



BUSINESS LITIGATION
RECEIVERSHIP
PROJECT DEVELOPMENT

Matthew J. Pimentel
mpimentel@frlawri.com

55 Pine Street, 3rd Floor, Providence, RI 02903
401.455.1000 www.frlawri.com

December 21, 2021

Via E-mail: cstaff1@crmc.ri.gov

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

RE: Objection: Application No. 2021-08-021
Coastal Coasters, LLC, 1201 Succotash Road, Narragansett, RI, Plat I-J, Lot 65-11

To whom it may concern:

This office represents Mr. Brian Monahan ("Mr. Monahan"), who, by and through Succotash 1197 Holdings LLC, owns the abutting property located at Plat I-J, Lot 65-9, 1197 Succotash Road, Narragansett, Rhode Island.

We write to outline Mr. Monahan's objections and concerns as to the proposed demolition and replacement of the dwelling at Plat I-J, Lot 65-11, 1201 Succotash Road (the "Subject Parcel"), as presented to the Coastal Resources Management Counsel (the "CRMC").

In short, the footprint of the roofed portion of the proposed dwelling, which measures 1,111 square feet, is too large for the Subject Parcel and constitutes a substantial expansion over the footprint of the current dwelling structure, which measures just 752 square feet. The proposed dwelling will result in a substantial increase to the structural lot coverage, which will be detrimental to both the neighborhood and the coastline.

This exact issue was highlighted by the CRMC in its Preliminary Determination dated August 17, 2020, wherein the Staff noted the following with regard to the proposed dwelling:

Based on the PLS OWTS plan, ***it appears the existing SLC may be 752 sf and the proposed SLC may be 1110 sf.*** If so, the resultant SLC is 47% and the plans shall reflect such/clarified in future Assent. ***Please note, although the 47% does not appear to trigger a buffer zone, this percent increase will not be considered a minimization when reviewing the proposal against the required 50' setback. Revisions should include moving further inland before expanding on the site as well as smaller proposed SLC increases.***

See ***Exhibit A*** – Preliminary Determination at pg. 3 (emphasis added).

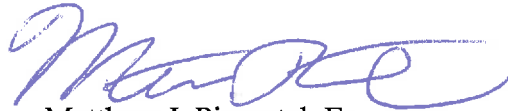
Despite this, the size of the roofed portion of the proposed dwelling structure has not changed since CRMC issued its Preliminary Determination.

Moreover, the proposed dwelling is a mere 22.8 feet from the coastal feature, well within the 50-foot construction setback that is required. While a 50-foot buffer is unlikely due to the substandard nature of the Subject Parcel, a reduction in the overall footprint of the proposed dwelling would allow the dwelling to be located further from the coastline, thus increasing the buffer from the coastal feature as much as possible.

Accordingly, Mr. Monahan respectfully requests that the CRMC deny the proposed demolition and replacement of the dwelling as presented.

Thank you for your time and consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Matthew J. Pimentel", written in a cursive style.

Matthew J. Pimentel, Esq.

Enclosures
MJP/was

cc. Ms. Elizabeth Noonan, Esq., Counsel for Coastal Coasters (via e-mail - bnoonan@apslaw.com)

Exhibit A

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

STATEMENT OF LIMITATIONS

The contents of this staff determination report shall be valid only for the period on and preceding the date of this report. This report is neither an approval nor denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of 17 August 2020 as they pertain to the below stated proposal, including preliminary staff recommendations.

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

APPLICANT INFORMATION

NAME: Coastal Coasters, LLC **CRMC FILE NO.** D2020-07-010
LOCATION/POLE: 1201 Succotash Road
CITY/TOWN: Narragansett **PLAT:** I-J **LOT:** 65-11

CONTACT PERSON(S) & ADDRESS:

Coastal Coasters, LLC
123 Hogan Drive
Gainesville, TX 76240

Eric Baxter, Sweenor Builders Inc.
12 High St.
Wakefield, RI 02879

PRELIMINARY REVIEW INFORMATION

PROPOSAL: To replace existing dock, dwelling, cesspool and seawall

PLAN(S) REVIEWED: "Lovegreen Residence, 1201 Succotash Rd, Narragansett, Dock Replacement Design..." dated 6.30.20 and architectural last revised 6.29.20 by Sweenor Builders, Inc.; "OWTS Plan" dated 3.31.20 by Jeffrey K. Balch, PLS

INVESTIGATOR: T. Silvia **DATE/TIME:** 7/17/20 AM

MEASUREMENTS & OBSERVATIONS: Observed existing conditions

PREVIOUS CRMC ACTIONS FOR SITE: 1994-06-139 temporary dock; 2002-08-096 mtce dock; 2002-09-100 grandfather dock with 5/19/19 Modification for as-built dock configuration/restoration.

Preliminary Buffer and Setback Requirements:

SETBACK (ref. Section 1.1.7 CRMP): 50' from controlling coastal feature

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

Note: Setbacks apply to "construction related activities" including filling, removing, and grading (ref. Section 1.3.1(B) CRMP). The coastal program requires a minimum setback of either 50', or the buffer zone width plus 25' (whichever is greater). Work within this minimum setback will require a variance per Section 1.1.5 of the CRMP. All variances must be requested in writing. No construction or construction related work shall occur within the required setback (exemptions include structural shoreline protection, outfalls and water dependant uses).

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

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

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

SUMMARY OF FINDINGS

CRMC JURISDICTION: Yes **TYPE WATER:** 5, Recreational/Commercial Harbors; Pt Judith Pond
For the purpose of this review the coastal feature(s) shall be the coastal beach and timber seawall located on a developed barrier and the inland edge of coastal(s) feature shall be the top of the timber wall.

Applicability of CRMP and SAM Plans (as amended):

CRMP Sections: 1.1.7, 1.1.8, 1.1.9, 1.1.10, 1.1.11, 1.2.1 (F), 1.2.2(A), 1.2.2(B), 1.2.2(F), 1.2.3, 1.3.1(B), 1.3.1(C), 1.3.1(D), 1.3.1(F), 1.3.1(G), 1.3.1(N), 1.3.1(R), 1.3.5

SAMP: RI's Salt Pond Region, Lands of Critical Concern

STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

- 1) Staff is familiar with the project site as the former owner contacted CRMC to determine how to rectify the unauthorized dock configuration prior to sale of the parcel. The 1994 Temp and 2002 Grandfather dock permits authorized a T-section fixed pier only of specific dimensions, which had been exceeded slightly in length, T-length and additional tie-off pilings since the original permits/structure. Under a May 2019 Modification to the 2002 permit, CRMC authorized an as-built structure: 4' x 98' fixed pier only (as measured from top of retaining wall to inner (west) side of T-section) and a 4' x 30' T-section. To achieve such, 10' of the T-section and 3 northern tie-off pilings had to be removed allowing 3 southern tie-off pilings to remain. CRMC staff confirmed the structure in conformance in June 2019.
- 2) Staff conducted a recent site inspection under this pending application to confirm the remainder of the site conditions. A coastal beach fronts a short vertical timber retaining wall which fronts the existing dwelling and decks. A former and current cesspool exist on-site along with numerous accessory items such as walkways, outdoor shower, shed, etc. Parking appears to be on the western side of the dwelling. The coastal features run further inland along the northern side of the dwelling.
- 3) The applicant seeks comments on three main topics, replacement of the dwelling, dock and seawall while also proposing to replace the cesspool with a denitrifying OWTS, which is supported by staff.
- 4) The Red Book authorizes repair/replacement to existing structures as maintenance activities provided they are in-kind. As such, if the existing timber wall is replaced in the same location (within 1 foot of existing dimensions) then this activity could be reviewed as a maintenance activity and applied for separately. Should the applicant propose to enlarge, lengthen or expand the existing facility then a Category A/B review is required.

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- 5) Similarly, the existing dock could be replaced per the 2019 permit dimensions as a maintenance activity as well, including pilings. However, the proposed plans indicate the applicant seeks to change the layout and dimensions and location of the facility. If this is less than 50% of the existing dimensions and no more variant, a 2nd modification to the 2002 grandfather dock permit could be applied for. The current proposal appears to require additional variances and may require separate Category A*/B review. In either of the latter cases, the following shall be addressed: conformance with Section 1.3.1(D) construction standards (note the proposed pier is 5', more variant than the standard 4' width and the length is increasing), property line setback distances, submerged aquatic vegetation (SAV) survey, distance to moorings/mooring fields/federal channels, water depths, etc.
- 6) In addition, plans stamped by a RI-registered professional engineer are required and a PLS stamp is required if a variance is necessary to the property line setback. A public notice is required for modification and/or new dock application as well as USACOE review. Staff strongly recommends the applicant redesign the layout to follow the standard 4' width and maximize property line distance and minimize length variances in order to receive favorable staff reports. No further seaward than neighboring facilities should also be taken into consideration as well. Any dock application should be pursued separately from a house application, however please note that unless a Certificate of Occupancy is issued for a dwelling on the parcel, a new dock permit will not be issued (ie, for a time period if the dwelling is knocked down but not yet rebuilt).
- 7) As to dwelling replacement, several sections of the Red Book apply. First, all new construction shall meet the 50' construction setback (exemption includes walkways, decks, OWTS replacement (not alterations) and other accessory structures less than 200sf). If the lot cannot meet the full requirement then any variance shall be minimized and shall at least be no further seaward than the existing building. Next, the Structural Lot Coverage (SLC) calculations shall be updated on the plans based on CRMC's definition: existing foundation under roofed area (pre-1995) compared to proposed foundation under roofed area. SLC increases 50% or more require the establishment of a vegetated buffer zone between the development and the coastal feature. Based on the PLS OWTS plan, it appears the existing SLC may be 752sf and the proposed SLC may be 1110sf? If so, the resultant SLC is 47.% and the plans shall reflect such/clarified in future Assent. Please note, although the 47% does not appear to trigger a buffer zone, this percent increase will not be considered a minimization when reviewing the proposal against the required 50' setback. Revisions should include moving further inland before expanding on the site as well as smaller proposed SLC increases.
- 8) The proposed denitrifying OWTS will be an improvement over the existing cesspool and is consistent with regulatory requirements. As the site is on an existing barrier beach, stormwater from the roof runoff may be conveyed non-erosively to vegetated areas of the site. Please provide further clarification on any changes to the existing parking areas in future Assent submittal.
- 9) A local building official signoff is required, including zoning review as applicable. The applicant also shall submit a Coastal Hazard Analysis (CHA) worksheet with Assent application and is strongly urged to review this analysis early in the proposed project design in order to accommodate future site hazards such as sea level rise. Note the analysis should also include events related to the coastal wetland complex located to the west across the roadway as access to the site is likely to be significantly impacted during certain storm and high-tide events in the future. Local review will also need to signoff on the proposed garage below the new building.

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- 10) Lastly, although the coastal feature is a barrier beach, this section is occupied by residential development and the controlling feature is the existing timber wall at this time. There is no dune setback/prohibited zone associated with this particular 'back barrier' shoreline. Overall, the existing development can all be maintained and/or replaced under permit consistent with current regulations. The extent of expansion will depend on the exact site plan distances and whether the applicant has minimized all variance requests. If so, the projects could be reviewed administratively.

SIGNATURE: _____



STAFF BIOLOGIST



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Matthew J. Pimentel
mpimentel@frlawri.com

55 Pine Street, 3rd Floor, Providence, RI 02903
401.455.1000 www.frlawri.com

June 24, 2021

Via E-mail: cstaff1@crmc.ri.gov

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

**RE: Protest: Application No. 2002-09-100-Modification
Coastal Coasters, LLC, 1201 Succotash Road, Narragansett, RI, Plat I-J, Lot 65-11**

To whom it may concern:

This office represents Mr. Brian Monahan ("Mr. Monahan"), who, by and through Succotash 1197 Holdings LLC, owns the abutting property located at Plat I-J, Lot 65-9, 1197 Succotash Road, Narragansett, Rhode Island.

We write to protest the proposed demolition, relocation, reconfiguration, and extension of the dock at Plat I-J, Lot 65-11, 1201 Succotash Road (the "Subject Parcel"), as presented to the Coastal Resources Management Counsel (the "CRMC").

In short, Mr. Monahan objects to the instant application as the dock reconfiguration would extend the dock at the Subject Parcel beyond its current configuration. Further, Mr. Monahan would object to the instant application, to the extent that it appears from the plans attached to the Third Public Notice dated May 25, 2021, that the proposed dock, including its fixed terminal "L" section, will be closer to Mr. Monahan's dock and his property line extension.

Accordingly, we respectfully request that the CRMC deny the proposed modification to the dock as presented.

Thank you for your time and consideration.

Very truly yours,

W. Mark Russo, Esq.
Matthew J. Pimentel, Esq.

Enclosures
WMR/mjp

cc. Ms. Elizabeth Noonan, Esq., Counsel for Coastal Coasters (via e-mail - bnoonan@apslaw.com)
Ms. Joseph DeAngelis, Esq., Counsel for Coastal Coasters (via e-mail - jdeangelis@apslaw.com)
Ms. Christine DiBiase, Esq., Counsel for Coastal Coasters (via e-mail - cdibiase@apslaw.com)