

CRMC DECISION WORKSHEET

2020-11-031

Richard Carlucci & Nga Le

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
2020-11-031	Warwick	153 Charlotte Drive			A*	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	201	Lot			
		Owner Name and Address					
Date Accepted	11/24/2020	Richard Carlucci & Nga Le 153 Charlotte Drive Warwick, RI 02818			Work at or Below MHW		X
Date Completed	11/8/2021				Lease Required		<input type="checkbox"/>

PROJECT DESCRIPTION

Construct /maintain a residential boating facility consisting of a 4ft x34ft fixed pier, 24ft ramp, 10ft x15ft terminal float, and two tie off piles

KEY PROGRAMMATIC ISSUES

Coastal Feature: Concrete Seawall

Water Type: Type 2, Greenwich Bay

CRMP: 1.1.4(A) 1.2.1(C) 1.2.2(F) 1.3.1(D)

SAMP: NA

Variances and/or Special Exception Details: none

Additional Comments and/or Council Requirements: consideration of objectors comments

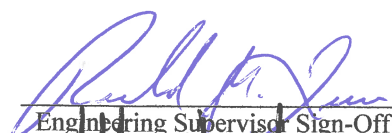
Specific Staff Stipulations (beyond Standard stipulations):

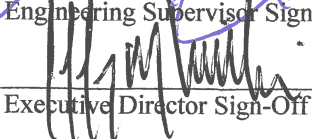
STAFF RECOMMENDATION(S)

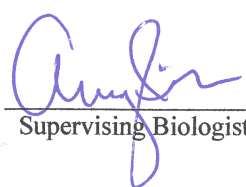
Engineer RAS Recommendation: No Objection

Biologist _____ Recommendation: _____

Other Staff _____ Recommendation: _____


 Engineering Supervisor Sign-Off 11/10/21
 date


 Executive Director Sign-Off 12 NOV 2021
 date


 Supervising Biologist Sign-off 11/21/21
 date

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

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

TO: Jeffrey M. Willis, Acting Executive Director
DEPT: Coastal Resources Management Council
FROM: Ross Singer
DEPT: CRMC Engineering Section

Date: 11/08/21

SUBJ: CRMC File No.: A*2020-11-031
Owner: Richard Carlucci & Nga Le
Site Address: 153 Charlotte Drive Plat: 201 Lot: 87
Site Town: Warwick
Project: Construct and maintain residential boating facility

Water Type/Name: Type 2, Greenwich Bay

Coastal Feature: Concrete seawall

Project Description:

The proposed residential boating facility consists of a 4ft x34ft fixed pier, 24ft ramp, 10ft x15ft terminal float, and two tie off piles. The facility is proposed to extend 41 feet beyond mean low water achieving a water depth of 18 inches. In addition, an existing 3ftx25ft concrete pier and steps will be demolished and removed from the site. No variances are required for this project.

The site is constrained by an adjacent public right of way boat ramp at the terminus of Robert Avenue, and angled property line extensions.

Public notice was last issued July 9, 2021. Objections were received from the abutting property owner, residing at 161 Charlotte Drive, thus requiring this project to be heard in front of the Coastal Council for a decision.

Staff Comments:

The project was originally proposed to be a much larger facility with an attached boat lift. The proposed facility had consisted of a 111ft fixed pier, 20,000lb boat lift, with a ramp and terminal float proposed adjacent to the fixed pier. The design had required both a length and width variance. In addition, due to the site constraints of the angled property line extensions, the facility was proposed to extend on an angle from the shoreline extending towards the abutting property. Public notice was issued on December 7, 2020. An objection was issued from Mr. King, who resides at the abutting property at 161 Charlotte Drive, stating the proposed facility interfered with their riparian rights. Mr. King stated that the size of the facility and the angled position would interfere with his view and prevent the possibility of a dock being built on his property. In addition, Mr. King disputed the location of the property line illustrated on the site plan, claiming that an existing

CRMC File Number

stairway off the seawall is his property.

A response to the objection was received from the Applicant's attorney dated February 2, 2021 disputing the issues raised concerning the property boundary. A professional land survey was provided showing accurate property boundaries. The survey shows that the seawall was later built seaward of the original plat map bounds. Mr. King also submitted a document from the Army Corps of Engineers stating the seawall and stairway has been in place prior to 1968 and the formation of CRMC, therefore not needing a permit. However, it appears that the stairway may actually be located across the property line on the applicant's lot, 153 Charlotte Drive, when extending the property line from the original bounds up to the existing seawall. Staff is not aware of any currently pending lawsuits, and at this time it does not appear that Mr. King is pursuing legal action to claim adverse possession.

A revised plan for the residential boating facility and boat lift was submitted in response to Staff's request to minimize the design in April 2021. While the design was shortened and straightened to an extent, it still consisted on a fixed pier with adjacent ramp and float design, requiring a variance to the width of the dock. An information request was issued by Staff in May 2021 stating that the project was not adequately minimized and questioned the necessity of the boat lift.

In response to the information request, the Applicant submitted a revised design consisting of a straight pier, ramp, and float; omitting the boat lift. Public notice was re-issued July 9, 2021. An objection was received again from the abutting property owner, Joseph King, restating concerns of the facility interfering with his riparian rights. Mr. King stated that the tie off piles pose a danger for recreational water use at his property. In addition, he expressed worries of future possibility of a boat lift being constructed. In response, the applicant submitted the final revision of the plans dated October 18, 2021, moving the facility farther away from the property line, 25 feet away from the disputed stairway.


The facility is proposed to be located greater than 25 feet from the property line extensions along the entire length of the proposed facility in accordance with Redbook section 1.3.1(D)(11)(k). The regulations state: "*Residential and limited recreational boating facilities shall not intrude into the area within twenty-five (25) feet of an extension of abutting property lines.*" Due to fact that the property line extends on an angle instead of perpendicular from the shore, the proposed facility appears to be in close proximity to the abutting property. That said, the facility is not located in front of the abutting property. The tie off piles are proposed to be 32 feet from the angled property line extension. Although the RICRMP uses the existing orientation of the property line extensions for establishing setback, if property line were extended perpendicularly from shore at the original corner of the property instead of angled, the tie off piles would be greater than 5 feet from the line, and the float would be located more than 20 feet from the line. It should be stressed that having tie off piles in the proposed location is preferred due to the fact that vessels would be docked away from interfering with the actively used boat ramp located to the east. Furthermore, in regards to Mr. Kings concerns that the proposed dock interferes with constructing a residential boating facility at his property, it should be noted that the lot at 161 Charlotte Drive only has approximately 30 feet of ocean frontage with converging lot lines; a residential boating facility would require significant variances in this location.

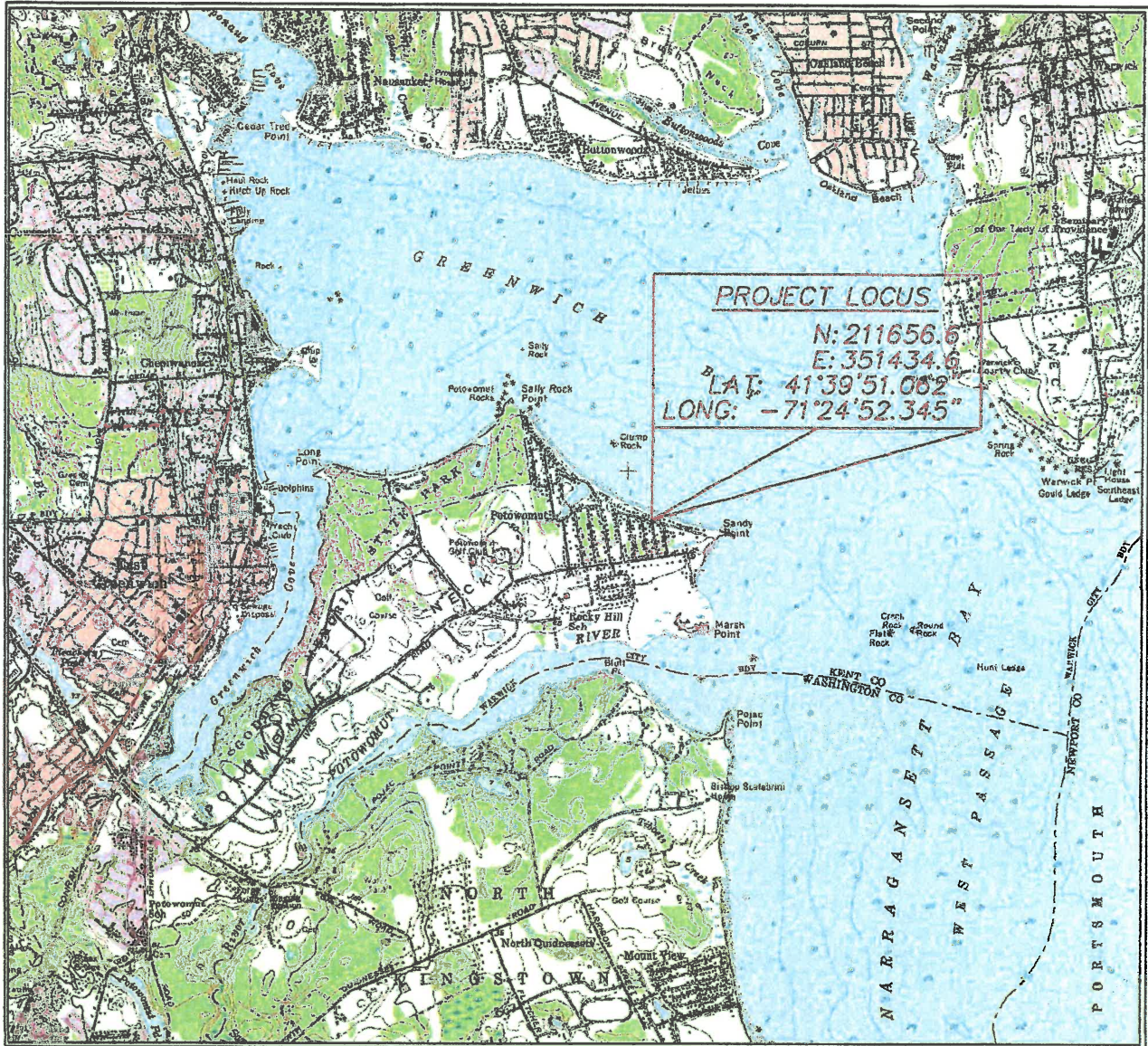
CRMC File Number


Conclusion/Staff Recommendation:

It is the Staff's opinion that the proposed residential boating facility has been minimized to the greatest extent possible. The proposed facility maintains a setback greater than 25 feet from both property line extensions and only extends 41 feet past mean low water. The applicants have twice revised the design and removed the proposed boat lift to try to accommodate the concerns of the abutting property owners. The proposed facility meets all the standards set forth from the RICRMP and no variances are required.

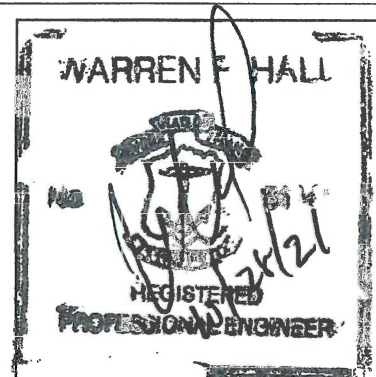
There are no engineering objections to the above described project. Should the Council approve the application, a standard dock assent will be prepared.

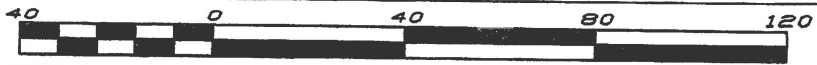
Signed  _____ Staff Engineer



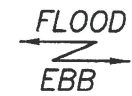

PROJECT LOCUS
 1"=4000'

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 OCTOBER 18, 2021 SHEET 1 OF 4





Scale 1" = 40'



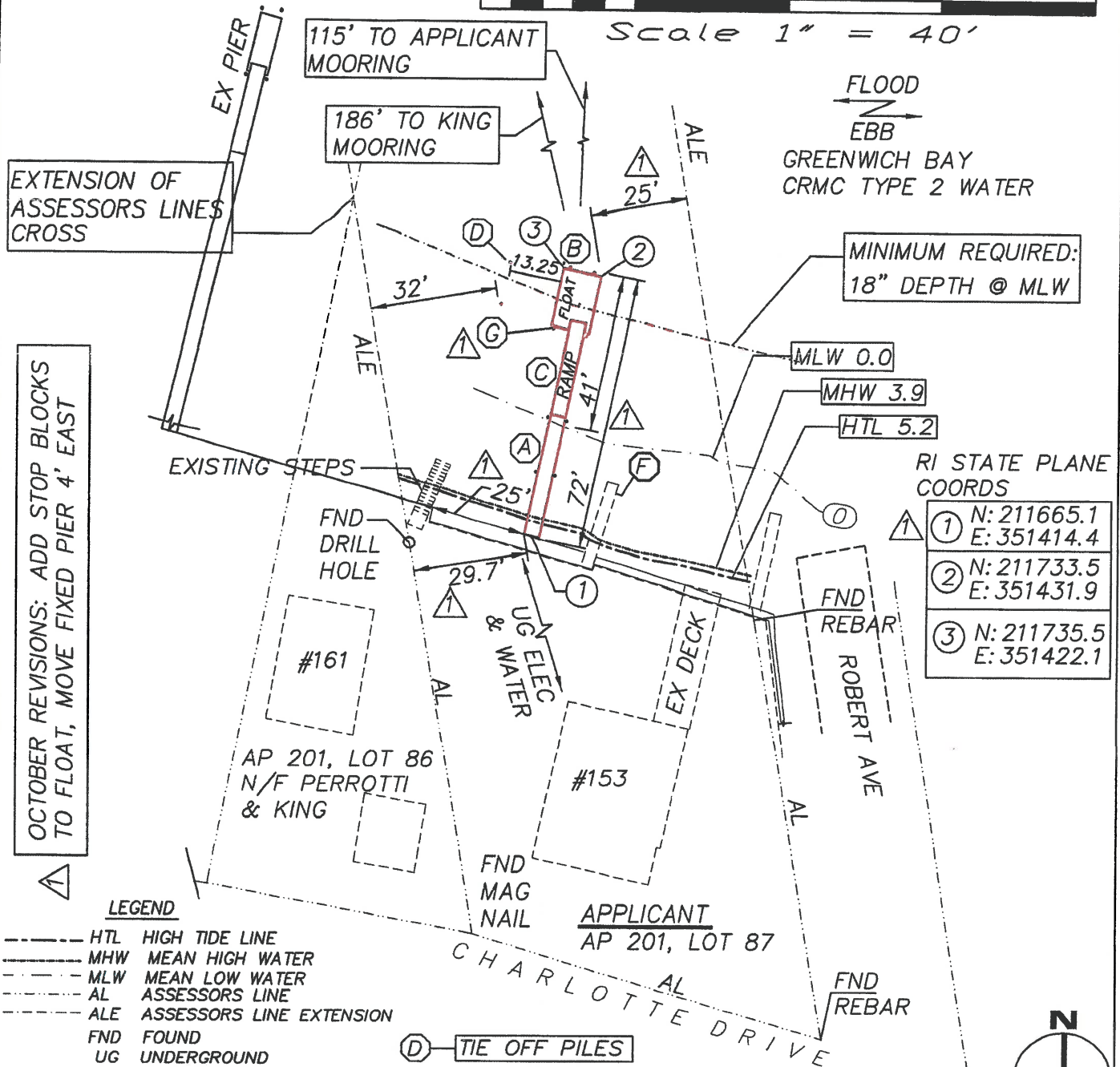
GREENWICH BAY
CRMC TYPE 2 WATER

MINIMUM REQUIRED:
18" DEPTH @ MLW

MLW 0.0
MHW 3.9
HTL 5.2

RI STATE PLANE
COORDS

①	N: 211665.1 E: 351414.4
②	N: 211733.5 E: 351431.9
③	N: 211735.5 E: 351422.1



EXTENSION OF
ASSESSORS LINES
CROSS

OCTOBER REVISIONS: ADD STOP BLOCKS
TO FLOAT, MOVE FIXED PIER 4' EAST

LEGEND

- HTL HIGH TIDE LINE
- MHW MEAN HIGH WATER
- MLW MEAN LOW WATER
- AL ASSESSORS LINE
- ALE ASSESSORS LINE EXTENSION
- FND FOUND
- UG UNDERGROUND

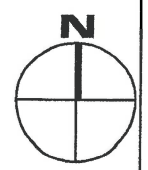
- (A) 4'x33.7' FIXED PIER
- (B) 10'x15' FLOAT
- (C) 25' RAMP

(D) TIE OFF PILES

REMOVE & DISPOSE:
(F) 3'x25'± CONCRETE
PIER AND STEPS

(G) PROVIDE FLOAT STOPS
TO KEEP FLOAT FROM
RESTING ON BOTTOM

PROPOSED RESIDENTIAL PIER FOR:
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153 CHARLOTTE DRIVE, WARWICK, RI 02818
AP 201, LOT 87
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OCTOBER 18, 2021 SHEET 2 OF 4

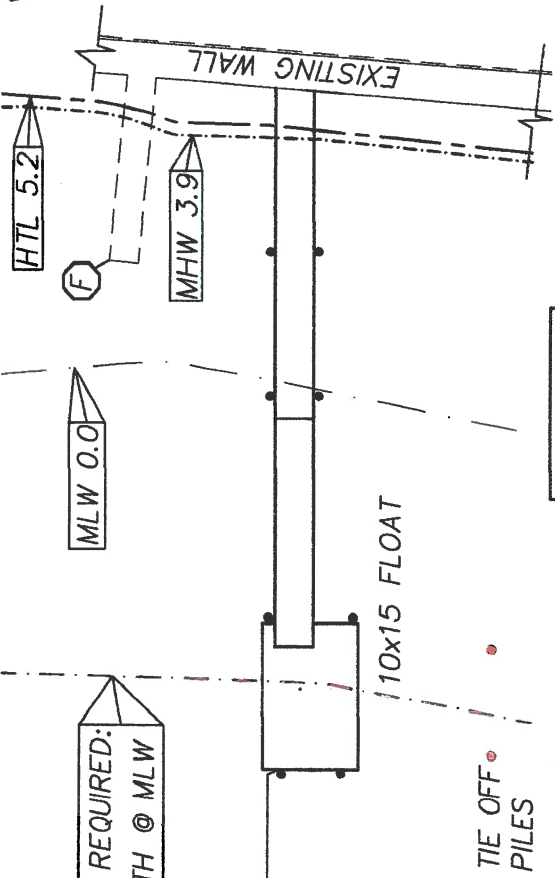


WARREN F HALL

REGISTERED
PROFESSIONAL ENGINEER



Scale 1" = 20'

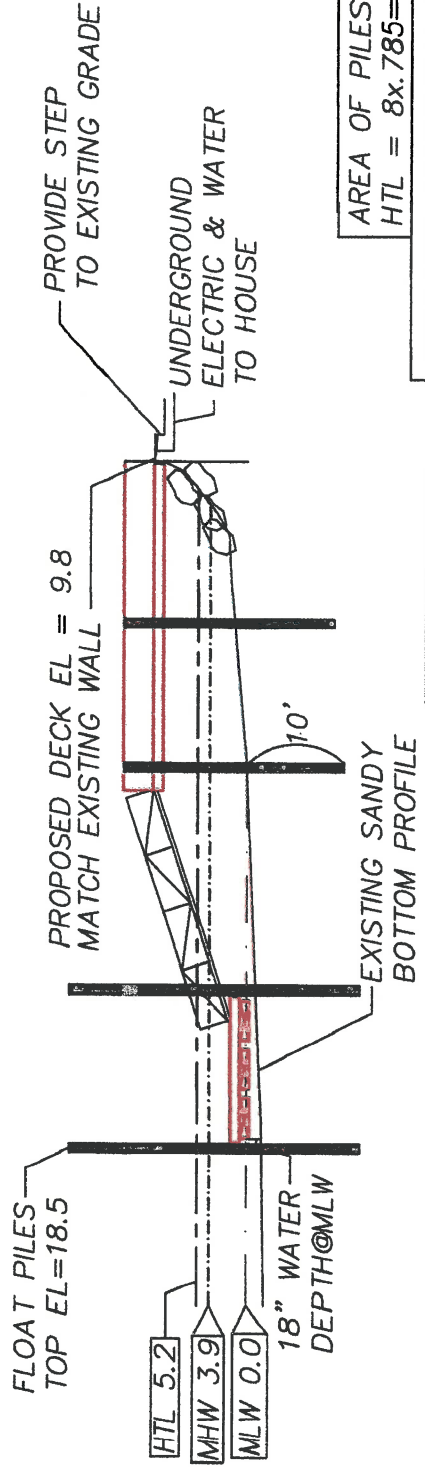


PLAN VIEW
1"=20'

PROVIDE BLOCKS TO PREVENT FLOAT FROM RESTING ON BOTTOM, 4 REQU'D

MINIMUM REQUIRED: 18" DEPTH @ MLW

REMOVE & DISPOSE: 3'x25'± CONCRETE PIER ⊥ TO SHORE AND STEPS



PROFILE VIEW
1"=20'

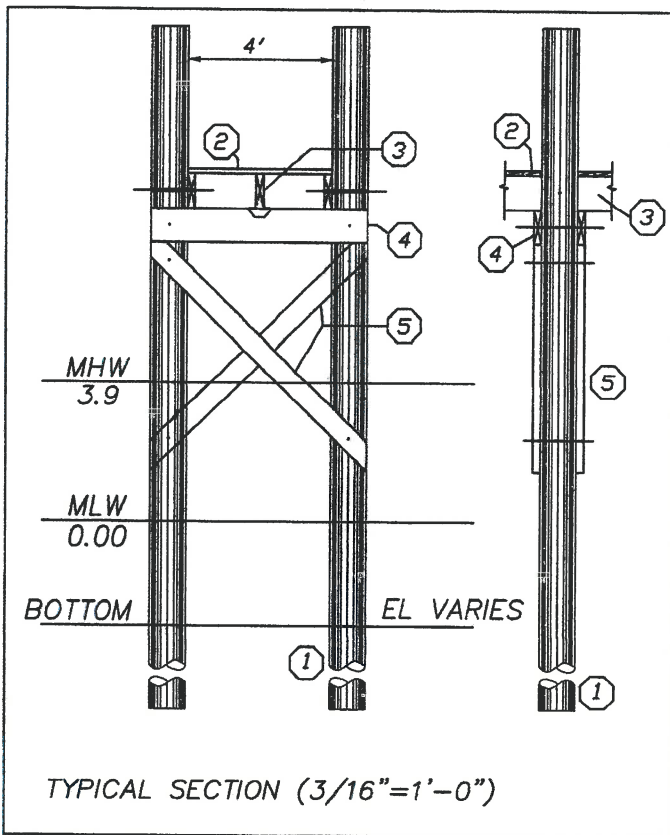
AREA OF PILES BELOW HTL = 8x.785=6.35F

FLOAT DESIGN: USE 12@24x48x12 ROTO MOLD 433# FLOATS
DL=150SF/10PSF+(12x33)=1896#
LL=150SF/20PSF=3000#
DL DRAFT=1896/5196=.36' (4.3")
LL DRAFT=3000/5196=.57' (6.8")
TOTAL DRAFT=.93' (11.2")
400# POINT LOAD=.52' (6.2") DRAFT

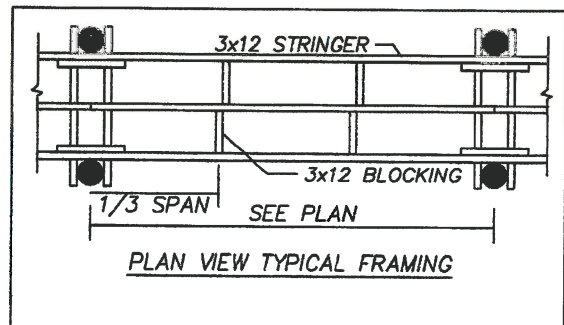
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RICHARD CARLUCCI & NGA LE
153 CHARLOTTE DRIVE, WARWICK, RI 02818
AP 201, LOT 87
BY: WARREN HALL, CIVIL ENGINEER
OCTOBER 18, 2021 SHEET 3 OF 4

PILE DRIVING NOTE:

A "soft start" is required to allow animals an opportunity to leave the project vicinity before sound pressure levels increase. In addition to using a soft start at the beginning of the work day for pile driving, one must also be used at any time following cessation of pile driving for a period of 30 minutes or longer. For impact pile driving: pile driving will commence with an initial set of three strikes by the hammer at 40% energy, followed by a one minute wait period, then two subsequent 3-strike sets at 40% with one minute waiting periods, before initiating continuous impact driving.



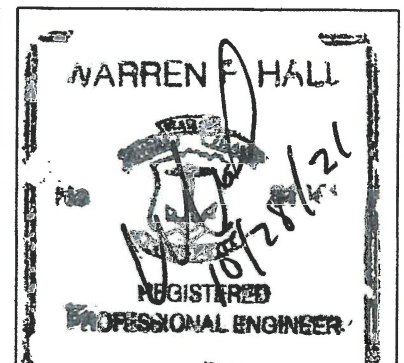
- ① 10" TIP CCA TREATED WOOD PILES
TREAT TO 2.5 PCF (1.0 ALLOWED WITH
OWNER CONSENT) GREENHEART AT FLOAT
- ② 2x6 DECKING ACQ TREATED TO .6 PCF
FASTEN TO STRINGERS WITH 3 @ 3-1/2"
NO. 10 316 STAINLESS STEEL SCREWS
- ③ 3x12 STRINGER, ACQ TREATED THRU BOLT AT PILE
FASTEN MIDDLE STRINGER WITH SIMPSON
H-1 HURRICANE ANCHOR
- ④ 2-3x12 CAP BEAM, ACQ TREATED TO
.6 PCF
- ⑤ 3x10 CROSS BRACE, ACQ TREATED TO
2.5 PCF



GENERAL NOTES:

- 1) ALL BOLTS, CONNECTORS, WASHERS, NAILS, ECT
SHALL BE HOT DIPPED GALVANIZED
- 2) CONTRACTOR SHALL ADHERE TO ALL OSHA RULES
AND REGULATIONS THROUGHOUT ALL PHASES OF
CONSTRUCTION
- 3) CONTRACTOR SHALL BE AWARE THAT THE STRATA
INTO WHICH THESE PILES ARE TO BE DRIVEN
MAY REQUIRE DRILLING TO ENSURE A MINIMUM
10' PENETRATION BELOW EXISTING GRADE

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State of Rhode Island
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: 2020-11-031 Date: July 9, 2021

This office has under consideration the application of:

Richard Carlucci & Nga Le
153 Charlotte Drive
Warwick, RI 02818

for a State of Rhode Island Assent to construct and maintain: a residential boating facility consisting of a 4'x34' fixed pier, 24' ramp and 10'x15' terminal float. The facility is proposed to extend 40' beyond mean low water achieving a water depth of 18 inches.

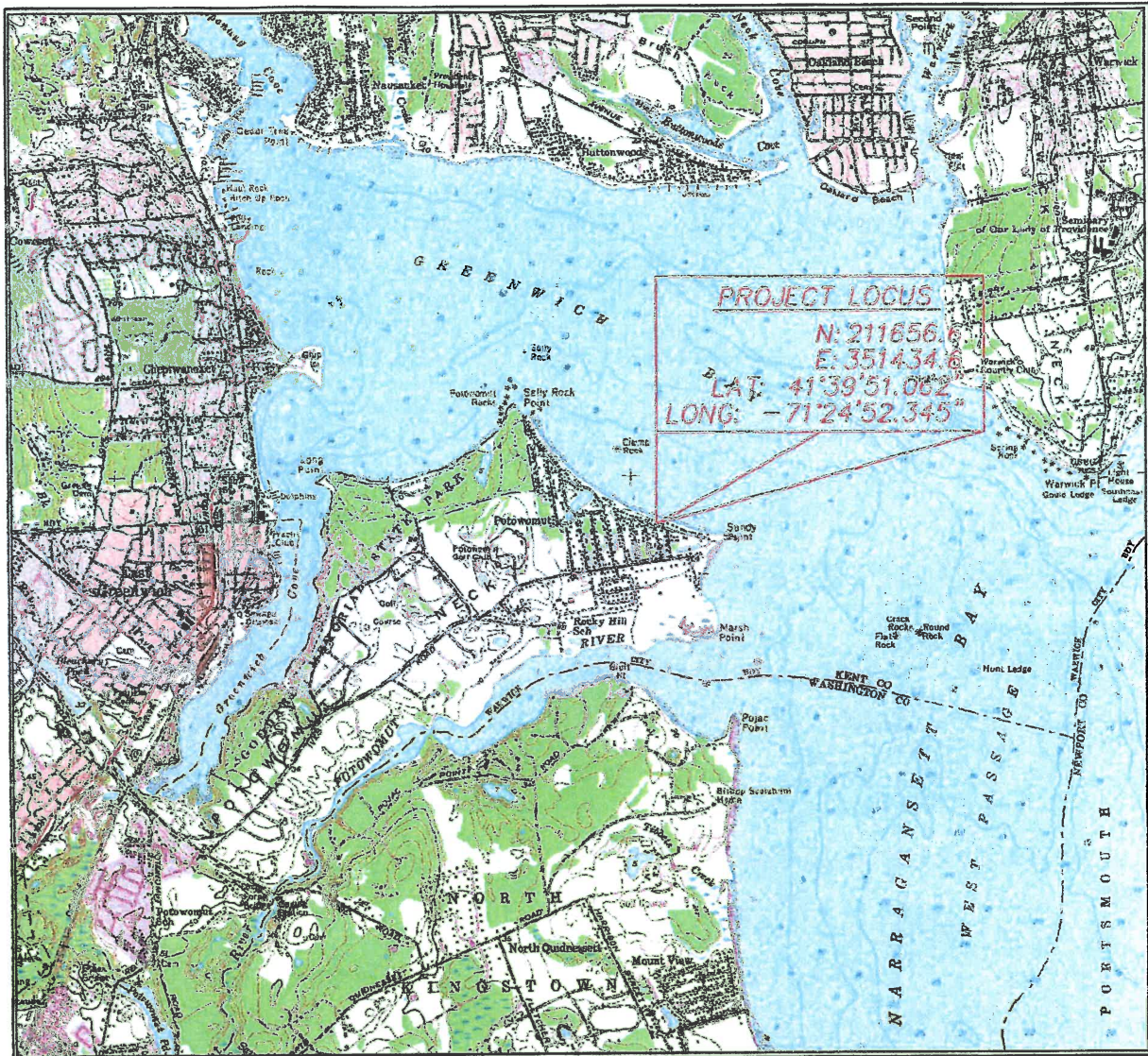
Project Location:	153 Charlotte Drive
City/Town:	Warwick
Plat/Lot:	201 / 87
Waterway:	Greenwich Bay


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

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

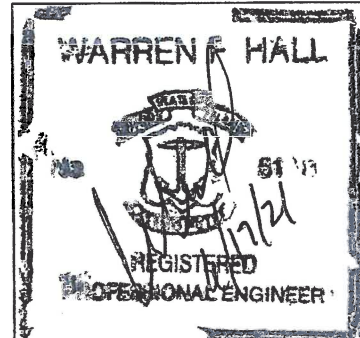
You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what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

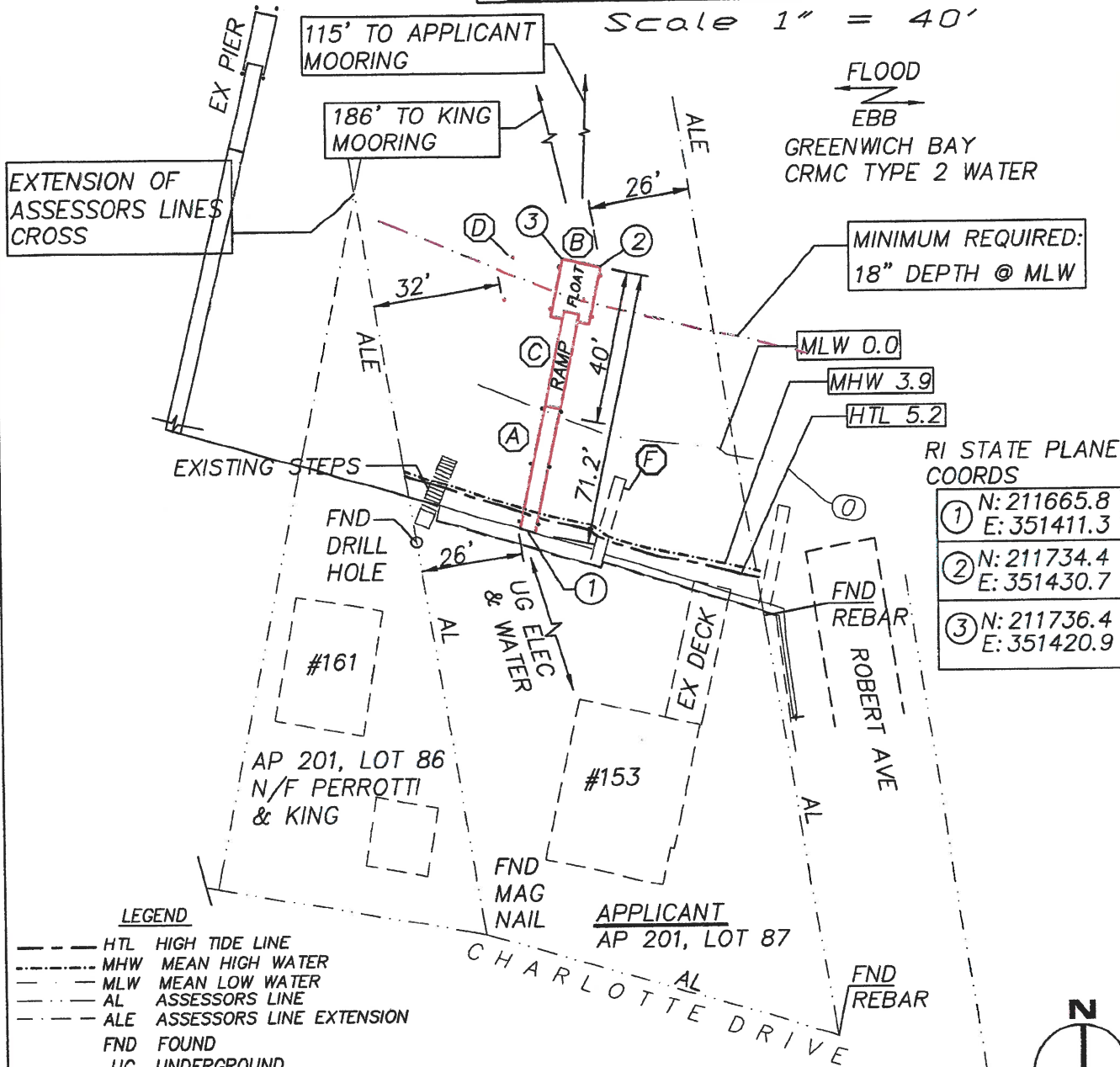
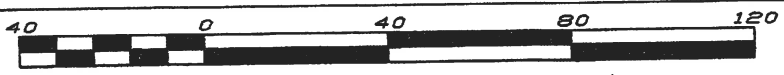
If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before August 9, 2021.




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 JUNE 14, 2021 SHEET 1 OF 4





LEGEND

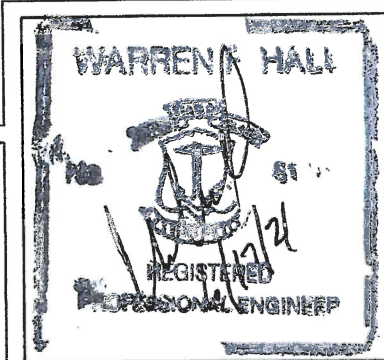
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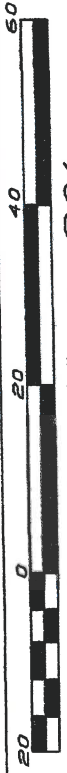
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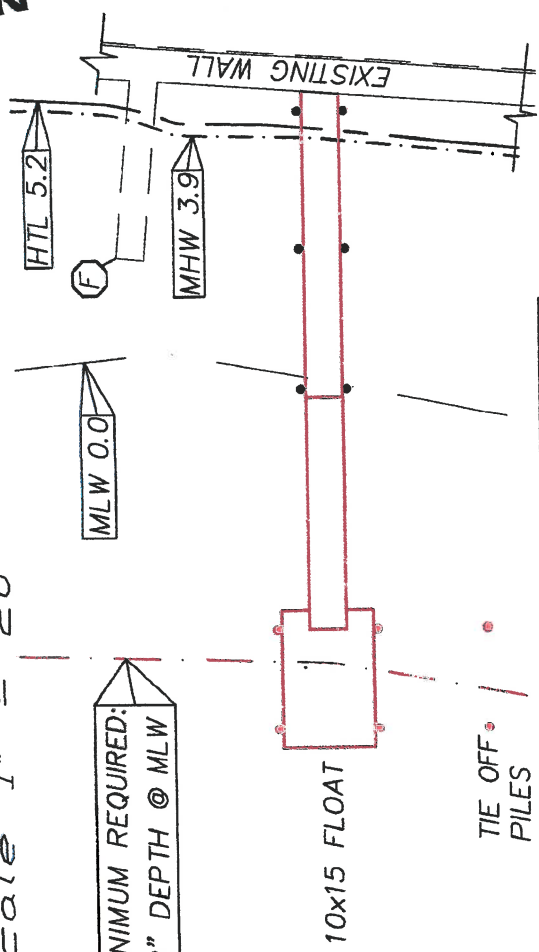
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 JUNE 14, 2021 SHEET 2 OF 4





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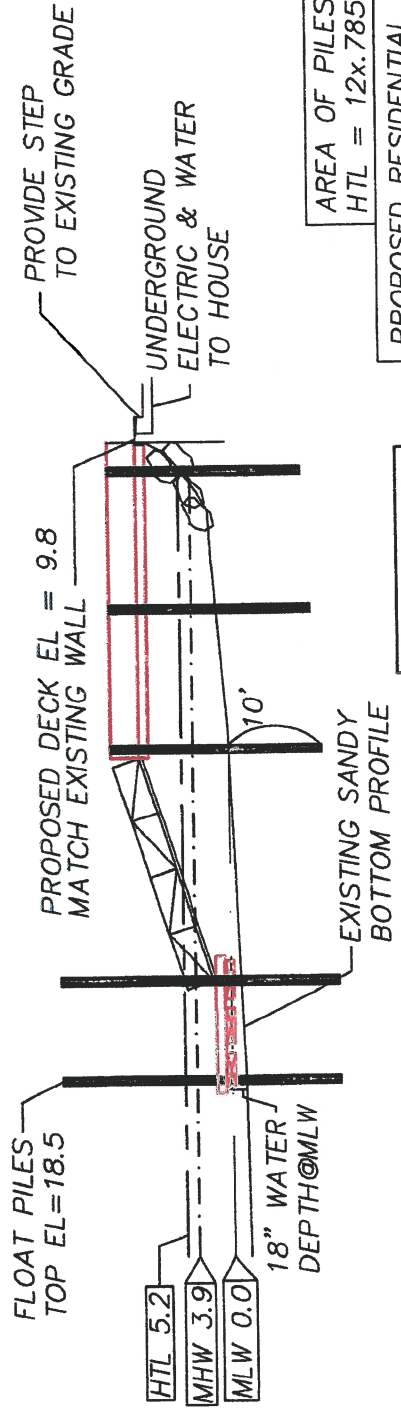


PLAN VIEW
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PIER ⊥ TO SHORE
AND STEPS

Ⓣ



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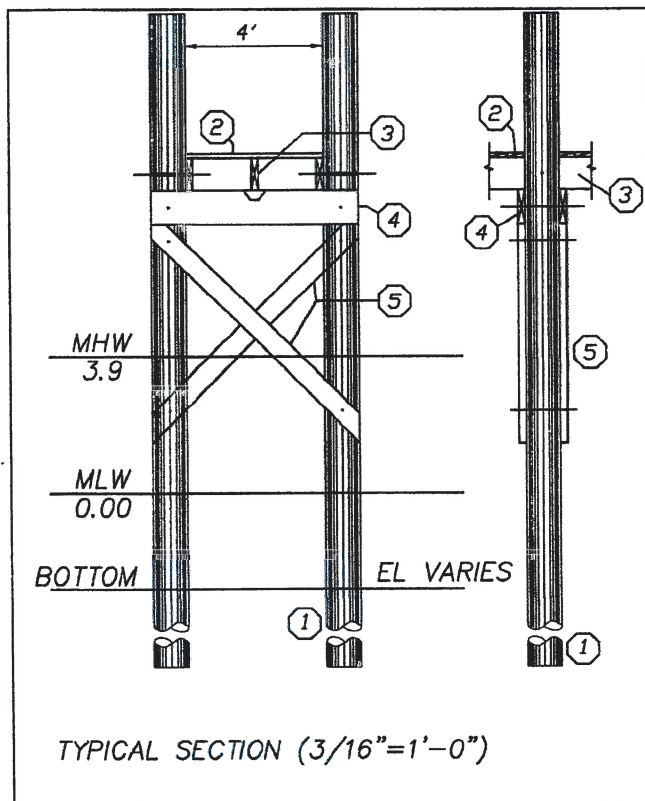
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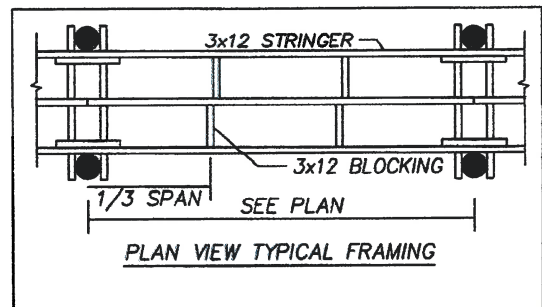
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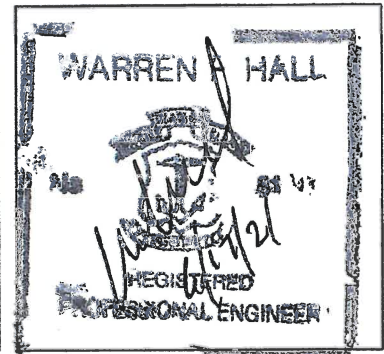
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 AP 201, LOT 87
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 JUNE 14, 2021 SHEET 4 OF 4



CRMC Mailing List for RichardCarlucci & Nga Le
CRMC File Number 2020-11-031

Richard Carlucci & Nga Le
153 Charlotte Drive
Warwick, RI 02818

Abutters:

Vincenza Perrotti and Joseph R King
5 Michael Drive
Lincoln RI 020865

CRMC (2020-11-031)
O. S. Government Center
4808 Tower Hill Road
Wakefield, RI 02879

Warren Hall, PE
63 Elmwood Avenue
Middletown, RI 02835

Joseph King
161 Charlotte Drive
Warwick, RI 02818

Jim King
200 Cindyann Drive
East Greenwich, RI 02818

Lisa Turner

From: Lisa Turner <lturner@crmc.ri.gov>
Sent: Friday, July 9, 2021 2:46 PM
To: 'Alfred T. DeCorte, Building Official, Warwick'; 'Amy E. Cota, Zoning Official, Warwick'; 'City of Warwick Harbormaster'; 'Daniel P. O'Rourke, Warwick Water Dept.'; 'James E. Scott, Director, Parks and Recreation'; 'Jeff Baris, Warwick Harbormaster'; 'Joanne M. Cournoyer, Warwick City Council Liaison'; 'Jody King, Chair, Warwick HMC'; 'John P. Early, Defenders of Greenwich Bay'; 'Joseph J. Solomon, Mayor, City of Warwick'; 'Lynn D'Abrosca, City Clerk, Warwick'; 'Mark Carruolo Warwick TP'; 'Mathew J. Solitro, Director, DPW, Warwick'; 'Susan Cabeceiras, Warwick Planning'; 'William DePasquale, Director of Planning, Warwick'; 'Alicia Wilson, USACE NE Dist; Reg Div'; 'Alison Kates, NRPA Program Coordinator'; 'Amy Rose Weinreich, Charlestown TC'; 'Bruce Eastman, RISA'; 'C. Brown, DBEngineers'; 'Carol Wordell, Little Compton Town Clerk'; 'Charlotte Taylor'; 'Chris Church, Reporter'; 'Christina Collins, Jamestown Acting Town Admin'; 'Christine Andrews, QDC'; 'Chuck Horbert, RIDEM'; 'Colin Howard, Independent RI -- South Kingstown'; 'David Latham'; 'David Murdock'; 'David Prescott, Save the Bay'; 'Deborah Mongeau, Librarian'; 'Dennis Erkan, RIDEM F&W'; 'Donna Giordano, Westerly TC'; 'Emilie Holland'; 'Eric Schneider, RIDEM Fish and Wildlife'; 'Erin Liese, Jamestown Town Clerk'; 'Glenn Modica'; 'James Bessette, Editorial Assistant'; 'Jayna Jenkins, City of Cranston, Sr. Clerk'; 'Jean Bellm, Exec Asst, Barrington'; 'Jeanne Spencer, Tiverton Town Clerk's Office'; 'Jeannette Alyward, North Kingstown TC'; 'Jeff Willis'; 'Jeffrey Gardner'; 'Jennifer M. West , Portsmouth TC'; 'Jerry Elmer , Esq, CLF'; 'Jim Boyd'; 'Joan Chabot, Town Clerk, Tiverton'; 'John Brown, THPO, Narragansett Indian Tribe'; 'John Torgan'; 'John Williams, Warwick Cove Marina'; 'Jonathan F. Stone, Exec Dir'; 'Jude Zeh'; 'Kathy & Steve Jacques'; 'Kathy & Steve Jacques'; 'Kendra L. Beaver, Esq, Save the Bay'; 'Kevin R. Kotelly, USACOE'; 'Kim A. Casci-Palangio, East Prov CC'; 'Laura C. Swistak, City Clerk, Newport'; 'Laura Dwyer'; 'Lawrence Taft, Exec Dir'; 'Leanne Zarrella, City of Cranston, City Clerk'; 'Leigh Carney, Town Clerk'; 'Leslie Martin, USARMY USACE'; 'Lisa Turner'; 'Liz Boardman'; 'Lyn Pagliarini, Warwick City Clerk'; 'Matt Gineo, Oldport Marine'; 'Matt O'Brien, AP Reporter'; 'Meg Kerr, Audubon Society of RI'; 'Melanie Jewett Army, AICP, RIDOT'; 'Melissa Cordeiro, Bristol Town Clerk'; 'Meredith J. DeSisto, Barrington TC'; 'Michael McGiveney'; 'Michael S. Wierbonics, USARMY CENAE'; 'Mike Jarbeau, Save The Bay'; 'Neal Personesus, RIDEM'; 'Nick Donadio'; 'Peter A. Healey'; 'Peter M. Vieira, Marine Construction'; 'Phil Capaldi'; 'Providence City Clerk'; 'Richard Goldstein Pawtucket TC'; 'Richard Kalunian'; 'Robert Lyons, Ocean House Marina'; 'Rodman R. Black Jr. HIIA'; 'Ryan Belssing, Independent RI -- Narragansett'; 'Sandra Speroni, Town Clerk's Office'; 'Scott Briggs, Librarian'; 'Susan Flynn, SK Town Clerk'; 'Thomas R. Evans, State Librarian'; 'tim rockwell'; 'Wendy J. W. Marshall, Middletown TC'

Subject: CRMC Public Notice -- Warwick - CRMC File 2020-11-031 Carlucci
Attachments: CRMC File 2020-11-031 Carlucci.pdf

Please note: Comments must be received by August 9, 2021. Thank you!

Lisa A. Turner

Office Manager

Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Road; Room 116

Wakefield, RI 02879



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

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

Re: CRMC File # *2020-11-031*
Applicant: *R. Carlucci and N. Le*
Town: *Warrick*
Response date: *12/23/20*

Dear Ms. Cervenka,

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) staff has reviewed the above-referenced application. It is our determination that the proposed project will have no effect on any significant cultural resources (those listed on or eligible for listing on the National Register of Historic Places, or those listed on the State Register of Historic Places).

These comments are provided in accordance with 650-RICR-20-001.2.3 Areas of Historic and Archaeological Significance of the Coastal Resources Management Council. If you have any questions, please contact Charlotte Taylor, Senior Archaeologist, at this office.

Very truly yours,

J. Paul Loether
Executive Director, RIHPHC
State Historic Preservation Officer





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.

Project Location <u>153 Charlotte Drive Warwick</u> <small>No. Street City/Town</small>	File No. (CRMC USE ONLY) 2020-11-031
Owner's Name <u>Richard Carlucci & Nga Le</u>	Plat: AP 201, Lot 87 Lot(s):
Mailing Address <u>153 Charlotte Drive</u> <small>City/Town Warwick State RI Zip Code 02818</small>	Contact No.: 401-529-8390 Email Address: rcarlu8@gmail.com
Contractor RI Reg. # <u>NA</u> Address <u>NA</u>	Email address: Tel. No.
Designer <u>Warren Hall</u> Address <u>63 Elmwood Ave Middletown RI</u>	Tel. No. <u>849-5905</u>
Name of Waterway <u>Greenwich Bay, Narragansett Bay</u>	Estimated Project Cost (EPC): \$100,000 Application Fee: \$1500
Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.) Construct & maintain a 4' x 111' residential pier and 20,000 pound boatlift, with a 24' ramp & 6,x14' float. Variance is requested from CRMC 1.3.1.D.11.L.(2), pier to extend 75' beyond mean low water. Remove & dispose an existing concrete groin and steps, per NOV from November 5, 1979.	

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): 1983-02-022

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: November 5, 1979

Name/ mailing addresses of adjacent property owners whose property adjoins the project site. Accurate mailing addresses will insure proper notification. VC Applicant **must** initial to certify accuracy of adjacent property owners and accuracy of mailing addresses.
Vincenza Perrotti and Joseph R. King 5 Michael Drive, Lincoln, RI 02865

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)

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

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

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



Signature

11/1/20

Date

Richard Carlucci & Nga Le, 153 Charlotte Drive, Warwick, RI 02818

Print Name and Mailing Address





NEAL DUPUIS
TAX ASSESSOR

City of Warwick

FINANCE DEPARTMENT
OFFICE OF THE ASSESSOR

CITY HALL ANNEX
3275 POST ROAD
WARWICK, RI 02886
401-738-2000
TDD 739-9150

Date: November 2, 2020


TO WHOM IT MAY CONCERN:

Please be advised that records in the Office of City Assessor show that as of November 2, 2020 property located on:
153 Charlotte Dr.

PLAT: 201 LOT: 0087 UNIT: 0000

Is owned by: Richard Carlucci & Nga Le

If you have any further questions you may reach me at 401-738-2005.


Tax Assessor's Office



NARRATIVE OF CONSTRUCTION
RESIDENTIAL PIER
FOR
RICHARD CARLUCCI & NGA LEA
AP 201, LOT 87
153 CHARLOTTE DRIVE, WARWICK, RI 02818

November 2, 2020

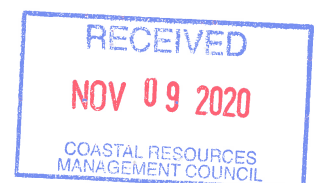
As proposed the project will consist of a new 4' x 111' residential pier and a 20,000-pound boat lift. Pier will have a 6'x14' float adjacent to it and the lift will be located opposite the float. Pier, float & lift to extend 75' seaward of mean low water.

Equipment that will be used during construction will consist of a barge mounted pile driver, utility trucks, and general tools used by dock builders. Access for the equipment will be over the water and public roads.

Materials to be used on this pier have been used in the past on similar projects, they include: timbers (Alkaline Copper Quaternary treated), metal connectors (hot dipped galvanized and stainless steel). The ACQ treatment is a non-leaching preservative.

Work is scheduled to begin as soon as permits are secured or in the spring of 2021, and is expected to take 2 weeks to complete.


Warren Hall, PE, PLS

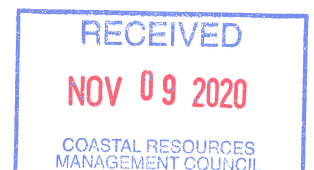


CATEGORY B REQUIREMENTS
RESIDENTIAL PIER, BOATLIFT, & FLOAT
RICHARD CARLUCCI & NGA LE, AP 201, LOT 87
153 CHARLOTTE DRIVE, WARWICK, RI 02818

November 2, 2020

- 1) The proposed activity is a residential pier, boatlift and float with associated residential use.
- 2) Local building permit is secured by the contractor.
- 3) The proposed lift will extend into Greenwich Bay and Narragansett Bay. Water in this area is classified as a Type 2.
- 4) As this activity will occur over the water and surrounding land area, there will be no change to the erosion and deposition process in this area.
- 5) As the pier will provide clearance above the marine bottom, prevent the scouring of boat / prop wash out and bottom chaffing this proposed pier will result in no change as measures to protect both plant and animal abundance. Fixed pier is elevated 9.8' above mean low water.
- 6) The pier begins on private property and there is no public access over this property.
- 7) This pier and float will be supported by 12" diameter piles, as shown with past similar projects, there has been no effect on the water circulation, flushing, turbidity, or sedimentation processes.
- 8) All of these materials have been used in the past on similar projects, resulting in no deterioration of the water quality in the area.
- 9) There are no known areas of historic or archeological significance in the area of the pier.
- 10) As proposed this pier will be located within 75' beyond mean low water where depths are limited and as in the past have caused no conflict with any uses such as recreational boating, fishing, navigation, or commerce activities.
- 11) This pier is very similar to piers adjacent to the property and will have minimum impact to view values.


Warren Hall, PE, PLS



Warren Hall, Civil Engineer
63 Elmwood Ave.
Middletown, RI 02842

November 2, 2020
CRMC
4808 Tower Hill Rd.
Wakefield, RI 02879

Applicant:

Richard Carlucci & Nga Le, 153 Charlotte Drive, Warwick, RI 02818

RE: Section 1.1.7 VARIANCE requested from:

1.3.1.D.11.(l); pier and boatlift to extend 75' beyond mean low water where 50' is allowed

A):

1) Council policies and goals of sections two and three are addressed as follows:

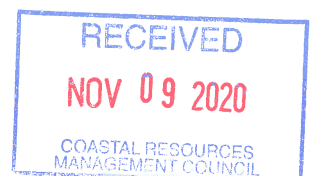
a) Water type in this area is type two, where the council allows residential piers. As proposed this pier will be elevated a minimum 5.9' above mean high water to allow for public access laterally along the shoreline. Adjacent lots have piers with similar clearances and depths. Proposed pier will be supported on existing concrete seawall.

b) In order to provide 23" water depth during mean low water, a variance is requested to extend the pier an additional 25' beyond mean low water. This location has limited water depths which the owner has proposed a lift to mitigate impacts to marine and boat bottom. This extended length will be in line with neighboring piers, both east & west.

2) Proposed alteration will not result in use conflicts or adverse environmental impacts:

a) The proposed pier is very similar to other piers that have been permitted and constructed in the area. As proposed the design provides a 23" water depth during a mean low tide and also provides 4.9' clearance to the stringer from mean high water, allowing all uses to continue laterally along the shoreline. Adjacent lots have piers that have similar clearances and depths.

b) All of the proposed materials have been used in the past and resulted in no effect on the marine environment. Water depths obstruct any intense use of this area including fishing, navigation, and commerce.



3) Due to site conditions the standard cannot be met:

a) Pre existing limited depth conditions, are being mitigated by taking advantage of the increased length providing for a pier that is functional during periods of lower tides. There are piers in the area with similar lengths, setbacks and depths.

4) Modification is minimum necessary:

a) The proposed extension will provide 23" of water depth, and be located within the required sideline setbacks.

5) Hardship is not the result of any action by the applicant or predecessor in title:

a) Limiting water depths are present at the site and are a natural condition, CRMC rules were not in effect at the time of the original subdivision (1920).

6) Due to conditions at the site, the standard will cause the applicant an undue hardship:

a) Limiting water depths are being mitigated by requesting a variance to provide the minimum necessary depth for permitted use of the pier and lift. Also, the pier will be located in line with both the existing adjacent piers and float.

B): NA

C):

a) All other program requirements have been met.

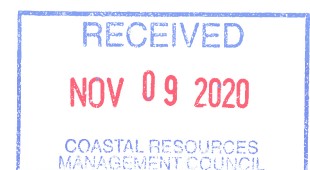
D):

a) Local municipality requirements are not causing the relief requested.

Respectfully Submitted,



Warren Hall, PE, PLS



DUFFY & SWEENEY, LTD
BUSINESS LAW & LITIGATION

Stephanie F. Friedel, Esq.
sfriedel@duffysweeney.com

October 29, 2021

VIA E-MAIL ONLY

Attn: Lisa Turner
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900
lturner@crmc.ri.gov

Re: File Number 2020-11-031/Richard Carlucci and Nga Lee,. 153 Charlotte Drive,
Warwick, Rhode Island

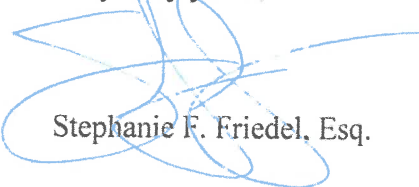
Dear Ms. Turner,

Please be advised that this office is legal counsel to Richard Carlucci and Nga Le (“the Carluccis”). Enclosed please find Proposed Residential Pier Plans for Richard Carlucci and Nga Lee regarding 153 Charlotte Drive, Warwick, RI (the “Property”) revised as of October 18, 2021 by environmental engineer, Warren Hall (“Revised Plans”). As you know, the abutting property owner located at 161 Charlotte Drive, Warwick, RI, Joseph King, has filed multiple baseless objections to the proposed project. The Revised Plans again shift the proposed ramp 3.7 feet to the East, thus eliminating any claim that the ramp as now proposed will impact any purported property right asserted by the owners of 161 Charlotte Drive, which my clients dispute.

The Revised Plans are being submitted in an effort to ensure that the Carlucci’s application, which has been pending since November of 2020, is timely approved. Please advise whether you would like hard copies of these plans.

Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,



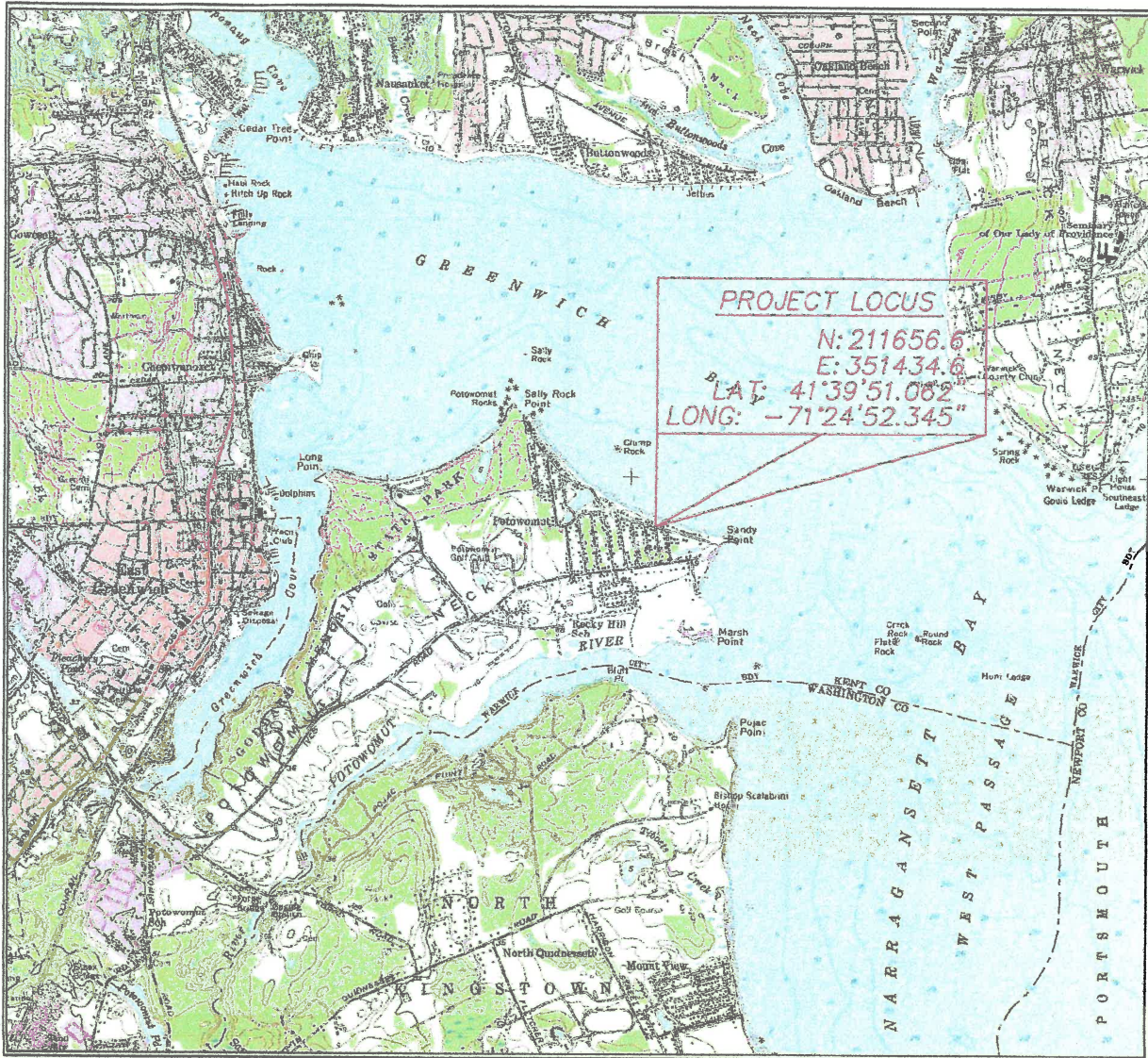
Stephanie F. Friedel, Esq.

SFF/sld

Enclosure

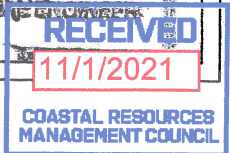
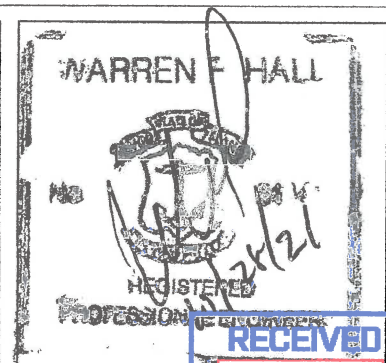
cc: Ross Singer; Nga Le; Richard Carlucci – *Via email*

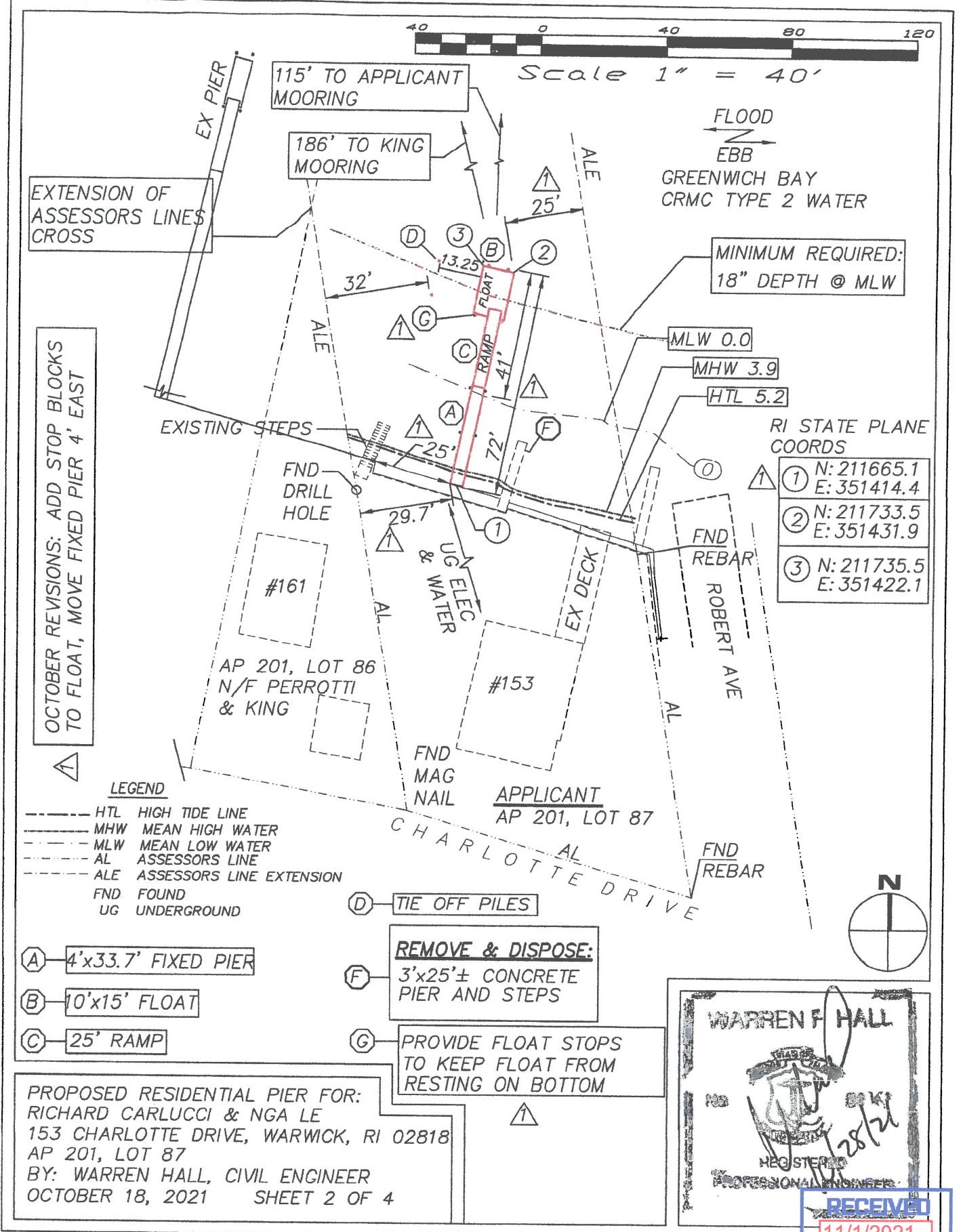
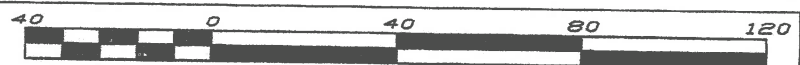





 PROJECT LOCUS
 1"=4000'

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 OCTOBER 18, 2021 SHEET 1 OF 4





EXTENSION OF ASSESSORS LINES CROSS

OCTOBER REVISIONS: ADD STOP BLOCKS TO FLOAT, MOVE FIXED PIER 4' EAST

115' TO APPLICANT MOORING

186' TO KING MOORING

MINIMUM REQUIRED: 18" DEPTH @ MLW

MLW 0.0
MHW 3.9
HTL 5.2

RI STATE PLANE COORDS

①	N: 211665.1 E: 351414.4
②	N: 211733.5 E: 351431.9
③	N: 211735.5 E: 351422.1

LEGEND
 --- HTL HIGH TIDE LINE
 --- MHW MEAN HIGH WATER
 --- MLW MEAN LOW WATER
 --- AL ASSESSORS LINE
 --- ALE ASSESSORS LINE EXTENSION
 FND FOUND
 UG UNDERGROUND

- Ⓐ 4'x33.7' FIXED PIER
- Ⓑ 10'x15' FLOAT
- Ⓒ 25' RAMP

- Ⓓ TIE OFF PILES
- Ⓕ REMOVE & DISPOSE: 3'x25'± CONCRETE PIER AND STEPS
- Ⓖ PROVIDE FLOAT STOPS TO KEEP FLOAT FROM RESTING ON BOTTOM

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 OCTOBER 18, 2021 SHEET 2 OF 4

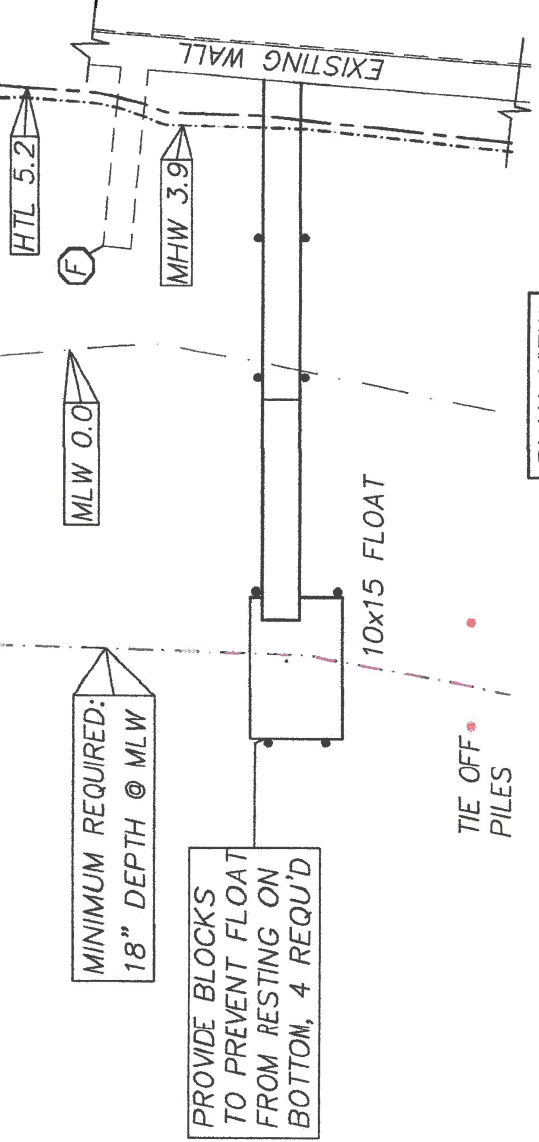
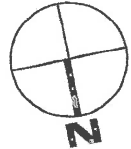
WARREN F HALL

 REGISTERED PROFESSIONAL ENGINEER

RECEIVED
 11/1/2021
 COASTAL RESOURCES
 MANAGEMENT COUNCIL



Scale 1" = 20'



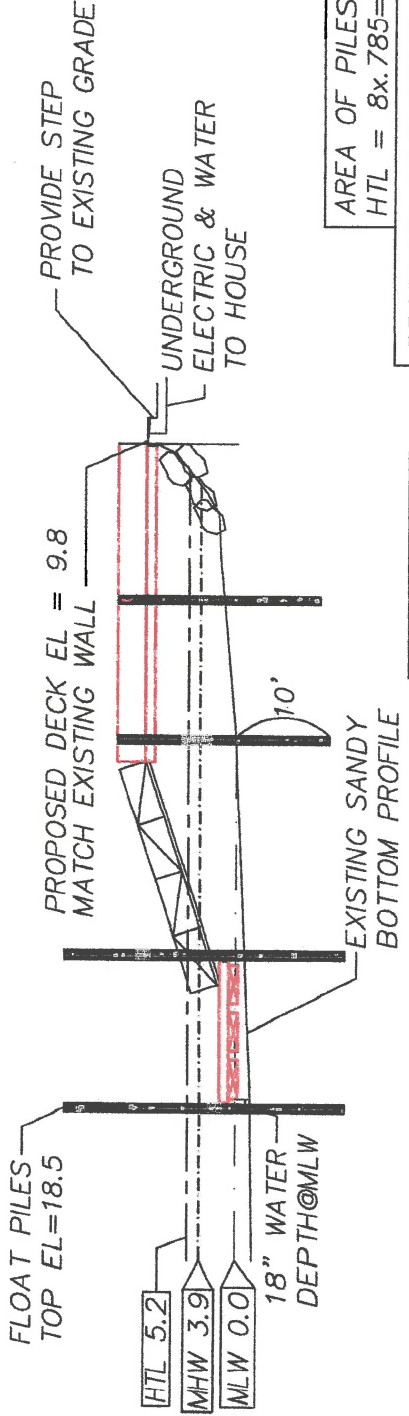
MINIMUM REQUIRED:
18" DEPTH @ MLW

PROVIDE BLOCKS
TO PREVENT FLOAT
FROM RESTING ON
BOTTOM, 4 REQU'D

TIE OFF
PILES

PLAN VIEW
1" = 20'

REMOVE & DISPOSE:
3'x25'± CONCRETE
PIER ⊥ TO SHORE
AND STEPS



FLOAT PILES
TOP EL=18.5

PROPOSED DECK EL = 9.8
MATCH EXISTING WALL

PROVIDE STEP
TO EXISTING GRADE

UNDERGROUND
ELECTRIC & WATER
TO HOUSE

AREA OF PILES BELOW
HTL = 8x.785=6.3SF

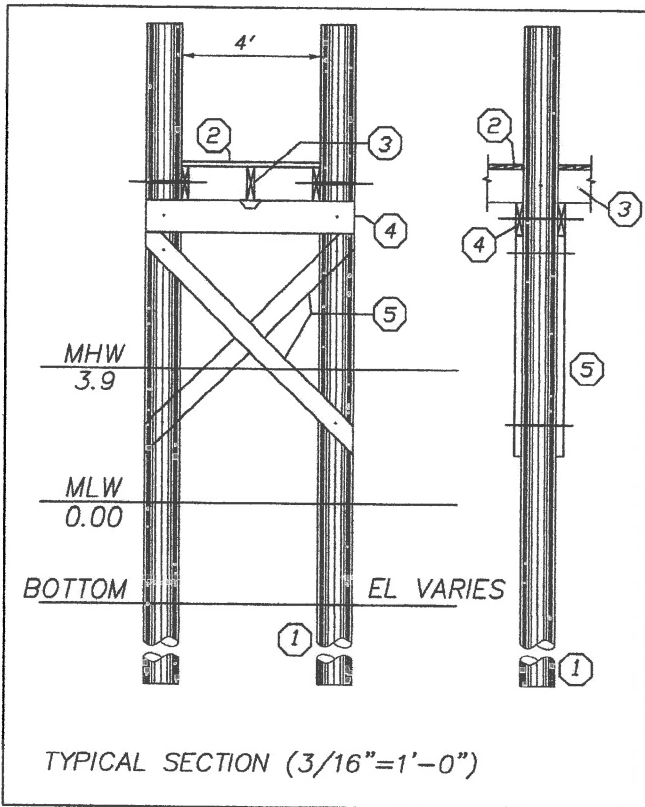
PROFILE VIEW
1" = 20'

LOAD DESIGN: USE 12@24x48x12 ROTO MOLD 433# FLOATS
 $(12 \times 305F10PSF + (12 \times 33)) = 1896\#$
 $EL \text{ 305F120PSF} = 3000\#$
 $W \text{ DRAFT} = 1896 / 5196 = .36' (4.3")$
 $L \text{ DRAFT} = 3000 / 5196 = .57' (6.8")$
 $W \text{ POINT LOAD} = .52' (6.2") \text{ DRAFT}$

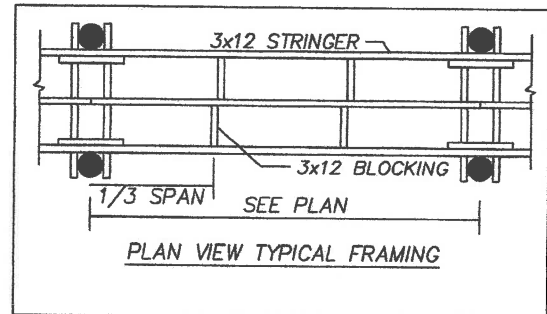
PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 OCTOBER 18, 2021 SHEET 3 OF 4

PILE DRIVING NOTE:

A "soft start" is required to allow animals an opportunity to leave the project vicinity before sound pressure levels increase. In addition to using a soft start at the beginning of the work day for pile driving, one must also be used at any time following cessation of pile driving for a period of 30 minutes or longer. For impact pile driving: pile driving will commence with an initial set of three strikes by the hammer at 40% energy, followed by a one minute wait period, then two subsequent 3-strike sets at 40 with one minute waiting periods, before initiating continuous impact driving.



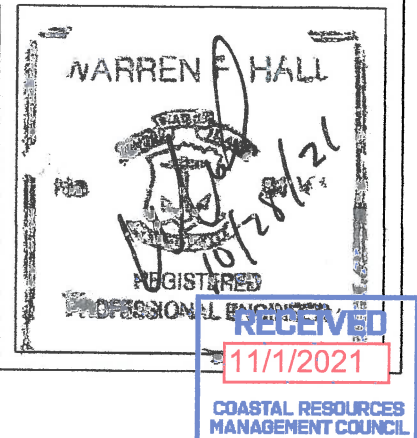
- ① 10" TIP CCA TREATED WOOD PILES TREAT TO 2.5 PCF (1.0 ALLOWED WITH OWNER CONSENT) GREENHEART AT FLOAT
- ② 2x6 DECKING ACQ TREATED TO .6 PCF FASTEN TO STRINGERS WITH 3 @ 3-1/2" NO. 10 316 STAINLESS STEEL SCREWS
- ③ 3x12 STRINGER, ACQ TREATED THRU BOLT AT PILE FASTEN MIDDLE STRINGER WITH SIMPSON H-1 HURRICANE ANCHOR
- ④ 2-3x12 CAP BEAM, ACQ TREATED TO .6 PCF
- ⑤ 3x10 CROSS BRACE, ACQ TREATED TO 2.5 PCF



GENERAL NOTES:

- 1) ALL BOLTS, CONNECTORS, WASHERS, NAILS, ECT SHALL BE HOT DIPPED GALVANIZED
- 2) CONTRACTOR SHALL ADHERE TO ALL OSHA RULES AND REGULATIONS THROUGHOUT ALL PHASES OF CONSTRUCTION
- 3) CONTRACTOR SHALL BE AWARE THAT THE STRATA INTO WHICH THESE PILES ARE TO BE DRIVEN MAY REQUIRE DRILLING TO ENSURE A MINIMUM 10' PENETRATION BELOW EXISTING GRADE

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 OCTOBER 18, 2021 SHEET 4 OF 4



DUFFY & SWEENEY, LTD
BUSINESS LAW & LITIGATION

Joelle C. Rocha, Esq.
jrocha@duffysweeney.com

August 24, 2021

VIA EMAIL ONLY

Lisa Turner
Office Manager
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900
lturner@crmc.ri.gov

RE: File Number 2020-11-031/Application of Richard Carlucci and Nga Lee

Dear Lisa,

I am writing to inform you that the undersigned is now counsel to Mr. Carlucci and Ms. Lee with respect to the above-referenced application. It is my understanding that the meeting for the consideration of their application is going to be scheduled forthwith. Please include me on the notices as to when the meeting will be scheduled. Should you need anything else from me please do not hesitate to contact me.

Thank you in advance for your attention to this matter.

Sincerely,


Joelle C. Rocha

JCL/mmp

Amanda Turco

From: Ross Singer <rsinger@crmc.ri.gov>
Sent: Monday, April 26, 2021 9:52 AM
To: Lisa Turner; Amanda Turco
Cc: jabbruzzese@crmc.ri.gov
Subject: FW: 2020-11-031; 153 Charlotte Drive, Warwick, RI
Attachments: Plan set 4-15-21.pdf

Can you please add this to the file and pdf? Carlucci- 2020-11-031

thanks

[Ross A. Singer](#)
Senior Civil Engineer
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield RI, 02879
(401) 783-3370

From: Warren Hall [mailto:warrenhall@cox.net]
Sent: Friday, April 16, 2021 5:53 AM
To: Ross Singer <rsinger@crmc.ri.gov>; John Mancini <jmancini@mancinicar.com>
Cc: Richard Carlucci <rcarlu8@gmail.com>; Valaree Simas <vsimas@mancinicar.com>; Wierbonics, Michael S CIV
USARMY CENAE (USA) <michael.s.wierbonics@usace.army.mil>
Subject: RE: 2020-11-031; 153 Charlotte Drive, Warwick, RI

Ross,

Please see attached plan set as revised to minimize impacts on neighbor to north.

We have moved the layout of the beginning of pier, shortened length, and changed direction away from northerly abutter.

Let me know if you need additional copies.

Thank You, Warren

On March 29, 2021 at 10:51 AM Ross Singer <rsinger@crmc.ri.gov> wrote:

Hi Warren,

Can you please finalize your proposed design changes and submit the complete plan set for review?

John O. Mancini, Esq.
Shareholder
Admitted in RI, MA and CT
jmancini@mancinicartermc.com

February 2, 2021

***Via Electronic Mail and
First Class Mail***

Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02897-1900
Attention: Lisa Turner

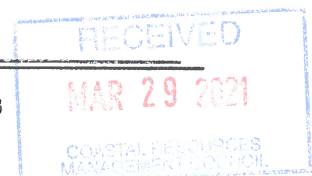
Re: 153 Charlotte Drive, Warwick, RI 02818

Dear Ms. Turner,

Please be advised that this office is legal counsel to Richard Carlucci & Nga Le (the "Petitioners"), the owners of the Property located at 153 Charlotte Drive, Warwick, RI 02818 ("Property"). Specifically, the Petitioners have filed with the State of Rhode Island Coastal Resource Management Council ("CRMC") a request for an assent to construct and maintain, a residential boating facility consisting of a 4' x 111' fixed pier and 20,000lb boat flit. A 24' ramp and 6' x 14' terminal float are proposed near and adjacent to a fixed pier. The facility is proposed to extend 75' beyond the mean low water achieving a water dept of 23 inches. The project requires a variance pursuant to 1.3.1.D.11.(1), (the facility extends 25' past the 50' standard) (collectively, hereinafter referred to as the "Project").

With respect to the Project, the abutting property owner located at 161 Charlotte Drive, Warwick, Rhode Island, namely Joseph King ("Mr. King"), has filed an objection to the proposed Project; specifically, questioning the design and construction of the same. Accordingly, reference is hereby made to Joseph King's correspondence of January 4, 2020. Pursuant to Mr. King's correspondence, he asserts that his primary concern is the layout of the dock and that if the same is permitted, it "would impede our rights and negatively impact our own ability to construct the dock at the site". In support thereof, Mr. King supplies certain information and documentation to the Board. Our assertion is that the information provided to the Board is both incorrect and misleading.

The Petitioners reference page 2 of Mr. King's correspondence, where he indicates "those are wooden steps, which go down from the back yard of 161 to the beach/water. They have been installed in that same manner since 1955". On Page 2 of Page 6 of Mr. King's letter, Mr. King refers to certain wood steps that are located between the property located 153 Charlotte Drive



(the "Subject Property") and 161 Charlotte Drive (the "Abutting Property"). Moreover, Mr. King attaches on Page 2 a photo depicting the dock and the property lines of the respective properties. The wooden steps as described by Mr. King were originally installed in 1955 but were removed and reinstalled subsequent to 1972.

Subsequent to 1962, but prior to 1972, the Owners of 161 Charlotte Drive installed a cement pier providing access to the water for 161 Charlotte Drive, which cement pier extended out approximately 40 feet into the bay. After 1972, Mr. King removed the original concrete pier and replaced the same with the current wooden stairs. Importantly, the removal of the concrete pier and the replacement of the same with the wooden stairs, after 1972, was done without any permits from CRMC or the City of Warwick. Therefore, it is inconceivable that the wooden stairs were, installed in the same manner since 1955, as the same did not exist prior to 1972. Mr. King's statement, therefore, is simply not correct, because the wooden stairs did not exist prior to 1972, rather, a cement pier extending 40 feet into the bay existed, which pier was removed subsequent to 1972 for the purpose of installing the wooden stairs. Furthermore, current aerial photos of the King's property show the original walkways cut off and wooden stairs that were installed clearly placed 2 to 3 feet to the east of the original walkway, which currently creates an encroachment onto 153 Charlotte Drive. It appears, from Mr. King's correspondence that he seeks to change the lot lines by using the stairs as a new boundary line between 153 and 161 Charlotte Drive.

Moreover, the wood steps are located on the Subject Property of 153 Charlotte Drive and not on the property of Mr. King nor do they belong to 161 Charlotte Drive. Although those wooden steps are utilized by Mr. King, they were not installed on Mr. King's property, but rather are located on the property of the Petitioners. Mr. King has been using the wood stairs, with the permission of the Petitioners and their predecessors in title.

Mr. King states "the right-side railing of the wooden stairs have been for 65 plus years" the common and agreeable shore-line boundary between 161 and 153". This statement is untrue and incorrect. The wooden steps between 153 and 161 are not the "common and agreeable shoreline boundary point" between the two properties. Rather, the boundary line with respect to 153 and 161 Charlotte Drive were established and delineated by the mapping of the City of Warwick and further described by the Tax Assessor of the City of Warwick. The boundary line between those two properties has never, under any circumstances, been altered by the parties.

Importantly, the boundary line between 153 and 161 Charlotte Drive remains as it was originally plotted with the City of Warwick. There has been no recording of an alteration to the existing boundary lines between 153 and 161 Charlotte Drive. As CRMC is fully aware, to realign boundary lines, the same must be approved by City of Warwick Planning Department, pursuant to a specific application process as provided for by Rhode Island General Laws. Importantly, the realignment of the boundary line has never been undertaken by either of the owners of 161 Charlotte or 153 Charlotte Drive. Consequently, Mr. King is incorrect to assert to CRMC that the wooden stairs, which were constructed post 1972, have created a "common and agreeable shore-line boundary point".



In his objection, Mr. King further asserts that “for multiple generations, it has been viewed and lived with in this capacity with never once a disagreement or a challenge”. Although Mr. King is correct that there has never been a disagreement or challenge as to the utilization of the wood stairs, such silence is not to be deemed as an agreement for an alteration to the existing property lines between 153 and 161 Charlotte Drive. Rather, that silence is evidence of permission by the Petitioners, and their predecessors in title of 153 Charlotte Drive, to allow the owners of 161 Charlotte Drive, to utilize those wooden steps, as a non-exclusive means of access to and from the shoreline. But under no circumstances does, nor did, the use of the stairs constitute consent for an alteration of the shore boundary lines between 153 and 161 Charlotte Drive.

Rather, as CRMC knows, for the Owners of 161 Charlotte Drive to obtain an alteration to the boundary line, meaning that they have changed the boundary line to acquire land that belongs to the Petitioners, Mr. King, or his predecessors in title, would have to assert a claim in the Rhode Island Superior Court for adverse possession.

In Rhode Island, obtaining title by adverse possession requires actual, open, notorious, hostile, continuous, and exclusive use of the Property under a claim of right for at least a period of ten years. *See Cahill v. Morrow*, 11 A.3d 82, 88 (R.I. 2011) citing *Corrigan v. Nanian*, 950 A.2d 1179 (R.I. 2008) (mem.); *see also* § 34-1-7. “The party who asserts that adverse has occurred must establish the required elements by strict proof, that it is, proof by clear and convincing evidence. *See id* citing *Corrigan* 950 A.2d at 1179, (citing *Tavares v. Beck*, 814 A.2d, 346, 350 (R.I. 2003)); *see also Carnavale v. Dupee*, 853 A.2d 1197, 1199 (R.I. 2004).

Here, Mr. King, nor his predecessors in title, can claim adverse possession as they are unable to prove by clear and convincing evidence that the use and occupation of the wooden stairs for a period greater than 10 years was actual, open, notorious, hostile, continuous, and exclusive under a claim of right for a portion of the property at 153 Charlotte Drive. Rather, the Petitioners assert that they and their predecessors in title, permitted the use of the stairs by Mr. King and his predecessors.

Further, page 3 of Mr. King’s correspondence reveals his true intention with respect to the objection as propounded against the Project. Specifically, Mr. King states as follows: “as shown on page 1, almost half of the houses have docks on the waterfront side of Charlotte Drive. It is only fair that the Owners of 161 Charlotte have the same option now and at any time in the future if they so choose.” Mr. King’s true concern is about the potential for their Property being able to house a dock. Their concern with regards to a specific dock for his property to have a dock, which concern is not the subject matter this Project. Mr. King has every right to file his own application and obtain the required engineering work to submit an appropriate request for assent from CRMC.

On page 5(b) of page 6 of Mr. King’s correspondence, he, again, references the construction of the wooden stairs. He states as follows: “[t]hat right side of the railing to the steps and the common boundary line for the Property since 153 Charlotte was built, the metal pipe can be seen 6 to 8 inches outside of that railing. The steps are a perpendicular angle of the natural shoreline”. Mr. King, again, seeks to utilize the wooden steps and now the “metal pipe”



to establish a common boundary line. Neither the wooden steps, nor the “metal pipe” establish a boundary line different than that recorded in the Land Evidence Records of the City of Warwick and that which was surveyed and recorded with the City of Warwick. Mr. King, therefore, is incorrect to rely on the “metal pipe” or the “wooden stairs” and boundary marker. Moreover, the wooden stairs do not belong to Mr. King and are not for his exclusive use and control. Rather, the wooden steps are located, in a manner, that does not comport with the Zoning Ordinances of the City of Warwick or CRMC’s regulations, thereby making the removal of the wooden stairs a necessity.

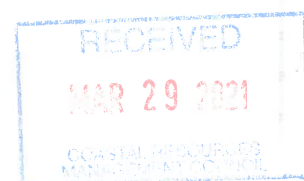
Further, Mr. King asserts as follows: “[t]his is the proposed design of 153’s dock. The common boundary line and the boundary direction remain the same in the future as it has been, now uncontested for 65 plus years, that green line shows how intrusive the design/build plan is to the owners of 161”. This statement shows the misdirected logic of Mr. King. Stated in unequivocal terms, the wooden stairs do not create a common boundary line between the two properties; additionally, the wooden stairs location violates both the City’s Zoning Ordinances and CRMC regulations. They, therefore, are to be removed. Accordingly, Mr. King’s assertion is incorrect, misdirected and premised upon a misconstrued theory of law.

Finally, Mr. King asserts “it doesn’t work and it can’t work because of the limitations due to the neighboring boat ramp, and the rights of the neighbors of 161”. Mr. King’s rights stop at his property and cannot be asserted to the wooden steps, as they are illegally placed and not compliant with the City’s Zoning Ordinances and CRMC regulations. We understand that Mr. King has had the opportunity to enjoy the location and use of the stairs for a long time, however, he has never acquired exclusive fee simple title to the land beneath the stairs, such that it has altered the boundary line between the two property owners.

Mr. King, in his correspondence, is correct to assert that “the Owners of 153 are limited in design for their future dock because of this boat ramp”. The existence of the boat ramp does create a unique circumstance for the Subject Property, such that it warrants the relief sought by the Petitioners, as the hardship from which they seek relief was not of their own doing. The Petitioners, in their application, seek the least relief necessary, to accommodate the requested assent.

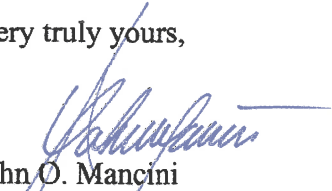
The Petitioners have requested a variance pursuant to Section 1.3.1.d.11(1), however, the Petitioners have revised their Application, such that they are no longer seeking or requesting any variance from CRMC, making the issuance of the CRMC consent a matter of administrative review. Attached hereto is a copy of the revised plan showing the requested relief and compliance of the same, with existing CRMC regulations.

We, therefore, respectfully request that CRMC dismiss the objection as filed by Mr. King, the owner of the Property located at 161 Charlotte Drive, Warwick, RI, and approve the Application as revised by the Petitioners, reflecting a new design for the construction of a new boat ramp such that no variance is requested of CRMC or the City of Warwick.



Once you have had an opportunity to review, should you have questions or require additional information, please do not hesitate to contact me.

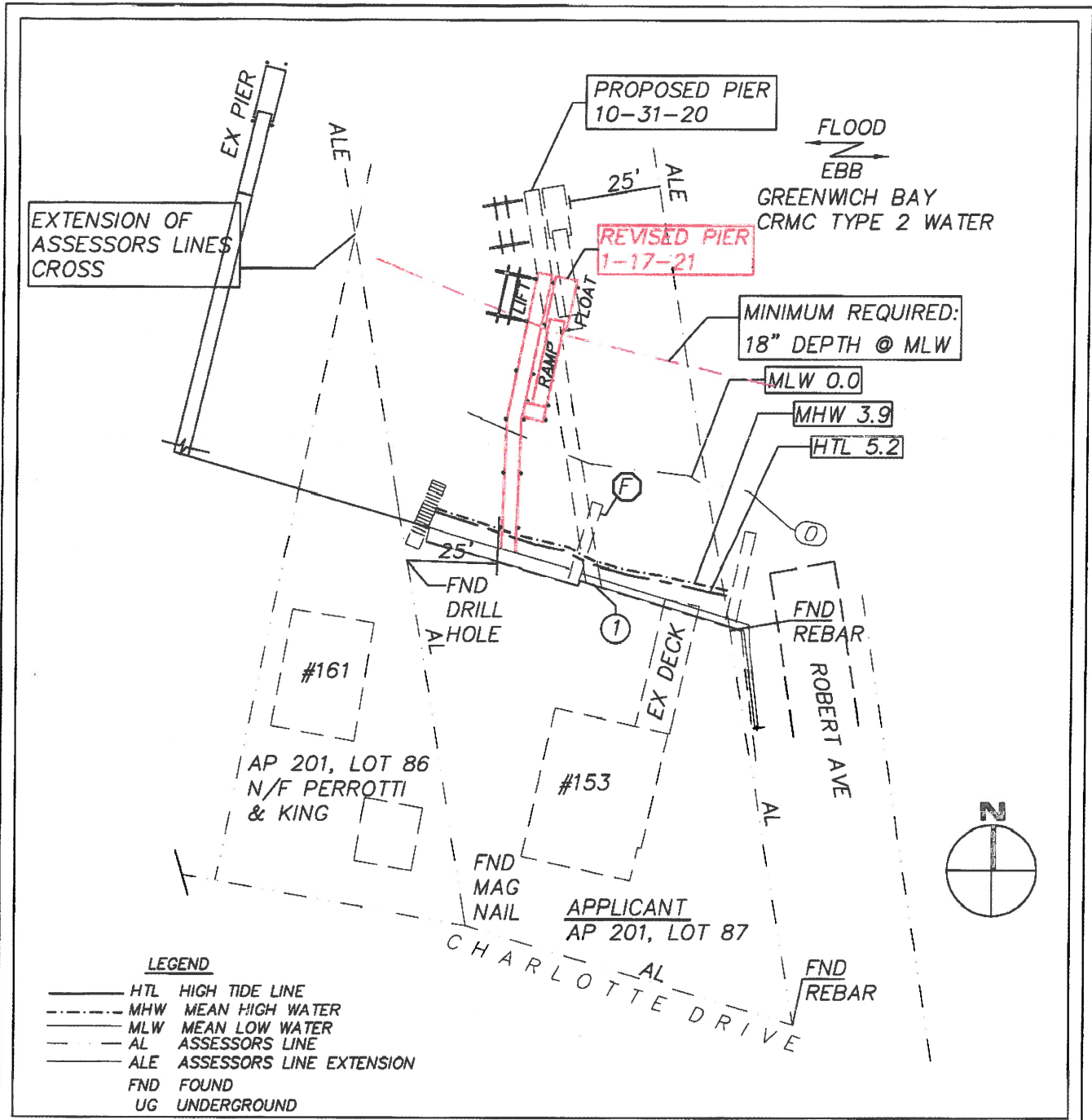
Very truly yours,



John O. Mancini

cc: Client
Joseph King, Owner
Jim King, Son
Jennifer Cervenka, Chair of Coastal Council
Jeffrey Willis Executive Director

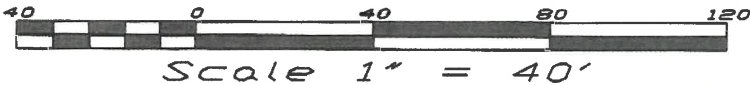
RECEIVED
MAR 29 2021
COASTAL RESOURCE
GROUP, INC.



LEGEND

- HTL HIGH TIDE LINE
- - - - MHW MEAN HIGH WATER
- MLW MEAN LOW WATER
- - - - AL ASSESSORS LINE
- ALE ASSESSORS LINE EXTENSION
- FND FOUND
- UG UNDERGROUND

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER



SK-1 FOR REVIEW
 1-18-21

RECEIVED
 MAR 29 2021
 COASTAL RESOURCES
 MANAGEMENT COUNCIL

Thank you,

Ross

Ross A. Singer

Senior Civil Engineer
Coastal Resources Management Council
4808 Tower Hill Road
Wakefield RI, 02879
(401) 783-3370

From: John Mancini [<mailto:jmancini@mancinycarter.com>]
Sent: Monday, March 29, 2021 10:16 AM
To: Ross Singer <rsinger@crmc.ri.gov>; Warren Hall <warrenhall@cox.net>
Cc: Richard Carlucci <rcarlu8@gmail.com>; Valaree Simas <vsimas@mancinycarter.com>
Subject: 153 Charlotte Drive, Warwick, RI

Dear Mr. Singer,

I am responding to your email of Friday, March 26, 2021 with regards to the above-described property. Importantly, please note that the property owner did revise the plans providing for a modification to the Application along with a Class 1 Survey. This was also attached to my correspondence dated February 2, 2021.

For your convenience, I have attached hereto a copy of the revised Plan along with the Class 1 Survey.

Importantly, please be advised that there is currently no pending lawsuit or other dispute with regards to the property line with respect to the neighbors. It is not our intention to proceed with any legal action, at this juncture, as the survey has been completed and the revisions to the CRMC plan has also been completed and submitted with no impact to any abutting property owners.

Accordingly, we ask that the CRMC proceed with the revised plans as provided by the applicant.

Once you have reviewed, should you have any questions, please feel free to contact me.

Thanks,

John

John O. Mancini, Esq.

Mancini Carter, PC

56 Pine Street, 3rd Floor

Providence, RI 02903

Tel: (401) 343-7000

Fax: (401) 343-7777

jmancini@mancinycarter.com

Please visit our website at www.mancinycarter.com

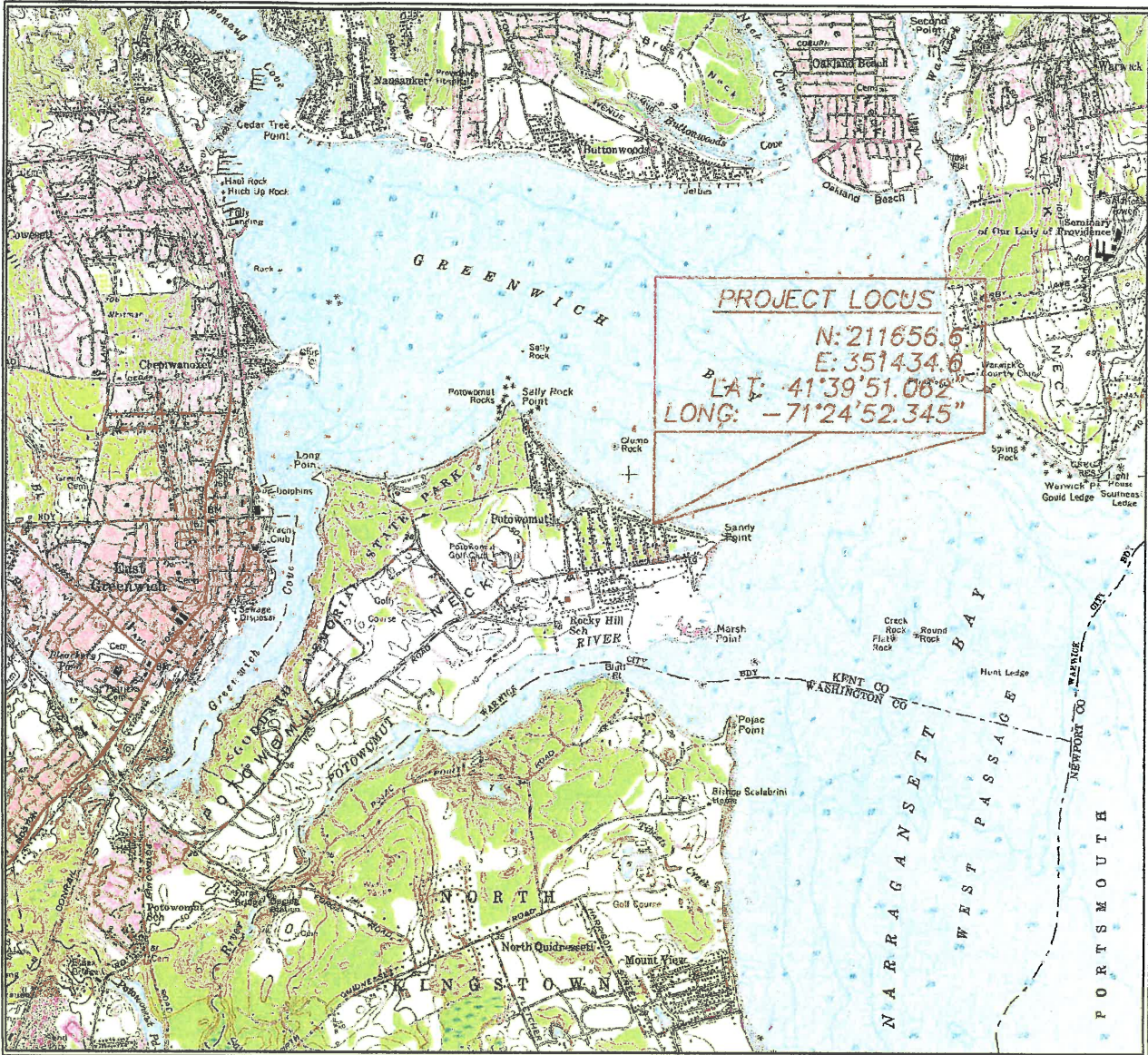
ManciniCarter ^{PC} 
Attorneys At Law


Straight Forward Thinking.

This e-mail message is subject to attorney-client privilege and contains information intended only for the person(s) named above. If you receive this transmission in error, please notify us immediately. Destroy the original message and all copies.




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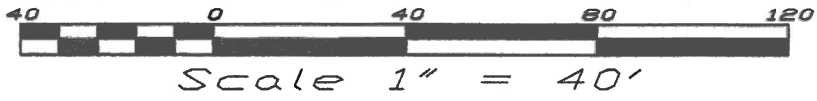



PROJECT LOCUS
 1" = 4000'

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 APRIL 15, 2021 SHEET 1 OF 5

RECEIVED
APRIL 16, 2021
 COASTAL RESOURCES
 MANAGEMENT COUNCIL

WARREN HALL

 REGISTERED
 PROFESSIONAL ENGINEER

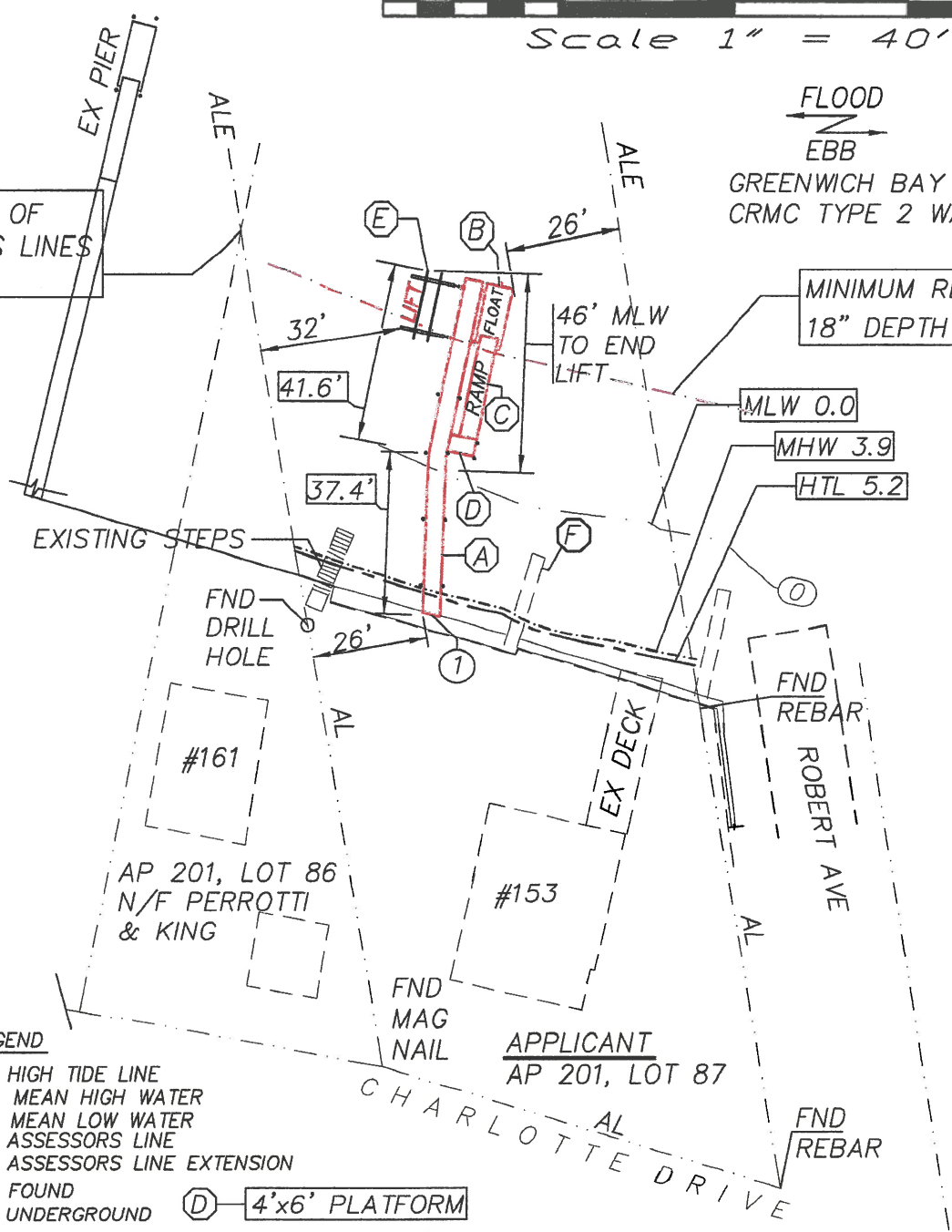


EXTENSION OF ASSESSORS LINES CROSS

FLOOD
 EBB
 GREENWICH BAY
 CRMC TYPE 2 WATER

MINIMUM REQUIRED:
 18" DEPTH @ MLW

MLW 0.0
 MHW 3.9
 HTL 5.2



LEGEND

- HTL HIGH TIDE LINE
- MHW MEAN HIGH WATER
- MLW MEAN LOW WATER
- AL ASSESSORS LINE
- ALE ASSESSORS LINE EXTENSION
- FND FOUND
- UG UNDERGROUND

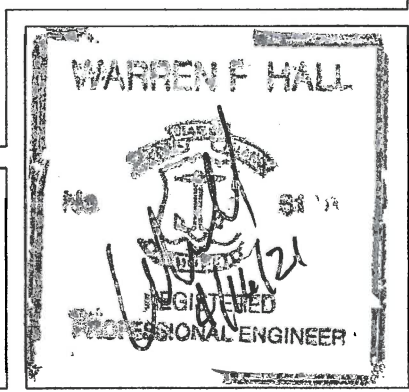
- (A) 4'x80' FIXED PIER
- (B) 6'x14' FLOAT
- (C) 24' RAMP

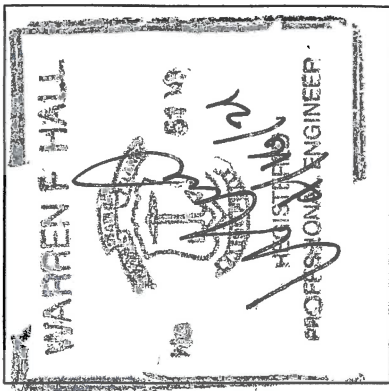
- (D) 4'x6' PLATFORM
- (E) 20,000# BOAT LIFT

REMOVE & DISPOSE:
 (F) 3'x25'± CONCRETE PIER AND STEPS

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 APRIL 15, 2021 SHEET 2 OF 5

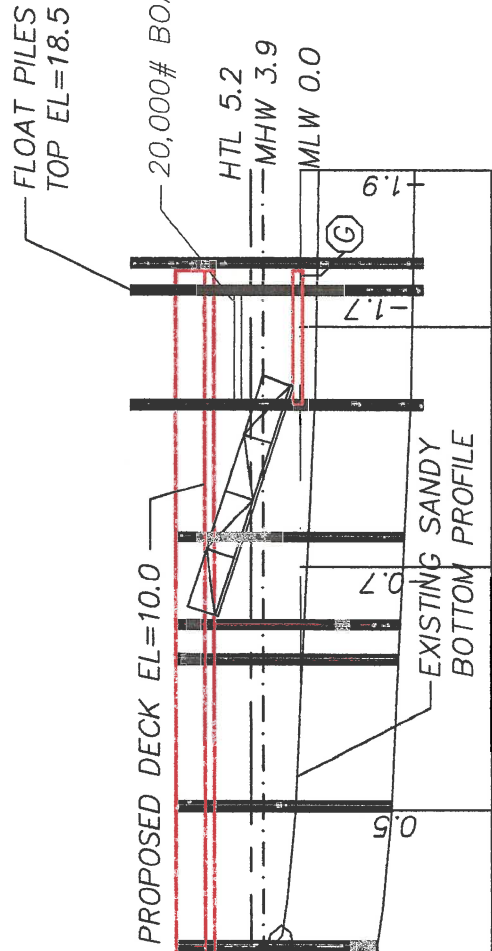
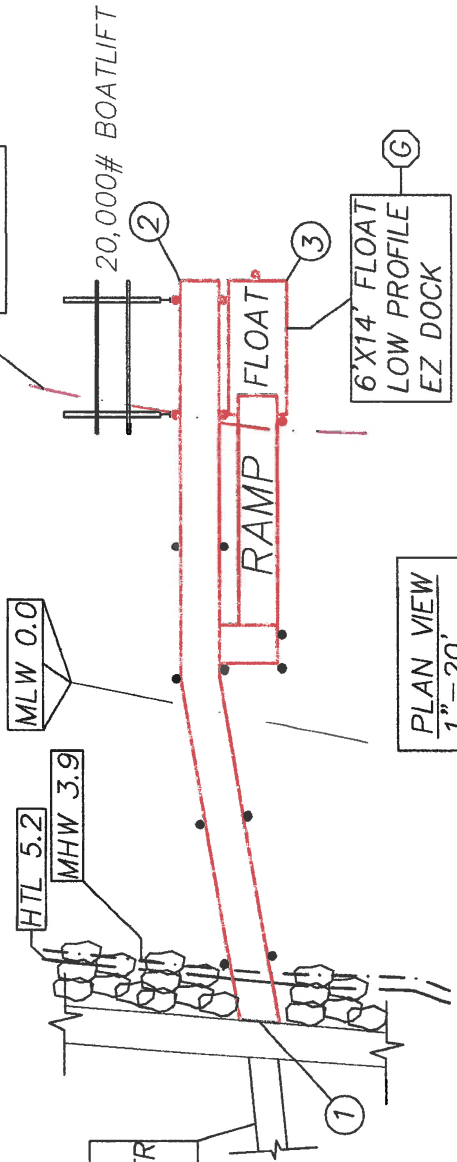
RECEIVED
APRIL 16, 2021
 COASTAL RESOURCES
 MANAGEMENT COUNCIL





RECEIVED
APRIL 16, 2021
 COASTAL RESOURCES
 MANAGEMENT COUNCIL

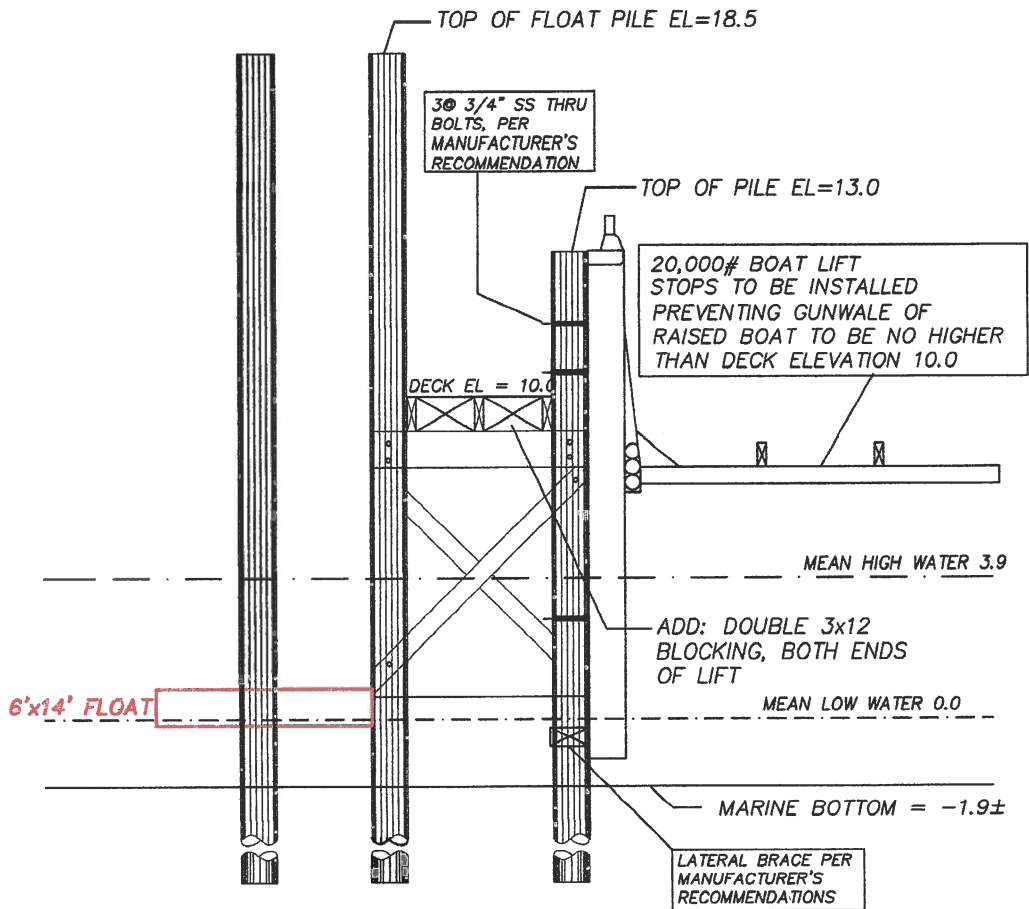
RI STATE PLANE COORDS	
①	N: 211666.0 E: 351410.9
②	N: 211743.1 E: 351418.6
③	N: 211740.9 E: 351429.4



AREA OF PILES BELOW
 HTL = 16 x.785=12.6 SF

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 APRIL 15, 2021 SHEET 3 OF 5

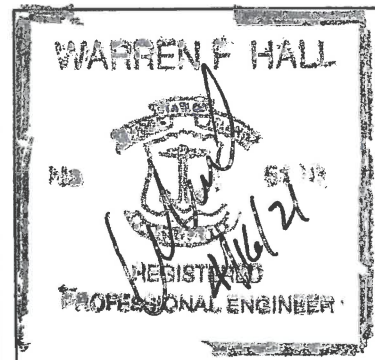
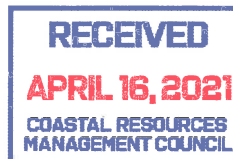
6'x14' FLOAT ADD STOPS
 TO KEEP 18" CLEAR BETWEEN
 FLOAT & BOTTOM GRADE
 LOW PROFILE (EZ DOCK)



SECTION THRU
PROPOSED BOAT LIFT
3/16" = 1'-0"

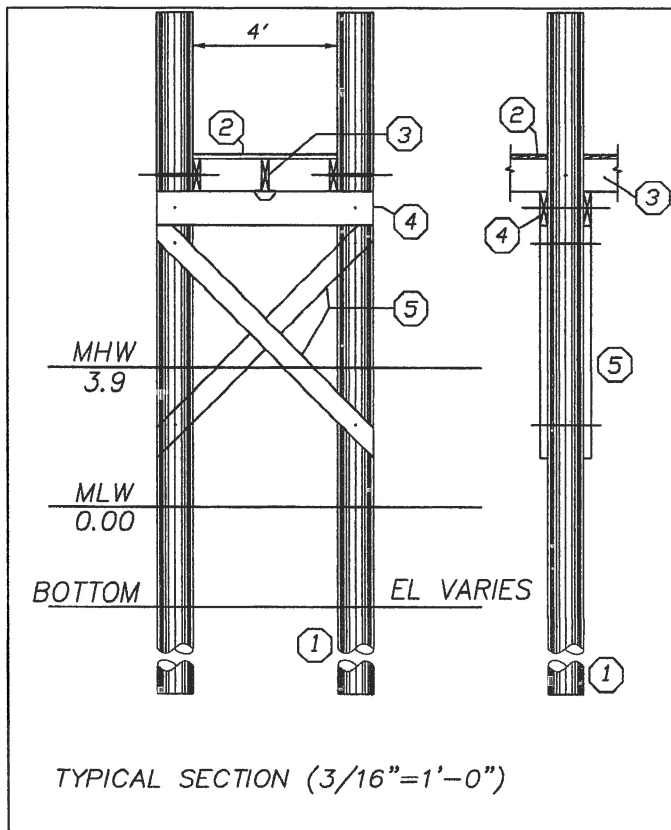
LEGEND
SS STAINLESS STEEL

PROPOSED RESIDENTIAL PIER FOR:
RICHARD CARLUCCI & NGA LE
153 CHARLOTTE DRIVE, WARWICK, RI 02818
AP 201, LOT 87
BY: WARREN HALL, CIVIL ENGINEER
APRIL 15, 2021 SHEET 4 OF 5

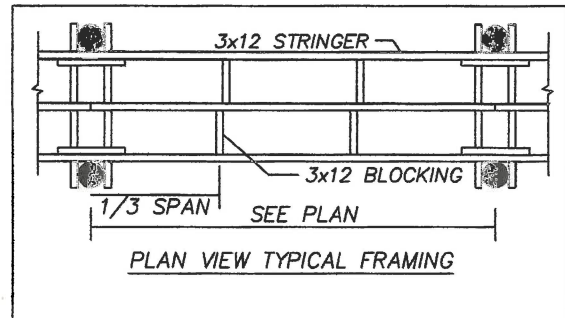


PILE DRIVING NOTE:

A "soft start" is required to allow animals an opportunity to leave the project vicinity before sound pressure levels increase. In addition to using a soft start at the beginning of the work day for pile driving, one must also be used at any time following cessation of pile driving for a period of 30 minutes or longer. For impact pile driving: pile driving will commence with an initial set of three strikes by the hammer at 40% energy, followed by a one minute wait period, then two subsequent 3-strike sets at 40 with one minute waiting periods, before initiating continuous impact driving.



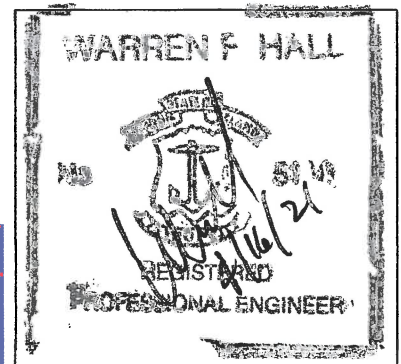
- ① 10" TIP CCA TREATED WOOD PILES TREAT TO 2.5 PCF (1.0 ALLOWED WITH OWNER CONSENT) GREENHEART AT FLOAT
- ② 2x6 DECKING ACQ TREATED TO .6 PCF FASTEN TO STRINGERS WITH 3 @ 3-1/2" NO. 10 316 STAINLESS STEEL SCREWS
- ③ 3x12 STRINGER, ACQ TREATED THRU BOLT AT PILE FASTEN MIDDLE STRINGER WITH SIMPSON H-1 HURRICANE ANCHOR
- ④ 2-3x12 CAP BEAM, ACQ TREATED TO .6 PCF
- ⑤ 3x10 CROSS BRACE, ACQ TREATED TO 2.5 PCF



GENERAL NOTES:

- 1) ALL BOLTS, CONNECTORS, WASHERS, NAILS, ECT SHALL BE HOT DIPPED GALVANIZED
- 2) CONTRACTOR SHALL ADHERE TO ALL OSHA RULES AND REGULATIONS THROUGHOUT ALL PHASES OF CONSTRUCTION
- 3) CONTRACTOR SHALL BE AWARE THAT THE STRATA INTO WHICH THESE PILES ARE TO BE DRIVEN MAY REQUIRE DRILLING TO ENSURE A MINIMUM 10' PENETRATION BELOW EXISTING GRADE

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 APRIL 15, 2021 SHEET 5 OF 5



2020-11-031

Warren Hall, Civil Engineer

PE # 5114, PLS # 1917, 63 Elmwood Ave., Middletown, RI 02842
401-849-5905

June 17, 2021
CRMC
4808 Tower Hill Rd
Wakefield, RI 02879

Re: Appl # 2020-11-031, Richard Carlucci & Nga Le, 153 Charlotte Drive, Warwick, RI 02818, AP 201, Lot 87; REVISED PLAN set

Dear Sirs / Madam,

Submitted on behalf of the applicant, Richard Carlucci & Nga Le, please find enclosed revised plans to construct & maintain a residential pier. Pier to extend 40' beyond mean low water. Originally proposed boat lift has been eliminated, 2 tie off piles added to west side of float.

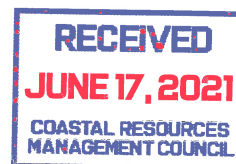
Also included as part of the application is the removal and disposal of a concrete groin and steps. This work is proposed as a result of a notice of violation issued by date of November 5, 1979 and was unknown to the applicant / owners and not due to any action of them or their agents. This work has been discussed with CRMC staff.

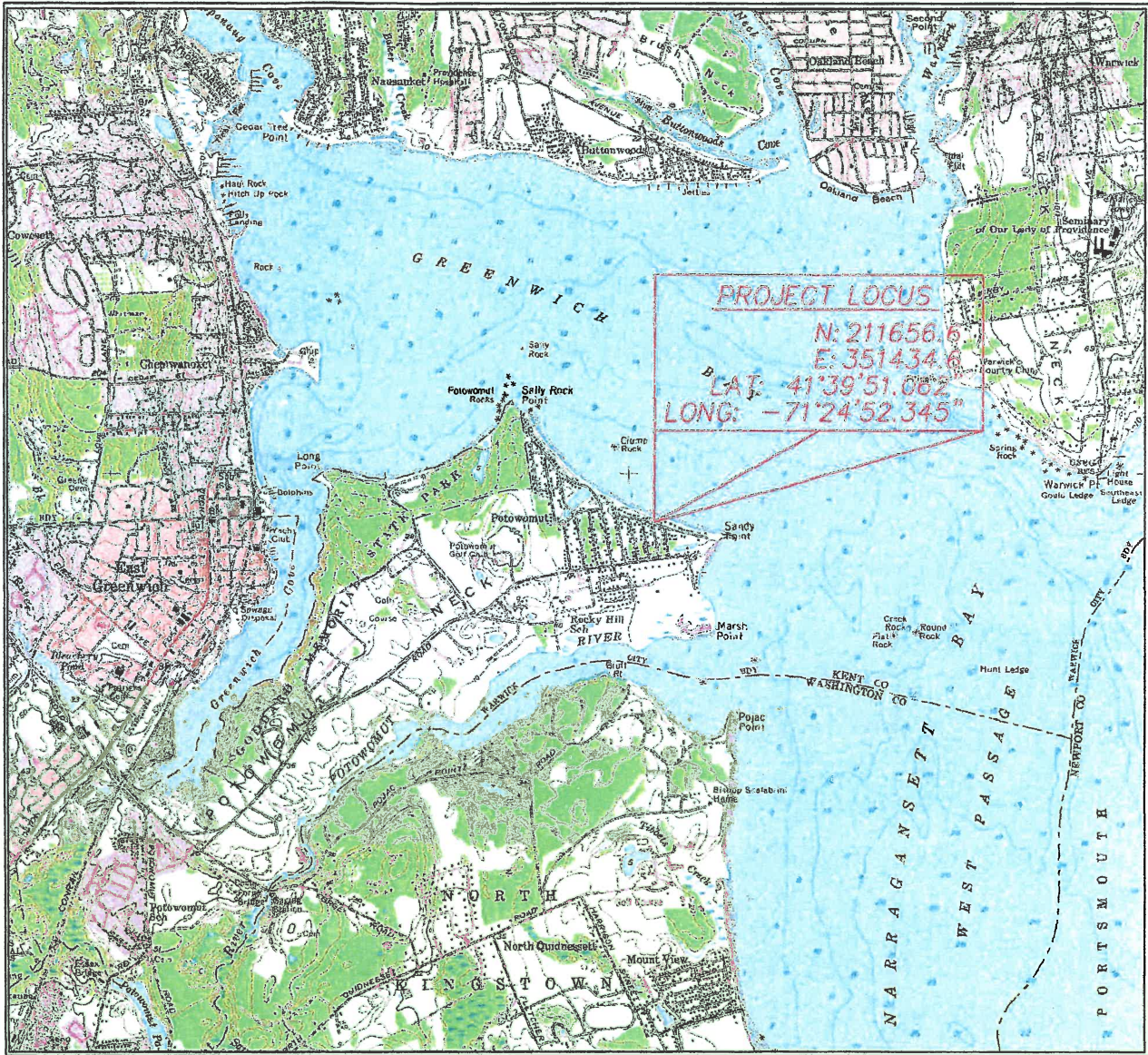
I have included:

- 1) Full size drawings, sheets one thru four, all dated 6-14-21

Respectfully Submitted,


Warren Hall, PE, PLS

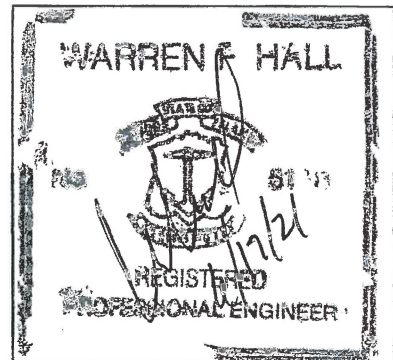




PROJECT LOCUS
1"=4000'

PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 JUNE 14, 2021 SHEET 1 OF 4

RECEIVED
 JUNE 17, 2021
 COASTAL RESOURCES
 MANAGEMENT COUNCIL





Scale 1" = 40'

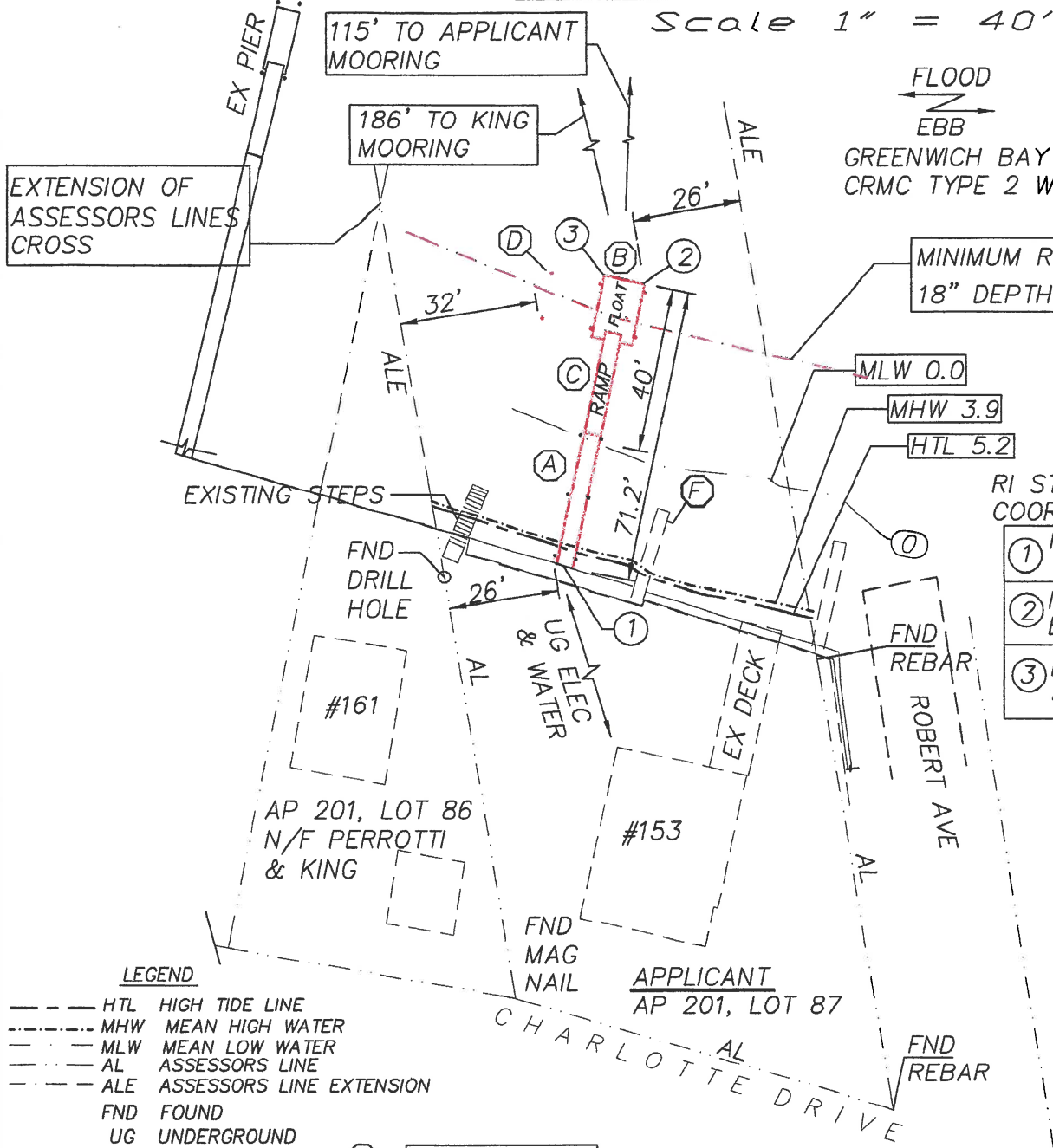
FLOOD
 EBB
 GREENWICH BAY
 CRMC TYPE 2 WATER

MINIMUM REQUIRED:
 18" DEPTH @ MLW

MLW 0.0
 MHW 3.9
 HTL 5.2

RI STATE PLANE
 COORDS

①	N: 211665.8 E: 351411.3
②	N: 211734.4 E: 351430.7
③	N: 211736.4 E: 351420.9



LEGEND

- HTL HIGH TIDE LINE
- MHW MEAN HIGH WATER
- MLW MEAN LOW WATER
- AL ASSESSORS LINE
- ALE ASSESSORS LINE EXTENSION
- FND FOUND
- UG UNDERGROUND

Ⓐ 4'x33.5' FIXED PIER

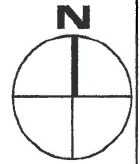
Ⓑ 10'x15' FLOAT

Ⓒ 25' RAMP

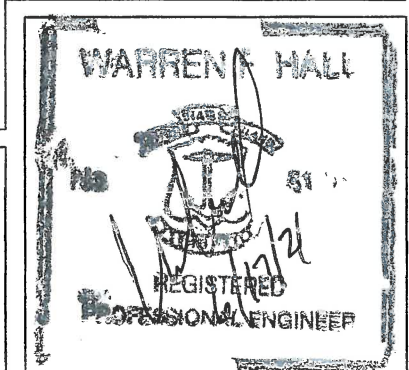
Ⓓ TIE OFF PILES

REMOVE & DISPOSE:

Ⓕ 3'x25'± CONCRETE
 PIER AND STEPS



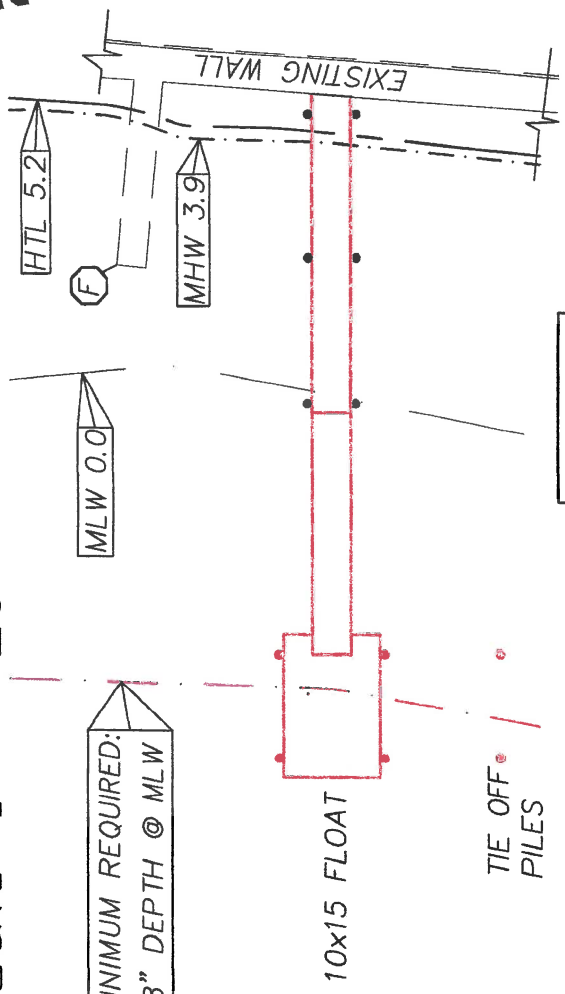
PROPOSED RESIDENTIAL PIER FOR:
 RICHARD CARLUCCI & NGA LE
 153 CHARLOTTE DRIVE, WARWICK, RI 02818
 AP 201, LOT 87
 BY: WARREN HALL, CIVIL ENGINEER
 JUNE 14, 2021 SHEET 2 OF 4





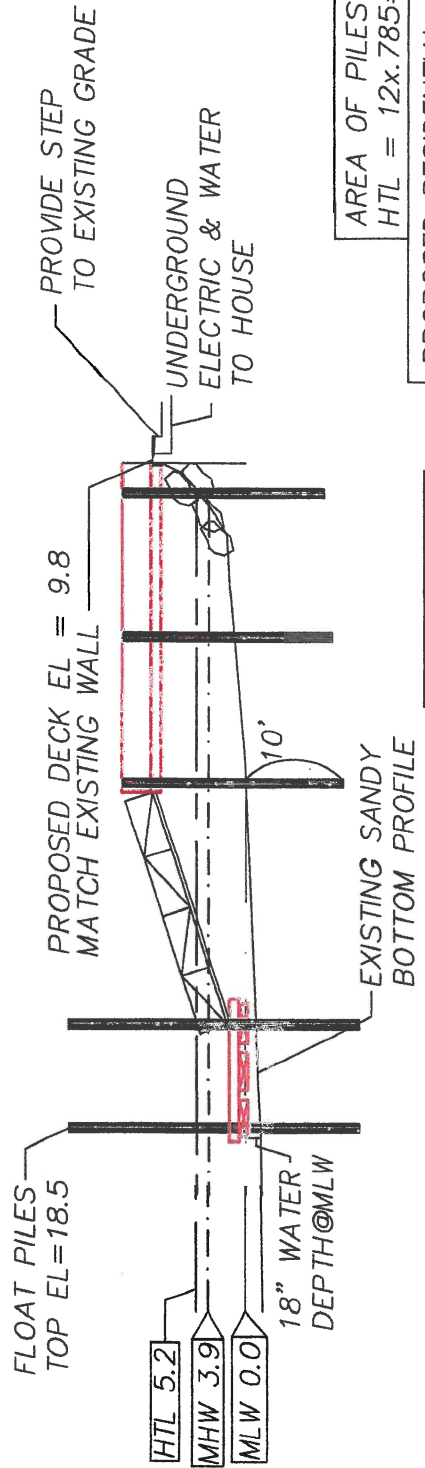
Scale 1" = 20'

MINIMUM REQUIRED:
18" DEPTH @ MLW



PLAN VIEW
1" = 20'

REMOVE & DISPOSE:
3'x25'± CONCRETE
PIER ⊥ TO SHORE
AND STEPS



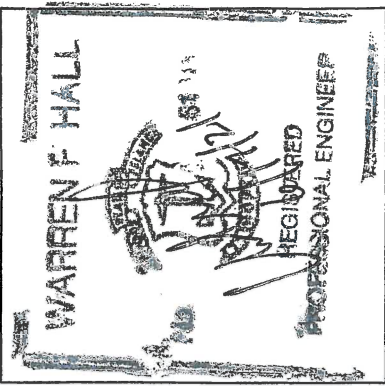
PROFILE VIEW
1" = 20'

AREA OF PILES BELOW
HTL = 12x.785 = 9.45F

FLOAT DESIGN: USE 12@24x48x12 ROTO MOLD 4-33# FLOATS
DL=150SFx10PSF+(12x33)=1896#
LL=150SFx20PSF=3000#
DL DRAFT=1896/5196=.36' (4.3")
LL DRAFT=3000/5196=.57' (6.8")
TOTAL DRAFT=.93' (11.2")
400# POINT LOAD=.52' (6.2") DRAFT

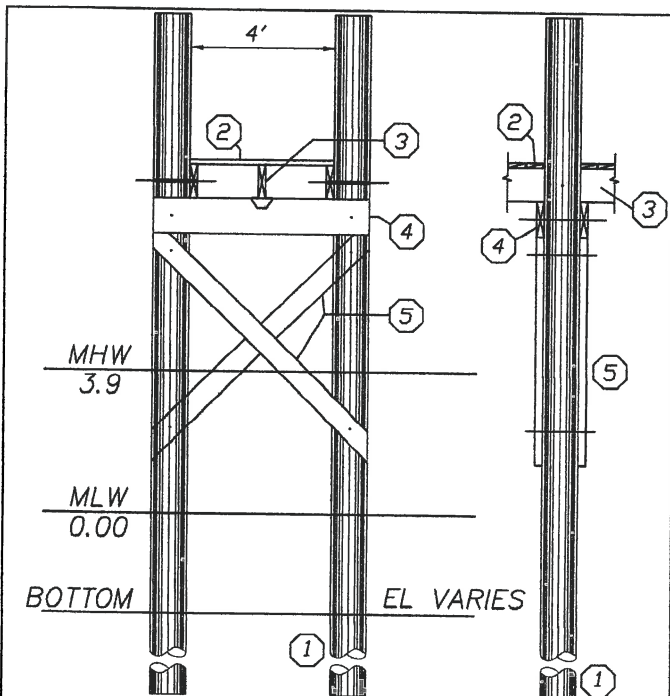
RECEIVED
JUNE 17, 2021
COASTAL RESOURCES
MANAGEMENT COUNCIL

PROPOSED RESIDENTIAL PIER FOR:
RICHARD CARLUCCI & NGA LE
153 CHARLOTTE DRIVE, WARWICK, RI 02818
AP 201, LOT 87
BY: WARREN HALL, CIVIL ENGINEER
JUNE 14, 2021 SHEET 3 OF 4



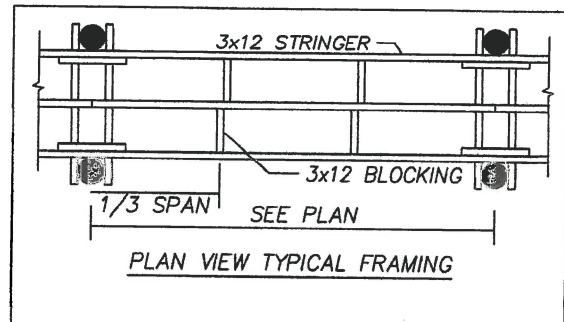
PILE DRIVING NOTE:

A "soft start" is required to allow animals an opportunity to leave the project vicinity before sound pressure levels increase. In addition to using a soft start at the beginning of the work day for pile driving, one must also be used at any time following cessation of pile driving for a period of 30 minutes or longer. For impact pile driving: pile driving will commence with an initial set of three strikes by the hammer at 40% energy, followed by a one minute wait period, then two subsequent 3-strike sets at 40% with one minute waiting periods, before initiating continuous impact driving.



TYPICAL SECTION (3/16"=1'-0")

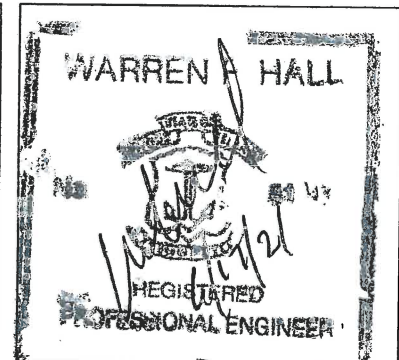
- ① 10" TIP CCA TREATED WOOD PILES
TREAT TO 2.5 PCF (1.0 ALLOWED WITH
OWNER CONSENT) GREENHEART AT FLOAT
- ② 2x6 DECKING ACQ TREATED TO .6 PCF
FASTEN TO STRINGERS WITH 3 @ 3-1/2"
NO. 10 316 STAINLESS STEEL SCREWS
- ③ 3x12 STRINGER, ACQ TREATED THRU BOLT AT PILE
FASTEN MIDDLE STRINGER WITH SIMPSON
H-1 HURRICANE ANCHOR
- ④ 2-3x12 CAP BEAM, ACQ TREATED TO
.6 PCF
- ⑤ 3x10 CROSS BRACE, ACQ TREATED TO
2.5 PCF



GENERAL NOTES:

- 1) ALL BOLTS, CONNECTORS, WASHERS, NAILS, ECT
SHALL BE HOT DIPPED GALVANIZED
- 2) CONTRACTOR SHALL ADHERE TO ALL OSHA RULES
AND REGULATIONS THROUGHOUT ALL PHASES OF
CONSTRUCTION
- 3) CONTRACTOR SHALL BE AWARE THAT THE STRATA
INTO WHICH THESE PILES ARE TO BE DRIVEN
MAY REQUIRE DRILLING TO ENSURE A MINIMUM
10' PENETRATION BELOW EXISTING GRADE

PROPOSED RESIDENTIAL PIER FOR:
RICHARD CARLUCCI & NGA LE
153 CHARLOTTE DRIVE, WARWICK, RI 02818
AP 201, LOT 87
BY: WARREN HALL, CIVIL ENGINEER
JUNE 14, 2021 SHEET 4 OF 4



Lisa Turner

From: Jim King <jking@theenrollmentnetwork.com>
Sent: Friday, January 21, 2022 11:04 AM
To: lturner@crmc.ri.gov
Subject: Meeting Notice - Attendance (Objector) RE: 153 Charlotte Drive

Dear Lisa,

Please accept this email as notice that the owner and myself (son) of 161 Charlotte, Warwick (neighboring property) will be joining the 01/25/22 Zoom meeting at 6:00 PM regarding the prospective construction of a residential dock at 153 Charlotte Drive, Warwick.

You likely have some materials in the file that have been previously sent objecting to the design. There are ongoing discussions between the neighboring owners on attempting to find common ground but they have not gotten there yet. There is also a formal/failed adverse possession claim as a result of this design/layout that affects the waterfront boundary lines as shown on the proposed dock.

Please confirm receipt. Thank you.

Jim King
401.300.2121

Jim King
Managing Partner
The Enrollment Network

ten.
The Enrollment Network

+1 401 300 2121
jking@theenrollmentnetwork.com
333 Main Street, East Greenwich, RI
The Enrollment Network Website
Click [HERE](#) to Book a Meeting

in

VIEW CARD

Created with hibelio.me

08/04/2021

Coastal Resource Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02897-1900

RE: In protest against the new (revised, 2nd time) design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031, submitted to the CRMC on 07/20/2021.

BY: Neighboring owners at 161 Charlotte Drive, Warwick, RI.

Dear Mr. Jeffrey Willis,

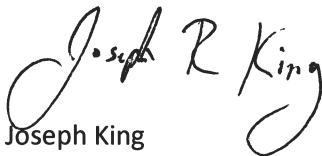
Please accept this letter as an additional notice that we are requesting a hearing on the above proposal by the owners of 153 Charlotte Drive, Warwick, RI to object to the design/placement of their proposed dock buildout and to any variance(s) they are requesting or require.

The reasons for our objection are consistent with what we have sent to you on 01/04/2021 and 06/02/2021 which are in the possession of the CRMC. Additionally, the placement of the 'Tie Off Piles' continue to disrupt our rights at 161 for access to the waterfront from land, back to land from the waterfront, riparian rights and the area we use in the water as a family. There are obvious dangers to the placement of those piles (which are far beyond the median high tide line of the property of 153). And lastly, the placement of those piles along with the requested inclusion of electric in the design plans makes it pretty evident of the intention of 153 for a future boat lift at that location and that would be unacceptable and unsafe for the owners of 161 and public use as shown in our prior objection(s).

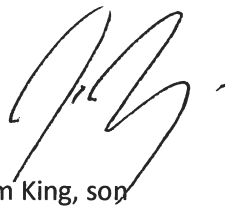
Please let us know when the public hearing is scheduled for so we can attend and be present to give sworn testimony along with our attorney.

Thank you. We look forward to hearing back from you.

Sincerely,



Joseph King
Owner
(401) 451-4448
joekingphoto@cox.net
161 Charlotte Drive



Jim King, son
On Behalf of the Owner
(401) 300-2121
jjk2king@gmail.com
200 Cindyann Drive

cc: Jennifer Cervenka, Chair of the Coastal Council; Lisa Turner, Administration



06/02/2021

Coastal Resource Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02897-1900

RE: In protest against the new (revised) design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031, submitted to the CRMS on 02/02/2021.

BY: Neighboring owners at 161 Charlotte Drive, Warwick, RI.

Dear Mr. Jeffrey Willis,

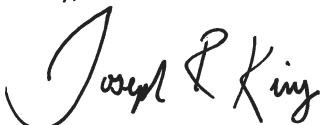
Please accept this letter as another notice that we are requesting a hearing on the above proposal by the owners of 153 Charlotte Drive, Warwick, RI to object to the design/placement of their proposed dock buildout and to any variance(s) they are requesting or require.

Please review and add the enclosed detailed objections to our original response dated 01/04/2021.

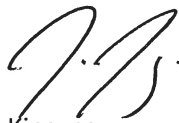
Please let us know when the public hearing is scheduled for so we can attend and be present to give sworn testimony.

Thank you. We look forward to hearing back from you.

Sincerely,

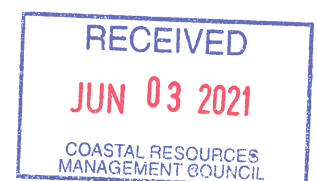


Joseph King
Owner
(401) 451-4448
joekingphoto@cox.net
161 Charlotte Drive
Warwick, RI 02818



Jim King, son
On Behalf of the Owner
(401) 300-2121
jjkking2@gmail.com
200 Cindyann Drive
East Greenwich, RI 02818

cc: Jennifer Cervenka, Chair of the Coastal Council; Lisa Turner, Administration



By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the newest (revised) dock proposal from 153 Charlotte Drive, submitted 2/2/2021.

-
- Revised buildout plans by 153, submitted 2/2/21 to the CRMC
 - 161 Charlotte Drive, Warwick, RI ●
 - 153 Charlotte Drive, Warwick, RI ●
 - Source, Google Earth



- Using the same Google Earth imaging as in our previous correspondence with the CRMC, 153's newly design dock plans includes:
 - Moving the entryway of their proposed dock closer to the property of 161;
 - Changing the angle at which half the dock extends into the bay;
 - Moving their 20,000 lb electric boat lift closer to shore and closer to the existing stairs at 161 which is 161's only immediate access to the bay from shore.
- The next few pages will show additional concerns about this newest dock design buildout plan.



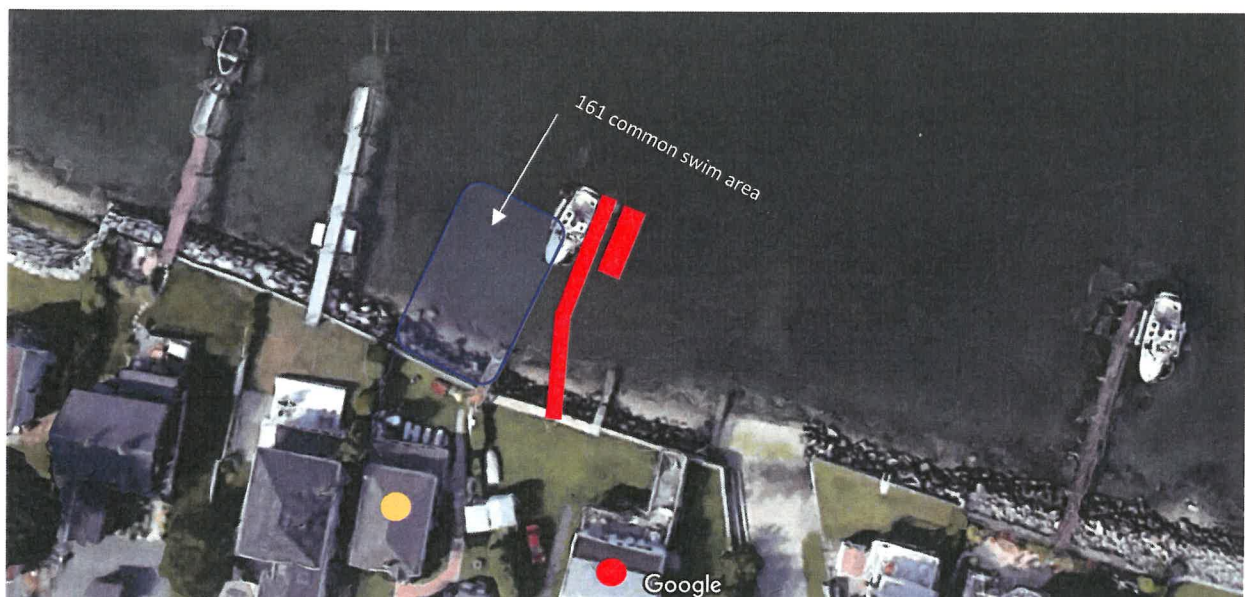
By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the newest (revised) dock proposal from 153 Charlotte Drive, submitted 2/2/2021.

➤ Safety concern as a result of 153's new buildout design

- 161 Charlotte Drive, Warwick, RI ●
- 153 Charlotte Drive, Warwick, RI ●
- Source, Google Earth



- In addition to the various concerns as shown on 161's initial response (sent 1/4/21), an additional and **very** important consideration that we would like the CRMC to be mindful of is the overall safety for people immediately affected by the placement of this dock. The 4th generation of the family of 161 includes four children aged 10 and under who all enjoy the bay in front of 161 almost daily in the summertime.
- 153's plan includes the placement of a 20,000 lb electric boat lift, proposed to sit immediately in front of 161's access point to the bay.
 - Even with quality design and construction, electric boat lifts are not, in any way, fail safe. There are many documented incidents of accidents and malfunction of these lifts causing terrible outcomes for those impacted.
 - This can include the lift failing and the boat crashing to the water below and there are also documented incidents of electrocution.
- The owners of 161 are gravely concerned about the health and welfare of the kids and even the general public as the Robert's Avenue boat ramp is frequented by people all summer long.
- Please see Addendum #1
 - Informational piece from The Electric Shock Drowning Prevention Association
 - Focused input from the Association's findings relative to 153's proposed dock is particularly concerning at bullet point #2 and bullet point #9a.



By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the newest (revised) dock proposal from 153 Charlotte Drive, submitted 2/2/2021.

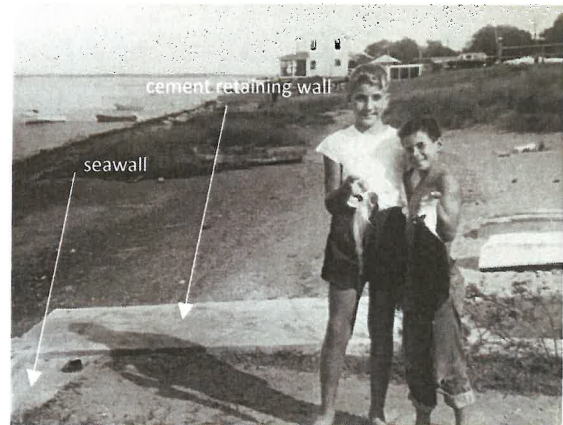
➤ Additional description of the common boundary line and water access between 161 and 153

- 161 Charlotte Drive, Warwick, RI ●
- 153 Charlotte Drive, Warwick, RI ●
- Source, Google Earth

The boy on the right is the current owner of 161, estimated to be age 8 in the picture, this would place the date of the photo at 1956 (est).

The seawall and cement retaining wall are clearly shown and are in the exact same place now. Both the seawall and cement retaining wall were in place before the family of 161 even owned the home.

There is no home, seawall, cement piers or Robert's Avenue boat dock at the current property at 153.



- The current platform and entryway to the wooden stairs are situated directly on that cement retaining wall that is shown in the picture. The iterations of the waterfront access at 161 have been as follows:
 - Seawall and cement retaining wall, no stairs;
 - Seawall, cement retaining wall, cement steps and a cement pier;
 - Seawall, cement retaining wall, wooden steps and a cement pier;
 - Seawall and wooden steps (current), nothing else.
 - This final iteration has been in place for roughly 50 years.
 - It is ironically shown on page 9 of 38 on the RI Coastal Property Guide_2014.
 - Please see **Addendum #2**.
- There has never been permission sought or needed for almost 70 years as these steps, placed on that cement platform as being 161's direct access to the waterfront. Neighbors in the area and the prior owners of 153 have expressed surprise that these steps are in question by the owners of 153.
 - There has not been an issue until the initial dock design plans by 153 were submitted.
- The owners of 161 requested input by the US Army Corps of Engineers and grandfathering of these structures has been granted.
 - Please see **Addendum #3**.
- The owners of 161 have prepared to submit a case and are willing to spend the money and any amount of time needed to make a formal claim to this small, yet important, piece of land. The input by Mr. John Mancini in the latest correspondence to the CRMC is his own speculation only and is speculation that 161 strongly disagrees with.



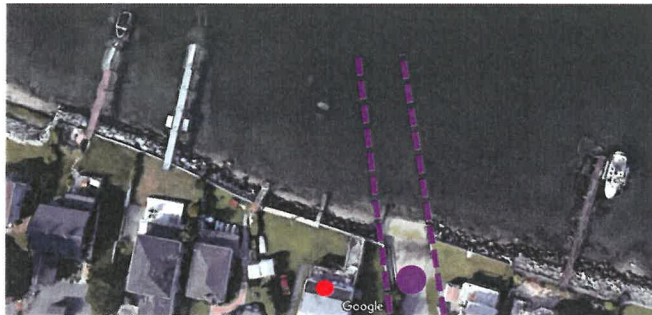
By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the newest (revised) dock proposal from 153 Charlotte Drive, submitted 2/2/2021.

➤ Shared Boundary of 153 and Roberts Avenue Public Boat Ramp

- Roberts Avenue Public Boat Ramp, Warwick, RI ●
- 153 Charlotte Drive, Warwick, RI ●
- Source, Google Earth



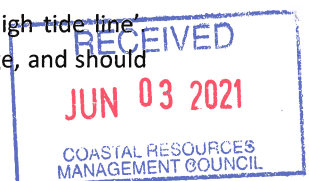
➤ From Mr. Mancini's letter to the CRMC on 2/2/21:

- "Mr. King, in his correspondence, is correct to assert that "the Owners of 153 are limited in design for their future dock because of this boat ramp". The existence of the boat ramp does create a unique circumstance for the Subject Property, such that it warrants the relief sought by the Petitioners, as the hardship from which they seek relief was not of their own doing. The Petitioners, in their application, seek the least relief necessary, to accommodate the requested assent."
- "We, therefore, respectfully request the CRMC dismiss the objection as filed by Mr. King, the owner of the Property located at 161 Charlotte Drive, Warwick, RI, and approve the Application as revised by the Petitioners..."
 - Mr. Mancini, in his own words agrees with the owners of 161 that 153 is limited by the boat dock and that it creates a unique circumstance for 153's proposed plans, And, the fact that "the hardship of the boat ramp being not of their (153) own doing" is further acknowledgement that a dock at this location requires careful consideration by the CRMC.
 - The boat ramp was not of their doing by the owners at 153, but it was there before they purchased the home, they were obviously aware of that and should have been aware of the potential negative impact a dock will create.
 - To 161, it seems very presumptuous for Mr. Mancini to request that the CRMC simply dismiss 161's objections and approve these newest plans as is, especially after his own admission of these unique circumstances.

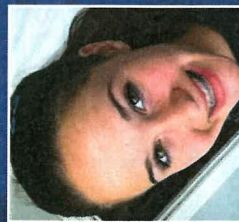
➤ This dock buildout redesign is still a real issue for the neighbors at 161, for the public access to the Roberts Avenue Boat Ramp and for the general community of Potowomut.

- Any relief granted should not in any way greatly impact the safety, waterfront access and/or riparian rights of neighboring homeowners.

➤ The CRMC is certainly aware that ownership of waterfront property ends at the 'mean high tide line'. Therefore, 153 having a dock that extends well beyond that line is not a right, but a privilege, and should not have such harmful impacts to safety and access of anyone around that area.



LOST TO ESD...



ELECTRIC SHOCK DROWNING A SILENT KILLER



DON'T SWIM AROUND ELECTRICITY!

For More Information
www.electricshockdrowning.org

Kevin Ritz
503-709-5649
kevinritz@gmail.com

David Rifkin
904-382-7868
ESDPA@comcast.net

What You MUST Know to Protect Your Family



www.ElectricShockDrowning.org

1. What kinds of coastal features are on or near the property, and what kinds of setbacks or regulations apply?

In addition to municipal zoning conditions, properties in coastal areas are subject to coastal zone management classifications that may carry building and permitting ramifications. These classifications are based on both the water the property abuts and characteristics of the shoreline on or near the property.

Coastal or shoreline features such as coastal barriers, dunes, and wetlands have specific regulations and protections under the CRMC. These regulations include structural setbacks, buffers, and rules pertaining to construction and renovating or remodeling older structures. Depending on the property's proximity to coastal features, there may be implications for new construction, home improvements, and structural alterations.

CRMC Shoreline Feature Classifications	
Areas of Historic/Archaeological Significance	Rocky Shores
Beaches and Dunes	Manmade Shorelines
Coastal Wetlands	Developed Barriers
Headlands, Bluffs and Cliffs	Moderately Developed Barriers
Tidal Waters	Undeveloped Barriers



Examples of shoreline features in Rhode Island (clockwise from top left): coastal beach, coastal dunes, coastal wetlands, and shoreline protection structures along a manmade shoreline.





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

Regulatory Division
CENAE-R
CORPS ID#: NAE-2021-01150

April 27, 2020

Jim King
161 Charlotte Drive
Warwick, Rhode Island 02818
jking@theenrollmentnetwork.com

Dear Mr. King:

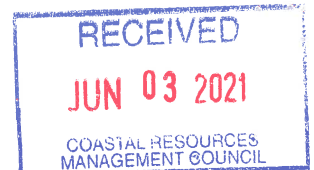
This concerns your proposal to retain and maintain an existing seawall and stairs below the high tide line of Greenwich Bay on your property at 161 Charlotte Drive, Warwick, Rhode Island. The structures have reportedly been in place prior to 1968.

Structures or work completed in navigable waters before December 18, 1968 were permitted by a Nationwide Permit issued on July 19, 1977 provided there is no interference with navigation. Unless the activities are modified in the future e.g. by the addition of a float, they do not require further permitting. Please note that no placement of additional structures (permanent or temporary) seaward of mean high water is authorized without written approval from the Corps.

If you have any questions regarding this letter, please contact Jana Jacobson of my staff at 978 318 8496 or jana.l.jacobson@usace.army.mil at our Augusta, Maine Project Office.

Sincerely,

Michael Wierbonics
Acting Chief, Permits & Enforcement Branch
Regulatory Division



01/04/2020

Coastal Resource Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02897-1900

RE: In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031. And, in objection to the requested variance to 1.3.1.D.11.(I) (the facility extends 25' past the 50' standard).

BY: Neighboring owners at 161 Charlotte Drive, Warwick, RI.

Dear Ms. Lisa Turner,

Please accept this letter as notice that we are requesting a hearing on the above proposal by the owners of 153 Charlotte Drive, Warwick, RI to object to the design/placement of their proposed dock buildout and to the variance they are requesting.

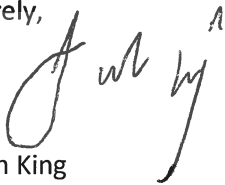
Our primary concerns (amongst others) are that the layout of the dock, if permitted, would impede our riparian rights and negatively impact our own ability to construct a dock at the site and, with the requested variance at this length, the proposed dock impedes our ability to freely enter the water and return to the shoreline as a result of its placement.

Please let us know when the public hearing is scheduled for so we can attend and be present to give sworn testimony.

Thank you. We look forward to hearing back from you.

Please see the detailed supporting documents which show multiple reasons for our objection.

Sincerely,



Joseph King
Owner
(401) 451-4448
joekingphoto@cox.net
161 Charlotte Drive
Warwick, RI 02818



Jim King, son
On Behalf of the Owner
(401) 300-2121
jjkking2@gmail.com
200 Cindyann Drive
East Greenwich, RI 02818

cc: Jennifer Cervenka, Chair of the Coastal Council; Jeffrey Willis, Executive Director



By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

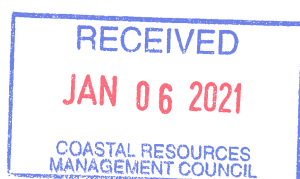
In objection to the requested variance to 1.3.1.D.11.(I) (the facility extends 25' past the 50' standard).

➤ Existing Waterfront Properties / Docks

- Charlotte Drive, Warwick, RI
- Source, Google Earth



- There are 31 houses on the waterfront side of Charlotte Drive.
- 14 of these 31 houses own a dock.
 - Every single one of these 14 docks comes off of the owner's property at a ~ perpendicular angle (~ 90°) of the natural shoreline.
- X – Estimated schematic of proposed dock by the owners of 153.



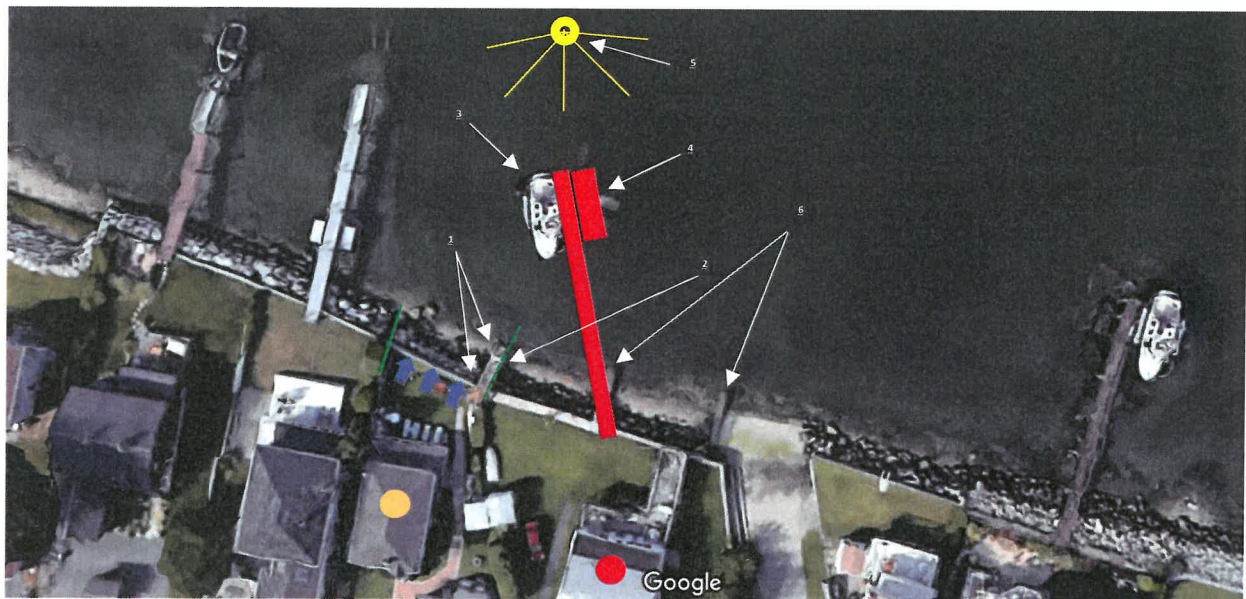
By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the requested variance to 1.3.1.D.11.(I) (the facility extends 25' past the 50' standard).

➤ Closeup View of 161 / 153 Charlotte Drive

- 161 Charlotte Drive, Warwick, RI ●
- 153 Charlotte Drive, Warwick, RI ●
- Source, Google Earth



- 1. Those are wooden steps which go down from the backyard of 161 to the beach/water. They have been installed in that same way since 1955. Those steps have always been the singular entry to the water for 161 as the rest of the shoreline at 161 is protected by a rock seawall.
- 2. The right-side railing of the wooden stairs has been (now for 65+ years) the common and agreeable shoreline boundary point of 161 and 153. For multiple generations it has been viewed and lived with in this capacity with never once a disagreement or a challenge.
- 3/4. In addition to pointing their dock in the oddly angled way toward the waterfront of 161, the proposed dock of 153 includes a boat lift (which requires their requested variance). The schematic of the boat in this picture was taken from a copy of the boat on the far right – and that is an estimate of the same size/shape of the boat moored in front of 153 during the summer of 2020. That boat would be lifted into the air 4'-8' in front of 161 when the boat is docked, and predominately out of the view of 153. / 4. Floating dock.
- 5. Approximate location of an existing, professionally installed and registered mooring owned by 161 (for a 19'6" center console). Depending on direction of wind/current, that boat can be directed toward shore, and this could be very close to 153's proposed dock (likely <50' away). The yellow lines above represent the attachment line(s) at different possible angles; imagine adding a boat to the end of that line.
- 6. Two cement docks (~ 15' long) extending off the shoreline of 153 in a perpendicular (~ 90°) angle off of the shoreline. These have been there for decades.
- 📍 Those blue arrows show the direct line of vision of 161 when looking out onto the waterfront of the natural shoreline.



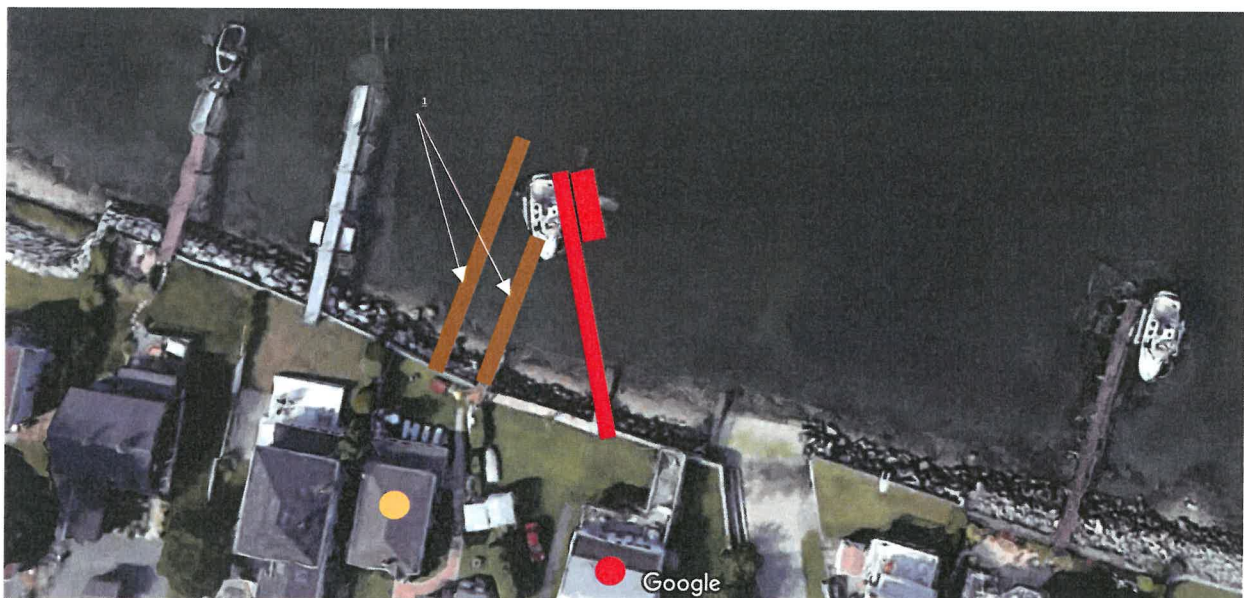
By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the requested variance to 1.3.1.D.11.(I) (the facility extends 25' past the 50' standard).

➤ The Future Prospects of 161 to Install a Dock of their Own

- 161 Charlotte Drive, Warwick, RI ●
- 153 Charlotte Drive, Warwick, RI ●
- Source, Google Earth



- 1. As shown on page 1, almost half the houses have docks on the waterfront side of Charlotte Drive. It is only fair that the owners of 161 have that same option now and at any time in the future if they so choose. The proposed dock by the owners of 153 completely eliminates that potential.
- Those two brown lines are showing potential dock buildout designs (estimate) for the owners of 161. The invasive and oddly angled proposed dock by the owners of 153 make those designs impossible forever.
 - Additionally, the owners of 161 are actively moving forward with the development of plans for their own dock for the future review of the board of the CRMC.
 - This includes a simple renovation of the existing structure and/or with a potential for added length, or an entirely new structure placed elsewhere at the shoreline frontage.

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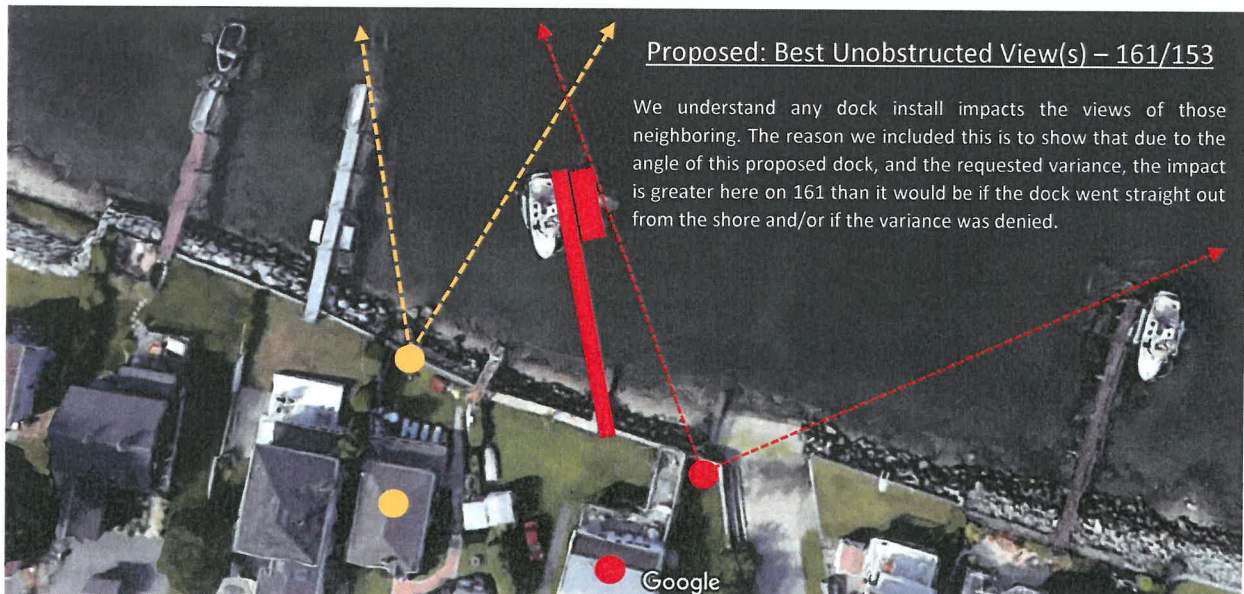
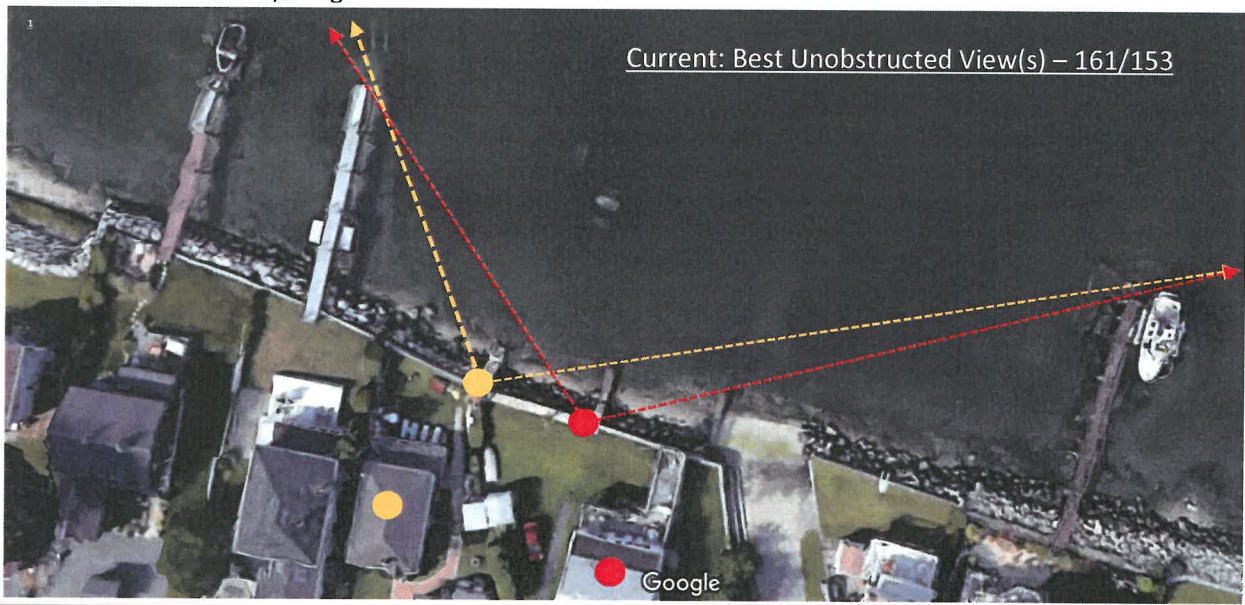
By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the requested variance to 1.3.1.D.11.(I) (the facility extends 25' past the 50' standard).

➤ Impact of Waterfront View

- 161 Charlotte Drive, Warwick, RI ● - - - - ->
- 153 Charlotte Drive, Warwick, RI ● - - - - ->
- Source, Google Earth



RECEIVED
JAN 06 2021
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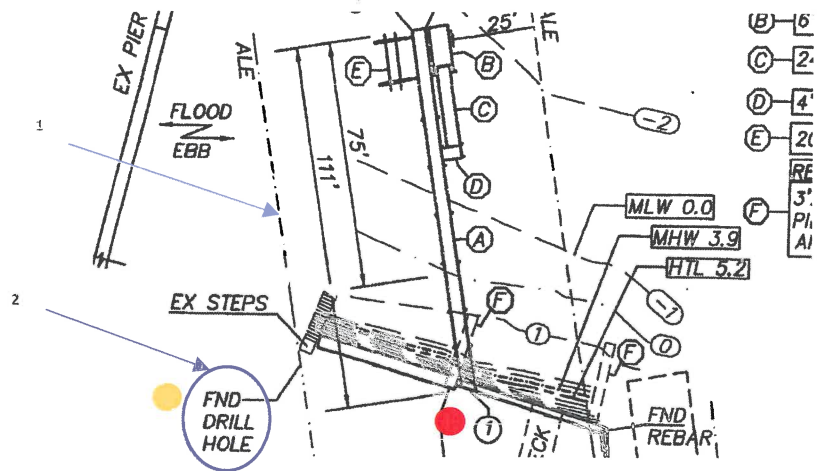
By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the requested variance to 1.3.1.D.11.(I) (the facility extends 25' past the 50' standard).

➤ Challenge to Property Boundary Line as shown in the Dock Proposal by 153

- 161 Charlotte Drive, Warwick, RI ●
- 153 Charlotte Drive, Warwick, RI ●
- Source, Dock Proposal by Owners of 153



- 1/2) The owners of 161 have hired a professional and licensed survey company to conduct their own assessment of the boundary lines. Estimated time of completion is 3rd week of January.
- The next page shows what the common and agreeable boundary lines have been for the past 65+ years. These have been uncontested and used by the current owners of 161 and the former owners of 153 for decades.



By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the requested variance to 1.3.1.D.11.(I) (the facility extends 25' past the 50' standard).

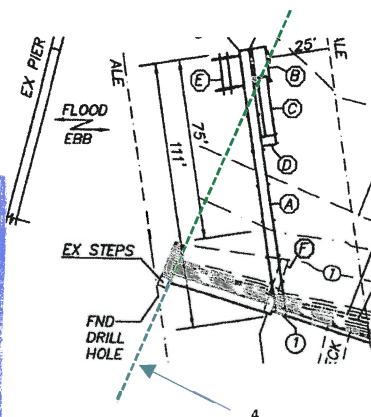
➤ Challenge to Property Boundary Line as shown in the Dock Proposal by 153

- 161 Charlotte Drive, Warwick, RI ●
- 153 Charlotte Drive, Warwick, RI ●
- Source, Dock Proposal by Owners of 153



- 1. Concrete seawall protecting the shoreline of 161. This was constructed in 1955, with additional support from large rocks in front of it. It was constructed before the property of 153 even had a residence on it; at the time 161 put this in, the land at 153 was a beach.
- 2. The concrete seawall protecting the shoreline of 153. At the time of the construction (early 1960s) that metal pipe was installed and was known and agreed upon by 161/153 to be the property boundary and it was never in question or contested.
- 3. That right-hand side of the railing to the steps is the common boundary line for the property since 153 was built, the metal pipe can be seen 6-8 inches outside of that railing. The steps are a ~ perpendicular angle (~ 90°) of the natural shoreline.

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- 4. This is the proposed design of 153's dock. If the common boundary line and boundary direction remain the same in the future as it has been, now uncontested for 65+ years, that green line shows how intrusive the design/build plan is to the owners of 161. Plus, at the end of that dock would be a boat lift on the 161-side of that structure. It would be in front of the existing stairs of 161 and also would impede the direct access to the stairs from the water heading back toward shore for the owners of 161.

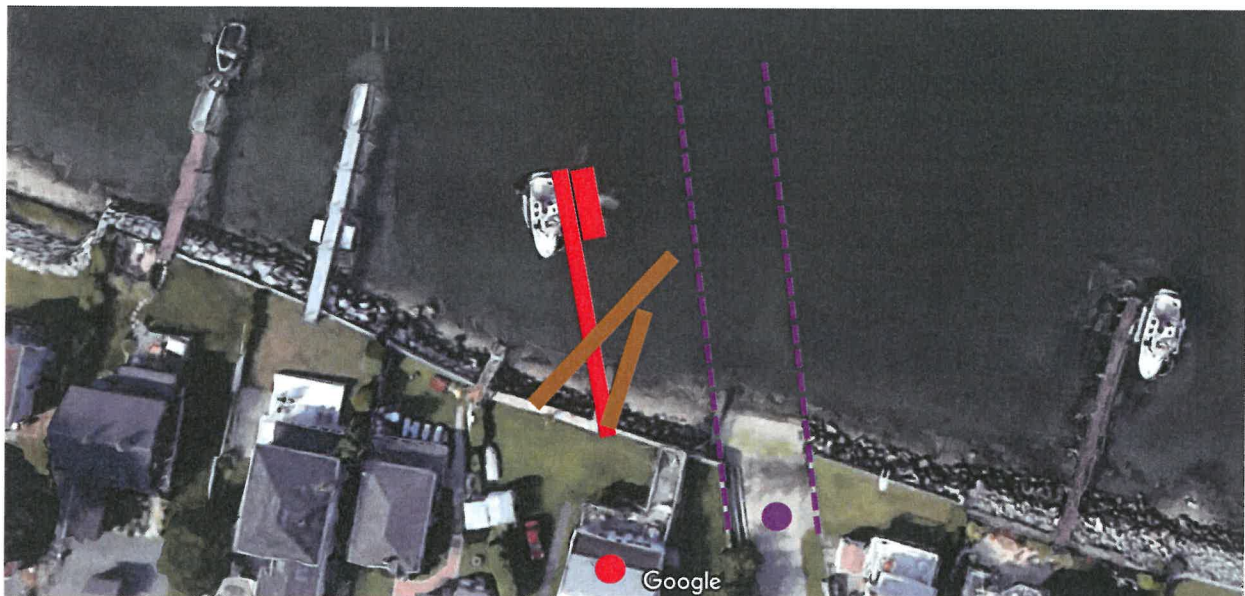
By: Owners of 161 Charlotte Drive, Warwick, RI

In protest against the design and construction of the proposed dock installation at 153 Charlotte Drive, Warwick, RI. File # 2020-11-031.

In objection to the requested variance to 1.3.1.D.11.(I) (the facility extends 25' past the 50' standard).

➤ Shared Boundary of 153 and Roberts Avenue Public Boat Ramp

- Roberts Avenue Public Boat Ramp, Warwick, RI ●
- 153 Charlotte Drive, Warwick, RI ●
- Source, Google Earth



- It is apparent that the angled design of the proposed dock by the owners of 153 is due to the fact that their property shares a boundary with the Roberts Avenue Public Boat Ramp. That boat ramp is active from mid-spring to the end of the boating season in the fall. It is free to use and open to the public 24/7.
- Some brief commentary:

The owners at 153 are limited in the design of their future dock because of this boat ramp. The boat ramp has been there for decades and will continue to be there. The limitations of a future dock at 153 are inherent to that piece of property due to the location of the abutting boat ramp. This is a limitation of which 153 was aware – or should have been aware – at the time that they recently acquired the property.

If it was the goal of the owners of 153 to gain waterfront property, have a 111' long dock with a boat lift and a floating dock attached to it, this particular piece of property just isn't suitable for that. It doesn't work and it can't work because of the limitations due to the neighboring boat ramp, and the rights of the neighbors at 161. A smaller dock, jutting out from the property at 153 at the normal, perpendicular (~ 90°) angle could be an option to consider. Or one across of their own natural shoreline, although an off-angle dock would be unique and odd for the area as shown above (alternate options in brown).

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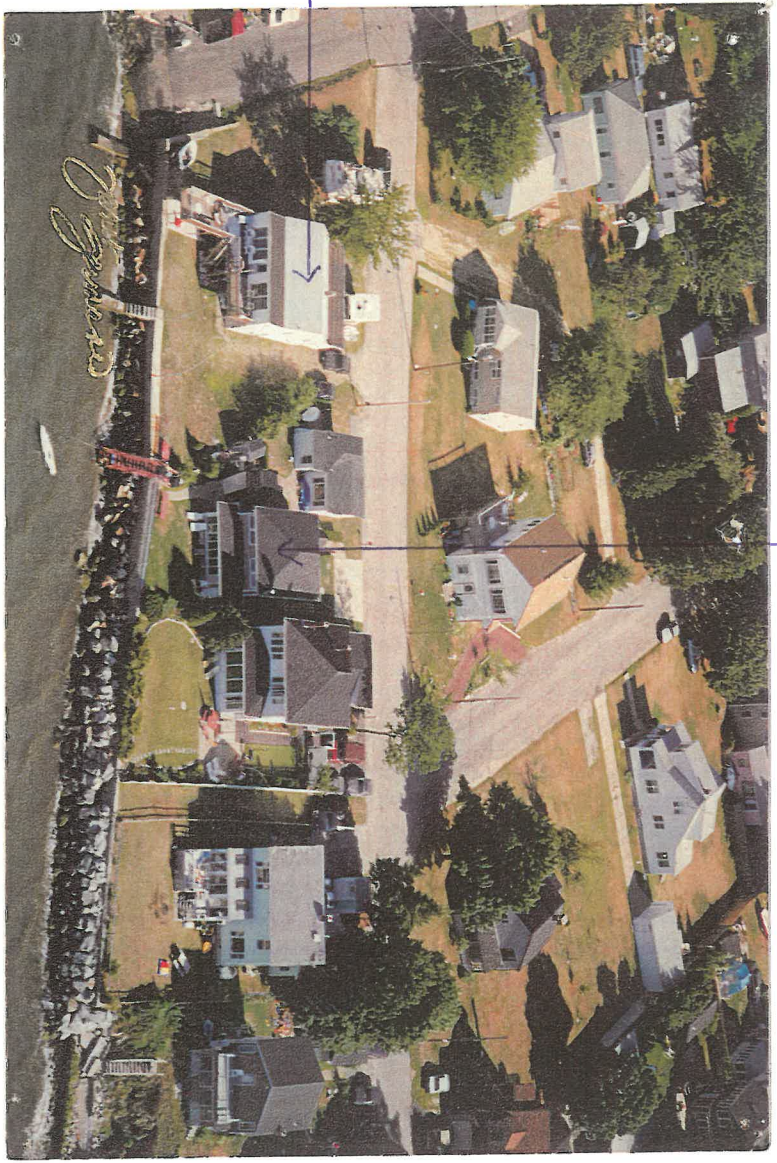
The owners of 161 respectively ask the Council to deny the owners of 153 the ability to construct a dock at their property as proposed. Additionally, the owners of 161 ask the Council to deny the variance request of the additional 25' of dock now, and at any time in the future if 153 proposes a dock angled away from their property and directed toward the property of 161. Based on the information shown above, every inch of that variance directly negatively affects the owner of 161's riparian rights for the construction of their own dock, their waterfront access from shore and their shoreline access from the water in a 1:1 for way. Lastly, 161 is working with local land surveyors and dock builders to design a renovation to the existing dock at 161 and/or design an entirely new structure.



Aerial View

161

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