



STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

ENFORCEMENT SIGN-OFF

TO: Jeffrey M. Willis
DEPT: Executive Director, CRMC
FROM: Laura Miguel, Acting Deputy Director
SUBJECT: Extension of CRMC Assent A*2022-06-136

PAGE: 1
DATE: 1/4/2023

Assent Number: A2011-03-030
Applicant Name: Eugene Mason, Jr.
Project Location: Plat 162, Lot 30A, 167 Watch Hill Rd., Westerly

Project Description: Fourth Extension request to construct renovations and additions to the existing single family dwelling; modify the existing coastal buffer zone as per the approved plans.

FINDINGS:

Staff performed a Compliance check on 08/26/2022 and found:

- 1. The site was not in conformance with CRMC Assents A1990-06-094 and A2011-03-030. Specifically, a portion of the required buffer had been mowed and a fire pit area installed, and a shed had been placed within 200' of the coastal feature.
- 2. Working with enforcement staff, Mr. Mason obtained CRMC assent F2022-10-080 on November 8, 2022 to authorize the shed.
- 3. Due to site constraints and the time of year, the buffer cannot be restored while the construction authorized by A2011-03-030 is in progress.
- 4. Mr. Mason has agreed to continue to work with enforcement staff to bring the site into conformance or obtain authorization for a recreation area in the buffer as soon as is practicable given site constraints during construction and seasonal limitations.

STAFF RECOMMENDATIONS:

- Approve
- Deny
- Approve with modifications:



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

(401) 783-3370
Fax (401) 783-2069

December 2, 2022

Eugene F. Mason
167 Watch Hill Road
Westerly, RI 02891

RE: CRMC File No. 2011-03-030
Site Location: Plat 162, Lot 30A, 167 Watch Hill Road, Westerly

Dear Mr. Mason,

As per our recent conversation, the above-referenced CRMC assent is currently valid. Your request for an extension of the expiration date of this assent requires a hearing before the Coastal Council which will be scheduled at the earliest available date. At that time, CRMC staff will be recommending approval of the extension request.

Also as we discussed, I have enclosed an application for buffer zone management. This application should be submitted no later than February 1st, 2023.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Laura Miguel".

Laura Miguel, Acting Deputy Director
lmiguel@crmc.ri.gov

enc.

Lisa Turner

From: Laura Miguel <lmiguel@crmc.ri.gov>
Sent: Monday, August 29, 2022 9:47 AM
To: 'Jeff Willis'
Cc: 'Lisa Turner'
Subject: 2011-03-030, 4th Extension Request

Good Morning,

I inspected this site on Friday and found some issues. I spoke with the owner who agreed to address them. I told him I would consider the best approach for doing so, which I now believe is through a consent agreement, and get back to him. That said, he is not available on September 13th. My recommendation is that we pull this from the agenda.

Laura

Laura Miguel, CRMC Acting Deputy Director
(401)783-3370



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REQUEST FOR ASSENT EXTENSION

Assent/Permit Number: <u>Assent #2011-03-030</u>	(including extensions) Expiration Date: <u>7/1/22</u>
Name of Assent Holder: <u>Gorman/ Mason</u>	
Location of Project: <u>167 Watch Hill Road</u>	
City/Town: <u>Westerly, RI</u>	Plat: <u>162</u>
	Lot: <u>30A</u>

Name of Present Owner: <u>Eugene Mason</u>	
Mailing Address: <u>24 Canterbury Lane</u>	
City/Town: <u>Sandy Hook</u>	State: <u>CT</u>
	Zip: <u>06482</u>
Phone Number: <u>203-343-4222</u>	Email Address: <u>Bigmase16@gmail.com</u>

Indicate reason for extension request:	<u>The Extended impact of COVID-19 , along with my pre-existing medical condition is the principal reason for the delay. I've had to keep myself in tight lockdown conditions and have been delayed meeting with contractors and Architect for the project. Additionally, we have experienced and anticipate supply chain issues. Once the project is completed, this will be our primary residence</u>
Indicate what (if any) work has been done:	<u>Builder/contractors lined up to start project — summer 2022</u>

Eugene F. Mason, Jr.

 Owner Name (PRINT)

 Owner's Signature (SIGN)

Note: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. 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 State Assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall be access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to penalties of perjury. 5/00





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Wakefield, RI 02879-1900

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Fax (401) 783-3767

May 19, 2021

Eugene F. Mason
24 Canterbury Lane
Sandy Hook, CT 06482

RE: Extension #3 of CRMC Assent No. 2011-03-030
Site Location: 167 Watch Hill Road, Westerly
Plat(s): 162 Lot(s): 30A

Dear Sir/Madam:

Coastal Resources Management Council Assent File Number A2011-03-030 is granted a one year extension from July 1, 2021 and will expire on **July 1, 2022**.

All future Assent Extensions will be subject to the provisions of Rhode Island Coastal Resources Management Council Management Procedures Section 5.12.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Willis".

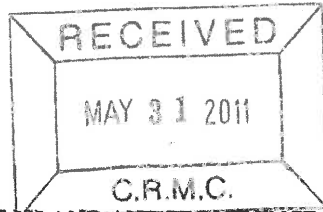
Jeffrey M. Willis, Executive Director
Coastal Resources Management Council

/lat





STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



RECEIVED FOR RECORD
WESTERLY R.I.

Apr 11, 2011 at 11:31A

BOOK 1891 PAGE 697
DOC #: 00001846

COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, R.I. 02879-1900

(401) 783-3370
FAX: (401) 783-3767

RESIDENTIAL ASSENT

(*Corrected 04-06-2011)

CRMC File No.: 2011-03-030

CRMC Assent No.: A2011-03-030

Whereas,
of

Gerard G. Gorman & Joan M. Gorman
2299 Long Ridge Road
Stamford, CT 06903

has applied to the Coastal Resources Management Council for assent to: construct renovations and additions to the existing single family dwelling; modify the existing coastal buffer zone as per the approved plans; and hereby represents that they are the owner(s) 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: **construct renovations and additions to the existing single family dwelling; modify the existing coastal buffer zone as per the approved plans;** located at plat 162, lots 30A; 167 Watch Hill Road, Westerly, RI; in accordance with said plans submitted to this Council and approved by this Council. In accordance with revisions to RIGL 46-23-6.3 Expiration Tolling Periods (as amended effective June 25, 2010), all work being permitted must be completed on or before **July 1, 2014**, after which date this assent is null and void, (unless written application requesting an extension is received by CRMC sixty (60) days prior to expiration date).

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.

Gerald & Joan Gorman
CRMC Assent No. A2011-03-030
March 29, 2011 (Corrected 04-06-2011)
Page Two

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.

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.

If this matter appeared before the full Council, a copy of the legal decision from this proceeding may be acquired by contacting the CRMC office in writing.

A copy of this Assent shall be kept on site during construction.

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.

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



Gerald & Joan Gorman
CRMC Assent No. A2011-03-030
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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.

Permits, licenses or easements issued by the Council are valid only with the conditions and stipulation under which they are granted and imply no guarantee of renewal. The initial application or an application for renewal may be subject to denial or modification. If an application is granted, said permit, license and easement may be subject to revocation and/or modification for failure to comply with the conditions and stipulations under which the same was issued or for other good cause.

ATTENTION: ALL STRUCTURES AND FILLED AREAS 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 PROVISIO THAT IT IS SUBJECT TO THE IMPOSITION OF A USAGE FEE TO BE ESTABLISHED BY THE COASTAL RESOURCES MANAGEMENT COUNCIL.

SPECIFIC STIPULATIONS OF APPROVAL

General Stipulations

A. The applicant shall record this assent in its entirety in the land evidence records of the Town of Westerly within thirty (30) days of the date of assent issuance. Certification by the Town Clerk's office that this stipulation has been complied with shall be furnished to Coastal Resources Management Council by the applicant within fifteen (15) days thereafter. Failure to comply with provision will render this assent null and void.

B. For the purpose of this permit, the coastal feature shall be the coastal wetland; and the inland edge of the coastal feature shall be the inland edge of the coastal wetland.



C. The approved plan shall be entitled "Plan," Client: Gerry & Joan Gorman, Project: Addition, Location: 167 Watch Hill Road, Westerly, RI, Date: 03/03/11, Sheet 1 of 4, by David W. Fish, PE. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.

D. The coastal buffer zone (Ref. CRMP Section 150) shall be as shown on the approved plan.

E. The setback line (Ref. CRMP Section 140) shall be as shown on the approved plan.

F. The coastal buffer zone shall be modified as shown on the approved plan. The inland edge of the modified coastal buffer zone shall be permanently demarcated with split rail fence (not stockade fence) across the entire property. The modified coastal buffer zone supersedes all previous coastal buffer zone requirements on the site.

***G. The coastal buffer zone plantings and fence relocation shall be completed by the end of the first growing season following the initiation of construction.**

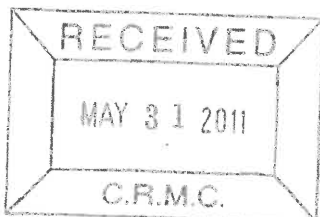
H. As of the date of assent issuance, all vegetation in the coastal buffer zone is to remain in a permanently undisturbed condition. Any and all activities or alterations within coastal the buffer zone not specifically addressed herein including mowing, pruning, trimming, thinning, require written authorization from the CRMC.

I. Vegetation on the coastal wetland shall remain in an undisturbed condition.

J. No alterations (vegetative or otherwise) or activities are allowed on the coastal feature(s) or in the waterway adjacent to the site.

K. All driveway and parking areas shall remain permeable consisting of gravel, crushed stone, shells, or similar highly permeable material.

L. All runoff of surface water into the stipulated coastal buffer zone shall be maintained as sheet flow. No concentrated sources of runoff flow (such as pipes or swales) shall be directed into the buffer zone.



Earthwork Stipulations

A. Prior to initiation of any grading, construction, or earthwork activity, a line of silt fence in accordance with RISESCH Standard "ST" shall be placed along the downslope perimeter of the proposed area of construction as indicated on the approved plan. This line shall not be located on a coastal feature nor within a stipulated buffer zone. Silt fence shall be "toed in" 4 inches to prevent the underwash of sediments. This line shall be maintained as needed and by the proper upland disposal of accumulated sediments until permanent site revegetation is established. No soils nor any other materials shall be allowed to enter beyond this line, neither temporarily nor permanently.

B. Upon successful stabilization of exposed soils all silt fence and stakes shall be removed from site and disposed of at a suitable, legal upland location.

C. All discharges which result from dewatering operations must flow into sediment traps consisting of staked haybale rings enclosing crushed stone to disperse inflow velocity in accordance with RISESCH Standard "FB". Haybales shall be "toed in" 4 to 6 inches into the ground to prevent underwash of sediments. These devices shall be maintained by removal and proper disposal of accumulated sediments and by replacement of bales and stone as needed. The devices shall not be located on any coastal feature nor in any designated coastal buffer zone. If necessary, a matting device shall be used below the traps. These devices must be completely removed upon completion of dewatering operations.

D. There shall be no stockpiling of soils, construction materials, debris, etc., on the coastal feature, in coastal waters, or in any areas designated as a CRMC coastal buffer zone.

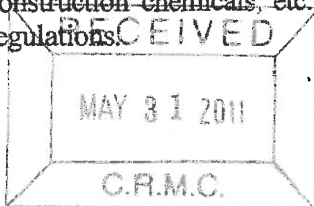
E. All excess excavated materials, excess soils, excess construction materials, and debris shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location outside of CRMC jurisdiction.

F. All fill materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.

G. All areas of exposed soil which are disturbed by construction and related activities shall be revegetated as immediately as is physically possible so as to minimize erosion and sedimentation. If the season is not conducive to immediate revegetation, all exposed soils shall be temporarily stabilized with hay mulch, jute mat netting or similar erosion control materials. Soil stabilization methods shall be employed during, as well as after, the construction phase to the maximum extent possible.

H. Earthwork shall be limited to the area approved. Excess earthwork beyond that authorized by this assent is not permitted.

I. There shall be no discharge or disposal of hazardous wastes or hazardous materials which may be associated with construction machinery, etc. on the site or in the waterway. All used oil, lubricants, construction chemicals, etc. shall be disposed of in full compliance with applicable State and Federal regulations.



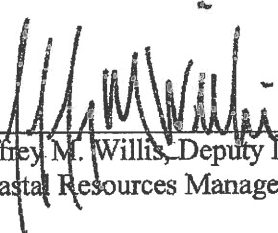
Sewage Disposal Stipulations

- A. The total number of bedrooms allowed in the dwelling shall not exceed three (3) bedrooms. Any future increase in the total number of bedrooms or the total square footage of the structure shall require CRMC approval and may require DEM/OWTS approval. Prerequisite DEM/OWTS review is required prior to application to CRMC.
- B. **The septic tank/cesspool shall be maintained by pumping to prevent solids from entering the leach field. If a septic inspection has not been performed in the last two years, CRMC staff recommends that one be performed within 60 days of the date of issuance of this assent.**
- C. If the existing septic tank or leach field is damaged during construction or related activities, the owner shall inform both DEM/OWTS and CRMC. Application for, and approval of a replacement facility must be obtained from DEM/OWTS and CRMC.
- D. Suitable access to the septic system shall be maintained for maintenance purposes.
- E. No changes in the existing septic system are authorized by this permit.

Building Stipulations

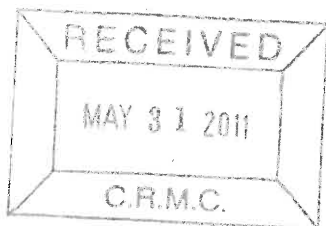
- A. All pertinent requirements of the RI State Building Code as administered by the local building official shall be strictly adhered to.

In Witness Whereof, said Coastal Resources Management Council has hereto set their hands and seal this twenty-ninth day of March in the year two-thousand-eleven. (Corrected 04-06-2011)



Jeffrey M. Willis, Deputy Director
Coastal Resources Management Council

/kc/lam



CECILIA L. GIORDANO MMC TOWN CLERK
WESTLERLY, RI RET. 