

State of Rhode Island and Providence Plantations 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

APPLICATION FOR STATE ASSENT

To perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended. File No. (CRMC USE ONLY) South Kingstown 117D Sherman Road Project Location _ 2022-12-053 City/Town Street Plat: 82-4 James L. & Cathleen M. Phillip Lot(s):81 Owner's Name Owner's Contact: 12061 East Greenbush, NY PO Box 490 Number: 518.365.3922 Mailing Address Zip Code City/Town, State Email Address: james.phillip@sphp.com Address Email address: Tel. No. Address Contractor RI Reg. # 27 Sakonnet Ridge Drive Tel. No. 401.816.5385 Principe Engineering Address Tiverton, RI 0878 Designer Estimated Project Cost (EPC): \$65,000 Name of Waterway Point Judith Pond \$750.00 Application Fee: Provide Below a Description of Work As Proposed (required). Construction of a new residential dock per the attached plans and checklist.

Have you or any previous owner filed an application for and/or receiv (If so please provide the file and/or assent numbers): 2012-08-104; 2014-02-045	ed an assen	t for any activity on this property?
Is this site within a designated historic district?	OYES	⊙ NO
Is this application being submitted in response to a coastal violation?	OYES	⊙ NO
If YES, you must indicate NOV	V or C&D N	umber:
Name/mailing addresses of <u>adjacent property owners</u> whose property insure proper notification. KAB Applicant must initial to certify accuracy of adjacent property of the p		and accuracy of mailing addresses
insure proper notification. Applicant must initial to certify accuracy of adjacent (82-4/42) Jeanne D. Rev. Trust, 137 Sherman Rd., SK, RI 02879; (82-4/4)	10) Kelley & I	Kurt Lawton, 309 Cone Hill Dr.,
W. Granby, CT 06090; (82-4/72 & 34) Joyce Dunphy, 117H Sherman Rd	., SK, RI 028	79

STORMTOOLS (<u>Http://www.beachsamp.org/resources/stormtools/</u>) is a planning tool to help applicants evaluate the impacts of sea level rise and storm surge on their projects. The Council encourages applicants to use STORMTOOLS to <u>help them understand the risk that may be present at their site and make appropriate adjustments to the project design.</u>

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. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. 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. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have 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 the penalties of perjury.

James & Cathlee Philli Owner Name (PRINT)

Owner's Signature (SIGN)
PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

DEC 1 2 2022

COASTAL RESOURCES
MANAGEMENT COUNCIL

PROJECT DESCRIPTION

James Philip is the current owner of 117D Sherman Road in South Kingstown where a new residential dock is being proposed. AP 82-4 Lot 81 is approximately 11,325 sf in total area. The project to be undertaken in which the CRMC approval is required involves construction of a new residential dock consisting of (2) portions of a fixed dock, (1) sloped dock, an aluminum gangway and a floating dock. The areas of the fixed docks are 120 sf & 48 sf, 120 sf for the sloped dock, 60 sf for the gangway, and 126 sf for the floating dock. The proposed dock will extend no further than 75 feet beyond the delineated mean low water, terminating in an area where approximately a 20" depth can be obtained at MLW. The work will commence this spring after CRMC and local permits are issued. Construction should take approximately 2-3 months. See attached site plan where the following work will be performed:

• Construction of a new dock including a 120 sf & 48 sf fixed dock, a 120 sf sloped dock, an 60 sf gangway, and a 126 sf floating dock. Thus, totaling 474 sf in total area.

VARIANCES REQUESTED

Permission for the dock to extend 75' beyond MLW in lieu of the 50' required is being requested in order to terminate with 20" + to marine bottom.

RELATED SECTIONS

The project location is at 117D Sherman Road in South Kingstown, Rhode Island. The location is shown on the South Kingstown, RI (East) Map. The project is within Type-2 waters. Reference is made to the Coastal Resources Management Program dated March 30, 2010 and subsequent amendments. Applicable sections for water use and project type are addressed in detail as follows.

1.1.7 VARIANCE CRITERIA

1. The proposed construction conforms with applicable goals and policies of the Coastal Resources Management Program.

The project conforms with the Coastal Resources Management Program goals for Type 2 water to support low intensity recreational and residential uses.

2. The proposed construction will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.

The proposed construction will not result in significant adverse environmental impact. There was no SAV observed on the site.

3. Due to conditions at the subject lot, the applicable standard(s) cannot be met.



The sea floor on this site is sloped gradually. This variance is being requested due to the site constraints of the existing sea bottom. At the maximum permittable length, 75' from MH as shown herein, there is only about 20" to the sea floor at the terminal of the float. This is the only practical way we can abide by a permitted structure and achieve >18" depth at the terminal of the proposed residential dock.

4. The modification requested by the applicant is the minimum variance to the applicable standard(s) necessary to allow a reasonable alteration or use of the site.

The variance is the minimum necessary to achieve a 20" depth at the terminal end of the dock and at least 18" in the area of the floating dock. A dock constructed less than 50' beyond MLW would disable accessibility via boat due to the lack of depth and the threat of the shallow surface in the area of the proposed dock.

5. The requested variance to the applicable standard(s) is not due to any prior action of the applicant or the applicant's predecessors in title. With respect to subdivisions, the Council will consider the factors as set forth in § 1.1.7(B) of this Part below in determining the prior action of the applicant.

Not applicable.

6. Due to the conditions of the site in question, the standard(s) will cause the applicant an undue hardship. In order to receive relief from an undue hardship, an applicant must demonstrate inter alia, the nature of the hardship, and that the hardship is shown to be unique or particular to the site. Mere economic diminution, economic advantage, or inconvenience does not constitute a showing of undue hardship that will support the granting of a variance.

In order to achieve the limited recreational use of the structure, the dock must span a larger distance out beyond the MLW. The shallow area in the vicinity of the proposed dock combined with the shallow depth of the surrounding waters would render a shorter dock useless as it would be impossible to access by boat.

SECTION 1.2.1: Tidal and Coastal Pond Waters

Type 2 Waters- Low Intensity Use.

The proposed dock will support the Council's efforts to provide low intensity recreational and residential use while maintaining the scenic value, water quality, and fish and wildlife habitat in Type 2 waters.

SECTION 1.2.2(F): Coastal Cliffs, Bluffs, and Banks

Policies

1. The existing shoreline consists of a rocky & sandy area in order to mitigate erosion. In no case would the coastal feature be significantly altered as a result of the project, as these areas will



remain undisturbed. The start of the deck will be from the grassy area above, provide 5' access below the dock at MHW, and extend into the Type 2 waters adjacent to the site.

- 2. Special Bluff areas, as recognized by the Council, are not involved in this Project.
- 3. There are no bluffs on the property, it is not considered to be subject to erosion problems.

SECTION 1.3.1(A): Category B Requirements

- The requirements herein for a Category B Assent are necessary data and information for the purposes of federal consistency reviews. All persons applying for a Category B Assent are required to:
- Demonstrate the need for the proposed activity or alteration;

The dock is needed to support low intensity recreational use as permitted in Type 2 waters.

• Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for non-tidal portions of a project in §§ 1.3.1(B), (C), (F), (H), (I), (K), (M), (O) and (Q) of this Part; for projects on state land, the state building official, for the purposes of this section, is the building official;

There are no potential impacts to fire code, flood hazards, safety codes, environmental requirements, or zoning ordinance since the deck will extend no further than what is acceptable to both CRMC and the constrained site.

• Describe the boundaries of the coastal waters and land area that is anticipated to be affected;

The proposed dock will extend approximately 75' beyond MLW in the Point Judith Pond.

• Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters;

The proposed dock will not alter the existing shoreline in any way and therefore will not have any significant impacts on erosion or deposition along the shore.

• Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;

The dock provides no threat to the abundance and diversity of plant and animal life and is consistent with the surrounding docks at 75' from MLW.

• Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;



The proposed dock will be flush (in elevation) with the grass lawn above the shoreline. The walkway beneath provides the 5' vertical access allowable by CRMC. Therefore, there are no proposed impact to the public access, or use of, tidal waters and the shore. In addition there are no mooring fields within 50' of the project.

• Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;

The number of pilings proposed was minimized in order to prevent any significant impacts on water circulation, flushing, turbidity, and sedimentation while still providing structural support for the proposed dock.

• Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;

All materials used in the construction of the proposed dock are intended for marine use and will not have a significant effect on the water quality. The owners recognize the significance of maintaining good water quality and instill this on anyone that uses their space.

• Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;

The proposed dock will not impact any historic or archeologic areas.

• Demonstrate that the alteration or activity will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;

The proposed dock will not extend farther than neighboring docks in the area and will therefore have no significant impact on water dependent uses.

• Demonstrate that measures have been taken to minimize any adverse scenic impact (see § 1.3.5 of this Part).

The dock will be visually similar to other docks in the area.

SECTION 1.3.1(D): Residential, Commercial, Industrial, and Public Recreational Structures

Policies

1. See Section 1.3.6 for Public Access Plan

Prerequisites:

7. Transportation and utility services for commercial and industrial structures do not apply to this project.

Prohibitions:

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

Standards:

- 1.a,c. Grading of shoreline features and commercial docks are not applicable to this project.
- 2.a,b. Minimal excavation and grading shall be required as part of the project.

SECTION 1.3.5: GUIDELINES FOR THE PROTECTION AND ENHANCEMENT OF THE SCENIC VALUE OF THE COASTAL REGION

General:

The project will not change the skyline as viewed from the water as can be clearly illustrated from the photos on Sheet 2 of the proposed dock plan. Therefore, the project will maintain scenic value of the area while maintaining the existing natural coastal features.

CONCLUSION

This project meets all of the requirements of the CRMP for the designated water and shoreline type. Therefore, the project is consistent with the goals of the CRMP for preserving and protecting the state's coastal resources.







Karen Beck, RLA, FASLA
Principe Company, Engineering Division
27 Sakonnet Ridge Drive
Tiverton, Rhode Island 02878

September 6, 2022 Project 22055

via email: karen@principeengineering.com

RE: Submerged Aquatic Vegetation Evaluation Letter of Findings 117D Sherman Road, AP 82-4 Lot 81, South Kingstown, RI

Mrs. Beck:

Ecotones, Inc. completed Submerged Aquatic Vegetation (SAV) assessment offshore of the property on July 15, 2022. No SAV was observed. The work was performed in accordance with the latest version of the State of Rhode Island 650-RICR-20-00-01 Coastal Resources Management Council (CRMC) Coastal Management Program (CRMP).

A study area of approximately 4,000 ft² was evaluated offshore of the property. The area was approximately 40 feet wide and extended approximately 100 feet offshore.

No SAV was observed. The bottom type and absence of SAV were recorded within a 10.8 ft² (1 m²) area every 10 feet within the study area. The substrate was predominately sand with varying amounts of algae (Photo 1 and 2). Along the shoreline the substrate was sandy gravelly cobble (Photo 3).

The study area, reference locations, substrate types, and photo locations are shown on the Study Area Sketch (Figure 1).

Please note that the presence, absence, and distribution of SAV can vary from season to season and from year to year. No long-term monitoring or lab analyses have been conducted. Accordingly, the results are limited to the observations on and valid for the specific date of the evaluation only. All evaluations and delineations are subject to review and/or verification by the CRMC and Federal agencies.

Ecotones, Inc. offers no assurances or guarantees regarding the ability to, or likelihood of, receiving necessary approvals for any proposed project.

PHOTO 1.

Sand with green algae nearshore.

1/4 square meter quadrat with alternating 10 cm bars.

See Figure 1. Study Area Sketch for photo locations.



PHOTO 2. Sand with algae offshore.

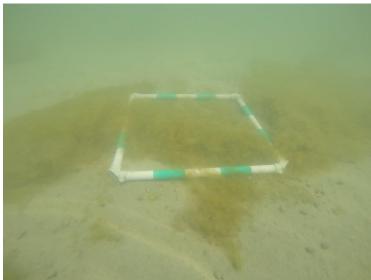


PHOTO 3. Sandy gravelly cobble alongshore.



If you have any questions regarding this letter or require additional information, please contact us at your convenience.

Sincerely,

Joe Klinger, PWS, Principal Environmental Scientist

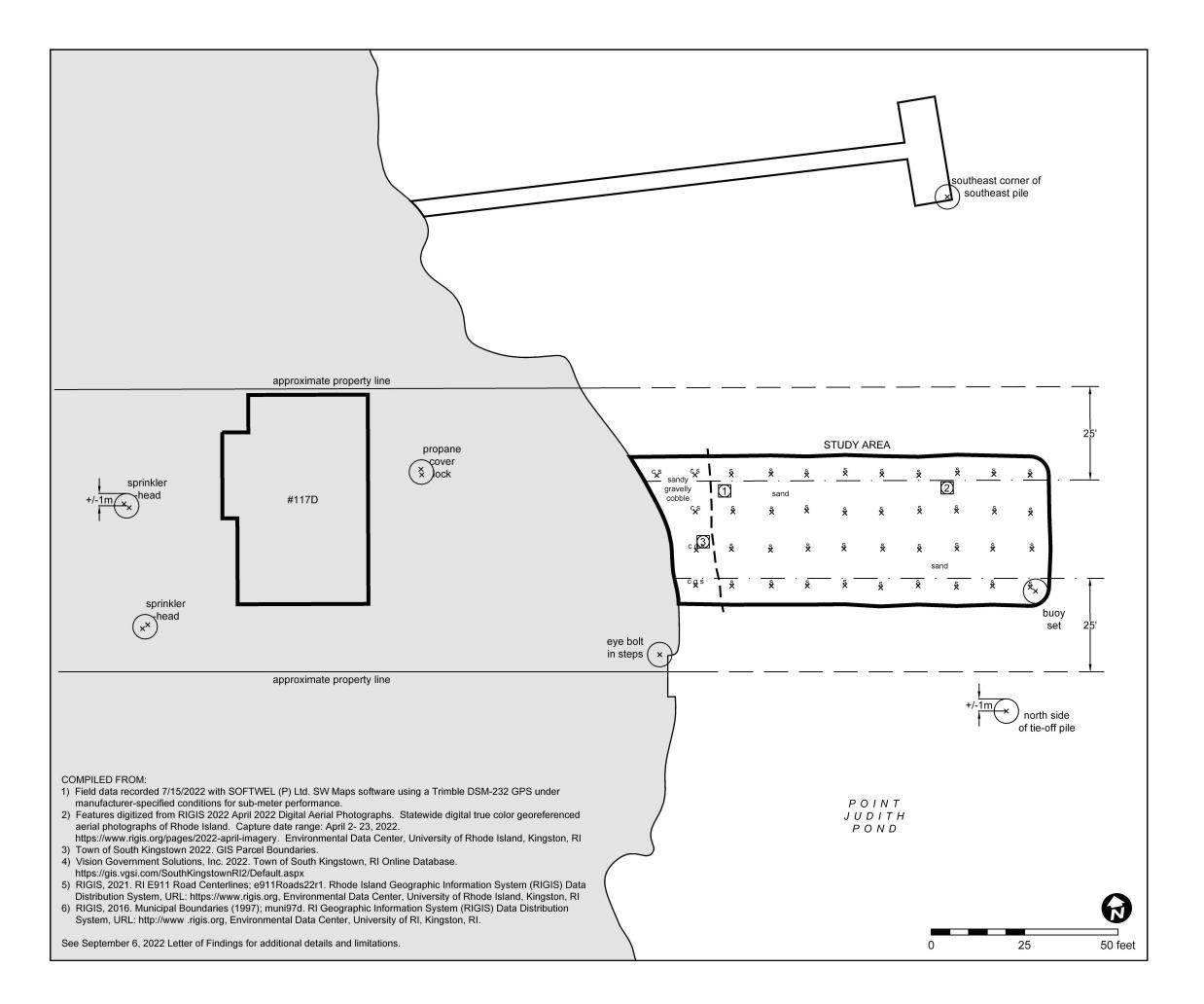
jklinger@ecotonesinc.com

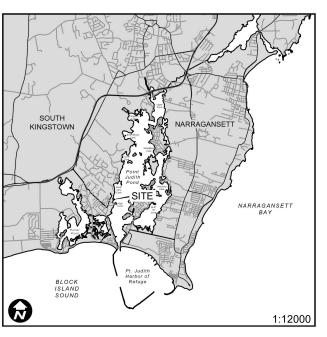
enclosures: Photos (1 page)

Figure 1. Study Area Sketch (1 page)

22055_NoSAV_CF_LOF.docx







This map is not the product of a Professional Land Survey. It was created by Ecotones, Inc. for general reference, informational, planning and guidance use, and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this map may require the assistance of appropriate professional services. Ecotones, Inc. makes no warranty, express or implied, related to the spatial accuracy, reliability, completeness, or currentness of this map.

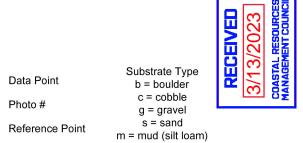
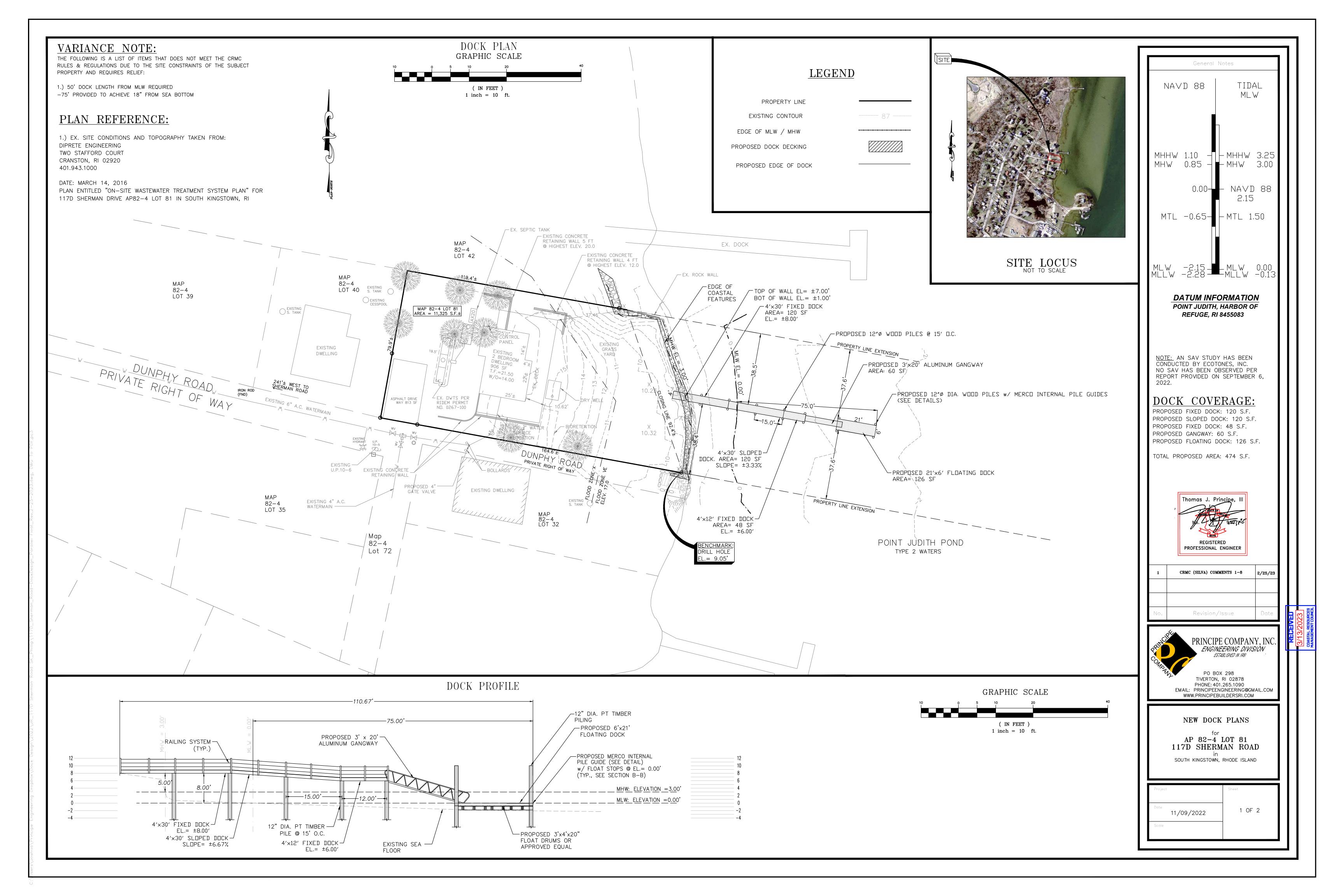


FIGURE 1. Study Area Sketch

117D Sherman Road AP 82-4 Lot 81 South Kingstown, RI

Project 22055 September 5, 2022





2. SEE NAILING SCHEDULE, APPENDIX C, RI STATE BUILDING CODE. FOR NAILING NOT SPECIFICALLY CALLED OUT ON THE DRAWINGS USE GALVANIZED COMMON NAILS

3. SPIKE TOGETHER ALL FRAMING MEMBERS WHICH ARE BUILT UP USING MULTIPLE 2x LUMBER.

4. ALL JOISTS, THREADS, POSTS, AND RAILS SHALL BE PRESERVED WITH CHROMATED COPPER ARSENATE (CCA) MEETING THE AMERICAN WOOD PRESERVERS ASSOCIATION (AWPA) 1994 STANDARDS. THE PRESSURE TREATED MEMBERS SHALL CONTAIN 2.5 PCF MINIMUM OF CCA.

TIMBER PILING NOTES:

1. ROUND TIMBER PILING SHALL BE NEW LONGLEAF, SHORT LEAF LOBLOLLY OR SLASH SPECIES OF SOUTHERN PINE OR NEW COASTAL SPECIES OF PACIFIC COAST DOUGLAS FIR, SUPPLIED TO THE SITE IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM D 25, LATEST REVISION.

2. SIZES SHALL BE FURNISHED IN ACCORDANCE WITH ASTM D 25, LATEST REVISION. TABLE 1(A) AND (B), SIZE 3 FT. FROM HEAD.

3. ALL PILES SHALL BE OF SOUND TIMBER SUITABLE FOR DRIVING. CUT ABOVE THE GROUND SWELL, FREE FROM DECAY, UNSOUND KNOTS KNOTS, IN GROUPS OR CLUSTERS, WINDSHAKES AND SHORT OR REVERSED BENDS. THE MAXIMUM DIAMETER OF ANY SOUND KNOT SHALL BE ONE—THIRD THE DIAMETER OF THE PILE SECTION WHERE THE KNOT OCCURS, BUT NOT MORE THAN FOUR INCHES IN THE LOWER HALF OF PILE LENGTH NO MORE THAN FIVE INCHES OTHERWISE. ALL KNOTS SHALL BE TRIMMED FLUSH WITH THE BODY OF THE PILE AND ENDS SHALL BE SQUARED WITH THE AXIS. ALL PILES SHALL BE THOROUGHLY PEELED.

4. TIMBER PILING SHALL BE PRESSURE-TREATED IN ACCORDANCE WITH WITH AWPA C1,C3 AND C18 WHERE C18 GOVERNS (2.5 CCA PCF)

5. TIMBER PILING SHALL HAVE A MINIMUM OF 1200 PSI ALLOWABLE COMPRESSIVE DESIGN STRENGTH IN ACCORDANCE WITH THE PROCEDURES OF ASTM D 2899, LATEST REVISION, AND BE CAPABLE OF WITHSTANDING DRIVING STRESSES OF 3000 PSI.

6. CUTOFFS AT HEAD WILL BE TREATED IN THE FIELD IN ACCORDANCE WITH AWPA

7. CUT OFF HEAD OF PILES TO ELEVATIONS INDICATED. PILE HEAD CUT OFFS SHALL BE DISPOSED OFF THE SITE BY THE CONTRACTOR.

8. IF SITE—SPECIFIC CONDITIONS WARRANT, STEEL BOOTS OR ARROW PILE TIPS PER ASTM A 569 STEEL SHALL BE REQUIRED, USING 3/16, 1/4, OR 7/16 INCH THICK COMMERCIAL GRADE STEEL

9. THE TOPS OF INDIVIDUAL PILES AT CUTOFF ELEVATION SHALL BE WITHIN 3 INCHES OF PLAN LOCATIONS.

10. IF ANY OBSTRUCTIONS TO PILE DRIVING ARE ENCOUNTED, THE CONTRACTOR SHALL PULL THE PARTIALLY DRIVEN PILE OR PILES AND REMOVE THE OBSTRUCTION BY MECHANICAL EQUIPMENT. PRE— EXCAVATION BY SPUDDING, JETTING, AUGURING OR ROTARY DRILLING IS PERMITTED WHEN PILES ARE DRIVEN THROUGH DENSE SOIL MATERIAL OR WHEN OBSTRUCTIONS ARE ENCOUNTERED.

CONCRETE NOTES:

1. CONCRETE SHALL HAVE A 3000 P.S.I. MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS.

NOTES:

HOOP PILE HOLDER

MOUNTING FRAME SHALL BE MADE FROM 1/4" MILD STEEL AND HOOP MADE FROM 1 1/2" SCHEDULE .40 STEEL PIPE. ALL MATERIALS ARE TO BE HOT-DIPPED GALVANIZED AFTER ALL WELDING AND FABRICATION IS COMPLETE. MOUNTING FRAMES SHALL USE 1/2" GALVANIZED CARRIAGE BOLTS FOR ATTACHMENT TO THE DOCK. HOOPS ARE TO BE ATTACHED TO THE MOUNTING BRACKET WITH 1/4" STAINLESS STEEL HEX HEAD BOLTS AND NYLOCK NUTS. THE ROLLER IS TO BE FABRICATED OF RUBBER. THE HOOP PILE HOLDER SHALL BE FOLLANSBEE SERIES PH-H OR EQUAL.

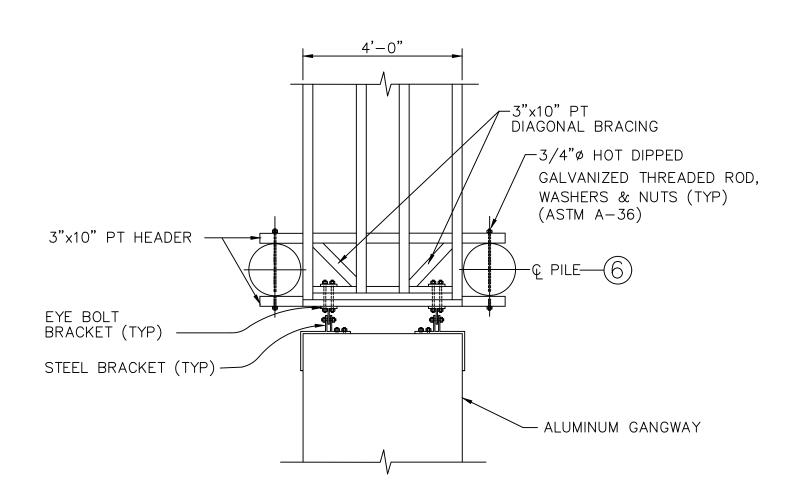
FLOAT DRUMS

THE FLOAT DRUMS SHALL HAVE A HIGH DENSITY POLYSTHLENE (HDPE) SHELL FILLED WITH HIGH QUALITY EXPANDED POLYSTYRENE (EPS). EACH DRUM SHALL HAVE A 3" MOUNTING FLANGE MOLDED AROUND THE ENTIRE PERIMETER. A MINIMUM OF EIGHT (8) 3/8" LAG BOLTS WITH FLAT WASHERS SHALL BE USED TO ATTACH THE DRUMS TO THE DOCKS FRAMING ALL FLOAT DRUMS SHALL MEET STATE AND FEDERAL REQUIREMENTS FOR POSITIVE FLOTATION AND SHALL BE COAST GUARD APPROVED. THE FLOAT DRUMS SHALL BE FOLLANSBEE SERIES THREE FLOAT DRUM OR EQUAL.

FLOATING DOCK HARDWARE

ALL FOUR OUTSIDE CORNERS SHALL HAVE OUTSIDE CORNER ENDS AND INSIDE CORNER HARDWARE. ALL HARDWARE SHALL BE HOT—DIPPED GALVANIZED 1/4" HIGH STRENGTH CARBON STEEL. ALL HARDWARE SHALL BE ATTACHED USING 3/4" GALVANIZED BOLTS WITH NYLON LOCK NUTS.

SITE PHOTOS



<u>Detail C-plan view</u>

<u>NOTE:</u> DECKING OMITTED FOR CLARITY

DAN OTTO

