SHORELINE STABILIZATION**  
PLAT MAP 2, LOT 101  
648A WEST BEACH ROAD  
CHARLESTOWN, RI

**PREPARED FOR:**  
**WARREN B. PACK**  
P.O. BOX 429  
HOHENWALD, TN  
38462

**DRAWING TITLE:**  
**GENERAL NOTES and DETAILS**

**DATE:** SEPTEMBER, 2013 **SCALE:** AS SHOWN

**DWG. NAME:** 1785-C02-DETAIL-R1.dwg

REVISIONS	NUMBER	REMARKS	DATE
Δ	1	CHG COMMENTS	12/12/13

**DRAWING NUMBER**  
**C2**  
SHEET 2 OF 2

P37



December 12, 2013

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



Re: Warren Pack Parcel  
648A West Beach Road, Charlestown  
CRMC File No. 2013-09-097  
Previous CRMC File Nos. 2010-10-013, 2013-02-047

*current file: 2013-09-097*

Dear Ms. Silva,

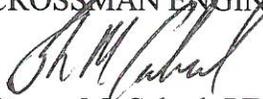
Based upon our recent discussion, we are enclosing four (4) sets of revised Plans for the proposed Revetment Installation. The Plans were edited to reflect the following:

- Rosa Ragusa has been replaced with Rosa Carolina.
- The reference to mortar has been removed.
- The wooden landing has been moved off of the stone revetment.

We appreciate your assistance, and if you have any questions or concerns, please contact me or Brian King at 401-738-5660 or via email at [steven.cabral@crossmaneng.com](mailto:steven.cabral@crossmaneng.com).

Sincerely,

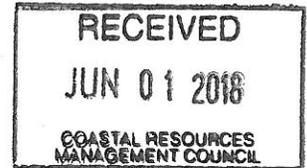
CROSSMAN ENGINEERING

  
Steven M. Cabral, PE  
President

CC: Attorney Joseph DeAngelis  
Warren Pack

Law Offices of  
THOMAS J. McANDREW & ASSOCIATES  
One Turks Head Place, Suite 205  
Providence, Rhode Island 02903

tmcandrew@tjmcandrewlaw.com  
Tel: (401) 455-0350 (401) 490-6800  
Fax: (401) 455-0882



May 30, 2018

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

RE: 645A West Beach Road, Charlestown  
CRMC File #: 2013-09-097  
Plat / Lot: 2 / 101

Dear Sir:

On behalf of Mr. & Mrs. Joseph Walsh, abutters to the property in question that is subject to this application, we are refileing this Objection out of an abundance of caution to protect Mr. & Mrs. Walsh's various rights, including those over their deeded easement area.

We previously filed an Objection to this Application, dated March 7, 2014, which stated, among other things, that the proposed plan does not provide or maintain suitable stair access in the riprap with 6" steps, nor is there sufficient pedestrian access, and that the Petitioner's plan should be modified accordingly to address these issues.

Since we have been unable to determine whether the current application is exactly the same as that previously filed in 2013, we wish to reaffirm our objection to this application for a



structural shoreline protection, consisting of a riprap stone revetment. Please file same accordingly.

Thank you for your kind attention to this matter, and should you have any questions, concerns, or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas J. McAndrew".

Thomas J. McAndrew

TJM/sjp

Enclosure

CC: Mr. & Mrs. Joseph Walsh  
Mr. Jeffrey Balch  
Mr. Joseph DeAngelis

Law Offices of  
THOMAS J. McANDREW & ASSOCIATES

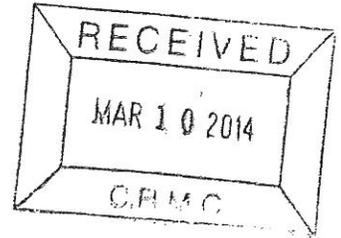
One Turks Head Place, Suite 205  
Providence, Rhode Island 02903

tmcandrew@tjmcandrewlaw.com

Tel: (401) 455-0350 (401) 490-6800

Fax: (401) 455-0882

March 7, 2014



Coastal Resources Management Council  
Oliver Stedman Government Center  
4808 Tower Hill road, Suite 116  
Wakefield, RI 02879

Re: 648A West Beach Road, Charlestown, RI  
Plat/Lot: 2 / 101  
File No.: 2013-09-097

Dear Sir:

Please be advised that this office represents Joseph and Barbara Walsh who received notification from your office of the above-referenced application for a State of Rhode Island Assent to construct and maintain on or about February 10, 2014.

On behalf of Mr. and Mrs. Walsh, this office wishes to object to this application for a number of reasons, but most particularly because the plans presented by Crossman Engineering do not show or recognize the Walsh's existing easement over Mr. Pack's property. Moreover, the proposed work plan will adversely impact the Walsh's existing deeded rights. In addition, the plan does not provide or maintain suitable stair access in the riprap with 6" steps.

We believe that the contractor would have to consider and more carefully construct for pedestrian access, perhaps with smaller stones in the easement area. Based upon preliminary observations, it would appear that the current site conditions hinder proper access.

In summary, it is apparent from the proposed plans that Mr. and Mrs. Walsh's existing easement has been extinguished. Moreover, there is insufficient pedestrian access and Petitioner's plan should be modified accordingly to address these issues.

Sincerely,

Thomas J. McAndrew, Esq.

TJM/klm  
CC Joseph Walsh  
Jeffrey Balch





# CRMC DECISION WORKSHEET

2017-05-012

Kirk Dexter

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
2017-05-012	Warren	35 Shore Road		A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Plat	17			
		<b>Owner Name and Address</b>				
Date Accepted	5/10/17	Kirk Dexter		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	11/1/17	35 Shore Drive		Lease Required	<input type="checkbox"/>	
		Warren, RI 02885				

## PROJECT DESCRIPTION

as built pilings & deck removal; maintenance of cross-bracing

## KEY PROGRAMMATIC ISSUES

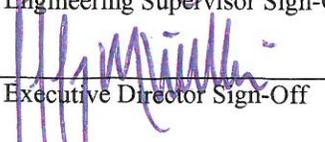
**Coastal Feature:** Coastal bluff with seawall  
**Water Type:** Type 2, Low Intensity Use  
**CRMP:** 120, 200.2, 210.4, 300.4  
**SAMP:** N/A

Variations and/or Special Exception Details:  
 300.4.E.3.k: 25 foot property line setback

Additional Comments and/or Council Requirements:

## STAFF RECOMMENDATION(S)

Engineer \_\_\_\_\_ Recommendation: \_\_\_\_\_  
 Biologist ALS Recommendation: Approval  
 Other Staff \_\_\_\_\_ Recommendation: \_\_\_\_\_

  
 Engineering Supervisor Sign-Off \_\_\_\_\_ date 11/10/17  
  
 Executive Director Sign-Off \_\_\_\_\_ date 30 Nov 2017

  
 Supervising Biologist Sign-off \_\_\_\_\_ date 11/7/17  
  
 Staff Sign off on Hearing Packet (Eng/Bio) \_\_\_\_\_ date 6/18/18



**CRMC File Number:** 2017-05-012

**Name:** Kirk Dexter

**Location:** 35 Shore Road, Warren AP: 17 Lot(s): 125

**Water Type/Name:** Type 2, Low Intensity Boating/Kickimuit River

**Coastal Feature:** Coastal Bluff with Seawall

**Project Description:** “as-built” tie off piles for existing residential boating facility.

**Plans Reviewed:** “Existing Conditions Plan to Accompany CRMC....” last revised 9/15/17 by Mount Hope Engineering

- The application is in response to CRMC Enforcement Action
- The Enforcement Action is closed as of late September 2017
- The un-Assented deck has been removed.
- The un-Assented tie off piles are proposed to be relocated to better meet RICRMP regulations. The revised location still requires a Variance.
- In lieu of abuttor sign-off, the applicant has submitted a PLS survey of the property and a Section 120 Variance.
- During the review period, the applicant requested the addition of maintenance to the facility’s cross-bracing be added to the application. Revised plans detailing this additional request were submitted.
- There are no staff objections to the Council’s approval of this request.



abuttor sign off or PLS plan for the Variance required for the piles within the 25' setback, nor did it address the prohibition for structures on docks. The application was returned Deficient, requesting sign-off and Special Exception Request or removal of the deck, and notifying the applicant that because an application was a requirement of Enforcement, the matter was being returned to Enforcement for further review/action

During the winter of 2016-2017, the Executive Director informed staff that the applicant's attorney Joe DeAngelis had approached him regarding the permissibility of the deck. The Executive Director reiterated that the deck on the dock is prohibited. On March 15, with no submitted application and no action by the applicant, CRMC Enforcement issued a Fine as part of the ongoing Enforcement Action. On March 27, Mr. DeAngelis notified CRMC Enforcement that the required application for the tie-off piles was forthcoming, and that the seating area/deck would be removed by the end of July.

An application was submitted in early May and was accepted for review.

In August, Ms. Miguel conducted a compliance inspection to determine if the deck on the dock had been removed by the end of July, as stated by the applicant's attorney. The deck had not been removed, and on August 23, a second fine was issued. In early September, it was confirmed that the deck had been removed. A fine hearing was held in late September, and an administrative fee was issued and paid. The Enforcement matter regarding the deck has been closed.

**REVIEW COMMENTS:**

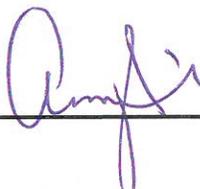
The application now requests approval of two tie-off piles for the existing dock that were installed without CRMC Assent, and which are located within the 25' property line extension setback. It is unclear how far the piles are away from the property line extension – The original plans depict the piles 13.6 and 14.9 feet from the property line extension; Plans revised later in the review process depict the piles at 12.8 and 13.8 feet from the property line.

There is no sign-off from the affected property owner, so the applicant has submitted a Professional Land Survey and Section 120 Variance Request for the piles to be located within the 25 foot property line setback.

The application went to public notice in June. One objection was received during the comment period. The Warren Conservation Commission requested an extension to the public notice period and subsequently submitted an objection in late July.

The applicant's narrative states that the pilings are necessary to secure the applicant's vessel. Based on review of Google Earth Imagery, this is the only facility in the immediate vicinity with tie-off piles. On July 31, staff discussed the application/Variance Request with Dan Goulet, CRMC's marine infrastructure coordinator, and captain of CRMC's vessel the Jack Reed. Mr. Goulet noted that other alternatives existed that would better meet the regulations; staff then contacted the applicant's engineer (Todd Chaplin) to discuss alternative designs that would better meet the RICRMP regulations. These alternatives included removing the float and terminating with a fixed pier, rotating the float so the vessel faces into the prevailing wind, and relocating the piles to meet the 25' setback. Mr. Chaplin stated that he would discuss with the applicant, so staff held review in abeyance.

Signed



Staff Biologist

In early September, with no updates from Mr. Chaplin, staff sent a letter to the applicant regarding the potential alternatives discussed in August and requesting direction as to any revisions to the application. The applicant's attorney contacted staff to discuss relocating pilings. The applicant then contacted staff via email requesting repairs to the cross-bracing on the facility. Staff stated that if revisions were to come, adding the cross bracing repairs could be included in any potential Assent that would be issued. Revised Plans were received on October 16.

The revised plans depict the tie-off piles to be 18.2 and 19.2 feet from the property line extension (approximately 5-6 feet further from the property line than the un-Assented piles). The revised plans also include repairs to the cross bracing, as discussed during the review process.

**COMMENTS ON VARIANCE REQUEST:**

As part of the revised request, a Section 120 Variance Request was submitted for the piles to be located within the 25 foot property line extension.

The applicant's narrative states that the pilings are necessary to secure the applicant's vessel, and that the revised piling location is the minimum necessary due to the size of the boat's beam. The Section 120 Narrative makes no mention of the other alternatives discussed with the applicant's engineer (removing the float, changing the direction of the float). It should be noted that the applicant's attorney stated in emails that the pilings would be relocated "*to 18 feet rather than 15 feet as you suggested*" staff clarified in two subsequent emails that relocation of the pilings was among multiple options discussed and staff never suggested a preferred option nor stated a specific distance for piling relocation (emails attached). Mr. DeAngelis did not respond to or acknowledge the other revision options and stated that a new plan and variance request would be prepared.

Staff has discussed the revised request with Mr. Goulet, who stated that the other most likely alternative (rotating the float and utilizing a tie off pile on the seaward end of the facility) would also require the submission of a Variance, and that the revisions made by the applicant appear reasonable.

**COMMENTS ON OBJECTIONS:**

The Warren Conservation Commission and a neighbor (Mr. Karberg) have objected to this application. Staff offers the following comments regarding the objections:

Property line extension- The Conservation Commission argues that the property line extensions should be drawn "perpendicular to the shoreline". Absent a Federal Navigation project in the vicinity, it has been CRMC's practice to disregard the shape of the shoreline and simply extend the land property lines out into the water, which is what the applicant has done.

Lateral Access/Shoreline Use- The tie off piles are located adjacent to the float and likely do not impede lateral access any more than the facility itself does. Staff is unaware of shellfishing occurring in this area and cannot comment on any impact to shellfishing. The facility has been in place in this location since the late 1990s – swimming is not likely impacted by the tie off piles, as a boat is already docked in this area.

Signed \_\_\_\_\_



Staff Biologist

CRMC File Number: 2017-05-012

Name: Kirk Dexter

Page 2

Letter of No Objection- A letter of no objection from the neighbor was not submitted as part of this application. In cases where a letter cannot be obtained, the applicant must submit a PLS Land Survey plan and a Section 120 Variance Request. The applicant has done so.

Littoral Rights- The neighbor's objection states that the pilings impact his littoral rights to the shore. Staff questioned (via email) where Mr. Karberg is located, to clarify this impact. Mr. Karberg responded that he is located to the south of the facility. Staff remains unclear how pilings to the north of the facility will impact a user on the south.

Cumulative Impact – The objector notes that approval may result in additional requests for tie off pilings. Based on review of Google Earth Imagery, this is the only facility in the immediate vicinity with tie-off piles. It is possible that other dock owners in this area may request tie off piles. Tie off piles are not prohibited, and could receive CRMC Assent if RICRMP regulations/Variance criteria are met.

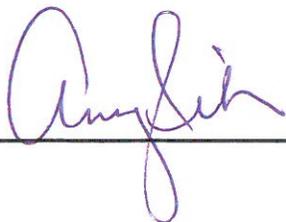
**CONCLUSION & RECOMMENDATION:**

The applicant requests “as-built” approval of two tie-off piles (which will be relocated if approved) as well as maintenance of the cross-bracing of the existing facility. The request for the pilings is a result of CRMC Enforcement action (which is now closed).

The pilings, in both the original and revised locations, require a Variance from the Section 300.4 25-foot side setback standard. The applicant has submitted a PLS survey in lieu of an abuttor sign-off as well as a Section 120 Variance request.

The above described project appears to have minimal impact on coastal biological processes. There are no biological objections to the Council's approval of this project. Should the Council approve this application, standard Assent stipulations will be prepared.

Signed \_\_\_\_\_



Staff Biologist

October 12, 2017



Ms. Amy Silva  
Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road  
Wakefield, RI 02879-1900

RE: Warren—Dexter Dock Application, Shore Road, Sections 120-130 & 300.1  
Application # 2016-11-022

Dear Ms. Silva:

Please find enclosed slightly revised plans for the existing Assent Application for the above referenced residential dock project. The dock received original Assent in 1995 and sought approval of past modifications via this Application as required by the CRMC letter of August 23, 2016. Further discussions have lead to the current plan, to relocate previously installed tie off pilings closer to the existing dock in greater conformity with the requirements. The included plan is larger format than typical dock plans to provide easier review and in that there is no new construction proposed requiring typical construction details. A detail of cross bracing to be repaired has been added to repair the existing bracing of the dock. The intent of the plan is to show the as built locations of the two pilings, which will be removed and new pilings installed closer to the existing dock. The existing deck section which was requested to be removed has been removed.

The proponent is also seeking a variance to the standard side setback of twenty five feet to the north property line for the two pilings which were installed, Section 300.4 (1). The existing pilings are approximately 14' from the extended property line. These pilings will be relocated closer to the existing dock, approximately 18' from the north property line as shown on the plan. A deck section within the middle of the dock exceeds the normal width and has been removed.

Section 120 requires the following criteria be addressed for such a variance application:

1. The proposed project conforms with the goals and policies of Parts Two and Three of the CRMC's program and the residential dock will be consistent with the shoreline area of this part of the Kickimuit waterfront.
2. No significant adverse environmental impact will result from the granting of this variance to the setback requirement. The shorter setback is necessary to secure the owner's vessel so that it will not twist and damage the existing dock and floater during storm events and currents within the River. The pilings will be relocated to be approximately 18' from the

north property line and 17' from the existing dock. The existing vessel has a beam in excess of 14' which leaves no additional room to reduce this distance. This is the minimum that will allow for safe berthing of the boat at the dock during rough seas and/or windy conditions detrimental to docking the vessel. This will not be detrimental to navigation, will have no substantial negative visual impacts, will not harm the shoreline, or have detrimental impacts to surrounding areas. Many of the abutting shorefront properties have existing shoreline improvements and there are docks located both to the north and south along the shoreline. The granting of this variance will not result in any greater adverse impacts, including cumulative impacts.

3. Applicable standards cannot be met due to conditions at the subject site. The applicant owns a vessel which hangs off the ends of the existing floater and presents potential damage to the existing dock. These pilings will allow for proper securing of the vessel in windy or rough conditions, or periods of strong tidal influence, and help prevent damage to the vessel or the existing dock and/or surrounding areas.
4. The standard setback relief is the minimum distance requested, given the existing conditions and shallow water at the location. The requested relief is the minimum possible to maintain the vessel safely at the existing dock. This distance is necessary to relieve the hardship, given the site conditions.
5. The variance requested is not due to the prior action of the applicant other than the installation of the two pilings.
6. The project proposed a modification to the existing residential dock to remove the existing deck in the middle of the dock structure. This deck has been removed and the dock is now consistent with typical required dock dimensions and requirements.

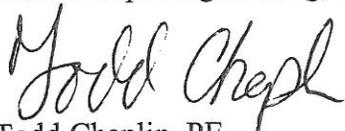
With regard to the Category B Criteria of Section 300.1 we offer the following:

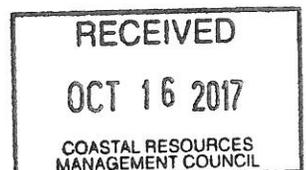
1. The proposed alteration is believed to be critical to the Applicant of this residential dock facility to provide full use and enjoyment of the site. The tie off pilings provide a means to safely and securely tie off the vessel without damage to the existing dock or abutting structures or property. Removal of these structures would result in potential damage to the boat and the existing dock.
2. The construction was performed in accordance with all applicable local zoning and building codes, safety codes, and environmental requirements.
3. The project is located along the Kickimuit River with approximately 74 feet of frontage on the river. The tie off pilings will not cause adverse impacts to the site to the north, an existing substandard lot.

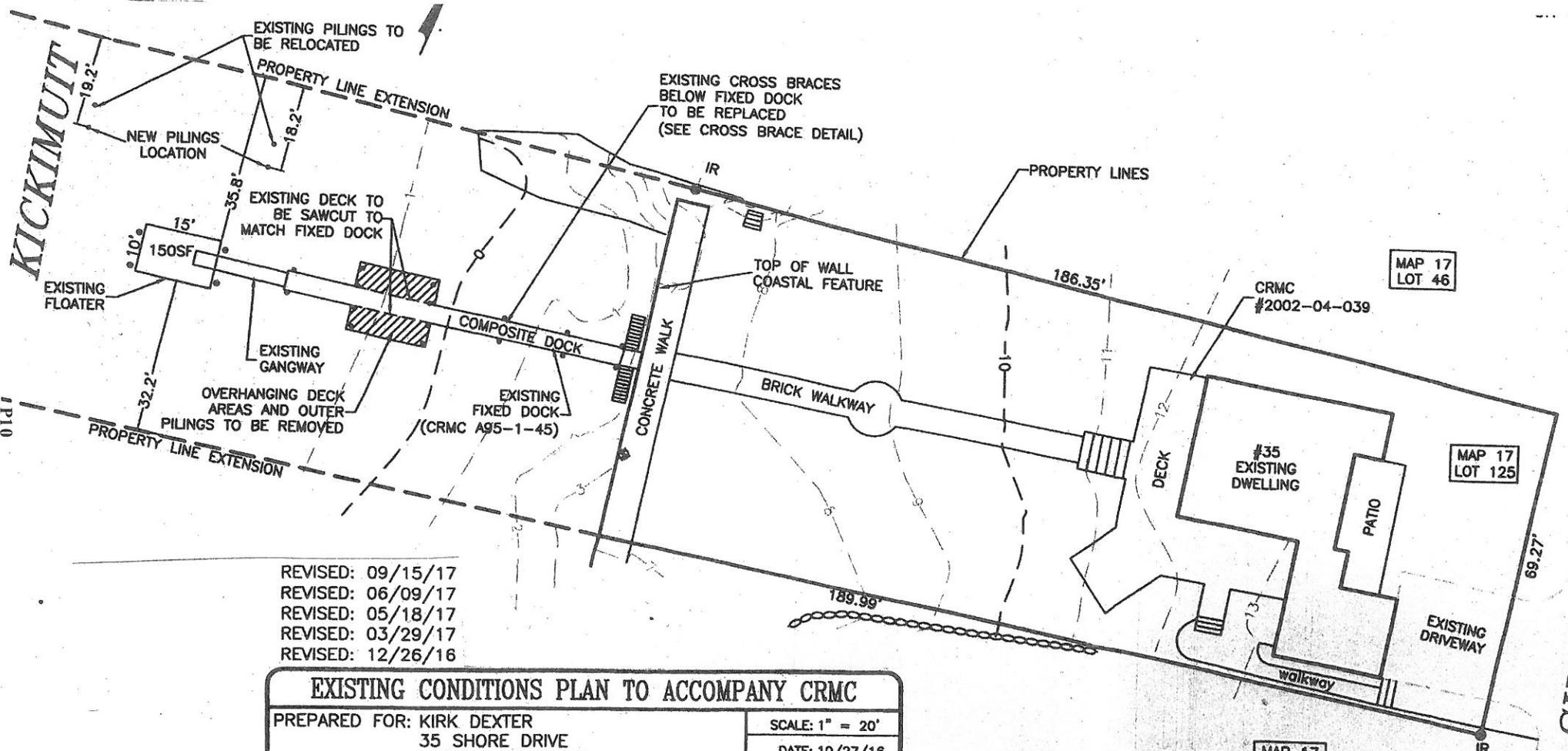
4. The project will not have any impacts on erosion or sediment deposition along the coastal bank or the shores of the Kickimuit. The existing coastal bank and near shore area will remain in its present condition and will not be impacted.
5. There are no significant trees within the property, which is predominated by residential lawn. The proposed project will be consistent with the plant and animal diversity within the surrounding area and the immediate area near the shore and the existing seawall/coastal bank feature will remain in its existing state.
6. The alteration will have no impact on any existing public access or use of the property or the shoreline. The land is privately owned with no public right of way to the shore. There will be no structures on the shoreline or within the coastal bank area which would impede or in any manner impact public access along the shore. The tie off pilings are 13' from the north property line extension.
7. The project does not impose any adverse impacts within the water and will have no impacts on circulation, flushing, or sedimentation.
8. There will be no impacts on water quality due to this project. The project is consistent with all abutting land use, has no coastal structures or discharges, and will not impact water quality.
9. The proposed project is not on a site of historic significance and will have no impacts on any areas of historic or archaeological significance.
10. The lot is zoned for single family dwellings and will have no impacts or conflicts with other water dependent uses. The existing shoreline is heavily developed with similar coastal structures. There are no additional proposed shoreline or coastal structures and there will be no impacts on such uses as recreational boating, fishing or swimming.
11. The site has been constructed to be consistent with all abutting land use and landscaping design measures are intended to minimize any scenic impacts on the area. All abutting parcels currently are developed with single family dwellings, with the exception of the substandard lot to the immediate north. The site grading and structure locations have been intended to minimize the visual impact of the project.

Please contact this office at 508-379-1234 if you should have any questions or require additional information.

Very truly yours,  
Mount Hope Engineering, Inc.

  
Todd Chaplin, PE





REVISED: 09/15/17  
 REVISED: 06/09/17  
 REVISED: 05/18/17  
 REVISED: 03/29/17  
 REVISED: 12/26/16

**EXISTING CONDITIONS PLAN TO ACCOMPANY CRMC**

PREPARED FOR: KIRK DEXTER  
 35 SHORE DRIVE  
 WARREN, RI 02885

OWNED BY: KIRK DEXTER

LOCATION: MAP 17, LOT 125  
 35 SHORE DRIVE, WARREN

SCALE: 1" = 20'

DATE: 10/27/16

DRAWN: AB

DESIGN: TC

CHECKED: TC

PROJECT NO.  
16-304

SHEET NO.  
1 OF 1

TODD CHAPLIN  
  
 REGISTERED PROFESSIONAL ENGINEER

**Mount Hope**  
**ENGINEERING**  
 CIVIL/ENVIRONMENTAL SERVICES  
 Post Office Box 943  
 Portsmouth, Rhode Island 02871  
 (401) 683-1934/(508) 379-1234

RECEIVED  
 OCT 16 2017  
 COASTAL RESOURCES  
 MANAGEMENT COUNCIL

REDUCED BY  
 CRMC  
 6/18/18

REVIS  
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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

## APPLICATION FOR STATE ASSENT

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

File No. (CRMC use only):		2017-05-012
Project Location:	35 Shore Road	Warren
	Number Street	City/Town
Owner's Name:	Kirk Dexter	Plat: 17 Lot(s): 125
Mailing Address:	35 Shore Dr. Warren RI 02885	Res. Tel. #: 401 742 5806 Bus. Tel. #:
Contractor RI Lic. #	Address:	Tel. No.
Designer:	Address:	Tel. No.
Waterway: Kickinuit River	Est. Project Cost: 3000.00	Fee/Costs:
Description of work proposed (a brief description of all elements of work <b>MUST</b> be included here, additional sheets may be attached): <div style="font-size: 1.2em; padding: 5px;">Approval of As built pilings, removed dock from dock</div>		

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): 1995-01-045, 2002-04-039, 1995-06-069, 16-0086 CD

Is this site within a designated historic district?  YES  NO 2016-11-022

Is this application being submitted in response to a coastal violation?  YES  NO

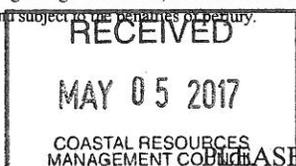
If YES, you must indicate NOV or C&D Number: 16-0086 CD

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.)

Kapberg & Kalina Braback, 32 Shore Dr Warren RI 02885 lots 46 + 65  
Alan & Susan Knight, 33 Shore Dr Warren RI 02885 lot 127

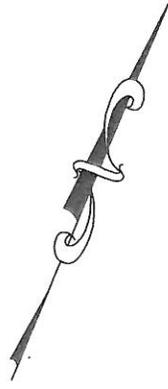
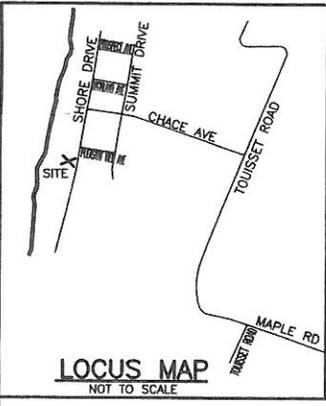
**STORMTOOLS** (<http://www.beachsamp.org/resources/stormtools/>) is a planning tool to help applicants evaluate the impacts of sea level rise and storm surge on their projects. The Council encourages applicants to use STORMTOOLS to help them understand the risk that may be present at their site and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



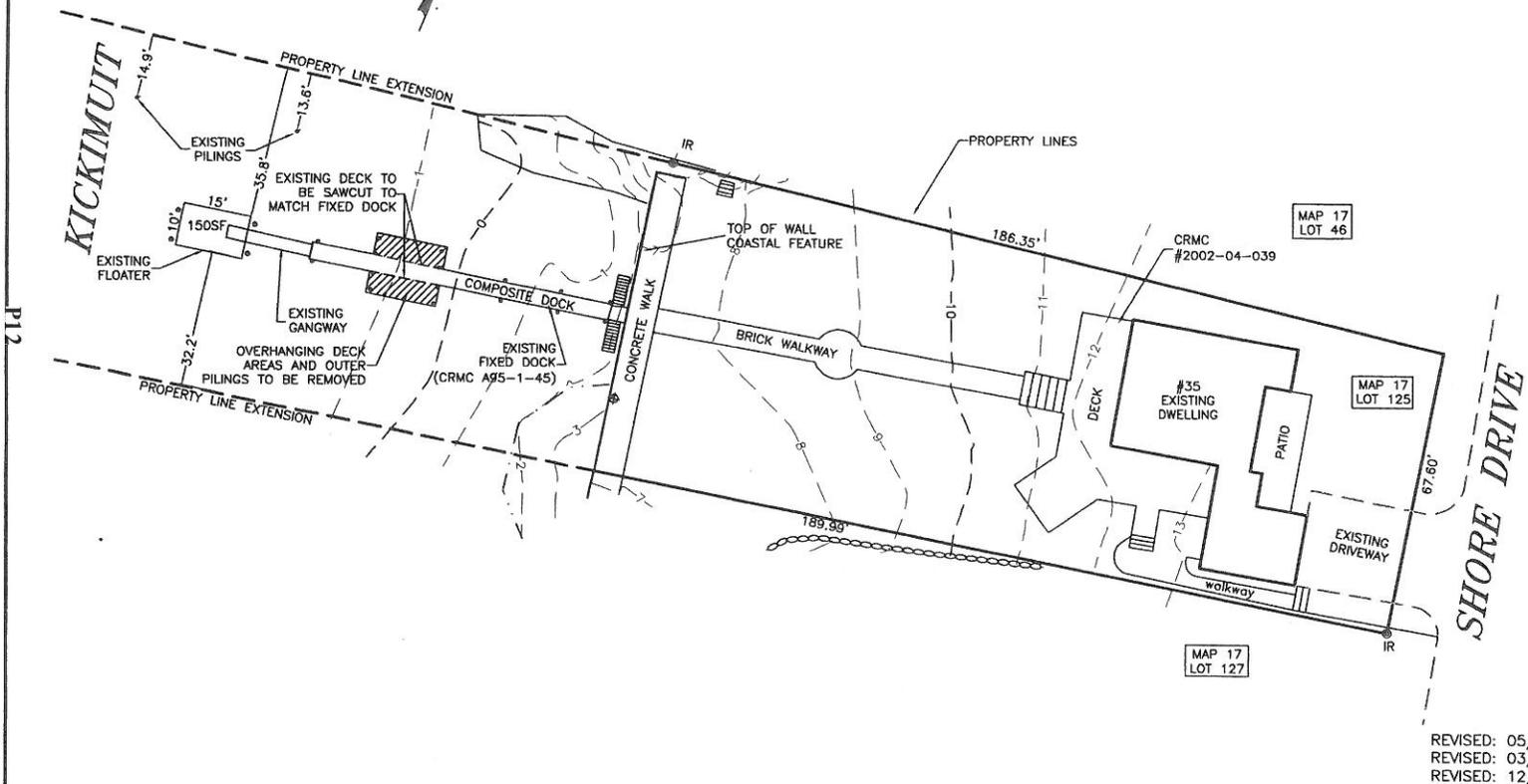
*Kirk Dexter*      KIRK DEXTER  
 Owner's Signature (sign and print)

REVIEW REVERSE SIDE OF APPLICATION FORM



### GENERAL NOTES

1. ALL CHANGES TO THIS PLAN MUST BE APPROVED BY THE RI CRMC, TOWN OF WARREN, AND/OR MOUNT HOPE ENGINEERING, INC.
2. ALL WORK AND MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE STATE ENVIRONMENTAL CODE AND ANY APPLICABLE LOCAL RULES AND REGULATIONS.
3. ALL ELEVATIONS BASED ON MSL DATUM.
4. PROPERTY LINE INFORMATION FROM FIELD SURVEY.
5. DOCK INFORMATION TAKEN FROM PLAN SET TITLED "DOCK FOR KIRK DEXTER RESIDENCE", DRAWN BY YODER ENGINEERING GROUP, AND DATED OCTOBER 1994 AND FILED WITH CRMC UNDER ASSENT A95-1-45. EXISTING DOCK AND PILINGS LOCATED BY FIELD SURVEY ON OCTOBER 13, 2016.

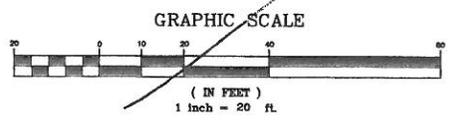


### LEGEND

- - - - - 56 - - - - - EXISTING CONTOURS
- - - - - 56 - - - - - PROPOSED CONTOURS
- - - - - D - - - - - DRAIN LINE
- - - - - W - - - - - WATER LINE
- - - - - SF - - - - - PROPOSED SILT FENCE
- ⊗ - - - - - TEST PIT
- ⊙ - - - - - PERCOLATION TEST
- 56x5 - - - - - EXISTING SPOT GRADE
- 56x5 - - - - - PROPOSED SPOT GRADE
- ⊖ - - - - - BOUND
- ⊙ - - - - - DOWNSPOT

REVISED: 05/18/17  
 REVISED: 03/29/17  
 REVISED: 12/26/16

Reduced. Not to scale



EXISTING CONDITIONS PLAN TO ACCOMPANY CRMC	
PREPARED FOR: KIRK DEXTER 35 SHORE DRIVE WARREN, RI 02885	SCALE: 1" = 20' DATE: 10/27/16
OWNED BY: KIRK DEXTER	DRAWN: AB
LOCATION: MAP 17, LOT 125 35 SHORE DRIVE, WARREN	DESIGN: TC
	CHECKED: TC
	PROJECT NO. 16-304
 <b>Mount Hope ENGINEERING</b> CIVIL/ENVIRONMENTAL SERVICES Post Office Box 943 Portsmouth, Rhode Island 02871 (401) 683-1934/(508) 379-1234	SHEET NO. 1 OF 1



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: 2017-05-012 Date: June 12, 2017

This office has under consideration the application of:

Kirk Dexter  
 35 Shore Drive  
 Warren, RI 02885

for a State of Rhode Island Assent to construct and maintain: “As-built” tie off piles on the north side of the existing facility, requiring a Variance to Section 300.4.E.3k.

Project Location:	35 Shore Road
City/Town:	Warren
Plat/Lot:	17 / 125
Waterway:	Kickimuit River

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.

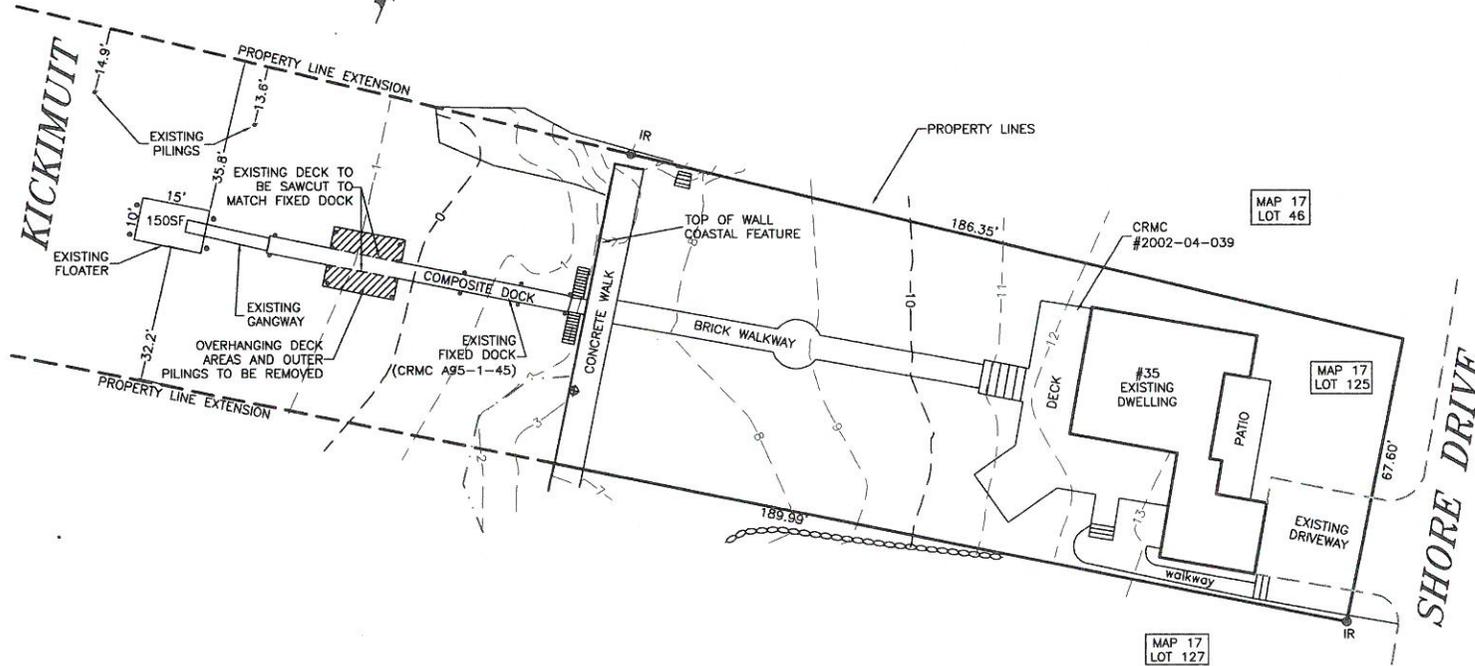
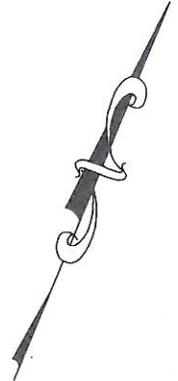
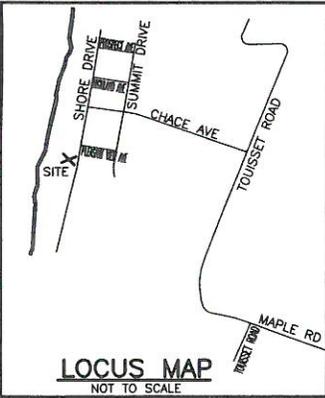
You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what 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 July 12, 2017.

/lat

## GENERAL NOTES

1. ALL CHANGES TO THIS PLAN MUST BE APPROVED BY THE RI CRMC, TOWN OF WARREN, AND/OR MOUNT HOPE ENGINEERING, INC.
2. ALL WORK AND MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE STATE ENVIRONMENTAL CODE AND ANY APPLICABLE LOCAL RULES AND REGULATIONS.
3. ALL ELEVATIONS BASED ON MSL DATUM.
4. PROPERTY LINE INFORMATION FROM FIELD SURVEY.
5. DOCK INFORMATION TAKEN FROM PLAN SET TITLED "DOCK FOR KIRK DEXTER RESIDENCE", DRAWN BY YODER ENGINEERING GROUP, AND DATED OCTOBER 1994 AND FILED WITH CRMC UNDER ASSENT A95-1-45. EXISTING DOCK AND PILINGS LOCATED BY FIELD SURVEY ON OCTOBER 13, 2016.

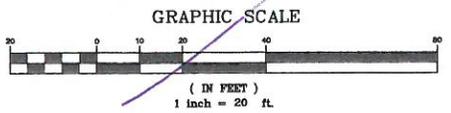


## LEGEND

- - - - -56- - - - EXISTING CONTOURS
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- SF - PROPOSED SILT FENCE
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- ⊙ DOWNSPOUT

REVISED: 05/18/17  
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*Reduced. Not to scale*



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<b>Mount Hope ENGINEERING</b> CIVIL/ENVIRONMENTAL SERVICES Post Office Box 943 Portsmouth, Rhode Island 02871 (401) 683-1934/(508) 379-1234	
	SHEET NO. 1 OF 1



# Conservation Commission

Town of Warren, Rhode Island 02885

RECEIVED

JUL 24 2017

COASTAL RESOURCES  
MANAGEMENT COUNCIL

July 18, 2017

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

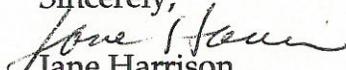
Re: File Number 2017-05-012  
Kirk Dexter  
35 Shore Drive  
Warren, RI 02885

Dear Mr. Fugate:

The Warren Conservation Commission objects to the Coastal Resources Management Council's propensity for granting variance after variance for docks that exceed the CRMP's standards. The result of these variances is an accumulation of oversized docks that usurp public water areas and make them private. CRMC should consider the cumulative impact of those docks on lateral access along the shore and on competing uses of these public waters such as swimming and shellfishing.

In the case of this "as-built" application, the property line extensions are drawn in such a way as to appropriate some of the abutter's water rights. If a property has 70 feet of shoreline frontage, it should have only 70 feet of water rights, not 78 or more feet as shown on the current application. The property line extension should be drawn perpendicular to the shoreline. Therefore, the tie off pilings should be removed since they are out of compliance with CRMC regulations.

Sincerely,

  
Jane Harrison  
Secretary

**From:** Andrew Karberg <ackarberg@gmail.com>  
**Sent:** Tuesday, July 11, 2017 10:10 AM  
**To:** cstaff1@crmc.ri.gov  
**Cc:** Andrew Karberg; Andrew Karberg  
**Subject:** File # 2017-05-012 - Kirk Dexter 35 Shore Dr Warren 02885  
**Attachments:** CRMC Objection.pdf

Please accept the following written objection to the proposed "as built" tie off "piles" requiring a variance to section 300.4.E.3k:

1. The tie-off piles are only 13.6' and 14.9' (ft) from the property line extension. Section 300.4.E.3k provides 25' (ft) buffer from "extension of property lines" unless (1) it is a common structure shared by adjacent landowners, or (2) letters of no objection are filed by adjacent landowners. In this instance, neither (1) or (2) above is true - this is not a shared structure and letters of no objection have not been filed.

(2) At 13.6' and 14.9' - the 25' buffer from the 'extension of property lines' is only 50-60% met requiring a variance of 40-50% - given the nature and use of the adjoining properties this variance is unreasonable. The placement of these pilings has significant negative impact upon my littoral / riparian rights to access and use the river. Furthermore, such a variance establishes a precedent that would allow placement of similar pilings by our neighbors to the south. The cumulative impact would be to severally curtail our present littoral and riparian rights.

(3) The placement of the pilings is not "contiguous" with the existing dock structure. These pilings are over 22' (ft) from the dock float platform. As situated these pilings create congestion.

(4) My observations of other existing docks on the river are that larger boats are accommodated perpendicularly at the end of the dock using pilings and floats in an "L" or "T" fashion. Two pilings, one situated to the N and the other to the S of the existing float would seem a reasonable alternative without variance implications.

(5) Bad Faith / Unclean Hands - "He who comes into Equity must come with clean hands." This is an ancient roman legal maxim. The doctrine of unclean hands / bad faith protects the integrity of the commission and promotes justice. It protects the commission's integrity by precluding an applicant with unclean hands (or acting in bad faith) from obtaining a permit or variance, because to do otherwise casts doubt upon the justice provided by the commission. It upholds the commissions integrity and prevents a wrongdoer from the fruits of their transgressions. Mr. Dexter comes before the council in bad faith and with unclean hands. Mr. Dexter appeals to the board for a variance to an ordinance that he knowingly and willingly violated. Mr. Dexter is very familiar with the permitting process having obtained permits in 1995, 1996, 2000, and 2002. However, despite this knowledge he proceeded without permit to install two pilings requiring substantial variance from present ordinance/regulation.

(6) Finally, the burden is on Mr. Dexter to demonstrate "necessity" for such variance. I hereby request a copy of any information regarding the need for such a variance.

I appreciate your attention, time, and effort on this matter.

## Amy Silva

---

**From:** DeAngelis, Joseph <JDeAngelis@apslaw.com>  
**Sent:** Tuesday, September 05, 2017 9:28 AM  
**To:** Amy Silva  
**Subject:** RE: Dexter dock issue

We will prepare the new plans and variance request.

**From:** Amy Silva [<mailto:asilva@crmc.ri.gov>]  
**Sent:** Tuesday, September 5, 2017 9:25 AM  
**To:** DeAngelis, Joseph <[JDeAngelis@apslaw.com](mailto:JDeAngelis@apslaw.com)>  
**Subject:** RE: Dexter dock issue

Joe-  
I never suggested any distances. I discussed with Todd revisions to better meet the regulations (relocate pilings, revise float) as I explained earlier.

From the plans, 18 feet from the float is within the 25' setback and still Variant. I can't comment on Variance requests without having plans and a Variance Request. All I can say at this point is that it appears that proposal is a bit less variant than the current proposal.

-Amy

Amy L. Silva  
Senior Environmental Scientist  
CRMC  
4808 Tower Hill Rd.  
Wakefield, RI 02879  
(401)783-3370p/(401)783-3767f

---

**From:** DeAngelis, Joseph [<mailto:JDeAngelis@apslaw.com>]  
**Sent:** Tuesday, September 05, 2017 9:14 AM  
**To:** Amy Silva  
**Subject:** RE: Dexter dock issue

I thought you had suggested that the pilings be placed 15 feet from the float. Their boat has a wide beam that would only allow about 5 or 6 inches on either side. The dexters can move the pilings to 18 feet from the float as an attempt to ask for the least variance.

**From:** Amy Silva [<mailto:asilva@crmc.ri.gov>]  
**Sent:** Tuesday, September 5, 2017 9:13 AM  
**To:** DeAngelis, Joseph <[JDeAngelis@apslaw.com](mailto:JDeAngelis@apslaw.com)>  
**Cc:** 'Kirk Dexter' <[k.dexter@nepcosignsupply.com](mailto:k.dexter@nepcosignsupply.com)>; 'Susan Dexter' <[s.dexter@nepcosignsupply.com](mailto:s.dexter@nepcosignsupply.com)>  
**Subject:** RE: Dexter dock issue

Joe-  
Im not sure what you're referring to. I never suggested any numbers. I spoke to Todd Chaplin about alternatives that better meet the regulations. One option was moving the pilings closer to the 25' property line setback, or to the 25' property line setback. Another was rotating the float so the vessel can dock bow to the prevailing winds.

If your applicant chooses to revise, we need revised plans. If the revisions are still variant, we need a revised Variance Request.

-Amy

Amy L. Silva  
Senior Environmental Scientist  
CRMC  
4808 Tower Hill Rd.  
Wakefield, RI 02879  
(401)783-3370p/(401)783-3767f

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**From:** DeAngelis, Joseph [<mailto:JDeAngelis@apslaw.com>]  
**Sent:** Tuesday, September 05, 2017 8:53 AM  
**To:** Amy Silva  
**Cc:** Kirk Dexter; Susan Dexter  
**Subject:** Dexter dock issue

Amy

My clients think they can move the pilings to a point 18 feet rather than 15 feet, as you suggested. 15 feet gives us only 6 inches on each side to berth the boat. What do you think?

**JOSEPH DEANGELIS, ESQ.**

[V-CARD](#) | [BIO](#) | [WEBSITE](#) | [JDEANGELIS@APSLAW.COM](mailto:JDEANGELIS@APSLAW.COM)

One Citizens Plaza, 8th Floor, Providence RI 02903  
401.274.7200 | fax 401.351.4607 | cell 401.338.8800

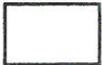


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## Amy Silva

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**From:** Andrew Karberg <ackarberg@gmail.com>  
**Sent:** Tuesday, July 18, 2017 11:24 AM  
**To:** Amy Silva  
**Subject:** Re: File # 2017-05-012 - Kirk Dexter 35 Shore Dr Warren 02885

Hi Amy,

Thanks for sending along the attachment.

Two quick points to mention:

- (1) The Dexter's have a mooring that the large boat is kept on.
- (2) The pilings had a substantial negative visual impact when we attempted to sell our house last summer.

Thanks for your help. Best, Andrew

On Tue, Jul 18, 2017 at 9:55 AM, Amy Silva <[asilva@crmc.ri.gov](mailto:asilva@crmc.ri.gov)> wrote:

Mr. Karberg-

Thank you for the clarification of your impact concerns. I don't think I need further clarification.

I've attached a PDF of the Variance Request and the project narrative. The entire file is available for review at our offices, if you should wish to see it (there's not much more to it – the plans (which were in the public notice), the application form, proof of ownership...)

-Amy

Amy L. Silva

Senior Environmental Scientist

CRMC

4808 Tower Hill Rd.

Wakefield, RI 02879

(401)783-3370p/(401)783-3767f

**From:** Andrew Karberg [mailto:[ackarberg@gmail.com](mailto:ackarberg@gmail.com)]  
**Sent:** Tuesday, July 18, 2017 9:07 AM  
**To:** Amy Silva  
**Subject:** Re: File # 2017-05-012 - Kirk Dexter 35 Shore Dr Warren 02885

Hi Amy,

I am an the abutting landowner (to the South). We use our beachfront for a variety of activities with our kids - swimming, fishing, boating, kayaking, sailing, etc.

Because of the shape of our property the placement of the "pilings" so near to the "extended property" line has an impact on our access.

Let me know a convenient time today or tomorrow and I'm happy to call and provide some context. Maybe you can share the variance criteria over the phone? I'm free today except between 10-2. My schedule is mostly open tomorrow.

Thanks much,

Andrew

On Mon, Jul 17, 2017 at 11:33 AM, Amy Silva <[asilva@crmc.ri.gov](mailto:asilva@crmc.ri.gov)> wrote:

Mr. Karberg-

Could you clarify your concern about your littoral access? Are you one of the abutting neighbors or a recreational user of this area (kayaker etc).

I'm the staff member reviewing this application and am trying to finish up review and write the report for the Council, and don't want to confuse things by mistaking your concerns.

Also, regarding your request for the Variance Criteria. That is available to review at our offices; I will see if it can be emailed to you (the file isn't scanned to PDF until completion typically).

Thank you

-Amy

Amy L. Silva

Senior Environmental Scientist

CRMC

4808 Tower Hill Rd.

Wakefield, RI 02879

(401)783-3370p/(401)783-3767f

**From:** [cstaff1@crmc.ri.gov](mailto:cstaff1@crmc.ri.gov) [mailto:[cstaff1@crmc.ri.gov](mailto:cstaff1@crmc.ri.gov)]

**Sent:** Tuesday, July 11, 2017 10:43 AM

**To:** Amy L Silva

**Subject:** FW: File # 2017-05-012 - Kirk Dexter 35 Shore Dr Warren 02885

Amy – objection received.

Lisa A. Turner

Office Manager

Coastal Resources Management Council

O S Government Center

4808 Tower Hill Road, Rm 116

Wakefield, RI 02879

[\(401\)783-3370](tel:(401)783-3370)

 **This email is sent on 100% Unused Paper**  
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**From:** Andrew Karberg [mailto:[ackarberg@gmail.com](mailto:ackarberg@gmail.com)]  
**Sent:** Tuesday, July 11, 2017 10:10 AM  
**To:** [cstaff1@crmc.ri.gov](mailto:cstaff1@crmc.ri.gov)  
**Cc:** Andrew Karberg; Andrew Karberg  
**Subject:** File # 2017-05-012 - Kirk Dexter 35 Shore Dr Warren 02885

Please accept the following written objection to the proposed "as built" tie off "piles" requiring a variance to section 300.4.E.3k:

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I appreciate your attention, time, and effort on this matter.

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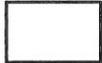
Andrew Karberg

32 Shore Dr.

Warren RI 02885

[ackarberg@gmail.com](mailto:ackarberg@gmail.com)

[512-626-2169](tel:512-626-2169)



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Andrew Karberg

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Andrew Karberg

## Amy Silva

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**From:** Kirk Dexter <k.dexter@nepcosignsupply.com>  
**Sent:** Tuesday, September 12, 2017 3:30 PM  
**To:** 'Amy Silva'  
**Subject:** RE: X-bracing on our pier @ 35 Shore Drive Warren RI

Amy,

Yes, you are correct, we have sent Todd a request to revise the plans for the pilings and x-bracing last week. I'm sorry that you were not copied or advised.

Thank you,

Kirk Dexter

Phone: 401-438-4550 Ext: 127  
Fax: 401-438-1533

[k.dexter@nepcosignsupply.com](mailto:k.dexter@nepcosignsupply.com)  
[www.nepcosignsupply.com](http://www.nepcosignsupply.com)



**From:** Amy Silva [<mailto:asilva@crmc.ri.gov>]  
**Sent:** Tuesday, September 12, 2017 1:47 PM  
**To:** 'Kirk Dexter'  
**Cc:** 'DeAngelis, Joseph'; Laura Miguel  
**Subject:** RE: X-bracing on our pier @ 35 Shore Drive Warren RI

Mr. Dexter-

I suggest including the cross bracing on the current application for the pilings. It is my understanding that revisions are being made to the plans; the cross bracing notes can be added.

-Amy

Amy L. Silva  
Senior Environmental Scientist  
CRMC  
4808 Tower Hill Rd.  
Wakefield, RI 02879  
(401)783-3370p/(401)783-3767f

**From:** Kirk Dexter [<mailto:k.dexter@nepcosignsupply.com>]  
**Sent:** Wednesday, September 06, 2017 4:03 PM  
**To:** [asilva@crmc.ri.gov](mailto:asilva@crmc.ri.gov)  
**Cc:** 'DeAngelis, Joseph'  
**Subject:** X-bracing on our pier @ 35 Shore Drive Warren RI

Hello Amy,

The X bracing on our existing pier has rotted away on all of the lower sections which are submerged most of the time (see attached pictures). I am asking for your blessing to allow us to have the X-bracing replaced in the same configuration.

Thank you,

**Kirk Dexter**

Phone: 401-438-4550 Ext: 127

Fax: 401-438-1533

[k.dexter@nepcosignsupply.com](mailto:k.dexter@nepcosignsupply.com)

[www.nepcosignsupply.com](http://www.nepcosignsupply.com)



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