

CRMC DECISION WORKSHEET

2022-10-022

Richard Rua

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
2022-10-022	Portsmouth	315 Riverside Street		A*	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Plat	15			
		Owner Name and Address				
Date Accepted	10/7/2022	Richard Rua		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	01/20/2023	72 Viking Drive Portsmouth, RI 02871		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

residential dock with fixed pier, ramp and floating dock

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal Bluff

Water Type: Type 2, BlueBell Cove

Red Book: Section 1.3.1(D)

SAMP: N/A

Variations and/or Special Exception Details:

Variance to length standard to extend to 75' beyond MLW (Section 1.3.1(D)(11)(l)(2)).

Additional Comments and/or Council Requirements:

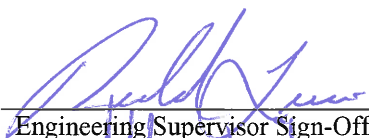
One Objection was received during the public notice

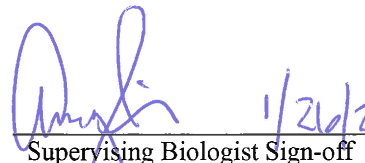
Specific Staff Stipulations (beyond Standard stipulations):

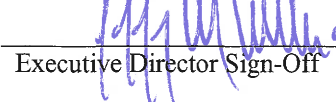
None

STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: _____
 Biologist ALS Recommendation: Approval
 Other Staff _____ Recommendation: _____

 _____ 1/26/23
 Engineering Supervisor Sign-Off date

 _____ 1/26/23
 Supervising Biologist Sign-off date

 _____ 20 JAN 23
 Executive Director Sign-Off date

 Staff Sign off on Hearing Packet (Eng/Bio) date

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STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF REPORT TO THE COUNCIL

DATE: January 20, 2023
TO: Jeffrey M. Willis, Executive Director
FROM: Amy Silva

Applicant's Name:	Richard Rua
CRMC File Number:	2022-10-022
Project:	Residential Boating Facility totaling 91.85' in length; consisting of a fixed pier to a ramp and float extending 75' beyond Mean Low Water (MLW), and falling within 25' of the property line extension to the north, requiring a Variance from "Red Book" (650-RICR-200-0-1) Section 1.3.1(D)(11)(l) – water depth standard.
Location:	315 Riverside Street; Portsmouth: Plat(s): 15; Lot(s): 44
Water Type/Name:	Type 2, Low Intensity Use/Bluebell Cove
Coastal Feature:	Coastal Bluff
Plans Reviewed:	"Site Plans and Specifications...315 Riverside St.." Sheet DK-1, dated 8/3/2022 and last revised 8/23/2022 and "Dock Profile and Details...315 Riverside St.." Sheet DK-2 dated 8/23/2022 both by SITE Engineering, Inc.

INTRODUCTION:

The application requests Assent to construct a residential boating facility. To obtain a reasonable water depth, the facility is proposed to extend to 75' beyond Mean Low Water (MLW) and a water depth of just under 2'. Due to the narrow property, the facility has been sited on the western property line and 25' away from the eastern. The western abutter has submitted two letters of support for the dock. The second letter indicates that the facility will be shared to some extent with the western abutter.

The application qualifies for Administrative review and approval, and was reviewed at the November administrative dock meeting prior to the end of the public notice period. The facility was conditionally approved pending closure of the notice period with no objections. The application is now before the Council due to an objection received during the public notice period.

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

As proposed, the facility requires a Variance to the water depth standard, as it is proposed to terminate at 75' beyond MLW. The facility does not meet the property line extension setback, but does not require a Variance, as a letter of no objection from the affected abutter has been obtained (Section 1.3.1(D)(11)(k)(2)).

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The facility requests a length longer than 50' beyond MLW to obtain a reasonable water depth, and proposes an approximate 1 foot setback from the western property line extension. Appropriate documentation to support both requests has been submitted, including two letters of support from the affected neighbor.

COMMENTS ON VARIANCE REQUEST:

As proposed, the facility requires a Variance to the water depth standard Section 1.3.1(D)(11)(1)(2) to extend to 75' beyond MLW.

The applicant has adequately addressed the Variance Criteria, and staff supports the Variance request, and again notes that this request could have been approved administratively if no objections were received.

COMMENTS ON OBJECTION:

During the public notice period, one objection came in, from the eastern abuttor. This objection states the belief that the applicant does not have a boat, that the objector was told that the property was unable to support a dock, that the facility would affect recreation close to shore, and would adversely impact the view from the abutting property. CRMC offers the following comments on the objection:

Lack of vessel: CRMC does not require an applicant to demonstrate proof of vessel ownership to apply for and receive Assent to construct a residential boating facility.

Property can't support a facility: CRMC cannot address what an objector may or may not have been told over the years. However, this is likely related to the narrow property width and the difficulty meeting the side setback requirements. The Red Book Regulations offer ways to obtain relief from this requirement, and the applicant has appropriately requested one of those relief methods – a sign off from the abuttor that is affected by the smaller side setback. The affected neighbor, upon hearing that an objection was received, sent a second letter of support for the application, which implies that the facility is likely to be shared between the two neighbors.

Near-Shore recreation: The objection states that the facility will impact near shore use of the waterbody. This is a concern of CRMC, as docks are placed within the Public Trust Resource. However in this case, there has been no demonstration of significant recreational use in this vicinity, and no other comments regarding recreational impact.

View Impact: The objector states that the facility will adversely impact their view. While CRMC does consider view impacts associated with residential boating facilities, the facility proposed is typical of other facilities approved and in the vicinity, and is not considered excessively long or high or any other trait that would adversely impact view. It has long been considered that residential boating facilities, designed to CRMC Standards do not represent a negative view impact from the resource.

CONCLUSION AND RECOMMENDATION:

The application requests a residential boating facility that qualified for administrative review and approval. The application was reviewed at the November administrative dock meeting and was conditionally approved pending closure of the notice period with no comments. One objection was received and the application is now before the Council.

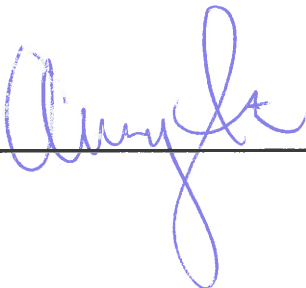
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It is staff's opinion that the applicant has met the Variance Criteria for the water depth variance. CRMC typically considers 3' beyond MLW to be a typical water depth. The applicant designed at 2 feet beyond MLW, likely because terminating more than 75' beyond MLW requires Council review and the applicant designed a facility that qualified for administrative review.

It is staff's opinion that the objections raised are almost all not CRMC Regulatory concerns, and the one that is – near shore recreation – contained no evidence or supporting documentation, and no other member of the public brought up any conflict in this area.

The above described project appears to have minimal impact on coastal biological processes. There are no biological objections to Council approval of project. Standard Assent slips will be prepared upon approval.

Signed



Staff Biologist