

July 12, 2024



Ms. Lisa A. Turner, Office manager and Record Keeper  
Coastal Resources Management  
Council Stedman Government Center,  
Suite 116  
4808 Tower Hill Road  
Wakefield, F I 02879

**Re: Objection to CRMC Application No. 2024-04-003 Hostettler, Barnsley & O'Gorman - Westerly**

Dear Ms. Turner:

Pursuant 650 R.I. Code R. § 010-00-1.5.1(F) and § 020-00-1.16(G), Mr. Marc O'Gorman and Mrs. Stacy O'Gorman <sup>1</sup> hereby object to and request a hearing on the above referenced application. As more fully described below, the proposed activity will cause a significant adverse impact on coastal resources, water dependent uses, their enjoyment and water shed views, and it projects into an existing mooring and fails to meet the standards.

**I. Proposed Activity will have Adverse Impacts on Coastal Resources**

The project will significantly impact coastal resources and, therefore, should be denied and/or modified to mitigate impacts.

Section 1.2.1(C)(2)(a) states it is the Council's goal to maintain and, where possible, restore the high scenic value, water quality, and natural habitat values of Type 2 waters, while providing for low intensity uses that will not detract from these values.

Section 1.2. -J (C)(2)(d) requires the applicant to demonstrate that there will be no significant adverse impact to coastal resources, water dependent uses or public's use and enjoyment of the shoreline and tidal waters of the State. If an impact exists, it is grounds for denial or modification of an application for an Assent.

- 1 O'Gormans reside at 15 Snowberry Lane, Westerly, RI and are abutters to the project site.

**A. Water Quality and Coastal Resources will be Impacted**

Section 1.3.1(A)(1)(g) requires the applicant to demonstrate that the project will not result in significant impacts to water turbidity and sedimentation. See, also section 1.2.1(C)(2)(d)(1) - grounds for denial or modification of an application for an Assent when, "The construction of the proposed facility may cause significant impacts on coastal wetlands and other public trust resources (e.g. shellfish, finfish, submerged aquatic vegetation, etc.)."

Propeller wash from a vessel disturbs sediments, resulting in turbidity, poor water quality, and adverse effects on the ecology (e.g., fish spawning grounds, shellfish beds and SAV<sup>2</sup> habitat). The application does not address the presence of SAV (e.g., eelgrass) or potential impacts to the ecology as required by section 1.3.1(0)(11)(b).

The terminus of the boating facility is situated in low to no water at mean low water (MLW) and approximately a few feet of water at mean high water (MHW). The application does not specify the vessel size to determine the expected vessel's draft. Thus, the potential for adverse impacts associated with propeller wash and the utility of the dock is concerning. Notwithstanding the absence of this information, a typical recreational boat of 20'- 32', drafts approximately 3' of water. Based on this realistic scenario, the utility of the proposed dock is questionable, if a portion of a vessel could run aground at low tide (twice daily). Even at low or mid tide, the affects of propeller wash are likely to occur, and possibly even during high tide.

The proposed boating facility will also disturb the ability of the neighboring property to fish and shellfish in the existing fishing and shellfish area where the boating facility is proposed. The constant use and disruption of the sediment and other vegetation in the planned area will disturb and potentially erode the bottom that will negatively impact on the fishing and shell-fishing uses and potentially other harmful effects on the area.

There are other alternatives that would have less impact. The applicants have alternate means of using the lot next to the applicants lot, which they also own, that would provide more room for them to build the proposed boating facility and have less impact on the proposed area.



The proposed project should be modified and/or reevaluated to mitigate these adverse effects. At a minimum, the applicant should address the potential for propeller wash impacts and the overall utility of the project.

**B. Water Dependent Uses**

Section 1.3:1 (A)(1)(g) requires the applicant to demonstrate that the project will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce. See, also section 1.2.1(C)(2)(d)(3) - grounds for denial or modification of an application for an Assent when, "The proposed facility would significantly interfere with and/or impact other public trust uses of the tidal or intertidal areas of the shoreline (e.g. interfere with navigation)."

There is a dearth of information in the application discussing water-dependent user conflicts. Notwithstanding the lack of information, year-round, vessels, anglers, walkers and shellfishers, bathers and kayakers regular use the near shore area and the waters adjacent to the proposed boating facility. Both the perception of and the actual physical barrier caused by a boating facility impede horizontal shoreline access. In the case at hand, the 112' structure provides a mere few feet to go around this boating facility to get to Stacy and Marc O'Gorman's frontage. Moreover, the 112' structure will impact inshore anglers, kayakers, paddleboarders, and other small vessels use.

In this application, the proposed boating facility will impact Stacy and Marc O'Gorman's ability to navigate or access their property by boat, or use paddleboards or swim in the area in front of their home, or use the area for existing shell-fishing. The disturbed water shall also affect the water quality, causing muddy water and disturbing the aquatic life submerged underneath the proposed area.

**C. Scenic Values**

The proposed boating facility will significantly impact Stacy and Marc O'Gorman's scenic views and reduce the value of the properties with it in their view.

Due to the angles of the properties, the proposed boating facility is incongruent to the area affecting the O'Gormans. This 112' atypical boating facility will mar the O'Gorman's viewsheds. The applicant has not provided sufficient evidence to demonstrate that § 1.2.1(C)'s policies to maintain high scenic values are met, as required by § 1.2.1(C)(2)(d).

Moreover, due to the alternative areas on their other lot where they could build the proposed boating facility, this application should be modified to address their ability to put the boating facility farther away from the proposed area. This would have the least impact on neighboring properties and allow the scenic value to continue unaffected.

**D. Depth of Water Adjacent to the Site Requires Denial or Modification**

Grounds for denial or modification of an application for an Assent are enumerated in section

1.2.1(C)(2)(d)(4), which states:

Water depths adjacent to the site would require dock span lengths in excess of the standards contained in § 1.3.1(D) of this Part in order to allow normal and appropriate use of the dock by a vessel.

The application does not state why this project is seeking an 85' fixed pier, with an additional 17' ramp with another 10' terminal float; however, it is apparent that the variance is requested to access deeper water. In other words, the project is seeking a boating facility length in excess of § 1.3.1(D) because of limiting water depth. While the granting of variances might be required to address "*minor*" deviations, in the case at hand, this request seeks a "*major*" deviations from the standard.

**II. Proposed Boating Facility Projects Into Stacy and Marc O'Gorman's Mooring Field**

Section § 1.3.1.D.11(m) states, in relevant part:

... in all cases, residential and limited recreational docks, piers, and floats shall be setback at least fifty (50) feet from approved mooring fields....



The proposed residential boating facility would project into the existing Mooring area of Stacy and Marc O'Gorman. As such, it would, 1) require a variance from § 1.3.1.D.11(m); and 2.) require relief from the recommended 50' setback from the Westerly Harbor Management Commission. If the relief is approved by the Harbor Management Commission, then the Harbor Management Commission shall recommend to the Town Council an amendment to the approved mooring area, thereby reducing the overall size of the mooring basin immediately adjacent to the proposed boating facility.

Further, Stacy and Marc O'Gorman already moved their mooring and the proposed boating facility would negatively impact their ability to navigate to and from their mooring.

In closing, the Stacy and Marc O'Gorman respectfully object to this application and request a hearing to present evidence in furtherance of their objections. Future notices should be addressed to the undersigned and the O'Gormans

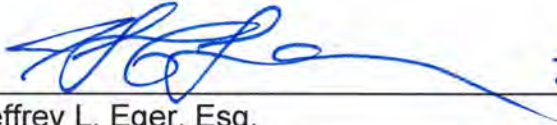
Mr. Marc O'Gorman and Mrs. Stacy O'Gorman  
15 Snowberry Lane  
Westerly, RI 02891

Mailing Address:  
31 Elton Street  
Coventry, RI 02816  
401-524-9979 (Marc)  
401-524-9941 (Stacy)

Thank you in advance for your attention to and consideration of this objection to the proposed boating facility.

Respectfully submitted by,

Mr. Marc O'Gorman and Mrs. Stacy O'Gorman,  
By their Attorney,



7-12-2024

Jeffrey L. Eger, Esq.  
3970 Post Road  
Warwick, RI 028865  
401-921-2300  
jleger@allyourlegalneeds.com



June 4, 2024

Coastal Resource Management Council (CRMC)  
4808 Tower Hill Rd # 116, Wakefield, RI 02879

RE: CRMC File 2024-04-003 - Hostetler - Dock 13 Snowberry Lane,  
Lot 55, Westerly, RI.

Hello CRMC,

My name is Chris. I am a nature advocate. I advocate for wildlife and land conservation, and the protection of our region's natural resources. I am a Winnapaug Pond user and bird protector. I heard a dock is being installed in a Cove in the Pond. I am totally against it.

There are too many docks in the cove right now. My brother and sister swim in that cove and it will take away the available space for swimming. It will interfere with my use of Winnapaug pond because I use my kayak in that location.

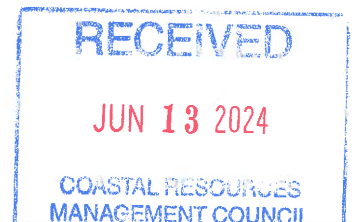
TOP STORY

## PHOTOS: A bird summit on Winnapaug Pond

Oct 19, 2022 0



[https://www.thewesterlysun.com/news/westerly/photos-a-bird-summit-on-winnapaug-pond/article\\_79581bc6-48f1-11ed-b85f-0799260caf2b.html](https://www.thewesterlysun.com/news/westerly/photos-a-bird-summit-on-winnapaug-pond/article_79581bc6-48f1-11ed-b85f-0799260caf2b.html)



I heard through another neighbor that there is no house on the proposed lot (Lot 55). I don't want to see any trees cut down or vegetation disturbed in this area. There are many marine animals living in the seagrass and this dock installation will disturb them and possibly kill them.

I am concerned about Common Loons, Great White Egrets, Cormorants, Snowy Egrets, Blue Herons, RI Seagulls and Wood ducks. I would like the Weekapaug Foundation for Conservation, Westerly Land Trust, Lanthrop Wildlife Refuge, The Watch Hill Conservancy and the Audubon Society of Rhode Island to be made aware of this dock application. You are disrupting the seagrass by digging big posts for the dock. You are disrupting the bird's habitat and natural environment. The dock installation will require digging up seagrass and sea animals such as baby crabs, blue crabs, hermit crabs, snails and baby fish nest in this area.

I would like a public hearing on this matter. The pond is slowly being destroyed by these landowners. I object to the dock permit and dock installation and ask the CRMC to deny the permit for 13 Snowberry Lane (Lot 55), Westerly, RI.

Sincerely,

Chris a Bird Advocate of Winnapaug Pond and Bird Protector of Westerly, RI 02891





May 31, 2024

Coastal Resource Management Council

4808 Tower Hill Rd # 116,

Wakefield, RI 02879

RE: Public Notice CRMC File 2024-04-003 Hostetler, Bardsley & O'Gorman –  
Westerly - Dock installed on AP 143 LOT 55 – 13 Snowberry Lane, Westerly, RI  
02891

Dear Coastal Resource Management Council,

I own a house on Snowberry Lane. I have concerns regarding a dock that is potentially being installed on Winnapaug Pond at 13 Snowberry Lane, Westerly, RI 02891 - AP 143 Lot 55.

The proposed dock will interfere with my use of Winnapaug pond. My family swims, paddle boards, kayaks, fishes and boats in this location. At times I need to turn my boat around in this area to line up my boat to come in straight to my dock depending on the current, the tide and wind direction. Also, I do not want the coastal vegetation disturbed.

It is my understanding that this is a non-developable lot (Lot 55) and I don't want to see any trees cut down or vegetation disturbed in this area. There is a natural beauty on the pond and slowly it's being destroyed with non-stop construction. Not to mention damaging the marine and wildlife. Currently, there is no residence on this lot. I am opposed to the dock permit and ask the Coastal Resource Management Council to reject the permit for the dock.

Sincerely,

Anonymous Owner on Snowberry Lane, Westerly, RI 02891

