



CITY OF NEWPORT
Office of the
CITY MANAGER

Laura L. Sitrin
Interim City Manager



February 5, 2024

Jeffrey Willis, Executive Director
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

Re: CRMC File No. 2021-05-075
Revised Application of Susan LaChapelle Ropolo dated December 6, 2023
80 Washington Street, Newport

Dear Mr. Willis:

The Newport City Council, at its regular meeting on January 24, 2024, considered the above referenced application as well as the comments of the Newport Waterfront Commission, copies attached.

The Waterfront Commission has recommended that the Council pose no objection to the application provided that a restriction that the dock only be used for "touch and go drop off and pickups" is made a part of the approval as had been expressed during previous reviews of this application.

The City Council voted not to object to the revised application; however, the Council did receive several communications expressing concerns from neighbors and residents, copies attached, which Council requested be forwarded to CRMC for consideration.

We thank you for the extension of the comment period to provide the Council an opportunity to review the recommendations of the Advisory Board and comment on this application.

Sincerely,

Laura L. Sitrin
Interim City Manager

/paf

Enclosures

By Email: CRMC-Jeffrey Willis - willis@crmc.ri.gov ; Lisa Turner - ltturner@crmc.ri.gov

cc: Director of Planning & Economic Development
Harbormaster
Chairman, Waterfront Commission
Chairman, Planning Board
Susan LaChapelle Ropolo, 80 Washington St., Newport, RI 02840, Applicant
Christopher McNally, Esq., Sayer Regan & Thayer, LLP, 130 Bellevue Avenue, Newport, RI 02840, Attorney
for Applicant



Action Item # 6227/24
Docket Date: January 24, 2024



City of Newport
REQUEST FOR CITY COUNCIL ACTION

To: Mayor Xay R. Khamsyvovong & Members of the City Council
From: Laura L. Sitrin, Interim City Manager *Laura L. Sitrin*
Date: January 16, 2024
Subject: CRMC File No. 2021-05-075 – Revised Application of Susan LaChapelle Ropolo
80 Washington Street – Residential Boating Facility

RECOMMENDATION:

It is recommended that the Council direct the Administration to inform CRMC that the City does not have any objection to the revised application for this project.

BACKGROUND AND FINDINGS:

Attached is a notice from the Coastal Resources Management Council dated December 6, 2023 regarding the revised application of Susan LaChapelle Ropolo for a residential boating facility on property located at 80 Washington Street.

Applicant had previously submitted an application in July of 2021 for a residential boating facility consisting of the construction and maintenance of a residential boating facility in an area of submerged aquatic vegetation consisting of a 4 ft x 83 ft fixed pier, 3 ft x 20 ft terminal L and a tie off pile. The facility was proposed to extend 97 ft from mean low water to achieve a water depth of approximately 6.5 ft at its terminus. Variances were required from CRMC standards for the facility to extend 47 ft past the 50 ft standard and for the facility to be located within 25 ft of the property line extension. This application was referred to the Planning Board and the Waterfront Commission for their comments. CRMC was asked to extend the deadline for comments to September 27, 2021 in order to provide Council the opportunity to review the recommendations of the advisory boards. At that time, the Waterfront Commission has recommended that the Council pose no objection to the application provided that a restriction that the dock only be used for “touch and go drop off and pickups” was made a part of the approval. The Planning Board had noted that the application would have impact on an adjacent public right-of-way and that, due to concern for public access to the water, oversight and public input are essential.

Since that time, the applicant and their attorney have revised their application to address the concerns noted and have submitted a revised application to CRMC. The revised application consists of a residential boating facility in an area of submerged aquatic vegetation consisting of a 4 ft. x 58.3 ft. fixed pier, 4 ft. x 20 ft. terminal L and a 1200 lb. tender lift. The facility is proposed to terminate at -5 water. A variance is required as the facility is located within 25 ft. of the property line extension. The revised application was referred to the Waterfront Commission for their comments. As it appears that the revised application addresses the concern noted by the Planning Board, the application was not referred back to the Board at this time. CRMC was asked to extend the deadline for comments to February 6, 2024 in order to provide Council the opportunity to review the recommendation of the Waterfront Commission, which is attached.

The Waterfront Commission has recommended that the Council pose no objection to the application and that the applicant’s attorney has reaffirmed the applicant’s intention to comply with all Waterfront Commission requests from the previous times the application has come before the Commission. No objectors to the application attended the Waterfront Commission meeting. The Commission voted unanimously to approve the application.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

Currently Budgeted (Account _____) Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

- CRMC Application No. 2021-05-075 – Revised December 6, 2023
- Letter to CRMC requesting an extension of the Public Notice Period to February 6, 2024
- Letter from CRMC advising of approval of the extension request
- Recommendation of the Waterfront Commission dated January 11, 2024

Finance Dept. Review: _____ Date By: _____ (if applicable)

- cc: Chair, Waterfront Commission
- Chair, Planning Board
- Christopher McNally, Esq., Attorney for Applicant



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



PUBLIC RE-NOTICE

File Number: 2021-05-075 Date: December 6, 2023

This office has under consideration the application of:

Susan LaChapelle Ropolo
80 Washington Street
Newport, RI 02840

for a State of Rhode Island Assent to construct and maintain:

A residential boating facility in an area of submerged aquatic vegetation consisting of a 4ftx58.3ft fixed pier, 4ftx20ft terminal L and a 1200lb tender lift. The facility is proposed to terminate at -5 water, in accordance with 1.3.1(R)(3)(e)(2). Variance is required from CRMP Section 1.3.1.D(11)(k) (facility is located within 25ft of the property line extension).

| | |
|-------------------|----------------------|
| Project Location: | 80 Washington Street |
| City/Town: | Newport |
| Plat/Lot: | Plat 12, lot 73 |
| Waterway: | Newport Harbor |

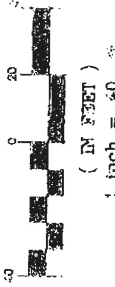
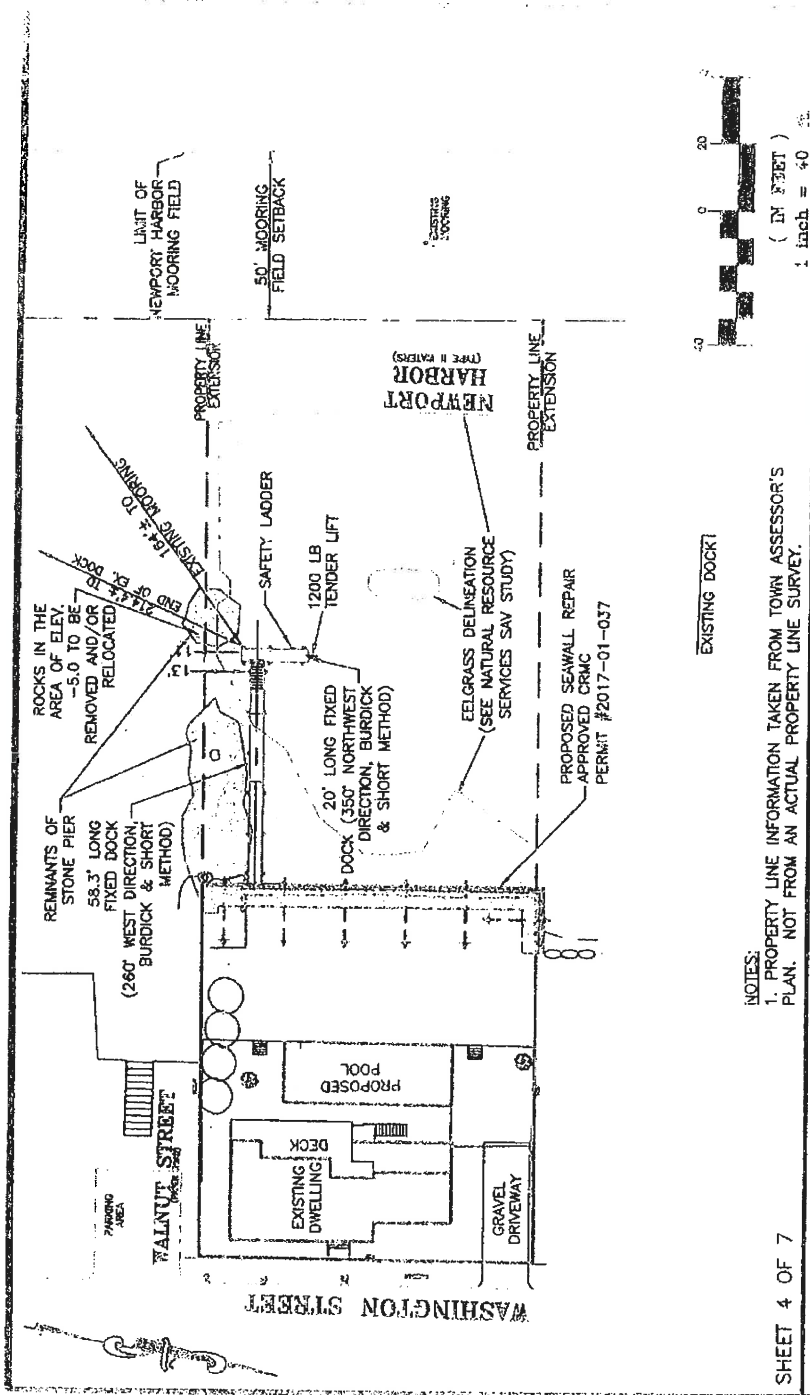
Plans of the proposed work can be requested at Cstaff1@crmc.ri.gov.

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 (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before January 6, 2024.

Please email your comments/hearing requests to: cstaff1@crmc.ri.gov; or mail via USPS to: Coastal Resources Management Council; O. S. Government Center, 4808 Tower Hill Road, Rm 116; Wakefield, RI 02879.



SHEET 4 OF 7

NOTES:

1. PROPERTY LINE INFORMATION TAKEN FROM TOWN ASSESSOR'S PLAN. NOT FROM AN ACTUAL PROPERTY LINE SURVEY.

PURPOSE: CONSTRUCTION OF
 TIMBER DOCK, FLOAT, GANGWAY & PILES
 IN: NEWPORT HARBOR, NEWPORT
 80 WASHINGTON STREET, NEWPORT

DATUM: MHW = 3.5
 MLLW = 0.0

DATE: 11/20/18
 REVISED: 11/18/19, 02/05/20, 02/27/20,
 03/13/20, 07/19/21, 08/29/23

PLAN VIEW

APPLICATION FOR:
 TYLER ROPOLO
 80 WASHINGTON STREET
 NEWPORT, RI 02840

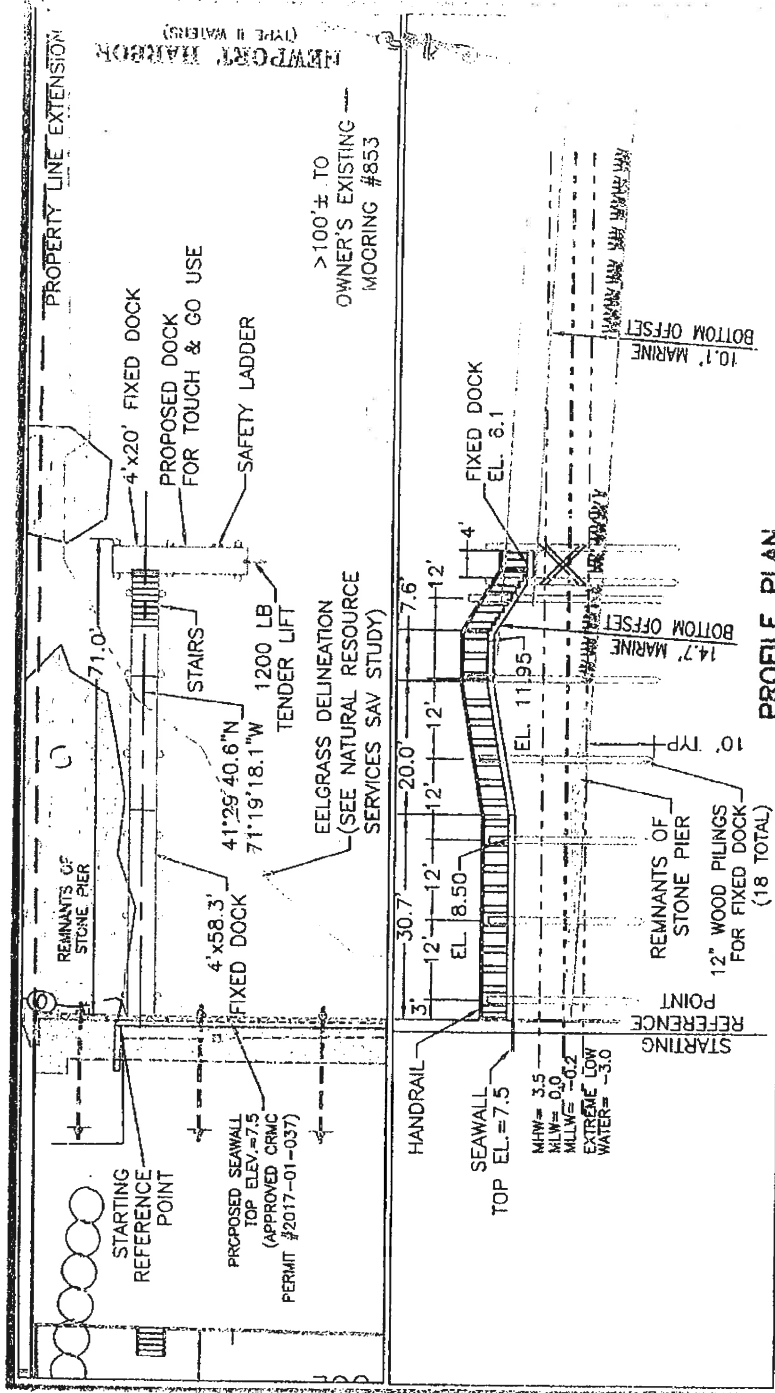
BY: MOUNT HOPE ENGINEERING, INC.
 1788 G.A.R. HIGHWAY
 SWANSEA, MA 02777

SEP 26 2023

RECEIVED

FEB 07 2024

COASTAL RESOURCES
 MANAGEMENT COUNCIL



PROFILE PLAN
SCALE: 1" = 20'

PURPOSE: CONSTRUCTION OF
TIMBER DOCK, FLOAT, GANGWAY & PILES
IN: NEWPORT HARBOR, NEWPORT
80 WASHINGTON STREET, NEWPORT

DATUM: MHW = 3.5
MLW = 0.0

DATE: 11/20/18

REVISED: 11/18/19, 02/05/20, 02/27/20,
03/13/20, 08/29/23

DOCK PROFILE

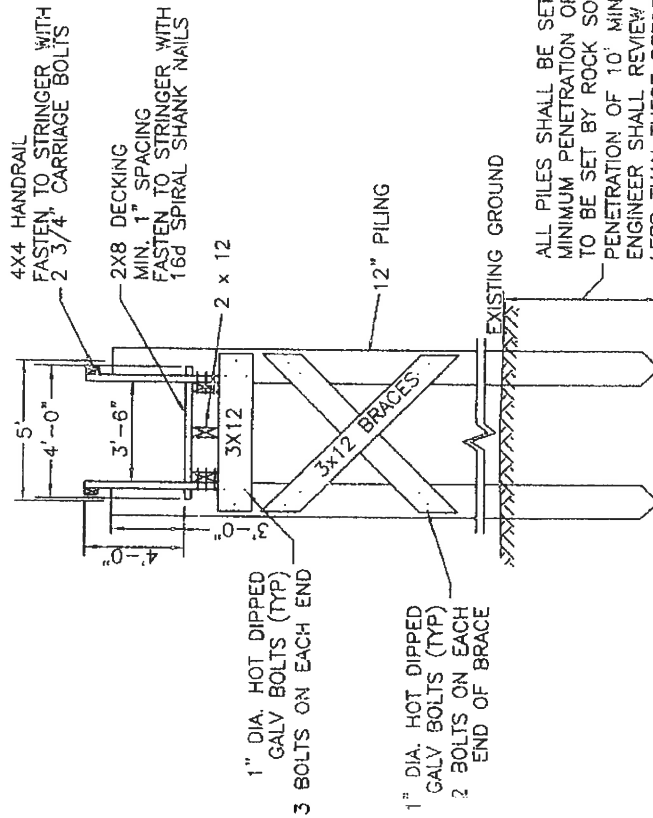
APPLICATION FOR:
TYLER ROPOLO

80 WASHINGTON STREET
NEWPORT, RI 02840

BY: MOUNT HOPE ENGINEERING, INC.
1788 G.A.R. HIGHWAY
SWANSEA, MA 02777

SEP 26 2023

RECEIVED
FEB 07 2024
COASTAL RESOURCES
MANAGEMENT COUNCIL



ALL PILES SHALL BE SET TO A DEPTH OF 10' MINIMUM PENETRATION OR UNTIL REFUSAL. PILES TO BE SET BY ROCK SOCKETING WHEREVER PILE PENETRATION OF 10' MINIMUM IS NOT MET. THE ENGINEER SHALL REVIEW ANY PILE PENETRATION! LESS THAN THESE BEFORE CONTINUING.

TYPICAL BENT SECTION
NTS

SEP 26 2023

DOCK DETAILS

APPLICATION FOR:
TYLER ROPOLO
80 WASHINGTON STREET
NEWPORT, RI 02840
BY: MOUNT HOPE ENGINEERING, INC.
1788 G.A.R. HIGHWAY
SWANSEA, MA 02777

SHEET 6 OF 7

PURPOSE: CONSTRUCTION OF
TIMBER DOCK, FLOAT, GANGWAY & PILES
IN: NEWPORT HARBOR, NEWPORT
80 WASHINGTON STREET, NEWPORT

DATUM: MHW = 3.5
MLW = 0.0

DATE: 11/20/18
REVISED: 11/18/19, 02/05/20, 02/27/20
03/13/20

RECEIVED
FEB 07 2024
COASTAL RESOURCES
MANAGEMENT COUNCIL



CITY OF NEWPORT
Office of the
CITY MANAGER

December 22, 2023

Jeffrey Willis, Executive Director
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

Re: CRMC File No: 2021-05-075
Susan LaChapelle Ropolo
80 Washington St
Newport, RI 02840

Dear Mr. Willis:

The City of Newport respectfully requests that the deadline for comments on the above-referenced CRMC application be extended from **January 6, 2024 to February 6, 2024**.

The City's Waterfront Commission reviewed and voted to approve this application twice, in September 2020 and November 2021. The next meeting of the City's Waterfront Commission is scheduled for January 11, 2024. The first available docket for a meeting of the City Council following those dates is January 24, 2024 at which time the Council will receive and consider the comments of the Waterfront Commission. The City Council's comments will then be forwarded to the Coastal Resources Management Council and the Department of Environmental Management.

Thank you for your consideration of this request. If there is a problem with granting the extension, please advise my office as soon as possible.

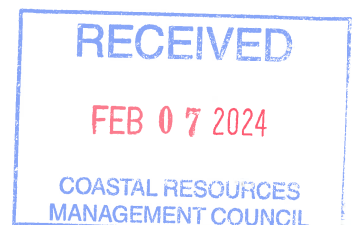
Sincerely,

Laura Sitrin
Interim City Manager

/sc

By email: CRMC – Jeffrey Willis jwillis@crmc.ri.gov Lisa Turner lturner@crmc.ri.gov

cc: Harbormaster
Chairman, Waterfront Commission
Susan LaChapelle Ropolo, 80 Washington St, Newport, RI 02840, Applicant





State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-3767

January 4, 2024

Laura Sitrin
Interim City Manager
City of Newport
43 Broadway
Newport, RI 02840

Re: CRMC File No. 2021-05-075 - Susan LaChapelle Ropolo; 80 Washington St,
Newport -- Request for Public Notice Extension end date.

Dear Ms. Sitrin:

CRMC is in receipt of the City of Newport's request to extend the Public Notice Period End Date of the above referenced CRMC application from January 6, 2024 to February 6, 2024. The request has been granted.

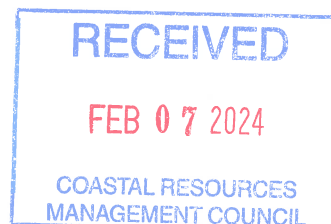
If you require additional information, please do not hesitate to contact me.
Thank you.

Sincerely,

Laura Miguel, Deputy Director
Coastal Resources Management Council

/lat

cc: S. Ropolo



Fay, Pat

From: D Kane <kane.dave@gmail.com>
Sent: Thursday, January 11, 2024 8:16 PM
To: Fay, Pat
Cc: Gary Lash; Fred Roy
Subject: Waterfront Commission vote

Hello Pat,

I am writing to inform you that on 11 November 2024, the Newport Waterfront Commission voted on CRMC application File no. 2021-05-075.

Applicant: Susan LaChapelle Ropolo, 80 Washington St. Newport

Regarding: A residential boating facility (dock) to be installed at the above residence.

The applicant was represented by her lawyer who provided extensive background on the application, and he was available to answer any questions by commissioners and/or guests. He reaffirmed the applicant's intention to comply with all Waterfront Commission requests from the previous two times this application has come before the commission.

No objectors to the application attended the meeting.

The Commission voted unanimously to approve the application.

Sincerely,

David J. Kane, Chair

Newport Waterfront Commission



Fay, Pat

From: Angela McCalla <amccalla2019@gmail.com>
Sent: Monday, February 5, 2024 12:06 PM
To: Fay, Pat
Subject: Fwd: 80 Washington St proposal

----- Forwarded message -----

From: greg norden <gnorden9@gmail.com>
Date: Tue, Jan 23, 2024 at 8:12 PM
Subject: 80 Washington St proposal
To: [REDACTED], <lceglie@cityofnewport.com>, <jnapolitano@cityofnewport.com>, <maramli@cityofnewport.com>, <amccalla@cityofnewport.com>, <cholder@cityofnewport.com>, <dcarin@cityofnewport.com>

Dear City Council members,

We understand there will be a hearing on Wednesday, January 24 regarding a requested variance for a planned pier for 80 Washington St. We are opposing this variance for the following reasons:

While we are not disputing the owners' right to have a dock, we do object to the proposed location of the dock. It appears to be at the extreme southern end of the property.

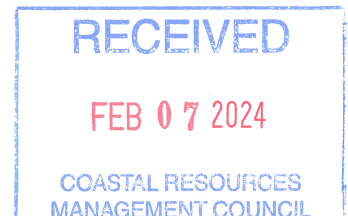
We believe that the proposed location presents a safety issue for those that use the right of way for access to the water (launching and retrieving kayaks, swimming, etc.), and could negatively impact the swimming area water quality.

Additionally, the dock is very long and will be unsightly from the public right of way, since it is being positioned on the extreme southern corner of their seawall. There is ample frontage for the proposed dock to be relocated north, where these issues can be lessened.

Thank you for your consideration of this matter.

Respectfully yours,

Greg and Kathy Norden
37 Walnut St
Newport



Fay, Pat

From: Angela McCalla <amccalla2019@gmail.com>
Sent: Monday, February 5, 2024 12:07 PM
To: Fay, Pat
Subject: Fwd: Variance Request--80 Washington St

----- Forwarded message -----

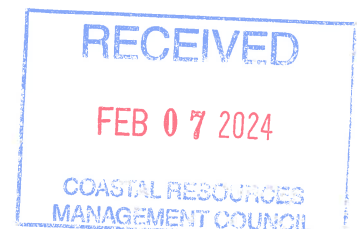
From: **Kathy Ward** <kathward3@gmail.com>
Date: Mon, Jan 22, 2024 at 5:37 PM
Subject: Variance Request--80 Washington St
To: <[REDACTED]>, <lceglie@cityofnewport.com>, <jnapolitano@cityofnewport.com>, <maramli@cityofnewport.com>, <amccalla@cityofnewport.com>, <cholder@cityofnewport.com>, <dcarlin@cityofnewport.com>

Member of the Council,

I am writing to express my objection to the variance for a boating facility at 80 Washington St. After much effort by the neighborhood to open up access to the driftway and beach, many have discovered it as a great place to swim and launch small crafts, such as kayaks. Their plan is to position the pier directly abutting the beach which I believe creates a safety concern for those who utilize the beach and possible liability issues for the city.

I request that the variance be denied and that the owners look to move the pier further north on their property.

Thank you
Kathleen Ward
88 Bridge St.



Swistak, Laura

From: Charles Holder <cmholder69@gmail.com>
Sent: Friday, February 2, 2024 10:10 AM
To: Swistak, Laura
Subject: Fwd: 80 Washington Street Pier Variance

Sent from my iPhone

Begin forwarded message:

From: Martha Ruest <marthajruest@gmail.com>
Date: January 22, 2024 at 9:03:22 AM EST
To: [REDACTED] lceglie@cityofnewport.com, jnapolitano@cityofnewport.com, maramli@cityofnewport.com, amccalla@cityofnewport.com, cholder@cityofnewport.com, dcarlin@cityofnewport.com
Subject: 80 Washington Street Pier Variance

To the City Council,

Due to Covid, I am unable to attend the Wednesday, January 24th to express my concerns about the public launch area located in The Point neighborhood at Walnut & Washington Streets. I am writing today in opposition to the requested variance.

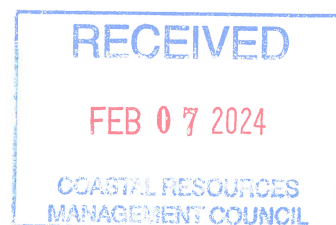
First I'd like to ask why the City of Newport would make efforts to clean up this particular public launch over the last year, placing barriers to keep parked vehicles off the grass only to then consider a private pier alongside the public launch area? These actions seem to contradict each other. We just made this public launch more accessible, and now we're going to take it away in a different capacity?

For years, the City of Newport has been making strides for greater public access to the water therefore I believe that allowing the variance for the 80 Washington Street pier goes against this mission.

In addition, I (as a swimmer) personally do not find it appealing to get into the water next to a pier due to safety concerns - the concern of not being seen by a power boat/water vehicle. As many people know, the Bay provides calm water for swimmers on the days when other parts of Aquidneck Island have rough waters. Please do not limit the swimmers by adding a private pier next to the public launch.

I'd like to think that 80 Washington Street can consider another solution using their extensive waterfront footage, especially given the mission of greater public access for the benefit of all in our community.

Sincerely,
Martha Ruest
42 Walnut Street
Newport, RI



Swistak, Laura

From: Charles Holder <cmholder69@gmail.com>
Sent: Friday, February 2, 2024 10:09 AM
To: Swistak, Laura
Subject: Fwd: 80 Washington St boating Facility

Sent from my iPhone

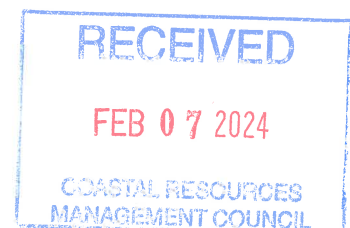
Begin forwarded message:

From: John F Ward III <jfward3@hotmail.com>
Date: January 23, 2024 at 11:53:39 AM EST
To: [REDACTED], lceglie@cityofnewport.com, jnapolitano@cityofnewport.com, maramli@cityofnewport.com, amccalla@cityofnewport.com, cholder@cityofnewport.com, dcarlin@cityofnewport.com
Subject: 80 Washington St boating Facility

I am writing to express my opposition to the proposed placement of a new boating pier at 80 Washington Street. I am not opposed to the construction of a pier just to the proposed location. I feel the proposed location would present a hazard to the swimmers who swim from the adjacent Walnut Street drift way

Thank you

John Ward
53 Bridge Street
Sent from my iPhone



Swistak, Laura

From: Charles Holder <cmholder69@gmail.com>
Sent: Friday, February 2, 2024 10:09 AM
To: Swistak, Laura
Subject: Fwd: 80 Washington Street

Sent from my iPhone

Begin forwarded message:

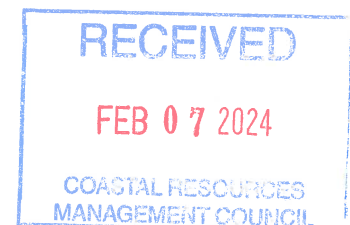
From: Casey Farley <caseyfar@gmail.com>
Date: January 23, 2024 at 1:47:38 PM EST
To: [REDACTED] lceglie@cityofnewport.com, jnapolitano@cityofnewport.com, maramli@cityofnewport.com, amccalla@cityofnewport.com, cholder@cityofnewport.com, dcarlin@cityofnewport.com
Cc: Elizabeth <elizabethwoshea@hotmail.com>
Subject: 80 Washington Street

Dear Council Members,

We are opposed to granting a variance for the proposed pier at 80 Washington Street for many reasons including that we walk along Washington Street almost daily and don't want our view changed. These rights of way guarantee public access that could be compromised with a large private pier. As full time residents of the Point, historic preservation is important. Please do not grant the variance.

Best,

Casey and Larry Farley
14 Poplar St.
Newport, RI



Swistak, Laura

From: Charles Holder <cmholder69@gmail.com>
Sent: Friday, February 2, 2024 10:13 AM
To: Swistak, Laura
Subject: Fwd: 80 Washington St Variance Request

Sent from my iPhone

Begin forwarded message:

From: Elizabeth <elizabethwoshea@hotmail.com>
Date: January 22, 2024 at 5:27:33 PM EST
To: [REDACTED] Lynn Ceglie <lceglie@cityofnewport.com>, Jeanne Marie Napolitano <jnapolitano@cityofnewport.com>, maramli@cityofnewport.com, amccalla@cityofnewport.com, cholder@cityofnewport.com, dcarlin@cityofnewport.com
Subject: 80 Washington St Variance Request

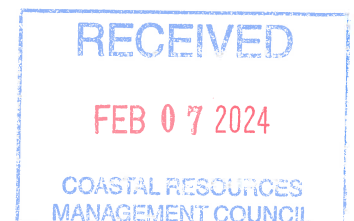
Members of the City Council,

I am writing to you regarding the variance request by 80 Washington St for a residential boating facility. I do not object with the residents having a pier; but I do object to the location abutting the Walnut St driftway.

After years of the neighborhood working with the city to open up access to the driftway, I have an issue with its proximity to the beach. Many people and families have discovered the beach for swimming and small craft boating; raising safety concerns if a pier were allowed. The beautiful vistas on the Point waterfront are being lost to houses, parking, and high fences; which is why preserving the vistas at public access areas such as the Walnut St beach is so important. The proposed pier will block views to the north as well as summer sunsets.

As previously stated, I have no problem with the owners of 80 Washington Street putting in a pier, but it should be located further north on their property away from the public access beach. To quote the City of Newport's ordinance: "Newport's architectural vitality is dependent on the context within districts including streetscapes, neighborhoods, and vistas as well as the quality and character of individual buildings that make up its districts."

I am requesting that the variance for 80 Washington St. be denied.



Thank you.

Elizabeth O'Shea

51 Second St.



Fay, Pat

From: Jeanne Napolitano <jeannenapolitano45@gmail.com>
Sent: Friday, February 2, 2024 4:00 PM
To: Fay, Pat
Subject: Fwd: 80 Washington St variance and proximity to City Driftway/City owned land

Sent from my iPhone

Begin forwarded message:

From: Jeanne Napolitano <jeannenapolitano45@gmail.com>
Date: January 21, 2024 at 7:58:32 PM EST
To: Laura Sitrin <lsitrin@cityofnewport.com>, slands@cityofnewport.com
Subject: Fwd: 80 Washington St variance and proximity to City Driftway/City owned land

Sent from my iPhone

Begin forwarded message:

From: Louisa Boatwright <l.boat@cox.net>
Date: January 21, 2024 at 11:57:49 AM EST
To: Angela McCalla <amccalla@gmail.com>, "Xay. (Alicia Anthony) Khamsyvoravong"
<[REDACTED]>, Jeanne -marie Napolitano <Jeannenapolitano45@gmail.com>, Dave carlin <drcarlin3@gmail.com>, Lynn Ceglie <ceglie@gmail.com>, Mark Aramli <maramli@cityofnewport.com>, "Charlie Holder. 2nd Ward" <cholder@cityofnewport.com>
Subject: 80 Washington St variance and proximity to City Driftway/City owned land

Councilors

I and many neighbors are very concerned with the new pier and float proposed at 80 Washington St. I have written several times to CRMC about my concern for swimmer safety with a pier/float so close to a City-owned beach where many of swim. The pier will have owners, friends and guests using this float and docks so those approaching the dock may not realize there is city swimming area in very close proximity.

Swimming from this beach is usually one or two heads not tens or hundreds making it very hard to see when a boat is approaching the dock. The owners of 80 Washington St have the ability to move the pier and floats to the center or even better the other side of their waterfront. Seems this proposal is a City safety issue as the City is the Abutter.

Here they are seeking a variance to be even closer than the law allows. I ask you deny this to ensure the safety of many swimmers and to reduce taxpayer liability.

Sincerely
Louisa Boatwright
46 Second St





CITY OF NEWPORT
Office of the
CITY MANAGER

September 27, 2021

Jeffrey Willis, Executive Director
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

Re: CRMC File No. 2021-05-075
Application of Susan LaChapelle Ropolo
80 Washington Street, Newport

Dear Mr. Willis:

The Newport City Council, at its regular meeting on September 22, 2021, considered the above referenced application as well as the comments of the Newport Planning Board and Waterfront Commission, copies attached.

The Waterfront Commission has recommended that the Council pose no objection to the application provided that a restriction that the dock only be used for "touch and go drop off and pickups" is made a part of the approval, copy attached.

The Planning Board has advised that the application will have impact on an adjacent public right-of-way and that, due to concern for public access to the water, oversight and public input are essential. Accordingly, the Planning Board recommends that CRMC schedule a hearing on this matter and that the City Council submit the Decision Memorandum of the Planning Board, copy attached. The Board's primary concern was the lack of public awareness regarding a proposal to construct a dock so close to a public water access point and were confirmed when media coverage of the Planning Board meeting generated emails to City officials expressing apprehension regarding the proposed dock.

In accordance with the recommendation of the City's Planning Board, the City is requesting that CRMC schedule a Public Hearing on this project to allow the opportunity for public input and discussion of the items of concern as identified in the City Planning Board's Decision Memorandum.

We thank you for the extension of the comment period to provide the Council an opportunity to review the recommendations of the Planning Board and the Waterfront Commission and comment on this application.

Sincerely,

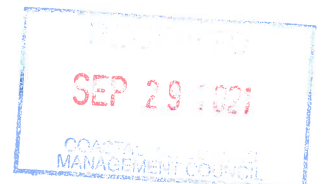
Joseph J. Nicholson, Jr.
City Manager

/paf

Enclosures

By fax: 783-3767; By Email: CRMC-Lisa.Turner@crmc.ri.gov

cc: Director of Planning & Economic Development
Harbormaster
Chairman, Waterfront Commission
Chairman, Planning Board
Susan LaChapelle Ropolo, 80 Washington St., Newport, RI 02840, Applicant
Christopher McNally, Esq. Attorney for Applicant





City of Newport
REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jeanne-Marie Napolitano & Members of the City Council
From: Joseph J. Nicholson, Jr., Esq., City Manager
Date: September 13, 2021
Subject: CRMC File No. 2021-05-075 - Application of Susan LaChapelle Ropolo
80 Washington Street – Residential Boating Facility

RECOMMENDATION:

It is recommended that the Council direct the Administration to inform CRMC that the City requests that CRMC schedule a public hearing on this matter as per the recommendation of the City’s Planning Board.

BACKGROUND AND FINDINGS:

Attached is a notice from the Coastal Resources Management Council dated July 26, 2021 regarding the application of Susan LaChapelle Ropolo for a residential boating facility on property located at 80 Washington Street. The project consists of the construction and maintenance of a residential boating facility in an area of submerged aquatic vegetation consisting of a 4 ft x 83 ft fixed pier, 3 ft x 20 ft terminal L and a tie off pile. The facility is proposed to extend 97 ft from mean low water to achieve a water depth of approximately 6.5 ft at its terminus. Variances are required from CRMC standards for the facility to extend 47 ft past the 50 ft standard and for the facility to be located within 25 ft of the property line extension.

Counsel for the applicant had previously submitted communications to the City requesting that the City provide a “letter of no objection” as an abutter to the proposed facility. The City’s Planning Board reviewed said request and did not recommend issuing the requested letter and urged additional opportunity for public input through a CRMC hearing. Accordingly, the City declined to provide a letter of no objection. Subsequently, the City received a formal public notice from CRMC dated July 26, 2021 advising of its consideration of the application, which was received by Council at its August 11, 2021 meeting.

This application was referred to the Planning Board and the Waterfront Commission for their comments. CRMC was asked to extend the deadline for comments to September 27, 2021 in order to provide Council the opportunity to review the recommendations of the Planning Board and the Waterfront Commission, which are attached.

The Waterfront Commission has recommended that the Council pose no objection to the application provided that a restriction that the dock only be used for “touch and go drop off and pickups” is made a part of the approval. The Planning Board has advised that the application will have impact on an adjacent public right-of-way and that, due to concern for public access to the water, oversight and public input are essential. Accordingly, the Planning Board recommends that CRMC schedule a hearing on this matter and that the City Council submit the Decision Memorandum of the Planning Board stating the Boards’ concerns, copy attached.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

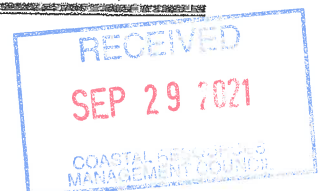
Currently Budgeted (Account _____) Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

- CRMC Application No. 2021-05-075
- Letter to CRMC requesting an extension of the Public Notice Period to September 27, 2021
- Letter from CRMC advising of approval of the extension request
- Letter to Applicant advising of application review by the Waterfront Commission and City Council
- Recommendation of the Waterfront Commission dated September 10, 2021
- Recommendation of the Planning Board dated August 6, 2021 with Decision Memorandum dated March 2, 2021

Finance Dept. Review: _____ Date By: _____ (if applicable)

cc: Chair, Waterfront Commission
Chair, Planning Board
Christopher McNally, Esq., Attorney for Applicant





THE CITY OF NEWPORT, RHODE ISLAND

Planning Board

August 6, 2021

Mayor Jean Marie Napolitano and Members of the City Council
43 Broadway
Newport, RI 02840

RE: Proposed Dock at 80 Washington Street

At the August 2, 2021 meeting, the Planning Board received Coastal Resources Management Council Public Notice, File Number 2021-05-075 regarding the construction and maintenance of a residential boating facility in an area of submerged aquatic vegetation. This residential boating facility consists of a 4ftx83ft fixed pier, a 4ft x 20ft terminal L and a tie off pile. The facility is proposed to extend 97 feet from mean low water to achieve a water depth of approximately 6.5feet at its terminus. Variances are required from CRMC standards.

This proposal was reviewed by the Planning Board at its February 1, 2021 meeting. The Decision Memorandum from that meeting is attached. Considering the impact of an adjacency to a public right-of-way and the heightened concern for public access to the water, oversight and public input is essential. For the reasons cited in the Decision Memorandum, the Board recommends CRMC schedule a hearing on this matter, and the Council submit to the CRMC the Decision Memorandum stating the Board's concerns.

Sincerely,

Kim Salerno
Chair
Planning Board





THE CITY OF NEWPORT, RHODE ISLAND

Planning Board

Decision Memorandum

March 2, 2021

Mayor Jeanne Marie Napolitano and Members of the City Council
43 Broadway
Newport, RI 02840

RE: Proposed Dock at 80 Washington Street

At its February 1, 2021 meeting, the Planning Board reviewed a request to recommend the City of Newport provide a letter of no objection to the Coastal Resources Management Council (CRMC) regarding a proposed dock at 80 Washington Street. This property abuts a City right-of-way, Walnut Street, which extends west and provides access to the water. The proposed dock is located within the 25-foot setback from this right-of-way, necessitating a variance and public hearing at the CRMC if a letter of no objection is not provided by the City.

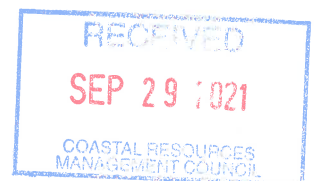
The proposed dock has potential impact on public recreation. While the dock extends 97' from the mean low waterline, a boat accessing the dock could easily infringe on the public water access. The height of the dock required by CRMC will also impede views of Newport Pell Bridge, contrary to Goal OSR-3, Policy OSR-3.1, Action OSR-3.3B, and Policy NR-2.5 of the *Comprehensive Plan*. While the Board acknowledges the remnants of a stone pier that existed at the property line between the right-of-way and the subject property, and is concerned about the navigational hazards they pose, a more appropriate proposal would be a dock closer to the northern property line of the subject property, with plenty of distance from the public right-of-way to limit watercraft infringing on public water access.

The Board's primary concern with the petition was the lack of public awareness regarding a proposal to construct a dock so close to a public water access point. While public meeting notice was provided for the Waterfront Commission and Planning Board meetings that reviewed the request, no one testified during public comment. The only written comment received by the Planning Board was requested and provided by the applicant. Friends of the Waterfront, for instance, had not been informed of the proposed dock. These concerns were confirmed when media coverage of the Planning Board meeting spawned emails to City officials expressing apprehension regarding the proposed dock.

Considering the potential impact to a public right-of-way and the heightened concern for public access to the water, oversight and public input is essential. We do not recommend a letter of no objection and strongly urge additional opportunity for public input through a CRMC hearing

Sincerely,

Kim Salerno
Chair
Planning Board



Newport Waterfront Commission

September 10, 2021

Mayor Jeanne Marie Napolitano
City of Newport
Broadway
Newport, RI 02840

RE: Application to CRMC for dock at 80 Washington St. Newport, RI

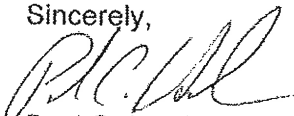
Dear Mayor Napolitano:

On September 9, 2021, the Waterfront Commission met at its monthly meeting to consider the revised application to construct and maintain a 97" foot fixed wooden dock with an attached 20'x 4' floating dock for residential use.

The Waterfront Commission voted to recommend approval of this project to the City Council with the restriction that the dock only be used for touch and go drop-offs and pick-ups.

If you have any questions, please contact me.

Sincerely,



Paul C. Harden

Chair, Newport Waterfront Commission

CC. Pat Fay
Sam Crichton
Steve Land

