

CRMC DECISION WORKSHEET

2024-09-080

VTG Capital LLC

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
2024-09-080	Barrington	183 Mathewson Road & 2 Blount Circle		A*	<input type="checkbox"/>	X
		Plat	26			
		Owner Name and Address				
Date Accepted	10/01/24	VTG Capital LLC		Work at or Below MHW		
Date Completed	2/4/2025	c/o Thomas Gay 2 Blount Circle Barrington, RI 02806		Lease Required <input type="checkbox"/>		

PROJECT DESCRIPTION

Construct and maintain a residential boating facility consisting of a 4' x 42' fixed timber pier, 4'x 20' aluminum gangway and 8'x 35' (280sf) terminal float. The facility is proposed to extend 74' seaward of the MLW mark, requiring a 24' length variance and will be a shared facility for Lots 166 and 244)(e).

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal beach backed by stone seawall

Water Type: Type 2, Low Intensity Use, Warren River

Red Book: 650-RICR-20-00-01 Section 1.1.6, 1.1.7, 1.2.1(C), 1.2.2(A,F), 1.3.1(D)

SAMP: N/A

Variances and/or Special Exception Details: 24' length variance to Section 1.3.1(D)(11)(I) (2)

Additional Comments and/or Council Requirements: Consideration of Objection

Specific Staff Stipulations (beyond Standard stipulations):

TS1--This facility is approved as a common facility to be used and maintained by the owners of Lots 166 & 244, Map 26 (Town of Barrington Land Evidence Records) located in the Town of Barrington and shall found from Lot 166.

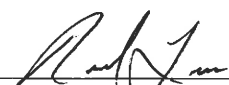
TS2--As a condition of this approval, and as a condition for the granting of a 280sf terminal float size, this shared facility shall be the only residential boating facility allowed to be constructed on Lots 166 or 244, Map 26.

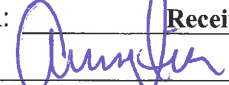
STAFF RECOMMENDATION(S)

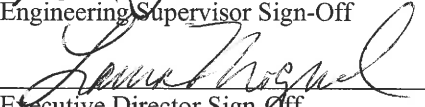
Engineer _____ Recommendation: _____

No Objections; Defer for
Consideration of Comments
Received

Biologist **TAS** Recommendation: _____


Engineering Supervisor Sign-Off _____ date 2/7/25


Supervising Biologist Sign-off _____ date 2/7/25


Executive Director Sign-Off _____ date 2/7/25

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

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

DATE: 3 February 2025
TO: Jeffrey M. Willis, Executive Director
FROM: T. Silvia, Env. Scientist II

Applicant's Name:	VTG Capital LLC/Thomas Gay
CRMC File Number:	2024-09-080
Project:	To c/m a shared residential boating facility consisting of a fixed pier, ramp, float
Location:	183 Mathewson Road & 2 Blount Circle; Barrington: Plat(s): 26; Lot(s): 166,244
Water Type/Name:	2, Warren River, Low Intensity Use
Coastal Feature:	Coastal beach, seawall
Plans Reviewed:	Those seven (7) sheets by Todd Chaplin, RPE entitled "Construction of Timber Dock, Float, Gangway & Piles in Warren River, Barrington, 183 Mathewson Road..2 Blount Circle.." dated 09/17/2024 as last revised 11/04/2024 and received by the CRMC on 11/8/2024.
Recommendation:	No Technical Objection; Defer for Consideration of Comments Received

A) APPLICATION/SITE HISTORY:

1—This application was accepted 10/1/24 and staff contacted the project engineer, T. Chaplin, for a detailed variance request as well as revised plans clarifying the dimensions. Revised plans, narrative and Section 1.1.7 variance criteria were received 11/8/24 and the project was sent to a 30day public notice period which concluded 12/19/24 without comment. Staff conducted a site visit 11/13/24 and the project was conditionally approved (see below) at the Section 1.1.6/Category A Dock meeting 12/20/24. CRMC received the northern abutter objection 1/8/25 and the southern abutter signoff 1/10/25. The project was also reviewed at the 1/29/24 Dock meeting and referred to Council hearing for review of the abutter's objections.

2—The project site is a residential neighborhood located on the western shore of the Warren River (Figure 1). The River is a Type II shoreline in this stretch, supporting residential piers and marinas as well as a busy waterfront across the River in Warren. The dock will be located from a stone seawall located north of a pre-existing stone wharf/pier and south of an adjacent residential pier.

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3—Prior CRMC permits for the site include 1998 additions and a 2005 seawall maintenance for #2 Blount. Access to one of the lots is across the northern abutter's Lot, via driveway easement inland of the seawall.

B) PROPOSED PROJECT:

1—The applicant proposes a shared residential boating facility consisting of a 4' x 42' fixed timber pier, a 4' x 20' aluminum gangway and an 8' x 35' (280sf) terminal float. The facility was shortened slightly from original submission and terminal float size slightly reduced prior to public Notice.

2—A length variance to Section 1.3.1(D)(11)(l)(2) of 24' is requested.

3—Comments were received from the northern abutter and a signoff was received from the southern.

C) APPLICABLE REGULATIONS:

1.1.6	Category A/B applications	Recreational Boating facilities are considered A*, requiring a public notice prior to issuance and eligible to be heard at an administrative dock hearing; Substantive Objections may be filed under this Section
1.1.7	Variances	The application requires a 24' length variance, burdens of proof were submitted (see below)
1.2.1(C)	Type II Waters	The project has been designed consistent with the goals and policies of this Section
1.2.2(A,F)	Shoreline Features (Beaches, Manmade Shorelines)	The site contains a beach area at low tide, however, at higher tidal cycles there is no beach as MHW is located at the face of the existing seawalls
1.3.1(D)	Residential Boating Facilities	
(D)(3)(b)	Shared facilities	The project is designed to be shared by two adjacent waterfront parcels consistent with this Section
(D)(6)(e)	Substantive Objection	The Executive Director shall refer applications with substantive objections to Council (see below)
(D)(11)(e)	Shared Facilities	No more than two terminal floats totaling 300sf are allowed at a shared residential for boating facility; This proposal is for one 280sf terminal float
(D)(k)(1, 2)	Property Line Setbacks	Shared facilities are allowed to extend within the 25' required property line extension setback without variance. The two lots are owned by VTG Capital LLC and Thomas Gay, who controls both parcels.
(D)(11)(l)(1,2)	Standard Lengths	The facility extends less than 25% across the river to the opposite shore; The facility extends beyond 50' MLW, requiring a 24' length variance, achieving 2-4' depth along the terminal float
(D)(11)(v)	Lateral Access	Not provided (see below)

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1—The dock was sent to public notice with no comments received and conditionally approved at the December 2024, Category A dock meeting; A letter of objection was required from the southern abutter.

2—The project meets the typical east/west 25' property line extension (PLE) requirements south and north. However, staff belatedly found that a portion of the northern PLE of Lot 4 runs north/south for a short period, due to the configuration of the parcel. As such, a new facility constructed to the north of Lot 4 would require a PLE setback variance as the pier would have to entirely cross the Lot 4 PLE.

3—To avoid this PLE setback variance, an applicant can receive a letter of no objection from the affected abutter. This letter was received in early January from the owner of Lot 4, per Dock approval condition, removing any PLE variance. Staff also had several conversations with the owner of Lot 4 regarding the proposed facility, its proximity to Lot 4, and the review process.

4—Following the Dock meeting conditional approval and a few weeks after close of public notice, a letter of objection was received from the northern abutter, Lot 8. Staff also had email conversation with this abutter, and the application was brought back to the January, 2025 Dock meeting where the Executive Director referred the project to the Full Council for review of the comments received.

5—A shared facility is a goal of the RICRMP, reducing congestion and minimizing resource impacts; As such, a larger terminal float size is allowed. The parcels are controlled by Thomas Gay, under separate ownership. Note, should a lot be sold, any Assent would travel with the land and the new owner subject to the same requirements. CRMC past practice for similar approvals includes stipulations which tie the facility to both lots and allow for only one facility on those Lots in the future:

TS1--This facility is approved as a common facility to be used and maintained by the owners of Lots 166 & 244, Map 26 (Town of Barrington Land Evidence Records) located in the Town of Barrington and shall found from Lot 166.

TS2--As a condition of this approval, and as a condition for the granting of a 280sf terminal float size, this shared facility shall be the only residential boating facility allowed to be constructed on Lots 166 or 244, Map 26.

6—The facility appears designed to meet the requirements of Section 1.3.1(D) including (11z) Table 8. Lateral access was not required at this site as appropriate site conditions do not exist to support such; The seawalls to either side and configuration of Lot 4 do not allow for public lateral access as the MHW is already at the walls. The length variance will be discussed below.

D) VARIANCES:

1—The project requires one variance, a 24' length variance to Section 1.3.1(D)(11)(l(2), which requires standard docks be no longer than 50' seaward of the cited Mean Low Water (MLW). The facility is proposed to be 74' seaward of the cited MLW, achieving 4' depth at the terminus.

2—The proposed facility will be constructed similarly to the existing northern pier and well inland of the existing southern pier (which extends out from the eastern end of the Lot 4 wharf). The inland edge of the terminal float will achieve 2' depth with this design, with 3' along much of its length.

3—The applicant has submitted variance burdens of proof. Staff concurs the project conforms with the overall goals and policies of the Redbook, specifically for Type II waters. Staff also concurs there are no significant adverse environmental impacts from this proposal which is similar to those piers nearby.

4—The facility has been designed to achieve 2-3' of water depth for much of the terminus and is located inland of the adjacent facilities. The proposal has been designed due to conditions at the site: strong currents and the configuration of the Lot 4 wharf and northern existing dock.

5—It is staff's opinion the application meets the criteria for length variance relief and the Council should note the variance was already approved administratively, had the northern comments not been received.

E) COMMENTS ON OBJECTION:

1—Comments were received on behalf of the northern abutter (Lot 8) 1/8/25 noting the delayed response. Comments included concerns with the size of the proposed pier and boat, interference with the existing pier particularly on the south side due to existing currents, the sharing of a facility and the property lines. They objected to the proposed new dock and requested the opportunity to speak at a hearing.

2—Section 1.1.6(G)(1) defines Substantive Objections as one or more of the following:

a: Threat of direct loss of property

It is staff's opinion this project will not cause direct loss of property

b: Direct evidence that the proposed alteration or activity does not meet [the RICRMP]

It is staff's opinion this project has been designed consistent with the RICRMP/Redbook, excepting the variance request which is allowable and would have been administratively issued without these comments; No direct evidence of such has been provided by the objector

c: Evidence of potential for significant adverse impacts on the coastal environment

- *circulation/flushing patterns*--the proposed pier should have similar minimal effect as those nearby
- *sediment deposition/erosion*—the proposed pier should have similar minimal effect as those nearby
- *biological communities*—the proposed pier should have minimal effect due to existing strong currents and absence of coastal wetland and SAV at the project site
- *historic/archaeological areas*—RIHPHC has provided a signoff for the project
- *scenic/recreation values*—the proposed pier is consistent with nearby Type II water uses as marinas as well as commercial and residential piers are numerous along the River
- *water quality*—the proposed pier should have similar minimal effect as those nearby
- *public access to and along the shore*—there is currently no public access to/along the shore due to private ownership and existing hardened shoreline at the project site

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- *shoreline erosion/flood hazards*—the proposed pier should have similar minimal effect as those nearby, though all are likely to experience the effects of continued sea level rise
- *conformance with state/local requirements*—building official requirement does not apply

3—The proposed pier is designed to meet the 25' PLE setback from the northern abutter. The project exceeds this requirement, providing approximately 44' from the terminus to the northern PLE (Lot 8). Additionally, the existing pier on Lot 8 is setback further north approximately 25', providing almost 70' between the two facilities. Relative to the property line concern from the abutter, the applicant has submitted a PLS-stamped site plan. The CRMC typically does not regulate vessel size.

4—The applicant has provided a response to the objector's comments, with which overall staff concurs. Staff recognizes that while the strong currents in the area and the odd configuration of Lot 4 can create a more difficult boating environment, it is staff's opinion that there is room to support a dock between the two existing piers in this area.

It is staff's opinion that the objectors' comments are not substantive as defined by the Redbook.

F) STAFF RECOMMENDATION:

1--The proposed project has been designed consistent with the Redbook requirements, excepting the length variance. Staff supports the requested variance as similar to those facilities nearby; The project was already reviewed for approval at the administrative Dock meeting, with staff support. The design is similar to those routinely administratively approved by the CRMC.

2--Additionally, the shared facility will alleviate the possibility of additional docks in this area, conforming to the Redbook's goals of reducing congestion and resource impacts. The PLE setback variance is no longer required due to the southern abutter's signoff. The comments submitted from the northern abutter do not appear to be substantive and **staff has no technical objection** to this project.

3--Should the Council approve the facility, staff notes the stipulations contained herein (TS1/TS2) will be included in any Assent. An Assent will be issued to both Lots 166 & 243 should any approval be granted. Standard remaining stipulations are withheld pending Council's Decision.

Signed: Tracy Silvia Staff Biologist