



State of Rhode Island
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.

Project Location <u>1391 Succotash Rd, South Kingstown</u> <small style="display: flex; justify-content: space-between; width: 100%;"> No. Street City/Town </small>	File No. (CRMC USE ONLY) <div style="text-align: center; color: blue; font-weight: bold; font-size: 1.2em;">2023-01-019</div>
Owner's Name <u>East Meadow LLC, c/o Paul Hooper</u>	Plat: <u>88-4</u> Lot(s): <u>6</u>
Mailing Address <u>2464E COMM OLIVER HAZARD PERRY HIGHWAY</u> City/Town <u>Wakefield</u> State <u>RI</u> Zip Code <u>02879</u>	Contact No.: <u>401-864-1544</u> Email Address: <u>paul@portaphone.com</u>
Contractor RI Reg. # _____ Address _____	Email address: _____ Tel. No. _____
Designer <u>Mark Dowdell, PE</u> Address <u>3949 Old Post Rd, Charlestown</u>	Tel. No. <u>401-364-1027 / mark@dowdelleng.com</u>
Name of Waterway <u>Point Judith Pond</u>	Estimated Project Cost (EPC): _____ Application Fee: \$1,350 (\$1,500 less \$150 for PD)
Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.) <u>Build new residential dock with float</u>	

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?
 (If so please provide the file and/or assent numbers): 93-3-11, 94-4-112, 05-7-3, 13-1-2

Is this site within a designated historic district? YES NO

Is this application being submitted in response to a coastal violation? YES NO

If YES, you must indicate NOV or C&D Number: _____

Name/mailling addresses of adjacent property owners whose property adjoins the project site. Accurate mailing addresses will insure proper notification. PH Applicant must initial to certify accuracy of adjacent property owners and accuracy of mailing addresses.

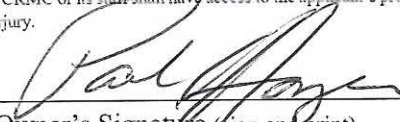
88-4 Lot 5 (#1381 Succotash Rd), HOOPER, JOHN ETUX HILDA - Mailing: 1381 SUCCOTASH RD, Wakefield, RI 02879

88-1 Lot 1 (#1397 Succotash Rd), KEETON SHIRLEY S, IRREVOCABLE TRUST - Mailing: PO BOX 91, Hampden, MA 01036

STORMTOOLS (<http://www.beachsamp.org/resources/stormtools/>) 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 help them understand the risk that may be present at their site and make appropriate adjustments to the project design.

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.

08/04



 Owner's Signature (sign and print)

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES

The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the applicant's submission or in determining the fee to be paid, the applicant understands that additional fees may be assessed by the Coastal Resources Management Council. These fees must be paid prior to the issuance of any assent by the Coastal Resources Management Council.

The applicant understands the above conditions and agrees to comply with them.


Signature


Date


Print Name and Mailing Address

2464 E Commodore Perry Hwy
WAKEFIELD RI 02879

Dowdell Engineering Associates, LLC

Phone: (401) 364-1027

Email: mark@dowdelleng.com

P.O. Box 1684, Suite 200

3949 Old Post Road

Charlestown, RI 02813

January 2, 2023

Tracy Silvia
Rhode Island Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road; Suite 3
Wakefield, RI 02879

Re: Applicant: East Meadow, LLC (c/o Paul Hooper)
Location: #1391 Succotash Rd, South Kingstown (AP 88-4 Lot 6)
Current CRMC File No.: D2021-09-084

RE: Variance Requests to Section 1.3.1 (D)(11)(I) - Length to 95' beyond MLW, a 90% increase beyond the 50' standard) and Section 1.3.1 (D)(4)(a) - Prerequisite for 25' distance property line extension (PLE) and response to CRMC PD comments dated 10/1/21

Dear Tracy:

The purpose of this letter is to request relief from the subject sections of the CRMC Redbook and respond to CRMC comments from the preliminary determination dated December 28, 2021.

Response to Applicable CRMC PD comments

Comment 3)

We have been unable to obtain a letter of no objection from the affected abutter at AP 88-1 Lot 1. The Dock Plan is stamped by Richard Couchon, RI PLS. A LONO for Lot 5 is attached, the location for which has been made more visible on the Dock Plan.

Comment 4)

The dock has been moved north to line up over and at the same angle as the existing staircase and minimize impact to the coastal feature.

Comment 5)

The dock length has been shortened to reach a water depth of no more than -3 MLW, consistent with CRMC guidance.

Comment 6)

The approximate centerline of the Pt Judith Pond/Potter Pond Channel is depicted on the plans. The distance from the proposed dock to the center of the channel is approximately 60'.

Comment 7)

The SAV survey is included in this submission.

Comment 8)

The proposed lift has been removed from this application.

Variance request to Section 1.3.1 (D)(11)(I)

As shown on the Dock Plan, and noted in comment 2) of the CRMC PD comments (the PD comments), there are many unique qualities to the site. The largest impediment to installing a functional dock with access to the channel is the sandbar that spans the entirety of the area between the PLEs as far out as 155 feet from the coastal feature. The approximate extents of the sandbar are shown on the Dock Plan around the flat area at 0 MLW. As determined by Avizinis Environmental Services Inc, no SAV was observed in the area of the proposed dock.

In order to reach a reasonable depth near the Pt. Judith Pond/Potter Pond Channel, a variance to this standard is necessary. Because of the nature of the flat area where the sandbar is, there are actually two points where the proposed dock crosses 0' MLW. At its longest point, this length is 95', but at its shortest, it is 34', which is below the required minimum of 50'. For this application, we have assumed that the length would be measured to the landward side of the 0' MLW contour.

Variance request to Section 1.3.1 (D)(4)(a)

The main purpose of the proposed dock orientation, which bends at an approximate 45-degree angle over the sandbar, is to minimize the length of the dock by accessing the channel at its closest reasonable point, while not impeding the abutter's dock use. This angle was also chosen so that the float could be installed parallel to the channel, rather than perpendicular.

That said, there does not appear to be a way to access the channel while also minimizing the length to 0' MLW without crossing the PLE of AP 88-1 Lot 1. We were unable to obtain a letter of no objection from the owner of AP 88-1 Lot 1.

Ultimately, the orientation helps to minimize the length to 0' MLW and reach a reasonable depth for the proposed float. Because of the narrow width of the lot, the way that the channel is oriented, and the way that the PLE's are extended directly out into the water instead of toward an accessible channel, we are asking for relief from this standard/prerequisite.

Compliance with the six criteria for a variance under Section 1.1.7 is as follows:

Section 1.1.7.1: The proposed alteration conforms with applicable goals and policies of the CRMP in that the 95' length and orientation allows the dock to attain reasonable access to the channel with reasonable depth for the proposed float. At 50' length, the terminus of the dock would be on the sandbar. The orientation of the dock crossing the PLE of AP 88-1 Lot 1 allows reasonable access to the channel, while minimizing the length required.

Section 1.1.7.2: The proposed dock installation will not result in any significant adverse environmental or use conflicts because there was no SAV observed at the site, so no SAV will be impacted. The orientation of the dock also matches the neighboring dock at AP 88-1 Lot 1, where the float is parallel with the contours of the channel, instead of perpendicular. The proposed dock also is set back slightly from the abutting dock, reaching a depth of only -3' MLW instead of almost -5' MLW. The deck of the proposed dock is proposed to be 5' above MHW.

Section 1.1.7.3: Due to conditions at the Site, specifically the sandbar, the orientation of the channel, and unique nature of the PLE's and ability for our property to access to the channel, we are unable to reach a reasonable depth for a dock without requesting these variances. Our goal is to minimize the length of the dock by accessing the channel at its closest reasonable point.

Section 1.1.7.4: The modification requested for both requests is the minimum variance necessary to minimize the length and achieve reasonable access to the channel.

Section 1.1.7.5: The requested variances are not due to any prior action of the applicants or the applicants' predecessors in title.

Section 1.1.7.6: Due to the conditions at the Site, the inability to install the dock as proposed will cause the applicant undue hardship. The intention of the variances is to minimize the length and achieve reasonable access to the channel.

Please consider this letter a request for a variance as a supplement to the above referenced application for an Assent.

If you have any questions, please call me at 401-364-1027 or email me at mark@dowdelleng.com. Thank you.

Sincerely,



Mark L. Dowdell, P.E.

Attachments:

- 1) Dock Plan dated Nov. 2, 2022
- 2) SAV performed by Avizinis Environmental Services, Inc.
- 3) Letter of No Objection for Lot 5

CC: Paul Hooper, by email

RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL
REPORT OF FINDINGS -- PRELIMINARY DETERMINATION

STATEMENT OF LIMITATIONS

The contents of this staff determination report shall be valid only for the period on and preceding the date of this report. This report is neither an approval nor denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of 28 December 2021 as they pertain to the below stated proposal, including preliminary staff recommendations.

Modifications to the below stated proposal may, upon the discretion of the CRMC, render this determination null and void.

APPLICANT INFORMATION

NAME: East Meadow LLC CRMC FILE NO. D2021-09-084
LOCATION/POLE: 1391 Succotash Road
CITY/TOWN: South Kingstown PLAT: 88-4 LOT: 6

CONTACT PERSON(S) & ADDRESS:

East Meadow LLC Dowdell Engineering
c/o Paul Hooper PO Box 1684
2464E Comm Perry Highway Charlestown, RI 02813
South Kingstown, RI 02879

PRELIMINARY REVIEW INFORMATION

PROPOSAL: New residential boating facility

PLAN(S) REVIEWED: "Dock Plan for Paul Hooper, AP 88-4, Lot 6, South Kingstown.." dated Sept. 16, 2021 by William D. Dowdell, RPE

INVESTIGATOR: T. Silvia DATE/TIME: 10/1/21 PM

MEASUREMENTS & OBSERVATIONS: Observed existing and nearby boating conditions

PREVIOUS CRMC ACTIONS FOR SITE: 93-3-11 shoreline protection, 94-4-112, maintenance, 05-7-3 replace cesspool, 13-1-2 Sandy damage

Preliminary Buffer and Setback Requirements:

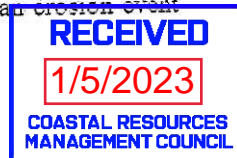
SETBACK (ref. Section 1.1.7 CRMP): N/A

BUFFER (ref. Section 1.1.9 CRMP): N/A

Note: Buffer zones are areas that must be retained in, or allowed to revert to, "an undisturbed natural condition." All structures (excluding accessory structures) should be setback a minimum of 25' from the buffer zone to allow for access, fire protection and maintenance without infringement into the buffer.

Coastal Hazard: In accordance with Section 1.1.10, the applicant is encouraged to utilize CRMC's "STORMTOOLS" mapping feature to better understand the impact of current and future Sea Level Rise and Storms on the subject property. Also, in accordance with Section 1.1.6(D), the applicant is required to complete a "Coastal Hazards Worksheet" to further understand the impact of climate change on a proposal (<http://www.crmc.ri.gov/coastal-hazard-app.html>). While the RICRMP does not yet require structures to be designed for SLR scenarios, the applicant should consider SLR, Climate Change, and design life expectations in design planning.

Coastal feature verification shall be valid for one-year from the date of this Determination or until an erosion event (e.g., due to storm event, landslide, man-induced alteration, etc.) occurs that alters the coastal feature.



NAME: East Meadow LLC
CRMC FILE NUMBER: D 2021-09-084

SUMMARY OF FINDINGS

CRMC JURISDICTION: Yes TYPE WATER: 5-Recreational/Commercial Harbors,
Pt Judith Pond/Potter Pond Channel

For the purpose of this review the coastal feature(s) shall be the cobble/sand beach backed by manmade shoreline and the inland edge of coastal(s) feature shall be the top of the stone seawall.

Applicability of CRMP and SAM Plans (as amended):

CRMP Sections: 1.1.7, 1.1.10, 1.2.1(E), 1.2.2(A), 1.2.2(D), 1.2.2(F), 1.2.3, 1.3.1(A), 1.3.1(B), 1.3.1(D), 1.3.1(P), 1.3.1(R), 1.3.5

SAMP: RI's Salt Pond Region, Lands Developed Beyond Carrying Capacity

STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

1) The project location is at the northeastern tip of the peninsula which separates Succotash Marsh from Pt Judith Pond. The adjacent northern property has an existing dock and there are numerous docks and marinas located along the Potter Pond Channel as well as the shores of Point Judith Pond, characteristic of a Type 5 waterbody.

2) This particular proposed dock location has several unique qualities. A sandbar is found within 35-60' of the shoreline to the east and two navigation channels are located in the vicinity. Pt Judith Pond channel runs north-south and the Potter Pond channel intersects in the immediate area running east-west. The 8/2016 Google Earth aerial is helpful in portraying existing conditions relative to the sandbar.

3) Although the property line extensions were not shown on the submitted plans, due to the property width and existing sandbar, a proposed dock centered within the setbacks would still require a variance/signoff and likely be over 150' in length from the top of the seawall to ~2' water depth. The applicant instead has chosen to situate a potential dock angled out from the center of the property to the northeast, crossing the northern property line extension entirely. This will require a signoff from the affected abutter and/or a variance request/PLS-stamped plan. A letter of no objection was submitted by the owner of Lot 5, however, there is no Lot 5 depicted on the submitted plans. Presumably this is a correctable error which will relieve a variance request to the setback. → ADD R EXTENSIONS

4) It is staff's opinion that the proposed dock founding should be located further north over the existing stair location to avoid less impact to the existing coastal feature. This would also provide a full setback to the southern abutter, otherwise a signoff from that abutter will be required as well as the proposed location is located less than 25' from the southern property line extension.
LETTER OF NO OBJECTION P/DKD HOOPER

5) The chosen angle allows the facility to span the sandbar and achieve functional water depth. Note, however, that due to the high use of the nearby waters, the terminus of the facility should be shortened inland of the adjacent dock terminus, to a water depth no more than -3'MLW, consistent with CRMC guidance. The current terminus reaches almost -5'MLW. This would reduce the total length of the proposed facility, aiding in reducing potential use conflicts.

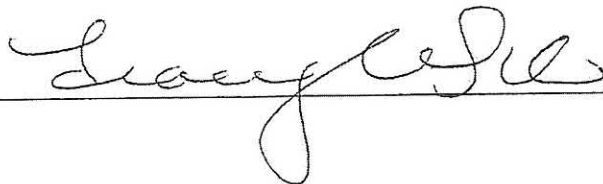
6) The applicable channels shall be fully depicted on submitted plans in order to confirm the appropriate setbacks are met. An ACOE review will be required as part of CRMC's public review.



NAME: East Meadow LLC
CRMC FILE NUMBER: D 2021-09-084
process.

- 7) A submerged aquatic vegetation (SAV) survey note is on the submitted plans, however, accompanying documentation of results shall be submitted with future application. Note, floats are prohibited over SAV. → PROVIDE SAV
- 8) The proposed lift details shall be shown on future plans, consistent with Section 1.3.1(P) requirements. Applicable length variance and/or any other standards not met shall be submitted in writing at the time of application. → PROVIDE DETAILS
- 9) The project requires a 30-day public notice period which may greatly affect the review of this potential dock. Comment from Narragansett and/or South Kingstown Harbor Commissions as well as local boat and marina owners in the affected area could reasonably be expected to arise and the applicant should be prepared to respond to any/all such comments. Speaking with the local harbor masters regarding the proposed project prior to CRMC submittal is recommended.
- 10) Overall, a residential boating facility in this area is consistent with the overall high boating environment, however, site specific conditions and potential navigation and use conflicts could result in a lengthier review process and/or public hearing requirement.

SIGNATURE: _____



STAFF BIOLOGIST

