



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
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February 15, 2022

William & Nancy Gilbane
91 Lighthouse Drive
Jupiter, FL 33469

RE: File Number: A*2021-09-093
Site Address: 1159 Succotash Road, Narragansett; Plat: I-J Lot: 64-2
Owner: William & Nancy Gilbane
Proj. Desc: Replace existing dock

Dear Sir/Madam:


The CRMC continues the review of your application and has remaining concerns with the proposed work, as well as an update (highlighted) on the previously requested items below:

1. It is staff's understanding that the existing facility is lacking a CRMC permit and is subject to CRMC enforcement action. As such, communication with both CRMC Enforcement and USACOE staff indicate potential 'grandfathering' under the ACOE process is in process and a CRMC permit will resolve the CRMC enforcement issue.
2. As such, a public notice for this project has been prepared. However, revised plans reflecting the results of the SAV survey relative to the proposed project (i.e., density shading) are required. Revised plans were received and sent to public notice, one objection was received during this period, which closed 2/13/22 (enc). Please provide a written response/redesign to these comments.
3. Additionally, Letters of No Objection (LONO) are required for work within 25' of a property line extension; In this case, it appears the southern abutter and potentially others are affected. If a LONO is not received, a PLS-stamped plan is also required as well as a variance to Red Book Section 1.3.1(D)(11)(k) and a full Council hearing. Distances to PL extensions should be called out on the plan. The revised plans are PLS-stamped with PL extensions shown. A LONO was received from the northern abutter, however, lack of a LONO from the southern abutter, as well as a letter of objection necessitates a Council hearing for this project.
4. Also, the property line extensions do not appear accurate; For CRMC purposes, they must follow a straight line extended out from the PL meeting the MHW. It appears the northern abutter will likely require a LONO as well once both lines are adjusted. Revised plans are accurate re PL extensions for CRMC review purposes and northern LONO received.

5. Please note that CRMC internal guidance considers 18" to 3' of water depth reasonable for recreational boating. Staff review will balance water depth with length as well as nearby docks (noting substandard/grandfathered/unauthorized designs). A length variance to Section 1.3.1(D)(11)(l) is required for the current design and staff advises the applicant to shorten the proposal as indicated above. Additionally, length to federal channel shall also be depicted. Based on the revised plans, the existing unauthorized dock achieves approximately 2.5' of water at its depth at a distance of 46' seaward of MLW. The proposed dock is seeking 4.5' at 73' seaward of MLW. CRMC current regulations consider 3' water depth/50' seaward of MLW reasonable as noted above. Additionally, the proposal extends further over SAV and proposes a prohibited float over SAV (see below). As such, staff does not support the current layout and recommends the applicant shorten the facility to 3' water depth, lessening both the length and SAV variances required.
6. Public notice will be held pending receipt of written variance criteria (technically, a Deficiency for acceptance, however, staff recognizes the ongoing effort to legalize the issue) as well as revised plans, including 8.5" x 11". While variance criteria has been submitted, staff's opinion is that the project is not the minimum necessary and should be revised.
7. Staff has been notified that the pre-existing unauthorized dock has been removed and review of this project remains as a new facility. As such, relocating the dock further north may also alleviate some of the area congestion and staff advises exploring this option. A re-Notice will not be required for such a revision if the length does not increase and the setback to the northern PL extension remains 25' or greater.
8. A Special Exception is required for a float over SAV, which includes a compelling public purpose. Staff does not support a Special Exception for this project and recommends the float be removed; An "L" or "T" terminus could be pursued instead. Staff also recognizes the pre-existing nature (although unauthorized) of this area for docking and can support a new structure over SAV in this location if redesigned consistent with above comments.

Please prepare a response to this request, updated variance narrative (and/or Special Exception criteria if float remains) and revised plans within 60 days of the above date in order for staff to prepare reports for Council hearing. If you have any questions regarding this letter, please contact the office.

Sincerely,


Tracy Silvia, Permitting Staff
Coastal Resources Management Council

/ajt
Enclosure
cc: Bill Dowdell, P.E.