

**MacSweeney 0 Arlington Avenue, Warwick RI – A.P. 356 Lot(s) 162, 163 & 204 (15,455 square feet) Administratively Combined as A.P. 356 Lot 162 fact specific CRMP section 1.1.7 Variance request to (50%) of required CRMP Section 1.1.11 Table 4 50' Coastal Buffer Zone and CRMP section 1.1.9(C) construction setback requirement for new residential development within 200' of Coastal Feature in Type 2 Waters**

Background Facts: My son Aidan and I jointly purchased 0 Arlington Ave., Warwick Non-Conforming vacant A.P. Lot(s) 162, 163 & 204 for \$160,000.00 on December 12, 2023 (with “new” Warwick Bayside sewer project public sewer connectivity access) for intended purpose to build to code on structural stilts a new two bedroom home that my son Aidan would live in as his principal residence post all required approvals, home design, construction and CO issuance. Prior to purchasing the 0 Arlington Ave, Warwick non-conforming lots, I confirmed with the Seller and made a CRMC historical database search confirming no predecessor in title CRMC applications historically filed in respect to at issue non-conforming lots. My son and I were most excited in respect to our land purchase, and during the 2023 Christmas to New Years period we made the over eager mistake of trimming some dormant knotweed at the furthest from bay Arlington Avenue front of the property and hand spread (6) yards of gravel off the street with the idea being that we could pull onto our property and park off the road. In early January of 2024, we received a CRMC C&D Order 23-0265 which we ultimately resolved under terms of a CRMC Consent Agreement dated October 21, 2024 with operative condition that we would complete and submit an acceptable application to the CRMC for further development of the property by February 1, 2025 and that in the event our CRMC Assent application were denied, we would restore the property by the end of the following growing season in accordance with a CRMC Consent Agreement attached restoration plan.

Summary CRMP Section 1.1.7 Variance request to the CRMC Executive Director: Re: 0 Arlington Ave., Warwick A.P. 356 lot 162 proposed Site Plan for construction of a new three story 25' x 40' two-bedroom residential dwelling on structural stilts to code in VE 16 flood zone at an existing mean available 8.5' NAVD88 elevation grade where the costal feature accounts for 50% or more of the administratively combined lots; Applicant makes a lot fact specific CRMP Section 1.1.7 request to the Coastal Resources Management Council for Variance to a (50%) of required CRMP 1.1.11 Table 4 50' Coastal Buffer Zone Width to a 25' Coastal Buffer Width (applicable to lot sizes less than 10,000 SF) together with necessary Variance relief to CRMP 1.1.9(C) calculated RICRMC construction setback requirement.

Applicant asserts that proposed site plan for Administratively Combined Arlington Ave, Warwick A.P. Lot 162, sufficiently satisfies all (6) CRMP Section 1.1.7 Variance from CRMP standards for fact specific reasons addressed in writing under each of (6) Variance criteria standards below.

1. That the proposed alteration conforms with the applicable goals and policies of the Coastal Resources Management Program. **Meets Criteria Discussion: R.I. Gen. Laws Chapter 46-23 the**

Coastal Resources Management Council is authorized to develop and adopt policies and regulations necessary to manage the coastal resources of the state and to provide for the integration and coordination of the protection of natural resources, the promotion of reasonable coastal-dependent economic growth, and the improved protection of life and property from coastal hazards. Applicant asserts that Variance relief to CRMP 1.1.9(C) minimum construction setback requirement (as calculated on application submitted RICRMC Coast Shoreline Change Hazard Analysis Worksheet) is appropriate based upon fact specific (very gradual low land elevation site specific historical shoreline change experienced and that actual lot upland elevation topography proposed building site at an existing mean 8.5' NADV elevation grade together with proposed new dwelling design 9' first level elevation achieved by engineered structural stilts will provide at least 17.5' of Stormtools design elevation to a planned new dwelling first floor living space exceeding Stormtools estimated flood depth during a 100 Year Storm with a 3' SLR by at least 4'. [See 0 Arlington Ave Stormtools ArcGIS 3' SLR 100 Yr Storm Est Flood Depth Exhibit]

2. The proposed alterations will not result in sufficient adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts. **Meets Criteria**  
 Discussion: Proposed single family residential construction project presented has no significant adverse impacts on one or more of the eight (8) coastal environment descriptor factors (described generally in CRMP Reg Sec 1.1.6(G)(1)(c): (1) Circulation and/or flushing patterns (No adverse impacts) ; (2) Sediment deposition and erosion; (No negative impacts- [See Site Plan proposed sediment, erosion and grading control site plan which calls for installation during construction period of an EPA Stormwater Management Erosion Control best practice more effective alternative to hay bales temporary "Silt Fence" around lot upland area as well as permanent installation of "buffer transition zone" protective added planting managed landscape improvements at buffer zone edge of proposed small slightly sloped away from dwelling grassed front yard area between the dwelling and the 25' buffer zone, planting 3 to 5 gallon Bayberry Plants (*Myrica pensylvanica*) 5' on center) (3) Biological communities, including vegetation, shellfish and finfish resources, and wildlife habitat; (no material adverse impacts to shellfish, finfish or wildlife habitat) ; (4) Areas of historic and archaeological significance (not applicable) ; (5) Scenic and/or recreation values (no adverse impact); (6) Water quality; (public sewer & public water available - no material adverse impact) (7) Public access to and along the shore (None - Public Shoreline access to shoreline available with no change from the end of public way Arlington Avenue); (8) Shoreline erosion and flood hazards; (No negative adverse impacts – [again reference Site Plan proposed sediment, erosion and grading control plan])
3. Due to conditions at the site in question, the applicable standard(s) cannot be met. **Meets Criteria**  
 Discussion: With reference to presented 0 Arlington Ave., Warwick A.P. Lot 162 Class 1 Survey Site Plan for construction of a new three story 25' x 40' two-bedroom residential dwelling on engineered structural stilts to code in VE 16 Flood Zone at an existing mean available 8.5' NAVD 88 elevation grade, the costal feature factually accounts for 50% or more of the administratively combined lots, applicant hereby makes a lot fact specific CRMP Section 1.1.7 request to the Council for a Variance to a (50%) of required CRMP 1.1.11 Table 4 50' Coastal Buffer Zone Width to a 25' Coastal Buffer Width (applicable to lot sizes less than 10,000 SF)

4. 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. **Meets Criteria Applicant Discussion:** Taking into account and evaluating CRMC Coastal Shoreline SAMP Adaptation Tool Techniques specifically section 7.2.2 (Site Selection); 7.2.3 (Distance Inland) & 7.2.4 (Elevation), evaluating lot specific both horizontal (distance furthest away from coastal feature) and vertical (elevation) dimensions, 7.5' of Front and 3' of Side Arlington Avenue residential Dwelling Setback relief requested by Dimensional Variance application filed with the Warwick Zoning Board on December 20, 2024. Requested Setback relief dimensional variance to construct a new single-family dwelling conditionally approved at February 11, 2025 public hearing by the Warwick Zoning Board of Review with a Warwick ZBA conditional decision letter dated February 14, 2025 being recorded for proposed dwelling granting a setback of 22.5' from the front property line along Arlington Ave.; granting a side yard setback of 17' (20' required); and granting a 25' setback to the coastal feature (50' required). Site plan for proposed new dwelling footprint setbacks specifically designed to best mitigate against coastal hazard for site of proposed 25 x 40 footprint dwelling with a construction setback away from the coastal feature and at highest existing mean available 8.5' NAVD 88 lot elevation grade while maintaining a 17' construction side set back (avoiding construction related activity on somewhat sloped elevation land with a drop to the relatively low land of AP 356 Lot 161 (owned by the town Warwick). Site Plan proposed Coastal SAMP section 7.2.4 (Terrain Management) landscape managed Rain Garden Area proposed to be installed for adaptation/accommodation benefit to ensure that any dwelling runoff is routed to avoid dwelling, drain away from dwelling and mitigate soil erosion risk.
5. 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. **Meets Criteria Applicant Discussion:** Based upon my CRMC historical application database search and as confirmed to me by Seller to a "best personal knowledge and belief" standard, Warwick Non-Conforming vacant A.P. 356 Lot(s) 162, 163 & 204 factually has no CRMC or Warwick Building Department/Zoning Board prior action history by any applicant predecessor in title. With respect to the subdivisions, the Council will consider the factors as set forth in section 1.17(B) of this Part below in determining the prior action of the applicant. **Discussion: Not Applicable.**
6. 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 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. **The (3) three 0 Arlington Avenue, Warwick RI nonconforming lots purchased by the Applicants December 12, 2023, includes a chain of title Seller marketed "bonus lot", that as reflected in Class 1 Survey site plan is substantially all (5,336+- s.f.) of low-lying wetland area. Applicant respectfully suggests that a Council final determination not to allow/grant Applicant's fact specific request and plea for a Variance to a (50%) of required CRMP 1.1.11 Table 4 50' Coastal Buffer Zone Width to a 25' Coastal Buffer Width (applicable to lot sizes less than 10,000 SF) on nonconforming lots purchased by Applicant December 12, 2023 that are technically required to be administratively combined (i.e. Merger of abutting nonconforming lots) under both Warwick Zoning Regulation Sec 405.2 (Land nonconforming by area) and CRMP 200' of coastal**

feature jurisdictional limit regulations would constitute an undue hardship to Applicant. CRMP section 1.1.11(C)(2) Coastal Buffer Zone Standard in part provides that in instances where a lot is equal to or less than (20,000) s.f. and not located within the watershed of a poorly-flushed estuary, a variance to the required buffer may be granted by the Executive Director. CRMP section 1.1.11(C)(1) Coastal Buffer Zone Standard also in part provides that in instances when the coastal feature accounts for fifty (50%) (fact specific to Applicant's three Administratively combined nonconforming lots), the Council may grant a variance to the required buffer width.

