

CRMC DECISION WORKSHEET

2023-05-053

Mark & Cheryl Demello

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
2023-05-053	Portsmouth	395 Park Avenue		A *	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Plat	25			
		Owner Name and Address				
Date Accepted	5/17/2023	Mark & Cheryl Demello		Work at or Below MHW	<input checked="" type="checkbox"/>	
Date Completed	10/3/2023	395 Park Avenue Portsmouth, RI 02871		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

Residential Boating Facility consisting of a total 188' feet in length (fixed pier to ramp/float), terminating at 50' beyond Mean Low Water (MLW) and requiring a Variance to the side Setback Standard Section 1.3.1(D)(11)(k).

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal Beach backed by coastal bluff with concrete seawall

Water Type: Type 2, Sakonnet River

Red Book: 1.1.3(D); 1.1.4(A); 1.1.6(E); 1.1.7; 1.2.1(C); 1.2.2(C), (D); 1.3.1(D); 1.3.5

SAMP: N/A

Variations and/or Special Exception Details: Variance to the side Setback Standard Section 1.3.1(D)(11)(k) (side setback standard)

Additional Comments and/or Council Requirements:

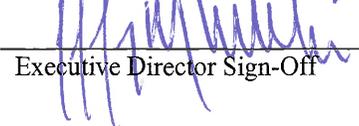
Specific Staff Stipulations (beyond Standard stipulations):

STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: _____
 Biologist ALS Recommendation: No Objections
 Other Staff _____ Recommendation: _____

 _____
 Engineering Supervisor Sign-Off 10/13/23 date

 _____
 Supervising Biologist Sign-off 10/4/23 date

 _____
 Executive Director Sign-Off 10/05/23 date

 Staff Sign off on Hearing Packet (Eng/Bio) date

Name:
CRMC File No.:
Staff Report



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

DATE: October 3, 2023
TO: Jeffrey M. Willis, Executive Director
FROM: Amy Silva

Applicant's Name:	Mark & Cheryl Demello
CRMC File Number:	2023-05-053
Project:	Residential Boating Facility consisting of a total 188' feet in length (fixed pier to ramp/float), terminating at 50' beyond Mean Low Water (MLW) and requiring a Variance to the side Setback Standard Section 1.3.1(D)(11)(k).
Location:	395 Park Avenue; Portsmouth: Plat(s): 25; Lot(s): 45
Water Type/Name:	Sakonnet River, Type 2 water
Coastal Feature:	Coastal Beach backed by coastal bluff with concrete seawall
Plans Reviewed:	"New Dock Plans for AP 25 Lot 45..." three sheets, all dated 4/28/2023 and last revised 8/23/23 by Principe Engineering Inc.

INTRODUCTION:

The application requests Assent to construct a residential boating facility. The facility does not meet the 25 foot side setback to the property line extension on the eastern property line. The applicant has submitted the required PLS survey of the property and the Variance request in accordance with Section 1.1.7.

No comments were received during the public notice period.

This dock is likely considered "SV" (Self Verification) by the Army Corps of Engineers GP process.

A dock that requests a Variance to the side setback standard requires Council Review and Decision.

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:
Standard RICRMP

Recreational Boating Facilities	Section 1.3.1.D.11.k.(2)
<i>Residential and limited recreational boating facilities shall not intrude into the area within twenty-five (25) feet of an extension of abutting property lines unless:</i> <i>(2) A letter or letters of no objection from the affected owner or owners are forwarded to the CRMC with the application.</i>	

Name:
CRMC File No.:
Staff Report

Variations	Section 1.1.7
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The applicant has submitted a written Variance Request in accordance with Section 1.1.7. Staff offers the following comments on the Variance Request/Standards:

1.1.7(A)(2) Significant Adverse Effect:

The proposed dock will not have significant adverse effect. Docks are an accepted use of Type 2 waters. Additionally, the dock shall be elevated so as to allow passage beneath and not impede lateral access along the shore.

1.1.7(A)(4): The modification requested by the applicant is the minimum variance....necessary

The subject lot is less than 50' in width. Side setbacks cannot be met. The applicant has met the side setback on the west (privately owned) but not the east (Town owned). Should the privately owned property to the west be developed and ever request a facility of its own, maximum space has been allowed.

1.1.7(A)(6): Undue Hardship:

The subject lot is less than 50' in width. Side setbacks cannot be met. The applicant has met the side setback on the west (privately owned, undeveloped property) but not the east (Town owned, undeveloped property). This allows the placement of a facility on the privately owned parcel, should it ever be developed.

COMMENTS ON VARIANCE REQUEST:

Based on review of the submitted plans, narrative and site conditions, it is staff's opinion that the applicant has met the burdens of proof for a Variance request and has no objections to staff granting the Variance.

SUMMARY AND RECOMMENDATIONS:

The application requests Assent to construct a residential boating facility. The facility extends to 50' beyond MLW, in accordance with CRMC Standards. The facility does not meet the side setback of 25' to the extended side property lines on the eastern property line. The applicant has provided both a PLS Survey and Variance request in lieu of a sign off form the affected property owner (Town of Portsmouth).

Staff has no objection to the issuance of this Variance and approval of this request. Standard stipulations will be prepared upon approval.

SIGNED _____ STAFF BIOLOGIST