

# COASTAL RESOURCES MANAGEMENT COUNCIL REQUIREMENTS

## RESIDENTIAL BOATING FACILITY

For  
**TIMOTHY DESCHENES & ALYSSA MERKLE**  
90 KING PHILIP AVENUE  
BRISTOL, RI

Prepared By  
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### PROJECT DESCRIPTION

The project involves construction of a new residential fixed wood dock, ramp and 10'x15' terminal float, with an overall length of approximately 131'. In accordance with CRMP requirements, the fixed dock portion of the facility would be 4' wide (between pilings).

**This project requires two variances from the CRMP. One is for length to achieve 3' of water at mean low tide. The other is that, due to narrowness of lot width, the proposed dock will not be able to meet the required 25' offset from property lines and/or property line extensions. Criteria for the requested variances is outlined below.**

### RELATED SECTIONS

The project is within Type 2 waters of Mount Hope Bay. The location is shown on the Bristol Quadrangle Map. Reference is made to the most recent version of Coastal Resources Management Program and any subsequent amendments. Applicable sections for water use and project type are addressed in detail as follows.

#### Section 1.1.7: Variances

##### Length Variance

**As outlined under the project description the project would require a length variance. Due to existing conditions at the site, the dock would be required to extend to approximately 69' beyond MLW in order to obtain 3' of water at mean low tide. The proposed dock however, would be consistent in length with other nearby docks.**

A. The Council's six criteria for a variance are addressed as follows.

1. As outlined herein, and in the plan drawing which accompanies this application, with exception of the variance requested, the project conforms to all applicable goals and policies of Parts Two and Three of the CRMP.



2. The proposed project will not result in any significant adverse environmental impacts or use conflicts. The relatively narrow width of the proposed dock will not block light penetration into the water. Although some temporary disturbance will result from pile driving operations the piles will become a site for marine growth. Coastal wetlands are not present at the site. The dock is also sufficiently elevated (approximately 9') above the mean high water line to allow passage along the shoreline. Even with the variance granted for an additional 19', the dock would be a near shore structure that would not interfere with any navigation channels.

3. The conditions at the site are such that the standard cannot be met. Conforming to the 50' beyond MLW would provide only approximately 2.0' of water at MLW. The applicant desires slightly more water depth to better facilitate boating operations which is easily achievable with a 19' extension (12" of water depth gained). Having only 2.0' of water at MLW would hinder dock use in lower tide situations. Restricting the applicant to the 50' beyond MLW limit would therefore have a negative impact on the intended project purpose.

4. Extension to 69' beyond MLW is considered the minimum required to relieve the hardship. A depth of approximately 3' of water at mean low tide could accommodate a boat under all tidal conditions and would allow more reasonable use of the facility.

5. The existing conditions at the site are those that naturally occur and are not a result of the any prior action of the applicant. **It should be noted that the proposed extension would put the end of the proposed dock consistent with docks just to the north and south (as shown on the aerial photo on the project plan).**

6. Compliance with the requirement would cause the applicant an undue hardship. Conforming to the 50' beyond MLW standard would provide only approximately 2.0' of water at the end of the dock at low tide. This would result in restrictions on boating operations. As proposed, the dock would have 3' of water available on average, which would assure adequate water depth to be available under most tide conditions.

B. Subdivisions do not apply to this project.

C. As stated under item 1. above, the project complies with all other requirements of the CRMP.

D. The possibility of variance from the local municipality, which would obviate the need for a CRMC variance, is not applicable to this project.

## 25 Offset Variance

**As outlined under the project description the project would require a variance from the 25' offset from the property line/property line extension. Due to narrowness of the existing lot (30.57'), the dock would only be able to have approximately 10+ on either side of the float to the property line extensions. In accordance with CRMC requirements a property survey has been conducted and**



**certified copies are included in the application. This survey (autocad version) was in turn incorporated into the dock design plan.**

A. The Council's six criteria for a variance are addressed as follows.

1. As outlined herein, and in the plan drawing which accompanies this application, with exception of the variance requested, the project conforms to all applicable goals and policies of Parts Two and Three of the CRMP.

2. The proposed project will not result in any significant adverse environmental impacts or use conflicts. The relatively narrow width of the proposed dock will not block light penetration into the water. Although some temporary disturbance will result from pile driving operations the piles will become a site for marine growth. Coastal wetlands are not present at the site. The dock is also sufficiently elevated (approximately 9') above the mean high water line to allow passage along the shoreline. Even with the variance granted for reduced offset from property line extensions, the dock would be a near shore structure that would not interfere with any navigation channels.

3. The conditions at the site are such that the standard cannot be met. Conforming to the 25' property line/property line extension would not provide adequate room for a dock on the property. As shown on the plan, distance to the property lines has been maximized as much as possible in both directions.

4. An offset of approximately 10'+ is the most the applicant can achieve. Therefore, an approximately 15' variance, on both sides, is considered the minimum required to relieve the hardship.

5. The existing conditions at the site are those that naturally occur and are not a result of the any prior action of the applicant. **It should be noted that the property to the north has 70' of width and so could achieve a dock 25' from its northerly property line and still have about 45' from the proposed dock. The property to the south has approximately 50' of width while the property south of that has an existing dock that is already approximately 50' away from the property line. Hence the property to the south (with variance request) could still locate a dock on that property such that there would be approximately 50' between docks. It should be further noted that the property to the south would require a variance from the property line extension(s) regardless.**

6. Compliance with the requirement would cause the applicant an undue hardship. Conforming to the 25' setback would not allow a dock to be installed on the property.

B. Subdivisions do not apply to this project.

C. As stated under item 1. above, the project complies with all other requirements of the CRMP.



D. The possibility of variance from the local municipality, which would obviate the need for a CRMC variance, is not applicable to this project.

### **Section 1.2.1 B: Type 2 Low-Intensity Use**

#### **Policies**

- a. The project would provide for low-intensity use for recreational boating purposes and would not detract from the Council's goal of maintaining this area for scenic value, water quality, and natural habitat.
- b. Dredging, marinas etc., are not applicable to this project.
- c. Residential boating facilities may be permitted in Type 2 waters. 1. Coastal wetlands are not present at the project location. 2. Access to the site is available from the water as well as from land. It is planned to install all driven piles from the water using barge mounted machinery. 3. The proposed dock is also sufficiently elevated above the high water line so as to allow passage along the shore in all tidal conditions, and would therefore not interfere with other public uses of the shoreline. 4. Dock length requires a variance to CRMC requirements.
- d. As described in Section 1.3.5, the scenic quality of the area will be maintained.
- e. Stormwater runoff and/or poorly flushed estuaries are not applicable to this project
- f. The project is not contiguous to a public park or beach, however, as outlined above, the facility will not interfere with public use of the area.

### **Section 1.3.1 D: Recreational Boating Facilities**

#### **1. Policies**

- a. Application process and necessary requirements have been taken into account.
- c. The USCG authority over navigation is recognized. The project is not near any navigation channels. Therefore, the project would not have any adverse effect on navigation.
- d.,e. Harbor management plans and cooperative agreements and/or dockominums etc., are not applicable to this project
- f.,g.,h. The project does not propose to repair a structure that has been more than 50% destroyed.
- i. No out hauls exist on this site.



### **3. Residential Boating Policies**

- a. Registration of this new residential boating facility is requested as part of the application submission and the registration plate will be posted upon completion of construction.
- b. The facility is not intended to service a number of users.
- c. The project has been designed to adequately withstand wave and high wind conditions such that risk of storm damage would be minimized to the maximum extent practicable.
- d.,e.,f. The facility is contiguous to a private residence.
- g. Limited recreational boating facilities are not applicable to this project.
- h. Type I waters are not applicable to this project.

### **4. Prerequisites**

The proposed structure does not conform to requirements to remain a minimum of 25' from property line extensions, however a variance is requested

### **6 Residential Boating Prerequisites**

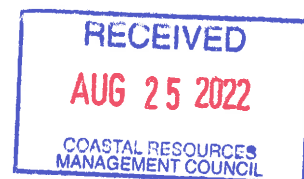
a-f This application is submitted for review by the dock subcommittee with request for a length variance.

### **7. Prohibitions**

None of the prohibitions outlined in the CRMP will be violated as a result of the project.

### **8. Standards**

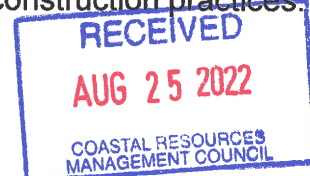
- a. Site plan drawings accompany this application package. The MLW was established by setting the reference elevation to the exact tide level, during the exact time of low tide on the date the site was surveyed, such that the MLW would be set at zero. Use of nearest tide station and information on predicted tides from the reference tide prediction sites were employed.
- b. A Registered Professional Engineer in the State of Rhode Island has designed and certified this package
- c. All structural elements have designed in accordance with appropriate design references and/or standard engineering practices.
- d. Standards for Section 1.3.1 R (SAVs) have been addressed in this narrative.





## 11. Residential Docks, Piers and Floats Standards

- a. The minimum design criteria of Table 3 have been addressed in the design of the proposed dock structure. The design plans have been certified by a Professional Engineer licensed in the State of Rhode Island.
- b. A detailed bathymetric/topographic survey, including features of the shoreline, vegetation, location of all existing and/or proposed access ways, etc., have been indicated on design plans.
- c. The fixed portion of the proposed structure is capable of supporting a live load of 40 lbs/SF. The proposed floating dock will support a uniform load of 20 lbs/SF or a concentrated load of 400 lbs.
- d. No creosote shall be applied to any portion of this structure.
- e, f, k, p, q, v. These items are addressed on the site plan drawings that accompany this application package.
- g. Coastal wetlands are not present at the site.
- h, o. The facility would be properly maintained once constructed. The owner would undertake minor repairs to the dock as required such as decking replacement etc. No alterations to the design or expansion of the facility would take place without a new Assent. If pile replacement becomes necessary, then an application for Maintenance would be submitted.
- i. The dock includes a floating dock and ramp and also a floating access dock configuration.
- j, m, n, s, x. These items are not applicable to this project.
- k. Due to the narrow lot width, the dock as proposed does intrude within the 25 foot extension of abutting property line, however a variance has been requested.
- r. Geologic conditions at the site are anticipated to be acceptable for a structure of this type.
- t. The dock has been located in reference to existing property lines with margin of error allowed for in the setback distance.
- u. Design standards described in Table 3 have been followed.
- w. Standards for Section 1.3.1 R (SAVs) have been addressed in this narrative.
- y. The dock will be constructed using standard marine grade construction practices.



## **12. Residential Docks with Excessive Fetch Standards**

Not applicable to this project.

### **Section 1.3.1 R: Submerged Aquatic Vegetation and Aquatic Habitats of Particular Concern.**

#### **General**

The bathymetric survey was conducted at low tide and the bottom was visible during the survey. No eelgrass or other Submerged Aquatic Vegetation (SAV) was found in the area of the proposed structure. Also, in general, SAVs are not found in the upper reaches of the bay or rivers.

### **Section 1.3.5: Guidelines for the Protection and Enhancement of the Scenic Value of the Coastal Region**

#### **General Guidelines**

1. Visual character will be maintained, as the proposed wood pier is consistent with water use that includes residential docks.
- 2.&3. The project will not obstruct views to and across the water. The skyline will not be altered or disrupted in any way as a result of the project. The project will not in any way degrade the scenic value of the area.
4. The site is not adjacent to a historic feature.

#### **In and Adjacent to Type 1,2&4 Waters**

1., 2.,3.,4.&5 These guidelines seem to apply to structures and dwellings and not to boating facilities, therefore these items are not applicable to this project.

### **CONCLUSION**

Other than the two variances requested, the project conforms to all standards of 1.3.1 D. The project does not present any impact to aquatic life, current flow or water quality. The project does not otherwise present any significant adverse effects to Rhode Island's coastal resources.

