

cstaff1@crmc.ri.gov

From: jjbarber@alum.mit.edu <jimbarber7@comcast.net>
Sent: Friday, June 15, 2018 11:58 AM
To: asilva@crmc.ri.gov; cstaff1@crmc.ri.gov
Cc: 'Warren Hall'
Subject: Response to objections to dock project at 7 Touisset Road, Warren
Attachments: 180615 Letter to CRMC re objections to dock appl'n.pdf

Dear Amy et al,

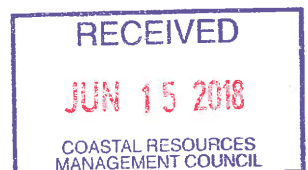
Attached is a response to the objections raised to our application for a residential dock at our home at 7 Touisset Road, Warren (CRMC File Number 2017-12-046). Please advise whether there is any other information that you might desire.

Thank you for your consideration of our application,

Jim Barber

781-985-2883

jjbarber@alum.mit.edu



James Barber
7 Touisset Road
Warren, RI 02885

June 14, 2018

Coastal Resources Management Council
Oliver Stedman Government Center
4804 Tower Hill Road
Wakefield, RI 02879

Dear Coastal Resources Management Council,

This letter is to respond to the various objections raised by the Warren Harbor Commission and the Warren Conservation Commission to our proposed residential dock at 7 Touisset Road in Warren.

1. Proximity to the designated mooring field (noted by both the Harbor and Conservation Commissions)

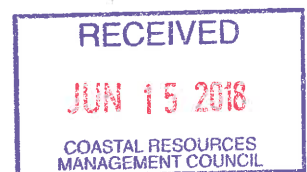
As noted in our application, the proposed dock intrudes 14' into the 50' setback from the mooring field boundary. This corner of the mooring field is very shallow (2-3' at mean low water in the vicinity closest to the dock, and approaching 1' south of the dock), as shown in the topographic map enclosed with the application, and there are no moorings in this part of the field. The closest mooring is 121' away from the proposed dock float. The area of the mooring field closest to our dock would be suitable for mooring only quite small craft, and I don't believe that the position of the dock as proposed would create any kind of hazard to navigation for such craft.

2. Potential interference of public access of Conklin Cove (Harbor Commission)

Conklin Cove is a very shallow tidal pond entirely surrounded by land except for an outlet to the Kickemuit that is entirely blocked by exposed rocks from low to middling tides. In the seven years we have lived here, we have only seen occasional kayaks and on very rare occasions small, flat bottomed fishing boats enter this cove, and on one occasion a rowboat. The proposed positioning of the dock would not constitute an obstacle of any sort to craft of these types entering or leaving the cove.

3. Overall residential dock density in the Kickemuit River (Harbor Commission)

While the residential dock density on the east side of the Kickemuit north of Chase Cove might be viewed as high, the proposed dock is south of the point that separates Chase Cove and Conklin Cove, around 1315' (as the crow flies) and 1660' (by water) from, and out of sight of, these docks, and would not contribute in any sense to there being too many residential docks on the Kickemuit. (See attached map.) The docks of Senn's marina are south of our property, and our proposed siting is as far north as we might go to avoid being a factor for boats entering or leaving the marina, on the one hand, and Conklin Cove, on the other. There are a few other residential docks south of Senn's marina, but these are well spaced and well away from our proposed dock.



4. Marsh grass (Conservation Commission)

As noted in our proposal, the work will occur on land and from a barge over the water, and while there may be minor displacement of plant and animal life (including marsh grass), the plants and animals will recolonize after construction. In addition, we now launch, over the rip-rap and through the grasses along the shore, 4 kayaks, a Sunfish from its dolly (which is then rigged in the shallow water, often standing in the marsh grass), and a motorized inflatable dinghy for reaching the two sailboats we keep in the mooring field. Being able to reach the water from the proposed dock rather than from the shore will significantly reduce the insult to the shoreline grasses (and reduce the chance of someone suffering a turned ankle or worse crossing the rip-rap carrying or hauling the watercraft mentioned).

5. Construction in the area of intact dense vegetated habitat

This habitat will be minimally effected by the construction and use of the dock, and we will only be creating a 6' corridor through the vegetation to access the dock, per CRMC regulations. There is minimal likelihood of erosion of the shoreline as a result of this work. We could add a rider to the application stating that the corridor will not exceed 6' if that is desired.

As a side note, the minutes of the Harbor Commission meeting at which this proposal was discussed was September 6, 2017, while the application to CRMC was not submitted until December 10. I believe that the Harbor Commission was reacting to a draft that I reviewed with the then Town Manager, to get his guidance as to how to proceed given the setback variance to the mooring field (and which I presume he forwarded to the commission), and I received no notice that they would be discussing this matter. The Harbor Commission has been unresponsive to several efforts to engage with them to discuss their concerns subsequent to your discussion of February 14 with Mr. Warren Hall, the engineer on this project, (see attached emails of April 5 and April 17, which were not responded to). I did meet with the Conservation Commission on April 16, and they stated that they have no jurisdiction over any of the matters cited in their letter and so could do nothing to resolve them, but were unwilling to modify their position and provide a letter of non-objection.

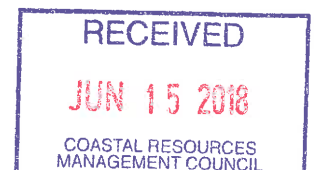
Please let me know whether there is any other information that I might provide that will assist you in reviewing my application.

Thank you,



Jim Barber

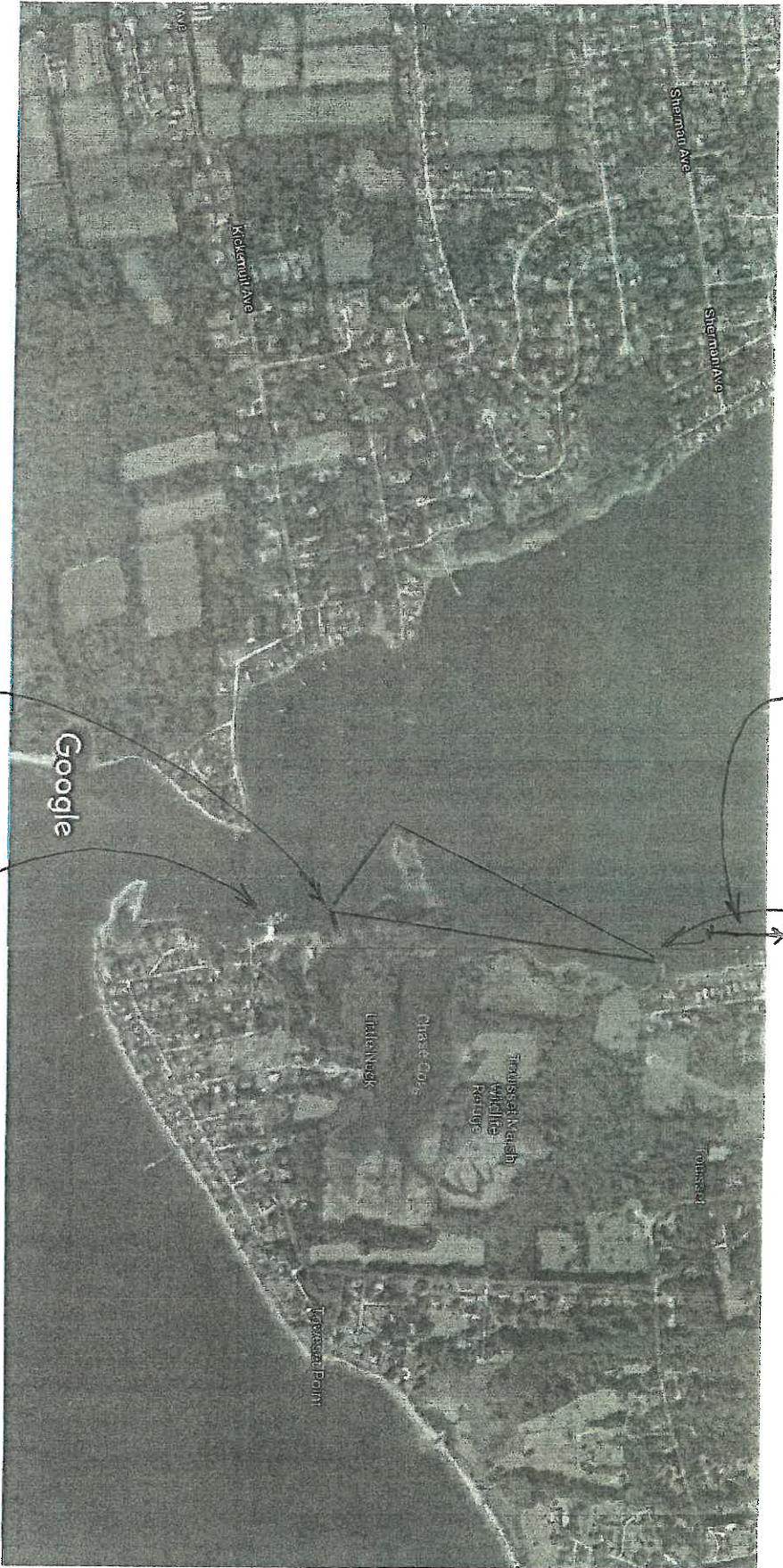
7 Touisset Road
Warren, RI 02889
jjbarber@alum.mit.edu
781-985-2883



Google Maps

Frontage with high dock density

Nearest residential dock north of Chase Cove



Proposed dock

Senn's marina

Imagery ©2018 Google, Map data ©2018 Google 500 ft

~1315' on new pier
~1660' by water

RECEIVED

JUN 15 2018

COASTAL RESOURCES
MANAGEMENT COUNCIL

jjbarber@alum.mit.edu

From: jjbarber@alum.mit.edu <jimbarber7@comcast.net>
Sent: Tuesday, April 17, 2018 9:46 AM
To: 'woodyjkemp@gmail.com'
Cc: 'kmichaud@townofwarren-ri.gov'
Subject: RE: Follow up to conversation

Dear Mr. Kemp,

Following up on the email below and a voice message I left for you a short while ago, I have obtained an extension from CRMC to file my response to the concerns expressed to the proposed residential dock. I would like to have the opportunity to discuss the Harbor Commission's concerns, and request that this item be added to the agenda for the upcoming Commission meeting. Please advise of how I should formally request this, if this email is not sufficient.

Thank you

Jim Barber
781-985-2883
jjbarber@alum.mit.edu

From: jjbarber@alum.mit.edu <jimbarber7@comcast.net>
Sent: Thursday, April 5, 2018 11:07 AM
To: 'woodyjkemp@gmail.com' <woodyjkemp@gmail.com>
Cc: 'kmichaud@townofwarren-ri.gov' <kmichaud@townofwarren-ri.gov>
Subject: Follow up to conversation

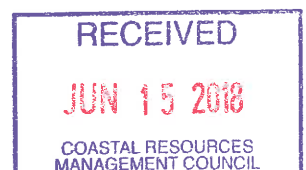
Dear Mr. Kemp,

As you suggested during our brief conversation before the Harbor Commission meeting last night, I'm sending you this email to request a time to meet with the commission to discuss the particular objections the commission has raised to a proposed dock at 7 Touisset Road in its letter to CRMC dated January 26. My aim would be to explore whether the commission might provide a letter of no objection, (or withdraw its letter of objection) should I be able to adequately address the commission's concerns. I expect to file my response to CRMC no later than April 20, so would hope we might meet prior to that. While I know that this does not give us much time to schedule a meeting, I'd attempted unsuccessfully to reach you several times by phone prior to the meeting last night.

Thank you,

Jim

Jim Barber
781-985-2883
jjbarber@alum.mit.edu





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) 783-3767

June 28, 2018

James Barber
7 Touisset Road
Warren, RI 02885

RE: File Number: A*2017-12-046
Site Address: 7 Touisset Road, Warren
Plat: 16 Lot: 160
Owner: James Barber
Proj. Desc: Residential Boating Facility

Dear Mr. Barber:

The CRMC is in receipt of your response to our (and objector) concerns. Please address the following issues so staff can complete review of your application:

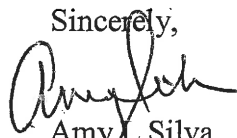
The Town of Warren Harbor Commission has denied your request. It appears that the plans that were reviewed by the Town are not the plans in front of this office. Please have the Town Harbor Commission review and comment the November 2017 plans.

Please be advised that the matter will be forwarded to the full Coastal Council for decision due to the objections received.

If you wish to proceed, please revise the plans to show the following:

- Accurate "existing vegetation" at the top of the peninsula where the dock will be located.
- 6' wide path through the existing vegetation to access the dock, with remaining vegetation noted as "to remain undisturbed".
- Float stops on the proposed float to keep the float from resting on the sea floor during low tides.

This information must be submitted within 30 days of the above date. If the information requested is not provided within this 30 day period, the application will be canceled without prejudice. If you have any questions regarding this letter, please contact the office.

Sincerely,

Amy J. Silva
CRMC Permitting Staff


Ross Signer

CC: Warren Hall, PE

January 26, 2018

William J Hunt Jr
7 Beechwood Court
Warren, RI 02885
(f) 401-741-2255
(e) williamjhuntjr@yahoo.com

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

To whom it may concern:

I am writing the Council regarding file number: 2017-12-046, the application of James Barber of 7 Touisset Road, Warren, RI 02885, for a State of Rhode Island Assent to construct and maintain: a Residential Boating Facility on Plat 16 Lot 160 in the Kickimuit River.

In accordance with the Administrative Procedures Act, I am requesting a hearing on this matter on behalf of myself and my fellow members of the Town of Warren Harbor Commission.

I am enclosing a copy of the Warren Harbor Commission's September 6th, 2017 minutes that have been duly filed with the Rhode Island Secretary of State. Item number 4 of said minutes outlines the Commission's concerns about this application which include, but are not limited to: the proposed structure's proximity to an existing mooring field, potential interference of public access of Conklin Cove, and the current overall residential dock density in the Kickemuit River.

A motion to disapprove said application was unanimously passed by the members of the Warren Harbor Commission on September 6th, 2017.

My contact information is listed above. I am requesting notification once a hearing has been scheduled so I can forward that information to the remaining members of the Warren Harbor Commission so we may formally express our concerns to the Council.

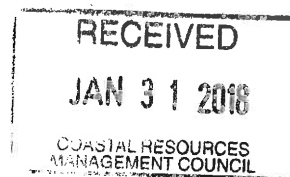
Sincerely,



William J Hunt Jr

Town of Warren Representative to the CRMC

Town of Warren Harbor Commission



Encl: Town of Warren Harbor Commission Minutes from September 6th, 2017 Meeting.

Warren Harbor Commission
Minutes from the September 6th, 2017 Meeting

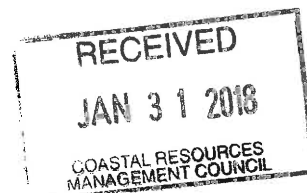
Present

William J. Kemp (chairman)
Don Betts
Bill Hunt
Craig Lippman
Rock Singewald
John Treacy
Ed Cabral – Harbormaster

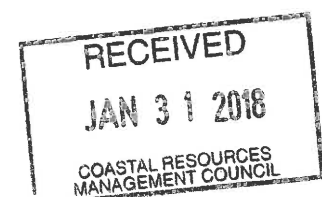
Absent:

Tom Culora

1. Meeting opened by Chairman Kemp at 7:05PM.
2. Minutes of August, 2017 meeting approved unanimously.
3. Harbormaster's Report
 - a. The grant request being prepared by RI-DEM for construction of transient facilities at Town Wharf has been filed, and is now in its preliminary stage. The grant requires specific transient dockage and restroom facilities. A subsurface investigation at the Warren Town wharf has been initiated.
 - b. HM had a conversation with the Tourister Mill project manager, Chris, who committed to provide some current information. Chairman Kemp, HM Cabral and Secretary Lippman met with the Warren Town Manager, Town Planner and Grant Writer last month. The Mill developer's riverwalk submission was a "planning document" only. It was requested that actual building documents for the riverwalk portion of the Tourister Mills project be produced.
 - c. Oyster Tank – Dr. Dale Leavitt delivered fresh oyster seeds 2 weeks ago, and will continue to review and assess the initiative's progress. Filing date for the Oyster Management Area has been revised to September 18; Warren's filing is in process. A special WHMC meeting may be necessary for review the submission.
 - d. Mooring Inspector Standards will be reviewed and set by the WHMC at the recommendation of the Town Solicitor.



- i. Final review may be part of the special meeting noted above.
 - ii. Diver for Hire of Rhode Island has applied to be an authorized Warren mooring inspector. **MOTION:** accept Diver for Hire/RI as an authorized mooring inspector – unanimously passed.
- e. Tourister Mills Riverwalk and Marina status
 - i. HM Cabral will reach out again to TM project manager Chris and request current information about the riverwalk buildout and the marina proposal.
- 4. Residential Pier Proposal – James Barber, 7 Touisset Road
 - a. Application for a 98.5' pier cross dense vegetation and marsh grasses to establish a 150 sq ft float in 18" of MLW depth, submitted August 2, 2017.
 - b. The Commission's concerns include mooring field proximity, Conklin Cove interference, and Kickemuit River residential dock density.
 - c. **MOTION:** the application of James Barker's proposed residential pier unduly encroaches upon the mooring field setback. The WHMC disapproves of this application – unanimously passed.
- 5. Harbor Management Plan – currently under review by
 - a. Chairman Kemp and Secretary Lippman met with the Town Manager and Town Planner last month, and several changes were suggested. Final document will be ready for review at an upcoming meeting.
- 6. Protecting water access rights
 - a. Request that the DPW install the granite ROW markers produced several years ago and stored at the town yard. These markers include Town Landing and Shore Drive; the blank marker is being reserved for the broken bridge (Parker/Riverview) ROW upon approval.
 - b. The CRMC subcommittee is next scheduled to meet on September 11th.
 - c. Uncertain about the Save the Bay generated improvement proposals for Bridge Street and Palmer.
- 7. Other Business

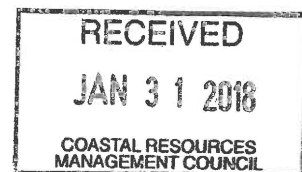


- a. Water Quality Testing – Commissioner Singewald distributed the current water quality report that was available on the website. Recent rainfall is indicated on this report.
- b. Discussion about access rights to the grassy area adjacent to the German Club.
- c. Discussion about the Warren Land Conservation Trust, and possible Kelly Street launching to the island.

8. Meeting adjourned at 8:22 PM.

William J. Kemp, Chairman

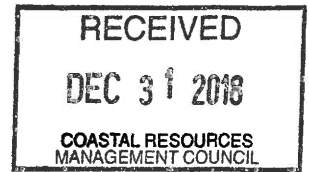
Craig Lippman, Secretary





Conservation Commission

Town of Warren, Rhode Island 02885



December 19, 2018

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

Re: File Number 2017-12-046

James Barber
7 Touisset Road
Warren, RI 02885

Dear Mr. Fugate:

In the case of this application, Mr. Barber has provided to the Commission Revision 1: 8-22-18 by: WFH. The Commission is satisfied that this revised plan would protect the marsh grass and protect the dense vegetation.

The Commission continues its concern regarding the placement of the dock as it would still impact the present mooring field.

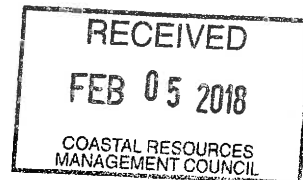
Sincerely,

Wendy Brennen
Member



Conservation Commission

Town of Warren, Rhode Island 02885



January 29, 2018

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

Re: File Number 2017-12-046
James Barber
7 Touisset Road
Warren, RI 02885

Dear Mr. Fugate:


The Warren Conservation Commission objects to the Coastal Resources Management Council's propensity for granting variance after variance for docks that exceed the CRMP's standards.

In the case of this application, the proposed dock interferes with an approved mooring field. Actually the encroachment would be more than 14 feet given that as many as four boats could be tied to the float.

The application shows no plans for protecting the marsh grass during construction. In addition, construction in the area of intact dense vegetated habitat could increase soil erosion into the Kickemuit River.

The Conservation Commission recommends denial of this application.

Sincerely,


Jane Harrison
Secretary