

**CRMC MODIFICATION ASSENT REQUEST  
11 EAST POND ROAD – RESIDENTIAL DOCK CONSTRUCTION  
NARRAGANSETT, RHODE ISLAND**

**Owner:** East Pond Cottage, LLC (c/o Jeffrey Berry)  
**Mailing Address:** 52 Green Kinyon Driftway, Narragansett, RI 02882  
**Project Location:** Plat U, Lot 44, 11 East Pond Road, Narragansett, RI

This section provides a narrative to accompany the CRMC Modification Application for State Assent.

Drawings depicting characteristics of the overall site, existing conditions, and proposed new construction are attached:

Figure 1	Site Locus and Figure Schedule
Figure 2	Areal Photo – Existing Conditions
Figure 3	Areal Photo – Proposed Dock Layout
Figure 4	Proposed Dock Layout
Figure 5	Proposed Dock Section
Figure 6	Fixed Dock Framing and Details
Figure 7	Floating Dock Framing
Figure 8	Floating Dock Sections
Figure 9	Ramp Framing and Section

Project specifications presenting methods of installation, and detailed description of materials is attached.

**Description of the Existing Conditions and Facility to be Constructed:**

The site is a residential property located on the west shore of an area of the Point Judith Pond known as Blunt Hill Cove and opposite of Great Island (see site locus plan Fig 1 attached). This area of the pond is designated as Type 2 waters, low intensity use. There is an existing residence and an existing residential boating facility (Assent # 1995-07-194) assigned to the current homeowner. This facility consists of an elevated walkway, ramp, and float. The existing facility extends approximately 79 ft from the MLW and is located 17 feet south of the northern property line.

The site is described as a wooden residence with a grassed back yard that slope down to approximately El 5’ (MLW) to the crest of the small rip rap shore protection. The toe of the rip rap is approximately El. 2’ (MLW). There is no tidal vegetation present at the site. The abutter to the south is Plat U Lot 1 which is owned by Jeffrey R. Berry Rev. Living Trust. This is the same landowner as the subject lot. The abutter to the north is the a right of way and paper street known as the Durham Drive Exd. The paper street also functions as a right of way.

The bottom sediment in the area of the boating facility is silty sand. Sediment and site grades were developed using data developed from a draft site plan prepared by Dowdell Engineering, a site plan with boundary survey prepared by South County Survey and dated January 6, 2025. Supplemental sediment data were developed by hand soundings to confirm the data provided by Dowdell Engineering.

An SAV Survey was completed by Avizinis Environmental Services Inc. during July 2025. The survey indicated that no SAV was observed. The report prepared by Avizinis Env. is attached. The report associated with this survey is attached to this application submittal. The survey indicated that aquatic vegetation was not present at the site. The substrate in the area of the proposed boating facility is sand.

The site location and existing conditions are presented on Figures 1 and 2. The base map for the design drawings is a site plan prepared by South County Survey, dated January 6, 2025. A copy of the survey plan is attached to this application package. Upland and sediment grades are referenced to MLW Datum. The relationship between NAVD and MLW datums was established using ACOE published data for Point Judith Salt Pond and contained in a report titled “Section 107 Navigation Improvement Project, Detailed Project Report and Environmental Assessment” and dated September 2018. The relationship used with Sea Level Rise data to determine that Mean Low Water is equal to approximately -1.5 ft NAVD 88.

The existing dock structure (Assent # 1995-7-194) does not adequately meet the use needs to the property owners. The owner desires to modify the facility to consist of a fixed dock portion (permanent) extending from the back yard along the same centerline alignment as the existing facility. The proposed fixed dock transitions to a ramp supported on a small landing float that is attached to a terminal float. The proposed location extends approximately 84 feet from MLW and is offset 12 feet from the northern property line extension. It is our opinion that the homeowner will seek and be successful at acquiring a letter of no objection from the Town of Narragansett, Harbor Management Commission, for the offset from the unimproved paper street and therefore we are not seeking a variance to the property line offset requirement. The requested length of the proposed dock will require a variance request, this is provided at the end of this narrative. The length from MLW is requested due to water depths at the float (min. of 18” of water depth at MLW) and the presence of observed boulders immediately to the east of the proposed float location.

The Town of Narragansett East Pond East Side Mooring Field is located approximately 65 feet west of the proposed dock. During the site investigation several nearby moorings were located and identified. These consist of:

MOORING ID	DISTANCE FROM PROPOSED DOCK	DIRECTION FROM PROPOSED DOCK
B28	121 feet	Northwest
B32	104 feet	Southwest
B74	115 feet	West

Although these moorings bouys were all located a sufficient distance from the proposed dock, the Mr. Berry suggested that during the dock approval process is may be helpful to discuss these locations with the Town of Narragansett Harbor Master to determine if any of these mooring locations should be considered for relocation.

The work proposed in this assent application includes demolition of the existing dock and removal from the site.

The proposed dock layout was developed to meet the Rhode Island Coastal Resourced Management Program, guidance and standards. The fixed dock will be installed with a deck elevation of 8.0 ft (MLW). This will allow approximately 5 feet between the dock frame and river sediment at the toe of the rip rap slope (El 2 ft MLW). The proposed fixed pier will be supported on seven pile bents. The eastward limit of the dock will be supported on concrete filled sonotube foundations as well as the small timber ramp to the backyard. The dock will be 4 feet wide. The dock is to be serviced by water and electrical utilities.

A three foot wide timber or aluminum ramp will transition from the fixed dock to a 4 ft by 4 ft landing float attached to a 8 ft by 18.75 ft terminal float. The float will be moored with four piles. The top of the mooring piles will be cut off at elevation 16.5 feet MLW to prevent lift off the float section during the 100 year storm.

The land end of the proposed facility was determined using the site survey plan completed by South County Survey. At the center of the terminal float at the western terminus is to be located at State Plane Coordinate Northing: 330328.830 and Easting: 112465.069.

The proposed facility will be constructed using machines and materials accessed via barge. Demolition at the site will



be limited to the removal the existing dock float, fixed dock and ramp. The removed timber will be not stored on site and will be properly disposed of. After foundations are installed the remaining framing will be installed. The ramp and float will be constructed offsite, transported via vessel to the project site and installed.

**TITLE 680 – COASTAL RESOURCE MANAGEMENT COUNCIL, CHAPT 20 – COASTAL MANAGEMENT PROGRAM**

The sections of the Coastal Management Program that are applicable to this Assent Application are presented below with a response relative to the proposed work. The responses are in *italic* and in **red font**.

1.3.1 A. Category B Requirements (formerly § 300.1)

1. All persons applying for a Category B Assent are required to:
  - a. Demonstrate the need for the proposed activity or alteration; *The current property owners desire a modification to the existing dock structure and location.*
  - b. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in §§ 1.3.1(B), (C), (F), (H), (I), (K), (M), (O) and (Q) of this Part; for projects on state land, the state building official, for the purposes of this section, is the building official; *The closest private mooring to the proposed dock is approximately 139 feet to the west/southwest. It is my understanding that building official approval is not required for this type of improvement.*
  - c. Describe the boundaries of the coastal waters and land area that is anticipated to be affected; *The coastal waters are the Point Judith Pond, a Type 2 water.*
  - d. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters; *The proposed dock will be elevated on pile bents and will not impact currents or the depositional process along the shoreline. The access to the fixed dock will be from a timber ramp located on the existing grassed backyard of the residence. We do not anticipate that this structure will cause or change upland erosion.*
  - e. Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life; *The proposed dock is*



*elevated and will allow angular sunlight beneath the structure. There are not wetlands in the immediate vicinity of the dock to be impacted.*

- g. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore; *The current public use of the waterway will not be impacted by the proposed facility. The shoreline in this area is used in a similar manner by many residents, there are numerous similar existing docks along the shoreline.*
- h. Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation; *The dock is not significantly intrusive in the water column and therefore should not impact circulation*
- i. Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM; *The proposed dock will not degrade the water quality, the materials used in the dock are generally accepted in the marine environment including treated timber and encapsulated plastic floats.*
- j. Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance; *I am not aware of areas of historic or archaeological significance at the subject site.*
- J. Demonstrate that the alteration or activity will not result in significant conflicts with water dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and; *The proposed construction is similar to other residential docks along the shoreline. The length of the proposed dock, in general, is of the same magnitude as others along the shoreline so this dock will not adversely impact boating along this length of shoreline.*
- k. Demonstrate that measures have been taken to minimize any adverse scenic impact (see § 1.3.5 of this Part). *The proposed dock construction is similar to other docks along the shoreline and to the existing facility. There are no features that would change the appearance relative to other residential docks in the area.*

### 1.3.1 (D)

### 7. Prohibitions

- a. The building of new marinas in Type 1 and 2 waters is prohibited. *Not Applicable.*
- b. The building of residential and limited recreational boating facilities in Type 1 waters is prohibited. This prohibition shall not apply to functional structures previously assented by the Rhode Island Division of Harbors and Rivers, the Army Corps of Engineers, or the CRMC. Additionally, in those instances where an applicant cannot produce a previous assent but can demonstrate by clear and convincing evidence that a residential dock in Type 1 Waters pre-existed and has been continuously functional prior to the formation of the Council, the Council may grant a permit provided the applicant can meet the requirements herein. Any assent granted pursuant to this section shall be recorded in the land evidence records and is transferable to a subsequent owner or purchaser of the subject property, provided however, that all assent conditions are adhered to and the dock is removed at the termination of assent.



*Not Applicable.*

- c. The unloading of catches by commercial fishing vessels at residential and limited recreational boating facilities is prohibited.
  - d. The building of structures in addition to the piles/ pile cap / stringer / deck / handrail on a residential or limited recreational boating facility, including but not limited to gazebos, launching ramps, wave fences, boat houses, and storage sheds, is prohibited. However, the construction of boat lifts may be allowed in Type 3, 5, and 6 waters, and in Type 2 waters in accordance with the provisions of § 1.3.1(P) of this Part (Boat Lift and Float Lift Systems). *No additional structures are proposed on the dock.*
  - e. Rhode Island is an EPA designated a No Discharge State; all vessel discharges within State Waters are prohibited.
  - f. In Type 2 waters, the building of private launching ramps that propose to alter a coastal feature are prohibited, except along manmade shorelines. Where a coastal wetland fronts a manmade shoreline, the building of private launching ramps shall be prohibited. This prohibition does not apply to marinas with Council-approved marina perimeters (MPL). *Not Applicable*
  - g. New residential or limited recreational boating facilities are prohibited from having both a fixed T section or L-section, and a float. *Proposed dock does not have structure described above.*
  - h. Terminal Floats at residential and limited recreational docks in excess of two hundred (200) square feet are prohibited. *Proposed Terminal Float is 150 square feet in area.*
    - i. Residential recreational docks shared by owners of waterfront property are prohibited from exceeding more than two (2) terminalfloats and a combined total terminal float area in excess of three-hundred (300) square feet. *Not Applicable*
  - J. Marine railway systems are prohibited except in association with: a marina; or, a commercial or industrial water dependent activity in type 3, 5 and 6 waters. *Not Applicable*
  - k. The installation or use of more than one (1) residential or limited recreational boating facility per lot of record as of October 7, 2012 is prohibited. *Not Applicable*
  - I. The construction and use of cribs for residential or limited recreational boating facilities is prohibited when located within coastal wetlands. *Proposed work does not include cribs.*
8. Standards
- a. All new or significantly expanded recreational boating facilities shall be located on site plans that clearly show the Mean Low Water (MLW) and Mean High Water Elevation (MHW) contours. The MLW shall be determined utilizing the "Short Term Tide Measurement" method. The Executive Director shall have the discretion to require a more accurate method of MLW determination when utilizing the Short Term Tide Measurement method will not provide accurate results. Guidance for the Short Term Tide Measurement is available from the CRMC. At the discretion of the Executive Director, a previously established tidal



determination may be utilized if the areas have similar tidal characteristics. *Engineering completed for this project utilized tidal datum relationships established by the U.S. Army Corps of Engineers. These datum relationships are presented in using ACOE published data for Point Judith Salt Pond and contained in a report titled "Section 107 Navigation Improvement Project, Detailed Project Report and Environmental Assessment" and dated September 2018. The MSL was adjusted for sea level rise based on Newport tide station data. The Mean Low Water elevation is equal to approximately -1.5 ft NAVD 88.*

- b. All new marinas, docks, piers, bulkheads or any other structure proposed in tidal waters shall be designed and certified (stamped) by a Registered Professional Engineer licensed in the State of Rhode Island. *Stamp attached to the Design Figures.*
- c. All structural elements shall be designed in accordance with Minimum Design Criteria or the Minimum Design Loads for Buildings and Other Structures, current Edition published by the American Society of Civil Engineers (ASCE) or the RI State Building Code as applicable. *The dock design used all applicable codes.*
- d. All new or significantly expanded recreational boating facilities shall comply with the policies and prohibitions of § 1.3.1(R) of this Part (Submerged Aquatic Vegetation and Aquatic Habitats of Particular Concern). *No SAV was observed in the area of the proposed structure. The substrate consisted of sand and silt.*

11. Residential and limited recreational docks, piers, and floats standards

- a. All residential and limited recreational dock designs shall be in accordance with Table 8 in § 1.3.1(D) of this Part (Minimum design criteria), but in no case shall any structural member be designed to withstand less than 50 year storm frequency, including breaking wave conditions in accordance ASCE 7 ( Minimum Design Loads For Buildings and Other Structures, 2016) and FEMA Manual 55 (Coastal Construction Manual, 2011) incorporated by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations. All design elements including the bathymetry shall be stamped by a Rhode Island registered Rhode Island Professional Engineer. *All elements were design in accordance with the above and each design plan is stamped by a RI PE.*
- b. Applications for all residential and limited recreational boating facilities shall indicate all work associated with these structures including at a minimum: a bottom survey showing water-depth contour lines and sediment types along the length of the proposed structure the seaward and landward extent of any SAV or coastal wetland vegetation present at the site, the permitted/authorized dimensions of any CRMC buffer zone and/or access way, as well as all associated work involved in accessing the proposed facility. All pathways, boardwalks, and cutting or filling of coastal features shall be specified. All such work shall be in accordance with applicable standards in §§ 1.3.1(B) and 1.3.1(C) of this Part. All of the above work shall be certified by a Professional Engineer licensed in the State of Rhode Island. *Design work was completed in accordance with above, no SAV was observed at the site, and no upland work*



*other than demolishing stairs is planned. All plans are stamped by a RI PE.*

- c. Fixed structures which are for pedestrian access only shall be capable of supporting forty (40) pounds per square foot live load as well as their own dead weight; floating structures shall be capable of supporting a uniform twenty (20) pounds per square foot live load, or a concentrated load of four hundred (400) pounds. A written certification by the designer that the structure is designed to support the above design loads shall be included with the application. *The fixed and floating structures were designed using the design basis stated above.*
- d. No creosote shall be applied to any portion of the structure. *There is not use of creosote on this project.*
- e. A residential or limited recreational boating facility shall be a maximum of four (4) feet wide, whether accessed by a fixed pier or float. The terminal float size shall not exceed one hundred fifty (150) square feet and may be reviewed as a Category A application. Residential boating facilities shared by owners of waterfront property may have a maximum of two (2) terminal floats not to exceed a combined total terminal float area of three-hundred (300) square feet. Such applications may be reviewed as a Category A application. In excessive fetch areas only, the terminal float size shall not exceed two hundred (200) square feet and shall be reviewed as a Category B application. The combined terminal float size for shared residential boating facilities shall not exceed three-hundred (300) square feet regardless of fetch. In the absence of a terminal float, a residential boating facility may include a fixed terminal T or L section, no greater than four (4) by twenty (20) feet in size. *The proposed facility includes a 4 ft wide fixed dock, 3 ft wide ramp, a 4 ft by 4 ft ramp landing float, and an 8 ft by 18.75 ft (150 sf) terminal float. No T or L sections are planned as part of this project.*
- f. All new or replacement floats shall utilize floatation that was specifically fabricated for marine use and warranted by its manufacturer for such use. Foam billets or foam bead shall not be utilized unless they are completely encapsulated within impact resistant plastic. *The terminal float will be constructed using impact resistant plastic floats drums specifically designed and manufactured for this use.*
- g. Where possible, residential boating facilities shall avoid crossing coastal wetlands. In accordance with § 1.3.1(Q) of this Part, those structures that propose to extend beyond the limit of emergent vegetative wetlands are considered residential boating facilities. Facilities shall be located along the shoreline so as to span the minimal amount of wetland possible. Facilities spanning wetlands shall be elevated a minimum of four (4) feet above the marsh substrate to the bottom of the stringers, or constructed at a 1:1 height to width ratio. Construction in a coastal wetland shall be accomplished by working out from completed sections. When pilings are placed within coastal wetlands, only the immediate area of piling penetration may be disturbed. Pilings should be spaced so as to minimize the amount of wetland disturbance. No construction equipment shall traverse the wetland while the facility is being built. *There were no wetlands observed in the vicinity of this project.*
- h. Owners are required to maintain their facilities in good working condition. Facilities may not be abandoned. The owner shall remove from tidal waters and coastal features any structure or portions of structures which are destroyed in any natural or man-induced manner. CRMC



authorization for a recreational boating facility allows a dock owner to undertake minor repairs of approved facilities without further review, where such repairs will not alter the assented and/or permitted design, capacity, purpose or use of the facility. For the purposes of this policy, minor repairs shall include the repair or replacement of dock decking or planks, hand railings and support, and other activities of a similar and non-substantial nature. Minor repairs do not include alterations to the approved design of the facility, expansion of the facility, or work requiring the use of heavy machinery, such as a pile driver; these activities require that a Certification of Maintenance be obtained from the Council.

- i. Float ramps and other marine appurtenances or equipment shall not be stored on a coastal feature or any area designated as a CRMC buffer zone. *The float and ramp will be stored in place.*
- j. The use of cribs for structural support shall be avoided. The use of cribs as support in tidal waters may be permitted given certain environmental design considerations. However, in these instances the size and square footage shall be minimized and not exceed six (6) feet by six (6) feet in footprint dimension and the structure cannot pose a hazard to navigation. When cribs are permitted for structural support, they must be removed when the useful life of the structure has ceased (e.g. the structure is no longer used as a means of accessing tidal waters). *There are no cribs being installed as part of this project.*
- k. Residential and limited recreational boating facilities shall not intrude into the area within twenty five (25) feet of an extension of abutting property lines unless:
  - (1) it is to be common structure for two or more adjoining owners, concurrently applying or
  - (2) a letter or letters of no objection from the affected owner or owners are forwarded to the CRMC with the application.
  - (3) In the event that the applicant must seek a variance to this standard, the variance request must include a plan prepared by a RI registered Land Surveyor which depicts the relationship of the proposed facility to the effected property line(s) and their extensions.

*The proposed is to be located 12 feet off of the northern property line extension. The abutter to the north is the Town of Narragansett, the land is a right of way known as the Durkin Drive Extension or Durham Drive Exd. and is an unimproved paper street.*

- I. Residential and limited recreational boating facilities shall not extend beyond that point which is:
  - (1) 25% of the distance to the opposite shore (measured from mean low water), or
  - (2) fifty (50) feet seaward of mean low water, whichever is the lesser. *The proposed facility does extend 84 feet from beyond the MLW contour. The proposed length is a minimum to attend at least 18 inches of water depth at the float at MLW and the impacts of boulders in the area is reduced with the proposed length.*



- m. All residential and limited recreational docks, piers, and floats shall meet the setback policies and standards contained in municipal harbor management plans and/or harbor ordinances approved by the Council. However, in all cases, residential and limited recreational docks, piers, and floats shall be setback at least fifty (50) feet from approved mooring fields and three-times the U.S. Army Corps of Engineers authorized project depth from federal navigation projects (e.g., navigation channels and anchorage areas). *The proposed dock is located near a Town of Narragansett Mooring field. See discussion in the introduction portion of this narrative for additional information.*
- n. No sewage, refuse, or waste of any kind may be discharged from the facility or from any vessel utilizing it.
- o. A Council Assent for a residential or limited recreational boating facility permits the owner to undertake minor repairs of approved facilities without further review, where such repairs will not alter the assented and/or permitted design, capacity, purpose or use of the facility. For the purposes of this section, minor repairs shall include the repair or replacement of dock decking or planks, hand railings and support, and other activities of a similar and non-substantial nature. Minor repairs do not include alterations to the approved design of the facility, expansion of the facility, or work requiring the use of heavy machinery (such as a pile driver); these activities require that a Certification of Maintenance be obtained from the Council in accordance with § 1.3.1(N) of this Part. Residential boating facilities shall be in continuous and uninterrupted use to meet this standard, in accordance with permit conditions.
- P. Materials used for the construction of residential and limited recreational boating facilities shall not include steel or concrete piles. *The proposed dock is to be constructed using southern Yellow Pine piles.*
- q. The surface of the dock, pier and float shall be designed in a manner which provides safe traction and allows for the appropriate drainage of water. *The deck is to consist of wood or synthetic deck boards with air gap between adjacent boards.*
- r. Geologic site conditions shall exist which are appropriate for driven pile structural support. *No borings have been completed for this project. Based on discussions with a local dock builder the area is underlain by sandy soils.*
- s. As part of a residential or limited recreational boating facility, the terminal float may be designed such that it facilitates the access of small vessels such as kayaks, dinghies, personal water craft, etc., onto the float, provided that all other programmatic requirements are met. Mechanical apparatus to accomplish this shall not exceed twenty four (24) inches in height from the top of the float. *No mechanical devices are proposed for installation on the terminal float.*
- t. All residential and limited recreational docks shall have the centerline of the structure between its most seaward and most landward portion designated on the plans with State Plane Coordinates (NAD83). A WAAS enabled GPS system with an accuracy of +1- 3 meters shall be considered acceptable. The Executive Director shall have the discretion to require greater accuracy. *At the center of the pier at the western terminus (at the transition to the stairs) is to be located at State Plane Coordinate Northing: 330328.083 and Easting: 112465.07. At the*



*center of the pier at the eastern terminus is to be located at State Plane Coordinate Northing: 330462.62 and Easting: 112417.24.*

- u. Recreational boating facilities other than marinas and those facilities associated with residential development, where applicable, shall follow the design standards contained herein including those described in Table 8 in § 1.3.1(D) of this Part. *The design of the proposed dock follows the design basis contained in Table 8.*
  - v. Lateral access shall be provided under, around or over as appropriate for the site conditions at all new residential docks. *The proposed deck elevation has been set at Elev. 8.0 MLW to allow lateral access between the bottom of the stringers and beach.*
  - w. In order to minimize impacts to existing areas of submerged aquatic vegetation (SAV) habitat, new residential boating facilities or modifications to existing residential boating facilities shall be designed in accordance with the guidelines and standards contained within § 1.3.1(R) of this Part, as most recently revised. Facilities shall be located along the shoreline so as to impact the minimal amount of habitat possible.
  - x. The long-term docking of vessels at a recreational boating facility shall be prohibited over SAV. Such facilities shall be used for touch and go only.
  - y. All residential and limited recreational docks shall be certified by the design engineer that it was constructed according to the approved plans within typical marine construction standards. The Executive Director shall have the discretion to require as-built survey plans of residential and limited recreational docks that includes property lines.
  - z. All residential and limited recreational boating facilities must have affixed to them a registration plate and number located on the seaward face of the most seaward piling. If a facility does not have pilings and/or is generally a floating structure, or is built on crib supports, then the registration plate must be affixed to the seaward face of the most seaward dock or floating dock. Regardless of the type of residential or limited recreational boating facility structure, the registration plate and number must be permanently affixed to the facility on its most seaward face and be visible from the navigation channel or fairway to the structure at all times.
- 

