

Oliver Allamby

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Sent: Thursday, February 19, 2026 10:39 AM
To: Cstaff
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Subject: Maintenance Application - 25 Atlantic Ave, Westerly, Application 2025-10-075
Attachments: App 2025-10-075, response to public comment.pdf
Follow Up Flag: Follow up
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Categories: Oliver

All,

Attached please find the Applicant's written response to public comment on the above-referenced matter. Please let me know at your earliest convenience when this matter is set for hearing before the Council. Thank you.

- Peter

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February 18, 2026

First Class Mail & Certified, Return Receipt Requested

Coastal Resources Management Council
O. S. Government Center,
4808 Tower Hill Road, Rm 116;
Wakefield, RI 02879

And via email to cstaff1@crmc.ri.gov

Re: Application 2025-10-075, 25 Atlantic Avenue, Westerly, Plat 175, Lot 17

APPLICANT'S FORMAL RESPONSE TO PUBLIC COMMENT

The Chrones Family Revocable Trust (the "Applicant"), by and through counsel, hereby submits this Response to Public Comment regarding Application No. 2025-10-075. The Applicant appreciates the public's interest in this matter and respectfully responds as follows.

I. INTRODUCTION AND SUMMARY OF APPLICANT'S POSITION

At the outset, it is critical to clarify the legal issue before the Council. This application does not seek approval to construct a new shoreline protection structure. It does not seek a variance. It does not seek permission to undertake any activity prohibited by CRMC regulations. Rather, the application seeks only to perform maintenance of a lawfully existing revetment that was previously authorized by Council Assent No. 1993-03-062. The Applicant acknowledges that construction of a new shoreline protection structure at this location would not be permitted under current CRMC regulations. However, CRMC regulations expressly allow maintenance of existing shoreline



protection structures, and the proposed work falls squarely within the regulatory definition of maintenance.

CRMC Rule 1.1.2(A)(83) defines maintenance as:

“The reconstructing or repairing to previously approved conditions and dimensions a damaged or deteriorated structure or facility. Maintenance includes only those activities that do not significantly alter the assented design, purpose and size of the structure.”

The proposed work satisfies this definition. The revetment will remain in its existing location, with the same footprint, alignment, dimensions, and purpose. No expansion or enlargement is proposed. Accordingly, this application seeks approval of lawful maintenance expressly authorized under CRMC regulations.

This is not a *policy* question – it is a *legal* question. The Council is not being asked to determine whether shoreline protection structures are desirable in general. That policy determination has already been made and is reflected in CRMC’s regulations. Instead, the Council is being asked to apply its regulations to determine whether the proposed activity qualifies as maintenance. Under the plain language of the regulations, it clearly does.

II. GENERAL RESPONSE TO COMMENTS ASSERTING THAT THE PROJECT CONSTITUTES NEW CONSTRUCTION

Several commenters assert that the proposed work constitutes new construction. These assertions are incorrect. The revetment already exists and was lawfully constructed pursuant to Council authorization. The proposed work does not increase the footprint, extend the structure seaward, increase its length or height, or otherwise alter its design, purpose, or size. CRMC regulations governing maintenance of shoreline protection structures expressly provide:

“Maintenance and repair of existing structural shoreline protection shall be the minimum that is required to maintain the functional viability or structural integrity. In the case of riprap revetments, the addition of limited quantities of riprap armor stone to existing



damaged revetments may be allowed as a maintenance activity...”
See Rule 1.3.1(G)(6)(b).

The proposed replacement of undersized and deteriorated stone with properly sized armor stone is necessary to maintain the structural integrity of the existing revetment and is expressly contemplated by this regulation. CRMC regulations do not prohibit maintenance simply because new stone must be introduced. To the contrary, maintenance often requires replacement of deteriorated materials. The controlling legal standard is whether the design, purpose, or size of the structure is significantly altered. It is not. This is maintenance.

III. CRMC HAS ALREADY APPROVED THE REVETMENT DESIGN AND USE OF LARGER ARMOR STONE

Importantly, in 2025, CRMC already reviewed and approved the engineering design for this revetment maintenance project for a revetment of this same size, scale, height, location, and footprint (see application M2024-10-047). CRMC regulations expressly require that revetments be constructed using appropriately sized armor stone based on site-specific wave conditions and accepted engineering standards, including the U.S. Army Corps of Engineers Coastal Engineering Manual. See Rule 1.3.1(G)(5)(i). The use of properly sized armor stone is not optional. It is required to ensure that the revetment functions as intended and does not prematurely fail.

While CRMC staff approved this revetment maintenance, the assent included a limitation restricting placement of larger armor stone to 50 tons. There is no provision in CRMC’s regulations that imposes a fixed tonnage limit on armor stone placement when performing maintenance of an existing revetment. Instead, the governing regulatory standard is functional: the structure must be maintained in a sufficient manner to preserve its structural integrity and viability. Rule 1.3.1(G)(6)(b) expressly allows the addition of armor stone as necessary to maintain existing revetments. Accordingly, the relevant legal question is not the total tonnage of stone, but whether



the work maintains the structure within its existing footprint, alignment, and purpose without expansion. The proposed work satisfies that standard.

The engineering design confirms that the use of properly sized armor stone is necessary maintenance—not new construction.

IV. RESPONSE TO COMMENTS SUBMITTED BY SAVE THE BAY

The Applicant respectfully responds to the comments submitted by Save The Bay as follows:

A. Save The Bay incorrectly characterizes the project as a new shoreline protection facility.

Save The Bay’s comments are premised on the assertion that the project constitutes construction of a new shoreline protection structure. This premise is incorrect. The revetment already exists and was lawfully constructed pursuant to prior CRMC assent. The Applicant seeks only to repair and reconstruct portions of the existing revetment within its previously approved footprint. CRMC regulations expressly allow reconstruction and repair of existing structures, provided their design, purpose, and size are not significantly altered. Rule 1.1.2(A)(83). The proposed work satisfies this definition.

B. CRMC’s prohibition on new shoreline protection structures does not apply to maintenance of existing structures.

Save The Bay correctly notes that new shoreline protection structures are prohibited in Type 1 waters. The Applicant does not dispute this. However, this prohibition applies only to new structures—not maintenance of existing structures. CRMC regulations expressly distinguish between prohibited new construction and permitted maintenance. Rule 1.3.1(G)(6)(b) explicitly authorizes maintenance and repair of existing shoreline protection structures. Because this



application seeks maintenance—not new construction—the prohibition cited by Save The Bay does not apply.

The proposed work will maintain the revetment in its current location, footprint, and configuration. There will be no expansion of the structure; no extension seaward, no increase in height or footprint, and no change in purpose. Accordingly, the work falls squarely within the regulatory definition of maintenance. CRMC regulations require revetments to be constructed using appropriately sized stone based on site-specific wave energy, in accordance with the U.S. Army Corps of Engineers Coastal Engineering Manual. Rule 1.3.1(G)(5)(i). Replacement of undersized or deteriorated stone with properly sized armor stone is necessary to maintain structural integrity and functional viability.

This constitutes maintenance, not new construction.

C. Prior maintenance does not transform the structure into a new structure.

Save The Bay suggests that prior maintenance activities have somehow transformed the structure into a new facility. This argument has no basis in CRMC regulations. CRMC regulations expressly allow maintenance of existing structures over time. Coastal structures inherently require periodic repair due to exposure to waves and storm forces. The existence of prior maintenance approvals confirms that the structure has been and is being maintained—not replaced or expanded.

V. RESPONSE TO COMMENTS REGARDING PUBLIC ACCESS

Several commenters expressed concern regarding public access. The public currently has access to the shoreline via established access points at Atlantic Avenue and Maplewood Avenue. These access points provide the public with lawful access to the beach in this area. The proposed maintenance work does not alter, restrict, or interfere with these existing public access points in any way. The revetment will remain entirely within its existing footprint. No new encroachment



into areas used for public access is proposed. The project will not reduce or impair existing public access. Accordingly, the proposed maintenance has no impact on public access.

VI. RESPONSE TO COMMENTS ASSERTING THAT THE APPLICATION SEEKS A VARIANCE

Several commenters incorrectly refer to this application as a request for a variance. This is incorrect. The Applicant is not seeking a variance or exception from CRMC regulations. The Applicant seeks only approval of maintenance that is expressly permitted under CRMC regulations. Because the proposed work qualifies as maintenance, no variance is required.

VII. CONCLUSION

The revetment at issue is a lawfully existing shoreline protection structure previously authorized by the Council. CRMC regulations expressly permit maintenance of existing shoreline protection structures, provided their design, purpose, and size are not significantly altered. The proposed work satisfies these requirements. The Applicant is not seeking approval of prohibited new construction. The Applicant is not seeking a variance. The Applicant seeks only permission to perform lawful maintenance expressly authorized by CRMC regulations.

For these reasons, the Applicant respectfully requests that the Council approve Application No. 2025-10-075 as maintenance of an existing shoreline protection structure.

Truly yours,

/s/ Peter Skwirz, Esq.



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