

# CRMC DECISION WORKSHEET

2023-06-072

Brett & Jody Cicchese

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2023-06-072	South Kingstown	59 Cove Street		A*	<input type="checkbox"/>	X
		Plat	87-4			
		<b>Owner Name and Address</b>				
Date Accepted	6/20/23	Brett & Jody Cicchese		Work at or Below MHW		X
Date Completed	12/27/23	59 Cove Street		Lease Required		<input type="checkbox"/>
		South Kingstown, RI 02879				

## PROJECT DESCRIPTION

c/m a residential boating facility consisting of a 4' x 32' fixed timber pier, 4' x 18' ramp and 5' x 20 (100sf) terminal float. The facility is to extend 50' seaward of the cited MLW mark per the submitted plans.

## KEY PROGRAMMATIC ISSUES

**Coastal Feature:** Fringe coastal wetland backed by low coastal bank, with remnant toe armoring

**Water Type:** Type 2, Low Intensity Use, Potter Pond, Segar Cove

**Red Book:** 1.1.7, 1.1.10, 1.1.11, 1.2.1(B), 1.2.2(C), 1.2.2(D), 1.2.3, 1.3.1(D), 1.3.5

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

### Variations and/or Special Exception Details:

6' variance to Redbook 650-RICR-20-00-01 Section 1.3.1(D)(11)(k)

26' variance to Section 1.3.1(D)(11)(m)


Additional Comments and/or Council Requirements: N/A

Specific Staff Stipulations (beyond Standard stipulations): Planting/marker installation timeframe and staff annotation of buffer zone restoration plantings, as discussed with the applicant

## STAFF RECOMMENDATION(S)

Engineer \_\_\_\_\_ Recommendation: \_\_\_\_\_  
 Biologist TAS Recommendation: No Objections/No Objection  
 Other Staff \_\_\_\_\_ Recommendation: \_\_\_\_\_

 1/4/24  
 Engineering Supervisor Sign-Off \_\_\_\_\_ date  
 1/2/24  
 Executive Director Sign-Off \_\_\_\_\_ date

 12/29/23  
 Supervising Biologist Sign-off \_\_\_\_\_ date  
 Staff Sign off on Hearing Packet (Eng/Bio) \_\_\_\_\_ date



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

DATE: 26 December 2023  
TO: Jeffrey M. Willis, Executive Director  
FROM: T. Silvia, Sr. Env. Scientist *T. Silvia*

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Applicant's Name:	Brett & Jody Cicchese
CRMC File Number:	2023-06-072
Project:	To c/m a residential boating facility; buffer zone restoration
Location:	59 Cove Street; South Kingstown: Plat(s): 87-4; Lot(s): 40
Water Type/Name:	2, Potter Pond (Segar Cove)
Coastal Feature:	Fringe coastal wetland backed by low coastal bank with remnant toe armoring
Plans Reviewed:	Six sheets entitled " <i>Proposed Residential Pier, Brett &amp; Jody Cicchese, 50 Cove St., AP 87-4, Lot 40, South Kingstown.</i> " dated 5-26-23 by Warren Hall, PE/PLS as well as " <i>SK-12-15-23 Buffer Zone Restoration, Applicant AP 87-4 Lot 40, N/F Brett &amp; Jody Cicchese.</i> " <b>Sheet SK-1</b> , received by CRMC 12/18/23 from Warren Hall, PE/PLS

Staff Recommendation: No technical objection, defer for objections

#### A) INTRODUCTION/SITE HISTORY:

1— This Matunuck project site is located along the Type II waters of Segar Cove in the western portion of Potter Pond (Figure 1). The site is surrounded by residential development with an existing northern dock recently modified under #2020-09-133. The parcel was part of a three-lot subdivision and the dwelling was approved under #2017-09-075, which also included a vegetated buffer zone. A Town mooring field exists offshore within the Cove.

2--This application was accepted on 6/20/23 and a 30day public notice issued on 7/23/23, which was extended through 9/26/23 per request of the Town of South Kingstown. No comments were received. Additionally, the consultant (Warren Hall, PE) provided minutes from the Town's Waterfront Advisory Commission meeting of 9/7/23 where no objections to the project were noted.

3—Since staff's site visit in August, the applicant has been working with his PE and CRMC staff toward buffer zone restoration on the site (see below). Final revised plans were received regarding the buffer zone on 12/18/23.

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4--The ACOE had not yet reviewed this application at their fall GP meetings and it is staff's understanding that federal review remains pending at this time. It is staff's opinion that a Pre-Construction Notification (PCN) is likely to be authorized by the ACOE for the project..

### **B) PROPOSED PROJECT:**

1—The applicant is proposing to construct a new residential boating facility in accordance with Redbook 650-RICR-20-00-01 Section 1.3.1(D), with the exception of two requested variances; A 6' property line setback variance (south) and a 26' mooring field setback variance are required. The design is a 4' x 32' fixed timber pier, 4' x 18' ramp and 5' x 20' (100sf) terminal float.

2—The proposed project meets the minimum 18" water depth and is designed by a licensed PE, consistent with the Section requirements. There is no submerged aquatic vegetation (SAV) and the facility is sufficiently elevated over both the fringe coastal wetland and the MHW mark to provide for 5' lateral shoreline access.

3—The facility is proposed to be reach 50' seaward of the cited MLW mark, requiring no length variance. CRMC regulations aim to achieve between 18" -3' of depth at the terminus of the facility and allow up to a 150sf terminal float. This design meets the minimum depth (2' proposed) with a smaller float (100sf).

4—However, the project does require the two variances noted above. First, the facility is located less than 25' from the neighboring property lines (PL), and is adjacent to the northern PL (Section 1.3.1(D)(11)(k)). The northern abutter (Lot 39) has provided a letter of no objection, obviating the need for a setback variance in this direction. However, the facility is still proposed within 6' of the southern PL extension and no letter of objection was received from the southern abutter (Lot 27). Staff did have telephone conversations with the affected abutter who appears to have abstained in the matter.

5—The second variance request is for the facility proposed within 50' of a mooring field (Section 1.3.1(D)(11)(m), requiring a 26' setback relief. The Town's minutes indicate there was no objection to the proposed facility from the Town's Harbormaster / Commission. The Coastal Council has the authority to grant these two variance requests, they cannot be granted administratively.

6—The original dwelling required a 150' vegetated buffer zone, along with permanent markers and some plantings. The work was not completed and the buffer zone has remained mowed lawn with some plantings/garden areas since dwelling construction. The matter was referred to CRMC Enforcement (Complaint #23-0188) while staff worked on resolving the issue through the permit process, which now includes proposed buffer zone restoration plans and notes.

### **C)STAFF COMMENTS:**

1—In August 2023 staff notified the PE regarding the buffer zone nonconformance as well as mooring field setback variance, requesting response and revisions. Revised plans were received from the applicant several times throughout the fall regarding the buffer zone issue. Various buffer zone reduction proposals were

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submitted which were not administratively supported as the lot is able to provide the previously required buffer zone. The final planset proposes the buffer zone slightly reconfigured, providing an equivalent area and restoration plantings and markers to be installed. The original path width is reduced to 4' providing additional buffer zone area and a 200' shoreline recreation area is proposed, consistent with CRMC's buffer zone management guidance.

3—Staff has received complaints regarding neighbor conflicts in the past and during review of this facility. The submitted plans are PLS-stamped per variance requirement and the plantings proposed primarily along the southern property line should aid in reducing visual conflict in this area as well as provide wildlife habitat and stormwater treatment.

4—The Council should note that the unique shape of Lots 27 and 40 are a result of the locally-approved subdivision, for both waterside and street frontage. The original buffer zone width of 150' is based on the entire original lot size, per CRMC regulations. Although neither abutting lot contains buffer zone, future development of the southern lot and/or >50% increase in the development on the northern lot would require buffers on those lots as well helping to restore habitat along the Cove's western shoreline.

5—The applicant appears to meet the variance burdens of proof for the dock, as the project is designed consistent with Redbook requirements where possible. The variances are due to existing site conditions and the facility is within the length typically administratively approved for similar site conditions. The PLS-stamped plan, lack of objections and no objection from the Town support the submitted variance request as well. It is staff's opinion that there remains sufficient room to site a potential future southern dock (with signoffs), though potential docks further south (south of Park Ave ROW) appear to be more difficult due to the existing coastal feature characteristics. There is no variance required for the buffer work.

#### **D)RECOMMENDATION:**

It is staff's opinion that the proposal is designed in accordance with Redbook requirements, excepting the requested variances. The variance requests are consistent with Section 1.1.7 criteria and are allowable for residential boating facilities. It is staff's opinion that the applicant has minimized the request due to the existing site conditions and that the chosen design minimizes environmental impacts. The proposed buffer zone restoration will negate further CRMC Enforcement action on the site and bring the site into compliance.

Staff has no technical objection to the proposal as last revised and defers to the Council for consideration of the variances. Additionally, staff requests that should the Council approve the application, it should be noted that the plans will be annotated by staff regarding allowable species plantings within the buffer zone. This has been discussed with the applicant. Also, planting and buffer zone marker installation timeframes will be included per standard stipulation, pending Council's Decision.

Signature: \_\_\_\_\_



T. Silvia, Staff Biologist