



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

REQUEST FOR ASSENT MODIFICATION

Assent/Permit Number: 2021-09-093	(including extensions) Expiration Date: _____
Name of Assent Holder: William Gilbane, Jr	
Location of Project: 1159 Succotash Road	
City/Town: Narragansett	Plat: I-J Lot: 64-2

Name of Present Owner: William Gilbane, Jr	
Mailing Address: 91 Lighthouse Drive	
City/Town: Jupiter	State: Florida Zip: 33469
Phone Number: 401-487-3700	Email Address: _____
Abutters: North: Douglas Mancosh, 1161 Succotash Rd South: Benjamin Walker, 1157 Succotash Rd	

I hereby certify that the names and addresses of adjacent property owners whose property adjoins the project site are accurate and current as of the date of application. If said names and addresses are found to be not accurate and/or current, any subsequent Assent may become Null and Void. **Signed:** _____

Describe the proposed modification(s): Change in configuration of the dock associated with 2021-09-093 to remove the boat lift and utilize multiple smaller sections of dock. See the attached narrative for more information.

Reason: Mutual agreement plan with neighboring parcel owners to reduce congestion in the area. See the attached narrative for more information.

What state of construction is the project in: The previously existing dock as been removed. No replacement construction has started, as an objection was received from an abutter who is now participating in this common site plan agreement. See the attached narrative for more information.

William Gilbane, Jr

Owner Name (PRINT)

William Gilbane Jr.

Owner's Signature (SIGN)

Note: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking State Assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall be access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to penalties of perjury. 5/00

/ajt 10-2021

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COASTAL RESOURCES
MANAGEMENT COUNCIL



Proactive by Design

GEOTECHNICAL
ENVIRONMENTAL
ECOLOGICAL
WATER
CONSTRUCTION
MANAGEMENT



May 1, 2024
File No. 03.0035389.00

Ms. Tracy Silvia
RI Coastal Resources Management Council
4808 Tower Hill Road; Suite 3
Wakefield, Rhode Island 02879

Re: CRMC Assent Modification Application (2021-09-093)
William Gilbane, Jr.
1159 Succotash Road (Plat I-J, Lot 64-2)
Narragansett, Rhode Island

Dear Ms. Silvia,

On behalf of our Client, Mr. William Gilbane, Jr., this Assent Modification application is being submitted by GZA GeoEnvironmental, Inc. (GZA) pursuant to the applicable requirements of the Coastal Resources Management Council (CRMC), for the Modification of Assent No. 2021-09-093.

This application is in response to a letter from CRMC Executive Director Jeffrey Willis, dated April 2, 2024 (attached) regarding the "current/proposed Jerusalem pier configurations" at three parcels along Succotash Road: namely the Gilbane parcel, the Mancosh parcel, and the Walker parcel. In his letter, the Director stated that "CRMC Staff *can support the overall layout* [but] *each of the three facilities require separate documentation, accurate site plans and staff review*". This Gilbane Assent Modification application serves to meet the Director's recommendation of submitting a complete package addressing proposed modifications for each of the three abutting parcels, based on the updated "Common Site Plan" (CSP) illustrating the proposed configuration for this very congested shoreline. Please note that the words "dock" and "pier" are used interchangeably throughout this application.

BACKGROUND

On September 27, 2021, Gilbane submitted an Assent Application (2021-09-093) to CRMC for the replacement of the unauthorized dock existing prior to his purchase of the property. The unauthorized dock was removed late fall 2021. On October 11, 2022, the CRMC Council unanimously approved the application (2021-09-093) to construct and maintain a residential boating facility consisting of a 4-foot by 64-foot fixed timber pier with a 1,200-pound boat lift (approved application is attached). The pier would attach to the existing bulkhead, located at 1159 Succotash Road (Plat I-J, Lot 64-2). The CRMC Assent was never granted as an objecting appeal was filed by the southern abutter (Ben Walker). Numerous subsequent discussions have occurred between the three abutting parcel owners (William Gilbane, Jr., Doug Mancosh, Benjamin Walker) and a mutually agreed upon configuration was developed. A preliminary CSP was provided to CRMC staff by Doug Mancosh on February 16, 2024. Following a telephone discussion on April 2, 2024, a letter was provided by Director Willis outlining the discussion, conclusions, and next steps for each property owner.

PROPOSED MODIFICATIONS

It should be noted that this particular area of Jerusalem, specifically these three (3) piers, create a highly congested waterfront area. All three (3) parcels have had piers in place for many years. From a file review, the Mancosh dock dates back to 1930, Walker's to 1951, and Gilbane's to 1960. The

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developed CSP illustrates the mutually agreeable configuration for the piers in a fashion that satisfies each of the three parcel owners, adheres with CRMC regulations/policies as much as possible, respects the natural environment, and provides for safe maneuvering and docking of marine vessels. The CSP is intended as a supplemental component of the application, with the Site plan developed by Dowdell Engineering providing specific dimensions, layouts, and details of the proposed modifications to Gilbane's marine structure. The modifications illustrated on the CSP and Dowdell Dock Plan for Assent 2021-09-093 consist of the following:

1. Elimination of the approved 12-foot by 12-foot boat lift, reducing the scope/ coverage area of the approved structure.
2. Reduction of the approved 4-foot wide by 64-foot-long fixed timber pier to a combination of sections, in a straight alignment for a total length of 50 feet from the bulkhead. This represents a 14-foot reduction in previously approved pier length. The combination of multiple sections (fixed pier, gangway, floating pier) allows for the accessible use of a shortened structure, including the floating portion which eliminates the need for the boat lift – further reducing congestion. Lengths, widths, and construction details are provided on the attached Dock Plan.
3. Using the MLW definition as the 'seaward side of the existing bulkhead', the proposed pier is now in agreement with Redbook Section 1.3.1(D)(11)(I), which limits length to no more than 50-feet seaward of MLW.
4. The water depth at the proposed terminal end of the pier (50-feet) is approximately 3-feet. This now agrees with prior CRMC recommendations provided during discussions of Assent 2021-09-093.
5. The alignment and length of the proposed pier are similar to the previously existing unauthorized pier at this parcel, dating back to approximately 1960. The end of the pier will be approximately 2-feet from the southern abutter's (Walker) property line extension. As there are no objections to this alignment from Walker, we believe Redbook Section 1.3.1(D)(11)(k) is satisfied.
6. An SAV survey for this area was conducted in 2021 and concluded that there was some SAV within the area of the proposed pier. With the 14-foot reduction in length from the approved pier and elimination of the 144 square-foot boat lift, potential detrimental impacts to any SAV will be reduced. The previous unauthorized timber pier was in this location for many years and likely impacted the growth of SAV directly underneath. The proposed 50-foot pier will be in virtually the same location, allowing existing SAV growth to continue. The SAV survey is provided in the 2021-09-093 Assent application package.

The Gilbane pier is in a very congested area of Jerusalem. With a large commercial dock directly north and a 10-boat marina directly south, the relatively small dock proposed by Gilbane will provide minimal detrimental impacts to the area. Your consideration is greatly appreciated. Please advise if any additional information is needed.

Thank you.

Megan Elwell
Project Scientist

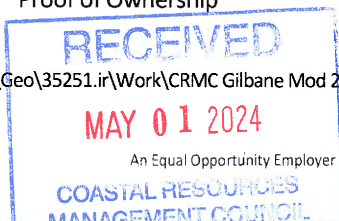
Igor Runge, Ph.D., P.H.
Consultant/Reviewer

Russell Morgan, P.E.
Senior Principal

Attachments:

Assent Modification fee of \$250
CRMC Letter dated April 2, 2024
Proposed Dock Plan
Common Site Plan
Proof of Ownership

J:\Geo\35251.ir\Work\CRMC Gilbane Mod 2024\Gilbane Assent Modification Narrative May 1 Final.docx





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

April 2, 2024

W. Mark Russo, Esq.
Ferruci Russo Dorsi, PC
207 Quaker Lane, Ste 301
West Warwick, RI 02893

John C. Revens, Jr., Esq
Revens Revens St. Pierre & Wyllie
946 Centerville Road
Warwick, RI 02886

William R. Landry, Esq.
Blish & Cavanagh, LLP
30 Exchange Terrace
Providence, RI 02903

RE: CRMC Files No. 1976-04-013, 1994-09-044, 2021-09-093, & 2023-03-009

Site Location: 1157, 1159 & 1161 Succotash Road, Narragansett, RI;

Plat(s): I-J Lot(s): 64-1, 64-2. 64-3

Dear Counsellor Russo, Counsellor Revens and Counsellor Landry:

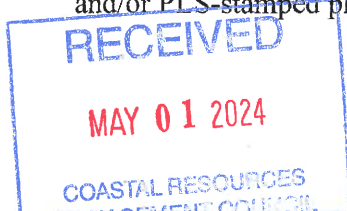
Following up on today's teleconference regarding the current/proposed Jerusalem pier configurations located at the above sites, CRMC staff appreciates the parties working together on their own resolution. Per your request, please find guidance on the associated CRMC review.

Doug Mancosh, has a pending CRMC application (#1976-04-013) for modification of the existing pier. Specifically, the applicant seeks as-built approval for the existing layout of the commercial structure, as well as designation of a Structural Perimeter Limit (SPL). Revised plans were last received February 16, 2024, and public notice is the next step in the review process.

Bill Gilbane, has a Council-approved residential boating facility (#2021-09-093), however, no Assent has been issued as an appeal was filed by the southern abutter (Walker). This approval was for a new fixed pier/boat lift at the site of a previously long-existing but unauthorized pier/ramp/float. It is staff's understanding that a revision to this layout is proposed, which requires Modification of this application in order to begin public notice.

Ben Walker, the southern-most owner of an existing permitted Limited Marina (#1994-09-044), filed a Preliminary Determination (#2023-03-009) for comments regarding adding additional floats (which had been removed to resolve Enforcement action). An application to modify the existing Marina Perimeter Limit (MPL) to include the additional float layout was noted in the PD report and is the next step required in order to begin public notice.

Overall, based on the submitted information to-date, the historical use of the local area and the 2/16/24 Mancosh-submitted plan, CRMC staff *can support the overall layout*. However, as previously discussed, *each of the three facilities require separate documentation, accurate site plans and staff review*. As they are commercial, residential and marina status, each requires slightly different supporting information, reflecting the requirements of Redbook Section 1.3.1(D)'s applicable standards as well as any variances per Section 1.1.7. Additionally, each requires RI-registered PE and/or PLS-stamped plans.



W. Mark Russo, Esq. Ferrucci Russo Dorsi
John C. Revens, Esq; Revens Revens St. Pierre & Wyllie
William R. Landry, Esq; Blish & Cavanagh, LLP
April 2, 2024
Page Two

In order to expedite staff review, one common site plan should be prepared for the three sites, reflecting existing approvals and proposed configuration of all three sites, including coastal feature, bathymetry, approved MPL and pier layouts, property line extensions, etc.

Staff can commence the 30day public notice simultaneously for all three applications, pending receipt of a complete application from Walker and Gilbane and revised final plans for Mancosh (as they need updating to reflect all three sites appropriately). During the notice process, ACOE review will commence, though the ACOE may require additional information beyond CRMC requirements.

Following close of public notice, staff reports will be prepared for Council hearing of the three applications on one date. Please note the earliest Council agenda availability is currently late May.

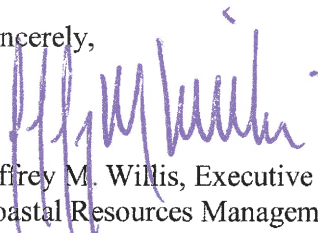
Please reference the 1/11/23 Walker approved plans by Jeffrey Balch, PLS and the 10/12/22 Gilbane last revised plans (per Council Decision) by Mark Dowdell, RPE as the basis for the existing conditions on the final shared plan. The proposed conditions by Mancosh were last submitted 2/16/24 by Russell Morgan, RPE.

Some items to consider in this final plan include:

- 1—The Redbook prohibits new floats and new docking over SAV for residential boating facilities, so the **touch-and-go only** stipulation will remain re Gilbane layout.
- 2—An **SPL (10' from structure/piling)** will be required for the as-built commercial Mancosh pier, and a permit will resolve existing violation re the pier.
- 3—A **modified MPL (10' from structure/piling), without increase in boat count**, will be required for the proposed Walker marina layout.

It remains CRMC's goal to achieve legal structures with reduced user conflicts at these sites and welcomes review of these applications to accomplish such.

Sincerely,


Jeffrey M. Willis, Executive Director
Coastal Resources Management Council

/lat



MANCOSH PARCEL
1161 SUCCOTSH ROAD
PLAT I-J, LOT 64-1
MODIFICATION 2019-09-020

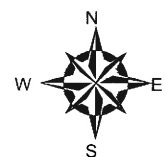
GILBANE PARCEL
1159 SUCCOTSH ROAD
PLAT I-J, LOT 64-2
MODIFICATION 2021-09-093

WALKER PARCEL
1157 SUCCOTSH ROAD
PLAT I-J, LOT 64-3
MODIFICATION 1994-09-044

EX. WATER LINE EASEMENT GRANTED
TO THE TOWN OF NARRAGANSETT

LEGEND

- PROPERTY LINE
- PROPOSED 10' STRUCTURAL PERIMETER LIMIT (SPL)
- 14'-6" BUFFER FOR MUTUAL TRAVEL
- PROPOSED DOCK / FLOAT
- EXISTING MARINA PERIMETER LIMIT (MPL)
- PROPERTY LINE EXTENTION
- PROPOSED MARINA PERIMETER LIMIT (MPL)
- LOCATION OF EXISTING PILES BASED ON FRISSELLA - BALCH SURVEY ON 2/10/2022
- MUTUAL AGREEMENT CONSIDERATIONS PER GZA MEMO (11/16/23)



0 5' 10' 20' 30'
SCALE IN FEET 1" = 10'

NOTE: THIS FIGURE HAS BEEN DEVELOPED TO ILLUSTRATE THE GENERAL CONFIGURATION AS AGREED UPON BY THE PARCEL OWNERS. INDIVIDUAL APPLICATION FIGURES SHOULD BE REFERENCED FOR SPECIFIC DIMENSIONS, LAYOUTS, AND STRUCTURE DETAILS.

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOTECHNICAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OF LIABILITY TO GZA.

PERMITTING SERVICES
1157, 1159, 1161 SUCCOTASH ROAD
NARRAGANSETT, RHODE ISLAND

COMMON SITE PLAN



PREPARED BY:
GZA GeoEnvironmental, Inc.
www.gza.com

PREPARED FOR:
DOUGLAS MANCOSH
WILLIAM GILBANE, JR.
BENJAMIN WALKER

NOTE: THE BASE PLAN FOR THIS FIGURE WAS DEVELOPED BY FRISSELLA - BALCH WITH C.J. DOYLE P.E. ON JUNE 21, 2022.

PROJ MGR: JR

REVIEWED BY: RM

DATE:
MAY 1, 2024

FIGURE

1

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COMMON SITE PLAN – May 1, 2024 LEGEND NARRATIVE

As recommended by CRMC, the below property owners have coordinated a mutually agreeable configuration for their highly congested stretch of shoreline adjacent to Point Judith Pond.

1161 Succotash Road, Plat I-J, Lot 64-1 (Doug Mancosh) Assent No. 2019-09-020

1159 Succotash Road, Plat I-J, Lot 64-2 (Bill Gilbane) Assent No. 2021-09-093

1157 Succotash Road, Plat I-J, Lot 64-3 (Ben Walker) Assent No. 1994-09-044

GZA GeoEnvironmental (GZA) was contracted by the property owners to coordinate efforts between the owners and their respective engineers, land surveyors, and legal counsel to develop the attached Common Site Plan (CSP) as a reflection of the agreement. The CSP is intended as a supplemental submission for the individual applications submitted by each parcel owner. The individual application packages and associated Site plans developed by GZA (Mancosh), Frisella-Balch & Associates and C.J. Doyle, P.E. (Walker), and Dowdell Engineering (Gilbane) should be referenced for specific dimensions, layouts, and details of each property owner's marine structure. The callouts on the CSP correspond to the primary modifications proposed for each of the current Assents to comply with the mutual agreement, as follows:

Lot 64-1: Mancosh Commercial Floating Dock

Contingent on the acceptance of the Assent Modification submitted on 10/13/2023 (2019-09-020), this dock will remain in its current location. CSP considerations for this parcel include:

- A. Establishing a Structural Perimeter Limit (SPL) 10-feet from the south side of the dock; and
- B. Maintaining a 14'± travel lane on the south side (between 10-foot SPL and adjacent owner's MPL) to provide designated space for mutual-use maneuvering for vessels.

Lot 64-2: Gilbane Residential Fixed Dock

There is currently no dock at the Gilbane parcel. During the October 11, 2022 CRMC Council Meeting, the Council unanimously approved the construction and maintenance of a 4-foot by 64-foot fixed timber pier, with a 1,200-pound boat lift (2021-09-093). CSP considerations for this parcel include:

- C. Reducing the approved 4-foot wide by 64-foot-long fixed timber pier to a combination of sections, in a straight alignment for a total length of 50 feet from the bulkhead. This represents a 14-foot reduction in previously approved pier length and reaches agreement with Redbook Section 1.3.1(D)(11)(I), which limits length to no more than 50-feet seaward of MLW. *Using the MLW definition as the 'seaward side of the existing bulkhead';* and
- D. Eliminating the construction of the approved boat lift to reduce congestion in the area of the 14'± travel lane. The inclusion of a floating dock section replaces the necessity for a boat lift.

Lot 64-3: Walker Limited Marina

A Preliminary Determination was submitted on February 28, 2023, for modifications and additions to the existing docks (2023-03-009). CRMC responded on May 12, 2023, with 12 concerns, comments, and information requirements. CSP considerations for this parcel include:

- E. Shifting the proposed 31.1-foot floating dock (extending east) to the centerline of the existing northern dock from which it extends and increase the length to 35 feet;
- F. Adding a 20.1-foot by 7.8-foot by 3.6-foot triangle-shaped floating dock to the southern side of the existing main pier;
- G. Adding a 35-foot floating dock parallel to the eastern "L" section of the existing fixed pier; and
- H. Realigning the Marina Perimeter Limit (MPL) to allow the adjacent 10-foot SPL and 14'± travel lane.

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COASTAL RESOURCES
MANAGEMENT COUNCIL
Equal Opportunity Employer M/F/V/H

Narragansett

(Summary Data - may not be Complete Representation of Property)

Parcel: I-J-64-2 Location: 1159 SUCCOTASH ROAD Owner: GILBANE FAMILY REAL ESTATE, LLC
 Account: 1459 User Acct: 04225425 LUC: 1013 - SFR WF Zoning: B-C

Parcel Values

Total: \$1,595,300 Land: \$1,019,000 Land Area: 0.116 AC Building: \$576,300 Assessed: \$1,595,300

Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
995-381	Quit Claim	01/03/2022	\$1	GILBANE, WILLIAM J. JR
943-852	Warranty	02/21/2020	\$862,500	DI SPIGNO, VINCENT W

Building Type: Cape Cod Year Built: 1950 Grade: 05 Condition: VG
 Heat Fuel: Electric Heat Type: Hot Water % Air Conditioned: 100.00 Fireplaces: 0
 Exterior Wall: Clapboard Bsmnt Garage: 0 Roof Cover: Asph/F GlS/C # of Units: 1
 # of Rooms: 9 # of Bedrooms: 5 Full Bath: 2 1/2 Baths: 1

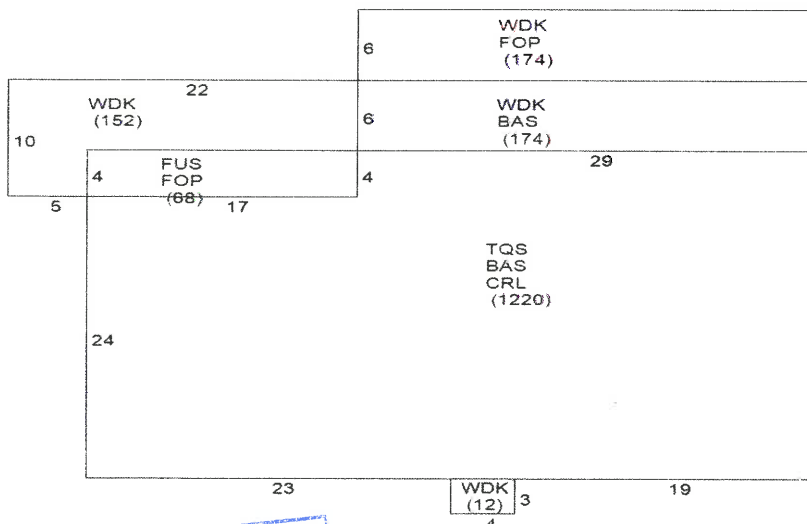
Yard Item(s)

Description	Quantity	Size	Year	Condition	Quality	Value
DOCKS-RES TYPE	1	144	2011	AV	Average	\$9,700.00
PATIO-AVG	1	192	2017	AV	Average	\$500.00
OUTSIDE SHOWER	1	1	2017	AV	Average	\$800.00
GEN >35k	1	1	2022	AV	Average	\$14,300.00

Building Areas

Area	Net Area	Finished Area
CRAWL	1,220 SF	0 SF
Deck, Wood	512 SF	0 SF
First Floor	1,394 SF	1,394 SF
Porch, Open, Finished	242 SF	0 SF
Three Quarter Story	915 SF	915 SF
Upper Story, Finished	68 SF	68 SF

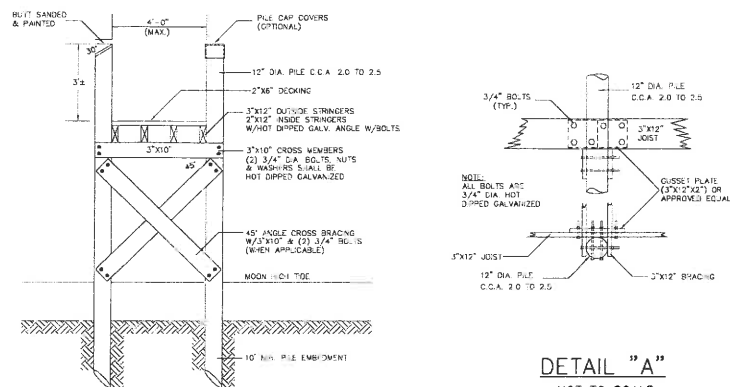
Disclaimer: This information is for tax
 assessing purposes
 and is not warranted



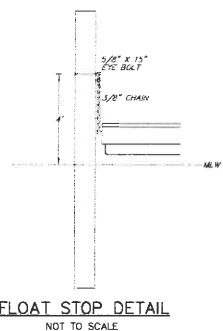
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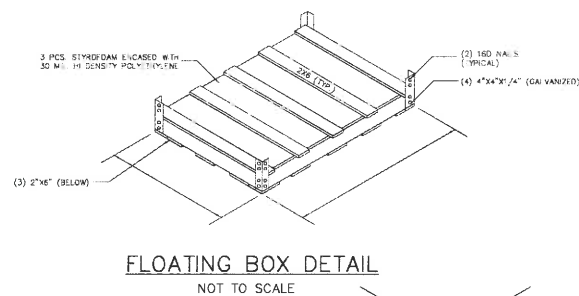
LOCATION MAP
NOT TO SCALE



DECK CROSS SECTION
NOT TO SCALE



FLOAT STOP DETAIL
NOT TO SCALE



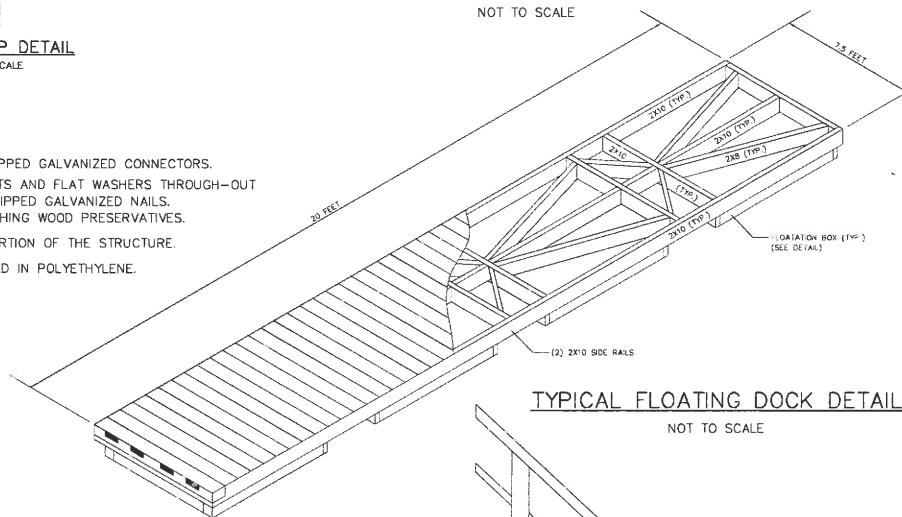
FLOATING BOX DETAIL
NOT TO SCALE

CONSTRUCTION NOTES

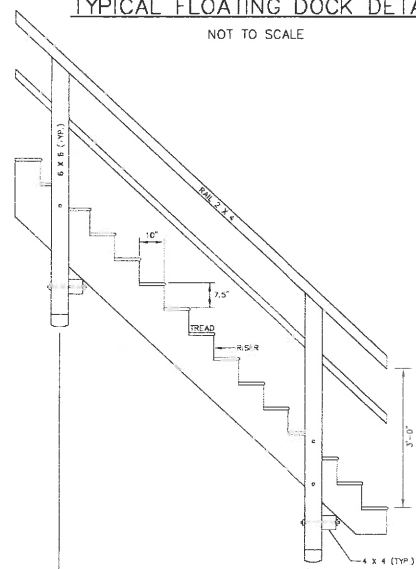
- ALL CONSTRUCTION TO BE DONE WITH HOT DIPPED GALVANIZED CONNECTORS.
- BOLTED CONSTRUCTION TO BE 5/8" DIA. BOLTS AND FLAT WASHERS THROUGH-OUT EXCEPT DECKING MAY BE NAILED WITH HOT DIPPED GALVANIZED NAILS.
- ALL LUMBER TO BE TREATED WITH NON-LEACHING WOOD PRESERVATIVES.
- NO CREOSOTE SHALL BE APPLIED TO ANY PORTION OF THE STRUCTURE.
- PROPOSED FLOAT TO BE COMPLETELY ENCASED IN POLYETHYLENE.

PROPERTY OWNER:

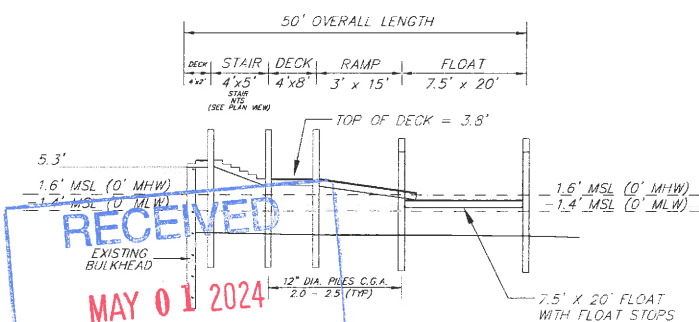
WILLIAM J. GILBANE, JR.
91 LIGHTHOUSE DRIVE
JUPITER, FL 33469



TYPICAL FLOATING DOCK DETAIL
NOT TO SCALE



SIDE VIEW
STAIRWAY DETAIL
NOT TO SCALE



DOCK PROFILE
NOT TO SCALE

POINT JUDITH POND

NOTE:

THIS PLAN DEPICTS REVISIONS TO PENDING CRMC FILE #A2021-09-093

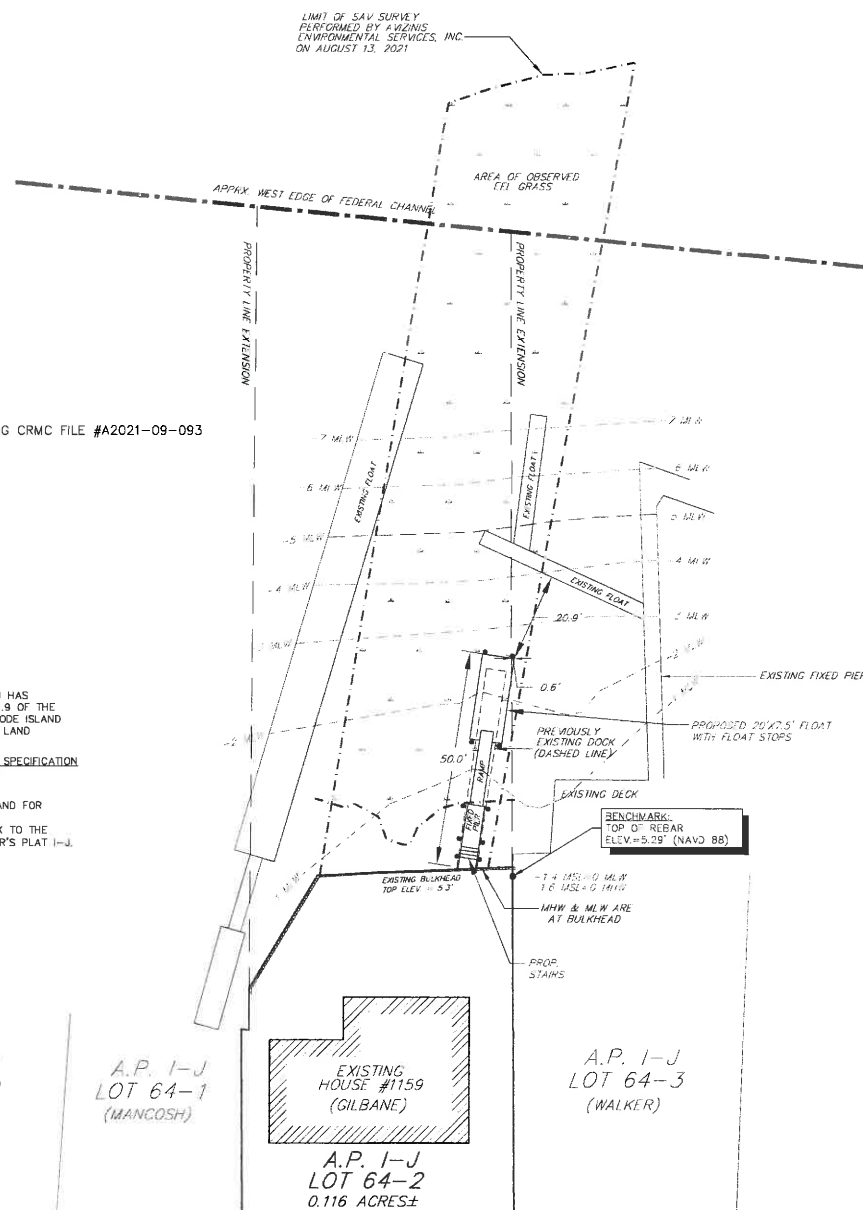
CERTIFICATION:

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO 435-RICR-00-00-1.9 OF THE RULES AND REGULATIONS ADOPTED BY THE THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOV. 25, 2015, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: MEASUREMENT SPECIFICATION
DIMENSIONAL CONFORMANCE SURVEY

STATEMENT OF PURPOSE:
THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:
TO DEPICT THE OFFSETS FROM THE PROPOSED DOCK TO THE PROPERLY LINE EXTENSIONS OF LOT 64-2, ASSESSOR'S PLAT 1-J.

BY: *Richard L. Coucho*
RICHARD L. COUCHON, RPLS #1820
CERTIFICATE OF AUTHORIZATION #763



SUCCOTASH ROAD

BEACH ROW

SCALE: 1" = 20'
0 10' 20' 40' 60'
GRAPHIC SCALE

DOCK PLAN

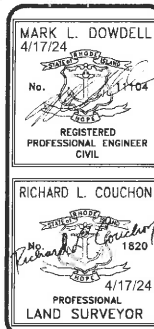
PREPARED FOR

WILLIAM GILBANE

ASSESSOR'S PLAT 1-J LOT 64-2

SITUATED IN THE TOWN OF
NARRAGANSETT, RHODE ISLAND

NO.	REVISION	DATE



DOWDELL ENGINEERING
DOWDELL ENGINEERING ASSOCIATES, LLC
CIVIL & ENVIRONMENTAL ENGINEERS
SURVEYORS & LAND PLANNERS
P.O. BOX 1884 • 3949 OLD POST ROAD
CHARLESTOWN, RHODE ISLAND 02813
(401) 364-1027
WEBSITE: dowdelleng.com EMAIL: mark@dowdelleng.com

JOB NO. 3525	DRAWN BY: R.L.C.
DWG. NO. 3525-DCK2	CHECKED: M.L.D.
SCALE: AS NOTED	APPROVED: M.L.D.
DATE: APR 16, 2024	
SHEET: 1	1 OF 1 SHEETS



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

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

Date: January 19, 2023


File Number: A*2021-09-093

To Whom It May Concern:

Attention is invited to the provisions of Section 42-35-15 of the Administrative Procedures Act whereby a final decision in a contested case may be subject to judicial review provided a complaint is filed in the Superior Court of Providence County within thirty (30) days after the mailing of the decision.

This thirty (30) day period for the William & Nancy Gilbane
case expires on February 19, 2023

Sincerely,


Jeffrey M. Willis, Executive Director
Coastal Resources Management Council

/lat

STATE OF RHODE ISLAND
PROVIDENCE, SC.

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 116
Wakefield, RI 02879-1900

DECISION

Petition of: William and Nancy Gilbane

Docket No.: 2021-09-093

William and Nancy Gilbane (“Applicants”), filed with the Coastal Resources Management Council (“Council”) an application to construct and maintain a residential boating facility consisting of a 4’ by 64’ fixed timber pier with a 1,200 lb boat lift. The coastal feature is manmade shoreline (bulkhead) on developed back barrier. Applicants’ proposed residential boating facility extends 67’ beyond mean low water and achieves a water depth of 4’. The proposed project location is 1159 Succotash Road (Assessor’s Plat I-J, Lot 64-2), Narragansett, RI 02879. Applicants proposed locating the project in Point Judith Pond Breachway. The water type is Type 5, commercial and recreational harbors. Applicants’ proposed project requires a variance to 650-RICR-20-00-01.3.1(D)(11)(l)(2), which dictates that residential boating facilities shall not extend 50’ seaward of mean low water, and 650-RICR-20-00-01.3.1(D)(11)(k), which requires that residential boating facilities not intrude into the area within 25’ feet of an extension of abutting property lines.

The Council held a meeting on October 11, 2022, pursuant to the Administrative Procedures Act. At that time, evidence was submitted on behalf of Applicant. Further evidence was submitted by staff members of the Council. All submitted evidence was incorporated into the record. All evidence so submitted to the Council pursuant to this application whether it be by interested parties, through its staff members and other various state agencies has been and is available to all interested parties at the Council offices located at the Stedman Government Center, Tower Hill Road, Wakefield, Rhode Island 02879.

Prior to the October 11, 2022 meeting, CRMC staff generated a CRMC Decision Worksheet and Staff Report (hereinafter collectively referred to as “The CRMC Staff Report”) complete with Staff Recommendations(s). The staff recommendation, in the CRMC Staff Report, states “No Tech Obj, Defer for Comments.”

CRMC Senior Environmental Scientist, Tracy Silva, explained at the October 11, 2022 meeting that the Applicants worked to remove or reduce variances required by their initial plans. CRMC staff reported that any project proposed by the Applicants would require relief given the nature of the shoreline adjacent to the Applicants' property. CRMC staff further noted that neither of Applicants' abutters are in conformance with the CRMC regulations. CRMC staff concluded that the proposed layout is the best layout.

The attorney for the Applicants, John Revens, Jr., Esq., was present at the hearing and questioned Applicants' surveyor, Mark Dowdell, regarding the location and status of the boating facilities associated with the abutting properties.

An objector, Benjamin Walker (the Applicants' southern abutter) was represented by William Landry, Esq. at the hearing. Attorney Landry indicated that the Objector's boating facility had been permitted since 1954. Mr. Landry further indicated that the facility received additional permitting from the CRMC in 1993 and 2014. Mr. Landry indicated that Mr. Walker agreed to remove two docks that were the subject of CRMC enforcement review. Mr. Landry argued that the project as proposed does not represent the least relief necessary and would create substantial use conflicts. Mr. Landry indicated that it was the objector's position that the project should be moved away from the property line slightly and cut back a little bit.

Council Member Gagnon moved approval of the application subject to a de minimis reduction in the boat lift's distance from shore, as to square the proposed boat lift with the proposed pier. Member Gagnon, in support of his motion, relied on the staff report, and all terms and conditions contained therein, particularly as those findings related to the standards for the requisite variances.

After hearing thereon, and consideration thereof, the Council made the following findings of fact:

1. On October 22, 2021, CRMC accepted Applicants' proposal to build a residential boating facility.
2. The proposed project location is 1159 Succotash Road, Narragansett, RI 02879 (Assessor's Plat I-J, Lot 64-2).
3. The property at 1159 Succotash Road is adjacent to "Point Judith Pond Breachway" which is Type 5, commercial and recreational harbors.
4. The coastal feature is manmade shoreline (bulkhead) on developed back barrier.

5. Applicants' proposed facility consists of a fixed timber pier leading to a boat 1,200 lb boat lift.
6. The proposed fixed timber pier would be 4' by 64'.
7. Applicants' application is Category A*.
8. Applicants' application, although Category A*, came before the Council because CRMC received comments from an objector.
9. The CRMC Staff Report notes that an objector submitted a letter stating its primary concern is the "increase in scope/area of the proposed facility from the pre-existing dock."
10. The CRMC Staff Report notes that "regardless of the former structure, a residential boating facility can be sited in this location which continues to allow access to existing facilities."
11. The CRMC Staff Report states that "the applicant has worked with staff to provide a design consistent with Redbook policies and standards." The CRMC Staff Report qualifies this statement by noting the need for length and property line variances.
12. The CRMC Staff Report notes that the facility requires a variance to 650-RICR-20-00-01.3.1(D)(11)(l)(2), the residential boating facility length standard, and 650-RICR-20-00-01.3.1(D)(11)(k), the property line extension setback standard.
13. 650-RICR-20-00-01.3.1(D)(11)(l) requires that "residential and limited recreational boating facilities shall not extend beyond that point which is . . . fifty (50) feet seaward of mean low water."
14. 650-RICR-20-00-01.3.1(D)(11)(k) requires that "residential and limited recreational boating facilities shall not intrude into the area within twenty-five (25) feet of an extension of abutting property lines."
15. The CRMC Staff Report indicates that "the applicant has submitted variance

burdens of proof and staff is of the opinion that it is a reasonable design, consistent with CRMC standards and without additional significant environmental impact.” On that basis, the standards for granting a variance are met.

16. The Council discussed the potential of reducing use conflicts by moving the proposed boat lift landward, thereby squaring the lift with the terminus of the timber pier and providing more space for access to the boating facility associated with the abutting property.
17. CMRC Staff confirmed that squaring the boat lift with the timber pier would reduce the length of the project by 3’.
18. A 3’ reduction in the length of the facility would result in the boating facility achieving a length of 64’ beyond mean low water.
19. The Council noted that a modification shifting the boat lift landward would implicate 650-RICR-20-00-01.3.1(R)(3)(e)(4), the standard for boat lift depth in areas of Submerged Aquatic Vegetation.
20. CRMC Staff, considering the proposal to reduce the length of the facility by 3’, indicated that a depth achieved by the boat lift would be over 3.5’.
21. CRMC staff affirmed Legal Counsel’s understanding that the proposed modification is de minimus, and thus, the staff can support it.
22. Council Member Gagnon moved approval of the application subject to a de minimis reduction in the boat lift’s distance from shore as to square the proposed boat lift with the proposed pier. Member Gagnon, in support of his motion, relied on the staff report for the findings of fact to support the motion, and all terms and conditions contained therein, particularly as those findings related to the standards for the requisite variances. The motion received a second from Council Member Gomez.
23. The Council hereby adopts and incorporates the findings made by CRMC staff.
24. The Council hereby finds that Applicant has met the burdens of proof under the applicable sections of the CRMP or SAMP.
25. Based on the foregoing, there is not a reasonable probability of conflict with a

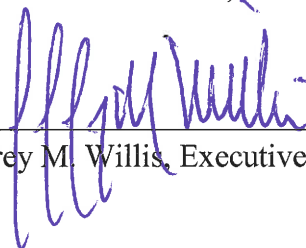
plan or program for management of the State's coastal resources as well as damage to the coastal environment of the State of Rhode Island.

Conclusions of law:

1. This Council has been granted jurisdiction over the above-mentioned project pursuant to RIGL Section 46-23-1, *et. seq.*
2. The proposed alterations do not conflict with the management plan approved and adopted by this Council and in effect at the time the application was submitted.
3. The record reflects that the evidentiary burdens of proof as set forth in the Coastal Resources Management Program have been met for this project.

WHEREFORE, as a result of these findings of fact, and conclusions of law, it appears that the proposed activity does not have a reasonable probability of causing a detrimental impact upon the coastal resources of the State of Rhode Island. As a result of these findings of fact and conclusions of law, the Council hereby approves the application on a unanimous vote by the members present.

FOR THE COUNCIL,



Jeffrey M. Willis, Executive Director

Dated: