



STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

ENFORCEMENT SIGN-OFF

TO: Jeffrey M. Willis
DEPT: Executive Director, CRMC
FROM: Laura Miguel, Acting Deputy Director
DEPT: Enforcement Section, CRMC
SUBJECT: Extension of CRMC Assent A*2016-01-005

PAGE: 1
DATE: August 29, 2022

Assent Number: A*2016-01-005
Applicant Name: The Westport I Trust
Project Location: Main Road, Tiverton; Plat 304; Lot(s) 164
Water Type/Name: Type 3: Water body: Sakonnet River
Coastal Feature: Cobble beach backed by coastal bluff

Project Description: Construct and maintain a residential boating facility

FINDINGS:

Staff performed a Compliance check on August 5, 2022 and found:

- 1. Regulations which approved the original Assent have not changed or IF so, do not affect the Assent conditions.
- 2. Conditions of the site have not changed.
- 3. Regulations and/or conditions on site have changed as follows:

STAFF RECOMMENDATIONS:

- Approve
- Deny
- Approve with modifications:

Signed  Acting Deputy Director



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

REQUEST FOR ASSENT EXTENSION

Assent/Permit Number: <u>2016-01-005</u>	(including extensions) Expiration Date: <u>Sept. 22, 2022</u>
Name of Assent Holder: <u>The Westport I Trust</u>	
Location of Project: <u>Main Rd.</u>	
City/Town: <u>Tiverton</u>	Plat: <u>304</u>
	Lot: <u>164</u>

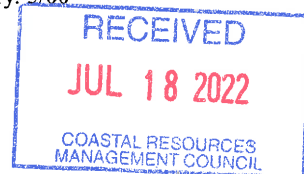
Name of Present Owner: <u>The Westport I Trust</u>	
Mailing Address: <u>F. Steven Serzan Trustee 1660 Main Rd.</u>	
City/Town: <u>Tiverton</u>	State: <u>RI</u>
	Zip: <u>02878</u>
Phone Number: <u>401-846-5900</u>	Email Address: <u>Stevejeep43@gmail.com</u>

Indicate reason for extension request: <u>Insufficient Funds available to complete this project.</u>	
Indicate what (if any) work has been done: <u>no work completed</u>	

F. Steven Serzan, Trustee
 Owner Name (PRINT)

F. Steven Serzan Trustee
 Owner's Signature (SIGN)

Note: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking State Assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall be 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 penalties of perjury. 5/00





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

(401) 783-3370
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ASSENT

CRMC File No.: 2016-01-005

CRMC Assent No.: A*2016-01-005

Whereas,
of

The Westport I Trust
F. Stephen Serzan, Trustee
1660 Main Road
Tiverton, RI 02878

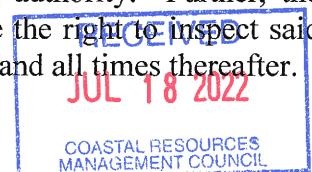
has applied to the Coastal Resources Management Council for assent to: construct and maintain a residential boating facility; and represents that they are the owner(s) of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **construct and maintain a residential boating facility; located at plat 304, lot 164; Main Road, Tiverton, RI**, in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before **September 22, 2019**, after which date this assent is null and void (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).

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

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

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



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

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

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

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

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

All applicable policies, prohibitions, and standards of the RICRMP shall be upheld. All local, state or federal ordinances and regulations must be complied with.

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

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

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

CAUTION:

The limits of authorized work shall be only for that which was approved by the CRMC. Any activities or alterations in which deviate from the approved plans will require a separate application and review. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then this permit may be found to be null and void. Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction or in coastal waters must be submitted for review to the CRMC prior to commencing such activity. Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.



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

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

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

The lands adjacent to tidal waters and/or access to these lands may be impacted or rendered unusable in the future due to sea level rise, storm surge, and shoreline erosion. Online resources including STORMTOOLS, Shoreline Change Maps, and Sea Levels Affecting Marshes Model (SLAMM) Maps can be accessed through the CRMC website (www.crmc.ri.gov). The Council recommends the use of these resources to evaluate the flood extent and inundation from sea level rise, storm surge and erosion and damages to land, aquatic life, loss of public access and other natural resources on and near the site of the above assent. The project life may be shortened by these processes and may require additional adaptation measure up to and including relocation of the project. By issuing this assent the granting authority neither explicitly nor implicitly assumes any liability or responsibility for the stability or permanence of said project under future climate and shoreline conditions.

SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

- A. The applicant shall record this assent in its entirety in the land evidence records of the Town of Tiverton within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.**
- B. For the purpose of this permit, the coastal feature shall be the cobble beach backed by coastal bluff; and the inland edge of the coastal feature shall be the top of the coastal bluff.
- C. The approved plans shall be those entitled "CRMC Site Plan Dock Application...", 10 sheets received March 4, 2016, last revised 2/25/16, and "Survey Plan.." 1 sheet, last revised 6/1/16 and received June 27, 2016, prepared by Environmental Planning & Surveying, Inc. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.



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D. For the purposes of this Assent, the subject lot (lot 164) and the adjacent lot (Lot 114) shall be considered to be one lot, as stated and governed by the attached "Declaration of Restrictive Covenants", signed by both the applicant and CRMC. This Declaration shall be recorded its entirety in the land evidence records of the Town of Tiverton within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.

E. No alterations (vegetative or otherwise) or activities beyond those necessary to construct the facility, as shown on approved plans are allowed on the coastal feature(s) or in the waterway adjacent to the site.

Earthwork Stipulations

A. No earthwork or ground disturbing activities are authorized by this permit.

B. All excess excavated materials (soils, rock, gravel, etc.), excess construction materials, demolition debris, temporary erosion, runoff and sediment control measures, etc., shall be removed from the site for appropriate re-use and/or proper disposal at a suitable upland location or landfill. All toxic materials and waste shall be properly transported and disposed of in accordance applicable state and federal regulations.

C. There shall be no discharge or disposal of toxic waste, hazardous materials, oil, grease and other lubricants, excess fertilizer, pesticides or other chemicals or controlled materials either on site or in any area which may enter a wetland, watercourse or groundwater. All spills of such materials shall be reported to the RI Department of Environmental Management for appropriate remediation. All used lubricants, excess chemicals, fertilizers, pesticides, etc., shall be removed from the site for transport, handling and disposal in accordance with all applicable state and federal regulations.

Pier/Float Stipulations

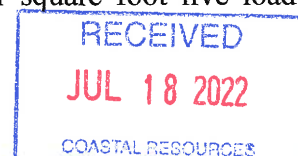
A. Access to the pier/float structure shall be by way of a set of stairs elevated above the coastal feature and supported by posts. A path access is not permitted.

B. To allow public access along the shore, the proposed pier shall have a minimum clearance of five (5) feet at the mean high water line, or shall have a stairway on each side of the structure at the mean high water line to provide pedestrian access over the structure.

C. Maximum width of the access pier, whether floating dock or fixed pier, shall not exceed four (4) feet.

D. The total area of the terminal float shall not exceed 150 square feet.

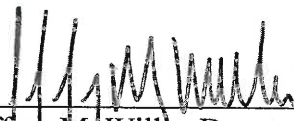
E. Fixed pier portions of residential docks (to be used for pedestrian access only) shall be capable of supporting 40 pounds per square foot live load as well as their own dead weight. Floating docks and terminal floats shall be capable of supporting a uniform 20 pounds per square foot live load or a concentrated load of 400 pounds.



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- F. All metal connection hardware shall be hot dipped galvanized. However, when utilizing dissimilar metals, caution must be used, as galvanic corrosion should be avoided.
- G. No creosote shall be applied to any portion of the structure.
- H. Floatation devices shall be securely contained.
- I. Floats, ramps, and other marine appurtenances or equipment shall not be stored on a coastal wetland, shoreline embankment, nor in any area designated as a buffer zone.
- J. No more than four recreational boats shall be berthed at this recreational boating facility.
- K. This recreational boating facility shall not be used to unload catches by commercial fishing vessels.
- L. The owner is required to maintain this facility in good working condition. This facility may not be abandoned. The owner shall remove from tidal waters and coastal features any structure or portions of structures which are destroyed by any natural or man-induced manner.
- M. This project requires a U.S. Army Corps of Engineers (ACOE) approval. The Rhode Island Coastal Resources Management Council (CRMC) has forwarded a copy of your CRMC application to the ACOE for processing in accordance with the Programmatic General Permit (PGP) for the State of Rhode Island. Through an interagency meeting, the CRMC has been informed that your project is eligible for an ACOE - PGP permit. This permit will be forwarded to you directly by the ACOE. **Please be aware that you may not initiate work until you obtain the ACOE permit.** If you have questions regarding your ACOE permit, please call (978)318-8335 or 8338.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 22nd day of September in the year two-thousand-and-sixteen.



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

/kc

