

October 31, 2024

Attn: Peter O'Rourke
Coastal Resources Management Council
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879

Re: CRMC Application #2024-04-003, Snowberry Lane, Westerly, RI (Map 143, Lots 55 & 57)

Dear Mr. O'Rourke:

On behalf of my clients, Donna Hostetler, Diane Bardsley and Thomas O'Gorman, we offer the following responses to objections filed for the above referenced dock application. Please note that the pertinent comments are in italics and the response is in normal font.

1. *No residence associated with the proposed dock, too many docks in the cove, don't want to see trees cut down or vegetation disturbed, disruption of seagrass & bird habitat (reference objections by "anonymous owner on Snowberry Lane, Westerly, RI 02891" and "Chris a bird advocate of Winnapaug Pond and bird protector of Westerly, RI 02891").*

With respect to there being no residence associated with the proposed dock, sheet 1 of 1 of the plans clearly states that the dock parcel will be linked to the residence parcel (Plat 143, Lot 57), 5 Snowberry Lane. There is an existing path that extends from the house at 5 Snowberry Lane toward the shore and terminates on Plat 143, Lot 55, the parcel for the proposed dock.

With regard to there being too many docks in the cove, the owners of the site parcel are entitled to a dock if it can be designed and approved by CRMC. The applicants own three separate lots, Plat 143, Lots 55, 56 & 57. Due to the location of the coastal feature and associated wetland on Lot 56, it is doubtful that this lot can be developed. We note that additional clearing would be required to access the water on this lot since the existing path terminates on Lot 55 and the fact that the water depth for this lot does not reach the minimum 18" at MLW within 50' of the MLW line. Therefore, we do not anticipate that a dock could be designed for this lot. If it were to be designed for this lot, multiple variances from CRMC requirements would be needed. Ecotones, Inc. explored the options for the proposed dock in the waterfront of Plat 143, Lot 56. The depth of water and need to clear extensive vegetation to create a path to the dock, make a dock for this lot very difficult to permit, if not prohibit it. Therefore, given the two waterfront lots owned by the applicants (Plat 143, Lots 55 & 56), only one dock is being proposed thus preserving a significant length of shoreline to be undeveloped. Lot 57 is the lot containing the residence and has no water frontage.

The location of the proposed fixed pier was carefully considered to minimize any disruption to the vegetation in the area. Access to the fixed pier is from the existing path. No significant trees will need to be removed to install the dock. At most, minimal limbing of trees in the immediate area will be required to allow the fixed pier to be installed. The site conditions in the area of the path/proposed fixed pier were reviewed in a field visit by the undersigned and Joseph Klinger of Ecotones, Inc. on January 3, 2024 (reference attached photo). The fixed pier portion of the dock design provides 4' clearance from the underside of the fixed pier to the wetland as measured at the inland edge of the coastal feature and 5' to the MHW line as required by the Coastal Resources Management Council (CRMC) regulations. There will be minimal impact with respect to vegetation or tree removal for the proposed dock. The dock design as

presented meets the criteria of the CRMC regulations such that no variance is required. As with any proposed dock, here will be minimal impact to the birds and aquatic flora/fauna during construction.

2. *Objections by Marc and Stacy O’Gorman, residents of 15 Snowberry Lane.*

There are several inaccuracies in the letter of objections. The objection states that the proposed dock application does not address the presence of SAV. Sheet 1 of 2 of the plans clearly states that an SAV study was conducted by Ecotones, Inc. and no SAV was found in the study area. The SAV report written by Ecotones, Inc. was included in the dock application package as submitted to CRMC.

The objection states that there is little to no water at the dock terminus at MLW. Sheet 1 of 2 of the plans clearly states that there is a minimum of 18” of water on the seaward side of the dock at MLW. 18” of water depth is the minimum required under the CRMC regulations, hence no variance is required for minimum water depth.

With respect to reducing access to the pond, we note that proposed dock is located 25’ from the property line extension to the east and 48’ from the existing dock for Plat 143, Lot 54 owned by Marc and Stacy O’Gorman. As stated previously, the proposed dock for the application must be located on Lot 55, not Lot 56, due to site constraints. The proposed dock was located to provide as much distance between it and the existing dock owned by Marc and Stacy O’Gorman. The existing mooring shown on the plan submitted for approval is located to the west of the property line extension for Lot 54 and not within the water frontage of lot 54. In reality the referenced mooring encroached on the property of the applicant/owner of Lot 55 and would inhibit their use of the water in front of their lot. This mooring was re-located in 2024 and is now shown on the aerial map included in this response to objections. The mooring is now located further east and 30.3’ from the abutters dock and 40.6’ from the proposed dock on Lot 55.

With respect to the concern for scouring of the sea bottom due to the boat’s motor, it is true that this will happen as it does with all residential docks. Due to the water depth at the proposed dock being just in excess of the minimum of 18” at MLW, a large boat and motor will not and cannot be used at this site, nor does the owner propose to use a boat larger than the 19’ Starcraft with outboard motor and a 19” draft as noted on the plan. The water depth and bridge clearance at the breachway will limit the use of this dock to smaller boats and associated motors. The client is aware of this limitation and still desires to permit and construct a residential dock for his personal use.

The construction of the dock using a barge mounted pile driver at an appropriate tide will minimize the silt and sediments displaced during the construction process. As shown on the site plan, twelve piles are proposed to be installed for the dock. The overall length of the dock has been minimized to help minimize the potential adverse impacts of the dock construction on the environment. In fact, the potential impacts to the environment for the proposed dock will be less than those for a typical dock, since there is a path to the area already such that minimal clearing/limbing is required. The float portion of the dock will be “chocked” such that it will be 18” above the bottom silt and sediment. The method to be utilized will be to tie off the float from the four adjacent piles with a rope such that the float is kept 18” off the bottom.

The proposed dock consists of an 85’ fixed pier to a 17’ ramp to the 10’ terminal float for a total length of 112’. A total of 50’ of the 112’ is on the seaward side of MLW, the balance or 72’ are landward of MLW. Since the proposed dock terminates within 50’ of MLW and provides the minimum 18” of water depth at the terminus at MLW, no variances are required for the proposed dock. Access to the dock will be from house #5 Snowberry Lane, Plat 143, Lot 57 and will use the existing path to the site of the proposed fixed pier portion. No trees will need to be removed to construct the dock, however, selected limbing of two trees may be required (reference the attached photo taken by Ecotones, Inc. on January 3, 2024).

Although the proposed dock must be set back a minimum of 50’ from an approved mooring field, there is no approved mooring field in this area. The existing riparian mooring owned by Marc and Stacy O’Gorman does not have a specific distance it must be from the proposed dock. We are required to provide sufficient setback to allow for ingress and egress and to prevent interference with the exercise of private or public rights in these areas (per Westerly Harbor Management Plan). Furthermore, it is our understanding that the riparian mooring belonging to Marc and Stacy O’Gorman was previously not approved or registered according to information provided by Kimberlie Rayner-Russell at the Westerly Police office. It is clear that the mooring used by the objectors, Stacy and Mark O’Gorman, has been re-located from what is shown on the site plan submitted for the dock application for Lot 55. The revised location is shown on the aerial map included in this response to objections. The revised location is closer to the abutter’s dock than the proposed dock on Lot 55. It also appears that the mooring location has been approved by the local authorities.

From the enclosed aerial photo of the area, it is clear that the next closest dock to the west is approximately 330’ away. Access to the shoreline is available from the public ROW to the west of Lot 56 for use by vessels, anglers, shellfishers, bathers and kayakers.

The proposed dock does not inhibit Stacy and Mark O’Gorman’s use of their waterfront, as the proposed dock is 25’ away from the common property line extension of the applicant. There is no encroachment by the proposed dock into the waterfront of Lot 54, owned by the objectors. Similarly, the inland portion of the fixed pier portion of the proposed dock, will not impact the views of the objectors due to existing 25’ span of vegetation between the common property line and the proposed dock. The seaward portion of the dock will be visible to the owners of Lot 54 but since the applicant is not proposing any additional length beyond that which is necessary to get to a minimum depth of 18” at MLW, the visual impact is minimized to the extent possible.

We re-iterate that no variance is required for the length of the proposed dock as it extends only 50’ from MLW. Furthermore, no variance is needed for the depth of water at the terminus of the dock as we have provided 18” at MLW. No variance is required to maintain 50’ from an approved mooring field as there is no approved mooring field in the vicinity of the proposed dock. The riparian mooring used by the objectors who own Lot 54 does not require a specific 50’ setback but merely must allow for access and egress with boats. We maintain that we have provided sufficient room to access/egress the objector’s mooring and navigate around the proposed dock. Therefore, we have met all the CRMC standards for a proposed dock, such that this dock application should be approved.

We submit this response for your consideration on behalf of our clients Diane Hostetler, Diane Bardsley and Thomas O’Gorman.

Sincerely,



Carolyn “CJ” Doyle, PE

CC w/encl.: Thomas O’Gorman, 162 Maplewood Drive, East Greenwich, RI 02818



Fixed pier will be located between two trees in this photo. Stake in photo is a survey reference marker & not center of fixed pier. Photo taken January 3, 2024 by Ecotones, Inc.