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Charlestown, RI 02813



April 4, 2022

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

Re: CRMC Application File #A2021-09-093
Applicant: William Gilbane
Location: #1159 Succotash Road; Play I-J, Lot 64-2 in Narragansett

Response to comments dated 2/15/22 and update to Variance Request to Section 1.3.1 (D)(11)(k) (intrusion into the 25' extension of abutting property lines) and Section 1.3.1 (D)(11)(l)(length to 67' beyond MLW, a 34% increase beyond the 50' standard)

Dear Ms Silvia:

In response to your response review letter dated 2/15/22, we are submitting a request to the extent necessary for a variance under Section 1.1.7 of the CRMP regulations with regard to the following matters, revised since our original submission to take your comments into account.

As shown on the Dock Plan (the Plan), we are proposing to modify/replace a previously existing unpermitted dock that exists in front of the home at 1159 Succotash Road in Narragansett, with both abutting docks already in violation of both the 25' sideline standard and the 50' beyond MLW standard. The area of this proposed dock replacement is considered Type 5 Waters, further defined as commercial and recreational harbors.

Major revisions to the Plan are (1) shortening of the terminus of the dock, (2) removing the proposed float and proposing a boat lift and (3) attempting to maintain existing use of existing violating abutting docks while granting the Applicant reasonable access to his riparian rights.

Revisions to the plan and responses to comments are detailed below in *italics*.

Comment Responses from CRMC Letter Dated 2/15/22

1. It is staff's understanding that the existing facility is lacking a CRMC permit and is subject to CRMC enforcement action. As such, communication with both CRMC Enforcement and USACOE staff indicate potential 'grandfathering' under the ACOE process is in process and a CRMC permit will resolve the CRMC enforcement issue.

This comment is noted and we are looking forward to the resolution to this matter. As of the today, the previously existing dock has been removed, but extents of it are still shown on the Plan, as surveyed by Dowdell Engineering prior to its demolition.

2. As such, a public notice for this project has been prepared. However, revised plans reflecting the results of the SAV survey relative to the proposed project (i.e., density shading) are required. Revised plans were received and sent to public notice, one objection was received during this period, which closed 2/13/22 (enc). Please provide a written response/redesign to these comments.

Many assertions made by Mr. Landry on behalf of Mr. Walker are incorrect. The "valid Assent" referenced in his letter is presumed to be CRMC Assent #1994-09-044 (the Assent), originally granted in 1994 as an ACOE Grandfathered Dock permit and updated in 2014 by Steven Kenyon, Esq.

We have reviewed this Assent and have included it as an attachment to this letter. The only plan included in the Assent is one titled "Plan of Existing Pier in Point Judith Pond at Jerusalem, Narragansett, RI" for John Bellegris dated February 1955 by Frank M. Waterman, P.E.

As shown on this Assent plan (which is the only plan attached in the Assent PDF), there appears to be a large deck near the shoreline with a 99 foot long fixed pier leading to a "T" shaped fixed pier terminus that is 70 feet long. The deck and a portion of the fixed pier as shown in the Assent plan is the only portion of the dock that resembles as it is installed today. Nowhere on the Assent plan are floats shown, and the current length of the fixed pier (starting from the deck to the existing "L" portion) is approximately 74 feet.

Furthermore, per the ACOE approval on March 14, 1955, (page 16 of the PDF Assent) specifically states that their approval is "for the approval of the attached plans of a pile and timber T-head pier", without mention of floats.

As stated in the Assent, "any activities or alterations in which deviate from the approved plans will require a separate application and review", which does not appear to have happened when the floats were installed. As shown on the Dock Plan, the abutter's floats clearly violate Section 1.3.1 D11k (25' distance to extension to abutter's property lines) and in fact cross over into the Applicant's property line extension by approximately 8 feet. In addition, based on the findings of the SAV, the floats were likely installed over the same eelgrass bed that we are currently applying for a variance from.

We have also reviewed Mr. Walker's Maintenance Assent #2014-08-086, which regards "Repair/replace timber walkways. Replace structure support pilings." The Maintenance Assent does not reference any floats and even includes an aerial photo of the area showing one of the two violating floats installed at the time.

It is again therefore requested that the existing floats for Mr. Walkers dock be removed and relocated out of the Applicants riparian rights.

3. Additionally, Letters of No Objection (LONO) are required for work within 25' of a property line extension; In this case, it appears the southern abutter and potentially others are affected. If a LONO is not received, a PLS-stamped plan is also required as well as a variance to Red Book Section 1.3.1(D)(11)(k) and a full Council hearing. Distances to PL extensions should be called out on the plan. The revised plans are PLS-stamped with PL extensions shown. A LONO was received from the northern abutter, however, lack of a LONO from the southern abutter, as well as a letter of objection necessitates a Council hearing for this project.

Noted.

4. Also, the property line extensions do not appear accurate; For CRMC purposes, they must follow a straight line extended out from the PL meeting the MHW. It appears the northern abutter will likely require a LONO as well once both lines are adjusted. Revised plans are accurate re PL extensions for CRMC review purposes and northern LONO received.

Noted.

5. Please note that CRMC internal guidance considers 18" to 3' of water depth reasonable for recreational boating. Staff review will balance water depth with length as well as nearby docks (noting substandard/grandfathered/unauthorized designs). A length variance to Section 1.3.1(D)(11)(l) is required for the current design and staff advises the applicant to shorten the proposal as indicated above. Additionally, length to federal channel shall also be depicted. Based on the revised plans, the existing unauthorized dock achieves approximately 2.5' of water at its depth at a distance of 46' seaward of MLW. The proposed dock is seeking 4.5' at 73' seaward of MLW. CRMC current regulations consider 3' water depth/50' seaward of MLW reasonable as noted above. Additionally, the proposal extends further over SAV and proposes a prohibited float over SAV (see below). As such, staff does not support the current layout and recommends the applicant shorten the facility to 3' water depth, lessening both the length and SAV variances required.

As part of the revised Dock Plan, we have replaced the proposed float with a 12.5' x 14.0' boat lift, which is allowed in Type 5 waters, and the dock will not impact SAV as significantly as the previous application. Though it has been requested to shorten to 3' water depth MLW, based on manufacturer's recommendations for the Hi-Tide Gear Drive Lift, a minimum 24" of clearance is needed between the bottom of the aluminum bunks and the top of water to reliably lift the boat from the water. While 24" should be sufficient at -3' MLW, we are requesting a depth of -4' MLW to further minimize impact to SAV (making sure that the beams do not rest on the bottom when lifting the boat).

6. Public notice will be held pending receipt of written variance criteria (technically, a Deficiency for acceptance, however, staff recognizes the ongoing effort to legalize the issue) as well as revised plans, including 8.5" x 11". While variance criteria has been submitted, staff's opinion is that the project is not the minimum necessary and should be revised.

We have revised the design to take CRMC comments into account and meet the requirements of a new dock as reasonably as possible. Given (1) the lengths of two abutting docks being almost twice as long as our proposed dock, (2) the proposed use being consistent with the boating environment of the area (Type 5 waters), and (3) being constrained by two abutting docks impeding upon the Applicant's riparian rights; the proposed dock is the best option for all parties involved.

7. Staff has been notified that the pre-existing unauthorized dock has been removed and review of this project remains as a new facility. As such, relocating the dock further north may also alleviate some of the area congestion and staff advises exploring this option. A re-Notice will not be required for such a revision if the length does not increase and the setback to the northern PL extension remains 25' or greater.
-

Both criteria for this comment have been met and we request that a re-notice not be required.

8. A Special Exception is required for a float over SAV, which includes a compelling public purpose. Staff does not support a Special Exception for this project and recommends the float be removed; An "L" or "T" terminus could be pursued instead. Staff also recognizes the pre-existing nature (although unauthorized) of this area for docking and can support a new structure over SAV in this location if redesigned consistent with above comments.
-

The float has been replaced by a boat lift, as discussed in comment #5. This revision was done to minimize impacts to SAV.



Variance Requests

Because the Mean High Water and Mean Low Water location falls up against the vertical face along the seaward side of existing bulkhead, and we have the two abutting docks in violation of both standards, we hereby request 21' relief from the southerly 25' sideline projection setback required and we are requesting to go out to a point 67' from MLW. Reasoning behind these lengths are detailed more in-depth in comments above. Compliance with the six criteria for a variance under Section 1.1.7 is as follows:

Section 1.1.7.1: The proposed alteration conforms with applicable goals and policies of the CRMP in that we have chosen a location of the proposed dock and boat lift based on the two (2) existing abutting docks in an effort to afford everyone the best boat circulation. Per comment #5 of your letter dated 2/15/22, we have redesigned and moved the proposed dock to be closer to -3' MLW depth, while maintaining circulation and existing float access and reasonable functionality of the proposed boat lift while minimizing impact to SAV.

Section 1.1.7.2: The proposed dock installation will not result in any significant adverse environmental or use conflicts because a portion of our proposed fixed dock was already installed at the site and we are proposing to extend, realign said fixed portion, and add a boat lift. Per your comment #8, we have removed the proposed float and replaced it with a 14' x 12.5' "Hi-Tide Gear Drive Lift" boat lift. The lift is being proposed in order to maintain SAV in the area and reduce potential impact to it in the future. The boat lift is also consistent with neighboring uses in Type 5 Waters.

Section 1.1.7.3: Due to conditions at the Site, we have chosen a location to maximize the boating access to our proposed lift with two (2) abutting docks that are in violation of the standards we are now requesting relief from. We have shown setbacks to our proposed dock to both abutting floats and believe that such space should more than adequate. As discussed above, the southerly abutting float actually crosses and impedes the Applicant's property line extension by approximately 8 feet.

Section 1.1.7.4: The modification is the minimum necessary in order to (1) maintain reasonable access and circulation in the area to the abutting float to the north and (2) achieve a reasonable depth for the dock. It is being requested that the abutting float to the south be removed and relocated.

Section 1.1.7.5: The requested variances are not due to any prior action of the applicants or the applicants' predecessors in title.

Section 1.1.7.6: Due to the conditions at the Site, we are dealing with two (2) abutting docks that do not meet the standards we are hereby requesting relief from said standards because both abutting docks do not comply with said standards. We have picked an optimal proposed location for our proposed dock based on conditions at the site.





Please consider this letter a request for a variance as a supplement to the above referenced application for an Assent.

If you have any questions, please call me at 401-364-1027 or email me at mark@dowdelleng.com. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Dowdell", written in a cursive style.

Mark L. Dowdell, P.E.

Attachments:

"Dock Plan" Revised 4-4-22

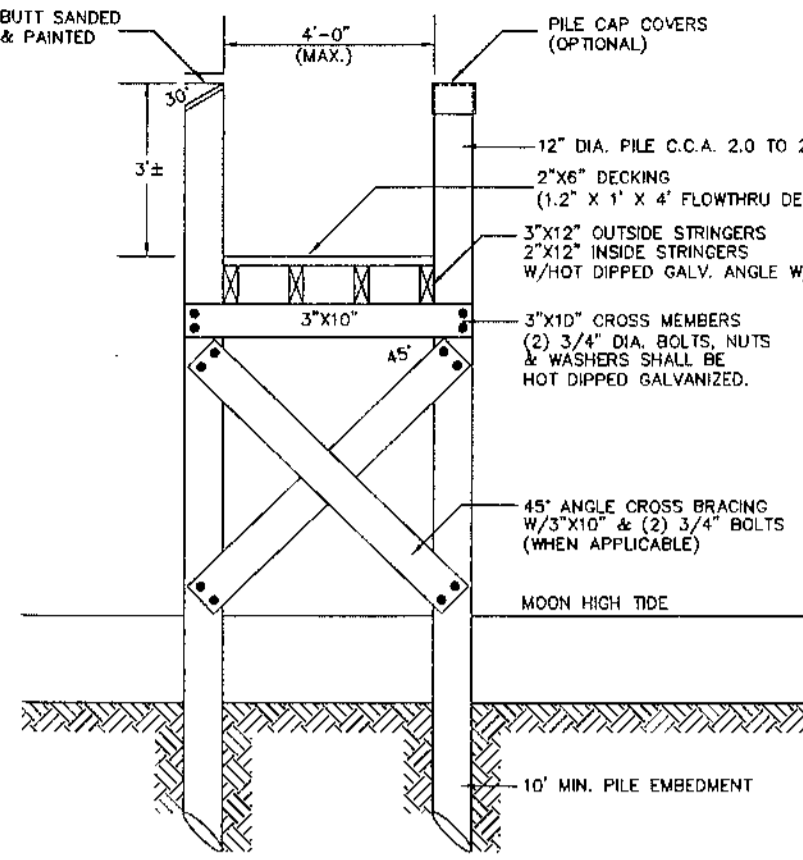
Assent #1994-09-044

Maintenance Assent # 2014-08-086

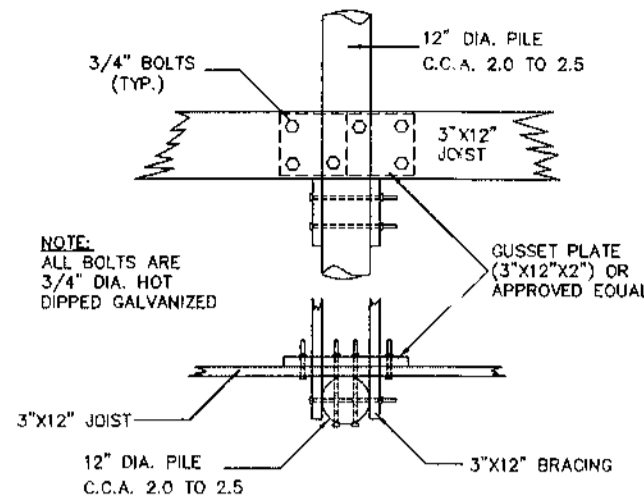




LOCATION MAP
NOT TO SCALE



DECK CROSS SECTION
NOT TO SCALE



DETAIL "A"
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.

PROPERTY OWNER:

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

Structural Specifications for Hi-Tide Gear Drive® Lift							
LIFT MODEL	BEAM DIMENSIONS	SPEED	CABLE & SHUNT SIZE	STANDARD BUNKS	MOTOR (Horsepower)	WARRANTED LIFT CAPACITY (LBS)	QUANTITY
4,500 LB (SINGLE CABLE)	4" x 3" x 12'6" 6" x 4" x 12'	20"/min	Cable: 1/2" x 20' Shunt: 1 1/2" x 16" Grooved sleeve: 16"	8" x 12" aluminum bunks	(1) 1 hp	120V/20A 240V/15A	4 pilings/ 8" diameter
6,000 LB (SINGLE CABLE)	4" x 3" x 12'6" 6" x 4" x 12'	20"/min	Cable: 5/16" x 20' Shunt: 1 1/2" x 16" Grooved sleeve: 16"	8" x 12" aluminum bunks	(1) 1 hp	120V/30A 240V/15A	4 pilings/ 8" diameter
9,000 LB (DOUBLE CABLE)	4" x 3" x 12'6" 6" x 4" x 12'	20"/min	Cable: 1/2" x 30' Shunt: 1 1/2" x 16" Grooved sleeve: 16"	8" x 12" aluminum bunks	(2) 1/2 hp	120V/20A 240V/15A	4 pilings/ 8" diameter
12,000 LB (DOUBLE CABLE)	5" x 3.5" x 12'6" 8" x 5" x 12'6"	20"/min	Cable: 5/16" x 30' Shunt: 1 1/2" x 16" Grooved sleeve: 16"	10" x 12" aluminum bunks	(2) 3/4 hp	120V/30A 240V/15A	4 pilings/ 9" diameter
16,000 LB (DOUBLE CABLE)	6" x 4" x 12'6" 10" x 6" x 12'	20"/min	Cable: 5/16" x 30' Shunt: 1 1/2" x 16" Grooved sleeve: 16"	10" x 12" aluminum bunks	(2) 1 hp	240V/15A	4 pilings/ 10" diameter
20,000 LB (TRIPLE CABLE)	6" x 4" x 12'6" 10" x 6" x 12'	13"/min	Cable: 5/16" x 45' Shunt: 1 1/2" x 16" Grooved sleeve: 18"	10" x 14" aluminum bunks	(2) 1 hp	240V/15A	4 pilings/ 10" diameter
24,000 LB (TRIPLE CABLE, 4 PILINGS)	5" x 5" x 16" 12" x 7" x 16" Light duty	15"/min	Cable: 4/16" x 45' Shunt: 1 1/2" x 16" Grooved sleeve: 18"	25" x 12" x 18" wood bunks	(2) 1 hp	240V/15A	4 pilings/ 10" diameter
24,000 LB (TRIPLE CABLE, 8 PILINGS)	4" x 3" x 48" 12" x 7" x 18" Light duty	13"/min	Cable: 5/16" x 45' Shunt: 1 1/2" x 16" Grooved sleeve: 18"	8" x 12" x 18" wood bunks	(4) 3/4 hp	240V/30A	8 pilings/ 10" diameter
30,000 LB (TRIPLE CABLE, 4 PILINGS)	8" x 6" x 16" 12" x 7" x 18" Heavy duty	19"/min	Cable: 3/8" x 50' Shunt: 1 1/2" x 16" Grooved sleeve: 18"	3" x 12" x 18" wood bunks	(4) 1 hp	240V/30A	4 pilings/ 12" diameter
30,000 LB (TRIPLE CABLE, 8 PILINGS)	5" x 3.5" x 48" 12" x 7" x 18" Heavy duty	19"/min	Cable: 3/8" x 50' Shunt: 1 1/2" x 16" Grooved sleeve: 18"	3" x 12" x 18" wood bunks	(4) 1 hp	240V/20A	8 pilings/ 10" diameter

HI-TIDE GEAR DRIVE LIFT SPECIFICATIONS

NOT TO SCALE

PER MANUFACTURER RECOMMENDATIONS, 24" DEPTH CLEARANCE NEEDED FROM TOP OF WATER TO BOTTOM OF BEAM

POINT JUDITH POND

NOTE:

THIS PLAN DEPICTS 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 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 I

STATEMENT OF PURPOSE:
FOR THE PURPOSE OF 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 PROPERTY LINE EXTENSIONS OF LOT 64-2 ASSESSOR'S PLAT I-J.

BY: *Richard L. Couchon* 4/4/22
RICHARD L. COUCHON, RIPLS #1820
CERTIFICATE OF AUTHORIZATION #763

A.P. I-J
LOT 64-0

A.P. I-J
LOT 64-1

EXISTING HOUSE #1159
A.P. I-J
LOT 64-2
0.116 ACRES±

A.P. I-J
LOT 64-3

SUCCOTASH ROAD

BEACH ROW

RECEIVED
APRIL 4, 2022
COASTAL RESOURCES
MANAGEMENT COUNCIL

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

DOCK PLAN
PREPARED FOR

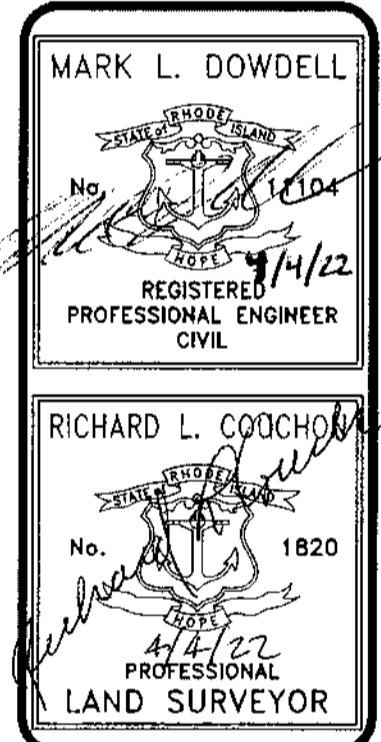
WILLIAM GILBANE

ASSESSOR'S PLAT I-J LOT 64-2

SITUATED IN THE TOWN OF

NARRAGANSETT, RHODE ISLAND

NO.	REVISION	DATE
1.	CRMC COMMENTS	12/06/21
2.	CRMC COMMENTS	04/04/22



DOWDELL ENGINEERING
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JOB NO. 3525 DWG. NO. 3525-DCK	DRAWN BY: R.L.C. CHECKED: M.L.D. APPROVED: W.D.D.
SCALE: AS NOTED	DATE: SEPT. 24, 2021
SHEET: 1	1 OF 1 SHEETS