

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
2024-11-020	Bristol	101 Ferry Road		B	X	X
		Plat	165			
		Owner Name and Address				
Date Accepted	11/15/2024	Heritage Foundation of RI		Work at or Below MHW		<input type="checkbox"/>
Date Completed	6/11/2025	101 Ferry Road Bristol, RI 02809		Lease Required		<input type="checkbox"/>

PROJECT DESCRIPTION

Construction of climate adaptation techniques including a flood control berm, sediment removal from man-made water garden pond, installation of water garden pond liner, wetland mitigation and ancillary drainage improvements

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal beach, coastal bank, coastal wetland, revetment(south)

Water Type: Type 2, Low Intensity Use, Bristol Harbor

Red Book: Sections: 1.1.4, 1.1.6, 1.1.7, 1.1.8, 1.1.9, 1.1.10, 1.2.1(B), 1.2.2(A), 1.2.2(C), 1.2.2(D), 1.2.2(F), 1.2.3, 1.3.1(A), 1.3.1(B), 1.3.1(F), 1.3.1(G), 1.3.1(L), 1.3.1(N), 1.3.5, 1.8

SAMP: N/A

Variances and/or Special Exception Details:

Section 1.1.9(B)(1)

Section 1.2.2.(C)(1)(d)

Section 1.2.2.(C) (2)(b)

Section 1.3.1.(L)(3)(b)

Additional Comments and/or Council Requirements:

Section 1.3.1(L)(1)(f)/(g) require the Council to first consider the Special Exception, then consider the application and if approved, consider the proposed mitigation plan

Specific Staff Stipulations (beyond Standard stipulations):


"A re-planting plan shall be submitted to and approved by CRMC staff prior to any start of work" (if such plan has not been received prior to Council Decision)--TS

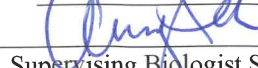
STAFF RECOMMENDATION(S)

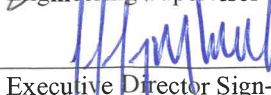
Engineer RML Recommendation: No Objections

Biologist TAS Recommendation: No Objections

Other Staff Recommendation:

 6/11/25
Engineering Supervisor Sign-Off date

 6/18/25
Supervising Biologist Sign-off date

 7/2/25
Executive Director 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: 9 June 2025
TO: Jeffrey M. Willis, Executive Director
FROM: R. Lucia, T. Silvia

Applicant’s Name:	Heritage Foundation of RI
CRMC File Number:	2024-11-020
Project:	Construction of climate adaptation techniques including a flood control berm, sediment removal from man-made water garden pond, installation of water garden pond liner, wetland mitigation and ancillary drainage improvements
Location:	101 Ferry Road; Bristol: Plat(s): 165; Lot(s): 7,8
Water Type/Name:	Type 2, Bristol Harbor, Low Intensity Use
Coastal Feature:	Coastal beach, coastal wetland, coastal bank, riprap revetment
Plans Reviewed:	“Rock Garden Resiliency Improvements..Blithewold Mansion Gardens and Arboretum, Bristol..October 24, 2024 revised Feb. 25, 2025..” 10 sheets by GZA GeoEnvironmental, Inc.
Staff Recommendation:	Approval if the Council approves the Special Exception

A) PROJECT SITE:

The project is located along the northwestern shoreline of Blithewold Manor Gardens & Arboretum (Blithewold), southwest of Bristol Harbor (Figure 1). The work is primarily proposed on the landward side of an existing gravel access road, separated from the coastal beach/low riprap revetment to the west.

Figures 2A &2B show the enlarged project area, with an existing rock garden, water garden (Wetland B, manmade isolated freshwater), forested/emergent contiguous freshwater wetland (Wetland C) and drainage infrastructure are present. Wetland A contains estuarine and Areas subject to Flooding and further south, an existing dock with prior CRMC permits and the existing mansion and great lawn are adjacent.

B) PROJECT DETAILS:

The proposal involves maintenance of the existing revetment, including stone relocation for the toe of the proposed flood-control earthen berm. The berm is to be installed on the landward side of the existing cart path, to provide protection to the existing rock and water gardens. The water garden is to be dredged and a pond liner installed, with additional fill proposed in the adjacent area. Existing culverts are to be replaced, one with a new manual gate valve/stem inlet, as well as new drain lines installed/extended.

As part of this work, a portion of Wetlands A&C will be permanently altered. For mitigation, new coastal wetland habitat will be created to the south. Total LOD is 24,974sf (15, 248sf permanent), with ~ 600cy of total new fill on-site. Proposed mitigation exceeds the 2:1 wetland replacement requirement.

The applicant conducted pre-application discussions with permit staff prior to submittal and this application was accepted 11/15/2024. Following staff site visit, an Information Request was issued 1/28/2025 seeking further details on project scope and need. Revised plans and narrative were received 3/19/2025 and a 30day public notice concluded 5/22/2025 without comment. RIHPHC signoff has been received and the USACOE review remains pending, with approval expected.

C) APPLICABLE POLICIES, STANDARDS & ETC

650-RICR-20-00-01 Redbook	Section Title	Staff Comment
Section 1.1.4(D)	Freshwater Wetlands in the Vicinity of the Coast (FWWVC)	Meets exemption criteria
1.1.6 (F)	Category B Applications	Alteration of Coastal Wetland
1.1.7	Construction setback	Variance for fill within 50'
1.1.8	Special Exceptions, See Below	1.2.2(C)(1)(d), 1.2.2(C)(2)(b); 1.3.1(L)(3)(b), wetland alterations
1.1.9(B)(1)	Construction Setback	Variance required for work in 50'
1.2.1(B)	Type 2 Low Intensity Use	Bristol Harbor/Narragansett Bay
1.2.2(A)	Coastal beaches	No direct work proposed
1.2.2(C)	Coastal wetlands	Alteration/Creation
1.2.2(D)	Coastal bluff	Work along existing gravel road
1.2.2(F)	Manmade shoreline	Work along existing revetment
1.2.3	Historic/Archaeologic Significance	RIHPHC signoff received
1.3.1(A)	Category B requirements	Addressed in application
1.3.1(B)	Filling, Removing, Grading	Addressed in application, +600cy
1.3.1(F)	Treatment of Sewage/Stormwater	Addressed in application
1.3.1(G)	Shoreline Protection Facilities	Qualifies as maintenance work
1.3.1(L)	Coastal Wetland Mitigation	Providing 3.7:1 replacement
1.3.1(N)	Maintenance of Structures	Some work on revetment, pond, drainage infrastructure qualifies
1.3.5	Scenic Value	Preserving historic features
1.8	SeaLevel Affecting Marshes Model (SLAMM) maps	Project designed to provide for coastal wetland migration

D) SPECIAL EXCEPTION:

- 1) Section 1.1.8 states that a Special Exception “*may be granted to prohibited activities to permit alterations and activities that do not conform to a Council goal for the areas affected or which would otherwise be prohibited by the requirements of this document only if and when the applicant has demonstrated that:*

1-The proposed activity serves a compelling public purpose which provides benefits to the public as a whole as opposed to individual or private interests. The activity must be one or more of the following:

- a. An activity associated with public infrastructure such as utility, energy, communications, transportation facilities, however, this exception shall not apply to activities proposed on all classes of barriers, barrier islands or spits except as provided in § 1.2.2(C)(4)(i) of this Part;*
- b. A water-dependent activity or use that generates substantial economic gain to the state; and/or*
- c. An activity that provides access to the shore for broad segments of the public.*

2. All reasonable steps shall be taken to minimize environmental impacts and/or use conflict.

3. There is no reasonable alternative means of, or location for, serving the compelling public purpose cited.”

- 2) The applicant has addressed the above criteria within the submitted narrative, variance request and Category B documentation. Staff defers to the Council whether the private Blithewold parcel meets the compelling public purpose (it may be noted that the Council previously approved a Special Exception request for Blithewold’s dock expansion under Assent #2013-09-104, ref. Figure 3). Staff also defers as to whether an alternative inland location on-site could reasonably provide the project purpose (ie, relocation of the rock/water gardens).
- 3) Should the Council agree with the applicant for parts D1&D3 above, staff concurs that part D2 regarding minimization and use conflict has been met by the applicant.
- 4) The RICRMP indicates that should the Council approve the Special Exception, then the remainder of the project including variance request and mitigation plan shall then be reviewed for Council Decision.

E) STAFF COMMENTS- The following comments reflect the Table in Section C of this report:

- 1) The project appears to meet the Exemptions contained within The FWWVC Rules Section 9.6, as the existing lined water garden pond (Wetland B) was constructed in the early 1900s and has received prior maintenance; The liner will be replaced following the dredging and renovation of the water garden feature, to prevent future saltwater intrusion during higher tides.
- 2) Sections 1.1.6(F), 1.1.8, 1.2.2(C), 1.3.1(L), and 1.8 all relate to Coastal Wetlands. The project proposes to fill 2418sf of wetland (portions of Wetland A & C) to construct the earthen berm. Mitigation is required at a 2:1 replacement. The project will create a 8890sf area of coastal wetland, which will be replanted as well as allow for future salt marsh migration. The 3.7:1 mitigation ratio almost doubles the requirement, which staff strongly supports.

- 3) A variance is required for work within the 50' construction setback (1.1.9(B)(1)), as much of the existing and proposed structures do not meet the setback requirement. The applicant has submitted variance burdens of proof, similar to the criteria for a Special Exception (1.1.8), which is required for the alteration of coastal wetland. Staff defers to the Council for consideration of these requests, noting Category B (1.3.1(A)) requirements were also addressed in the submittal.
- 4) Sections 1.2.1(B), 1.2.2(A), 1.2.2(C), 1.2.2(D), and 1.2.2(F) describe the existing site conditions. A rocky/cobble beach backed by a partially revetted coastal bank and/or areas of coastal wetland are separated from the project site by the existing gravel road. The proposed work has little impact on the existing coastal feature(s) other than the filling of coastal wetland.
- 5) Part of the applicant's request for Variance/Special Exception relief is based on the historic significance of the parcel. The site is listed in the National Historic Register since 1984 with unique garden zones of varying type, some dating over 100yrs. Sea level rise, upland flooding and climate change impacts are threatening the location/function of these zones. The current proposal focuses on historical significance and environmental change, with the rocks and water gardens at greatest risk. The applicant has applied the National Park Service's standards for best projects, which include historic integrity through future resiliency.
- 6) In reviewing the cut/fill calculations provided on the plans, approximately 600cy of new permanent fill will be introduced to the site, primarily in creating the earthen berm and covering exposed tree roots. The project conforms to the standards within Section 1.3.1(B) for such earthwork. As part of restoration, areas will be graded and replanted for coastal wetland habitat, with an additional supplemental area of existing lawn able to support future wetland migration as well. Staff will include standard restoration requirements regarding timeline and species in any Assent.
- 7) Section 1.3.1(F) contains requirements for the treatment of sewage/stormwater. The Town of Bristol sewer easement runs through portions of the project site and access to the easement will not be impacted. There is no increase in impervious area proposed, therefore no water quality treatment is required. There are no engineering objections to the proposed drainage upgrades to the site.
- 8) The majority of the proposed berm will be fully vegetated, only 190 lf of the berm will utilize one level of stone toe placement (portions relocated from along existing revetment). This work is simply a method of non-structural shoreline protection (1.3.1(G)), with no engineering objections.
- 9) Much of the drainage work, revetment work, pond dredge and liner work, and some earthwork qualifies as maintenance of existing conditions under 1.3.1(N).
- 10) The scenic value of the site has been important to the applicant in the project design. Maintaining the existing historic aesthetic is a critical piece of the variance/special exception narratives. Staff has no concerns with impact to scenic value from this work.
- 11) The applicant has designed the proposed wetland mitigation based on CRMC SLAMM projections (1.8), with which staff concurs. The lot has ample room to accommodate future marsh migration without impacting the majority of existing uses.

F) VARIANCE REQUEST:

- 1) Staff concurs with the applicant regarding consistency with the goals and policies of the CRMP and that the project will not result in significant permanent environmental impact. Although coastal wetland will be lost, a greater area will be gained with additional area available for future migration and the resilience of a historically significant area will be improved under the proposed design.
- 2) Staff requested additional information on the alternatives analysis for this work, as the applicant controls a much larger area of land which theoretically could be used for this project, especially if future climate impacts accelerate. However, the applicant maintains that the existing locations shall be retained as part of the historical significance. Similar to the Special Exception request, staff defers to the Council for consideration regarding the necessity of location; Should the Council agree with the applicant, staff concurs that the variance is the minimum necessary for the proposed design.
- 3) The site conditions and future predicted climate impacts are creating the hardship, the applicant has not performed prior actions to cause these hazards. If the variance is not granted, impacts to the historic site will continue to increase.

G) SUMMARY:

- 1) The existing condition is a nationally recognized historic landscape which is increasingly being impacted by climate-related hazards such as sea level rise, saltwater intrusion, erosion and flooding as well as increased overland runoff from more intense rainfall events.
- 2) The applicant proposes to enhance the climate resiliency of the project site through creation of an earthen berm, reconfigured water garden, and upland drainage infrastructure improvements. Parts of Wetlands A&C will be altered, requiring a Special Exception and work within 50' of the coastal feature requires a construction setback variance.
- 3) The applicant has addressed the Special Exception and variance criteria, and provided an appropriate mitigation plan for the impacted wetlands. The project will incorporate additional area for future salt marsh migration and staff can recommend approval of the project details.
- 4) Staff defers to the Council for consideration of the Special Exception and variance criteria, specifically the public purpose and alternatives sections. Should the Council approve the project, an acceptable re-planting plan for the proposed wetland mitigation will be stipulated to be provided and approved by staff prior to any commencement of work.

Signature: Tracy Leslie Staff Biologist

Signature: Paul H. Smith Staff Engineer

Figure 2A:2024-11-020

Project Area

Untitled Placemark

Bilthewold Manor, Gardens & Arboretum

Bilthewold Manor, Gardens & Arboretum

Google Earth

400 ft



FIG. 2B

24-11-20

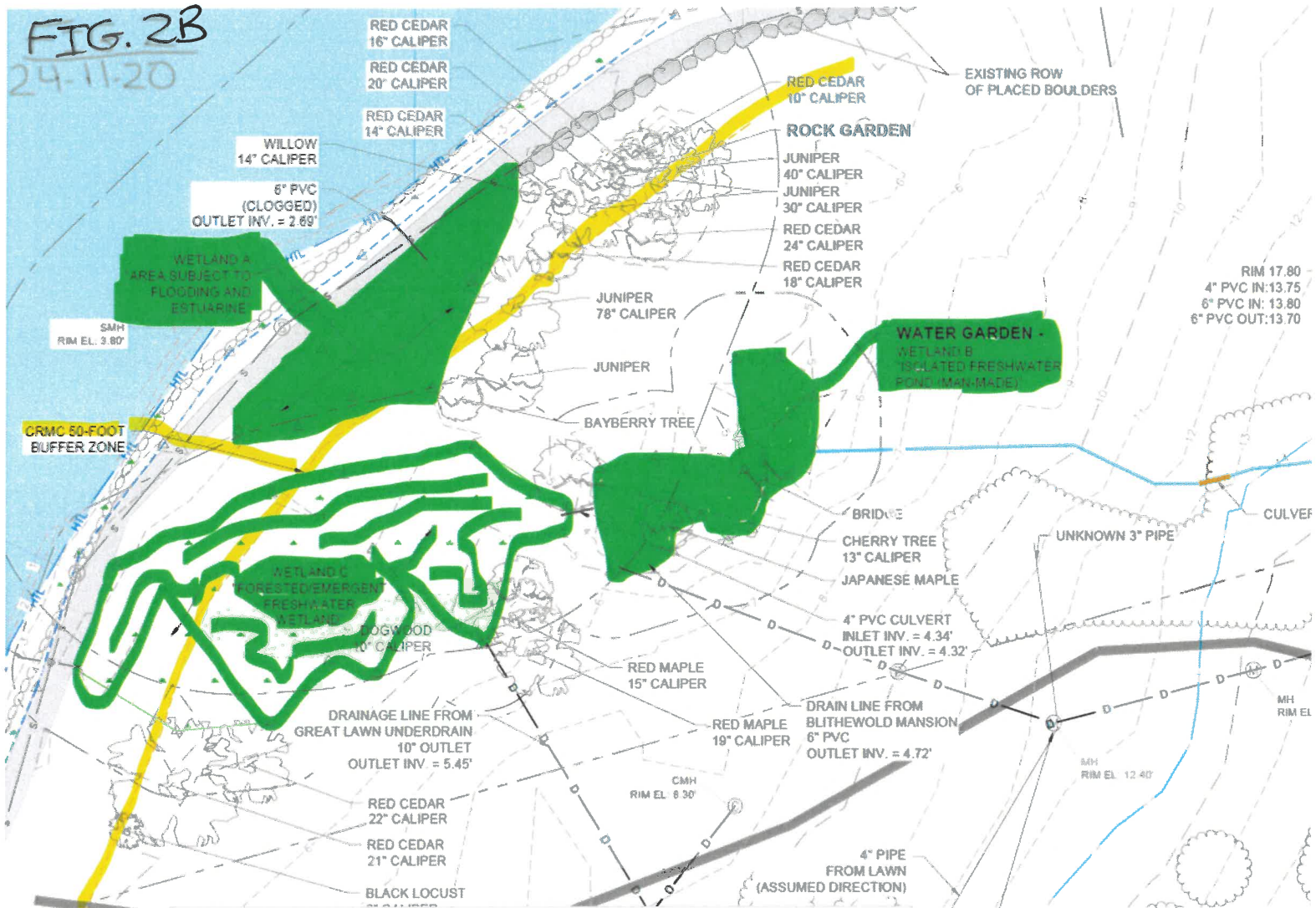


FIG. 3 : Decision + Assent slip
2013-9-104

24-11-20

STATE OF RHODE ISLAND
PROVIDENCE, SC.

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
Tower Hill Road, Wakefield, RI 02879

DECISION

Petition Of: Heritage Foundation of Rhode Island
Docket No.: 2013-09-104

Applicant, Heritage Foundation of Rhode Island filed with the Coastal Resources Management Council an application to reconstruct an existing dock and stone groin; to add a ramp, 320 square feet terminal float and dolphin pile group.

A meeting was held by the Coastal Resources Management Council on June 24, 2014 in the Department of Administration, One Capitol Hill, Conference Room A, Providence, RI, pursuant to the Administrative Procedures Act. At that time, evidence was submitted on behalf of the applicant as well as other interested parties. Further evidence was submitted by staff members of the Coastal Resources Management Council and by other State agencies, all of which was incorporated into the record. Further, all evidence so submitted to the Council pursuant to this application whether it be by interested parties, through its staff members and other various State agencies has been and is available to all interested parties at the office of the Coastal Resources Management Council, Oliver H. Stedman Government Center, 4808 Tower Hill Road, Wakefield, Rhode Island, 02879.

At a meeting held on June 24, 2014 at the Department of Administration, One Capitol Hill, Conference Room A, Providence, RI, the entire Council took under consideration the record, the evidence therein and after careful consideration upon the same and after a vote and review of all of the evidence and records by the members of the Council, the entire Council finds as a matter of fact:

FINDINGS OF FACT:

1. The proposed project location is Ferry Road, Bristol, RI.
2. The coastal feature is coastal beach backed by manmade shoreline.
3. The proposed project abuts Type 2, low intensity use waters of Bristol Harbor.
4. The applicable provisions of the CRMP are set forth in the staff reports and incorporated herein by reference.
5. The proposed project requires both a variance and a special exception as set forth in the staff report and incorporated herein by reference.
6. The Council hereby adopts and incorporates the findings and testimony made by the CRMC staff.
7. The Council finds that the proposed request for a variance:
 - a) Does conform with the applicable goals and policies in Parts Two and Three of the CRMP;
 - b) Will not result in significant adverse environmental impacts or use conflicts;
 - c) That due to the conditions at the site, the applicable standard cannot be met;

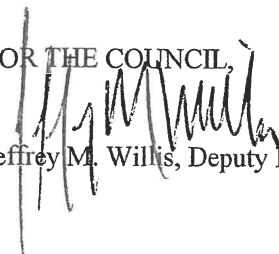
- d) The modification requested by the applicant is the minimum variance to the applicable standard necessary to allow a reasonable alteration or use of the site.
 - e) The requested variance to the applicable standard is not due to any prior action of the applicant or the applicant's predecessor in title.
 - f) Due to the conditions of the site in question the standard will cause the applicant undue hardship.
8. The Council finds that the proposed activity:
- a) Does serve a compelling public purpose which does provide benefits to the public as a whole as opposed to individual or private interests;
 - b) All reasonable steps have been taken to minimize environmental impacts and/or use conflicts.
 - c) There is not a reasonable alternative means of, or location for serving, the compelling public purpose cited.
9. The Council finds that the applicant has met its burdens of proof under the applicable sections of the CRMP or SAM Plan.
10. Based on the foregoing, there is not a reasonable probability of conflict with a plan or program for management of the State's coastal resources as well as damage to the coastal environment of the State of Rhode Island.

CONCLUSIONS OF LAW:

- 1. This Council has been granted jurisdiction over the above mentioned project by reason of Title 46, Chapter 23 of the General Laws of the State of Rhode Island, as amended.
- 2. The proposed alterations do not conflict with the management plan approved and adopted by this Council and in effect at the time the application was submitted.
- 3. The record reflects that the evidentiary burdens of proof as set forth in the Coastal Resources Management Program have been met for this project.

WHEREFORE, as a result of these Findings of Fact, it appears that the proposed activity does not have a reasonable probability of causing a detrimental impact upon the coastal resources of the State of Rhode Island. As a result of these Findings of Fact and Conclusions of Law, the Council hereby approves the application with all staff stipulations in the report and as stated on the record.

FOR THE COUNCIL,


Jeffrey M. Willis, Deputy Director

Dated: July 23, 2014

Heritage Foundation of RI

CRMC Assent No. A2013-09-104

July 31, 2014

Page Four

Document Number 00002426
BOOK 1767 PAGE 346

B. For the purpose of this permit, the coastal feature shall be the coastal beach and manmade shoreline; and the inland edge of the coastal feature shall be the back of beach and/or top of groin as applicable.

C. The approved Limited Recreational Boating Facility plan shall be sheets C1-C3 entitled "Dock Reconstruction and Modification" dated 2/17/00 with Sheet C1 last revised 12/14/13 by Ron T. Blanchard, RPE. Except as stipulated or modified herein, all details and specifications thereon shall be strictly adhered to. Any and all changes require written approval from this office.

Earthwork Stipulations

A. The standards and specifications set forth in the most recent RI Soil Erosion and Sediment Control Handbook (RISECH) shall be strictly adhered to.

B. There shall be no stockpiling or disposal of soils, construction materials, debris, etc., on the coastal beach or in tidal waters.

C. All excess excavated materials, excess soils, excess construction materials, and debris shall be removed from the site and disposed of at an inland landfill or a suitable and legal upland location outside of CRMC jurisdiction. No materials shall be deposited on the coastal feature, within 200' feet of the inland edge of the coastal feature, in coastal waters, or in any areas designated as a CRMC setback or coastal buffer zone.

D. All materials shall be clean, free of debris and rubble, and free of materials which may cause pollution of surface waters or groundwater.

E. There shall be no discharge or disposal of hazardous wastes or hazardous materials which may be associated with construction machinery, etc. on the site or in the waterway. All used oil, lubricants, construction chemicals, etc. shall be disposed of in full compliance with applicable State and Federal regulations.

Pier/Float Stipulations

A. As part of the Special Exception relief granted for this project to enhance public access from the water, there shall be no dockage fee imposed for boat owners utilizing this facility.

B. The total area of the terminal float shall not exceed 320 square feet.

C. Floatation devices shall be securely contained.

D. Floats, ramps, and other marine appurtenances or equipment shall not be stored on a coastal wetland, shoreline embankment, nor in any area designated as a buffer zone.