

CRMC DECISION WORKSHEET

2022-12-092

City of Newport

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
2022-12-092	Newport	Wellington Avenue		B	X	<input type="checkbox"/>
		Plat	42			
		Owner Name and Address				
Date Accepted	1/9/2023	City of Newport		Work at or Below MHW		X
Date Completed	4/17/2023	43 Broadway		Lease Required		<input type="checkbox"/>
		Newport, RI 02840				

PROJECT DESCRIPTION

New dinghy float dock comprised of six (6) 24' long by 16' wide sections (136' overall length) connected to Stone Pier by gangway compliant with Americans with Disabilities Act (ADA) adjacent (southeast) to existing dinghy dock at King Park

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal feature shall be the Stone Jetty.

Water Type: Type 2, Low Intensity Use, Newport Harbor

Red Book: 1.1.7, 1.1.8, 1.2.1(C), 1.2.3, 1.3.1(A), 1.3.1.(D)

Variations and/or Special Exception Details: A special exception (ref Redbook 650-RICR-20-0-01 Section 1.1.8) is required for a recreational facility in RICRMP designated "Type 2" waters (ref Section 1.1.5.A. Table 1 (Type 2 Waters Matrix)), as any new recreational structures are prohibited in Type 2 waters.


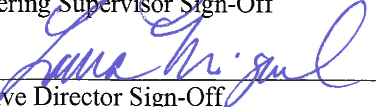
Additional Comments and/or Council Requirements:

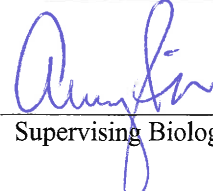
Specific Staff Stipulations (beyond Standard stipulations):

No overnight berthing of boats shall occur at the facility. Dinghies (boats 12' and under) are allowed to remain overnight.

STAFF RECOMMENDATION(S)

Engineer RML Recommendation: Approval
 Biologist ACS Recommendation: Approval
 Other Staff _____ Recommendation: _____

 4/19/23
 Engineering Supervisor Sign-Off _____ date
 4/19/23
 Executive Director Sign-Off _____ date

 4/19/23
 Supervising Biologist Sign-off _____ date
 Staff Sign off on Hearing Packet (Eng/Bio) _____ date



STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

STAFF SIGN-OFF

TO: Jeffrey M. Willis
DEPT: Executive Director, CRMC
FROM: Anthony Sawaia, Richard Lucia, P.E.
DEPT: CRMC PERMITTING SECTION
SUBJECT: Category B Application

PAGE: 1 of 3
DATE: April 17, 2023

CRMC File Number:	2022-12-092
Name:	City of Newport
Location:	Wellington Avenue, Newport; AP: 42, Lot 7
Water Type/Name:	Type: 2; Low Intensity Use, Newport Harbor
Coastal Feature:	Manmade Stone Pier (jetty) extending northerly approx. 500' perpendicular from shoreline adjacent to Wellington Ave
Project Description:	New dinghy float dock comprised of six (6) 24' long by 16' wide sections (136' overall length) connected to Stone Pier by gangway compliant with Americans with Disabilities Act (ADA) adjacent (southeast) to existing dinghy dock at King Park.

COMMENTS:

- 1.) The proposed project described above is to install a new 2,304 SF dinghy float dock adjacent (southeast) to the existing one at King Park. The new float dock will be connected to the Stone Pier (jetty) by an Americans with Disabilities Act (ADA) compliant 60' long gangway with a 12' x 6' concrete pad. A special exception (ref Redbook 650-RICR-20-0-01 Section 1.1.8) is required for a recreational facility in RICRMP designated "Type 2" waters (ref Section 1.1.5.A. Table 1 (Type 2 Waters Matrix)), as any new recreational structures are prohibited in Type 2 waters. They have requested a special exception to the prohibition.
- 2.) The main purpose for the new dinghy dock is to increase public use of the existing facility and to expand use for the public with disabilities. The existing and proposed facility use will remain for vessel tenders as well as Newport residents with small vessels who do not have a mooring. The Newport Harbor Master also utilizes the dock as a temporary berth for short durations during times of loading and unloading.
- 3.) As noted in the application the "*The City of Newport is requesting to improve the dockage capabilities for the following reason:*
Overcrowding:
The dock can safely accommodate approximately 35 standard 12 foot dinghies. During the midsummer, holiday, and music festivals the number attempting to use the dock increases to 140-150 with dinghy tie ups to three deep. Our new dock will hold approximately 150 dinghies in single row and would also be able to double that on high demand weekends.".

- 4.) The public floating docks will be deployed seasonally, from May to October and be stored on land during the off season. Only the 18 timber piles will be visible during the off season. The floating docks will be managed by the Newport Harbormaster and be governed by City Ordinance. Other alternatives have been considered and reviewed by CRMC under Preliminary Determination 2022-04-111. The current plans proposed were chosen to maximize public use.
- 5.) Floating dock is limited to use by vessels less than 12' in length (dinghy). No overnight berthing of boats shall occur at the facility. (Reference CRMC Assent 1998-04-083). However, dinghies are allowed to remain overnight.
- 6.) The Submerged Aquatic Vegetation Survey (SAV) provided is dated July 10, 2019 and is valid for 3 years. This SAV survey was reviewed and accepted before it expired as a part of the Preliminary Determination (2022-04-111). A new survey was not required if they submitted an Assent prior to December 31, 2022. They met this deadline so the findings of this survey may be used in the review/processing of this Assent. No SAV bed is present within the project location.
- 7.) The existing facility was Assented under file number 98-04-083 based on acceptable demonstration of pre-existence. CRMC Assent 98-04-083 Stipulated that overnight berthing of boats are prohibited. This Assented dock was 1,064 SF. Assent 2002-12-63 expanded the dinghy dock by 288 SF. This Assent also required a special exception and was approved. The most recent Assent was a Maintenance Assent 2013-01-046. This Assent expanded the original 6' wide float docks to match the 16' wide float docks from the previous Assent. The existing facility which is northwest of the proposed project totals 2,090 SF.

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.

Please note that the original facility was assented per CRMC File No 1998-04-83 based on acceptable demonstration of pre-existence. As noted above, there was an approved further expansion of the facility that also required a special exception (CRMC Assent 2002-12-063).

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.
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 for this project:


1. The facility is open to the public as a whole and with this project it will now provide even greater access to the waters of Rhode Island.
2. It is staff opinion that all reasonable steps have been taken to minimize environmental impacts and since the intended use of the facility is dinghy landings and “touch and go” passenger pickup loading zone (20 minutes loading limit per City Ordinance) for recreational boater.
3. The proposed site appears reasonable since the dinghy facility already exists


Recommendations and Conclusion:

Provided the Council determines the project meets the Special Exception, it is staff’s opinion that the project meets the regulatory policies and standards of the Red Book, and, on this basis, recommends approval of the project subject to staff stipulations.

Additional Stipulations:

(RL) No overnight berthing of boats shall occur at the facility. Dinghies (boats 12’ and under) are allowed to remain overnight.

Signed  Staff Biologist

Signed  Staff Engineer