



State of Rhode Island
Coastal Resources Management Council
 Oliver H. Stedman Government Center
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**RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL
 REPORT OF FINDINGS -- PRELIMINARY DETERMINATION**

STATEMENT OF LIMITATIONS

The contents of this staff determination report shall be valid only for the period on and preceding the date of this report. This report is neither an approval nor denial of the subject proposal. It is an evaluation of CRMC regulations in effect as of 9/17/2024 as they pertain to the below stated proposal, including preliminary staff recommendations.

Modifications to the below stated proposal may, upon the discretion of the CRMC, render this determination null and void.

APPLICANT INFORMATION

NAME: Rock Ridge Associates LLC **CRMC FILE NO.** D2024-08-046

LOCATION/POLE: 163 Main Street, Westerly
 Plat 66, lot 11

CONTACT PERSON(S) & ADDRESS:

**Rock Ridge Associates
 c/o Frank Samuelson, Jr.
 13 Rock Ridge Road
 Westerly, RI 02891**

And

**Anthony Nenna, PE
 3 Crestview Drive
 Westerly, RI 02891**

PRELIMINARY REVIEW INFORMATION

PROPOSAL: Feasibility of a new commercial dock

PLAN(S) REVIEWED: "site plan to support a CRMC preliminary Determination application" by Anthony Nenna ,dated July 26,2024.

<u>INVESTIGATOR</u>	<u>DATE</u>	<u>TIME</u>
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MEASUREMENTS & OBSERVATIONS: Plan review and aerial review



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PREVIOUS CRMC ACTIONS FOR SITE:

2010-07-058 to reroof structure,
2021-04-035 replace impervious paving with a new 570sf pervious patio.

Preliminary Buffer and Setback Requirements:

SETBACK (ref. Section 1.1.7 Red Book) 50'

BUFFER (ref. Section 1.1.9 Red Book) N/A

Note: **Setbacks** apply to "construction related activities" including filling, removing, and grading (ref. Section 1.3.1(B) Red Book). The coastal program requires a minimum setback of either 50', or the buffer zone width plus 25' (whichever is greater). Work within this minimum setback will require a variance per Section 1.1.5 of the Red Book. All variances must be requested in writing. No construction or construction related work shall occur within the required setback (exemptions include structural shoreline protection, outfalls and water dependant uses). Work within the required setback may require a Category "B" review (public notice and decision by the full coastal council) and would likely result in adverse CRMC staff recommendations to the Coastal Council during the review process.

Buffer zones are areas that must be retained in, or allowed to revert to, "an undisturbed natural condition." All structures (excluding accessory structures) should be setback a minimum of 25' from the buffer zone to allow for access, fire protection and maintenance without infringement into the buffer.

If applicable, the plan must show "area of land within 50 feet" in accordance with Rule 5.04 of The Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast (the Rules), and label this area as a "buffer zone" in accordance with Rule 5.14. In addition, no activities (such as: drainage, grading, filling, etc.) may affect the freshwater wetland or the buffer zone. Where such alterations occur, or are proposed, an application shall be submitted in accordance with CRMC's Freshwater Wetland Rules.

Coastal Hazard: In accordance with Section 1.1.10, the applicant is encouraged to utilize CRMC's "STORMTOOLS" mapping feature to better understand the impact of current and future Sea Level Rise and Storms on the subject property. Also, in accordance with Section 1.1.6(I), the applicant is required to complete a "Coastal Hazards Worksheet" to further understand the impact of climate change on a proposal (<http://www.crmc.ri.gov/coastal hazardapp.html>). While the RICRMP does not yet require structures to be designed for SLR scenarios, the applicant should consider SLR, Climate Change, and design life expectations in design planning.

Coastal feature verification shall be valid for one-year from the date of this Determination or until an erosion event (e.g., due to storm event, landslide, man-induced alteration, etc.) occurs that alters the coastal feature.

SUMMARY OF FINDINGS

CRMC JURISDICTION: YES

TYPE WATER: 5, Commercial and Recreational Harbors; Pawcatuck River

For the purpose of this review the coastal feature(s) shall be manmade seawall and the inland edge of coastal(s) feature shall be top of the manmade seawall

Applicability of Red Book and SAM Plans (as amended):

Red Book Sections: **650-RICR-20-00-1 (aka the "red book")**: **1.1.5(A)**, **1.1.6(F)**, 1.1.8, 1.1.9, **1.1.10**, 1.1.11, 1.2.1(A), 1.2.1(B), 1.2.1(C), 1.2.1(D), 1.2.1(E), 1.2.1(F), 1.2.2(A), 1.2.2(B), 1.2.2(C), 1.2.2(D), 1.2.2(E), **1.2.2(F)**, **1.2.3**, **1.3.1(A)**, **1.3.1(B)**, **1.3.1(C)**, 1.3.1(D), 1.3.1(E), 1.3.1(F), 1.3.1(G), 1.3.1(H), 1.3.1(I), 1.3.1(J), 1.3.1(R), 1.3.2, 1.3.3, 1.3.4, **1.3.6(C)** other.

SAMP: The Pawcatuck River Estuary and Little Narragansett Bay: An Interstate Management Plan



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STAFF CONCERNS/COMMENTS/INFORMATION REQUIREMENTS:

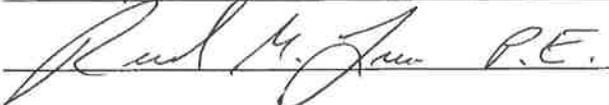
The transient dockage appears to be limited to less than four boats (4' x 40' float). Please note no boats are to be allowed to dock overnight. Based on the narrative it is staff opinion that the facility should be reviewed as a commercial structure in tidal waters., as the facility would not meet the RICRMP's criteria for a marina which specifies usage by five boats, nor a residential boating facility since it will be tied to a commercial property. The RICRMP does not contain detailed standards for commercial structures, as it does for marinas and residential boating facilities, but the applicant should refer to the standards for those types of facilities (Ref: RICRMP Section 1.3.1(D)) of the RICRMP for guidance in formulating their design.

Commercial Structures are defined in RICRMP Section 1.3.1(C). "Commercial and industrial structures and operations" means all buildings and structures and alterations to facilities related to the manufacturing and interchange of goods or commodities, or any other business activity located on a shoreline feature, its contiguous area, or within tidal waters. Furthermore, RICMRP Section 1.3.1C.(3) and (4) state "Commercial and Industrial docks, wharves and piers shall be designed and certified by a registered professional engineer." and "All commercial and industrial structures and operations in tidal waters shall have a defined structural perimeter for in-water facilities, which shall describe and limit that area in which repair or alteration activities may take place. Structural perimeters shall be defined on the basis of in-water facilities in place as of September 30, 1971, or subsequently assented structures. All new or modified structural perimeter limit lines shall be a maximum of ten (10) feet outside of the structures. The structural perimeter limit (SPL) shall be designated on all plans with the corners designated by their State Plane Coordinates. However, in all cases the SPL shall be setback at least fifty (50) feet from approved mooring fields. In addition the SPL shall be setback at least three times the authorized project depth from federal navigation projects (e.g. navigation channels and anchorage areas)." Based on the ACOE project maps the channel depth is 7'; therefore a 21 foot setback from the channel edge to the SPL is required.

Additionally, a letter from the local authorities certifying that proposed activities conform to the local zoning ordinance, or that if relief from an ordinance is required that it has been obtained and that the decision authorizing the appropriate relief is final. This letter must be submitted to the CRMC with the application.

The activity matrix Contained in RICRMP 1.1.5(A) This project will require a Category "B" application, please address all category "B" requirements in writing (Reference RICMRP Section 1.3.1.(A)). The project will be put out to a 30 day public notice. A public hearing will be required before the Coastal Council.

SIGNATURE:  STAFF BIOLOGIST

SIGNATURE:  STAFF ENGINEER

