

CRMC DECISION WORKSHEET

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
2021-09-093	Narragansett	1159 Succotash Road		A*	<input type="checkbox"/>	
		Plat	I-J			
		Owner Name and Address				
Date Accepted	5/13/2024	William & Nancy Gilbane		Work at or Below MHW		X
Date Completed	8/6/2024	91 Lighthouse Drive Jupiter, FL 33469		Lease Required		<input type="checkbox"/>

PROJECT DESCRIPTION

Modification of an approved, but not constructed (no Assent has been issued), residential boating facility to include removal of the permitted 12'x12' boat lift and reduction of the permitted 4'x 64' fixed pier to a proposed 4' x 50' fixed pier, approximately 14' shorter than the permitted structure.

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal beach and manmade bulkhead on a developed back barrier

Water Type: Type 5, Comm/Recreational Harbors, Pt Judith Pond Channel

Red Book: 1.2.1(E), 1.2.2(A), 1.2.2(B), 1.2.2(F), 1.2.3, 1.3.1(D), 1.3.1(R), 1.3.5

SAMP: RI's Salt Pond Region, Lands Developed Beyond Carrying Capacity

Variances and/or Special Exception Details: N/A

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations): Any approval should incorporate the Common Site Plan (CSP), recognizing CRMC's ability to inspect and/or enforce all structures now and in the future; Prior stipulation requiring all vessel berthing be touch-and-go only over any area of SAV shall remain in effect.

STAFF RECOMMENDATION(S)

Engineer	_____	Recommendation:	_____
Biologist	TAS	Recommendation:	Approval
Other Staff	_____	Recommendation:	_____



 Engineering Supervisor Sign-Off _____ date 8/8/24



 Executive Director Sign-Off _____ date 8/13/24

Supervising Biologist Sign-off _____ date _____

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



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

DATE: 2 August 2024
TO: Jeffrey M. Willis, Executive Director
FROM: T. Silvia, Sr. Environmental Scientist

Applicant's Name:	William & Nancy Gilbane
CRMC File Number:	2021-09-093
Project:	Modification of an approved, but not constructed (no Assent has been issued), residential boating facility to include removal of the permitted 12'x12' boat lift and reduction of the permitted 4'x 64' fixed pier to a proposed 4' x 50' fixed pier, approximately 14' shorter than the permitted structure.
Location:	1159 Succotash Road; Narragansett: Plat(s): I-J; Lot(s): 64-2
Water Type/Name:	5, Point Judith Pond (Jerusalem), Commercial/Recreational Harbors
Coastal Feature:	Coastal beach backed by bulkhead on developed back barrier
Plans Reviewed:	<i>"Dock Plan..William Gilbane, AP I-J, Lot 64-2, Narragansett.."</i> dated Sept. 24, 2021 as last revised 6/7/24 by Mark L. Dowdell, RPE and Richard L. Couchon, PLS <u>and</u> <i>"Permitting Services, 11157, 1159, 1161 Succotash Road, Narragansett, Common Site Plan.."</i> dated June 10, 2024 by GZA GeoEnvironmental, Inc.

A) INTRODUCTION:

The project site (Fig. 1) is located on the western side of the Pt Judith Pond breachway, on the backside of a developed barrier beach. The coastal feature is coastal beach backed by manmade bulkhead with commercial/residential mix of structures along this shoreline. Aerial photographs indicate a former small pier since the 1960s, then a ~46' long fixed pier on the southern side since the 1980s. Unfortunately, no prior permit was obtained for either structure; Working with CRMC Enforcement staff, the applicant removed the unauthorized structure, submitting an application for residential boating facility in Fall 2021.

Staff Report

A new residential boating facility was approved by the CRMC Council in Fall, 2022, however the southern abutter appealed the January 2023 Legal Decision and the facility has not yet been built. Note that the direct abutters are partially pre-existing structures which significantly impact the available space for this applicant to site a functional facility on the subject lot. Following submittal of the current Modification, a 30day public notice was issued in June with no further comments received. Revised plans were received in June 2024 in response to staff comments. This Modification is one of three pending applications for this particular shoreline and was developed in part with the others

FIGURE 1: Google Earth 2024 Pt Judith Pond Breachway channel, Mancosh/Gilbane/Walker North-South



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B) APPLICABLE REGULATIONS (Redbook 650-RICR-20-00-01):

Section	Section Title	Staff Comment
1.2.1(E)	Type 5, Commercial and Recreational Harbors	Consistent historic use
1.2.2(A)	Coastal Beach	No impact
1.2.2(B)	Barrier Islands and Spits	No impact, Developed backside
1.2.2(F)	Manmade Shorelines	Existing permitted bulkhead
1.2.3	Areas of Historic & Archaeological Significance	RIHPHC signoff received
1.3.1(D)	Recreational Boating Facilities	See below
1.3.1(R)	Submerged Aquatic Vegetation (SAV)...	See below
1.3.5	Protection/Enhancement of Scenic Value	Consistent with surroundings

C) STAFF COMMENT/PROGRAMMATIC CONCERNS:

The original 2021 proposal was a 4'x32' pier, 3'x 20' ramp and 6'x24' (144sf) terminal float, requiring a 23' length variance and a 22' Property Line Extension (PLE) setback variance to the Redbook standards. A Special Exception was also required for a new float over SAV, which is prohibited for residential docks. The southern abutter submitted a letter of objection, the northern abutter signed off.

Following numerous design revision discussions, a 2nd public notice was issued for the 2021 application which concluded without further comment. The revised proposal was a 4' x 67' pier and 1200lb boat lift, reducing the length and PLE variances and eliminating the SAV variance and Special Exception per staff recommendations. Following much discussion at the Fall, 2022 Council hearing, including objector testimony, the Council approved a shortened facility with a 21' PLE and 14' length variance. The approved facility for this site is now a 4'x 64' pier squared off at the terminus with a 1200lb boat lift. As noted above, this approval was challenged by the objector, and no structure has yet been built.

Due to the continued conflicts in this historically congested area, the current Modification application was submitted with a Common Site Plan (CSP) developed by the owner and two abutters (north/south). The proposal first shortened the facility, replacing the boat lift with a ramp/float, which staff again advised was still prohibited. The current Modification proposal is now a 4'x50' fixed timber pier only extending 50' seaward of cited MLW, removing the proposed float, approved boat lift, and length variance entirely. A 21' PLE variance is still required as the pier remains within 4' of the PLE to the south, however, this variance was already approved and is now agreed to by the nearby owners as shown on the Common Site Plan (CSP).

Although unapproved, a facility has been in existence in some form since the 1960s until 2021 when the current owner removed it for compliance. Given its location within the Jerusalem mixed use shoreline, it is staff's opinion that the facility is consistent with the requirements of Section 1.2.1E, 1.2.2(F); There is also no direct impact proposed to the coastal feature (Sections 1.2.2(A & B)) as MHW is located at the bulkhead.

The ACOE authorized a Self-Verification approval for the original proposal, and has received a copy of the current Modification public notice, however, their review remains pending at this time. The facility is

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now proposed 14' further (in-shore) from the nearby federal channel than previously permitted, consistent with Redbook Section 1.3.1(R) requirements for SAV (there remains a large extent of eelgrass in the vicinity of the former/proposed dock). The former unauthorized dock achieved ~2.5' of water at ~46' length and the current proposal achieves 2.5' depth at 50' seaward of MLW, which is consistent with Redbook current design standards. The design no longer directly abuts the southern facility, lessening navigation difficulties.

Sections 1.3.5 & 1.3.6 regulate scenic and public access impacts. The 2022 approval determined there would be no impact to public access as the facility is proposed entirely in tidal waters surrounded by private piers with no existing public access due to MHW located at the bulkhead. The facility is consistent with surrounding historic use and across from the State Galilee Fishing Fleet facilities, maintaining existing scenic conditions.

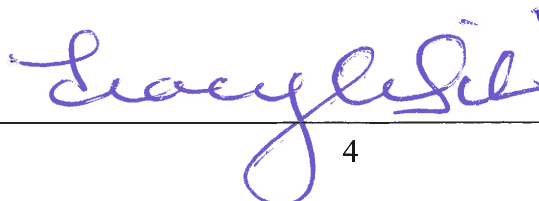
Since the original 2021 submittal for this site, staff has been in contact with both parties north/south regarding congestion as various remedies were put forth. The applicant worked directly with the two abutters to develop a configuration which would reduce congestion in the area. The CSP represents the respective owners' mutually agreed upon design for this part of the shoreline. The CSP, following initial revision, is consistent with staff guidance for this area and while no party is entirely pleased with the result, the proposed layout is also consistent with CRMC's regulatory requirements.

D) SUMMARY:

Based on the historic use of these waters and existing congestion conflicts in this area, it remains staff opinion that a residential boating facility can be sited in this location which continues to allow access to existing facilities. The Common Site Plan is consistent with historic use as well as Redbook design standards, avoids impact to SAV, public access, and coastal features and helps reduce congestion in this area.

Staff recommends approval of this application (as well as the other two served by the proposed CSP), noting that CRMC also retains authority to inspect and enforce the conditions of this CSP through any Assent approvals; The owner shall also note that long-term berthing remains prohibited over any area of existing SAV and as previously approved, use shall remain restricted to touch-and-go only along such areas. This will be stipulated in any Assent Modification along with standard Assent stipulations withheld pending Council's Decision. The proposed plans will superced the 2022 design if approved.

Staff Signature: _____



Tracy A. Silvia, Biologist