

CRMC DECISION WORKSHEET

2025-02-014

John & Aidan MacSweeney

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2025-02-014	Warwick	Arlington Avenue		A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Plat	356			
		Owner Name and Address				
Date Accepted	11/24/2025	John & Aidan MacSweeney		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	02/16/2025	2 Captain Harris Drive Assonet, MA 02702		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

Construct three story residential dwelling on stilts with permeable driveway and stormwater management system. Dwelling will be serviced by municipal sewer and water.

KEY PROGRAMMATIC ISSUES

Coastal Feature:

Water Type: Type 2 Low Intensity Use, Narragansett Bay

Red Book: 1.1.6(G), 1.1.7, 1.1.9, 1.1.10, 1.1.11(B)(3) & 1.1.11(B)(7)(a), 1.2.1(C), 1.2.2(C), 1.2.3, 1.3.1(B), 1.3.1(F), 1.3.5

SAMP: N/A

Variances and/or Special Exception Details: 1.1.7, 1.1.11, & 1.1.9

Additional Comments and/or Council Requirements: Consideration of objectors' comments

Specific Staff Stipulations (beyond Standard stipulations):


STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: _____
 Biologist **SPF** Recommendation: **Denial**
 Other Staff _____ Recommendation: _____


 Engineering Supervisor Sign-Off

 Executive Director Sign-Off

2/16/26
date
2/16/26
date


 Supervising Biologist Sign-off
 Staff Sign off on Hearing Packet (Eng/Bio)



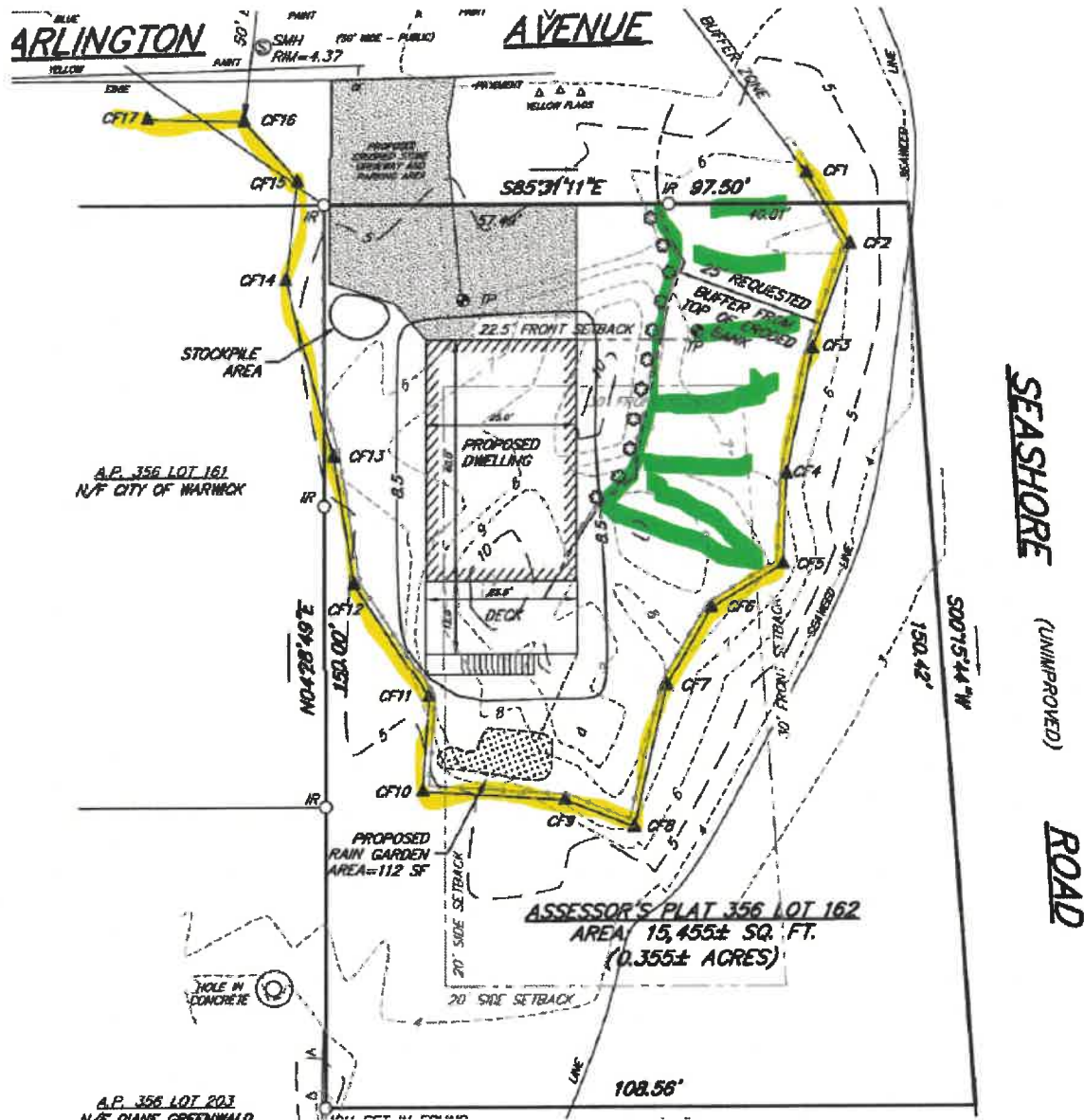
STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
 STAFF REPORT TO THE COUNCIL

DATE: February 11, 2026
 TO: Jeffrey M. Willis, Executive Director
 FROM: Sean Feeley, Environmental Scientist II

Applicant's Name:	John and Aidan MacSweeney
CRMC File Number:	2025-02-14
Project:	Residential development consisting of a 25' x 40' single family dwelling with a driveway, deck and stormwater management system
Location:	Arlington Avenue, Warwick: Plat 356, Lots 162, 163 and 204
Water Type/Name:	Type 2 Low Intensity Use/Narragansett Bay
Coastal Feature:	Erosive coastal bluff and coastal wetland
Plans Reviewed:	"Longmeadow Corner" – CRMC Proposed Residential Development Plan of Land of John W. MacSweeney & Aiden J. MacSweeney, Assessor's Plat 356 Lot 162, Arlington Avenue, Warwick, Rhode Island – 2 Sheets prepared by Angelo M. Raimondi, last revised 03/11/2025

INTRODUCTION:

The application proposes to construct an elevated 25' x 40' (1000 square-foot) 3-story dwelling on a 15,455 square foot parcel, to be serviced by municipal sewer and water, with a pervious driveway, stormwater management system and grade changes around the foundation. The structure will also include a 25' x 12' deck with an access stairway. At the nearest point, the dwelling foundation will be 12-feet from the coastal feature, and the deck will be 2-feet from the feature. Per Section 1.1.11, a buffer zone of 50-feet is required. The application proposes a buffer zone of 25-feet in the area of flags C-1 through C-5, no buffer zone is proposed from flags C-5 through C-17. This represents a Variance to the required buffer of 50-100%. A construction setback of 25-feet is required from the inland edge of the buffer zone by Section 1.1.9. No setback is proposed as there is grading and the stormwater management system located in the area closest to the foundation. Setbacks apply to filling, removing and grading activities per Section 1.1.9(B)(1).



Above- Portion of the Site plan for the project. Coastal Feature highlighted in yellow, proposed buffer in green

APPLICABLE POLICIES, STANDARDS & ETC:

1.1.6(G)	Substantive Objection	See below
1.1.7	Variances	A buffer variance of between 50-100% is requested A setback variance of 100% is requested
1.1.9	Setbacks	A setback of 25-feet is required from the inland edge of a buffer zone.
1.1.10	Climate Change & Sea Level Rise	A coastal Hazard Analysis Worksheet was submitted for new development within setback.
1.1.11(B)(3) & 1.1.11(B)(7)(a)	Buffer Zones	New residential development of this parcel size requires a 50-foot buffer zone.

1.2.1(C)	Low Intensity Use	Low intensity residential & recreational activities.
1.2.2(C)	Coastal Wetlands	Coastal wetlands represent approximately half of the coastal feature.
1.2.3	Areas of Historical & Archaeological Significance.	The RIHPHC provided a letter of no objection.
1.3.1(B)	Filling, Removing or Grading of Shoreline Features	The project includes sedimentation and erosion controls.
1.3.1(F)	Treatment of Sewage & Stormwater	Public sewers are available in the area, a rain garden is proposed to treat rooftop runoff. The proposed rain garden is located 2-feet from the coastal feature at the nearest point.
1.3.5	Scenic Value of the Coastal Region	A three- story dwelling is proposed in a VE17 flood zone.

Section 1.1.9—Construction setbacks are required on projects of this type. A minimum 25-foot setback is required from the inland edge of coastal buffer zones. In areas where no buffer zone is present, a setback of 50-feet is required. The application proposes an area of between 10 and 15-feet between the buffer and the dwelling. In the area where no buffer is proposed, an area of between 12 and 15-feet is proposed. However, filling and grading is proposed in this area requiring a variance to the setback.

Setbacks offer protection to the coastal wetlands and buffer zones from nearby development impacts such as sedimentation, pollution and also direct wildlife disturbance. The setback area also provides an area for maintenance and access in case of emergencies. The reduced setback also exposes the dwelling to increased coastal flooding impacts. The parking area and stormwater BMP located directly abutting the coastal feature also have the potential to increase impacts to the nearby wetland and to be impacted and damaged by coastal flooding events.

Section 1.1.6(I): This project required a Coastal Hazards Analysis (CHA) as per the Rhode Island Coastal Resources Management Council’s regulations. The Council recommends residential applications meet a minimum of a 30 year design life (longer design life may not meet recommended criteria). This project, which was designed for a 30 year design life:

- 1) Does not meet rate of Sea Level Rise (SLR). A portion of the site will be submerged.
- 2) Meets/does not meet accelerated erosion rate.
- 3) Does not meet the recommended StormTools Design Elevation (SDE) for three feet (3’) of SLR.
- 4) Meets/Does not meet the recommended StormTools Design Elevation (SDE) for the chosen design life scenario of 30 years.
- 5) The applicant is advised that the CERI risk index for this area is extreme. Please see <http://www.beachsamp.org/stormtools/stormtools-coastal-environmental-risk-index-ceri/> for details on the CERI Risk Index

The CHA is an education tool to assist applicants’ understanding of the long-term effects of sea level rise and storms on their property. While it does not contain regulatory requirements, it is a very good illustration of the challenges in developing this lot.



Above- Image of CERI damage assessment for the subject property with 3' of SLR.

Section 1.1.11—Coastal buffer zones serve many functions, including protection of water quality by capturing sediment and pollutants and absorbing nutrients from stormwater and groundwater. *“The effectiveness of vegetated buffers as a best management practice for the control of nonpoint source runoff is dependent upon their ability to reduce the velocity of runoff flow to allow for the deposition of sediments, and the filtration and biological removal of nutrients within the vegetated area. In general, the effectiveness of any vegetated buffer is related to its width, slope, soil type, and resident species of vegetation.”* (Section 1.1.11(B)(1)).

Protection of coastal habitat is also an important function of buffer zones, providing feeding, nesting and cover for many wildlife species. In general, the wider the buffer the greater its value as habitat. Erosion control is a critical function of buffer zones. Per Section 1.1.11(B)(d) *“Coastal buffer zones provide a natural transition zone between the open coast, shoreline features and upland development. Natural vegetation within a coastal buffer zone helps to stabilize the soil, reduces the velocity of surface water runoff, reduces erosion of the soil by spreading runoff water over a wide area, and promotes absorption and infiltration through the detrital (leaf) layer and underlying soils. The extensive root zones often associated with buffer zone vegetation also help prevent excessive shoreline erosion during coastal storm events by stabilizing underlying soils.”*

Flood control is identified as an important function of naturally vegetated buffer zones. Coastal buffer zones aid in flood control by reducing the velocity of runoff and by encouraging infiltration of precipitation and runoff into the ground rather than allowing runoff to flow overland and flood low lying areas. The project site is located in a VE 17 flood zone and the site is prone to flooding at high tide and storm events.

The site abuts Type 2 waters as defined by CRMC. Per section 1.1.11(B)(6) *In order to enhance conservation, protect water quality, and maintain the low intensity use characteristic of Type 1 and 2 waters, greater buffer widths shall be applied along the coastline abutting these water types.* The regulations require a 50-foot buffer in this case (1.1.11(B)(7)(a)). A 25-foot buffer zone is proposed in the area between flags C1-

C5 of the identified coastal feature. For the rest of the lot, between flags C5-C17, no buffer zone is proposed. The entirety of the upland area would be encompassed by the required 50-foot buffer zone.

The coastal feature on the east side of the site is an erosive coastal bluff. Based on the minimal amount of buffer zone proposed at the site, it is staff's opinion that the functions and values of the buffer would be significantly reduced. For much of the site there would be no buffer zone to mitigate the impacts of flooding and erosion, and to provide effective stormwater management. Section 1.2.2(C)(1)(h) states that "*It is the Council's goal to provide for maximum coastal buffer zone widths for projects abutting coastal wetlands that are adjacent to Type 1 and 2 waters...In those cases where the Council may grant a variance on small lots the minimum coastal buffer zone width should be no less than twenty-five (25) feet.*" The applicant has noted that the Executive Director may administratively approve development on lots of less than 20,000 square feet, with a buffer of less than 25 feet. However, the application only provides for a 25-foot buffer on a portion of the lot, and the regulation states that the design must meet the variance criteria. Without a 25-foot buffer on the entire coastal feature the director cannot approve the project administratively. Also, buffer variances of more than 50% must be reviewed by the full Coastal Council.

Section 1.3.1(F)—Treatment of sewage at the site would be through a tie into the city sewer system. While a sewer lateral was not installed at the site, the City of Warwick sewer authority has stated that a lateral may be run to the property at the expense of the applicant. A permeable driveway and rain garden are proposed to treat stormwater runoff from the site. The location of the driveway has been shown to be completely inundated with water during high tide and storm events. This would negate any form of treatment. The proposed rain garden is located 2-3 feet from the erosive coastal bluff. Considering the documented flooding of the site and the significant erosion rates (1.8 feet annually), it is likely that the ability of the rain garden to effectively treat and infiltrate stormwater would be limited and that the rain garden itself would likely be compromised in future storm events.

COMMENTS ON VARIANCE REQUEST:

The application, which requests a 50% to 100% Variance request to the Buffer and a 100% Variance to the Setback requires a written variance request, which was submitted by the applicant. Staff offers the following review of the Variance Criteria and the applicant's statements:

Section 1.1.7(A)(1): *The proposed alteration conforms with applicable goals and policies of the Coastal Resources Management Program.*

The applicant's variance request asserts that the application meets this requirement because the structure would have a first-floor elevation of 9-feet. This project proposes no buffer zone around most of the dwelling. In the areas where no buffer is provided, the dwelling is separated from the coastal feature by an area varying from 10 to 20 feet, however there is filling and grading proposed in this area requiring a variance from the setback standard. While the dwelling would meet flood code requirements, the lack of adequate buffers and setbacks would have negative impacts on water quality and wildlife habitat as well as potentially exacerbating the already significant erosion at the site. CRMC requires greater buffer widths on properties abutting type 1 & 2 waters. It is staff's opinion that this application does not conform with the goals and policies of the Coastal resources Management Program.

Section 1.1.7(A)(2): *- The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.*

The application asserts that there would be no adverse environmental impacts as a result of construction at the site citing the use of silt fences and the planting of screening vegetation. It is staff's opinion that there would be significant negative impacts from construction at the site. A review of aerial photos and CRMC's shoreline change maps shows significant erosion has already occurred at the site. Construction at the site and the removal of natural vegetation would likely increase erosion at the site and be detrimental to water quality. The proposed rain garden would be located directly adjacent to the coastal feature diminishing its effectiveness for treating runoff and exposing it to potential erosion. There would be no buffer zone adjacent to the onsite coastal wetland.

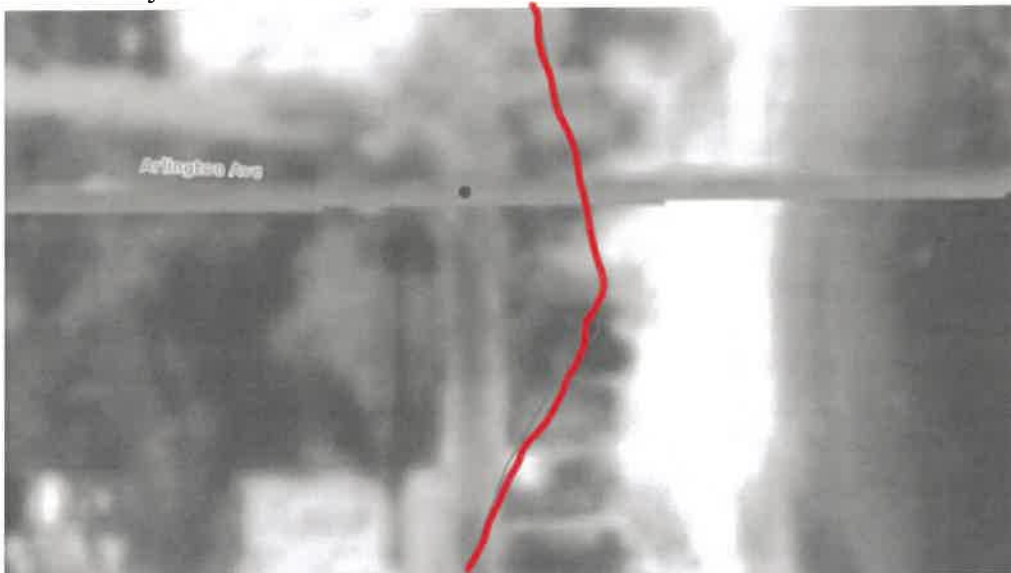
Although the dwelling would be elevated, much of the lot and surrounding area are subject to frequent flooding. Development of the parcel would expose the site to additional pollutants from the use of fertilizers and pollutants from automobiles. Much of the neighborhood is densely developed and predates CRMC regulations.



Above: subject lot DEM aerial Nov 2025



DEM Aerial Image 2008



DEM Aerial 1939 depicting former seashore rd at subject property.
Red line is City Boundary highlighted for reference/erosion in all photos.

Name: John & Aidan MacSweeney

CRMC File No.: 2025-02-014

Staff Report

Section 1.1.7(A)(3): *Due to conditions at the site in question, the applicable standard(s) cannot be met.*

The lot is highly erosive and has been for some time. Significant loss of shoreline in the area has been documented for years through aerial photographs and CRMC shoreline change maps. The standards cannot be met due to conditions at the site. These site conditions have existed for many years. The lot was purchased in 2023 and research at that time would have clearly shown any potential buyer that the lot was highly vulnerable to erosion and flooding and would require significant variances to CRMC regulations to obtain a permit.

Section 1.1.7(A)(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.*

While the size of the dwelling would not be considered to be minimized, reducing the footprint would not mitigate the negative impacts of the proposal. While a small amount of additional buffer zone could be added with a smaller dwelling, the site is still threatened by future flooding and erosion. Development at the site would still have negative impacts and be inconsistent with CRMC regulations. A dwelling constructed at the site and its associated infrastructure, would be threatened by storm events and flooding from high tides as soon as it were constructed.

Section 1.1.7(B)(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. 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.*

There is no prior history of permits or applications with CRMC for the site other than the previously noted issuance of a Cease and Desist Order for unauthorized vegetative clearing and filling.

Section 1.1.7(B)(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.*

Conditions at the site pose significant challenges to development. The coastal feature on one side of the site is an eroding coastal bluff which has seen a significant loss of land area over the years (116 feet between 1939 and 2003). The rest of the coastal feature is a coastal wetland which is subject to frequent flooding. The street frontage of the lot is frequently flooded during high tide and storm events. These conditions are not unique to this specific site but commonly occur in the area.

Relief from any hardship must be unique to the site and may not be mere economic diminution. The property was purchased by the applicant in December of 2023. These conditions have existed at the site for some time and were present at the time of purchase. The exercise of due diligence in researching the property and applicable regulations would have identified these concerns to any potential buyer. In the opinion of staff, any hardship related to development at the site has been created by the applicants themselves.

It is the opinion of staff that the variance criteria have not been met, and the variance request should be denied.

COMMENTS ON OBJECTIONS

On 2/28/2025 an abutting neighbor, Diane Greenwald, submitted comments concerning frequent flooding at the site and the extent of the variances requested. The comments addressed impacts to the functions and values of the onsite wetlands. Concerns were raised regarding flooding impacts to the objector's property as a result of the proposed development. Photographs were submitted to document recent flooding at the site.

On 1/30/2026 Capt. Chris Dodge of Save The Bay submitted comments concerning potential impacts of the project. The comments expressed concern with the potential granting of 100% variances to the buffer zone and setback requirements noting this would be inconsistent with the agencies stated goal to "provide for maximum coastal buffer zone widths for projects abutting coastal wetlands that are adjacent to Type 1 and 2 waters". Also noted were concerns with impacts to the functions and values of the onsite coastal wetlands and how this could negatively impact the ability of these wetlands to mitigate flood risks to the surrounding area. Photos were submitted documenting recent flooding of the area during storm events. Erosion at the site was noted as documented by aerial photos and CRMC's shoreline change maps.

COMMENTS ON SUBSTANTIVE OBJECTIONS

Substantive objections are defined as one or more of the following:

Section 1.1.6(G)(1)(a) *Threat of direct loss of property of the objector(s) at the site in question* The abutting objector's property will not be directly impacted by the construction, it could suffer in the future from increased flooding impacts.

Section 1.1.6(G)(1)(b) *Direct evidence that the proposed alteration or activity does not meet all of the policies, prerequisites, and standards contained in applicable sections of this document;*

The applicant's proposal does not meet all of the applicable standards. The relief for this is the issuance of a Variance(s), and the applicant has requested variance relief for buffer zone and construction setback distances. However, as discussed above, the project does not appear to qualify for these variances.

Section 1.1.6(G)(1)(c) *evidence is presented which demonstrates that the proposed activity or alteration has a potential for significant adverse impacts on one or more of the following descriptors of the coastal environment: (1) Circulation and/or flushing patterns; (2) Sediment deposition and erosion; (3) Biological communities, including vegetation, shellfish and finfish resources, and wildlife habitat; (4) Areas of historic and archaeological significance; (5) Scenic and/or recreation values; (6) Water quality; (7) Public access to and along the shore; (8) Shoreline erosion and flood hazards; or (9) Evidence that the proposed activity or alteration does not conform to state or duly adopted municipal development plans, ordinances, or regulations.*

Several potential impacts are identified within this subsection. Sediment deposition and erosion, biological communities, water quality and flood hazards could be adversely impacted by this project. The comments submitted by objectors address these impacts.

It is staff's opinion that substantive objections have been submitted for this project. Regardless of the substantive objections threshold, staff recommends that the application be denied for the programmatic reasons as discussed herein.

CONCLUSION AND RECOMMENDATION

Conditions at the site present significant challenges to development due the documented erosion that has occurred and continues to occur. Flooding of the site is also a major challenge. The roadway in front of the proposed structure floods during high tides and storm events. The wetlands at the site provide flood storage capacity which could be negatively impacted by the proposed development. The stormwater management system proposed for the site is located within 2 feet of the eroding coastal feature. The RI Stormwater Design and Installation Standards Manual requires that all rain gardens be located outside of buffer zones and setbacks. The system would not likely function as designed and would be threatened by erosion from storms as soon as it was constructed. This would result in inadequate treatment of stormwater runoff and would negatively impact water quality and the wetlands at the site.


CRMC shoreline change maps show that the site has eroded by 116 feet between 1939 and 2003 and has an annual erosion rate of 1.8 feet. A review of aerial photos shows significant erosion of the site in recent years. Constructing a new dwelling on an erosive Type 2 shoreline would likely result in the dwelling and related infrastructure being threatened by future storms. The proposed 25-foot buffer zone in the area located from flag C1 to flag C5 would not adequately protect the site particularly as there would be no buffer zone protecting the rest of the coastal feature from flags C5 through C17. The area from C5 to C10 is also part of the erosive coastal bluff and would receive no protection from a buffer zone. The dwelling would be located 12 feet from the coastal wetland at the nearest point. The deck and access stairs would be just 2 feet from the wetland edge.

An analysis of STORMTOOLS mapping reveals that with predicted sea level rise the site would be significantly inundated in future storm events. While the dwelling would be elevated, vehicles and other infrastructure at the site would be frequently subject to flooding. Objector’s comments outline the fact that the development poses real threats to water quality and the potential to increase erosion and flooding in the area.

For the reasons stated above, it is staff’s opinion that the application does meet the criteria for variance relief and that this application for residential development should be denied.

Should the Council approve the project, staff requests a deed restriction over further development activities at the site such as buffer management or further expansion of the structure.

Alternatively, should the Council deny the project, an application for a reasonable recreational or accessory use of the site would likely be supported by staff for approval.

Signed  Staff Biologist