

CRMC DECISION WORKSHEET

2023-11-073

Amy Tourangeau

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
2023-11-073	South Kingstown	1 Lafayette Avenue		A*	<input type="checkbox"/>	X
		Plat	43-4			
		Owner Name and Address				
Date Accepted	12/01/2023	Amy Tourangeau		Work at or Below MHW		X
Date Completed	07/09/2024	175 Robinson Street South Kingstown, RI 02879		Lease Required		<input type="checkbox"/>

PROJECT DESCRIPTION

Construct and maintain a residential boating facility consisting of a 3' x 8' ramp, 4' x 25' fixed timber pier, 3' x 14.25' access ramp and 8' x 18.75' (150sf) terminal float. The facility will extend 50' seaward of the cited MLW mark, requiring a 3" water depth variance to Redbook 650-RICR-20-00-01 Section 1.3.1(D)(11)(z)(Table 8).

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal wetland (northwest) backed by coastal bank/armored shoreline

Water Type: Type 2, Low Intensity Use, Narrow River

Red Book: Section 1.1.6(G), 1.1.7, 1.1.11, 1.2.1(B), 1.2.2, 1.2.3, 1.3.1(D), 1.3.4, 1.3.5

SAMP: Narrow River SAMP, Lands Developed Beyond Carrying Capacity

Variances and/or Special Exception Details:

Redbook 650-RICR-20-00-01 Section 1.3.1(D)(11)(z)(Table 8), 18" MLW minimum water depth at terminus

Additional Comments and/or Council Requirements:

Objections received during public notice

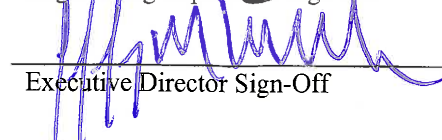
Specific Staff Stipulations (beyond Standard stipulations):

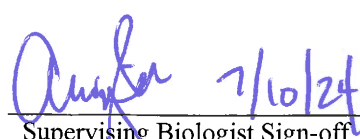
N/A

STAFF RECOMMENDATION(S)

Engineer		Recommendation:	
			No Technical Objection, Defer for Consideration of Comments Received
Biologist	TAS	Recommendation:	
Other Staff		Recommendation:	

 7/10/24
Engineering Supervisor Sign-Off date

 7/15/24
Executive Director Sign-Off date

 7/10/24
Supervising Biologist Sign-off date

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

Name: Amy Tourangeau
CRMC File No.: 2023-11-073
Staff Report



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

DATE: 9 July 2024
TO: Jeffrey M. Willis, Executive Director
FROM: Tracy A. Silvia, Senior Environmental Scientist

Applicant's Name:	Amy Tourangeau
CRMC File Number:	2023-11-073
Project:	To c/m a residential boating facility (pier, ramp, float) extending 50' seaward of the cited MLW mark, requiring a 3" water depth variance
Location:	1 Lafayette Avenue; South Kingstown: Plat(s): 43-4; Lot(s): 6
Water Type/Name:	2, Narrow River (South Kingstown), Low Intensity Use
Coastal Feature:	Coastal wetland/seawall
Plans Reviewed:	"Dock Plan..Amy L. Tourangeau, AP 43-4, Lot 6, South Kingstown.." dated Nov. 16, 2023 as last revised 4/11/24 by Mark L. Dowdell, RPE
Staff Recommendation:	No technical objection, defer for consideration of objectors' comments

A) INTRODUCTION/SITE HISTORY:

1— The project site is located on the western side of the Narrow River, just north of the Middle Bridge. It is bound by the terminus of Lafayette Ave to the south and residential development to the north/west. The end of Lafayette Ave is commonly utilized as a boat launching site (Figure 1). The rebuilt dwelling was approved by 2013-5-161. An existing grandfather dock was recently permitted for rebuilding on AP 43-4 Lot 4, just south of the ROW and permitted docks exist further north (Figure 2). An informal channel is present in the River which is used to navigate through the Middle Bridge, avoiding sandbars/shallows.

2-- This application was accepted 11/28/23 and a 30day public notice commenced 12/18/23 which was extended through 2/18/24 per request of the Town of South Kingstown, due to conflicting meeting schedules. Several comments were received (see below). The applicant submitted revised plans, narrative and variance request 4/17/2024. A 30day re-Notice was issued 4/25/24 for the revision, resulting in updated comments

Name: Amy Tourangeau
CRMC File No.: 2023-11-073
Staff Report

3—The ACOE has notified the applicant that their review remains pending at this time. It is presumed an ACOE Pre-Construction Notification authorization will be applicable to this project.

Figure 1, Lafayette Ave terminus looking east, Google Map view:



Figure 2, 1 Lafayette Ave, subject lot highlighted, Google Map satellite view:



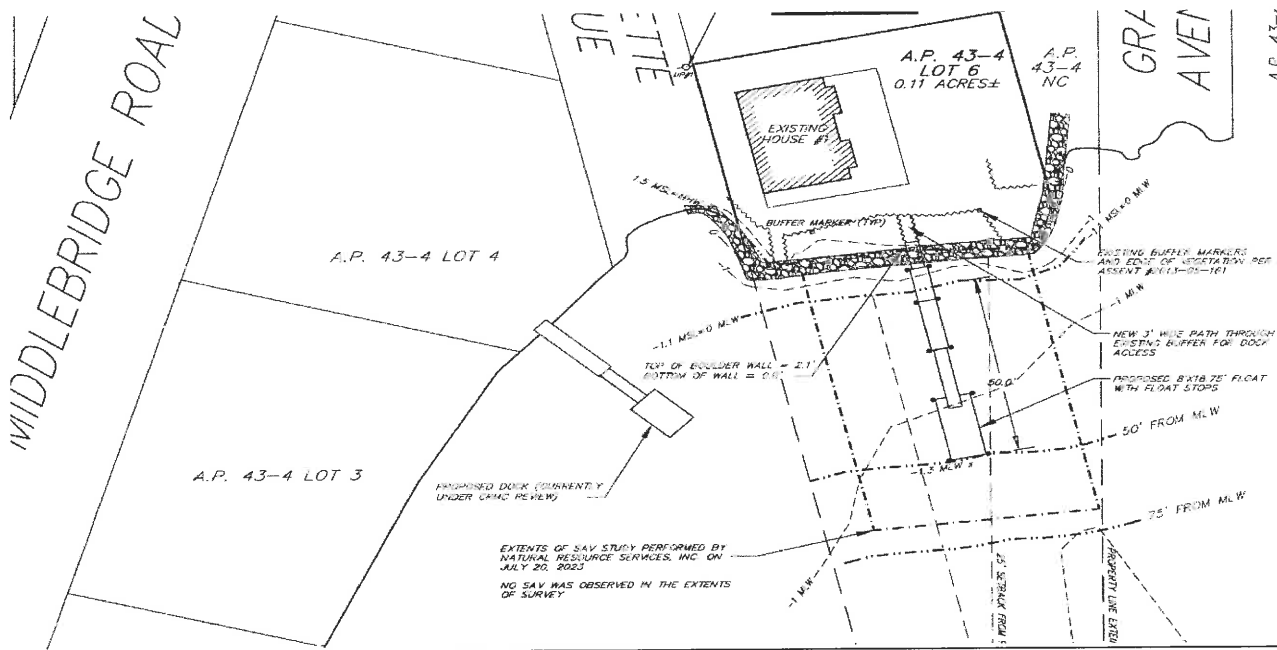
B) PROPOSED PROJECT:

1—The applicant is proposing to construct a new residential boating facility on the eastern side of the parcel. The original submittal was for a 3' x 7' ramp, 4' x 37' fixed timber pier, 3' x 14.25' access ramp and 8' x 18.75' (150sf) terminal float which would extend 61' seaward of the cited MLW mark, requiring an 11' length variance to Redbook 650-RICR-20-00-01 Section 1.3.1(D)(11)(1)(2).

2—Following comments from staff, Public Notice, and SK Harbor Commission, the applicant redesigned the proposed dock (Figure 3). The current proposal is a 3' x 8' ramp, 4' x 25' fixed timber pier, 3' x 14.25'

access ramp and 8' x 18.75' (150sf) terminal float. The facility now extends 50' seaward of the cited MLW mark, terminating at approximately 15.6" depth, and removing the length variance. However, a 3" (*rounded up for Notice*) depth variance to Redbook 650-RICR-20-00-01 Section 1.3.1(D)(11)(z)(Table 8) is required.

Figure 3, Proposed dock location from 4/11/24 revised planset by Mark L. Dowdell, RPE (not to scale):



C) APPLICABLE REGULATORY REQUIREMENTS (Redbook, Narrow River SAMP):

Section 1.1.6(G)	Substantive Objections	Staff's opinion: does not qualify
Section 1.1.7	Variances	3" water depth variance
Section 1.1.11	Coastal Buffer Zones	Site conformant with prior Assent
Section 1.2.1(B)	Type 2 Low Intensity Use	Residential neighborhood
Section 1.2.2(C)	Coastal Wetlands	No proposed impact (northwest)
Section 1.2.3	Historic/Archaeologic Significant	RIHPHC signoff received
Section 1.3.1(D)	Recreational Boating Facilities	Table 8 minimum water depth 18"
Section 1.3.4	Critical Coastal Areas	Narrow River SAMP, Lands Developed Beyond Carrying Capacity (LDBCC)
Section 1.3.5	Scenic Value Guidelines	Consistent with similar River use

D) STAFF COMMENTS - REGULATORY REQUIREMENTS:

1—Section 1.3.1(D) of the Redbook has standard dock construction requirements, including Table 8. The original submittal met the relevant design standards excepting the requested 11' length variance to the 50'

MLW standard. This proposal was to achieve the minimum water depth per Table 8. Following the original public notice, it was discovered that the property line extension (PLE) of nearby Grant Avenue had not been properly portrayed and an additional PLE setback variance would be required.

2—However, following the redesign, the PLE setback and length variances were no longer needed. Instead, the new location now requires a 3” water depth variance per Table 8. The Redbook requires 18” at the terminus of the facility and the current proposal only achieves approximately 15.6”. The applicant has proposed float stops with the design, which is required by the ACOE regulations and is standard CRMC Assent stipulation for shallow water docks. The float stops will be required to be placed 18” above the substrate, to avoid impacts to the bottom sediment.

3—There is no coastal wetland present at the proposed dock location; The extensive salt marsh is located northwest of the parcel. There is also no submerged aquatic vegetation at the proposed site. The SAMP LDBCC allows for one potential dock per recorded lot and the current design is typical for the area. An informal channel exists nearby as boaters are forced to the southwest corner of the River in this area to avoid the ever-changing sandbar deposit northeast of the Bridge.

4—Regarding public access, there is currently no lateral access available at the proposed dock site as MHW is located on the existing armored shoreline on both sides of Lafayette Ave. Though not a CRMC-designated ROW, Lafayette Ave itself is readily used by the public for the launching of small vessels. The RI Recreational Fishing Tool portrays the general area as low to medium all-season use, however, the hot spots are depicted further east along the Bridge and Narragansett side of the River, presumably from government-owned parcels. The facility is designed to meet the required 25’ PLS extensions, including from Lafayette Ave. As such, it is staff’s opinion that no significant impact to existing lateral or public access will occur from the current proposal and the facility was not requested by staff to be further elevated.

5—The applicant has submitted variance burdens of proof for the redesigned facility, consistent with Section 1.1.7 criteria. It is staff’s opinion that the project conforms to the applicable goals and policies of the CRMP, will not result in significant adverse environmental impacts or use conflicts and due to existing site conditions, the applicable standard cannot be met. The applicant has attempted to minimize the variances while designing the project to lessen concerns received during public notice.

E) PUBLIC COMMENT/OBJECTIONS:

1—The original public notice resulted in objections received from the Town of South Kingstown (SK), the Narrow River Preservation Association (NRPA) and three members of the public. Comments included concern for navigational congestion, particularly during lower tidal cycles, as well as user conflict with the Lafayette Ave launching area. There were also objections to the presentation of the “approximate channel”.

2—Following the re-Notice period, the Town of SK Harbor Commission reversed its original objection and voted unanimously in support of the redesign. The NRPA rescinded its original objections based on the redesign of the facility as well. The three original public objections will be discussed below.

3—N. Moore commented particularly about the proposed use of the dock and the length of the proposed dock relative to the existing narrow/shallow channel, particularly for navigation hazard and impacts to the channel. L. Chille commented particularly about the navigation hazard, informal channel and overall length, requesting the length variance be denied. T. O'Neill requested a hearing to object to the facility.

4—Following the re-Notice, N. Moore offered no further comment; L. Chille reached out to staff to discuss the redesign and although she still had navigational concerns, advised that she would not submit further objection to the new layout as the overall length variance had been removed. T. O'Neill re-affirmed his objection and staff requested details. His response was primarily public access and overall use conflicts.

F) STAFF COMMENTS – SECTION 1.1.6(G) SUBSTANTIVE OBJECTIONS

1—Section 1.1.6(G) criteria to meet a substantive objection includes the threat of direct property loss, direct evidence of noncompliance with the Redbook and/or potential for significant adverse impacts (for this site erosion/sedimentation, scenic/recreation, public access, conflict with local requirements could apply).

2—It is staff's opinion that the original comments from the SK Harbor Commission/Town Council met the criteria for substantive objection as evidence was presented regarding navigational hazards, user conflicts, recreational values and sediment deposition. However, it is staff's opinion that the final SK comments following redesign indicate any substantive objection from the Town re these issues was removed.

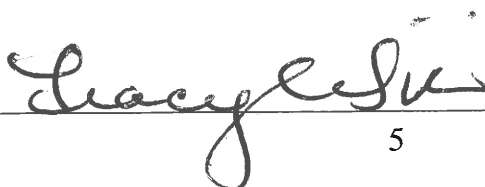
3—It is staff's opinion that some of the other original comments could also have potentially qualified as substantive, particularly regarding user conflict/recreational value related to the length of the facility in a hazardous navigation area. However, it is staff's opinion that L. Chille's final commentary and N. Moore's lack of further comment on the redesign have also removed any substantive objection in their regard.

4—Relative to the O'Neill comments, while there is direct evidence a standard is not met, the Redbook allows for such relief through the variance process, which the applicant has properly requested. The navigational conflicts raised by O'Neill have been addressed by the SK Harbor Master/Harbor Commission, including the lack of any designated channel relative to the changing sandbar near the Bridge. The public access component was addressed above by staff. It is therefore staff's opinion that there are no longer any comments which meet the substantive objection criteria.

G) STAFF RECOMMENDATION:

Excepting the requested variance, the project is designed consistent with CRMP requirements; The variance is due to existing site conditions and the redesign reduces potential navigational concerns. Staff has no technical objection to the proposal, and defers to Council for consideration of the variance/comments received. Pending Council's Decision, standard stipulations have been withheld.

Signature: _____



T. Silvia, Staff Biologist