



State of Rhode Island and Providence Plantations
COASTAL RESOURCES MANAGEMENT COUNCIL

File No. 81-12-3

Assent No. 2-Narragansett Bay-82

== ASSENT. ==

Whereas, ROBERT AND MARY KILMARX
of 56 Elm Lane, Barrington, RI 02806
has applied to the Coastal Resources Management Council for assent to repair existing concrete seawall

and hereby represents that they ~~is~~ are the owner(s) of the riparian rights attached to the property involved and submitted plans of the work to be done.

Now, said Council, having fully considered said application in accordance with all the regulations as set forth in the Administrative Procedures Act does hereby authorize said applicant, subject to the provisions of Title 46, Chapter 23 of the General Laws of Rhode Island, 1956, as amended, and all laws which are or may be in force applicable thereto

repair and protect 285' of existing concrete seawall which is critically undermined, cracked and eroded, by shoring up undermined sections of wall with stone, filling eroded lawn area inland of the wall and protecting the seaward side of the wall against continuing wave action damage by a sloping riprap of 3-5 ton granite stones anchored 3 feet below the surface on Lot 70, Plat 5, Barrington, Rhode Island, on Lot 70, Plat 5.

in accordance with said plans submitted to this Council and approved by this Council. All work being permitted must be completed on or before January 15th 1985, after which date this assent is null and void, (UNLESS WRITTEN NOTICE REQUESTING AN EXTENSION IS RECEIVED BY CRMC SIXTY (60) DAYS PRIOR TO EXPIRATION DATE).

Nothing in this assent shall be construed to impair the legal rights of this granting authority or of any person. By this assent the granting authority by no manner, shape, or form assumes any liability or responsibility implied, or in fact, for the stability or permanence of said project; nor by this assent is there any liability implied or in fact assumed or imposed on the granting authority. Further, the granting authority by its representatives or duly authorized agents shall have the right to inspect said project at all times including, but not limited to, the construction, completion, and all times thereafter. This assent is granted subject to the following stipulations:

(Stipulations set forth on reverse side) A. B. C. D. E.

In Witness Whereof, said Coastal Resources Management Council have hereto set their hands and seal this 15th day of January in the year nineteen hundred eighty-two.

John A. Lyons Chairman
Coastal Resources Management Council

USE THIS SPACE FOR ADDITIONAL DESCRIPTION OF WORK:

ASSENT SUBJECT TO STIPULATIONS CIRCLED:

A. Please be advised that as a further condition of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality; and shall exercise such supervision over and control of these pier facilities to prevent the dumping or discarding of refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said pier facilities or from land adjacent thereto.

B. This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date hereof, after which time this permission shall terminate necessitating either complete removal, or a new application.

C. In accordance with a decision of the Coastal Resources Management Council on October 9, 1973, this Assent is granted with the proviso that it is subject to the imposition of a usage fee to be established by the Coastal Resources Management Council.

D. No work shall be done under this Assent until the required Federal Permit has been obtained.

E. Additional Stipulations.

A. Base stone of proposed riprap shall be buried to the MLW level. Beach materials excavated shall be placed in front of the toe of the structure, to protect this base from scour.

B. Both ends of the proposed wall shall be "feathered" out" to beach grade so as to minimize erosion and scour at these end locations.

C. A suitable layer of crushed rock, quarry run, class "C" riprap or similar rocky, angular material shall be placed beneath the proposed riprap.

D. All beach materials to be excavated for the toe of the proposed wall shall remain on the beach and be graded fairly level in front of the proposed riprap.

E. The proposed riprap shall have a maximum slope of 1/1.

F. Riprap armor stone shall be durable, angular stone, of generally cubical or approx. equidimensional (neither breadth nor thickness shall be less than 1/3 the length) shape, with minimum unit weight of 165 lbs/cubic foot.

G. Weight of riprap armor stones shall be 3 to 5 ton.

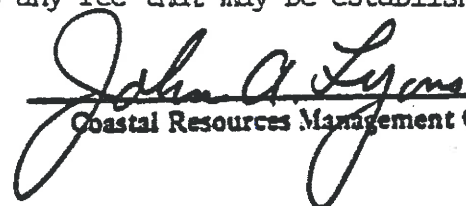
H. A sign or placque shall be placed at each end of the proposed riprap, to be clearly visible to the public, indicating that passage atop the riprap shall not be denied the public, per order of CRMC. Suitable language may be decided upon by the CRMC.

I. The riprap shall be constructed so that it will be readily passable by pedestrian traffic along the shore. Stone at ends of the wall may have to be arranged in a step fashion to accomplish this.

J. All backfilled areas shall be properly graded and seeded immediately after completion of work. A mix of commercially available seed is recommended consisting of 70% red fescue, 20% perennial rye grass, 10% colonial bent grass, variety 'astoria'.

K. After construction, all excess materials shall be removed from the site and disposed of in a suitable upland disposal site.

L. Applicant shall be aware that this work entails the placement of materials below the Mean High Water line and will be subject to any fee that may be established by the CRMC at a future date.

 Chairman
Coastal Resources Management Council

State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL

ROOM 508, VETERANS MEMORIAL BUILDING
83 PARK STREET, PROVIDENCE, R. I. 02903

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971, amended.

PLEASE TYPE OR PRINT		File No. <i>81-12-3</i>	Application Date December 3, 1981
Location No. 56 Elm Lane	Street	City/Town Barrington	
Owner's Name Robert and Mary Kilmarx		Plat No. 5	Lot No. 70
Address 56 Elm Lane, Barrington		Telephone No. 273-9000	
Contractor Roy Grinell Grinell-Phillips Corp.	Address Davisville, R. I.	Telephone No. 1-294-3827	
Name of Waterway Narragansett Bay	Estimated cost of Project \$15,000	\$35 Fee	

Have the extensions of riparian boundary lines been established to determine the area of riparian rights? Yes No

Proof of riparian ownership (written statement from tax assessor) N. A.

Name and address of adjacent property owners whose property adjoins the waterway.

Town of Barrington (Elm Lane adjoining to west);

Mr./Mrs. Robert D. Usen, 69 Nayatt Road; Mr./Mrs. George West, 85 Nayatt Road

Mr./Mrs. Andrew M. Hunt, 91 Nayatt Road

Describe accurately the work proposed
(Use additional sheets of paper if necessary and attach to this form.)

(attached)

Robert Kilmarx

Owner's Signature

Note:

See reverse side-consult information booklet-application must be fully completed.

GENERAL LAWS OF RHODE ISLAND (1956) As Amended

Sec. 46-23-6. POWER AND DUTIES.-In order to properly manage coastal resources the council shall have the following powers and duties:

A. Planning and Management. The primary responsibility of the council shall be the continuing planning for and management of the resources of the state's coastal region. The council shall be able to make any studies of conditions, activities, or problems of the state's coastal region needed to carry out its responsibilities.

The resources management process shall include the following basic phases:

- a) Identify all of the state's coastal resources, water, submerged land, air space, fin fish, shellfish, minerals, physiographic features, and so forth.
- b) Evaluate these resources in terms of their quantity, quality, capability for use, and other key characteristics.
- c) Determine the current and potential uses of each resource.
- d) Determine the current and potential problems of each resource.
- e) Formulate plans and programs for the management of each resource, identifying permitted uses, locations, protection measures, and so forth.
- f) Carry out these resources management programs through implementing authority and coordination of state, federal, local, and private activities.
- g) Formulation of standards where these do not exist, and re-evaluation of existing standards.

An initial series of resources management activities shall be initiated through this basic process, then each phase shall continuously be recycled and used to modify the council's resources management programs and keep them current.

Planning and management programs shall be formulated in terms of the characteristics and needs of each resource or group of related resources. However, all plans and programs shall be developed around basic standards and criteria, including:

- a) The need and demand for various activities and their impact upon ecological systems.
- b) The degree of compatibility of various activities.
- c) The capability of coastal resources to support various activities.
- d) Water quality standards set by the department of health.
- e) Consideration of plans, studies, surveys, inventories, and so forth prepared by other public and private sources.
- f) Consideration of contiguous land uses and transportation facilities.
- g) Consistency with the state guide plan.

B. Implementation.-The council is authorized to formulate policies and plans and to adopt regulations necessary to implement its various management programs.

Any person, firm or governmental agency proposing any development or operation within, above, or beneath the tidal water below the mean high water mark, extending out to the extent of the state's jurisdiction in the territorial sea shall be required to demonstrate that its proposal would not (1) conflict with any resources management plan or program; (2) make any area unsuitable for any uses or activities to which it is allocated by resources management plan or program; or (3) significantly damage the environment of the coastal region. The council shall be authorized to approve, modify, set conditions for, or reject any such proposal.

The authority of the council over land areas (those areas above the mean high water mark) shall be limited to that necessary to carry out effective resources management programs. This shall be limited to the authority to approve, modify, set conditions for, or reject the design, location, construction, alteration, and operation of specified activities or land uses when these are related to a water area under the agency's jurisdiction, regardless of their actual location. The council's authority over these land uses and activities shall be limited to situations in which there is a reasonable probability of conflict with a plan or program for resources management or damage to the coastal environment. These uses and activities are:

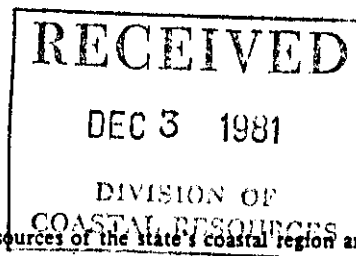
- a) Power generating and desalination plants.
- b) Chemical or petroleum processing, transfer, or storage.
- c) Minerals extraction.
- d) Shoreline protection facilities and physiographical features.
- e) Intertidal salt marshes.
- f) Sewage treatment and disposal and solid waste disposal facilities.

C. Coordination.-The council shall have the following coordinating powers and duties:

- a) Functioning as a binding arbitrator in any matter of dispute involving both the resources of the state's coastal region and the interests of two (2) or more municipalities or state agencies.
- b) Consulting and coordinating actions with local, state, regional, and federal agencies and private interests.
- c) Conducting or sponsoring coastal research.
- d) Advising the governor, the general assembly, and the public on coastal matters.

D. Operations.-The council shall be authorized to exercise the following operating functions, which are essential to management of coastal resources:

- a) Issue, modify or deny permits for any work in, above, or beneath the water areas under its jurisdiction, including conduct of any form of aquaculture.
- b) Issue, modify or deny permits for dredging, filling or any other physical alteration of intertidal salt marshes.
- c) Licensing the use of coastal resources which are held in trust by the state for all its citizens, and imposing fees for private use of such resources.
- d) Determining the need for and establishing pierhead, bulkhead, and harbor lines.
- e) Developing, leasing, and maintaining state piers and other state-owned property assigned to the agency by the department of natural resources, the governor, or the general assembly.
- f) Investigating complaints alleging violations of state laws or riparian rights in the state's tidal waters.





State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL

File No. 81-12-3

Assent No. 2-Narragansett Bay-82

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of 56 Elm Lane, Barrington, RI 02806

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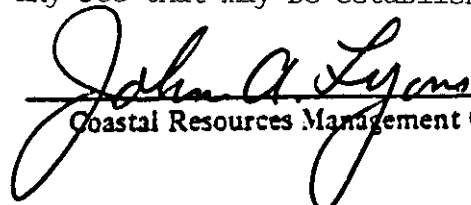
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 Chairman
Coastal Resources Management Council

USE THIS SPACE FOR ADDITIONAL DESCRIPTION OF WORK:

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- A. Please be advised that as a further condition of this Assent, it is hereby stipulated that you and/or your agents shall comply at all times with Federal and State Water Quality Standards and other State standards and regulations regarding water quality; and shall exercise such supervision over and control of these pier facilities to prevent the dumping or discarding of refuse, sanitary wastes and other pollutants in the tidal waters, either from vessels docked at said pier facilities or from land adjacent thereto.
- B. This Assent is granted with the specific proviso that the construction authorized therein will be maintained in good condition by the owner thereof, his heirs, successors, or assigns for a period of fifty (50) years from the date hereof, after which time this permission shall terminate necessitating either complete removal, or a new application.
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- E. Additional Stipulations.
- A. Base stone of proposed riprap shall be buried to the MLW level. Beach materials excavated shall be placed in front of the toe of the structure, to protect this base from scour.
- B. Both ends of the proposed wall shall be "feathered" out" to beach grade so as to minimize erosion and scour at these end locations.
- C. A suitable layer of crushed rock, quarry run, class "C" riprap or similar rocky, angular material shall be placed beneath the proposed riprap.
- D. All beach materials to be excavated for the toe of the proposed wall shall remain on the beach and be graded fairly level in front of the proposed riprap.
- E. The proposed riprap shall have a maximum slope of 1/1.
- F. Riprap armor stone shall be durable, angular stone, of generally cubical or approx. equidimensional (neither breadth nor thickness shall be less than 1/3 the length) shape, with minimum unit weight of 165 lbs/cubic foot.
- G. Weight of riprap armor stones shall be 3 to 5 ton.
- H. A sign or placque shall be placed at each end of the proposed riprap, to be clearly visible to the public, indicating that passage atop the riprap shall not be denied the public, per order of CRMC. Suitable language may be decided upon by the CRMC.
- I. The riprap shall be constructed so that it will be readily passable by pedestrian traffic along the shore. Stone at ends of the wall may have to be arranged in a step fashion to accomplish this.
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- K. After construction, all excess materials shall be removed from the site and disposed of in a suitable upland disposal site.
- L. Applicant shall be aware that this work entails the placement of materials below the Mean High Water line and will be subject to any fee that may be established by the CRMC at a future date.

 Chairman
Coastal Resources Management Council

State of Rhode Island

INTER-DEPARTMENTAL COMMUNICATION

TO: Mr. John A. Lyons, Chairman
Coastal Resources Management Council
DEPT: Environmental Management

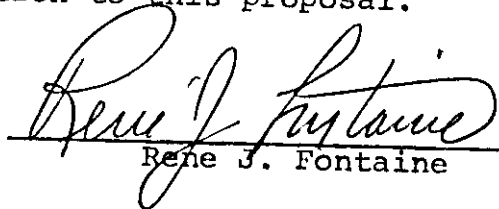
January 7, 1982

FROM: Rene J. Fontaine, Principal Planner
Statewide Planning Program
DEPT: Administration

SUBJECT: Robert and Mary Kilmarx (Application No. 81-12-3)

This proposal is not in direct accordance with Policy #5, Shore Region Section of the State Guide Plan; however, information received from the CRMC staff states that this proposal is necessary to preserve and protect the area in question.

We, therefore, offer no objection to this proposal.


Rene J. Fontaine

RJF/MTM/bam
cc: Dan Schatz

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DIVISION OF
COASTAL RESOURCES

OFFICE REPORT

FILE NUMBER: 81-12-3

DATE OF REPORT:


NAME: KILMARX, ROBERT AND MARY

January 6, 1981

1. SITE DESCRIPTION CHARACTERISTICS:

- A. Local Zoning: RL-40, residential low
- B. Existing Land Use: Residential
- C. Recreation Area & Jurisdiction: N/A
- D. Soil Type & Characteristics: No wetlands appear on mapped information base
- E. National Register of Historic Places: N/A
- F. Scenic Vista/Significant Natural Area: N/A
- G. Water Quality Classification/Standard: SA
- H. Slope: Steep rise along shore to 10 foot contour; vertical wall in place.
- I. Flood Hazard Designation: A-11 flood zone; base flood elevation 14 ft MSL. see 6

2. PUBLIC INFRASTRUCTURE CHARACTERISTICS:

- A. Public Water: Available  not applicable to this proposal
- B. Public Sewers: Installed or to be installed
- C. Transportation Facilities: Local road
- D. Harbor Lines: Harbor and channel lines are not affected by this proposal.

PERMIT REQUIREMENTS :

- A. ISDS
- B. LOCAL BUILDING
- C. CORPS OF ENGINEERS
- D. OTHER LOCAL, STATE, FEDERAL
- _____
- _____
- _____
- _____

N/A	RECEIVED	OUTSTANDING
X		
X		
		X
X		

RHODE ISLAND COASTAL RESOURCES MANAGEMENT PROGRAM (RICRMP):

A. **Designations:** Waters are classified Multiple Use; area shown as conditionally closed shellfish area.

B. **Findings & Policies:** Tidal Waters and Coastal Ponds 110.0-2
Coastal Erosion 140.0-2

C. Previous Activities at Site:

1. **Cease and Desist Orders:** None on file

2. **Assents:** December 18, 1981, letter of no objection to backfill along the wall.

5. OTHER STATE POLICIES: The following State Guide Plan Policies apply:

SHORE REGION POLICY #2, subpolicy: Residential and recreational development in a form which makes the best use of scarce shorelines, which does not interfere with the public right of access to the shore, and which does not damage important natural areas or scenic vistas.

SHORE REGION POLICY #5: Prevent filling of coastal waters and wetlands except when necessary to the health or welfare of the people of the state; and there is no other alternative.

SHORE REGION POLICY #6: Protect selected areas from the effects of flooding and extreme tidal action; limit the intensity of development of unprotected areas.

- Reduce the effects of shoreline erosion through structures, plant materials, and control of the frequency and intensity of use.

OTHER PERTINENT INFORMATION: Revised flood maps propose site to be a V-21 flood zone; base flood elevation 19 feet MSL.

PRELIMINARY IMPACT ASSESSMENT, REGULATORY FINDINGS & RECOMMENDATIONS:

Proposal requests permission to place riprap in front of a badly deteriorated seawall. Riprap will extend out beyond mean high water along 285 ft ± of shoreline. The provisions of section 110.0-2 C 2, apply to these waters:

2. It shall be further demonstrated by reliable and probative evidence that the coastal resources are capable of supporting the proposed activity including the impacts and/or effects upon:
 - a. Circulation and flushing patterns;
 - b. Sediment deposition patterns;
 - c. Biological systems, including vegetation, shellfish and finfish resources, and wildlife habitat;
 - d. Aesthetic and/or recreational value;
 - e. Water quality;
 - f. Public access to and along the shore;
 - g. Erosion and flood hazards;
 - h. Runoff patterns;
 - i. Biological productivity

Section 110.0-2 D 6 also applies:

- a. Any person proposing to fill tidal waters shall apply for a Council permit.
- b. In addition to the general permit requirements and regulations listed under C above the applicant shall demonstrate:
 1. Some benefit to the general public;
 2. That there is no reasonable alternative means to achieve this public benefit.

The requirements of section 140.0-2 of the RICRMP apply to Erosion Control projects. Section 140.0-2 A favors non-structural controls; and section 140.0-2B established the following criteria for siting structural controls:

1. has a reasonable probability of controlling erosion on the immediate site,
2. that it will not significantly increase erosion to nearby areas by interrupting or cutting off supplies of sand to adjacent beaches, and
3. will not have a significant adverse impact on the environmental quality of the areas.

7. PRELIMINARY IMPACT ASSESSMENT, REGULATORY FINDINGS & RECOMMENDATIONS: (continued):

The site is not in a critical erosion area as defined by the Corps of Engineers and the RICRMP.

(The CRMC, on February 24, 1981, denied an application by Henry Wood(file 80-12-11) for a nearly identical proposal, with the exception being the less severely deteriorated condition of the seawall, Approx. 2,000 ft² of filling was proposed).

The staff engineer reports that the rock material is proposed to extend out to 6-8 feet beyond the base of the wall at the Kilmarx property. This wall is now below MHW, therefore filling of approx. 1700-2200 ft² is proposed.

**RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL
ENGINEER'S FIELD REPORT**

Date of Preparation December 23, 1981	File No. 81-12-3	Date of Application December 7, 1981
56 Elm Lane Street		City/Town Barrington
Robert and Mary Kilmarx Owner's Name		Plat No. Lot No. 5 70
56 Elm Lane, Barrington, Rhode Island 02806 Address		Telephone No. 273-9000
Roy Grinnel Grinnell-Phillips Corp.	Davisville, RI Address	Telephone No. 294-3827
Names of Adjacent Waterways Narragansett Bay		

Nearest Utility Pole # _____

Project Type: Place 285' of sloping riprap against existing eroding & undermined vertical concrete seawall. Toe of both existing wall and proposed riprap is 2'-2½' below MHW.

Preapplication _____ CRMC Permit Application XX

Review for other agency _____ (specify _____)

Complaint _____ (specify _____)

Project completion follow up _____

Name(s) of investigator(s)
 Nick A. Pisani _____ Date 12/1/81 Time 2:30 p.m.
 _____ Date _____ Time _____
 _____ Date _____ Time _____

1. **Elevation of Proposed Activities:**
 The toe of the existing wall in the area of proposed work is approximately 2 to 2½ below MHW. Wall has a top elevation of approximately 5½' to 6' above MHW. In back of the major portion of the length of the wall, the land is eroded to well below the top of the wall height. Land reaches the 8' MHW elevation at approx. 10'-20' past the top of wall. This is past the eroded area.

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2. Corroboration of Application Engineering Drawings (distances, etc.):

Submitted plans are generally accurate. MHW elevation was noted and supplied by staff for the notice drawing.

3. Corroboration of Information in Office Report:

Not available

4. Geologic and Hydrologic Characteristics (note evidence of erosion):

Shore of this site is subject to moderate wave energy from a maximum southerly fetch of approximately 5 to 8 miles. Shore abuts a large embayment (Narragansett Bay). Wave action against the existing vertical concrete seawall has apparently eroded beach material from the shore in front of the wall, because the base of the wall presently exists at approximately the grade of the beach.

The shoreline at this site consists of cobble and boulder beach. Along most, if not all of the property, this beach is below the level of MHW. Backing this beach is a vertical concrete seawall. Presently, a large eroded area exists behind the wall. This eroded area is generally about 10'-20' wide and in one spot, even extends below the wall, being continuous with the beach in front of the wall.

A level to gently sloping residential lawn area exists in back of the eroded area. However, salt tolerant vegetation (according to CRMC biologist) was noted as occurring at a distance of up to 60' back from the top of the wall, apparently from wave splash action on the wall. A dwelling is situated well over 150' back from the shore at this site.

5. Shoreline Protection Facilities Present (describe):

The existing wall is a vertical concrete seawall, approx. 8' tall from base to top. Height of wall above MHW level is approx. 5½'-6'. Similar vertical concrete walls exist on lots both to the east and west of the site.

At the west end of the wall, some boulder riprap exists in front of the wall. Boulder and riprap material also front the wall to the west of this property.

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COASTAL RESOURCES

5. Photographs Taken (describe):

None.

7. Persons Present Other than Investigator (s):

L. Steere, (F & W, Biologist).

8. Summary of Information and Views Exchanged:

Site conditions were discussed. It was the staff opinion that a sloping riprap wall may reduce the splash over problem that this wall has created. Toe scour from wave reflection and deflection will likely be reduced by a sloping riprap structure.

Staff approval was granted to placed rock material in the eroded area behind the seawall to prevent some of the washout from beneath the wall. Staff opinion was that staff would not recommend a removal of the existing wall to place riprap back from the wall for two reasons:

1. There may be the possibility of damage to the adjacent vertical seawalls both in the process and by having the newer wall slightly upland of the adjacent walls (probable end scour).

2. The process of wall destruction and proper disposal would likely be a significant cost increase to the project.

9. Recommendations:

Both the existing wall toe and the proposed riprap have toe elevations below the MHW level (both by approx. 2½-2'). However, the proposal extends rock material out to approx. 6'-8' beyond the base of the wall (6' with intersection with MHW, 8' with intersection with beach).

It is notable that this wall appears to be in a precarious state of stability. This is essentially due to toe scour which has apparently occurred from waves hitting the vertical wall and being deflected both downward against the beach as well as upward and over the wall causing washout of soil behind the wall. This problem will likely continue unless some method to break up or divert this wave energy is used. The sloping riprap which the applicant has proposed is a commonly accepted method to accomplish this.

The applicant has addressed the question of passage above MHW to some degree. The applicant has proposed to create a 2' wide level area atop the proposed riprap for pedestrian access. The CRMC should stipulate some form of small sign or permanent placque on the wall to identify that the entire riprap wall is under the public domain for lateral access (or some similar language). The CRMC may wish to address other aspects of further infringement upon tidal waters.

From an engineering and environmental standpoint, and aside from the question of work in tidal water, there is no objection to the proposal provided that the following stipulations are followed:

- A. Base stone of proposed riprap shall be buried to the MLW level. Beach materials excavated shall be placed in front of the toe of the structure, to protect this base from scour.
- B. Both ends of the proposed wall shall be "feathered out" to beach grade so as to minimize erosion and scour at these end locations.
- C. A suitable layer of crushed rock, quarry run, class "C" riprap or similar rocky, angular material shall be placed beneath the proposed riprap.

Signature

— CONTINUED —

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DIVISION OF
COASTAL RESOURCES

9. Recommendations (continued):

- D. All beach materials to be excavated for the toe of the proposed wall shall remain on the beach and be graded fairly level in front of the proposed riprap.
- E. The proposed riprap shall have a maximum slope of 1/1.
- F. Riprap armor stone shall be durable, angular stone, of generally cubical or approx. equidimensional (neither breadth nor thickness shall be less than 1/3 the length) shape, with minimum unit weight of 165 lbs/cubic foot.
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Nicholas A. Pisani 1/5/82

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RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL

BIOLOGIST'S FIELD REPORT

2

Date of Preparation December 22, 1981	File No. 81-12-3	Date of Application December 7, 1981
56 Elm Lane	Street	City/Town Barrington
Owner's Name Robert & Mary Kilmarx	Plat No. 5	Lot No. 70
Address 56 Elm Lane; Barrington, RI 02806	Telephone No.	
Contractor	Address	Telephone No.

Names of Adjacent Waterways
Narragansett Bay

Nearest Utility Pole # _____

Project Type: **Repair & protect ±285 feet of existing concrete seawall by placing armor stone against the seaward side of the wall; filling eroded lawn area.**

Reapplication _____ CRMC Permit Application **XX**

Review for other agency _____ (specify _____)

Complaint _____ (specify _____)

Project completion follow up _____

Name (s) of investigator (s)

Linda Steere

Inspection	
Date December 1, 1981	Time 2:30 pm
Date _____	Time _____
Date _____	Time _____

Ecosystem Types

Shoreline Type: cliff _____ scarp _____ ledge _____ boulder beach _____
 sand beach _____ mudflat _____ salt marsh _____
 brackish marsh _____ freshwater marsh _____
 cobble beach **XX** other **Concrete seawall**

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CONSTRUCTION

Water type: Narragansett Bay (specify where) Narragansett Bay

Other estuary (specify) _____ Sounds _____ Salt pond _____

Freshwater pond _____ Stream or river (specify) _____

Inland features: dune _____ woodland _____ open land XX

Comments: Site is located in the Nyatt Point section of Barrington,
south of Nyatt Road, east of Elm Lane.

2. Salt Marsh Vegetation Present: ---NONE---

Spartina alterniflora _____ Spartina patens _____ Spartina pectinata _____

Juncus gerardi _____ Limonium carolinianum _____ Distichlis spicata _____

Salicornia spp. _____ Phragmites communis _____ Typha angustifolia _____

Typha latifolia _____ Eleocharis rostellata _____ Scirpus americanus _____

Iva frutescens _____ Agrostis palustris _____ Hierochloa odorata _____

Elymus virginicus _____ Scirpus spp. _____ Other _____

3. Significant Environmental Features (biological, hydrological, geological):

Upland lawn portions of this property are bordered by an eroded, concrete
seawall which abuts Narragansett Bay. Many sections of upland directly
adjacent to the wall have been washed out. Small vegetative patches of
Spartina patens along the crest of the wall indicate the tremendous amount

4. Existing Land and Water Uses (note degree of development): of overwash.

The surrounding upland supports a low to medium density residential
development. Waters are closed to shellfishing although beds of Hard
and Soft Clam are found offshore. Much commercial and recreational boating
use is made of this areas waters.

5. Corroboration of Information in Office Report: Not available

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CONSUMER PROTECTION

6. Comments on Adjacent Activities Under CRMC Jurisdiction:

None, however, Mr. Kilmarx was recently sent a Letter of No Objection
to backfill the areas along the seawall that have washed out.

7. Comments on Work in Progress:

None at the time of the site inspection.

8. Samples Taken, Tests Performed (note specific location, tide, weather, etc.)

Rough measurements were taken to verify site plan

9. Photographs Taken (describe):

None

10. Person(s) Present Other Than Investigator(s):

Nick Pisani--Engineer, Division of Coastal Resources

11. Summary of Information and Views Exchanged:

Condition of seawall and adjacent upland.

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GENERAL SERVICES

12. Recommendations:

There are no biological objections to the proposed sloping rip-rap seaward of the existing seawall due to the severity of the erosion of the existing wall. Conditions of the site would not support non-structural erosional controls in my estimation. The applicant should:

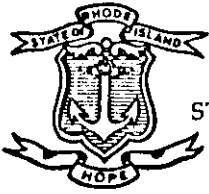
- 1) Toe in the proposed rip-rap to a depth equal to MLW or as stipulated by the Staff Engineer.
- 2) Sufficient filler stone shall be placed behind the 3-5 ton armor stone as stipulated in the site plan.
- 3) All backfilled areas shall be properly graded and seeded immediately after completion of work.
A mix of commercially available seed is recommended consisting of
70% red fescue
20% perennial rye grass
10% colonial bent grass, variety 'astoria'
- 4) After construction, all excess materials shall be removed from the site and disposed of in a suitable upland disposal site.
- 5) This application will also require U.S. Army Corps approval.

Signature(s):


December 23, 1981

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COASTAL RESOURCES

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COASTAL RESOURCES



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

HISTORICAL PRESERVATION COMMISSION

Old State House
150 Benefit Street
Providence, R.I. 02903
(401) 277-2678

PROJECT: 81-12-3

LOCATION: Barrington

DATE: December 9, 1981

Mr. John Lyons, Chairman
Coastal Resources Management Council
60 Davis Street
Providence, Rhode Island 02908

Dear Mr. Lyons:

This office has reviewed plans for the above-referenced project in accordance with Section 450 of the Coastal Resources Management Plan:

- The proposed project will have no effect on historic or archeological properties on or eligible for the National Register of Historic Places. In accordance with the Coastal Resources Management Plan the project may proceed without further consideration of historic and archeological properties.
- The proposed project will affect significant historic properties as described below in "Site Specific Comments," and there is a reasonable probability that the effect will be adverse. In accordance with the Coastal Resources Management Plan the Council should require modification of, or prohibit the project to avoid or mitigate the identified adverse effect. Suggested modifications, if appropriate, are listed below in "Site Specific Comments."
- A field inspection of the project area revealed the cultural materials or other information described in "Site Specific Comments" below, which establishes a reasonable probability that significant archeological resources may be adversely affected by the proposed project. In accordance with the Coastal Resources Management Plan the Council should require modification of, or prohibit the project to avoid or mitigate the adverse effect, based on the results of additional investigations. Prior to issuance of a permit, this office recommends that the Council conduct a survey to determine the presence and disposition of archeological properties in the project area, and devise a program to avoid or mitigate the impact of the project upon significant archeological resources should they be found.


Eric Hartfelder
Deputy State Historic Preservation Officer

SITE SPECIFIC COMMENTS:

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COASTAL RESOURCES

DAVIS, JENCKES & KILMARX

ONE HOSPITAL TRUST PLAZA
PROVIDENCE, RHODE ISLAND 02903

ERNEST A. JENCKES
ANDREW H. DAVIS, JR.
ROBERT D. KILMARX
HENRY M. SWAN

LAW OFFICES
FOURTEENTH FLOOR
401/273-9000

November 4, 1981

Mr. John A. Lyons, Chairman
Coastal Resources Management Counsel
60 Davis Street
Providence, Rhode Island 02908

Dear John:

Confirming our phone conversation, Mary's and my residential lot on Nayatt Point in Barrington is bounded on the South by Narragansett Bay from which it is protected by a long-standing concrete seawall constructed many years ago. The lot location is shown on the attached sketch and the seawall is shown in the enclosed copy of a blueprint prepared, I believe, around 1950.

Over the years the seawall has been gradually deteriorating and is now in a serious state of disrepair, seriously cracked, undermined in one location, and greatly eroded on the land side. Several engineers and contractors have advised that the only way to save the wall and prevent further erosion of the land is to reenforce it on the water side with granite rip rap as shown in the enclosed sketch prepared last year by Wallace Burdick. He has since moved from Rhode Island, but the project has been accepted by Roy Grinnell of Grinnell-Phillips at Davisville (739-6170).

We are anxious to proceed with the repair and re-enforcement as quickly as possible before the next major southerly storm, and will therefore appreciate anything that can be done to expedite approval of the work.

Would you kindly advise how we should proceed to obtain the necessary approval from your office and what additional information is required.

Sincerely,



RDK:jmt

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NOV 6 1981

**DIVISION OF
COASTAL RESOURCES**

DAVIS, JENCKES & KILMARX

ONE HOSPITAL TRUST PLAZA
PROVIDENCE, RHODE ISLAND 02903

LAW OFFICES
FOURTEENTH FLOOR
401/273-9000

ERNEST A. JENCKES
ANDREW H. DAVIS, JR.
ROBERT D. KILMARX
HENRY M. SWAN

December 3, 1981

Coastal Resources Management Council
60 Davis Street
Providence, Rhode Island 02903

Attention: Mr. Pisani

Dear Mr. Pisani:

Attached is our application for permission to effect essential repairs and protection of the existing seawall on our Nayatt Point, Barrington property.

Since the seawall is in a critical condition and in danger of collapse from undermining erosion and storm pressure, we also seek emergency permission to forthwith place supporting stones under the wall in the undermined areas to provide temporary protection against further erosion and storms during the application review period and pending approval and completion of the total project.

We shall very much appreciate your approval response to this special request as soon as possible.

Sincerely,

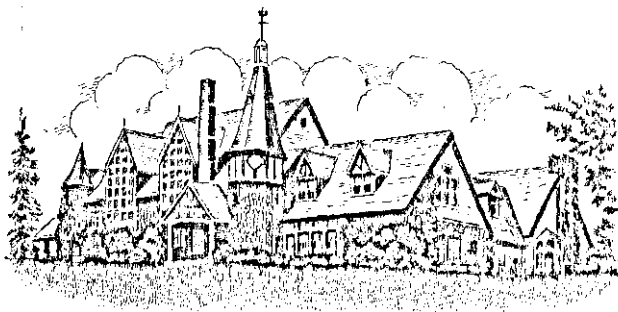
Robert Kilmarx
Mary Kilmarx

RDK:jmt

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DEC 3 1981

DIVISION OF
COASTAL RESOURCES



TAX ASSESSOR

**TOWN OF BARRINGTON
RHODE ISLAND**

02806

TEL. 401-245-3103

December 3, 1981

TO WHOM IT MAY CONCERN:

This is to verify ownership of property on 56 Elm Lane in the Town of Barrington, Rhode Island.

Assessor's Plat 5, Lot 70 is owned by and taxed to Robert D. & Mary N. Kilmarx as tenants by Entirety.

The property is assessed for 160,400.

Ruth C. Barrett

Ruth C. Barrett
Assessing Clerk

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DIVISION OF
COASTAL RESOURCES



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

30 Davis Street
Providence, R.I. 02908

18 December 1981

Mr. Robert Kilmarx
56 Elm Lane
Barrington, R.I. 02806

RE: Placement of backfill behind eroded area of wall on applicants property
Plat 5, Lot 70 Elm Lane, Barrington, R.I.

Dear Mr. Kilmarx:

A site inspection and review of plans submitted to this office for the above cited project indicate it will have no adverse effect on the plan and program adopted by the Coastal Resources Management Council.

The Coastal Resources Management Council will interpose no objection to the work proposed, as long as all work is done in accordance with plans submitted to this office and provided the following stipulations are adhered to:

- (A) Rock chips or similar large graded material shall be used as backfill.
- (B) No materials shall be placed seaward of the wall.
- (C) Any and all areas of the property that are disturbed during construction are restored with suitable vegetative cover immediately following completion of work.
- (D) Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction should be submitted to the CRMC for review prior to commencing such activity.
- (E) All local ordinances and regulations must be complied with.

Please be advised that all work must be completed within one year of the date of this letter.

The Coastal Resources Management Council wishes to thank you for being given the opportunity to assess and review these plans. If you need additional information, please feel free to contact this office.

Very truly yours,

John A. Lyons, Chairman
Coastal Resources Management Council

JAL/drc

RECOMMENDATIONS: RE: Portion of application 81-12-3 which deals with backfill of eroded area behind wall. There is no engineering objection to this work and no conflict with the RICKMP, provided that:

(A) Rock chips or similar large graded material ^{shall} be used as backfill.

(B) No materials shall be placed seaward of the wall.

Inspector's Signature and Date:

Nicholas A. Pisani 12/15/81

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DIVISION OF
COASTAL RESOURCES

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

INTER-OFFICE MEMO

TO: John Lyons, Jim Beattie

DATE: December 8, 1981

DEPT: CRMC, DEM-Division of Coastal Resources

FROM: Linda Steere, Wildlife Biologist *cc.*

DEPT: DEM-Division of Fish & Wildlife

SUBJECT: Pre-application for Bob Kilmarx for construction of a rip-rap reinforcement of an existing concrete seawall at 56 Elm Lane, Barrington, RI (Plat 5, Lot 70)

A field inspection on December 1, 1981 to the above site was made with Nick Pisani, Engineer for the Division of Coastal Resources. Mr. Kilmarx proposes to structurally stabilize the existing wall by the placement of granite rip-rap along the seaward side of the wall. The existing wall is approximately 430 feet in length.

Upland sections of the property are grassy, sloping toward the shoreline. Many sections of the upland directly adjacent to the existing concrete wall have been washed out, exposing gravel and normally covered sections of the seawall. One section to the east has washed out all soils right down to the toe of the wall.

Measurements indicate that the wall is approximately 8 feet in height, and is 1½ to 2 feet below MHW. Severe deterioration was observed along the 430 foot length of the seawall. Patches of Salt Marsh Hay (Spartina patens) along the crest of the seawall tend to indicate that this area receives a lot of overwash.

It is recommended that this proposed rip-rap project be required to undergo formal application procedures because of the scope and need to place rip-rap below MHW (CRMP, Sections 110.0-2, 140.0-2).



DIVISION OF COASTAL RESOURCES

STAFF SUMMARY REPORT

FILE NO: 81-12-3
APPLICANT'S NAME: KILMARX, ROBERT AND MARY

PREPARATION DATE:

January 6, 1982

A. STAFF ENGINEER'S FIELD REPORT:

1. Toe of the existing wall in the area of proposed work is approximately 2 to 2½ feet below Mean High Water.
2. The land is eroded behind the 8ft vertical concrete wall.
3. Shoreline is exposed to moderate wave energy from a southerly fetch; similar walls exists on adjacent lots to east and west.
4. Some boulder riprap exists in front of the wall.
5. Toe scour will likely be reduced by a sloping riprap structure.
6. Removal of wall and replacement with sloped riprap may damage adjacent walls, and would be costly.
7. Wall appears to be in a precarious state of stability due to toe scour.
8. Rock material is proposed to extend out 6 to 8 feet beyond base of wall.
9. No engineering objections with stipulations.

B. STAFF BIOLOGIST'S FIELD REPORT:

1. Shoreline type is a cobble beach and concrete seawall.
2. Indications are there is a tremendous amount of overwash.
3. Upland supports low to medium density residential development.
4. Waters are closed to shellfishing.
5. Site will not support non-structural erosion controls.
6. No biological objections, with stipulations.

C. STATEWIDE PLANNING PROGRAM CERTIFICATION:

Not on file.

KILMARX, ROBERT AND MARY

FILE NO: 81-12-3

APPLICANT'S NAME:

D. WATER QUALITY CERTIFICATION:

Not on file.

E. HISTORIC PRESERVATION COMMISSION REVIEW:

1. The proposed project will have no effect on historic or archeological resources

F. COASTAL RESOURCES MANAGEMENT PROGRAM POLICIES AND REGULATIONS:

1. Tidal Waters and Coastal Ponds section 110.0-2
2. Coastal Erosion 140.0-2

G. OTHER REPORTS AND COMMENTS:

1. November 4, 1981, letter requesting approval from the applicant.
2. December 3, 1981, request for emergency repairs to the wall.
3. December 3, 1981, verification of ownership to town assessing clerk.
4. December 8, 1981, interoffice memo from staff biologist recommending formal application procedures.
5. December 15, 1981, staff engineer's memo regarding backfill for wall.
6. December 18, 1981, letter of no objection to perform the backfill work.

APPLICANT'S NAME: KILMARX, Robert and Mary

FILE NO: 81-12-3

H. OFFICE REPORT:

1. The area is zoned residential low and is in residential use.
2. The site is in an area proposed by the Flood Insurance rate maps to be a velocity zone with a flood elevation of 19 feet MSL.
3. The waters are classified for Multiple Use by the RICRMP; section 110.0-2 D 2 applies to the deposition of fill in Multiple Use Waters.
4. Section 110.0-D6 of the RICRMP applies to the filling of tidal waters.
5. Section 140.0-2 pertains to placement of shoreline protection facilities for erosion control.
6. Proposal is for 1700-2200 ft² of riprap to be placed below MHW.

I. STAFF PLANNER'S REPORT:

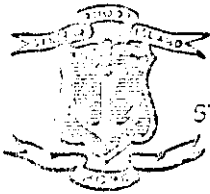
There are no certification on file from the Statewide Planning Program nor the Division of Water Resources. Telecons on 1/6/82 determined that said certifications were forthcoming. It is recommended that no assent be issued prior to receipt of these certifications.

This proposal involves the placement of riprap material seaward of an existing, deteriorating seawall. Because the toe of the existing wall is below Mean High Water, the placement of the riprap material constitutes a filling of an area approximately 1700 to 2200 square feet of tidal waters. The provisions of the RICRMP, section 110.0-2 D 6 especially apply to this project (ref. Office Report).

The staff field reports dismiss the possibility of nonstructural controls along this shoreline, as favored by section 140.0-2 of the RICRMP.

It is recommended that the burdens of section 110.0-2 be met by the applicant. If an Assent is granted, the Council should consider some form of recompensating the public for bottom lands taken to protect the applicant's property.

The staff engineering and biologist's field reports offer site impact mitigation, lateral access protection, and structural stipulations that are recommended to be attached to any assent issued for this proposal.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

60 Davis Street
Providence, R.I. 02903

18 December 1981

Mr. Robert Kilmarx
56 Elm Lane
Barrington, R.I. 02806

RE: Placement of backfill behind eroded area of wall on applicants property
Plat 5, Lot 70 Elm Lane, Barrington, R.I.

Dear Mr. Kilmarx:

A site inspection and review of plans submitted to this office for the above cited project indicate it will have no adverse effect on the plan and program adopted by the Coastal Resources Management Council.

The Coastal Resources Management Council will interpose no objection to the work proposed, as long as all work is done in accordance with plans submitted to this office and provided the following stipulations are adhered to:

- (A) Rock chips or similar large graded material shall be used as backfill.
- (B) No materials shall be placed seaward of the wall.
- (C) Any and all areas of the property that are disturbed during construction are restored with suitable vegetative cover immediately following completion of work.
- (D) Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction should be submitted to the CRMC for review prior to commencing such activity.
- (E) All local ordinances and regulations must be complied with.

Please be advised that all work must be completed within one year of the date of this letter.

The Coastal Resources Management Council wishes to thank you for being given the opportunity to assess and review these plans. If you need additional information, please feel free to contact this office.

Very truly yours,

John A. Lyons, Chairman
Coastal Resources Management Council

JAL/drc

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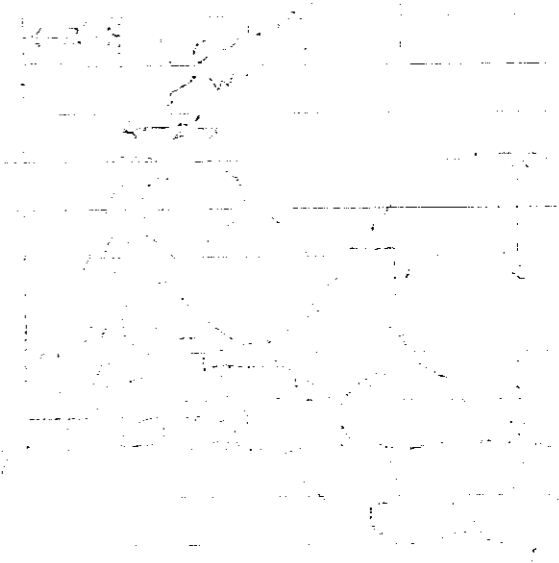
DEC 3 1981

DIVISION OF
COASTAL RESOURCES

PROPOSED REPAIR TO
EXISTING SEWAGE ON
THE PROPERTY OF

WESLEY W. WATSON
56 ELY LANE
CHARLESTOWN, R.I.

FR. 2002. BEARD
TO WESLEY WATSON
1200 W. 17TH ST
CHARLESTOWN, R.I.



CEPER
100' 0"

CEPER



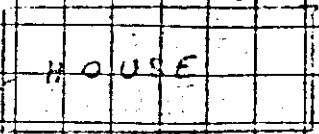
W. E. BURDICK, INC.
LAKESIDE DRIVE
CHARLESTOWN, R.I. 02813
(401) 364-7475

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DIVISION OF
COASTAL RESOURCES

N A Y A T T R O A D

PROPOSED REPAIR TO EXISTING SEAWALL ON THE PROPERTY OF

ROBERT KILMARK
56 ELM LANE
BARRINGTON, R.I.



PROPOSED REPAIR TO PLACE GRANITE RIP RAP IN FRONT OF EXISTING CONCRETE WALL



RIGHT OF WAY
CEPER'S TRACES
PROPERTY LINE

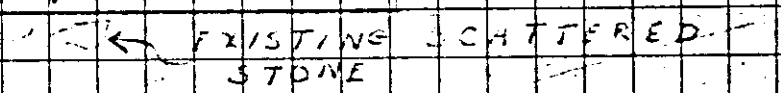
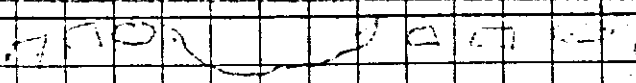
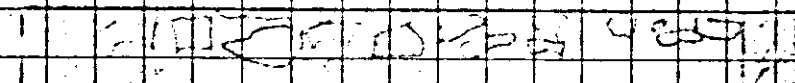
FLOODED AREA

W
HOLE UNDER WALL

EXISTING CONCRETE WALL, UNDERMINED AND STARTED TO CRACK & SETTLE

TOE STONE 3' BELOW SURFACE

PROPERTY LINE



160'

125'

115'

PROPOSED REPAIR AREA

125'

N A R R A G A S E T I E A Y

W. E. BURDICK, INC.
 Lakeside Drive
 CHARLESTOWN, RI 02813
 (401) 364-7475

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COASTAL RESOURCES

Coastal Resources Management Council
Commencement of Work Notice

Name ROBERT + MARY KILMAREX

File No. 81-R-3

Assent No. (S)
2-NARRISAY-82

Date Issued 1-15-82

Date work begun: MARCH 8, 1983

Estimated Completion date: APRIL 1, 1983

Contractor: WALLACE E. BURDICK
CHARLESTOWN, R.I.

Inspected by:

Date:

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MAR 10 1983

DIVISION OF
COASTAL RESOURCES

Coastal Resources Management Council
60 Davis Street
Providence, R. I. 02908



State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL

80 Davis Street, Providence, R.I. 02908

AMENDED NOTICE

FILE NUMBER: 81-12-3 DATE: December 7, 1981

This office has under consideration the application of:

ROBERT AND MARY KILMARX
56 ELM LANE
BARRINGTON, RI 02806

for a State of Rhode Island assent to construct and maintain repair and protect 285' + of existing concrete seawall which is critically undermined, cracked and eroded, by shoring up undermined sections of wall with stone, filling eroded lawn area inland of the wall and protecting the seaward side of wall against continuing wave action damage by a sloping riprap of 3-5 ton granite stones anchored 3 feet below the surface.

Project Location: ---

Street & Number: 56 Elm Lane

Pole Number: --- City/Town: Barrington

Plat Number: 5 Lot Number(s): 70

Block Number: --- ISDS Number: ---

Waterway: Narragansett Bay

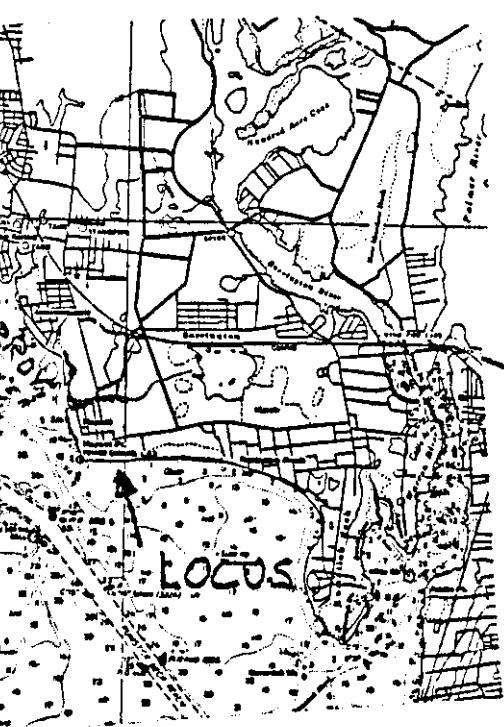
Plans of the proposed work may be seen at this office and at the clerk's Office, of City/Town of:
Barrington, Rhode Island

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

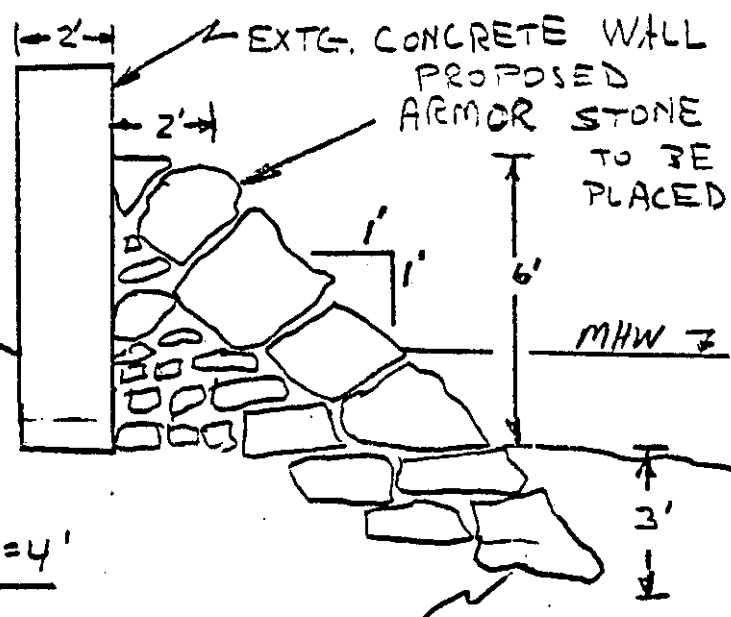
You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing and be received at this office on or before January 7, 1982.

KILMARX
 NAYATT RD., BARRING



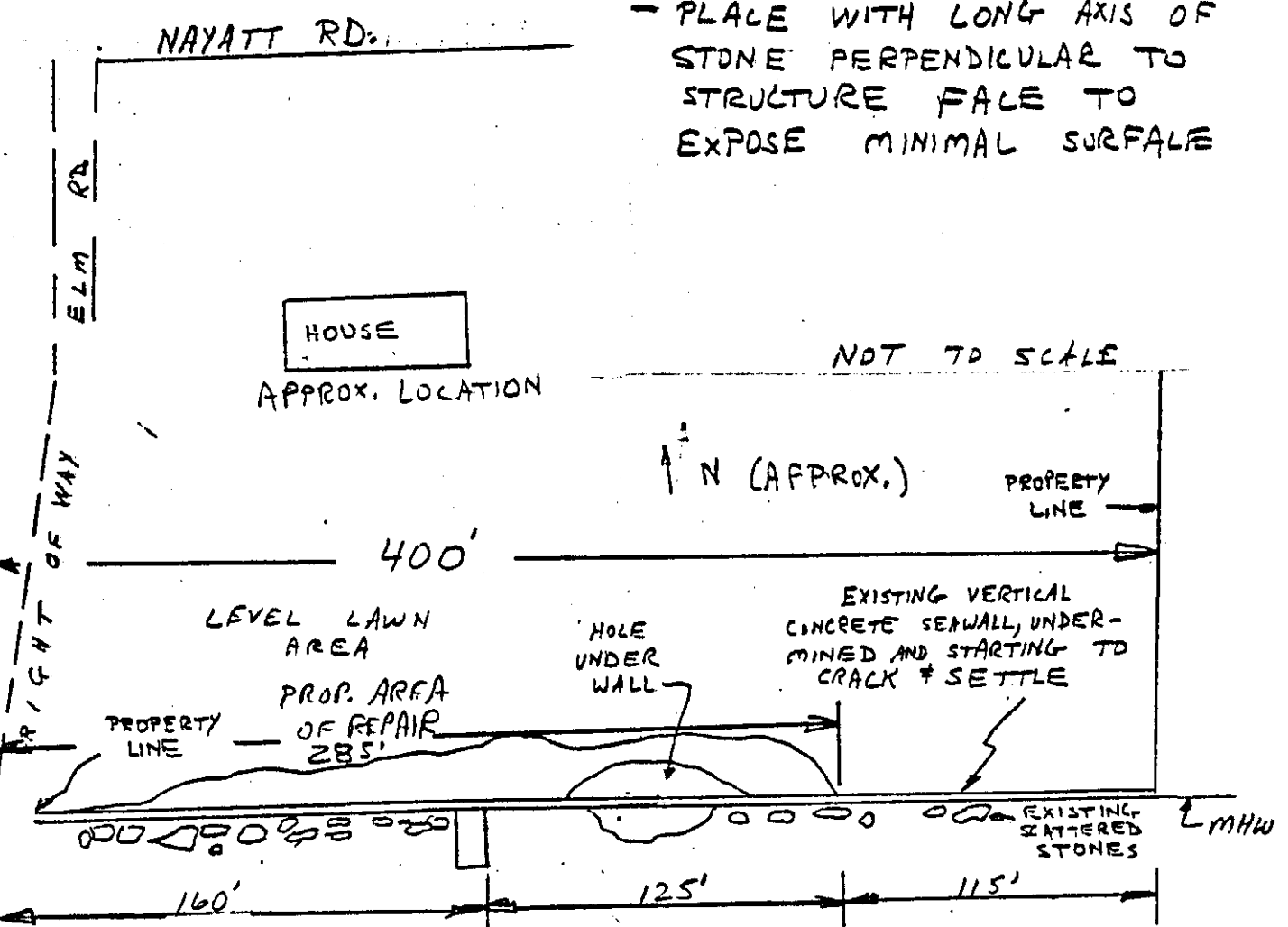
ERODED AREA



SCALE 1"=4'

- TOE STONE 3' BELOW BEACH SURFACE

- USE 3 to 5 TON ARMOR STONE
- PLACE WITH LONG AXIS OF STONE PERPENDICULAR TO STRUCTURE FACE TO EXPOSE MINIMAL SURFACE



NOT TO SCALE

N (APPROX.)

PROPERTY LINE

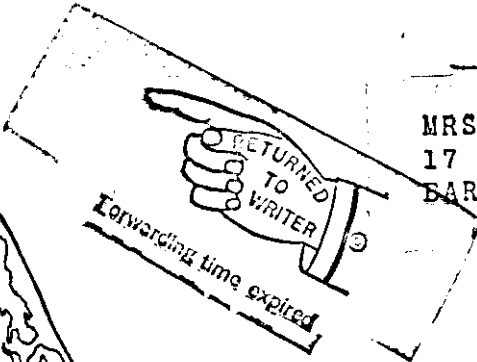
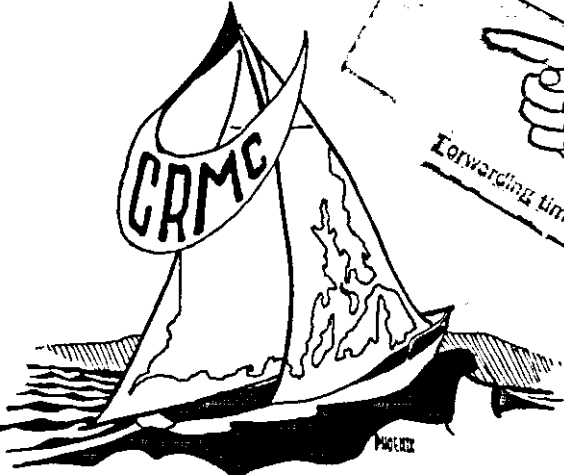
LEVEL LAWN AREA
 PROP. AREA OF REPAIR
 285'

EXISTING VERTICAL CONCRETE SEAWALL, UNDERMINED AND STARTING TO CRACK & SETTLE

EXISTING SCATTERED STONES
 MHW

160' 125' 115'

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
60 Davis Street
Providence, R.I. 02908



~~MRS. MARY REELKE
17 STONE TOWER LANE
BARRINGTON, R.I. 02806~~



*Melmark
File in
81-12-3*

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DIVISION OF
COASTAL RESOURCES

ROBERT D. KILMARX
1420 HOSPITAL TRUST TOWER
PROVIDENCE, R.I. 02903

1045

Dec. 3 19 81

57-1
1150

PAY TO THE
ORDER OF

Coastal Resources Management Council \$ 35⁰⁰

Thirty Five and 00/100

DOLLARS



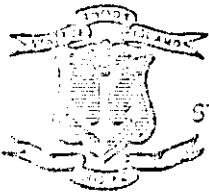
INDUSTRIAL NATIONAL BANK
PROVIDENCE, RHODE ISLAND

Robert D. Kilmarx

MEMO *Filing Fee*

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DEC 5 1981
DIVISION OF
COASTAL RESOURCES



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
80 Davis Street
Providence, R.I. 02903

18 December 1981

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56 Elm Lane
Barrington, R.I. 02806

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A site inspection and review of plans submitted to this office for the above cited project indicate it will have no adverse effect on the plan and program adopted by the Coastal Resources Management Council.

The Coastal Resources Management Council will interpose no objection to the work proposed, as long as all work is done in accordance with plans submitted to this office and provided the following stipulations are adhered to:

- (A) Rock chips or similar large graded material shall be used as backfill.
- (B) No materials shall be placed seaward of the wall.
- (C) Any and all areas of the property that are disturbed during construction are restored with suitable vegetative cover immediately following completion of work.
- (D) Plans for any future alteration of the shoreline or construction or alteration within the 200' zone of CRMC jurisdiction should be submitted to the CRMC for review prior to commencing such activity.
- (E) All local ordinances and regulations must be complied with.

Please be advised that all work must be completed within one year of the date of this letter.

The Coastal Resources Management Council wishes to thank you for being given the opportunity to assess and review these plans. If you need additional information, please feel free to contact this office.

Very truly yours,

John A. Lyons, Chairman
Coastal Resources Management Council

JAL/drc

MEMO & Site
RECOMMENDATIONS:

On 1/8/82 I revisited this site with J. Beattie & J. Lyons, prior to semi-monthly meeting. Area of work below MHW was observed & discussed.

Inspector's Signature and Date:

N. A. Pisanic 1/28/82

RECEIVED
JAN 28 1982
DIVISION OF
COASTAL RESOURCES

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

INTER-OFFICE MEMO

DATE: 8 January 1982

TO : James T. Beattie, Chief
DEPT : Division of Coastal Resources
Environmental Management

FROM : James W. Fester, Chief
DEPT : Division of Water Resources
Environmental Management

FILE NO: 81-12-3
Barrington

SUBJECT: Application of Robert & Mary Kilmarx for an assent to construct a
riprap wall in front of an existing deteriorated concrete seawall
at 56 Elm Lane, Barrington, Rhode Island and to fill in an eroded
area on the landward side of the wall.

We have reviewed the subject application. The waters in the area are classified SA.

It is our opinion said project will not violate applicable water quality criteria for the area provided that material used for fill is clean, free of matter which could cause pollution of the waters of the State.

This is the State's water quality certification for this project.

JWF:PIA:sjc

cc: Frank Geremia

RECEIVED
JAN 15 1982
DIVISION OF
COASTAL RESOURCES



DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION, CORPS OF ENGINEERS
424 TRAPELO ROAD
WALTHAM, MASSACHUSETTS 02254

REPLY TO
ATTENTION OF:

NEDOD-R-14-81-701C

PUBLIC NOTICE

8 April 1982

Mr. Robert D. Kilmarx, 56 Elm Lane, Barrington, Rhode Island 02806

has requested a permit under:

- (X) Section 10 of the River and Harbor Act of 1899.
- (X) Section 404 of the Clean Water Act.
- () Section 103 of the Marine, Protection, Research and Sanctuaries Act of 1972.

to: place and maintain riprap below the high tide line along 285 linear feet of an existing deteriorated concrete seawall in Narragansett Bay at Barrington, Rhode Island as shown on the attached plans. Approximately 255 cubic yards of riprap will be placed on a 1:1 slope extending an average of 8' beyond the existing seawall. 95 cubic yards of material will be excavated by clamshell to allow for the placement of the riprap, and be disposed of in a 4' x 285' area in front and adjacent to the proposed riprap. A 20' x 110' eroded area behind the existing seawall will be filled with approximately 65 cubic yards of clean granular fill below the high tide line. The project will restore the property to its original condition and prevent any further erosion.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted to us in writing by 10 May 1982. If you need additional information, please contact Mr. David Baker at the above address or by phone at 617-894-2400, extension 673. You may use our toll free line 1-800-343-4789 (use 1-800-362-4367 if calling from within Massachusetts).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Sincerely,

Raymond Francisco

RAYMOND FRANCISCO
Chief, Processing Section
Regulatory Branch
Operations Division

SEE REVERSE SIDE FOR
DETAILS OF EVALUATION
FACTORS

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

The evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of: Section 404(b) of the Clean Water Act., and/or Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972 as amended.

Based on experience with similar activities performed in the past, the Division Engineer has made a preliminary determination that an Environmental Impact Statement is not required under provisions of the National Environmental Policy Act of 1969.

Based on his initial review, the Division Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in or eligible for listing in the National Register of Historic Places and no further consideration of the requirements of the Preservation of Historical and Archeological Data Act of 1974 is necessary. This determination is based on one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties or properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Presently unknown archeological, scientific, pre-historic or historical data may be lost or destroyed by work to be accomplished under the requested permit.

The Division Engineer has also consulted the latest published version of threatened or endangered species and made a preliminary determination that the proposed activity will not affect those listed or their critical habitat.

Evaluation of the proposed activity will include conformance with appropriate State or local floodplain protection standards; consideration of alternative sites and methods of accomplishment; and weighing of the positive and negative, concentrated and dispersed, and short-and long-term impacts upon floodplain.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

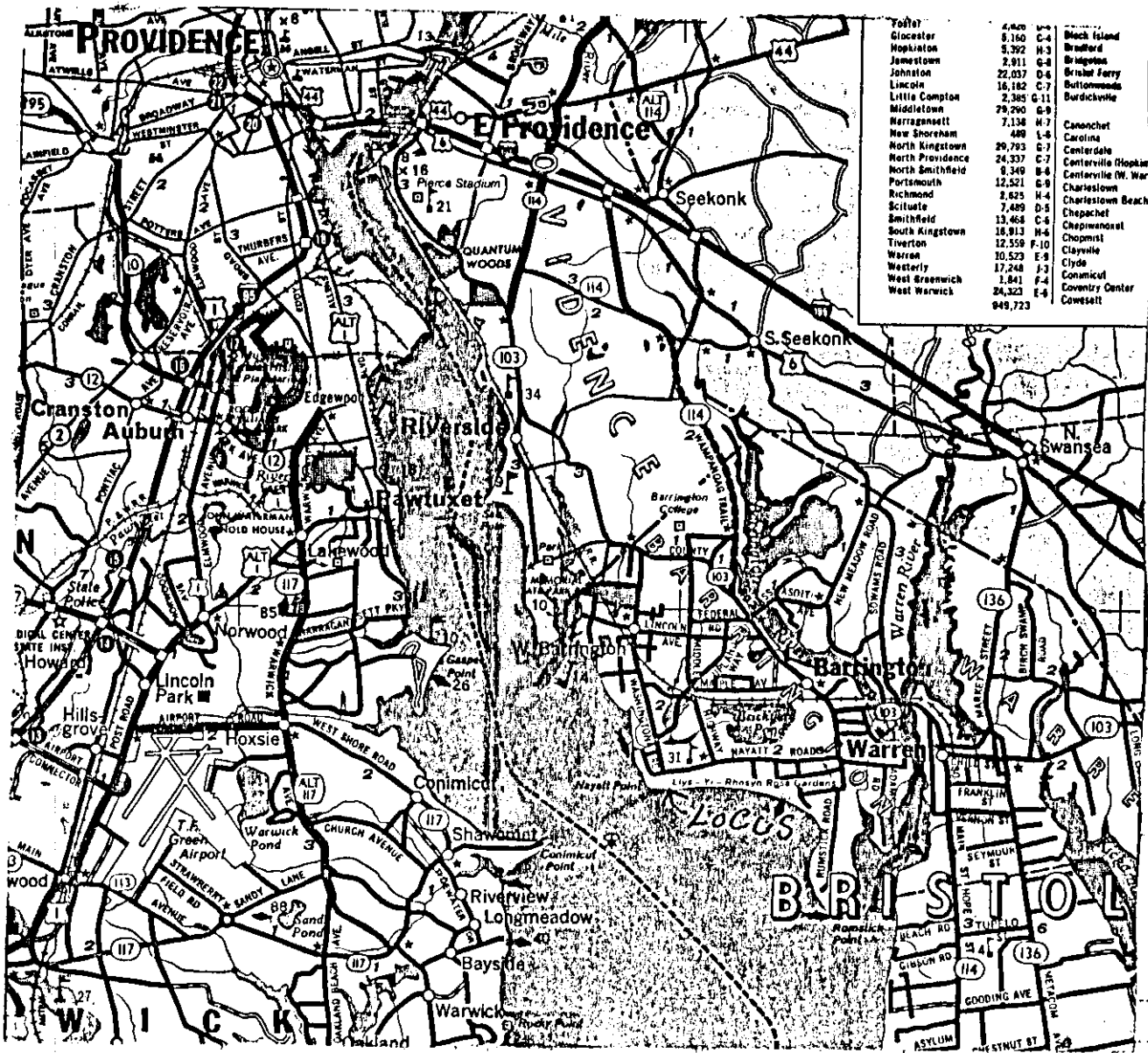
The following authorizations have been applied for or have been or will be obtained:

- Permit, License, or Assent from State.
- Permit from Local Wetlands Agency or Conservation Commission.
- Water Quality Certificate in Accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts and Rhode Island have approved Coastal Zone Management Programs. Where applicable, the applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with this approved Coastal Zone Management Program. Issuance of a State permit from the appropriate State agency will indicate concurrence with this Statement of Consistency.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AUTHORIZATION TO DO ANY WORK.



PROPOSED RIA
 RAP - NAYATT RD
 BARRINGTON RI
 R. KILMARX

1 of 3

SCALE 1" = 60'

R.D. USEN

ELM LANE

TO NYATT RD →

R. KILMARX

G. WEST

A.M. HUNT

PROPOSED RIP-RAP - NYATT Rd. BARRINGTON RI. R. KILMARX.

NARRAGANSETT BAY

FLOOD EBB

PROPOSED SPILL AREA FOR TIDE EX.

M.H.W.

H.T.L. M.H.W.

PROPOSED RIP RAP.

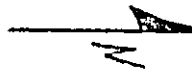
EXIST. CONC. WALL

M.H.W.

ERODED AREA.

285'

33°



EXIST. CONC.
WALL

Proposed Grade

+9 MHW

TO BE FILLED
WITH GRANULAR
FREE DRAINING
MATERIAL

2'

H.T.L 6.7

M.H.W. +4.7

EXIST
Grade

Hole under wall
to be filled with chips

EX. FROM
TOC

M.H.W. 0.0

EXIST
Grade

PROPOSED
RIP RAP. 3-5 Ton
PLACED LONG AXIS
INTO WALL

Scale 1/4" = 1'-0"

TOC EX. 95 CY EX. BY CLAM BUCKET.

VOL MATERIAL PLACED BELOW

High Tide Line BY CLAM BUCKET.

BAY Side wall 348 CY

SHORE Side wall 63 CY

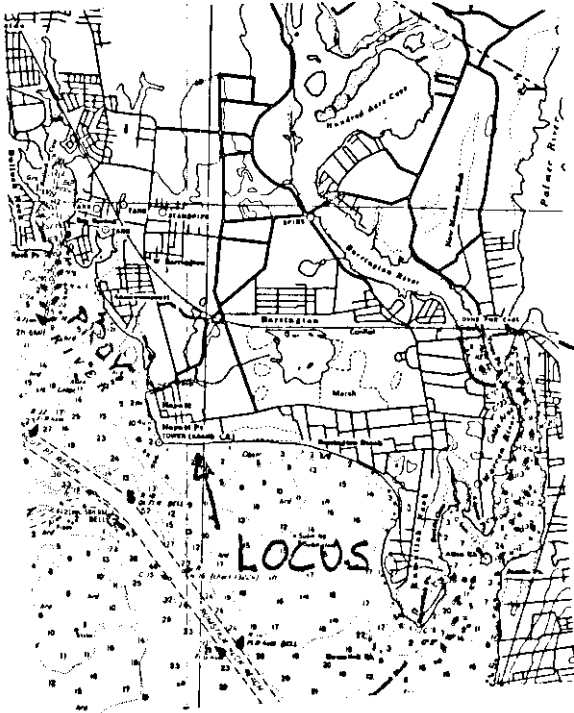
PROPOSED RIP
RAP. - NAYATTIE
BARRINGTON RI.
R. KILMARX

RECEIVED

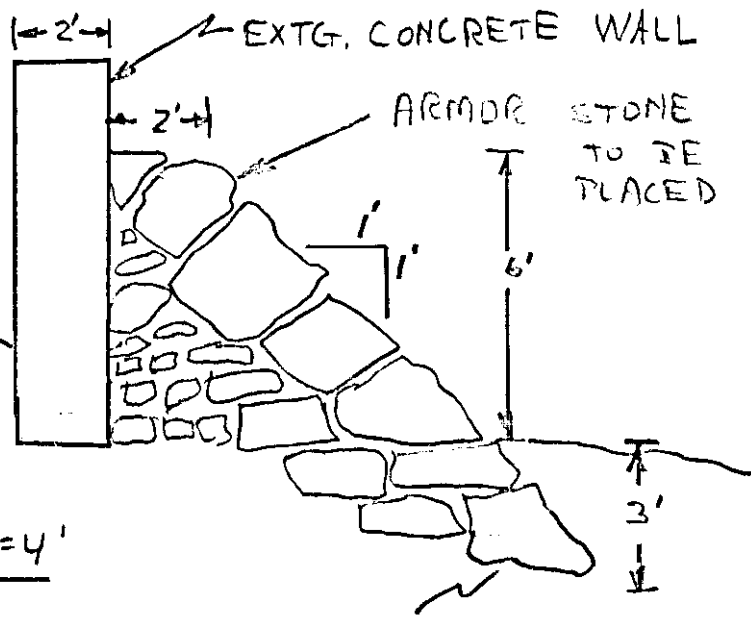
APR 12 1982

DIVISION OF
COASTAL RESOURCES

KILMARK
 NAYATT RD., BARRING



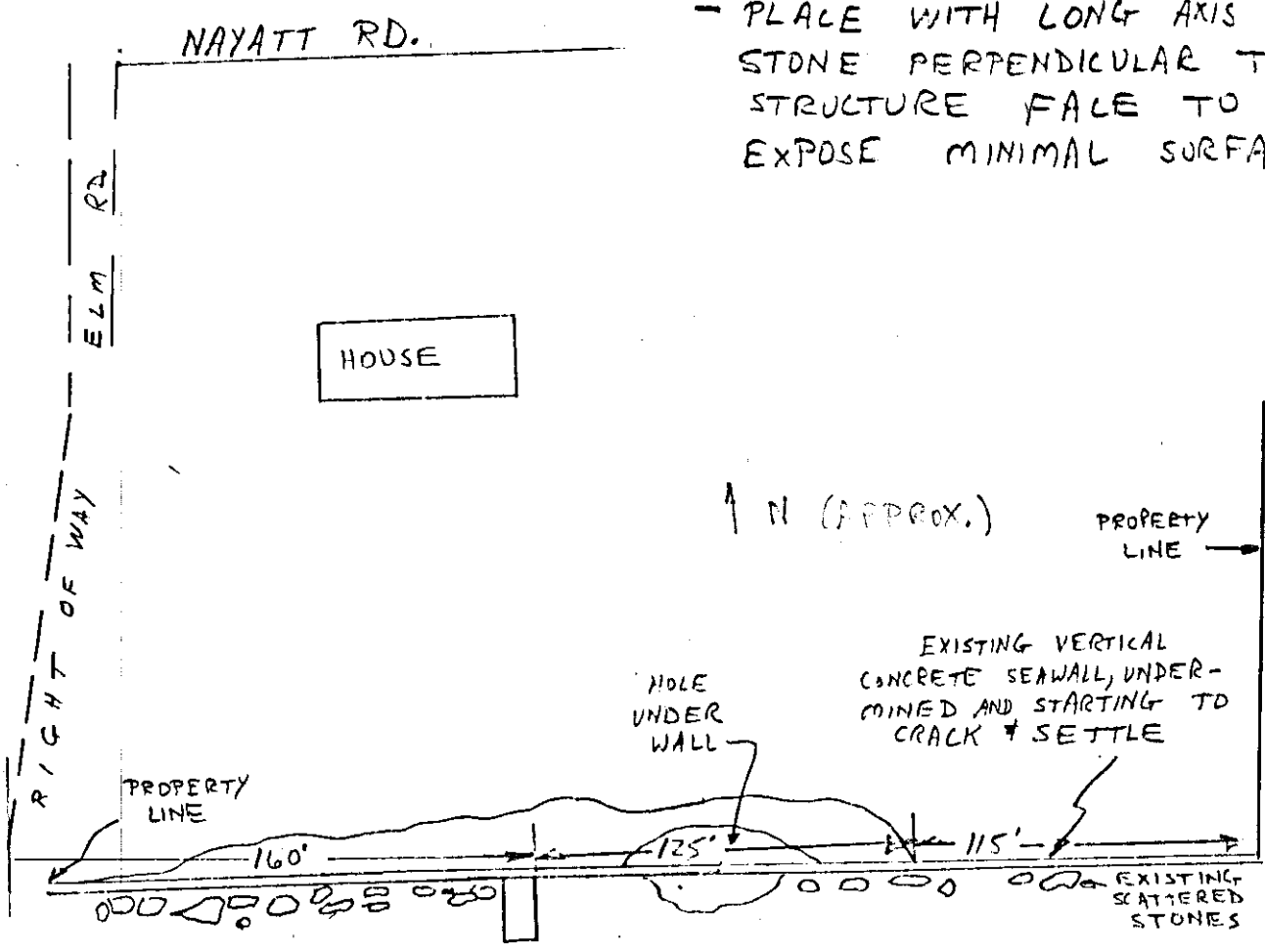
ERODED AREA



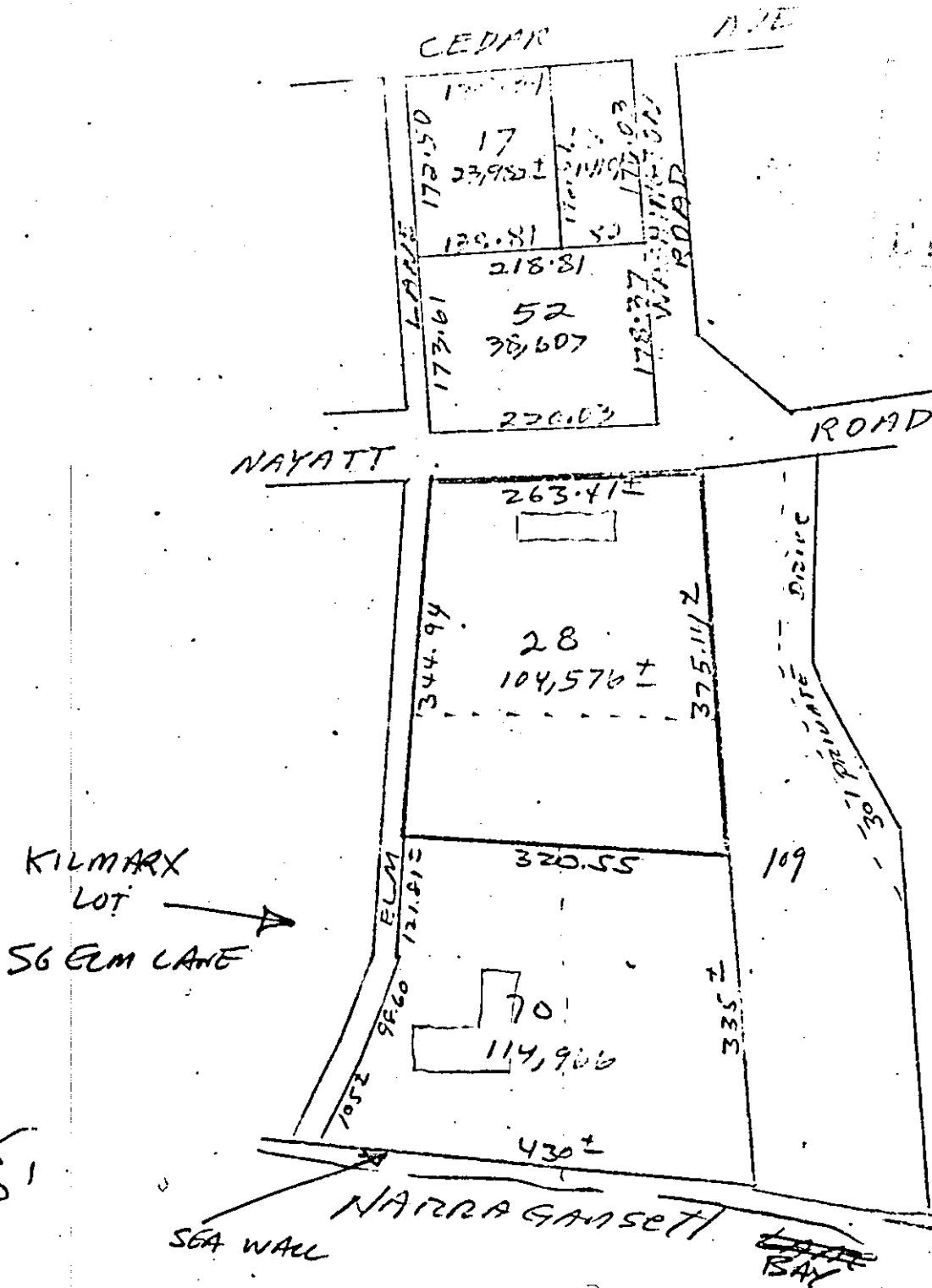
SCALE 1"=4'

- TOE STONE 3' BELOW BEACH SURFACE

- USE 3 to 5 TON ARMOR STONE
- PLACE WITH LONG AXIS OF STONE PERPENDICULAR TO STRUCTURE FACE TO EXPOSE MINIMAL SURFACE



BARRINGTON



KILMARX LOT
 →
 56 ELM LANE

P.S.
 160'

- lot 28 - FRED B. PERKINS
- 70 - ROBERT D + MARY N. KILMARX
- 109 - NATHANIEL M. VOSE JR. + DIANE L.

RECEIVED
NOV 6 1981
DIVISION OF
COASTAL RESOURCES

COASTAL RESOURCES MANAGEMENT COUNCIL
Robert and Mary Kilmarx Permit Application

Description of Proposed Work

Repair and protect 285'+ of existing concrete seawall which is critically undermined, cracked and eroded, by shoring up undermined sections of wall with stone, filling eroded lawn area inland of the wall and protecting the seaward side of wall against continuing wave action damage by a sloping rip rap of 3-5 ton granite stones anchored 3 feet below the surface (attached drawing).

This repair and protection is essential to prevent the imminent collapse of the whole wall and resulting damage and erosion of our and adjacent residential and public land, as well as the connecting seawalls protecting the property on either side of ours.

This long standing seawall is footed below Mean High Water level, and public access to seaward of it is only possible at low water, and then only with great difficulty due to a rocky, boulder strewn beach condition and a concrete ramp extending to low water, perpendicular to the seawall. As a result, such limited public traffic as exists does not traverse the beach area but travels along the 2' wide top of the seawall itself. This proposed project will create an additional 2' wide flat, lateral access walkway for the public along the top of the rip rap which will improve, rather than limit, the public's access to seaward of the wall.

RECEIVED
DEC 3 1981
DIVISION OF
COASTAL RESOURCES

NAYATT RD.

ELM RD

HOUSE

RIGHT OF WAY

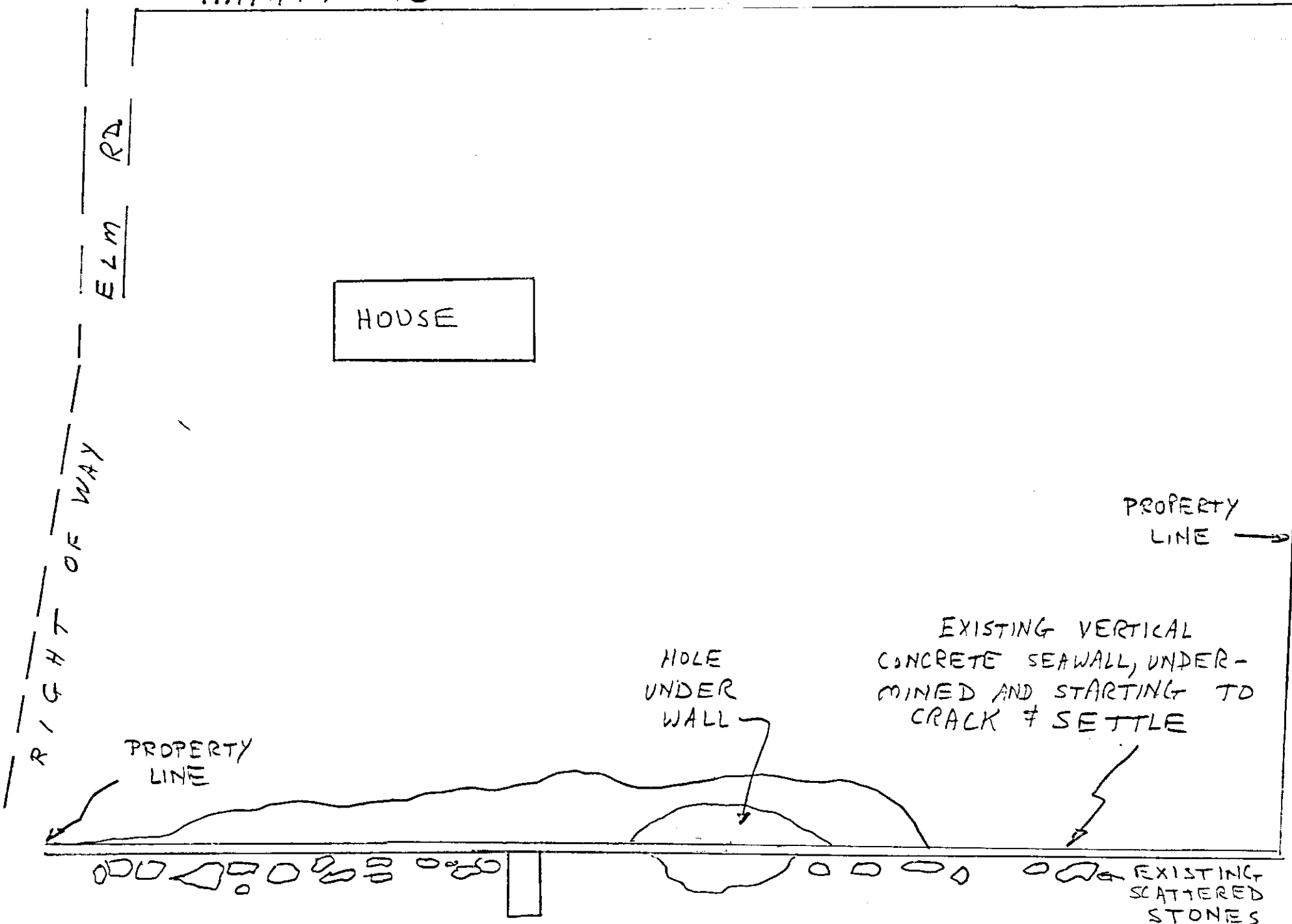
PROPERTY LINE →

PROPERTY LINE

HOLE UNDER WALL

EXISTING VERTICAL CONCRETE SEAWALL, UNDERMINED AND STARTING TO CRACK & SETTLE

EXISTING SCATTERED STONES



State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL

60 Davis Street, Providence, R.I. 02908

NOTICE

FILE NUMBER: 81-12-3 DATE: December 7, 1981

This office has under consideration the application of:

ROBERT AND MARY KILMARX
56 ELM LANE
BARRINGTON, RI 02806

Repair and protect 285'+ of existing concrete seawall which is critically undermined, cracked and eroded, by shoring up undermined sections of wall with stone, filling eroded lawn area inland of the wall and protecting the seaward side of wall against continuing wave action damage by a sloping rip rap of 3-5 ton granite stones anchored 3 feet below the surface (attached drawing). *ON LOT 70, PLOT 5,*

BARRINGTON, R.I.
Project Location: _____

Street & Number: 56 Elm Lane

Pole Number: --- City/Town: Barrington

Plat Number: 5 Lot Number(s): 70

Block Number: --- ISDS Number: ---

Waterway: Narragansett Bay

Plans of the proposed work may be seen at this office and at the clerk's Office, of City/Town of:
Barrington, Rhode Island

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing and be received at this office on or before January 7, 1982.

State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL

60 Davis Street, Providence, R.I. 02908

AMENDED NOTICE

FILE NUMBER: 81-12-3 DATE: December 7, 1981

This office has under consideration the application of:

ROBERT AND MARY KILMARX
56 ELM LANE
BARRINGTON, RI 02806

for a State of Rhode Island assent to construct and maintain repair and protect 285' + of existing concrete seawall which is critically undermined, cracked and eroded, by shoring up undermined sections of wall with stone, filling eroded lawn area inland of the wall and protecting the seaward side of wall against continuing wave action damage by a sloping riprap of 3-5 ton granite stones anchored 3 feet below the surface.

Project Location: ---

Street & Number: 56 Elm Lane

Pole Number: --- City/Town: Barrington

Plat Number: 5 Lot Number(s): 70

Block Number: --- ISDS Number: ---

Waterway: Narragansett Bay

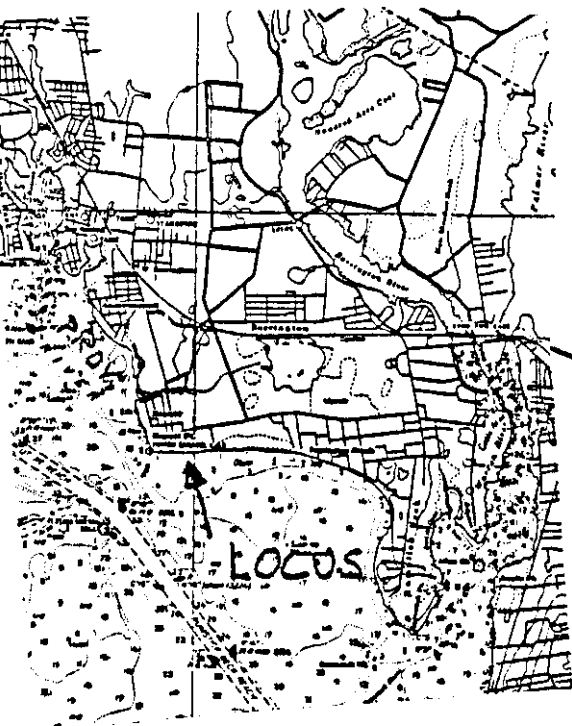
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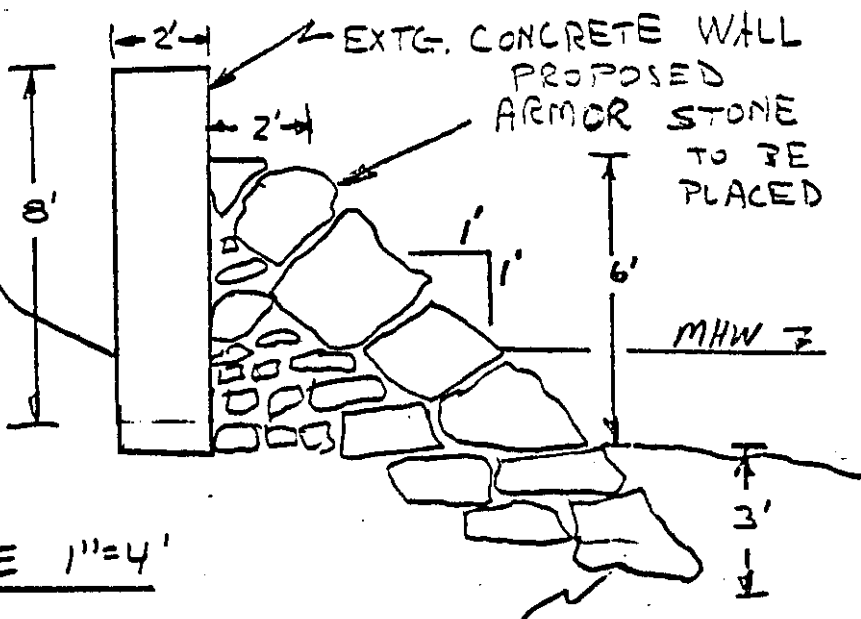
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KILMARX NAYATT RD., BARRING



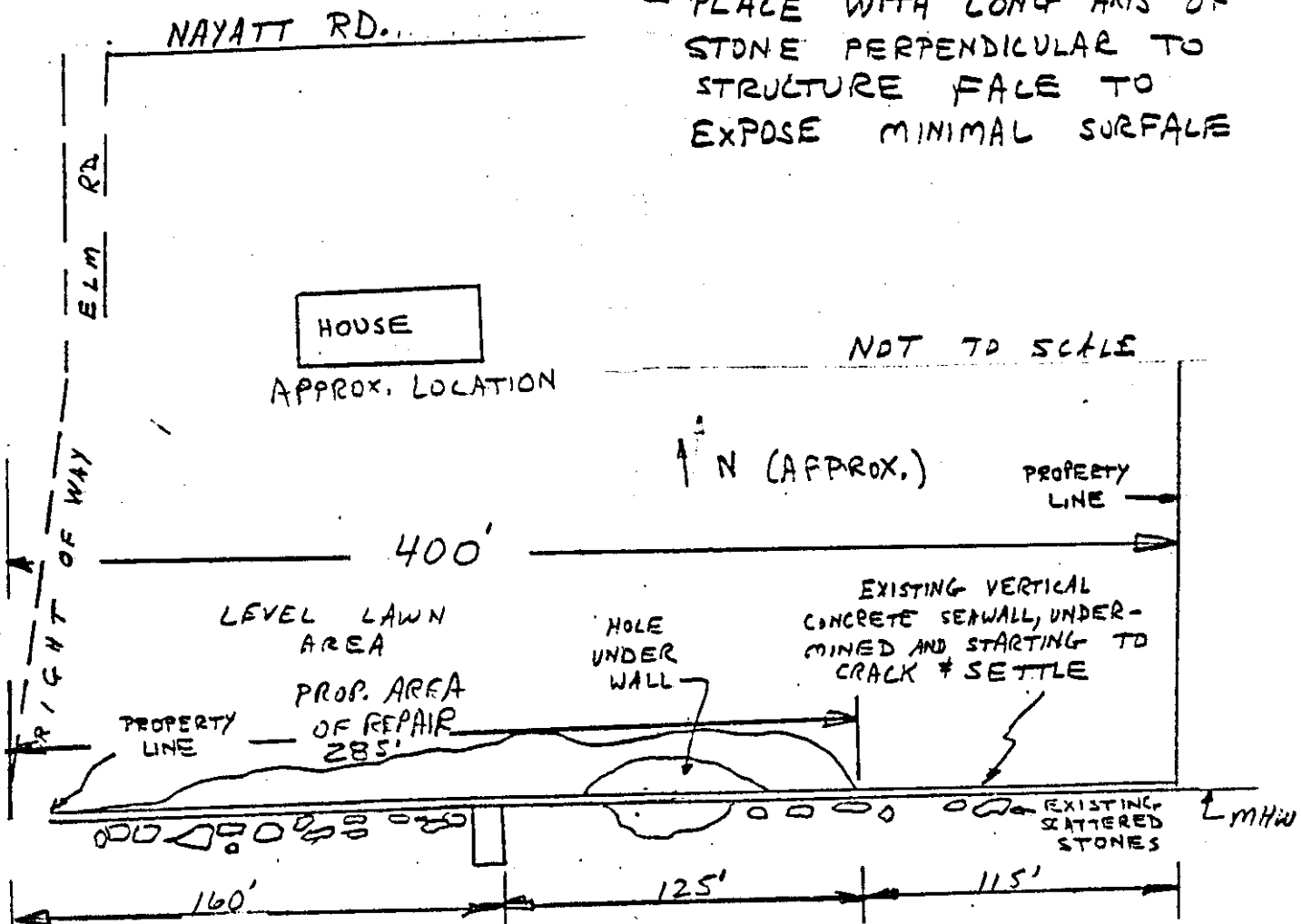
ERODED AREA



SCALE 1"=4'

- TOE STONE 3' BELOW BEACH SURFACE

- USE 3 TO 5 TON ARMOR STONE
- PLACE WITH LONG AXIS OF STONE PERPENDICULAR TO STRUCTURE FACE TO EXPOSE MINIMAL SURFACE



NOT TO SCALE

N (APPROX.)

PROPERTY LINE

400'

LEVEL LAWN AREA

HOLE UNDER WALL

EXISTING VERTICAL CONCRETE SEAWALL, UNDERMINED AND STARTING TO CRACK & SETTLE

PROPERTY LINE

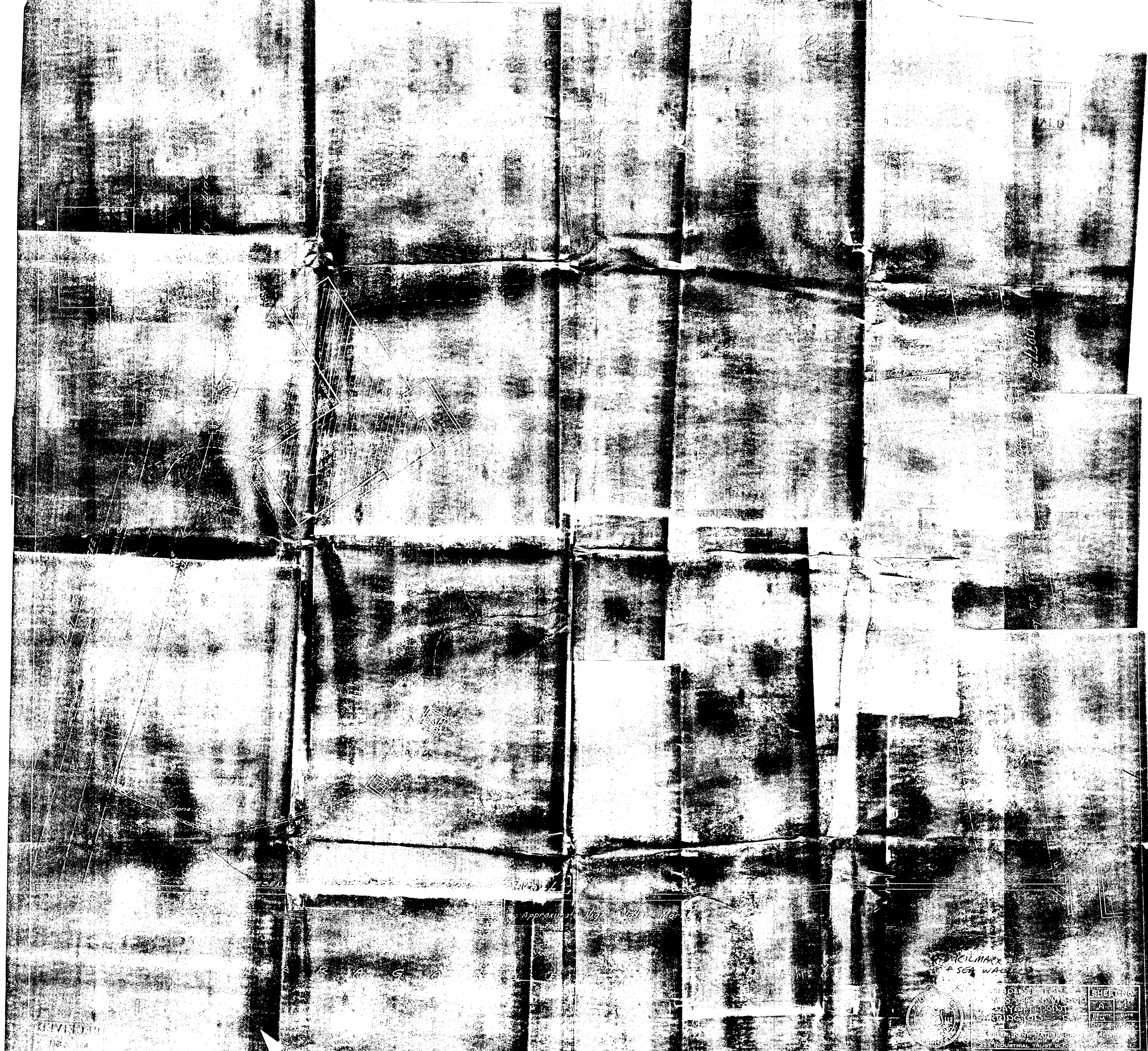
PROP. AREA OF REPAIR 285'

EXISTING SCATTERED STONES MHW

160'

125'

115'



110


Ballou

To

Approximate

R. H. G.

ACIL MARX BOY
A SEA WALL


 SHEET NO. 110
 A
 U.S. COAST AND GEODETIC SURVEY
 GEODETIC DEPARTMENT
 WASHINGTON, D. C.
 PUBLISHED BY THE U.S. GOVERNMENT PRINTING OFFICE
 1917

REPRODUCED FROM THE ORIGINAL PHOTOGRAPH