

CRMC DECISION WORKSHEET

2021-09-093

William & Nancy Gilbane

Hearing Date:			
Approved as Recommended			
Approved w/additional Stipulations			
Approved but Modified			
Denied		Vote	

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2021-09-093	Narragansett	1159 Succotash Road		A*	<input type="checkbox"/>	X
		Plat	I-J			
		Owner Name and Address				
Date Accepted	10/22/2021	William & Nancy Gilbane 91 Lighthouse Drive Jupiter, FL 33469		Work at or Below MHW		Yes
Date Completed	8/12/2022			Lease Required		<input type="checkbox"/>

PROJECT DESCRIPTION

C/m a residential boating facility consisting of a 4' x 64' fixed timber pier with 1200lb boat lift extending 67' seaward of the cited MLW mark. A 17' length variance to Red Book 650-RICR-20-00-01 Section 1.3.1(D)(11)(l)(2) and a 21' property line extension setback variance (southerly) to 1.3.1(D)(11)(k) are required.

KEY PROGRAMMATIC ISSUES

- Coastal Feature:** Manmade shoreline (bulkhead) on developed back barrier
- Water Type:** Type 5, Comm/Recreational Harbors, Pt Judith Pond Breachway
- Red Book:** 1.1.6, 1.1.7, 1.1.8, 1.1.9, 1.2.1(E), 1.2.2(B), 1.2.2(F), 1.2.3, 1.3.1(D), 1.3.1(R), 1.3.5
- SAMP:** Salt Pond SAMP, Lands Developed Beyond Carrying Capacity

Variances and/or Special Exception Details: 17' length variance to 1.3.1(D)(11)(l)(2) & 21' PLE setback variance to 1.3.1(D)(11)(k)

Additional Comments and/or Council Requirements: Defer for objector's comments

Specific Staff Stipulations (beyond Standard stipulations): N/A

STAFF RECOMMENDATION(S)

Engineer _____	Recommendation: _____	
Biologist <u>TAS</u>	Recommendation: No Tech Obj, Defer for Comments	
Other Staff _____	Recommendation: _____	

_____ 8/12/22
 Engineering Supervisor Sign-Off date

 _____ 10/16/22
 Executive Director Sign-Off date

_____ 8/15/22
 Supervising Biologist Sign-off date

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

Name: William & Nancy Gilbane
CRMC File No.: 2021-09-093
Staff Report



STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF REPORT TO THE COUNCIL

DATE: 12 August 2022
TO: Jeffrey M. Willis, Executive Director
FROM: T. Silvia, Sr. Environmental Scientist

Applicant's Name:	William & Nancy Gilbane
CRMC File Number:	2021-09-093
Project:	To c/m a residential boating facility
Location:	1159 Succotash Road; Narragansett: Plat(s): I-J; Lot(s): 64-2
Water Type/Name:	5, Point Judith Pond (Jerusalem) Breachway
Coastal Feature:	Bulkhead on developed back barrier
Plans Reviewed:	"Dock Plan, William Gilbane, AP I-J, Lot 64-2, Narragansett.." dated Sept. 24, 2021 last revised 06/15/22 by Mark L. Dowdell, RPE & Richard L. Couchon, PLS.

Recommendation: No Technical Objection, Defer for Consideration of Comments Received

A) SITE LOCATION/APPLICATION HISTORY:

1—The project site (Fig. 1) is located on the western side of the Pt Judith Pond Breachway, on the backside of a developed barrier beach. The coastal feature at the site is manmade shoreline (bulkhead) and there is a mix of commercial and residential docks located along this highly developed stretch of shoreline. Aerial photographs indicate a small pier existed on the site since the 1960s, replaced by an approximately 46' long fixed pier on the southerly side of the parcel since the 1980s. Unfortunately, no prior permit was obtained for either structure and it was determined to be unauthorized by CRMC Enforcement in 2021. The current applicant/owner has been working with CRMC enforcement and permit staff as well as the US Army Corps of Engineers (ACOE) to obtain a legal structure at the site. Direct abutters are pre-existing pier structures which significantly impact the available space for the applicant to site and use a facility on the subject lot.

2—On September 27, 2021 an application to replace the existing facility was received. The application was accepted complete on 10/22/2021 following consultation with Enforcement staff. On 11/22/2021, an Information Request (IR) was issued seeking revised site plans showing submerged aquatic vegetation

(SAV) extent, property line extension (PLE) corrections and distance to federal channel, as well as written variance criteria (PLE setback, depth, SAV) and Letters of No Objection (LONO) from affected abutters.

3—Staff conducted a site visit on 11/30/21, noting existing conditions and on 12/6/21 revised plans were received. The applicant was advised to obtain LONOs prior to sending to public notice. The northern LONO was received December 17, 2021. On 12/31/21, the applicant informed staff the existing unauthorized dock and nearby pilings had been removed (resolving Enforcement) in order to complete work on the previously permitted seawall repairs, and also that a southern LONO was not forthcoming.

4—A thirty-day public notice was issued on 1/13/2022 for a new residential boating facility consisting of a 4' x 32' fixed timber pier, 3' x 20' access ramp and 6' x 24' (144sf) terminal float, which required a 23' length variance to RedBook 650-RICR-20-00-01 *Section 1.3.1(D)(11)(l)(2)*, a 22' PLE setback variance to *Section 1.2.1(D)(11)(k)* and SAV variances to *Sections 1.3.1(D)(11)(w) & (R)(3)(e)(1)*. A Special Exception was also required for a float over SAV (*Section 1.3.1(R)(2)(b)*). In response, a letter of objection was received from the southern abutter's attorney on 2/11/2022. A concern with a piling relocation was also relayed to staff and the applicant was informed all pilings had to be replaced in pre-existing locations.

5)—On 2/15/2022 a second IR was issued with additional staff guidance, including a request for response to objection and minimization of required variances. Specifically, a shortened facility to 3' water depth with a "T" or "L" design instead of the float could be supported by staff given the long-standing use of a structure over the existing SAV at this locale. Relocating north was also suggested to lessen existing area conflicts.

6—Staff had telephone and email conversations with the applicant and his design engineer in April and May and additional revised plans were received 5/3/22 which shortened the facility, installed a boat lift and responded to the objection/variance criteria; Relocation was not proposed. A re-Notice was issued which concluded on 6/10/22 without further comment. The current proposed 4' x 64' fixed timber pier, with 1200lb boat lift, reduced the length and PLE variances and eliminated the SAV variance and Special Exception. Final plans with technical changes were received 6/21/22, and are included in the agenda packet.

B) PROGRAMMATIC CONCERNS:

1—The waterbody in which the facility is proposed is mapped as Type 5, Commercial and Recreational Harbors, and commercial facilities surround the site, including the Port of Galilee across the Breachway. The pre-existing nature of many of these facilities significantly curtail the applicant's options for siting a residential boating facility. It should also be noted that both the northern and southern facilities appear to be out-of-conformance with prior permits and are in the process of working out remedies with CRMC staff.

2—The northern abutter appears to have a wider than approved facility, which extends over the applicant's northern PLE. The southern abutter has two pier sections which are not authorized, including one which is located over the applicant's southern PLE, extending seaward from a legal section which also extends over the applicant's PLE. It should be noted that the southern facility has a 1994 grandfather permit and the owner is in the process of correcting to a Limited Marina permit, per prior CRMC review of the matter.

3—There exists a large extent of SAV (eelgrass) in the vicinity of the former and proposed dock. As such, new floats are prohibited. As the former dock achieved ~2.5' of water at ~46' in length, consistent with

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current standards of 3' depth at 50' seaward of MLW, the original proposal for 4.5' of water at 73' seaward of MLW was not supported by staff. However, the current revised proposal of 4' of water at 67' seaward of MLW is related to the proposed 1200 foot boat lift, which is designed in lieu of a float, consistent with *Section 1.3.1(R)* SAV standards. The design no longer extends far enough seaward to directly impact the abutting encroaching structures, though navigation difficulties for all due to congestion will remain difficult.

4—The applicant has submitted variance burdens of proof and staff is of the opinion this is a reasonable design, consistent with CRMC standards and without additional significant environmental impact. It is also staff's understanding the applicant obtained the parcel with the unauthorized structure.

C) PUBLIC COMMENT:

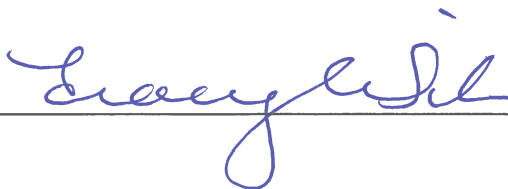
1—A letter of support was received in December from the northern abutter including a signoff for PLE setback encroachment (removing the variance from this direction). The objection received from the southern abutter is primarily concerned with the increase in scope/area of the proposed facility from the pre-existing dock, as well as responding to the applicant's comments regarding the legal status of the existing southern marina. The objection sought a revised design which decreased impact to the existing marina. Note, these comments were received as a result of the original design and public notice. No further comments were received following the design changes and re-Notice, although a LONO was not provided. Staff notes that while the southern PLE variance could be reduced by relocating the facility, it would then decrease the northern PLE setback

2—Note, the USACOE is required to review and permit these facilities, as applicable. The applicant originally worked with a staff member through pre-application emails on the design process for this facility. On 10/18/21, a Self-Verification (SV) authorization by the USACOE was received by staff from a separate ACOE staff member, followed by ACOE comments indicating SV may not be correct. On 2/17/22, ACOE indicated that SAV consultation was required prior to signoff, however, there has been no further information from the ACOE to-date. A standard Assent stipulation for obtaining ACOE approval prior to construction, as applicable, will be included should the Council approve the project.

D) STAFF RECOMMENDATION:

As currently designed, the facility requires a 17' length variance and a 21' PLE setback variance. It is staff's opinion that regardless of the former structure, a residential boating facility can be sited in this location which continues to allow access to existing facilities. The applicant has worked with staff to provide a design consistent with Redbook policies and standards (excepting depth and PLE requirements). The SAV standards have been met as practicable, the variances reduced and the Special Exception removed. The applicant has attempted to minimize the variance request and environmental concerns as well as conflict with abutting facilities and staff has no technical objection to the current design. Standard stipulations are withheld pending Council's Decision and staff defers to the Council for consideration of the objector's comments.

Staff Signature: _____



T. Silvia

Figure 1

Gilbane #2021-09-093



Google Earth

Perry Ln

Beach Row

1159 Succotash Rd

Jim's Dock

Skips Cafe

Judith Point - Block Island

Judith P

The Breachway

Great Island Rd

400 ft

Chaplins Seafood

Narragansett B

George's of Galilee

