

# CRMC DECISION WORKSHEET

1994-09-044

Benjamin & Karen Walker

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
1994-09-044	Narragansett	1157 Succotash Road		<b>B</b>	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	I-J			
		<b>Owner Name and Address</b>				
Date Accepted	5/13/2024	Benjamin & Karen Walker		Work at or Below MHW		X
Date Completed	8/6/2024	422D South Road Wakefield, RI 02879		Lease Required		<input type="checkbox"/>

## PROJECT DESCRIPTION

Modify an existing Marina Perimeter Limit (MPL) by reconfiguring (299sf reduction) the layout along the northern portion of the marina, to replace an existing 4'x32' float with a 4'x35' float nearby and add another 4' x 35' float along the eastern edge of the marina, to re-install an as-built float to the south and to remove/replace/add pilings.

## 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:** 1.1.6(F), 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, 1.3.6

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

Variations 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

## STAFF RECOMMENDATION(S)

Engineer \_\_\_\_\_ Recommendation: \_\_\_\_\_

Biologist TAS Recommendation: Approval

Other Staff \_\_\_\_\_ Recommendation: \_\_\_\_\_

  
 Engineering Supervisor Sign-Off \_\_\_\_\_ date 8/18/24  
  
 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: 5 August 2024  
 TO: Jeffrey M. Willis, Executive Director  
 FROM: T. Silvia, Sr. Environmental Scientist

Applicant's Name:	Benjamin & Karen Walker
CRMC File Number:	1994-09-044
Project:	Modify an existing Marina Perimeter Limit (MPL) by reconfiguring (299sf reduction) the layout along the northern portion of the marina, to replace an existing 4'x32' float with a 4'x35' float nearby and add another 4'x 35' float along the eastern edge of the marina and to re-install an as-built float to the south and to remove/replace/add pilings.
Location:	1157 Succotash Road; Narragansett: Plat(s): I-J; Lot(s): 64-3
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>"Site Plan-CRMC Assent for Modifications to Marina/Details lot 64-3, Plat I-J, Benjamin W. Walker, 1157 Succotash Road, Narragansett.."</i> two sheets daed June 21, 2022 as last revised 4/22/2024 by Jeffrey K. Balch, PLS and Carolyn J. Doyle, RPE <u>and</u> <i>"Permitting Services 1157, 1159, 1161 Succotash Road, Narragansett, Common Site Plan.."</i> dated June 10, 2024 by GZA GeoEnvironmental, Inc.
Recommendation:	Approval

**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 at the site is coastal beach backed by manmade shoreline (bulkhead) and there is a mix of commercial and residential docks along this shoreline. This modification is one of three pending applications for this shoreline and was developed in part with the others

Aerial photographs indicate a facility existed at this location since the 1950s in some form and a 1955 Harbors & Rivers Commission permit was for a wooden T-shaped pier. The CRMC 1994-9-44 grandfather

permit was issued for a 10-boat capacity marina facility, with a correction request received by the applicant's attorney shortly after. The file history indicates the Director concurred, however follow-up documentation was not procured, and the original 1994 permit remained as issued until following a more recent Enforcement notification, when the current owner again requested correction to the 1994 permit. Following current site survey documentation, CRMC issued the Corrected Assent 1/10/2023 for a Limited Marina, with an approved MPL and same 10-boat capacity. Two unauthorized extensions to the north and south were removed as part of that review.

A Preliminary Determination Report was issued May 2023 in response to a request to expand the MPL to accommodate the re-installation of the two aforementioned extensions, with the approved boat count to remain the same. Staff comments were clear that any additional permitting along this shoreline would need to accommodate neighboring uses in order to have no further impact on the existing congestion. The applicant worked with the two northern abutters since that time to provide a design layout acceptable to all (reference *Common Site Plan, CSP*). A 30day public notice was issued June 2024 for the current application without comment.

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



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

<b>Section</b>	<b>Section Title</b>	<b>Staff Comment</b>
1.1.6(F)	Applications for Category A/B Assents	MPL expansion is Category B
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 to Developed backside
1.2.2(F)	Manmade Shorelines	Existing 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 - Scenic Value	Consistent with surroundings
1.3.6	Protection/Enhancement - Public Access to Shore	See below

**C) STAFF COMMENT/PROGRAMMATIC CONCERNS:**

The current proposal for this site includes a reconfiguration of the existing approved layout, while retaining the 10boat capacity of the Limited Marina. Specifically, the layout along the northern portion of the marina will be modified (reducing intrusion by almost 300sf, replacing an existing 4’x32’ float with a 4’x35’float nearby and adding another 4’x 35’ float along the eastern edge of the marina. The southern float will be re-installed and various pilings removed/replaced, as shown on the submitted plans. The application is consistent with the requirements of Section 1.2.1E and 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 matrices of Section 1.1.6(F) require Category B hearing for an MPL expansion.

The ACOE received a copy of the current public notice, however, their review remains pending at this time. The facility is proposed no closer to the nearby federal channel than previously permitted. RI DEM issued a Water Quality Certification for the proposal last month.

While there exist patches of SAV (eelgrass) within the existing and proposed MPL areas, the facility has occupied this area of water for over 70yrs, with various layouts. It is staff’s opinion that the applicant’s proposal is no more significant to the existing SAV than previously existing conditions and should result in less congestion with possibly more light penetration. It is staff’s opinion the project is consistent with Section 1.3.1(R) standards, as much as practicable.

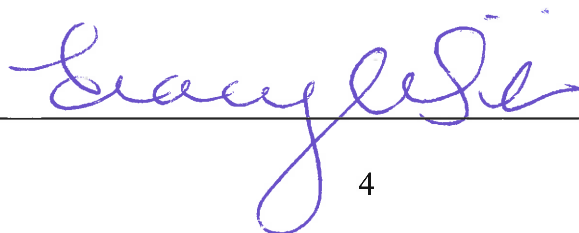
Sections 1.3.5 & 1.3.6 regulate scenic and public access impacts. It is staff’s opinion that the proposed layout represents no increase in impact to existing public access as the work is located entirely in tidal waters surrounded by private piers with no existing public access due to MHW at the bulkhead. The facility is consistent with surrounding historic use and across from the State Galilee Fishing Fleet facilities, maintaining existing scenic conditions. Note that although the MPL is proposed to be expanded, the project does not meet the definition of a Significant Expansion under the Redbook as there is no increase in boat capacity. As the facility is a Limited Marina, the Redbook allows greater flexibility for applicable standards. As such, sanitary, parking, dry storage and other documentation were inapplicable to this review.

**D) SUMMARY:**

Based on the historic use of these waters and existing congestion conflicts in this area, it is staff opinion that the current proposal can be permitted, aiding in access to existing and recently permitted nearby facilities. The applicant has worked with the two northern abutters to develop a configuration which would reduce congestion in the area. The CSP, which maintains a 14' fairway between the commercial pier to the north and this site (allowing a residential boating facility access in between) represents the respective owners' mutually agreed upon design for this part of the shoreline. The CSP, following initial revision, is consistent with staff's 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, proposing no significant impacts to existing SAV, public access or existing use of these waters.

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. This will be stipulated with standard Assent stipulations withheld pending Council's Decision.

Staff Signature: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read 'T. Silvia', is written over a horizontal line.

T. Silvia, Biologist