STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

In Re: CRMC File No. 2021-09-093
1159 Succotash Road I-J; 64-2;
Residential Boating Facility to Replace Existing Unauthorized

NOTICE AS TO LAY WITNESS AND POTENTIAL EXPERT WITNESS AND DOCUMENTATION TO BE SUBMITTED

Ben Walker will be a lay witness at the public hearing in connection with the above application and will testify as to the permitting history of Walker's Marina up through this date, and the subject matter of the substantive objections and documents attached hereto.

Jeffrey K. Balch, P.L.S., a professional land surveyor, may provide expert testimony as to the accuracy of the Plan submitted herewith dated July 19, 2022.

William R. Landry #2494
Blish & Cavanagh, LLP
30 Exchange Terrace
Providence, RI 02903-1765
Telephone: (401) 831-8900
wrl@blishcavlaw.com

August 15, 2022

Attorneys for Benjamin Walker
and Walker's Marina, LLC

1.

Substantive Objections
Dated June 9, 2022 and February 11, 2022

BLISH & CAVANAGH LLP
COUNSELLORS AT LAW

Joseph V. Cavanagh Jr.
William R. Landry
Edmund L. Alves, Jr.
Scott T. Spear
Mary Cavanagh Dunn
Joseph V. Cavanagh, III
Christopher J. O'Connor
Robert J. Cavanagh, Jr.
Matthew J. Landry

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By E-Mail

June 9th, 2022

State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road; Suite 3
Wakefield, RI 02879-1900
cstaff1@crmc.ri.gov

Re: Application of William & Nancy Gilbane (Residential Boating Facility) – # 2021-09-093

Members of the Council:

Our office represents Benjamin Walker ("Walker"), d/b/a/ as Walker's Marina, LLC. I am writing on behalf of Mr. Walker to note for the record his objection to the above-referenced residential boating facility application.

Walker owns the property at 1157 Succotash Road, Narragansett, Rhode Island, more particularly described as Town of Narragansett Tax Assessor's Plat I-J, Lot 64-3. It is situated along Point Judith Pond, directly adjacent to the Applicants' Property and the proposed residential boating facility. The Walker property contains a single-family residence and ten (10) slip marina which has operated since the 1950's.

The submission proposes to replace an unauthorized existing boating dock with a more expansive and intrusive alternative. The existing boating lane is narrow in its existing configuration and the proposed facility will only narrow the lane further. The proposed dock doubles the size of the existing dock and is situated in a manner that would severely impact existing uses or eliminate them altogether.

The Applicants' submission is heavily premised on the assumption that the Walker marina is "unauthorized" or otherwise "violates" CRMC regulations. However, a valid Assent expressly authorizes the use of the property for a ten-slip marina in its existing configuration. The Department of Public Works, Division of Harbors & Rivers issued the original assent in

1955. In 1993, the Council issued a Corrected Assent further establishing the existing use as lawful. (See Assent #A94-9-44 and attached letter dated August 14th, 2014).

Clearly, the Applicants' attempt to invalidate the Walker's marina is a mere pretext to substantiate their own claim for relief. Applicants' submission seeks three (3) separate variances: 1) a 17' variance for dock length per Section 1.3.1(D)(11)(1)(2); 2) a 22' property line setback variance per Section 1.3.1 (D)(11)(k) and 3) a variance pursuant to Section 1.3.1 (D)(11)(w) and 1.3.1 (R)(3)(e)(1) for activities over submerged aquatic vegetation.

Applicants requiring a variance from any CRMC regulation must establish the following: 1) The proposed alteration conforms with applicable goals and policies of the Coastal Resources Management Program; 2) The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts; 3) Due to conditions at the site in question, the applicable standards cannot be met; 4) The modification requested by the applicant is the minimum variance to the applicable standard(s) necessary to allow a reasonable alteration or use of the site; 5) The requested variance to the applicable standard(s) is not due to any prior action of the applicant or the applicant's predecessor's in title and 6) Due to the conditions of the site in question, the standard(s) will cause the applicant an undue hardship. (650 RICR 20-00-01 Sec. 1.1.7 Variances). Additionally, Applicants must demonstrate the nature of the hardship and that the hardship is shown to be unique or particular to the site. *Id.*

At a minimum, the proposed residential boating facility will have a severe impact on Walker's riparian rights. As set forth more fully above, the Walker marina has operated since 1950 and is a use expressly authorized by Council Assent. The submission presumes the Walker marina is "unauthorized" and calls for removal of the facility as a means to facilitate its own boating facility. For this reason alone, the application does not conform to the goals and purposes of the Coastal Resources Management Program.

Moreover, Gilbane's request is not the least relief necessary to facilitate the proposed use on the site. In fact, the application represents the *maximum* relief needed to facilitate a residential boating facility. The submission seeks three extensive variances related to size, location, and underwater vegetation. However, the need for relief could be extinguished through modifications of the design.

The proposed boating facility is situated almost entirely along the southeasterly property line directly adjacent to and in direct conflict with the Walker property and marina. The proposed site plans indicate alternative locations available to the Applicant and the plans indicate alternatives are available that would result in lesser impacts to existing uses.

Moreover, the submission acknowledges an existing unauthorized dock on the Applicant's property. Applicant suggests an attempt to "legalize" the existing dock through the relief requested. However, this contention implies that the need for relief is the direct result of Applicants' or the Applicants' predecessor in title's construction of the unauthorized dock and thus precludes the relief being requested.

The proposed residential boating facility will have a significant impact on the riparian rights of abutting property owners, particularly Walker. The proposed will have an adverse effect upon submerged aquatic vegetation and presumes the invalidity and removal of an existing boating facility authorized by a Council Assent. To grant the application would fly in the face of the purposes and intent of the Coastal Resources Management Program.

On behalf of Mr. Walker, we respectfully request that the Council encourage the Applicants to reconsider the size, scale, and location of their boating facility in a manner more appropriate for the property and more respectful to existing uses on Point Judith Pond.

Thank you for your consideration.

Sincerely,

Matthew J. Landry, Esq.

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

August 18, 2014

Stephen B. Kenyon, Esq.
133 Old Tower Hill Road; Suite 1
Wakefield, RI 02879

RE: 1157 Succotash Road, Narragansett
Assent No. A1994-09-044

Dear Mr. Kenyon:

The CRMC has reviewed the information that you have provided concerning the boating facility at 1157 Succotash Road and it has been determined that a revised permit will be issued for a Limited Marina as per RICRMP Section 300.4.A.7 for a boat count of ten (10). Once the property has been transferred to the new owners and CRMC is in receipt of ownership documentation, the new permit will be issued under the new name.

Sincerely,

Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

/lat

cc: G. Baribault, Eng Tech IV

BLISH & CAVANAGH
COUNSELLORS AT LAW

Joseph V. Cavanagh, Jr.
William R. Landry
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Tel (401) 831-8900
Fax (401) 751-7542

E-Mail and Overnight Mail

February 11th, 2022

State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road; Suite 3
Wakefield, RI 02879-1900
cstaff1@crmc.ri.gov

Re: Application of William & Nancy Gilbane (Residential Boating Facility) – # 2021-09-093

Members of the Council:

Our office represents Benjamin Walker ("Walker"), d/b/a/ as Walker's Marina, LLC. I am writing on behalf of Mr. Walker to note for the record his objection to the above-referenced residential boating facility application.

Walker owns the property at 1157 Succotash Road, Narragansett, Rhode Island, more particularly described as Town of Narragansett Tax Assessor's Plat I-J, Lot 64-3. It is situated along Point Judith Pond, directly adjacent to the Applicants' Property and the proposed residential boating facility. The Walker property contains a single-family residence and ten (10) slip marina which has operated since the 1950's.

The submission proposes to replace an unauthorized existing boating dock with a more expansive and intrusive alternative. The existing boating lane is narrow in its existing configuration and the proposed facility will only narrow the lane further. The proposed dock doubles the size of the existing dock and is situated in a manner that would severely impact existing uses or eliminate them altogether.

The Applicants' submission is heavily premised on the assumption that the Walker marina is "unauthorized" or otherwise "violates" CRMC regulations. However, a valid Assent expressly authorizes the use of the property for a ten-slip marina in its existing configuration. The Department of Public Works, Division of Harbors & Rivers issued the original assent in

1955. In 1993, the Council issued a Corrected Assent further establishing the existing use as lawful. (See Assent #A94-9-44 and attached letter dated August 14th, 2014).

Clearly, the Applicants' attempt to invalidate the Walker's marina is a mere pretext to substantiate their own claim for relief. Applicants' submission seeks three (3) separate variances: 1) a 23' variance for dock length per Section 1.3.1(D)(11)(1)2); 2) a 22' property line setback variance per Section 1.2.1 (D)(11)(k) and 3) a variance pursuant to Section 1.3.1 (D)(11)(w) and 1.3.1 (R)(3)(e)(1) for activities over submerged aquatic vegetation. The Application also seeks a Special Exception under Section 1.3.1 (R)(2)(b) to facilitate construction of a floating dock over submerged aquatic vegetation.

Applicants requiring a variance from any CRMC regulation must establish the following: 1) The proposed alteration conforms with applicable goals and policies of the Coastal Resources Management Program; 2) The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts; 3) Due to conditions at the site in question, the applicable standards cannot be met; 4) The modification requested by the applicant is the minimum variance to the applicable standard(s) necessary to allow a reasonable alteration or use of the site; 5) The requested variance to the applicable standard(s) is not due to any prior action of the applicant or the applicant's predecessor's in title and 6) Due to the conditions of the site in question, the standard(s) will cause the applicant an undue hardship. (650 RICR 20-00-01 Sec. 1.1.7 Variances). Additionally, Applicants must demonstrate the nature of the hardship and that the hardship is shown to be unique or particular to the site. *Id.*

At a minimum, the proposed residential boating facility will have a severe impact on Walker's riparian rights. As set forth more fully above, the Walker marina has operated since 1950 and is a use expressly authorized by Council Assent. The submission presumes the Walker marina is "unauthorized" and calls for removal of the facility as a means to facilitate its own boating facility. For this reason alone, the application does not conform to the goals and purposes of the Coastal Resources Management Program.

Moreover, Gilbane's request is not the least relief necessary to facilitate the proposed use on the site. In fact, the application represents the *maximum* relief needed to facilitate a residential boating facility. The submission seeks three extensive variances related to size, location, and underwater vegetation, in addition to a Special Exception. However, the need for relief could be extinguished through modifications of the design.

The proposed boating facility is situated almost entirely along the southeasterly property line directly adjacent to and in direct conflict with the Walker property and marina. The proposed site plans indicate alternative locations available to the Applicant and the plans indicate alternatives are available that would result in lesser impacts to existing uses.

Moreover, the submission acknowledges an existing unauthorized dock on the Applicant's property. Applicant suggests an attempt to "legalize" the existing dock through the relief requested. However, this contention implies that the need for relief is the direct result of Applicants' or the Applicants' predecessor in title's construction of the unauthorized dock and thus precludes the relief being requested.

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

The submission reflects a desire to construct a private residential boating facility for the sole use of the property owner. The Application does not purport convey any public benefit or inure to the benefit of any public infrastructure project or utility. For this reason alone, the application should be denied.

The proposed residential boating facility will have a significant impact on the riparian rights of abutting property owners, particularly Walker. The proposed will have an adverse effect upon submerged aquatic vegetation and presumes the invalidity and removal of an existing boating facility authorized by a Council Assent. To grant the application would fly in the face of the purposes and intent of the Coastal Resources Management Program.

On behalf of Mr. Walker, we respectfully request that the Council encourage the Applicants to reconsider the size, scale, and location of their boating facility in a manner more appropriate for the property and more respectful to existing uses on Point Judith Pond.

Thank you for your consideration.

Sincerely,

Matthew J. Landry, Esq.

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August 18, 2014

Stephen B. Kenyon, Esq.
133 Old Tower Hill Road; Suite 1
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RE: 1157 Succotash Road, Narragansett
Assent No. A1994-09-044

Dear Mr. Kenyon:

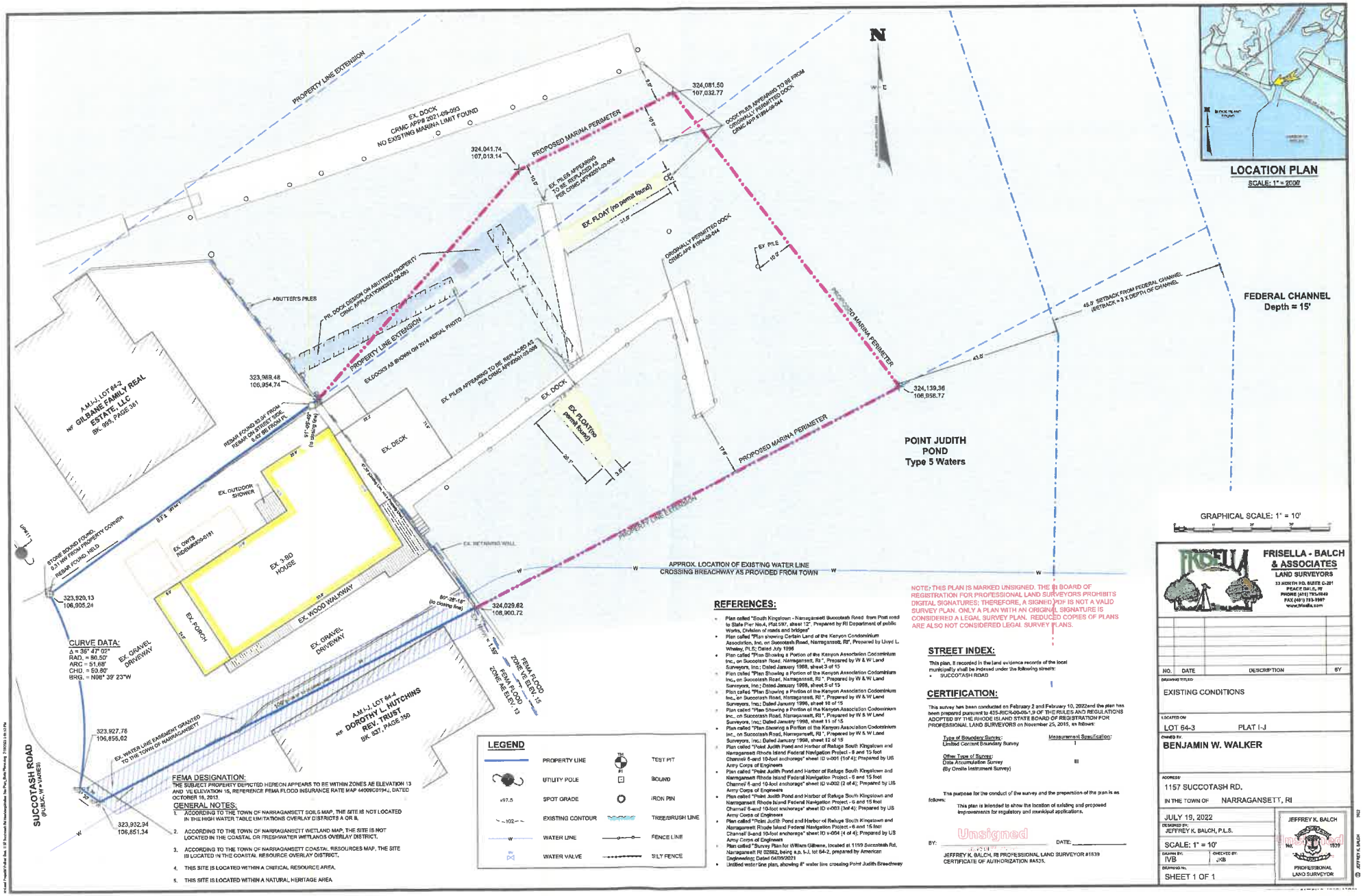
The CRMC has reviewed the information that you have provided concerning the boating facility at 1157 Succotash Road and it has been determined that a revised permit will be issued for a Limited Marina as per RICRMP Section 300.4.A.7 for a boat count of ten (10). Once the property has been transferred to the new owners and CRMC is in receipt of ownership documentation, the new permit will be issued under the new name.

Sincerely,

Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

/lat

cc: G. Baribault, Eng Tech IV



LOCATION PLAN

SCALE: 1" = 2000'

GRAPHICAL SCALE: 1" = 10'

FEMA DESIGNATION:

THE SUBJECT PROPERTY DEPICTED HEREON APPEARS TO BE WITHIN ZONES AE ELEVATION 13 AND VE ELEVATION 15, REFERENCE FEMA FLOOD INSURANCE RATE MAP 44009C0194J, DATED OCTOBER 16, 2013.

GENERAL NOTES:

1. ACCORDING TO THE TOWN OF NARRAGANSETT SOILS MAP, THE SITE IS NOT LOCATED IN THE HIGH WATER TABLE LIMITATIONS OVERLAY DISTRICTS A OR B.
2. ACCORDING TO THE TOWN OF NARRAGANSETT WETLAND MAP, THE SITE IS NOT LOCATED IN THE COASTAL OR FRESHWATER WETLANDS OVERLAY DISTRICT.
3. ACCORDING TO THE TOWN OF NARRAGANSETT COASTAL RESOURCES MAP, THE SITE IS LOCATED IN THE COASTAL RESOURCE OVERLAY DISTRICT.
4. THIS SITE IS LOCATED WITHIN A CRITICAL RESOURCE AREA.
5. THIS SITE IS LOCATED WITHIN A NATURAL HERITAGE AREA

LEGEND

	PROPERTY LINE	TH #1	TEST PIT
	UTILITY POLE		BOUND
x97.5	SPOT GRADE		IRON PIN
102	EXISTING CONTOUR		TREE/BRUSH LINE
W	WATER LINE		FENCE LINE
	WATER VALVE		SILT FENCE

REFERENCES:

- Plan called "South Kingstown - Narragansett Succotash Road from Post road to State Pier No.4, Plat 597, sheet 12". Prepared by RI Department of public Works, Division of roads and bridges"
- Plan called "Plan showing Certain Land of the Kenyon Condominium Association, Inc. on Succotash Road, Narragansett, RI", Prepared by Lloyd L. Whaley, PLS; Dated July 1996
- Plan called "Plan Showing a Portion of the Kenyon Association Condominium Inc., on Succotash Road, Narragansett, RI ", Prepared by W & W Land Surveyors, Inc.; Dated January 1998, sheet 3 of 15
- Plan called "Plan Showing a Portion of the Kenyon Association Condominium Inc., on Succotash Road, Narragansett, RI ", Prepared by W & W Land Surveyors, Inc.; Dated January 1998, sheet 5 of 15
- Plan called "Plan Showing a Portion of the Kenyon Association Condominium Inc., on Succotash Road, Narragansett, RI ", Prepared by W & W Land Surveyors, Inc.; Dated January 1998, sheet 10 of 15
- Plan called "Plan Showing a Portion of the Kenyon Association Condominium Inc., on Succotash Road, Narragansett, RI ", Prepared by W & W Land Surveyors, Inc.; Dated January 1998, sheet 11 of 15
- Plan called "Plan Showing a Portion of the Kenyon Association Condominium Inc., on Succotash Road, Narragansett, RI ", Prepared by W & W Land Surveyors, Inc.; Dated January 1998, sheet 12 of 15
- Plan called "Point Judith Pond and Harbor of Refuge South Kingstown and Narragansett Rhode Island Federal Navigation Project - 8 and 15 foot Channel 6-and 10-foot anchorage" sheet ID v-001 (1of 4); Prepared by US Army Corps of Engineers
- Plan called "Point Judith Pond and Harbor of Refuge South Kingstown and Narragansett Rhode Island Federal Navigation Project - 6 and 15 foot Channel 6-and 10-foot anchorage" sheet ID v-002 (2 of 4); Prepared by US Army Corps of Engineers
- Plan called "Point Judith Pond and Harbor of Refuge South Kingstown and Narragansett Rhode Island Federal Navigation Project - 6 and 15 foot Channel 6-and 10-foot anchorage" sheet ID v-003 (3of 4); Prepared by US Army Corps of Engineers
- Plan called "Point Judith Pond and Harbor of Refuge South Kingstown and Narragansett Rhode Island Federal Navigation Project - 6 and 15 foot Channel 6-and 10-foot anchorage" sheet ID v-004 (4 of 4); Prepared by US Army Corps of Engineers
- Plan called "Survey Plan for William Gilbane, located at 1159 Succotash Rd, Narragansett RI 02882, being a.p. I-J, lot 64-2, prepared by American Engineering; Dated 04/05/2021
- Limited water line plan, showing 8" water line crossing Point Judith Breachway

NOTE: THIS PLAN IS MARKED UNSIGNED. THE RI BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS PROHIBITS DIGITAL SIGNATURES; THEREFORE, A SIGNED PDF IS NOT A VALID SURVEY PLAN. ONLY A PLAN WITH AN ORIGINAL SIGNATURE IS CONSIDERED A LEGAL SURVEY PLAN. REDUCED COPIES OF PLANS ARE ALSO NOT CONSIDERED LEGAL SURVEY PLANS.

STREET INDEX:

This plan, if recorded in the land evidence records of the local municipality shall be indexed under the following streets:

- SUCCOTASH ROAD

CERTIFICATION:

This survey has been conducted on February 2 and February 10, 2022and the plan has been prepared pursuant to 435-RICR-00-05-1.9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS on November 25, 2015, as follows:

Type of Boundary Survey:	Measurement Specification:
Limited Content Boundary Survey	I
Other Type of Survey:	
Data Accumulation Survey (By Onsite Instrument Survey)	III

This purpose for the conduct of the survey and the preparation of the plan is as follows:

This plan is intended to show the location of existing and proposed improvements for regulatory and municipal applications.

Unsigned

BY: _____ DATE: _____

JEFFREY K. BALCH, RI PROFESSIONAL LAND SURVEYOR #1839
CERTIFICATE OF AUTHORIZATION #A535.

FRISELLA - BALCH & ASSOCIATES
LAND SURVEYORS
33 NORTH RD. SUITE C-201
PEACE DALE, RI
PHONE (401) 783-0949
FAX (401) 783-5997
www.frisella.com

NO.	DATE	DESCRIPTION	BY

DRAWING TITLE: EXISTING CONDITIONS

LOCATED ON: LOT 64-3 PLAT I-J

OWNED BY: BENJAMIN W. WALKER

ADDRESS: 1157 SUCCOTASH RD.

IN THE TOWN OF NARRAGANSETT, RI

JULY 19, 2022

DESIGNED BY: JEFFREY K. BALCH, P.L.S.

SCALE: 1" = 10'

DRAWN BY: IVB CHECKED BY: JKB

DRAWING NO. SHEET 1 OF 1

JEFFREY K. BALCH
No. 1839
PROFESSIONAL LAND SURVEYOR

© JEFFREY K. BALCH 2022

2.

Documents Relating to Permitting History of Walker Marina

Gmail

William Landry <wrl@blishcavlaw.com>

Fw: 1157 Succotash Road - letter from neighbor

1 message

Ben Walker <bwpropertiesllc@yahoo.com> Mon, Aug 15, 2022 at 1:21 PM
To: William Landry <wrl@blishcavlaw.com>

FYI

----- Forwarded Message -----
From: Ben Walker <bwpropertiesllc@yahoo.com>
To: 'Jeffrey Balch' <jbalch@frisella.com>; Tracy Silvia <tsilvia@crmc.ri.gov>
Cc: 'Brian Harrington' <bharrington@crmc.ri.gov>
Sent: Thursday, August 11, 2022 at 02:26:25 PM EDT
Subject: Re: 1157 Succotash Road - letter from neighbor

Hi Tracy,

Thank you for your inputs on this.

I will connect with Jeff and will work out getting this modified as requested.

Take care,
Ben

On Thursday, August 11, 2022 at 02:05:40 PM EDT, Tracy Silvia <tsilvia@crmc.ri.gov> wrote:

Yes, they should be included if they existed at the time of the grandfather permit.

Sorry I missed them, I was attempting to give Jeff an approximate of what we needed rather than using property line extensions.

10' off structures, as tight an area as that leaves, again this is for public trust use definition, not for actual vessel locale.

Thank you,

Tracy

Tracy A. Silvia

Sr. Environmental Scientist

Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Rd, Suite 116

Wakefield, RI 02879

(401) 783-3370

www.crmc.ri.gov

tsilvia@crmc.ri.gov

From: Ben Walker [mailto:bwpropertiesllc@yahoo.com]
Sent: Wednesday, August 10, 2022 9:59 AM
To: 'Jeffrey Balch' <jbalch@frisella.com>; Tracy Silvia <tsilvia@crmc.ri.gov>
Cc: 'Brian Harrington' <bharrington@crmc.ri.gov>
Subject: Re: 1157 Succotash Road - letter from neighbor

Hi Tracy,

Hope you are well.

After reviewing the revised diagram it does not include the other pillions at the dock that were original prior to my purchase and associated approval.

There are 3 pillions on the north side of the pier on the left side of the diagram, and also 3 pillions that parallel the dock on the south side.

All of these were there prior to purchase and how boats tied up to the dock. (They used a pulley system between the pillions and as such these are critical to have in the operation of the marina), and are needed within the scope of this.

I just want to make sure that we can come off from those 10' as you stated in for the 2 pillions off the end of the dock.

If a call or meeting in person is easier to discuss this I am happy to as we want to make sure we have all the inputs prior to finalizing the last drawing that was requested.

Can you kindly let me know if that is correct or if we need to set up a time to review.

Thank you,
Ben

On Tuesday, August 9, 2022 at 03:31:56 PM EDT, Tracy Silvia <tsilvia@crmc.ri.gov> wrote:

Folks,

CRMC has reviewed the PLS plan submitted 7/19/22 with the Executive Director and two items are necessary to finalize this process:

1—Revision of the Marina Perimeter Limit (MPL) to 10' off the structures (see attached, not to scale), including the 2 tie-off pilings at the seaward end. Please note that vessels can extend over/beyond an MPL, the MPL is for structures only and defines the area which a marina is authorized to conduct specified activities within public trust waters.

2—Removal of the two un-authorized finger sections, as originally noted below in this chain.

Once the revised plan is in and the two sections removed, a corrected 1994 Assent for a 10-slip Limited Marina will be issued by CRMC.

Please note, the sections need to be removed by September 15, 2022 to avoid Enforcement action.

Lastly, should you choose to apply for the sections and/or additional work/MPL changes in the future, a separate CRMC application is required (public notice, etc). Please review Redbook Section 1.3.1(D) for marina-specific standards, requirements and lists of authorized activities which do not require a CRMC permit if conducted within an approved MPL.

Looking forward to finalizing this,

Tracy

Tracy A. Silvia

Sr. Environmental Scientist

Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Rd, Suite 116

Wakefield, RI 02879

(401) 783-3370

www.crmc.ri.gov

tsilvia@crmc.ri.gov

From: Tracy Silvia [mailto:tsilvia@crmc.ri.gov]
Sent: Wednesday, August 3, 2022 10:54 AM
To: 'Iliana Borisova' <iborisova@frisella.com>; 'Ben Walker' <bwpropertiesllc@yahoo.com>; 'Jeffrey Balch' <jbalch@frisella.com>
Subject: RE: 1157 Succotash Road - letter from neighbor

Thanking you for the requested PLS plan.

This was discussed at this morning's permit staff meeting with Supervisors and will next be reviewed with Enforcement/Management to continue resolution of this matter.

Best,
Tracy

From: Ben Walker [mailto:bwpropertiesllc@yahoo.com]
Sent: Tuesday, July 19, 2022 2:10 PM
To: Tracy Silvia <tsilvia@crmc.ri.gov>; Jeffrey Balch <jbalch@frisella.com>; Iliana Borisova <iborisova@frisella.com>
Subject: Re: 1157 Succotash Road - letter from neighbor

Hi Tracy,

Hope you are well.

I wanted to connect you with Jeff and his team as they are now done with the plan that you requested.

Please let me know what if anything else is needed on my end to finalize.

Appreciate all your help in finalizing.

Thank you,

Ben

From: Ben Walker [mailto:bwpropertiesllc@yahoo.com]
Sent: Wednesday, January 26, 2022 1:27 PM
To: Tracy Silvia <tsilvia@crmc.ri.gov>
Cc: sbk@kenyonlawyers.com; 'Brian Harrington' <bharrington@crmc.ri.gov>; 'Rich Lucia' <rlucia@crmc.ri.gov>
Subject: Re: 1157 Succotash Road - letter from neighbor

Thank you for the confirmation.

I will get the contract signed by Jeff and get him started ASAP.

Take care,

Ben

On Wednesday, January 26, 2022, 01:17:15 PM EST, Tracy Silvia <tsilvia@crmc.ri.gov> wrote:

Hi Ben,

Unfortunately, yes, those items are required for issuance of this permit, as they are standard had the prior owners submitted for such in the past as well.

The matter was brought to our Executive Director (Jeff Willis) who signed the older letter, in order to confirm this process.

Hopefully, we can wrap this up soon.

Tracy

From: Ben Walker [mailto:bwpropertiesllc@yahoo.com]
Sent: Wednesday, January 26, 2022 11:40 AM
To: Tracy Silvia <tsilvia@crmc.ri.gov>
Cc: sbk@kenyonlawyers.com; 'Brian Harrington' <bharrington@crmc.ri.gov>; 'Rich Lucia' <rlucia@crmc.ri.gov>
Subject: Re: 1157 Succotash Road - letter from neighbor

Hi Tracy,

Hope you are well.

I had one other quick question, when reviewing the attached letter from CRMC back to Steve on my behalf it states that the permit would be provided. It didn't state anything about the other items you laid out with the PLS-stamped plan which includes a Marina Perimeter Limit (MPL).

I have contacted Jeff Blach to help me here, but the process is now going to cost significant fees to acomidate this request, and just double checking that it was necessary before I finalize the contracting of this work with him.

Again, happy to do what is needed here but just also want to confirm a last time prior to doing this.

If you can kindly just confirm, I will sign off on the contract with him and provide the deposit today to get the work started, and can provide updates once it is completed.

Thank you,
Ben

On Wednesday, January 19, 2022, 01:53:51 PM EST, Tracy Silvia <tsilvia@crmc.ri.gov> wrote:

Hi Ben,

Understand the background and I have been kept updated on your process to-date.

We accept the maintenance permits that have been issued, no problem there, see my comments below for remainder of your questions:

A surveyor (PLS) stamped plan is required, we can't recommend but I can give some in the general area for you as options:

Frisella-Balch

Jackson Surveying

Michael Fontaine, PLS

Al Diorio, PLS

Atlas Surveying

Palmer Surveying

Warren Hall, PE/PLS

From: Ben Walker [mailto:bwpropertiesllc@yahoo.com]
Sent: Wednesday, January 19, 2022 1:31 PM
To: Tracy Silvia <tsilvia@crmc.ri.gov>
Cc: sbk@kenyonlawyers.com; 'Brian Harrington' <bharrington@crmc.ri.gov>; 'Rich Lucia' <rlucia@crmc.ri.gov>
Subject: Re: 1157 Succotash Road - letter from neighbor

Hi Tracy,

Nice to meet you electronically.

Thank you for your email.

I hoped to set up a call with you and Steve to talk through this so that I can get this all moving forward. When purchasing the property I thought this was all satisfied in the process we took, but it appears it was not. In the end, I just want to get it all sorted out. Hoping we can do this relatively smoothly.

I am not aware that the footprint is not aligned to the previous permit. The two below areas are those not aligned…the piers shifted in location slightly over time but in general are configured the same.My understanding was that we got the approval for the footprint and release by the neighbor, and went through the process of getting the ok from CRMC. Brian was kind enough to help chase all of this down, but it appears that different staff had left positions there and permits were not finalize a while back. Some have left, Rich, Brian and I have been here many years so should be able to get this finished with you.

The below areas referenced had existing pillions in the areas, and tie ups for the slips. I did add the docks between the existing pillions to make it easier to onboard the boats, etc. so just wanted to also talk through that.Agree, the docks that were added are the issue, I cannot permit them through this process as they did not pre-exist at the time of the agreement for 10-slip revision or in past aerial photos. I suggest removing them while you work through getting the rest authorized at this time.

I got a permit a while back as I needed to maintain different parts of the dock as they were rotten including replacing existing polls and was advised that it would be ok to do so as I was not changing the footprint, etc. Agree, CRMC honors those permits as long as nothing new was added (the two deck areas).

I know that alot of people have shifted out of the office over there during the term that I have had the property, etc.

Just wanted to make sure that all of this context was shared as we work through this.Understood

Please let me know what days / times might work, or I am also come up in person to discuss. Whatever is easiest for you.The office is closed to the public at this time. A Zoom meeting could be setup if needed, however, the most efficient way to achieve the 10-slip revised Assent with approved MPL is to provide the PLS—plan noted in my email. After that, you can choose to reconfigure and/or apply for other alternatives as you wish under a separate application (please refer to RedBook Section 1.3.1.(D) for future design guidance).

FYI, I am away from the office until Tues shortly.

I am happy to do whatever is needed, but just need some guidance.

One specific question is for the PLS-stamped plan which includes a Marina Perimeter Limit (MPL). Typically, MPL's are drawn 10' off the structures (noting vessels may hang over). Is this something I draw up or do I need to get a surveyor, etc. to do so.

If I need assistance, could you recommend a person who can do this work on my behalf. See above.

Appreciate all your help in resolving this matter.

Thank you,

Ben

(401) 787-4249

On Wednesday, January 19, 2022, 12:50:12 PM EST, Tracy Silvia <tsilvia@crmc.ri.gov> wrote:

Hi Ben,

I am the permit reviewer for the Narragansett/SK areas.

CRMC had an internal meeting yesterday to review the status of your site; I know you have been working with Brian in Enforcement for some time on this matter.

The 10-slip marina permit revision can be issued by CRMC, however, in order to do so, we will need a PLS-stamped plan which includes a Marina Perimeter Limit (MPL). Typically, MPL's are drawn 10' off the structures (noting vessels may hang over).

As you are aware, today's configuration is not the same as previous permits. Based on aerial review, it appears the northern seaward finger was added between 2016 and early 2018 and the southern polygon-shaped extension on the south side of the main pier was added between April-October 2018. Please note staff will be reviewing the proposed MPL against the historical evidence in determining which structures/locations can be authorized.

Please send the plan (2 hard copies and a digital submission to cstaff1@crmc.ri.gov) to my attention and reference "Additional Information for Assent #1994-9-44".

Additionally, I am also the reviewer on the pending Gilbane application to authorize a facility to your north. As the Gilbane parcel is limited by the location of adjacent facilities, signoff from the adjacent owners is required in order to avoid a variance request/public hearing on the matter. The dock has just been sent out for public notice and I will be providing staff comments to the applicant once notice closes. There may well be revisions to the pending application as we move forward in the review process.

Please feel free to contact me with any questions on either matter,

Tracy

Tracy A. Silvia

Sr. Environmental Scientist

Coastal Resources Management Council

Oliver Stedman Government Center

4808 Tower Hill Rd, Suite 116

Wakefield, RI 02879

(401) 783-3370

www.crmc.ri.gov

tsilvia@crmc.ri.gov

From: Ben Walker [mailto:bwpropertiesllc@yahoo.com]
Sent: Thursday, January 13, 2022 4:05 PM
To: 'Stephen Kenyon' <sbk@kenyonlawyers.com>; Brian Harrington <bharrington@crmc.ri.gov>
Subject: Re: 1157 Succotash Road - letter from neighbor

Hi Brian,

I hope you are well.

Just checking in on the status of the permit, etc.

I ask as my neighbor is actively doing work, and now one of the poles at my property has been moved without my permission.

I am fine with them putting in the dock, but they should not be making any changes to my property / dock.

Can you kindly advise to any updates.

Appreciate your help here,

Ben

(401) 787-4249

On Wednesday, January 5, 2022, 11:28:30 AM EST, Brian Harrington <bharrington@crmc.ri.gov> wrote:

Hi Ben,

I am going to talk to permit staff about it today. Hopefully something can be sent out to you by the end of this week or early next.

-Brian

From: Ben Walker [mailto:bwpropertiesllc@yahoo.com]
Sent: Thursday, December 30, 2021 2:31 PM
To: Brian Harrington <bharrington@crmc.ri.gov>; Stephen Kenyon <sbk@kenyonlawyers.com>
Subject: Re: 1157 Succotash Road - letter from neighbor

Hi Brian,

Hope you are well and had a nice holiday.

I am just checking in on any updates you have here.

Anything you can share is appreciated.

Take care,

Ben

(401) 787-4249

On Thursday, December 16, 2021, 12:55:05 PM EST, Stephen Kenyon <sbk@kenyonlawyers.com> wrote:

Ben and Brian,

Attached please find a copy of the deed into Ben's name alone.

Also attached is my letter of May 28, 2014 to Grover Fugate.

This was prepared after my conversation with Greg Baribault.

Please let me know if I can be of any further help.

Thank you,

Steve

Stephen B. Kenyon, Esq.

133 Old Tower Hill Road, Suite 1

Wakefield, RI 02879

Phone: 401-789-0217

Fax: 401-789-3584

sbk@kenyonlawyers.com

From: Ben Walker <bwpropertiesllc@yahoo.com>
Sent: Thursday, December 16, 2021 12:45 PM
To: Brian Harrington <bharrington@crmc.ri.gov>; Stephen Kenyon <sbk@kenyonlawyers.com>
Subject: Re: 1157 Succotash Road - letter from neighbor

Hi Brian,

Thank you for the follow up.

I cc: Steve who can provide you with the documentation you need, etc.

Appreciate your help here.

Ben

On Thursday, December 16, 2021, 11:05:08 AM EST, Brian Harrington <bharrington@crmc.ri.gov> wrote:

Hi Ben,

Can you send me proof of property ownership? I will bring it, along with the letter attached to this email, to the Executive Director. I will explain the situation to him and then permit staff should be able to issue the revised permit describing the facility as a Limited Marina with a boat count of ten.

-Brian

From: Ben Walker [mailto:bwpropertiesllc@yahoo.com]
Sent: Friday, December 10, 2021 1:25 PM
To: bharrington@crmc.ri.gov; Stephen Kenyon <sbk@kenyonlawyers.com>
Subject: 1157 Succotash Road - letter from neighbor

Hi Brian,

I hope this finds you well.

I just recently received a letter from my neighbor - Bill Gilbane regarding my dock at the marina, and wanted to see if we (you, I, and Steve) could set up a time to discuss it.

It is saying that CRMC is stating that my dock is not in compliance with the pre-agreed upon 10 slip marina which we had already gotten approval for and adjustments need to be made for him to now put in a dock.

I was under the impression that this was already resolved per your last communication with me, and am confused about this communication from Bill.

Can you kindly let me know when we can set up time to discuss.

I would appreciate it,

Ben Walker

(401) 787-4249

Total Control Panel Login

To: sbk@kenyonlawyers.com Remove this sender from my allow list

From: bwpropertiesllc@yahoo.com

You received this message because the sender is on your allow list.

Kenyon Law Associates, LLP

Attorneys at Law
133 Old Tower Hill Road Suite 1
Wakefield, RI 02879

Archibald B. Kenyon, Jr.
Stephen B. Kenyon
John F. Kenyon
Kara J. Scott

Phone (401)789-0217
Fax (401)789-3584

May 28, 2014

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

Re: 1157 Succotash Road, Narragansett, RI
Assent No. A94-9-44

Dear Mr. Fugate:

I am writing on behalf of Benjamin Walker and Karen Walker, the purchasers under a pending Sales Agreement for the purchase and sale of 1157 Succotash Road, Narragansett, Rhode Island. This property is located in the Jerusalem Village and is comprised of a single family home and an adjacent 10 slip marina. I have spoke to Mr. Baribault of your office and was advised that a letter to you was appropriate to resolve any questions regarding the existing assent for the use of this property as a marina.

I have enclosed for your review copies of the Corrected Assent from CRMC recorded in the Narragansett Land Evidence Records on January 18, 1995 in Book 325 at Page 257, a copy of the Registration Form for a Residential Boating Facility filed on behalf of P. Joseph Fitzgerald on July 16, 1993, and a copy of the original Assent issued by the Department of Public Work, Division of Harbors & Rivers for the dock dated March 22, 1955. I have also enclosed some evidence of the use of the dock as a 10 slip marina for the period from 2007 to 2012. These were provided by Elizabeth Meehan, Executrix of the Estate of George J. Kutcher, Jr., the present owner of the property.

As you can see, the Corrected Assent issued in 1994 refers to the use as an existing residential boating facility. I believe this term limits the number of boats that may tie up or dock at the facility to a total of four. The Corrected Assent does go on to say "as approved by the Harbors & Rivers Commission". The original Assent contained no limitation on the number of slips, the facility has been used for many years as a 10 slip marina, and we are asking that whatever action needs to be taken to clarify the facilities' status be completed.

My clients are willing to provide any information that you feel may be necessary. If you could please respond at your earliest convenience, I would greatly appreciate it. The closing on this property is scheduled to occur in the next few weeks.

If you have any questions, or would like to call me to discuss this matter, please feel free to do so.

Very truly yours,

Stephen B. Kenyon
SBK:jog

Enclosures

46030

BOOK 325 PAGE 257

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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

CORRECTED ASSENT

File Number: 94-9-44 Assent Number: A94-9-44

Whereas, P. JOSEPH FITZGERALD
1157 SUCCOTASH ROAD
of NARRAGANSETT, RI. 02882

has applied to the Coastal Resources Management Council for assent to maintain the existing residential boating facility as approved by the Harbors and Rivers Commission. The description of the facility will be as per assent no. 14 P.J.P. - 1955, and hereby represents that HE is the owner of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto: **maintain the existing residential boating facility as approved by the Harbors and Rivers Commission, location of the residential boating facility is 1157 Succotash Road, Narragansett, No Plat, No Lot,** in accordance with said plans submitted to this Council and approved by the Harbors and River Commission.

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

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

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

This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date thereof, after which time this permission shall terminate necessitating either complete removal or a new application. This time provision of 50 years does not apply to residential structures.

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

A copy of the legal decision may be acquired by contacting the CRMC office in writing.

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.

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

Grover J. Fugate, Executive Director
Coastal Resources Management Council

CAUTION:

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

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

1. The Superior Property Rights of the State of Rhode Island and Providence Plantations in the Submerged and Submersible Lands of the Coastal, Tidal, and Navigable Waters;

2. The Superior Navigation Servitude of the United States;

3. The Police Powers of the State of Rhode Island and the United States to regulate Structures in the Tidal, Coastal, or Navigable Waters.

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

ADDITIONAL STIPULATIONS

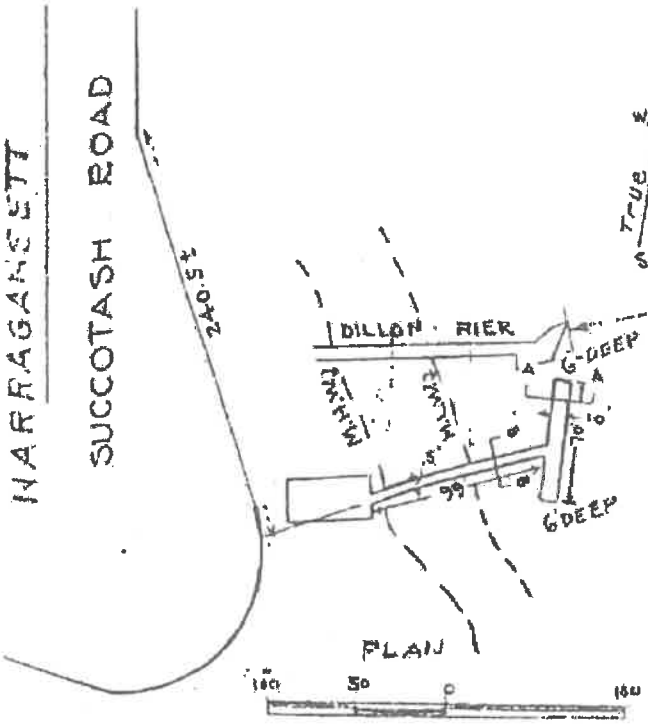
A. THE APPLICANT SHALL RECORD THIS ASSENT IN ITS ENTIRETY (ALL PAGES OF IT) IN THE LAND EVIDENCE RECORDS OF THE TOWN OF NARRAGANSETT WITHIN THIRTY (30) DAYS OF THE DATE OF ISSUANCE. ALL PAGES OF THIS ASSENT MUST BE CERTIFIED BY THE TOWN CLERK'S OFFICE THAT THIS STIPULATION IN FACT HAS BEEN COMPLIED WITH.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

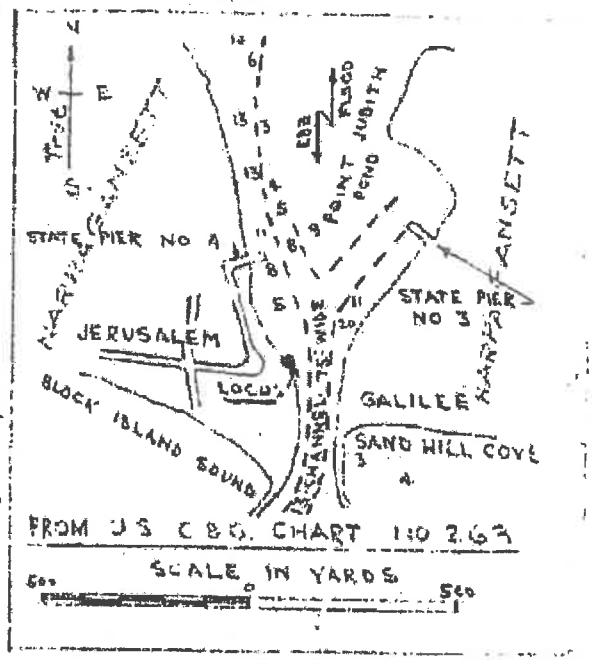
B. No sewage, refuse, or waste of any kind may be discharged from this facility or from any vessel utilizing it.

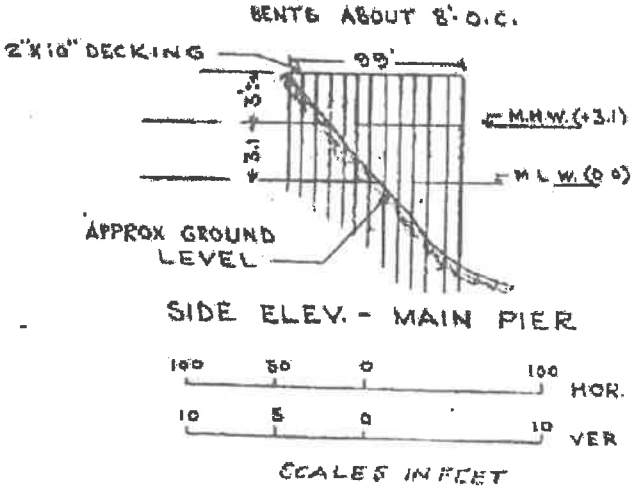
C. The owner is required to maintain this facility in good working condition. This facility may not be abandoned. The owner shall remove from tidal waters and coastal features any structure or portions of structures which are destroyed by any natural or man-induced manner.

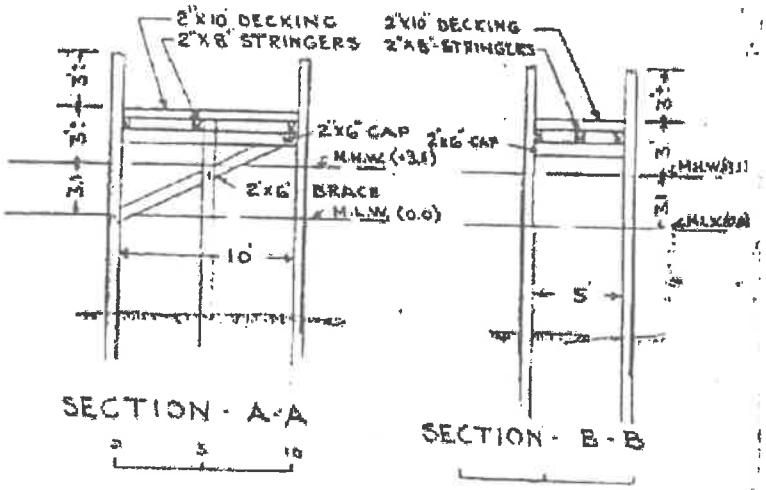
/jmm

RECEIVED FOR RECORD
ON 1-18-95 AT 8:35 A.M.
WITNESS: Mary M. Beck, CMC
Narragansett Town Clerk







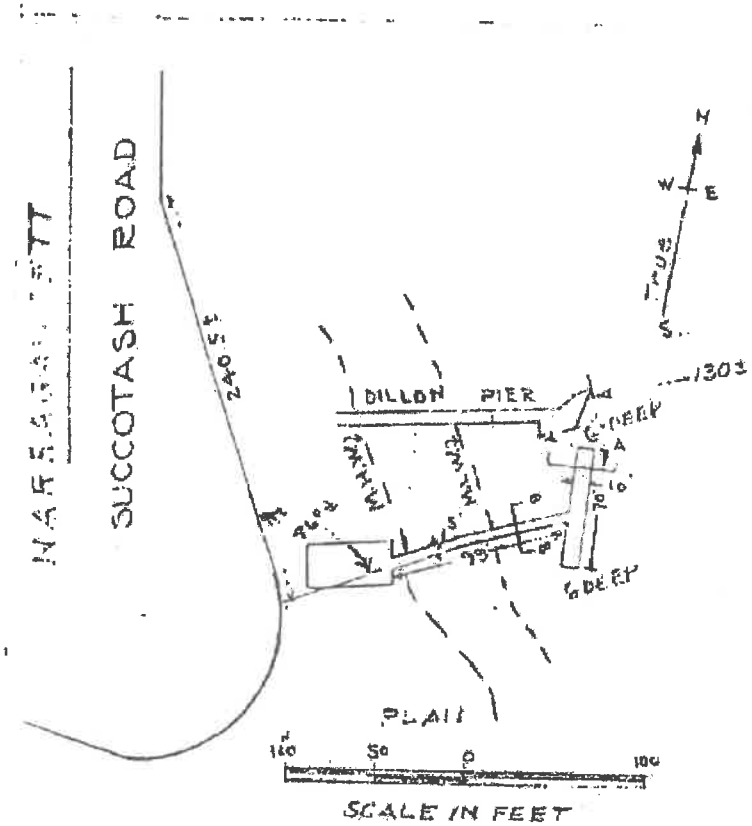


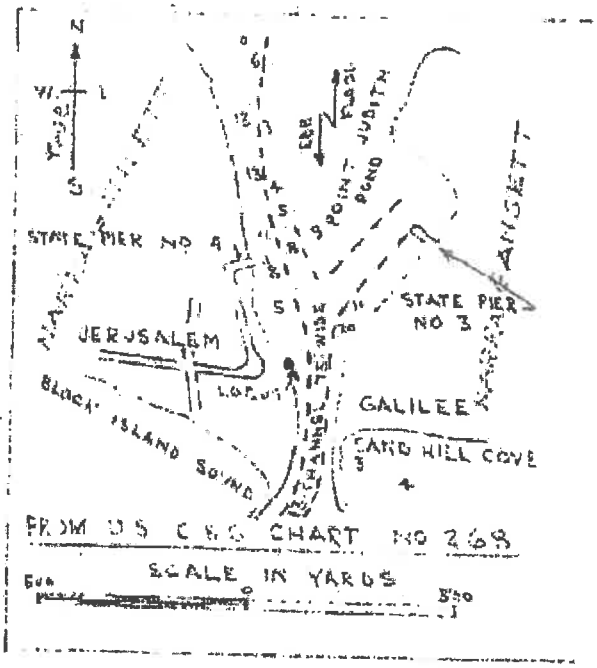
PLAN OF EXISTING PIER IN POINT JUDITH POND AT JERUSALEM, NARRAGANSETT, R.I. APPLICATION FOR APPROVAL TO MAINTAIN SUBMITTED BY JOHN BELLEGRIS. 252 FIRE ST. PROVIDENCE, R.I.

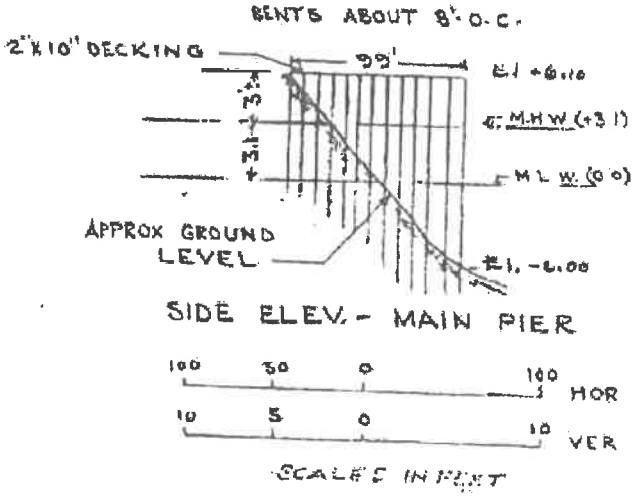
FEB. 1955

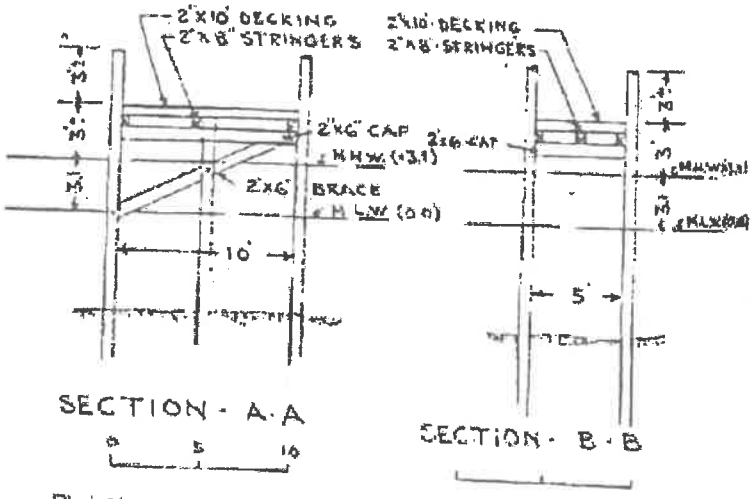
FRANK M. WATERMAN
No. 447
REGISTERED PROFESSIONAL ENGINEER

SOUNDINGS ARE IN FEET AND REFER TO MEAN LOW WATER









PLAN OF EXISTING PIER IN POINT JUDITH POND AT JERUSALEM, NARRAGANSETT, R.I. APPLICATION FOR APPROVAL TO MAINTAIN SUBMITTED BY PERCY G. FROHN, RECEIVER FOR NATHAN G. NYSON HEIRS

FEB. 1955

FRANK M WATERMAN
No. 447
REGISTERED PROFESSIONAL ENGINEER

PIER OWNED AND TO BE USED BY JOHN BELLERIS

SOUNDINGS ARE IN FEET AND REFER TO MEAN LOW WATER

94-9-44

REGISTRATION FORM

RESIDENTIAL BOATING FACILITY

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver Stedman Government Center
4808 Tower Hill Road, Wakefield, RI 02879-1900

L.O.

DATE: 7-16-93

Dock Assent File No. 14 Pond 53 Pond 53 [illegible]

Dock Location (Address) 1157 Succotash Rd	City/Town Wakefield	
Owner P Joseph Fitzgerald	Plat No. 164	Lot No.
Address 1157 Succotash Rd		Tel # 789-1705
Original Property Owner (If Known) Percy C Brown	Address	Tel #
Previous Permit History: (If Available) 14 Point Judith Pond 1955		
Name of Waterway: PT. Judith Pond		

FEE SCHEDULE:
Temporary Dock Application: $100.00
Registration of Structure: 20.00

IS THIS RESIDENTIAL BOATING FACILITY SUBJECT TO A COASTAL VIOLATION? YES_____ NO X

IF YES, YOU MUST INDICATE N.O.V OR C&D NUMBER._____

The applicant acknowledges by evidence of their signature that this residential boating facility has been constructed and is currently maintained in accordance with the conditions and/or stipulations of its authorization, permit, and/or assent; that if the CRMC finds that a residential boating facility is not in compliance with its authorization, permit or Assent, the owner of the dock may be required, by the CRMC, to bring the dock into compliance and may be subject to fines and penalties of both the CRMC Dock Registration Program and the Rhode Island Coastal Resources Management Program; and that they or their heirs and successor agrees to submit an application for a new dock or remove the dock applied for within the time frame specified on permit and they agree to be bound by the Council decision on said matter. Applications may be subject to approval, modification, or denial. 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 the state assent. Applicant acknowledges that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicants property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

P Joseph Fitzgerald
P Joseph Fitzgerald
Owner's Signature

Joanne M. Moore
Notary Public

Subscribed and sworn to before me this 16th day of July 19 93.

STIPULATION SHEET FORM
*** PRE-1971 ASSENTS**

Owner's Name: P. Joseph Fitzgerald

Address: 1157 Succotash Rd S.K.

Description of facility:

To maintain the existing residential boating facility as approved by the Army Corps of Engineers/Harbors and Rivers Commission (circle one/or both whichever applies). The description of the facility will be as per Assent No 14 P.J.P - 1955

Location of the boating facility: SAA

Town/City: S.K.

Plat: _____ **Lot:** _____

Biologist's Signature: _____ **Date:** _____

Engineer's Signature: Guy Boisvault **Date:** 10/3/94

File Number: 94-9-44 **Dock Registration Number:** 045

Plat & Lot ?

S H | M | 14

94-9-44
Fitzgerald
~~So. Kingstown~~
Ward

COMPLETED
11-16-94
~~Deed~~
Corrected
12-18-94
Deed 1-18-95

Re 1954
1955
Brown | Kenyon

L. I-J
P. 64-3

original plate 45 lost
reissued plate 1439
4/5/00 RHM

husband
deceased
4/2000

Grover -
This is supposed
to be [illegible]
[illegible]
Correct
conflict
Town

045 Post
mw 1439

State of Rhode Island and Providence Plantations

ASSENT.

NO. 14 - POINT JUDITH POND - 195

Whereas, Percy C. Brown, Receiver for Nathan C. Kenyon Heirs
of South Kingstown, R. I. has applied to the Department of Public Works, Division of Harbors and Rivers for assent to maintain an existing wooden pier on the west shore of Point Judith Pond at Jerusalem, Narragansett, R. I.
and hereby represents that he represents the owner of the riparian rights attached to the property involved and has submitted plans of the work to be done.

Now, said Department and Division, having fully considered said application, does hereby authorize said applicant, subject to the provisions of Chapter one hundred and twelve of the General Laws of 1938 and of all laws which are or may be in force applicable thereto, to maintain an existing wooden finger pier in Point Judith Pond at Jerusalem. Said pier is about 240.5 ft. S.E. from bend in Succotash Road (to north) and at an approximate angle of 86° with the easterly property line of said road. The pier extends approximately 99' channelward from M.H.W. line and has a 70 ft. x 10 ft. T-head at the channel end, all

in accordance with said plans, ~~provided this work is begun within one year from the date hereof and shall be completed within two years from the date hereof, otherwise this assent shall be void.~~

Nothing in this assent shall be construed as to impair the legal rights of any person.

No responsibility for the stability or permanence of said wooden finger-pier is assumed by the granting of this assent.

In Witness Whereof, said Department of Public Works, Division of Harbors and Rivers have hereto set their hands and seal this twenty-second day of March in the year nineteen hundred fifty-five.

Joseph N. Vallone, Director
Department of Public Works
Joseph N. Vallone

Henry Isé, Chief
Division of Harbors and Rivers
Henry Isé

DATA REQUIRED BY THE PRIVACY ACT OF 1974
(5 U.S.C. 552a)

TITLE OF FORM
Application for a Department of the Army Permit

PRESCRIBING DIRECTIVE
ER 1145-2-303

AUTHORITY
ection 10 River & Harbor Act 1899, Section 103 Marine Protection, Research & Sanctuaries Act of 1972, and Section 404 Federal Water Pollution Control Act

2. PRINCIPAL PURPOSE(S)

Application form for permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into navigable waters, and the transportation of dredged material for the purpose of dumping it into ocean waters.

3. ROUTINE USES

Describes the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

The application is made at the District level and subsequently the content is made a matter of public record through issuance of a public notice.

The content of the application is made available to any requesting agency, dealing with the review of the application. The form itself is not made available; only that information which is pertinent to the evaluation of the permit request.

The form (or copies) could be kept on file at District, Division or OCE level, depending on the details surrounding the case. The information could become a part of any record of a reviewing agency with a need to know; such as U.S. Fish & Wildlife; Environmental Protection Agency; etc.

4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION

The disclosure of information is VOLUNTARY. Incomplete data precludes proper evaluation of the permit application. Without the necessary data, the permit application cannot be processed. The need for a Social Security number, name, address and phone number is necessary, in case the permit application becomes involved in litigation, as a Justice Department requirement.

DEPARTMENT OF THE ARMY

NOTE.—It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining *State assent* to the work authorized. IT MERELY EXPRESSES THE ASSENT OF THE FEDERAL GOVERNMENT SO FAR AS CONCERNS THE PUBLIC RIGHTS OF NAVIGATION. (See *Cummings* v. *Chicago*, 188 U. S. 410.)

NEDWP

APPROVAL OF PLANS

NEW ENGLAND DIVISION, CORPS OF ENGINEERS
~~United States Engineer Office~~
857 Commonwealth Avenue, Boston 15, Mass.
12 APRIL, 1955.

Mr. John Bellegris
c/o Harold W. Demopulos, Attorney
1133 New Industrial Trust Building
Providence 3, Rhode Island

Dear Sir:

Referring to written request dated March 14, 1955, for the approval of the attached plans of a pile and timber T-head pier
(Describe structure or work)

which has been ~~or is being~~ constructed in Point Judith Pond
(Name waterway)

at Jerusalem, in the Town of Narragansett, Rhode Island, about 800 feet south
(Give definite location with respect to well-known locality)

of State Pier No. 4, and about 1000 feet from the entrance to the Pond,

I have to inform you that, upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," said plans are approved by the Secretary of the Army, subject to the following conditions:

16—13183-1

1. That no attempt shall be made by the occupant or the owner to forbid the full and free use by the public of all navigable waters at or adjacent to the said structure.

2. That if future operations by the United States require an alteration in the position of the structure herein approved, or if in the opinion of the Secretary of the Army, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required upon due notice from the Secretary of the Army to remove or alter the structure or obstruction caused thereby without expense to the United States so as to render navigation reasonably free, easy, and unobstructed. No claim shall be made against the United States on account of any such removal or alteration.

3. That if the display of lights and signals on the structure hereby approved is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the owner.

4. That the approval herein given shall not impose any liability upon the United States for any damage or injury to the structure which may be caused by or result from future operations undertaken by the United States for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

By authority of the Secretary of the Army:

Robert J. Fleming Jr

Plan attached

ROBERT J. FLEMING, JR.
Colonel, Corps of Engineers
Division Engineer

ENG FORM 1 OCT 51 96C

(Replaces War Department Form No. 96c Rev. Jan. 6, 1940, which may be used)

U. S. GOVERNMENT PRINTING OFFICE 16—13183-1

November 26, 1954

Percy C. Brown, Receiver
for Heirs of Nathan G. Kenyon
15 Cherry Lane
Wakefield, R. I.

Dear Sir:

Enclosed herewith is State of Rhode Island Assent No. 33 - Point Judith Pond - 1954, which authorizes the heirs of Nathan G. Kenyon to maintain an existing T-head pier on the west side of Point Judith Pond at Jerusalem, R. I.

Also enclosed with your Assent is a copy of your application.

Very truly yours,

Henry Isé, Chief
Division of Harbors & Rivers

HIsm
(HOVN)
Encls.

CC. - U.S. C.E. Engineers

OFFICE COPY

State of Rhode Island and Providence Plantations

Copy #1

ASSENT. NO. 33 - Point Judith Pond -1954

Whereas, the Heirs of Nathan G. Kenyon, through Percy O. Brown, Receiver of Wakefield, R. I., have applied to the Department of Public Works, Division of Harbors and Rivers for assent to maintain as built an existing T-head pier in Point Judith Pond at Jerusalem, R. I.

and hereby represents that they are ~~is~~ the owner of the riparian rights attached to the property involved and have submitted plans of the ~~work~~ pier ~~to be done~~

Now, said Department and Division, having fully considered said application, does hereby authorize said applicant, subject to the provisions of Chapter one hundred and twelve of the General Laws of 1938 and of all laws which are or may be in force applicable thereto, to place on record and to maintain as built an existing pile and timber pier on the west side of Point Judith Pond at Jerusalem, Rhode Island about 153 feet south of State Pier No. 4. This pier extends about 172 feet channelward of the mean high water line and includes a T-head section about 54 feet long, approximately parallel to the shore line.

~~in accordance with said plans, provided this work is begun within six months from date hereof. All work being permitted must be completed on or before 19 after which date this assent is null and void.~~

Nothing in this assent shall be construed as to impair the legal rights of any person.

No responsibility for the stability or permanence of said pier is assumed by the granting of this assent.

In Witness Whereof, said Department of Public Works, Division of Harbors and Rivers have hereto set their hands and seal this twenty-sixth day of November in the year nineteen hundred fifty-four

Joseph M. Vallone, Director
Department of Public Works
Joseph M. Vallone

Henry Isé, Chief
Division of Harbors and Rivers
Henry Isé

ASSENT PREPARED BY:-

CHECKED BY:-

December 4, 1954

From

Thomas P. Fogarty et als.
118 Division Street
Woonsocket, Rhode Island

To

Division Engineer
New England Division
Corps of Engineers
U.S. Army
857 Commonwealth Avenue
Boston 15, Mass.

or

Chief of the Division of Harbors & Rivers,
214 State Office Building
Providence 2, R. I.

Dear Sir:

Request is made to maintain as built a Pier in Point Judith Pond, at Jerusalem, in the town of Namragansett, County of Washington andState of Rhode Island, at the location shown on the enclosed plan.

Adjacent owners:
On the north, State of Rhode Island as shown on State Highway Plat #597, Sheet #12, and on the south side Stephen Tourtellot, R.F.D. Jerusalem, Wakefield, Rhode Island.

The property is owned by Percy C.Brown, R.F.D. Wakefield, Rhode Island.

Yours very truly,

Thomas P. Fogarty et als.

Thomas P. Fogarty et als.

I, Percy C.Brown,do hereby give my consent to Thomas P. Fogarty et als. to maintain the pier at the location shown on the enclosed plan.

Receiver for Nathan G. Kenyon Heirs

Percy C. Brown

THOMAS P. FOGARTY, D. M. D.
141 MAIN STREET, OLD COLONY BUILDING
WOONSOCKET, R. I.

September 24, 1955

Mr. Ise,
Department of Harbors & Bridges,
R. I. State Office Building
Providence, R. I.

Att: Nordquist
9/26/55
9/26/55
Reply
Matthew G. Kenyon

Point Judith Pond.

Very truly yours,

Dr Thomas P. Fogarty

THOMAS P. FOGARTY, D. M. D.
141 MAIN STREET, OLD COLONY BUILDING
WOONSOCKET, R. I.

September 24, 1955

Mr. Ise,
Department of Harbors & Bridges,
R. I. State Office Building
Providence, R. I.

Dear Mr. Ise:

I am sending you the corrected plan of my dock showing where the spiles were replaced. Mr. Waterman should have incorporated these in the original diagram, as the spiles had been put in after the 1944 hurricane.

Mr. Joseph Wholey Mr. Ben Center and myself wish to thank you for giving us permission to have the Seaboard Construction replace the spiles for us while they were doing work on the other piers in Point Judith Pond.

Very truly yours,

Dr Thomas P. Fogarty

December 4, 1954

From

Thomas P. Fogarty et als.
118 Division Street
Woonsocket, Rhode Island

To

Division Engineer
New England Division
Corps of Engineers
U.S. Army
857 Commonwealth Avenue
Boston 15, Mass.

or

Chief of the Division of Harbors & Rivers,
214 State Office Building
Providence 2, R. I.

Dear Sir:

Request is made to maintain as built a Pier in Point Judith Pond, at Jerusalem, in the town of Narragansett, County of Washington andState of Rhode Island, at the location shown on the enclosed plan.

Adjacent owners:
On the north, State of Rhode Island as shown on State Highway Plat #597, Sheet #12, and on the south side Stephen Tourtellot, R.F.D. Jerusalem, Wakefield, Rhode Island.

The property is owned by Percy C.Brown R.F.D. Wakefield, Rhode Island.

Yours very truly,

Thomas P. Fogarty et als.

Thomas P. Fogarty et als.

I, Percy C.Brown, do hereby give my consent to Thomas P. Fogarty et als. to maintain the pier at the location shown on the enclosed plan.

Receiver for Nathan G. Kenyon Heirs

Percy C. Brown

State o. Rhode Island and Providence Plantati s

All plans submitted to the DIVISION OF HARBORS AND RIVERS are required by Chapter 2611 of the Public Laws, passed April 23, 1938, to be stamped with the seal of a "Registered Professional Engineer"

November 17 1954

Chief of the Division of Harbors and Rivers
214 State Office Building
Providence 2, R. I.

Dear Sir:

The undersigned respectfully applies for permission to:-

(Describe accurately the work proposed and its location)

Request is made to maintain as built a Pier in Jerusalem, Town of Narragansett, County of Washington and State of Rhode Island, at the south end of Point Judith Pond as shown on the enclosed plan.

Adjacent property owners:
On the north, State of Rhode Island as shown on State Highway Plat #597, Sheet #12.

On the south, Percy C. Brown, R.F.D., Wakefield, R.I. as shown on State Highway Plat #621. Reference:--
Deed Book #15, Page #542, Assessors Plat I. Lot #113, Narragansett, R.I.

Applicants property was acquired by Nathan G. Kenyon from Joseph P. Hazard, Feb. 11, 1842 and recorded in the records of land evidence in South Kingstown, R. I., in Deed Book #18 at Page #184, and shown on Narragansett Assessors Plat I, Lot #23-2.

Plans 8" x 10½" giving a detailed plan of construction, property lines, locality and character of proposed work should accompany this petition, together with proof of riparian ownership. Plans and applications should be made in QUADRUPLICATE.

Owner's Signature Percy C Brown, Receiver
for heirs of Nathan G. Kenyon

Address 15 Cherry Lane
Wakefield, R.I.

Telephone Jam. 3-3972

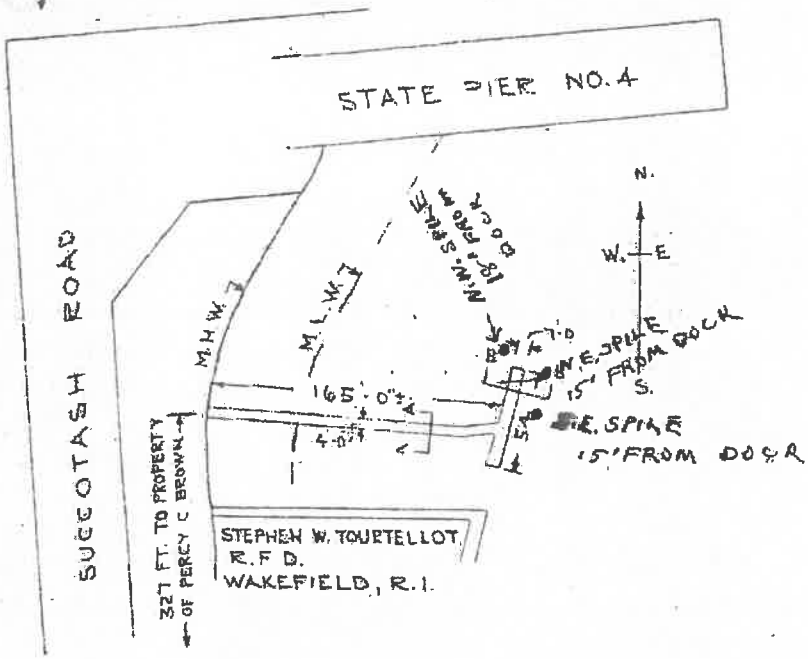
(see other side)

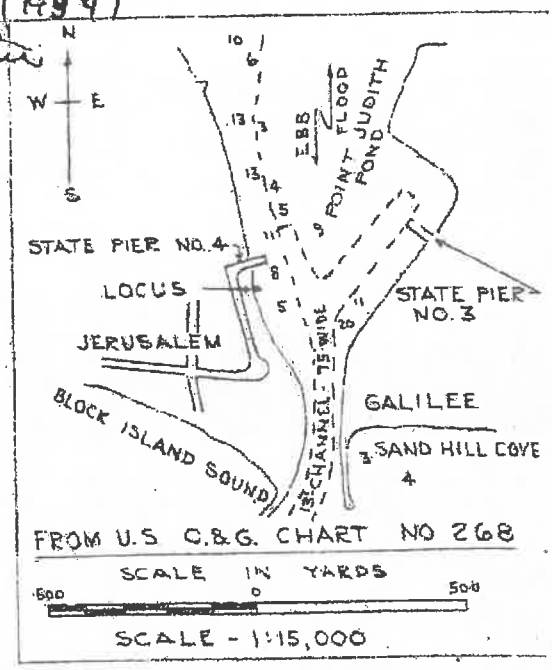
SECTIONS 10 AND 11, CHAPTER 112, GENERAL LAWS OF RHODE ISLAND (1938)

Sec. 10. The chief of the division of harbors and rivers shall regulate the depositing of mud, dirt and other substances in the public tide-waters of the state, and shall prescribe the places where the same may be deposited; and every person who shall place or deposit mud, dirt or other substances in said waters without obtaining proper authority therefor, shall be fined for each offense $100.00, one-half thereot to the use ot the state and one-halt thereof to the use ot the complainant.

Sec. 11. All persons who shall build into or over public tide-waters, by authority of said division or by authority of the general assembly, any wharf, pier, bridge or other structure, or drive any piles into the land under public tide-water, or fill any flats, shall, before beginning such work, give written notice to the division of harbors and rivers of the work they intend to do and submit plans of any proposed wharf or other structure and of the flats to be filled, and of the mode in which the work is to be performed; and no such work shall be commenced until the plan and mode of performing the same shall be approved in writing by the chief ot said division; and said chief may alter the said plans at his discretion and may prescribe the direction, limits and mode of building the wharves or other structures: PROVIDED, that nothing herein contained shall be construed to impair the rights of any riparian proprietors to erect wharves authorized to be erected under any of the laws establishing harbor-lines within the state or otherwise by the general assembly.

These spile are for the protection of boats tied to dock in event of severe storms. These are replacements for old piles that were destroyed in last hurricane (1954) they are 35' in length and about 11" in diameter





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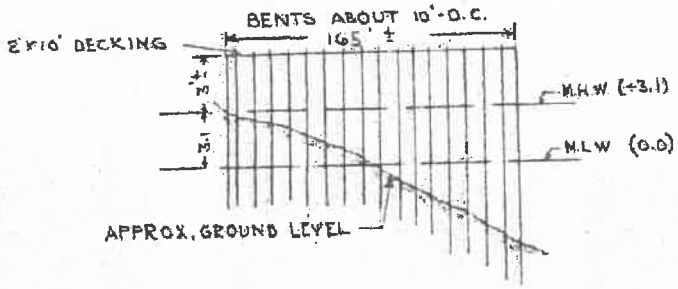
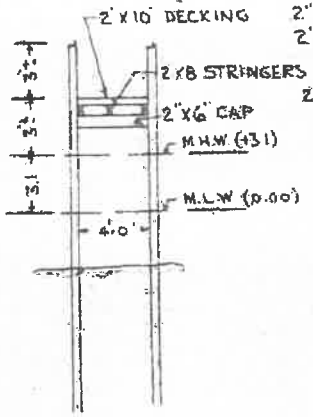
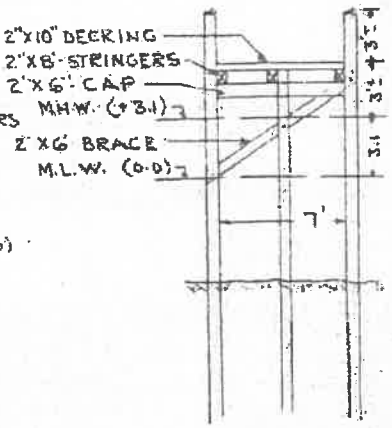


SIDE ELEV.-MAIN PIER



SECTION A-A



BENTS 8'-O.C.±
SECTION - B-B

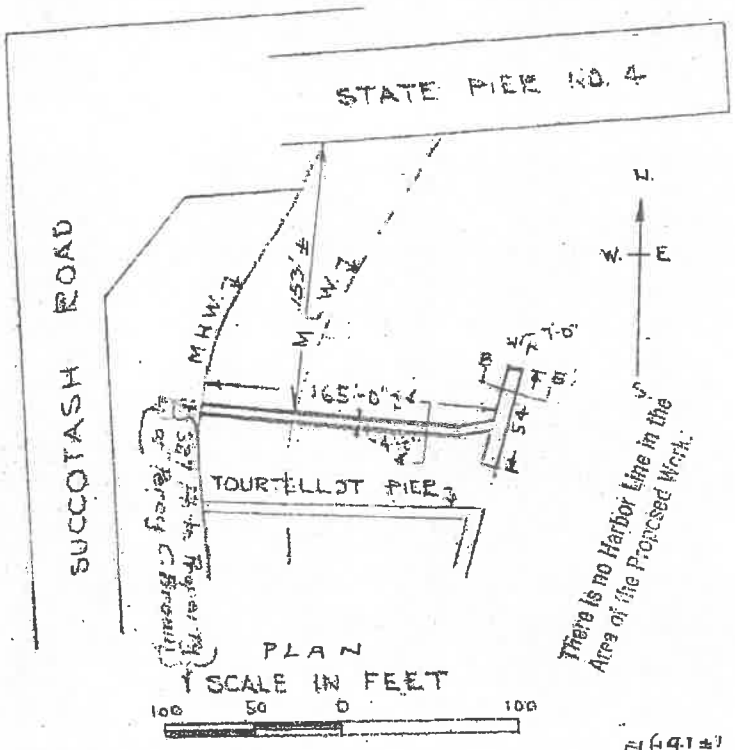
100 50 0 100 FT. HOR
10 5 0 10 FT. VER

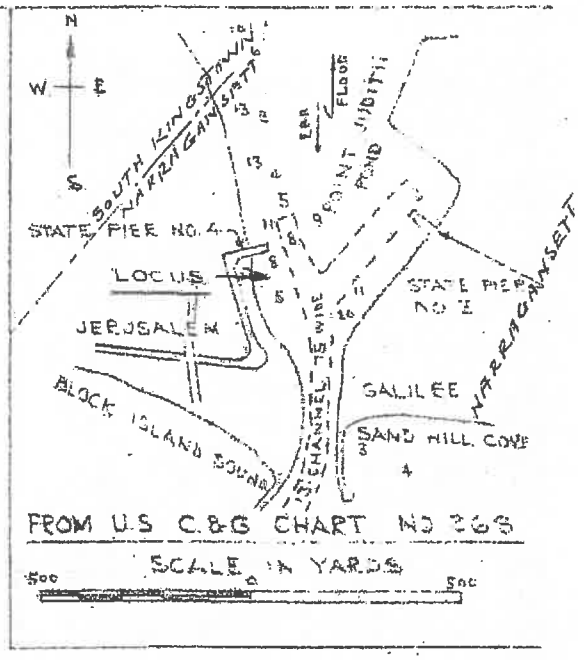
0 5 10
SCALE OF FEET

0 5 10
SCALE OF FEET

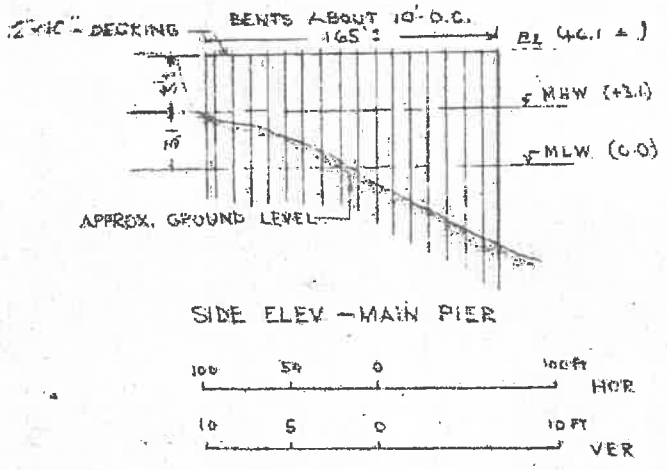
FRANK M. WATERMAN
No. 1
REGISTERED
PROFESSIONAL ENGINEER

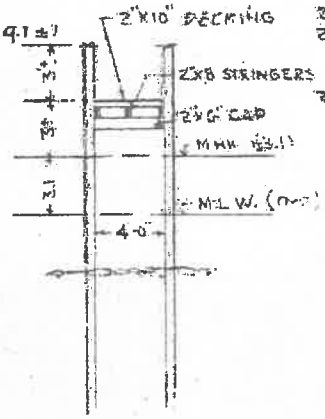
PLAN OF EXISTING PIER
IN POINT JUDITH POND AT
JERUSALEM, R. I.
APPLICATION FOR APPROVAL TO
MAINTAIN SUBMITTED BY
THOMAS P. FOGARTY ET ALS
118 DIVISION ST.
WOONSOCKET, R. I.
TELEPHONE WOONSOCKET 3187-J
DEC. 8, 1954

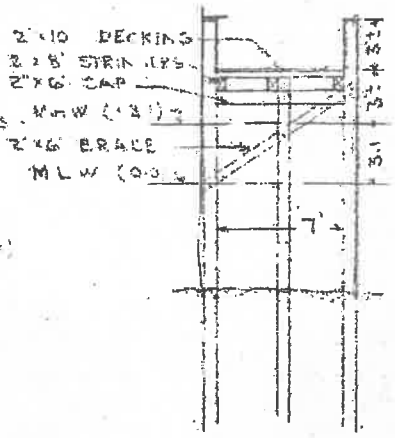




NOTE
Soundings are in feet referred to mean Low Water



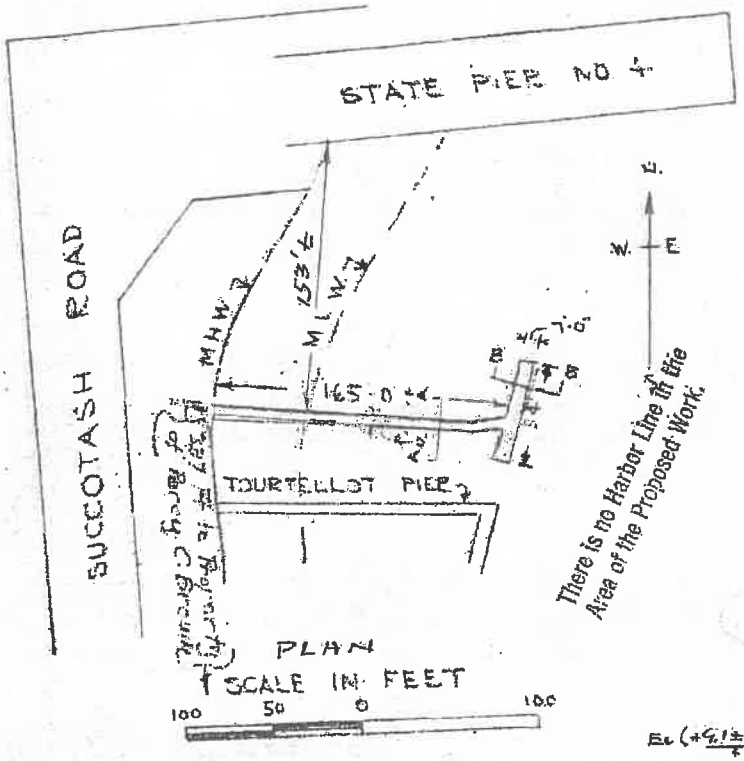


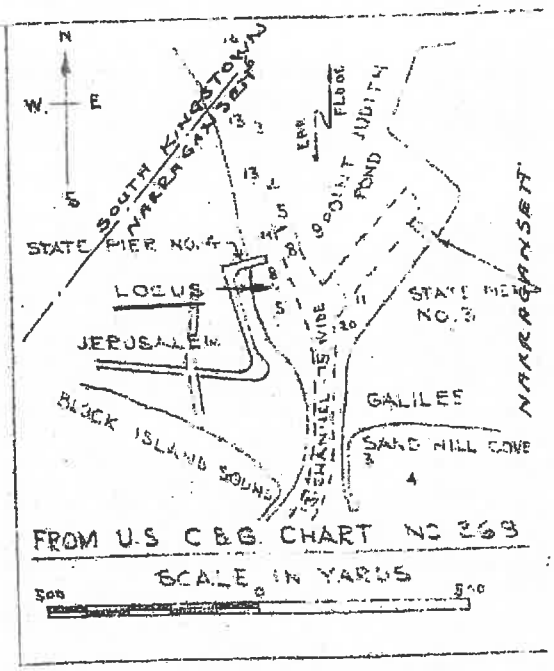


FRANK M. WATERMAN
No. 447
REGISTERED
PROFESSIONAL ENGINEER

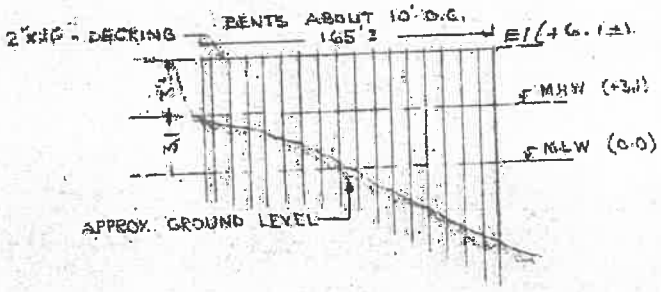
PLAN OF EXISTING PIER
IN POINT JUDITH POND
AT JERUSALEM, R.I.
APPLICATION FOR APPROVAL TO
MAINTAIN SUBMITTED BY
PERCY C. BROWN, RECEIVER FOR
NATHAN G. KENYON, JR.

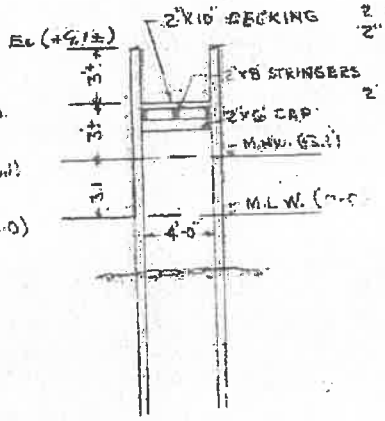
Percy C. Brown
Nov. 17, 1954

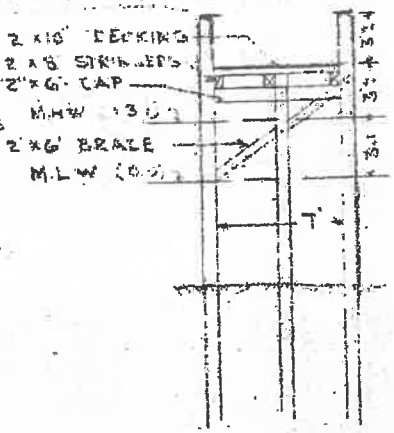




Soundings are in feet referred to Mean Low Water







100 50 0 100 FT. HOR.
10 5 0 10 FT. VER.

0 5 10
SCALE OF FEET

0 5 10
SCALE OF FEET

FRANK M. WATERMAN
No. 447
REGISTERED PROFESSIONAL ENGINEER

PLAN OF EXISTING PIER
IN POINT JUDITH POND
AT JERUSALEM, R.I.
APPLICATION FOR APPROVAL TO
MAINTAIN SUBMITTED BY
PERCY C. BROWNE FOR
NATHAN G. KENYON HEIRS

Percy C. Browne
No. 1715

September 27, 1955

Dr. Thomas P. Fogarty
141 Main Street
Woonsocket, R. I.

Dear Dr. Fogarty:

We wish to acknowledge receipt of a revised print showing repairs you made to your wooden pier in Point Judith Pond at Jerusalem, R. I.

This information will be filed with your original Assent No. 33-Point Judith Pond-1954 as issued to you in 1954.

Very truly yours,

Henry Isé, Chief
Division of Harbors & Rivers

HI:MP

December 11, 1954

From

Thomas P. Fogarty et als.
118 Division Street
Woonsocket, Rhode Island

Chief of the Division of Harbors and Rivers
214 State Office Building
Providence, Rhode Island

Dear Sir:

I am enclosing herewith corrected blueprint of our dock, as required by the U.S. Army, corps of Engineers, of the New England Division, Boston Massachusetts. Hoping this will meet with your approval.

Very truly yours,

Thomas P. Fogarty et als.

Thomas P. Fogarty et als.

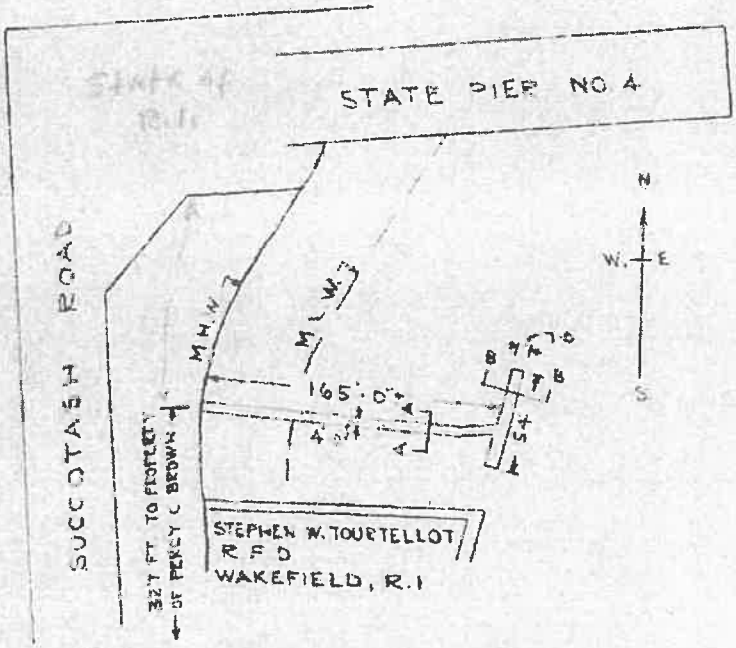
Encl.

TPF/A

P. S. The original application was made in Percy C. Brown's name, under date of November 17, 1954, which was in error.

Dec 15 1954

Mr Dee said not to do anything about changing ~~for~~ absent



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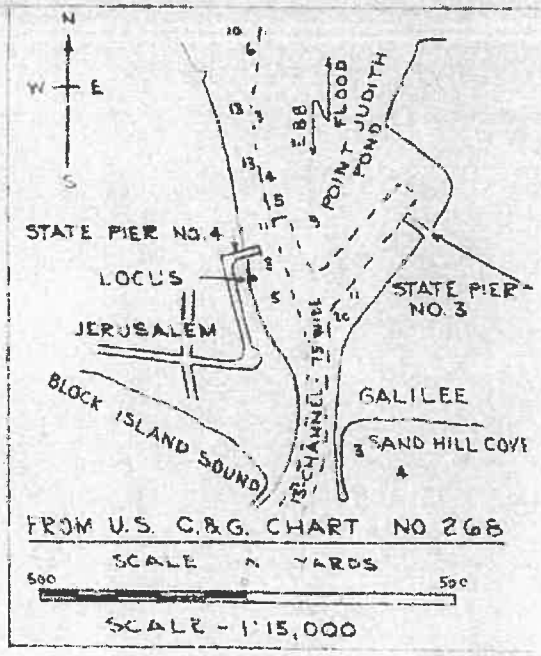
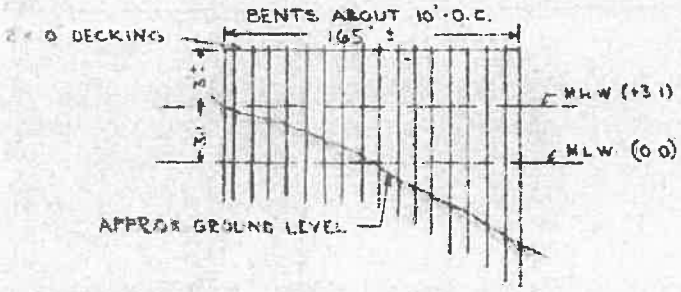
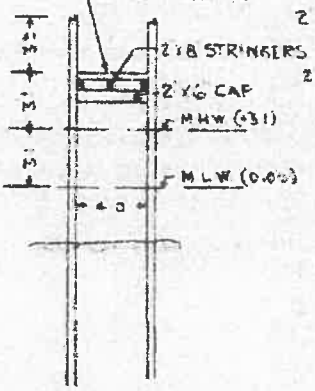




SIDE ELEV - MAIN PIER

100 50 0 100 FT HOR

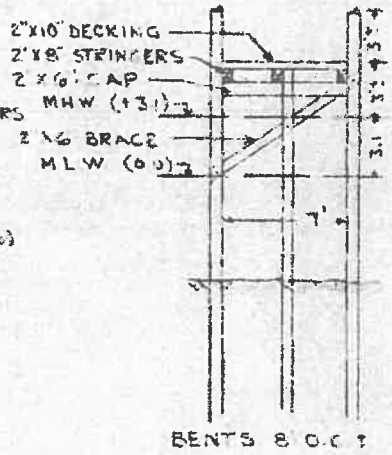
10 5 0 10 FT VER



SECTION A-A

0 5 10

SCALE OF FEET



BENTS 8' O.C.

SECTION B-B

0 5 10

SCALE OF FEET

FRANK M. WATERMAN
No. 147
REGISTERED PROFESSIONAL ENGINEER

PLAN OF EXISTING PIER
IN POINT JUDITH POND AT
JERUSALEM, R.I.
APPLICATION FOR APPROVAL TO
MAINTAIN SUBMITTED BY
THOMAS P. FOGARTY ET ALS
118 DIVISION ST
WOONSOCKET, R.I.
TELEPHONE WOONSOCKET 3187-J
DEC. 8, 1954

MEEHAN MECHANICAL, LLC

DATE:

Send to: Joe Geaber	From: Beth Meehan
Attention:	Office Location:
Office Location:	Phone Number: 914-948-7614
Fax Number:	Number of Pages, Including Cover: 9

☐ URGENT ☐ REPLY ASAP ☐ PLEASE COMMENT X☐ PLEASE REVIEW ☐ FOR YOUR INFORMATION

COMMENTS: ENCLOSED DOCK SPACE RENTALS FROM 2007 THROUGH 2012, IF YOU NEED MORE THEY GO BACK TO 2002. ALSO ENCLOSED DAD'S 2011 SCHEDULE E FOR RENTAL REAL ESTATE, THE ACCOUNT HAS 2012 AND 2013, THE PREVIOUS YEARS ARE PROBABLY AT THE HOUSE.

fax cover

Meehan Mechanical, LLC
295 Old Kensico Road White Plains, NY 10607
914-428-0687 | fax number 914-428-0687

2007

ADDITIONAL PAGE ON 2006 PAGE

SLIP 1. MOE LE BLANC 700. Dep Rec'd 1/7/07 700 5/ PD IN FULL

SLIP 2. DICK + RITCHIE 1400 Rec'd 1/15 PD IN FULL

3. JOHN PALMER 700 Dep 3/16

4. RAYMOND RAY 500. Deposit 2/13/07 500 DEP 3/6 750 BAL PD IN FULL

5. OUTSIDE SLIP BIRD

6. JOEL COLLE PD IN FULL 1/30/07 900

7. JOHN THORN DEP 2/24 450 5/23 PD IN FULL

8. BRAD LAFONTAINE PD IN FULL SIDE SLIP 700 4/13 100 DEP OUTSIDE SLIP

9. PETE HILLING PD IN FULL 1-6-07 5/23 1000 PD IN FULL OUTSIDE SLIP

10. MIKE KRUL 225 Dep Rec'd 1/25/07 PD in full 225.00 Bal'd 5/29/07

BETC DEMO + 500 ~~5/9/07~~ 500.00

2008

ADDRESS ON W/PH# 2006 PAGE

SLIP #1 MOE LEBLANC 70/FT 1/15 700 DEP CAL 760 PD IN
#2 DICK + RITCHIE 70/FT 1/15 1400 PD IN FULL
#3 JOHN PALMER 70/FT 3/15 200 DEP 700 PD IN
#4 RAYMOND ROY 70 FT 1/15 1000 DEP
#5 BRAD (OUTSIDE SLIP) 70/FT
#6 JOEL COLLIGAN (FLAT RATE) $900 1/24 PD IN FULL
#7 KARL MINTHEY (NEW 08) (FLAT RATE) 950 1/15 475 DEP ON 1/15
#8 BRAD LAFONTAINE (SIDE SLIP) 900 PD IN FULL
#9 PETE ALLING $350 (FLT DOCK) 1/15 PD IN FULL
#10 MIKE KRUL $400 " " 1/29 200 DEP 200 PD IN FULL

2009

ADDRS & PHONE # PGE 2006

#1 MOE LEBLANE 70/120 (700 DEP) 6/1700. PD IN FULL

#2 DICK & RITCHIE 7/123' RED 1400 1/3/09 PD IN FULL

#3 JOHN PALMER 70/120' (700 DEP)

#4 RAYMOND ROY 1 DEP 500. + 500 MORE 3/6 350 PD IN FULL

#5 BRIAN SUTTON 75/1 NEW 09 3 STUART DR COVENTRY RI 02866 (900 DEP) PD IN FULL

#6 JOEL COLLIER FLAT DEP 500 450. PD IN FULL

#7 KARL MANTHEY NEW 08 FLAT 950 DEP 475 475 PD IN FULL 4/10

#8 CLYDE PIGNOLET NEW 09 FLAT 950 DEP 425 1/5/10 500 PD IN FULL

#9 PETE ALLING FLAT 350 PD IN FULL 1/2/09

#10 MIKE KRULE FLAT 350 DEP 175. #7 175 PD IN FULL

2010 #1 WAS MOE VACANT PD

#2 DICK & RITCHE 70/FT 1400. PAY IN FULL

#3 WAS JP VACANT

#4 RAYMOND ROY 70/FT DEP 600. BAL ~~1150~~ 550 PD 600 3/2 BAL 550

#5 BRIAN SUTTON 75/FT PD 900 D. DWN + 900 1/7/10 3/2 PD IN FULL

#6 JOEL COLLIER FLAT 950.

#7 ~~WAS KARL~~ RICK REICH FLAT 950 PD DEP 475 BAL 475 5/2 PD IN FULL

#8 CLYDE PIGNOLET FLAT 950. PAID DOWN FULL 1/7/10 475.00 PD IN FULL

#9 PETE ALLING FLAT 350. PAID 1/9 IN FULL

#10 MIKE KRULL FLAT 350 PAID IN FULL

NEW RENTER DEREK PASCALE 70/FT - 500 DEP 4/17/10 500 CASH POINTER

[illegible]

[illegible] X

[illegible]

[illegible] 584-3484 CELL 768-7945

180 LINCOLN ST BLACKSTONE MASS 01504 X

[illegible] X

310 A TEWER HILL RD, WAKEFIELD RI 02879

MIKE KNOLL [illegible] CELL 523-7179 X

27 VEITCH DR CHARLESTOWN 02813

CLYDE PRINGLE [illegible] CELL 244-1697 X

25 BEACH RD WAKEFIELD 02879

BRIAN [illegible] 772-4229 CELL 699-3489 X

5 [illegible] COVENTRY RD [illegible]

RICK REICH 742-2020 CELL [illegible]

50 SO WEST RD [illegible] 02882

DERRICK DESCALE 529-4842 [illegible] X

27 BUSHNUT DR NO KINGSTOWN 02852

JOE [illegible] 401-648-5713

94 WHITESIDE AVE, [illegible]

[illegible] 02892

2010

DEP 770 BAL 770
CELL 265-5703

1 ~~[illegible]~~ CHRISTOPHER LEHHGY 85 295-0241 HC
~~[illegible]~~ 85 ~~[illegible]~~ 610.01
DAN COSTA 401-423-1944
~~VACANT~~ ? JOE PRATTS 85 770 ~~700~~ DEP.
4 RAYMOND ROY 85 DEP BAL 500.
5 BRIAN SUTTON 85 DIN FULL 1800.
6 DEK PASCHALE 85 PD 500 DIN FULL 1450
7 RICK REICH 85 PD 475 PD IN FULL 950.00
8 CLYDE PIGNOLETTI PD 475 950.00
9 PETE ALLING PD - 350 IN FULL 350.00
10 MIKE ~~[illegible]~~ RUEL PD PD 175. 350.00

2 Other

LETTERS SENT

RAYMOND REGI CELL 769-7915
284 LINCOLN ST BRIDGEPORT

MIKE REGIL CEL 523-1179 27 WITTLEY *
DR. CHARLESTON, CHRIS CEL 523-3179
JUSTIN BEYTER 13 WHITSON HILL RD *
ASHAWAY RI 02804 CEL
BILL RIGH
CLAYS FIONULETT CEL 331-1679 *
25 BEACH ROAD WESTERLY 02879
BRIAN SUTTON STUBBER CONTRACTOR
CEL # 637-3488 02816
RICK REIDY CEL 742-2022 OF 783-8720
50 SO. WEST RD NARRAGANSETT 02882
DEREK PASCALE # 529-4847
67 OUTERNUT DR NORTH KINGSTOWN RI 02852 *
JOE PRATTS # 645-5013 94 WHITESIDE RD
CUMBERLAND RI 02864
DANIEL COSTA CEL 954-1546 *
21 Harvard Ct. Cranston RI 02910 (Sandslip)

SCHEDULE E (Form 1040)

Department of the Treasury Internal Revenue Service (99)

Supplemental Income and Loss

(From rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICs, etc.)

▶ Attach to Form 1040, 1040NR, or Form 1041. ▶ See separate instructions.

OMB No. 1545-0074

2011

Attachment Sequence No. 13

Name(s) shown on return: GEORGE J KUTCHER

Your social security number: 111-24-2945

A Did you make any payments in 2011 that would require you to file Form(s) 1099? (see instructions) ☐ Yes ☒ No

B If "Yes," did you or will you file all required Forms 1099? ☐ Yes ☐ No

Part I **Income or Loss From Rental Real Estate and Royalties** Note. If you are in the business of renting personal property, use Schedule C or C-EZ (see instructions). If you are an individual, report farm rental income or loss from Form 4835 on page 2, line 40.

Caution. For each rental property listed on line 1, check the box in the last column only if you owned that property as a member of a qualified joint venture (QJV) reporting income not subject to self-employment tax.

1 Physical address of each property–street, city, state, zip	Type–from list below	2 For each rental real estate property listed, report the number of days rented at fair rental value and days with personal use. See instructions.		Fair Rental Days	Personal Use Days	QJV
A 1157 SUCCOTASH ROAD, WAKEFIELD, RI, 02879	4		A			
B			B			
C			C			

Type of Property:

1 Single Family Residence 3 Vacation/Short-Term Rental 5 Land 7 Self-Rental
2 Multi-Family Residence 4 Commercial 6 Royalties 8 Other (describe)

			Properties A	Properties B	Properties C
Income:					
3 a	Merchant card and third party payments. For 2011, enter -0-	3a			
3 b	Payments not reported to you on line 3a	3b	9,000		
4	Total not including amounts on line 3a that are not income (see instructions)	4	9,000		
Expenses:					
5	Advertising	5			
6	Auto and travel (see instructions)	6			
7	Cleaning and maintenance	7			
8	Commissions	8			
9	Insurance	9	693		
10	Legal and other professional fees	10			
11	Management fees	11			
12	Mortgage interest paid to banks, etc. (see instructions)	12			
13	Other interest	13			
14	Repairs	14	216		
15	Supplies	15			
16	Taxes	16	2,022		
17	Utilities	17			
18	Depreciation expense or depletion	18	447		
19	Other (list) ▶	19			
20	Total expenses. Add lines 5 through 19	20	3,378		
21	Subtract line 20 from line 4. If result is a (loss), see instructions to find out if you must file Form 6198	21	5,622		
22	Deductible rental real estate loss after limitation, if any, on Form 8582 (see instructions)	22	( )	( )	( )

23 a	Total of all amounts reported on line 3a for all rental properties	23a	0	
b	Total of all amounts reported on line 3a for all royalty properties	23b	0	
c	Total of all amounts reported on line 4 for all rental properties	23c	9,000	
d	Total of all amounts reported on line 4 for all royalty properties	23d	0	
e	Total of all amounts reported on line 12 for all properties	23e	0	
f	Total of all amounts reported on line 18 for all properties	23f	447	
g	Total of all amounts reported on line 20 for all properties	23g	3,378	
24	**Income.** Add positive amounts shown on line 21. Do not include any losses		24	5,622
25	**Losses.** Add royalty losses from line 21 and rental real estate losses from line 22. Enter total losses here		25	(0)
26	**Total rental real estate and royalty income or (loss).** Combine lines 24 and 25. Enter the result here. If Parts II, III, IV, and line 40 on page 2 do not apply to you, also enter this amount on Form 1040, line 17, or Form 1040NR, line 18. Otherwise, include this amount in the total on line 41 on page 2		26	5,622

For Paperwork Reduction Act Notice, see your tax return instructions.

(HTA)

Form **8582**

Department of the Treasury
Internal Revenue Service (99)

Passive Activity Loss Limitations

▶ See separate instructions.
▶ Attach to Form 1040 or Form 1041.

OMB No. 1545-1008
2011
Attachment Sequence No. 88

Name(s) shown on return: GEORGE J KUTCHER

Identifying number: 111-24-2945

Part I 2011 Passive Activity Loss

Caution: *Complete Worksheets 1, 2, and 3 before completing Part I.*

Rental Real Estate Activities With Active Participation (For the definition of active participation, see **Special Allowance for Rental Real Estate Activities** in the instructions.)

1a	Activities with net income (enter the amount from Worksheet 1, column (a))	1a	5,622	
b	Activities with net loss (enter the amount from Worksheet 1, column (b))	1b	( )	
c	Prior years unallowed losses (enter the amount from Worksheet 1, column (c))	1c	( )	
d	Combine lines 1a, 1b, and 1c			1d 5,622

Commercial Revitalization Deductions From Rental Real Estate Activities

2a	Commercial revitalization deductions from Worksheet 2, column (a)	2a	( )	
b	Prior year unallowed commercial revitalization deductions from Worksheet 2, column (b)	2b	( )	
c	Add lines 2a and 2b			2c ( )

All Other Passive Activities

3a	Activities with net income (enter the amount from Worksheet 3, column (a))	3a		
b	Activities with net loss (enter the amount from Worksheet 3, column (b))	3b	( )	
c	Prior years unallowed losses (enter the amount from Worksheet 3, column (c))	3c	( )	
d	Combine lines 3a, 3b, and 3c			3d 0

4 Combine lines 1d, 2c, and 3d. If this line is zero or more, stop here and include this form with your return; all losses are allowed, including any prior year unallowed losses entered on line 1c, 2b, or 3c. Report the losses on the forms and schedules normally used . . . 4 5,622

If line 4 is a loss and:
- Line 1d is a loss, go to Part II.
- Line 2c is a loss (and line 1d is zero or more), skip Part II and go to Part III.
- Line 3d is a loss (and lines 1d and 2c are zero or more), skip Parts II and III and go to line 15.

Caution: *If your filing status is married filing separately and you lived with your spouse at any time during the year, **do not** complete Part II or Part III. Instead, go to line 15.*

Part II Special Allowance for Rental Real Estate Activities With Active Participation

Note: *Enter all numbers in Part II as positive amounts. See instructions for an example.*

5	Enter the **smaller** of the loss on line 1d or the loss on line 4			5 0
6	Enter $150,000. If married filing separately, see instructions	6		
7	Enter modified adjusted gross income, but not less than zero (see instructions)	7	0	
	Note: *If line 7 is greater than or equal to line 6, skip lines 8 and 9, enter -0- on line 10. Otherwise, go to line 8.*			
8	Subtract line 7 from line 6	8	0	
9	Multiply line 8 by 50% (.5). Do not enter more than $25,000. If married filing separately, see instructions			9 0
10	**Enter the smaller** of line 5 or line 9			10 0

If line 2c is a loss, go to Part III. Otherwise, go to line 15.

Part III Special Allowance for Commercial Revitalization Deductions From Rental Real Estate Activities

Note: *Enter all numbers in Part III as positive amounts. See the example for Part II in the instructions.*

11	Enter $25,000 reduced by the amount, if any, on line 10. If married filing separately, see instructions	11 0
12	Enter the loss from line 4	12 0
13	Reduce line 12 by the amount on line 10	13 0
14	Enter the **smallest** of line 2c (treated as a positive amount), line 11, or line 13	14 0

Part IV Total Losses Allowed

15	Add the income, if any, on lines 1a and 3a and enter the total	15 0
16	**Total losses allowed from all passive activities for 2011.** Add lines 10, 14, and 15. See instructions to find out how to report the losses on your tax return	16 0

For Paperwork Reduction Act Notice, see Instructions.

(HTA)

STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

In Re: CRMC File No. 2021-09-093
1159 Succotash Road I-J; 64-2;
Residential Boating Facility to Replace Existing Unauthorized

ENTRY OF APPEARANCE

William R. Landry hereby enters his appearance in behalf of Benjamin Walker and Walker's Marina, LLC.

William R. Landry #2494
Blish & Cavanagh, LLP
30 Exchange Terrace
Providence, RI 02903-1765
Telephone: (401) 831-8900
wrl@blishcavlaw.com

August 15, 2022

Attorneys for Benjamin Walker
and Walker's Marina, LLC