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August 15, 2025

RI Coastal Resources Management Council
4808 Tower Hill Road; Suite 3
Rhode Island 02879

Re: Variance Request
CRMC Residential Dock Assent Request
82C Point Ave
Assessor's Plat 82-4, Lot 32
South Kingstown, Rhode Island



Dear Council:

On behalf of Susan and Daniel Cromie, we have prepared the following Variance Request discussion relative to the application for an Assent for a new residential dock at the above-mentioned property in South Kingstown, Rhode Island. The property is located on the Pt Judith Salt Pond in Type 2 waters.

The application submitted in June of 2025 contained a narrative attachment dated June 15, 2025. That narrative incorreced references proposed dock lengths on page two of the narrative. The correct dock lengths relative to overall length, length from High Tide Line, and length from MLW are 152 ft, 131 ft, and 116 ft respectfully.

VARIANCE REQUEST

We are requesting two variances for this project:

1) The proposed dock extends 116 feet from the MLW contour. Regulation 1.3.1 (D) 11.1 requires that if a proposed dock is longer than 50 ft measured from MLW the proposer must seek a variance.

2) The proposed dock is located such that at the eastern terminus is offset 2 ft from the northern extended property line. Regulation 1.31 (D) 11.K.1 requires a 25 ft offset from extended property lines, if closer than 25 ft a letter of No Objection must be obtained from the abutting land owner. If these two conditions are not meet, a variance must be requested.

Explanation:

1. The dock float terminus as proposed is located 116 feet beyond the MLW sediment contour which is greater than 50 ft standard (Standard 11.1.(2). This distance is required to meet the minimum depth of water at the float of 24 inches below MLW to allow adequate water depth for the vessel to be berthed at the terminal float. The homeowner has indicated that this "draft" depth is desirable for the types of vessels to be moored at this facility. The design has also incorporated a dock stop detail to prevent float from exceeding this standard.

2. The eastern limit of the terminal float is offset from the northern property line extension a distance of 2 feet which does not meet the 25 foot standard (Standard 1.3.1.D.11.k.(3)). The fixed dock and terminal float were aligned at the proposed location to

maximize water depth at the terminal float and minimize overall dock length. The sediment grading is such that the cove to the south has built up sediment increasing sediment elevation to the south. Additionally, historic use of the fixed dock adjacent and to the north has limited sediment accumulation in this area. This general location is also based on the homeowner's experience operating a boat within the cove. The homeowners have engaged the northern abutter to discuss the request for a signed Letter of No Objection. The abutter has refused to sign a letter that endorses a new dock.

To address the requirements of the Variance request we provide the following discussion specific to the six variance criteria.

1. Criteria: "The proposed alteration conforms with applicable goals and policies of the Coastal Resources Management Program". Response: In my opinion the proposed structure conforms with the goals and policies of the Coastal Resources Management Program. The proposed dock allows access to coastal waters for a waterfront property owner using best practices to minimize impacts to the environment. Additionally, the terminal end of the dock is generally the same eastern extent as the existing docks installed at residences north of the proposed facility.

2. Criteria: "The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts". Response: The proposed dock will not significantly impact the coastal environment. The excess dock length consists of fixed deck support by timber piles. The impact due to the additional piles is small as a pile diameter is approximately 1 foot at the mud line and the increase length of dock will create more shading on the substrate however the deck elevation will be greater than 5 feet above the substrate so impacts should be minimal. Additionally the length of the dock is similar to other nearby facilities located on the western shoreline of the pond.

3. Criteria: "Due to conditions at the site in question, the applicable standard(s) cannot be met". Response: The pond sediment topography will not allow the 18 inches of water depth within 50 feet of MLW to be met and to limit overall length and access to deeper water depths the northern location of the dock is the best location to site and use a residential boating facility.

4. Criteria: "The modification requested by the applicant is the minimum variance to the applicable standard(s) necessary to allow a reasonable alteration or use of the site". Response: In my opinion the variance request is the least impactful and minimum variances required to install a recreational boating facility that both meets the owner's goals and minimizes environmental impact.

5. Criteria: "The requested variance to the applicable standard(s) is not due to any prior action of the applicant or the applicant's predecessors in title. With respect to subdivisions, the Council will consider the factors as set forth in § 1.1.7(B) of this Part below in determining the prior action of the applicant". Response: The variance request is not the result of previous actions by the current or past property owners.

6. Criteria: "Due to the conditions of the site in question, the standard(s) will cause the applicant an undue hardship. In order to receive relief from an undue hardship an applicant must demonstrate inter alia the nature of the hardship and that the hardship is shown to be unique

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or particular to the site. Mere economic diminution, economic advantage, or inconvenience does not constitute a showing of undue hardship that will support the granting of a variance”.

Response: The variance request is required due to the physical conditions at the site and are not due to an owners preference. The hardship, if these variances are not granted, will be the inability to use their owned property for recreational boating and water access.

Please call if there is any other information necessary for the processing of the application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Russell Morgan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Russell J. Morgan, P.E.

