

CRMC DECISION WORKSHEET

2022-09-003

Timothy Deschenes & Alyssa Merkle

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
2022-09-003	Bristol	90 King Philip Avenue		A*	<input type="checkbox"/>	X
		Plat	147			
		Owner Name and Address				
Date Accepted	9/2/22	Timothy Deschenes & Alyssa Merkle		Work at or Below MHW		X
Date Completed	10/28/22	90 King Phillip Avenue Bristol, RI 02809		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

Construct and maintain a residential boating facility consisting of a 4' x 97' fixed timber pier/stairs leading to a 3' x 20' access ramp and 10' x 15' (150sf) terminal float. The facility is proposed to extend 69' seaward of the cited MLW mark, for a total distance of 131'.

KEY PROGRAMMATIC ISSUES

- Coastal Feature:** Coastal beach backed by concrete seawall
- Water Type:** Type 2, Low Intensity Use, Mount Hope Bay
- Red Book:** Section 1.1.7, 1.1.10, 1.2.1(B), 1.2.2(A), 1.2.2(F), 1.2.3, 1.3.1(C), 1.3.1(D), 1.3.5
- SAMP:** N/A

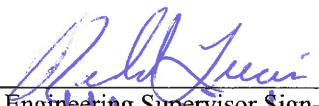
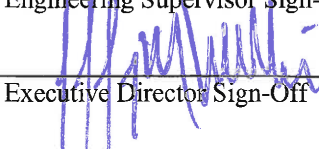
Variations and/or Special Exception Details:
 Requires a 19' length variance to Redbook 650-RICR-20-00-01 Section 1.3.1(D)(11)(l)
 Requires a 15' property line setback variance to both the north and south, per Section 1.3.1(D)(11)(k)

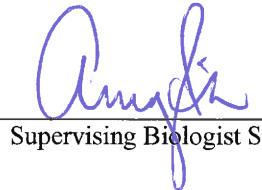
Additional Comments and/or Council Requirements: N/A

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

STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: _____
 Biologist **TAS** Recommendation: **No Objections**
 Other Staff _____ Recommendation: _____

 10/31/22
 Engineering Supervisor Sign-Off date
 1/11/22
 Executive Director Sign-Off date

 10/31/22
 Supervising Biologist Sign-off date
 Staff Sign off on Hearing Packet (Eng/Bio) date

Name: Timothy Deschenes & Alyssa Merkle
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STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF REPORT TO THE COUNCIL

DATE: 31 October 2022
TO: Jeffrey M. Willis, Executive Director
FROM: Tracy A. Silvia, Sr. Environmental Scientist

Applicant's Name:	Timothy Deschenes & Alyssa Merkle
CRMC File Number:	2022-09-003
Project:	To c/m a residential boating facility consisting of a fixed pier, ramp and float
Location:	90 King Philip Avenue; Bristol: Plat(s): 147; Lot(s): 63
Water Type/Name:	2, Mount Hope Bay, Low Intensity Use
Coastal Feature:	Coastal beach backed by concrete seawall
Plans Reviewed:	“Site Plan and Specifications (Sheet DK-1)/Profile and Details (Sheet DK-2), Residential Boating Facility, Plat 147, Lot 63, 90 King Philip Ave, Bristol..” dated 12/21/21 by Ron T. Blanchard, RPE, last revised 10/27/22 and “Boundary Survey & Site Plan, Plat 147, Lot 63..” dated 12/13/2021 by Mohamed J. Friej, PE/PLS
Recommendation:	No technical objection, defer for consideration of variance

A) SITE HISTORY/PROPOSED PROJECT:

1—This Mt. Hope Bay site (Figure 1) is located along a densely developed, predominately hardened shoreline, which contains numerous residential boating facilities. Prior actions include residential additions and maintenance projects.

2—The applicant proposes to construct a new dock, consisting of a 4' x 97' fixed timber pier/stairway leading to a 3' x 20' access ramp and 10' x 15' (150sf) terminal float. The facility will extend approximately 69' seaward of the cited Mean Low Water (MLW) mark, for a total distance of 131' and will be located approximately 10.5' from each abutting (north/south) property line extension (PLE). The applicant also proposed to relocate a large rock at the terminus of the proposed facility seaward to avoid conflict with navigation and berthing.

B) PROGRAMMATIC REQUIREMENTS:

1—The project requires an approximately 15' variance to the required 25' property line extension (PLE) setback contained within RedBook 650-RICR-20-00-01 Section 1.3.1(D)(11)(k) **in both north/south directions**. The parcel

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cannot fully meet the offsets and the applicant has centered the proposed pier to ‘split the difference’ between each abutter. This variance can only be approved by the full Coastal Council.

2—The project also requires a 19’ length variance to the standard 50’ length seaward of MLW of Section 1.3.1(D)(11)(I), as the pier extends 69’ seaward of the cited MLW mark. This would typically be approved under Section 110 review as it is less than 75’ seaward of the cited MLW mark.

3—The project meets the lateral access requirement at the cited mean high water (MHW) mark per Section 1.3.1(D) and there is no coastal wetland or submerged aquatic vegetation (SAV) present at the proposed site. The project meets the minimum 18” of water depth at the terminus of the proposed facility.

4—The USACOE has rendered a Self-Verification authorization under the RI General Permit (GP) process and the RIHPHC signoff was received. There were no comments received during the 30 day public notice period which concluded on October 22, 2022.

C) STAFF COMMENTS:

1—As the site cannot meet the required 25’ PLE setbacks, without Letters of No Objections (LONOs) from the affected abutters, a PLS-stamped plan and accompanying variance request is required. The applicant provided variance criteria and the PLS-stamped plan, which also addressed the requested length variance. The applicant notes that the facility is proposed no further seaward than nearby similar facilities, and that the length is required to achieve a typical 3’ water depth which CRMC past practice allows for docks.

2—Staff conducted a site visit on 10/7/22 found the proposal to be consistent with similarly approved facilities nearby.

3—Given the project conforms to most applicable RedBook standards and would typically be administratively reviewed at the Section 110/Category A Dock Meeting, staff brought the application to the September meeting, where it received administrative approval, **subject to three conditions** (which were relayed by staff to the applicant):

- a) End of Public Notice period without comment
- b) Relocation of the rock inland rather than seaward, to avoid further navigational conflicts with other users
- c) Submittal of LONOs for the affected abutters

4—Although conditions “a” and “b” above were met (revised plans were received changing the proposed rock location), staff received the owner’s email response that the northern abutter could not easily be reached and that the applicant understood a Council hearing was still required as condition “c” above (LONOs) was not met.

D) STAFF RECOMMENDATION:

5—The project has been designed consistent with Redbook standards other than length (typically administratively approved) and PLE setback (cannot be met and LONOs were not secured). It is staff’s opinion that if the PLE setback variance is approved, the design appears to allow for the future siting of potential abutting docks to the north/south. There is no objection to the issuance of a permit for this project as it is staff’s opinion that there are no significant environmental or programmatic impacts from the issuance of the requested variances. Standard stipulations are withheld.

Staff Signature: _____



T. Silvia, Staff Biologist

Figure 1: 2022-09-003

90 King Philip Road, Bristol



900 ft