

June 19, 2023

State of Rhode Island
Coastal Resources Management Council
Oliver H Steadman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

Re: CRMC File #2022-12-053

CRMC Staff,

This is provided as proxy for Mrs. Jeanne D. Wahlberg, 137 Sherman Road, South Kingstown, RI in objection to proposed construction of a boating facility at 117 D Sherman Road, South Kingstown, RI (Plat 82-4, Lot 81); CRMC File # 2022-12-053. The objection to the proposed construction project is based on two criteria:

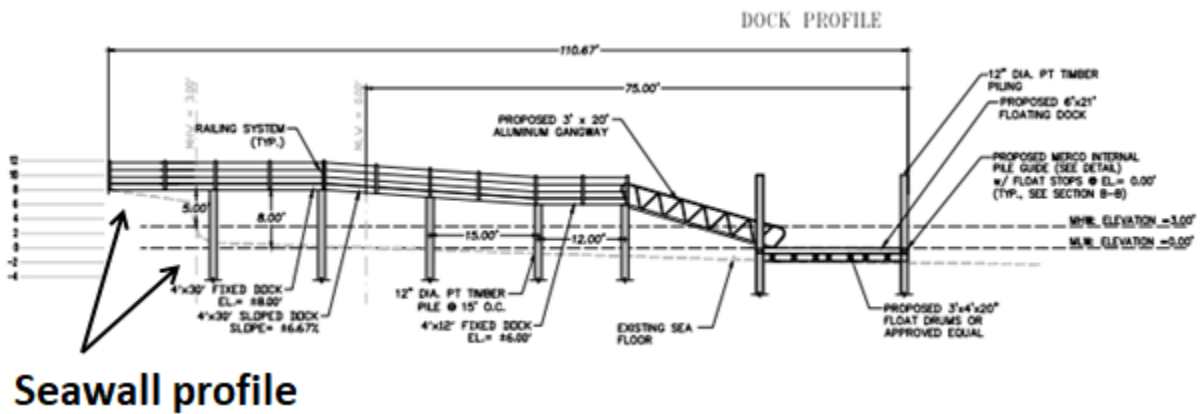
- 1) The proposed facility would be contrary to the existing nature and character of the surrounding coastal community. The proposal would construct a facility which is higher, longer, more prominent and architecturally dissimilar to the neighboring facilities which have been in existence in their present configuration for 60 years or more.
- 2) The application seeks a variance to facilitate the installation of a terminal float requiring 18" of water depth from the sea bottom. The existence of the terminal float extending past the line connecting the terminus of the adjacent facilities would effectively restrict access to the small amount of available navigable waterway to the neighbors and surrounding community during low to mid-tide periods.

With reference to Figures 1 and 2 below; the elevation of the property and associated seawall at 117D Sherman Road is approximately 3-4 feet higher than the elevation at 137 Sherman Road. The proposed entrance for the boating facility at 117D Sherman Road would be at that elevation, resulting in a structure that is 3-4 feet higher than the adjacent existing facilities at 117H Sherman Road and 137 Sherman Road. In addition, the proposal identifies a pedestrian railing system which would result in a structure which is substantially higher, longer and architecturally dissimilar to the adjacent existing facilities, rendering the impression of a commercial establishment. This would be in direct contrast to the nature and character of the existing cove community.



Figure 1

Relative elevation of the proposed facility entrance causing the facility to be significantly higher and more prominent than the adjacent structures



Seawall profile

Figure 2

Boating Facility profile with entrance above the elevation of the existing seawall.

With reference to Figures 3 and 4 below; the application seeks a variance to extend the terminal float of the boating facility 25 feet past current guidelines in order to access navigable water

within the tidal cove. Figure 3 below (from the cover page of the application) shows an existing sand bar on the west side of Salt Pond which extends essentially from High Point to Beef Island. Figure 3 also shows a darkened region, indicative of slightly deeper water between the sand bar and the two existing boating facilities. During periods of half-tide and below, the water is extremely shallow and impassable with the exception of the dark-water regions which exist past the terminus of the existing facilities. If a variance is approved, the terminal float would extend into and past the only navigable water available for passage during medium and low tide conditions, prohibiting access to anyone seeking passage on the west side of the sand bar between High Point and Beef Island.

The application indicates that the reason for the variance would be to avail access to marginally deeper water which exists during medium to low tide periods. This would not qualify as an undue hardship but rather intent to avoid the inconvenience of the natural tidal variations which are experienced by the residents of the cove community.

We respectfully request that the Commission consider this to disqualify the variance application in accordance with Redbook 650-RICR-20-00-1 Section 1.1.7 (A) (6).



Figure 3

Darker regions indicative of minimal navigable water west of an extensive sand bar. A proposed terminal float would effectively restrict passage to the west of the sand bar during low-tide periods.

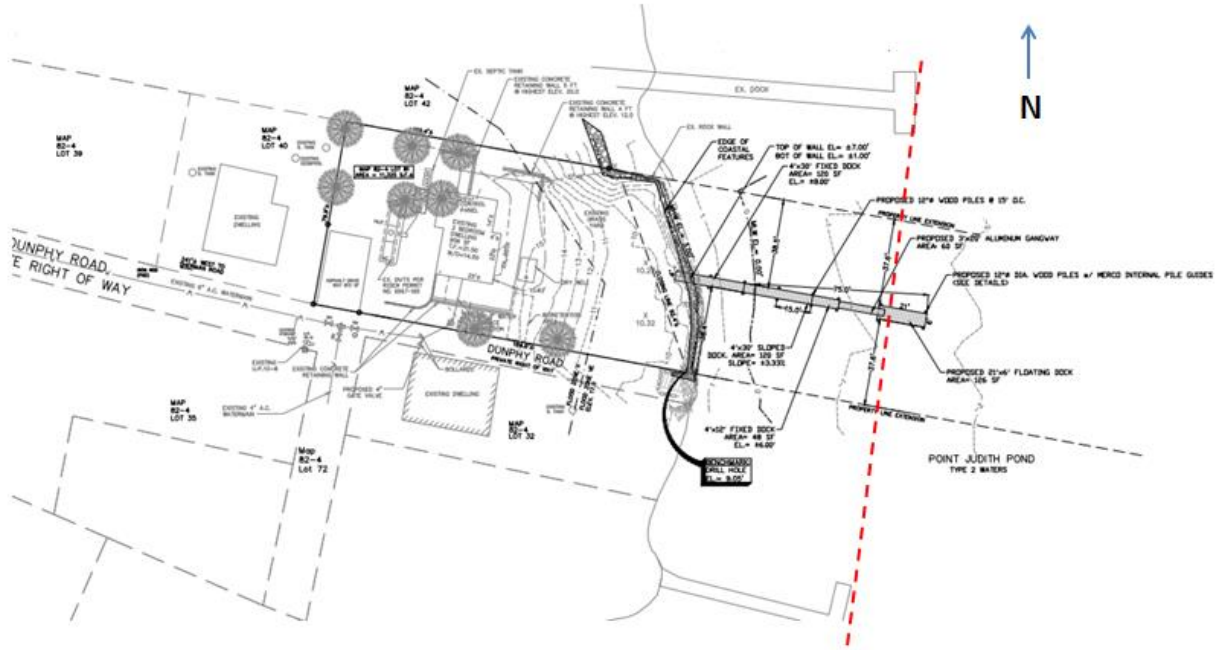


Figure 4

Plan view of the proposed boating facility with terminal float extending past the line between the terminus of the two existing facilities, effectively blocking access to the extremely limited navigable water.

Thank you for your consideration in this matter.

Respectfully submitted,

J. Robert Wahlberg
8 Markwood Road
Manchester, CT
06040
e-mail: jrw3rd@aol.com
Tel: 860-985-9948

Karl T Wahlberg
Gravelly Hill Road
South Kingstown, RI
02879
e-mail: kwahlberg1@cox.net
Tel: 401-487-9851

Paul Krasnov

117A Sherman Road, South Kingstown, RI, 02879
774-364-0870 | phkrasnov@gmail.com

May 28, 2023
Coastal Resource Management Council
Cstaff1@crmc.ri.gov

Dear Coastal Resource Management Council: Regarding Public Notice File Number 2022-12-053

I am writing to share my comments and concerns regarding the application for a boating facility to be located at 117D Sherman Road in South Kingstown. This property is recorded as Plat 82-4, lot 81, and abuts the Point Judith Pond waterway. The applicants are James & Cathleen Phillip of East Greenbush, NY.

To begin, I was disappointed that the submission by the applicants failed to identify myself and my spouse as abutters to their property. We, along with two other abutters, who likewise were not identified in the submission, have deeded access to a right-of-way that adjoins their southerly property line. Our right-of-way extends to stairs that reach the waterway and has existed for decades. Therefore, I justify my disappointment because it is common knowledge among the neighborhood that we are indeed abutters, and I wasn't given proper notice of this Public Notice.

To continue, our right-of-way also includes an attached 20x35 foot easement that lies within Plat 82-4. In the engineers drawing this easement is mis-labeled as a paved driveway. In fact, this easement is an extension of what is commonly known as "Dunphy Road" and must be maintained as a shared roadway for all the residents of the "Dunphy Plat". It remains a gravel road, rather than a paved driveway.

What concerns me most is how our access to the water will be maintained throughout the construction period of the boating facility. You might assume there will be no problem, but previous construction of the home at 117D Sherman Road resulted in the Right-of-Way being obstructed for 2+ years when that property was built. The path to the water was blocked with fencing, dumpsters, Port-o-Pots, and construction materials. The 20x35 Right-of-Way/Easement was used as a materials depot for the duration of the project. Attempts to discuss a solution with applicants were unproductive and the contractor they employed became threatening and verbally abusive to me and my neighbors. Thus, how will construction of the boating facility be handled to prevent another occurrence of this disrespect? Can the project be stopped by the CRMC if our use of the Right-of-Way is obstructed?

Furthermore, what level of obstruction of our Riparian Rights to Point Judith Pond will be acceptable when a barge (or whatever) is situated at the apex of our Right-of-Way? Will we be able to swim or launch kayaks or dig for clams during construction? How does this work in such tight spaces?

Additionally, there's a concern about the long-term effect on the aquaculture and ecology of this location. There has been a somewhat steady decline in the vibrancy of the shoreline over the 25 years we have owned our home at 117A Sherman Road. Two decades ago, one could harvest mussels that grew along the coastline. There were adequate levels of seagrass growing above the low-tide line. Oysters could be found, as well as the occasional scallops. Today, it's mostly quahogs that still survive in healthy numbers. Is there any evidence that the continued building of boating facilities and the boats that come with them have a negative effect on coastal life?

Finally, I would like a better understanding of my Riparian Rights should this boating facility be built. Are the sideline setbacks required by rule measured from the physical structure itself or the measurement include the width of boats and water vessels that are tied to the dock? Just how much of the cove will be taken over by the boating facility is of concern.

Given the above concerns, comments, and questions, I believe a hearing would be beneficial to all neighbors and abutters. Please keep me informed of next steps.

Sincerely,

Paul Krasnov and Heather Krasnov

Cstaff1

From: Bob Wahlberg <jrw3rd@aol.com>
Sent: Thursday, May 25, 2023 6:11 AM
To: cstaff1@crmc.ri.gov
Cc: kwahlberg1@cox.net; Bob Wahlberg; dunphyski@aol.com
Subject: Request for Hearing: CRMC File #2022-12-053

Ref: File # 2022-12-053

Dear CRMC Staff,

I am writing to request a hearing with respect to the referenced application for a boating facility which is proposed to be constructed at 117D Sherman Road, South Kingstown, RI (Plat 82-4, Lot 81). I wish to present objection to the proposed facility based on the following criteria:

- 1) The proposed facility would be contrary to the nature and character of the surrounding coastal community. The proposal would construct a facility which is higher, longer, more prominent and architecturally dissimilar to the neighboring facilities which have been in existence in their present configuration for 60 years or more.
- 2) The application seeks a variance to facilitate the installation of a terminal float requiring 18" of water depth from the sea bottom. The existence of the terminal float extending past the line connecting the terminus of the adjacent facilities would effectively restrict access to the small amount of available navigable waterway to the neighbors and surrounding community during low to mid-tide periods.

Thank you for your consideration in this matter.

J. Robert Wahlberg
8 Markwood Road
Manchester, CT
06040
e-mail: jrw3rd@aol.com
Tel: 860-985-9948

Cstaff1

From: kwahlberg1@cox.net
Sent: Wednesday, May 3, 2023 12:48 PM
To: cstff1@crmc.ri.gov
Cc: jrw3rd@aol.com
Subject: FW: File # 2002-12-053 Phillips

Good afternoon,

In a follow up to the letter below I am formally requesting a public hearing to address the proposed variance as noted in file # 2002-12-053

Karl Wahlberg
137 Sherman Road Wakefield RI
401-487-9851

From: kwahlberg1@cox.net <kwahlberg1@cox.net>
Sent: Thursday, April 27, 2023 3:28 PM
To: 'cstff1@crmc.ri.gov' <cstff1@crmc.ri.gov>
Subject: File # 2002-12-053 Phillips

Dear Staff,

I am writing this email with a strong objection to the proposed “boating facility” and variance desired by the applicants referenced above. On your sign outside of the government center it states to preserve, protect, and restore. The construction of this unnecessary eyesore will no doubt disturb the pristine ecosystem located on the north side of what is known as high point in snug harbor. My family has owned the adjacent property since 1961 and I am one of three heirs that will inherit the home. At the time my father bought the home, a dock had already been installed as well as the dock just south of our property. For decades I have been an avid clam digger and have enjoyed the incredibly fertile and productive grounds where this proposed “boating facility” would be constructed. My other concern is that a barge will come in and completely flatten what is now coming back with much needed eel grass. The eel grass acts as a home for the emerging scallops that are so precious to the area and have been dormant for years. Oysters on the shore have appeared in recent years and I am afraid that any come back by native oysters will cease with the further disruption of the shoreline. For years, the area between the two existing docks have served as a high tide playground for the many children that live in the neighborhood, and I am afraid that will not be the case with this out of place structure. I urge the council to deny this application and the variance requested for not only building this but to extend it as a hazard to the ecosystem that now flourishes.

As a decades long resident of Snug Harbor, I would be glad to review my concerns in person at our property at 137 Sherman Road.

Very truly yours
Karl Wahlberg
401-487-9851

Please confirm receipt of this email

Cstaff1

From: kwahlberg1@cox.net
Sent: Thursday, April 27, 2023 3:28 PM
To: cstaff1@crmc.ri.gov
Subject: File # 2002-12-053 Phillips

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Staff,

I am writing this email with a strong objection to the proposed "boating facility" and variance desired by the applicants referenced above. On your sign outside of the government center it states to preserve, protect, and restore. The construction of this unnecessary eyesore will no doubt disturb the pristine ecosystem located on the north side of what is known as high point in snug harbor. My family has owned the adjacent property since 1961 and I am one of three heirs that will inherit the home. At the time my father bought the home, a dock had already been installed as well as the dock just south of our property. For decades I have been an avid clam digger and have enjoyed the incredibly fertile and productive grounds where this proposed "boating facility" would be constructed. My other concern is that a barge will come in and completely flatten what is now coming back with much needed eel grass. The eel grass acts as a home for the emerging scallops that are so precious to the area and have been dormant for years. Oysters on the shore have appeared in recent years and I am afraid that any come back by native oysters will cease with the further disruption of the shoreline. For years, the area between the two existing docks have served as a high tide playground for the many children that live in the neighborhood, and I am afraid that will not be the case with this out of place structure. I urge the council to deny this application and the variance requested for not only building this but to extend it as a hazard to the ecosystem that now flourishes.

As a decades long resident of Snug Harbor, I would be glad to review my concerns in person at our property at 137 Sherman Road.

Very truly yours
Karl Wahlberg
401-487-9851

Please confirm receipt of this email