

# CRMC DECISION WORKSHEET

2021-02-053

Plum Beach Club

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
2021-02-053	North Kingstown	255 Plum Beach Road		<b>B</b>	<b>X</b>	<input type="checkbox"/>
		Plat	41			
Date Accepted		5/3/2022		Work at or Below MHW		X
Date Completed		1/26/2023		Lease Required		<input type="checkbox"/>
Owner Name and Address			Plum Beach Club P.O. Box 107 Saunderstown, RI 02874			

## PROJECT DESCRIPTION

Modify existing recreational boating facility (CRMC Assent 2021-02-053) to provide for more stable floats. Work consists of relocating piles and raising pier 10" (to provide for 4' of clearance at high tide). Replace the two seaward floats at the end of the facility (each 8' x 16') with two new floats each 9' x 17'. On the north side of pier, replace two 4.5' x 16' floats with two floats - one will be 4.5' x 12' and the other 4.5' x 16'. Total increase of floatage is 32 sf (i.e. total permitted = 400 sf, total proposed 432 sf). The facility as proposed will be within 45 feet of the town mooring field and 65 feet seaward of Mean Low Water (MLW).

## KEY PROGRAMMATIC ISSUES

- Coastal Feature:** Coastal beach backed by coastal bluff
- Water Type:** Type 2, Low Intensity Use
- Red Book:** 1.1.5.A (Table 1), 1.1.8., 1.2.1.C, 1.2.2.A, 1.2.2.D, 1.3.1.C, 1.3.1.D
- SAMP:**

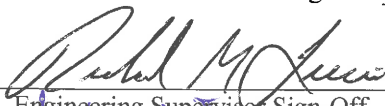
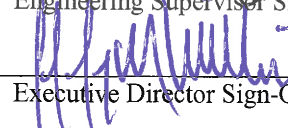
Variances and/or Special Exception Details: Owing to the RICMP water classification, (Type 2 waters (Low Intensity Use)), the application requires a Special Exception, as any new "recreational" structure is prohibited per Table 1.

Specific Staff Stipulations (beyond Standard stipulations): E1 Existing Piles shall be completely removed in lieu of cutting at mudline. If the conditions of the piles after attempting complete extraction does not allow for complete removal, the piles shall be cut a minimum of 2 feet below mudline.

## STAFF RECOMMENDATION(S)

No Objection/Defer to  
Council for Special  
Exception

Engineer RML Recommendation: \_\_\_\_\_  
Biologist \_\_\_\_\_ Recommendation: \_\_\_\_\_

  
Engineering Supervisor Sign-Off 1/26/23 date  
  
Executive Director Sign-Off \_\_\_\_\_ date

Supervising Biologist Sign-off \_\_\_\_\_ date  
Staff Sign off on Hearing Packet (Eng/Bio) \_\_\_\_\_ date

Name: Plum Beach Club  
CRMC File No.: 2021-02-053  
Staff Report



STATE OF RHODE ISLAND  
**COASTAL RESOURCES MANAGEMENT COUNCIL**  
INTER-OFFICE MEMORANDUM

DATE: 1/26/2023  
TO: Jeffrey M. Willis, Executive Director  
FROM: Richard M. Lucia, P.E.  
SUBJECT: CRMC File No. 2021-02-053

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Applicant's Name: Plum Beach Club

Project: Modify existing recreational boating facility (CRMC Assent 2021-02-053) to provide for more stable floats. The floats usage will remain as "touch and go" use and provide access for small crafts such as kayaks, sail and paddle boards. Work consists of relocating piles and raising pier 10" (to provide for 4' of clearance at high tide). Replace the two seaward floats at the end of the facility (each 8' x 16') with two new floats each 9' x 17'. On the north side of pier, replace two 4.5' x 16' floats with two floats - one will be 4.5' x 12' and the other 4.5' x 16'. Total increase of floatage is 32 sf (i.e. total permitted = 400 sf, total proposed 432 sf). The facility as proposed will be within 45 feet of the town mooring field and 65 feet seaward of Mean Low Water (MLW). Existing permitted facility is 50 feet from mooring field and 60 feet seaward of MLW.

Location: 255 Plum Beach Road, North Kingstown, Plat 41, Lot 69  
Water Type/Name: Type 2, Low Intensity Use, Narragansett Bay, West Passage  
Coastal Feature: Coastal Beach backed by Coastal Bluff

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## STAFF REPORT

### A-Introduction/History:

The existing boating facility has been in existence in its essentially similar configuration/ dimensions and use prior to 1969. The boating facility current and past use is for the private club, Plum Beach Club. The facility is mainly used as “touch and go” use and provide access for small crafts such as kayaks, sail and paddle boards.

The as-built facility was assented (CRMC Assent 2021-02-053) based on acceptable demonstration of pre-existence. As stated “**authorized an as-built recreational boating facility. Additionally, the existing boating facility will be removed and replaced in kind; the facility currently exists as a fixed timber pier, ramp and floats. Specifically, the existing facility consists of a 4’ x 105.2’ fixed timber pier, a ramp, and two terminal floats 8’ x 16’ each and two northern floats 4.5’ x 16’ each. The total length of the facility extends 154’ (approximately 59.5’ beyond Mean Low Water)**”

The subject application proposes an expansion of the approved facility and therefore seeks to modify Assent 2021-02-053; in summary the modification increases of total floatage by 32 sf (i.e. total permitted = 400 sf, total proposed 432 sf). The facility as proposed will be within 45 feet of the town mooring field and 65 feet seaward of Mean Low Water (MLW). Existing permitted facility is 50 feet from mooring field and 60 feet seaward of MLW. The applicant has stated that the purpose of the modification is to provide more stable floats.

### B-Review of Applicable Regulatory Requirements:

#### CRMP Red Book Section § 1.1.5.A Table 1 and § 1.1.8 Special Exception:

Due to the RICMP water classification, (Type 2 waters (Low Intensity Use)), the application requires a Special Exception, as any new “recreational “structure is prohibited per Table 1.

As stated in RICRMP 1.1.8, Special exceptions may be granted to prohibited activities to permit alterations and activities that do not conform to a Council goal for the areas affected or which would otherwise be prohibited by the requirements of this document only if and when the applicant has demonstrated that:

1. The proposed activity serves a compelling public purpose which provides benefits to the public as a whole as opposed to individual or private interests. The activity must be one or more of the following:
  - a. An activity associated with public infrastructure such as utility, energy, communications, transportation facilities, however, this exception shall not apply to activities proposed on all classes of barriers, barrier islands or spits except as provided in § 1.2.2(C)(4)(i) of this Part;
  - b. A water-dependent activity or use that generates substantial economic gain to the state; and/or
  - c. An activity that provides access to the shore for broad segments of the public.

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Staff Report

2. All reasonable steps shall be taken to minimize environmental impacts and/or use conflict.
3. There is no reasonable alternative means of, or location for, serving the compelling public purpose cited.

With regards to the RICRMP 1.1.8. Special Exception:

The applicant has stated that the proposal meets the requirements for granting of a special exception. As stated in a correspondence from Greg A. Pariseault, North Kingstown Fire Marshal to the Town of North Kingstown (dated August 3, 2021) that since 2002 the fire department uses the dock at the Plum Beach Club numerous times for the offloading victims for transport. The location of the facility "provides us with the fastest and safest access for patient transfer which is paramount to patient survival". Since the proposed improvements will provide better and safer access for the Town of North Kingstown Marine Rescue and the Town of North Kingstown, demonstrating that this project serves the public as a whole, there are no staff engineering objections to the granting of the special exception, however the staff engineer defers to the Coastal Council for a decision on the granting of the special exception.

**CRMP Red Book Section § 1.3.1-Recreational Boating Facility:**

The proposed facility is not a residential boating facility and therefore is not subject to the standards applicable to a residential boating facility as contained in § 1.3.1-Recreational Boating Facility of the CRMP. However, since in some regards the facility closely resembles a residential boating facility the structure was evaluated with the design standards of this section. It is staff opinion that the dock conforms to most of the standards to some extent of this section. For example, the facility will now extend 65 feet beyond mean low water (the standard in this section is 50' feet beyond MLW). The float size has increased to 432 sf from 400 sf, but since this increase in float size appears justified by the utilization of this facility for the Town's Marine Rescue there are no objections to this request.

The applicant has obtained a letter of no substantive objections from the North Kingstown Town Council for this modification. Please note that the recommendation of the Harbor Management Commission and the Conservation Commission is that the piles be completely removed rather than cut off below grade. This recommendation will be included as a condition of the Assent if approved.

Based on the above, and that the facility provides an important safety function for the Town of North Kingstown Rescue/Town of North Kingstown, there are no objections to the granting of the variance.

**Recommendations and Conclusion:**

Staff defers to the full Coastal Council as to whether the project meets the requirements for granting of the special exception. If the Special Exception is approved there are no staff objections to the proposed project.

**Additional Stipulation:**

E1 Existing Piles shall be completely removed in lieu of cutting at mudline. If the conditions of the piles after attempting complete extraction does not allow for complete removal, the piles shall be cut a minimum of 2 feet below mudline.

Signed



Staff Engineer