

CRMC DECISION WORKSHEET

2024-03-112

Pistocco Irrevoc. Trust

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
2024-03-112	Warwick	Shawomet Avenue		A	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Plat	334			
		Owner Name and Address				
Date Accepted	6/26/2004	Pistocco Irrevoc. Trust		Work at or Below MHW	<input type="checkbox"/>	
Date Completed	3/4/2026	45 Broadview Avenue Warwick, RI 02889		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

Construct single family dwelling utilizing existing pilings

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal Beach

Water Type: Type 1, Conservation Area

Red Book: 1.1.6; 1.1.7; 1.1.9; 1.1.10; 1.1.11; 1.2.1; 1.2.2; 1.3.1; 1.3.5

SAMP: N/A

Variances and/or Special Exception Details: 88% Variance to Buffer; 60% Variance to Setback

Additional Comments and/or Council Requirements:

Specific Staff Stipulations (beyond Standard stipulations): Should the Council approve the application:

The structure shall be connected to municipal sewer service. Utilization of the existing OWTS on site shall not be allowed.

STAFF RECOMMENDATION(S)

Engineer _____ Recommendation: _____
 Biologist **ALS** Recommendation: **Defer**
 Other Staff _____ Recommendation: _____

Engineering Supervisor Sign-Off _____ date

Laura Miguel 3/19/26
 Executive Director Sign-Off _____ date

Supervising Biologist Sign-off _____ date

Staff Sign off on Hearing Packet (Eng/Bio) _____ date

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Staff Report



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

DATE: February 18, 2026
TO: Jeffrey M. Willis, Executive Director
FROM: Amy Silva

Applicant's Name:	Pistocco Irrevoc. Trust
CRMC File Number:	2024-03-112
Project:	Construct a Single Family Dwelling on piers to be serviced by municipal sewer; requesting greater than 50% Variance to Buffer and Setback standards
Location:	Shawomet Avenue; Warwick: Plat(s): 334; Lot(s): 18, 19
Water Type/Name:	Type 1/Conservation Area, Providence River/Conimicut Point
Coastal Feature:	Coastal Beach
Plans Reviewed:	"Survey and Plan for Pistocco Plat, 256 Shawomet Rd..." one sheet dated May 23, 2023 and last revised Dec 12, 2025 by NRC Associates

INTRODUCTION:

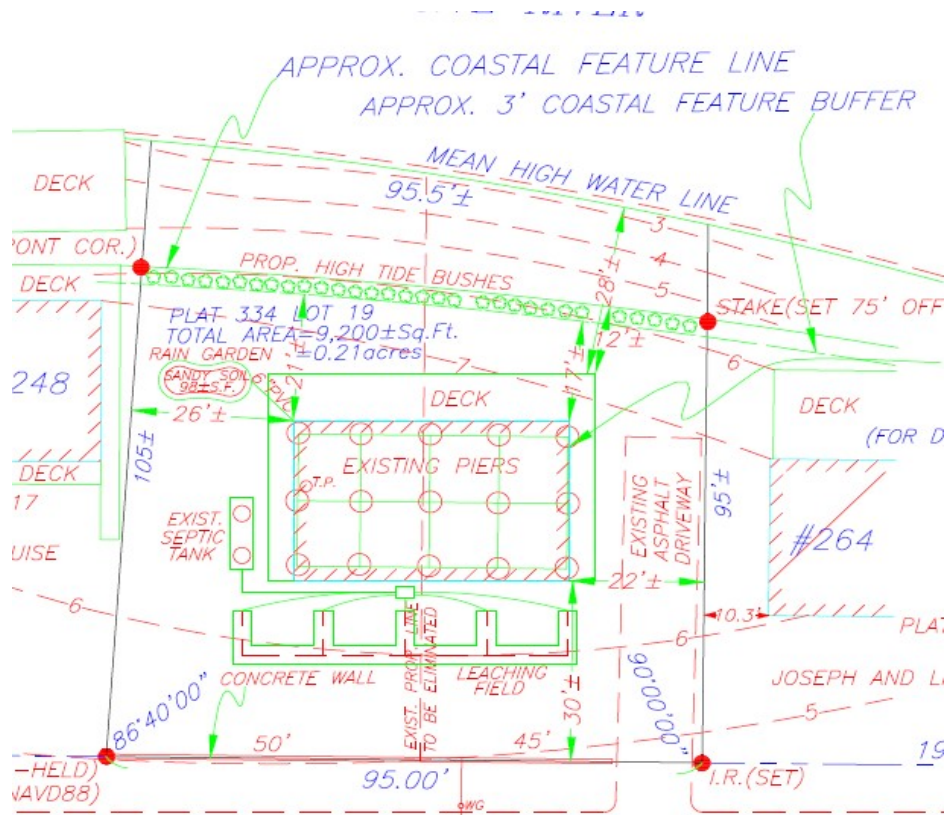
The application requests Assent to construct a single family dwelling on a lot that contains existing structural piers and septic tank, which were approved by CRMC in 1988 (ref. CRMC 1986-04-052, approved in 1988). Under that Assent, the pilings and septic system were constructed, and have sat idle over the ensuing years.

Site Application History:

1983-03-054	Marie Rothemich	Jurisdictional Determination
1983-11-012	Charles Pistocco	Feasibility of Residential Dwelling (PD)
1986-04-052	John Rothemich/Charles Pistocco	Single Family Dwelling
2024-03-112	Charles Pistocco	Current Application

According to the Vision Appraisal Property records, the two lots are a combined 10,018.8ft² in size. A new residential development on a lot of this size abutting Type 1 water requires a 50 foot Buffer and additional 25 foot Setback. This is the guidance staff had provided throughout the pre-application and most of the review timeline. However, when a proper set of site plans were submitted in December 2025, they showed a combined lot size of 9,200ft². As this is a professional surveyed plan (PLS), this size is accepted and for a lot of this adjusted size, the Buffer required is 25 feet with an additional 25 foot Setback. All discussion and review of Variances will be based on 25 foot Buffer and 50 foot Setback (as measured from the Coastal Feature).

As submitted, the applicant has proposed a 3 foot Buffer Zone consisting of a single row of High Tide Bush (*Iva frutescens*/88% Variance) and a variable width Setback of 12-17 feet. There is a deck proposed on three sides of the dwelling which will extend into the Setback – Setback measurements are from the Coastal Feature to the foundation pilings.



Portion of submitted site plan

The review time for this application has been extensive, as obtaining the required elements for a complete application has been time consuming, with information coming in piecemeal and requiring multiple revisions and clarifications. Staff discussed the matter over the phone on many occasions and held several in-person meetings during the course of review. Extensive email correspondence documents this long and arduous process.

The applicant has felt very strongly that the existing septic and pilings should be utilized for the dwelling, as was the original intention and 1988 permitting. However, in the ensuing years, the City of Warwick installed a sewer line along Shawomet Rd, and a sewer tie-in is placed for this property. It was staff's understanding that utilizing the sewer tie in would be required, and with the understanding that the septic would not be utilized, suggested removal of the septic and pilings to obtain a greater Buffer Zone/Setback. The applicant opposed this suggestion.

Because the applicant felt strongly about utilizing the septic system, staff repeatedly requested that the applicant obtain confirmation from the City of Warwick stating that utilizing the existing septic tank/system was acceptable, and to contact DEM/OWTS for assistance in determining if the system was still suitable for use. After much back and forth, the applicant has conceded that the property will be tied to the municipal

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sewer line. It should be noted however, that the submitted site plans do not depict the sewer tie in. This shall be added by stipulation should the Council approve this application.

The applicant had the existing pilings reviewed and has stated that they are suitable for construction. The City of Warwick has completed the required Building Official's Form for the most recent plan set. Staff defers to the City of Warwick for review of the suitability and appropriate flood zone elevation of these piles (VE Flood Zone).

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

650-RICR-20-00-1 "Red Book"

1.1.6(I)	Coastal Hazards Assessment	An assessment was submitted
1.1.7	Variances	A multi part Variance has been submitted
1.1.9	Setbacks	A Variance has been requested
1.1.10	Climate Change & Sea Level Rise	Ref. 1.1.6(I) CHA worksheet
1.1.11	Coastal Bluffer Zones	A Variance has been requested
1.2.1(B)	Type 1 Water	A 25 foot Buffer is required
1.2.2(A)	Coastal Beaches	A Variance to the Buffer & Setback has been submitted
1.3.1(B)	Filling Removing Grading of Shoreline Features	Proper Erosion & Sedimentation controls will be required if approved
1.3.1(C)	Residential, Industrial, Commercial and Recreational Structures	The applicant has submitted a completed Building Official Form
1.3.1(F)	Treatment of Sewage and Stormwater	The site shall be tied to municipal sewer line
1.3.5	Protection of Scenic Value	Residences are not considered to be a detriment to the scenic value of the coastline

1.1.6(I): Coastal Hazards Assessment: 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). Please be advised this project, which was designed for a 75 year/6' SLR design life:

- Meets rate of Sea Level Rise for a 3' SLR scenario.
- Meets the erosion rate.
- Does not meet rate of Sea Level Rise (SLR) for the chosen design life scenario. In this scenario, the property will be submerged with approximately 1.6'.
- Meets accelerated erosion rate.
- Does not meet the recommended StormTools Design Elevation (SDE) for three feet (3') of SLR. The SDE for 3' SLR is 23.5'. The stated LHSM is 17.5'.
- Does not meet the recommended StormTools Design Elevation (SDE) for the chosen design life scenario of 75 years. The SDE for this scenario is 27.5', and the LHSM is 17.5'.

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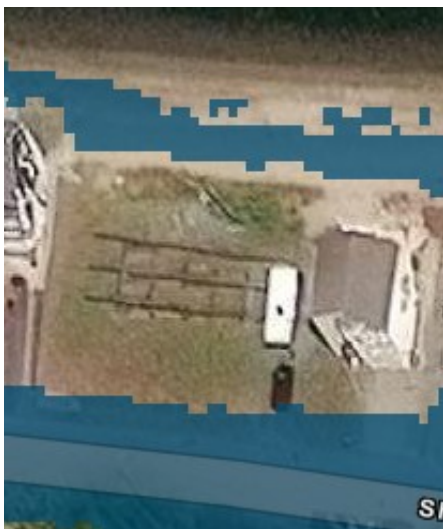
- The applicant is advised that the CERI risk index for this area under a 3' SLR scenario is "Extreme". For the 7'/100 year scenario is CERI risk is "100%/ Inundated". Please see <http://www.beachsamp.org/stormtools/stormtools-coastal-environmental-risk-index-ceri/> for details on the CERI Risk Index

The noted erosion rate nearest the site is .2ft/yr, giving an erosional setback that is less than the standard 50 foot construction setback. As proposed, the dwelling pilings are sited approximately 20-24 feet from the Coastal Feature. Within 30 years, this site can be expected to lose approximately 6 feet of land, leaving a setback of 11-18 feet.

The CHA is an educational tool to assist applicant 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.



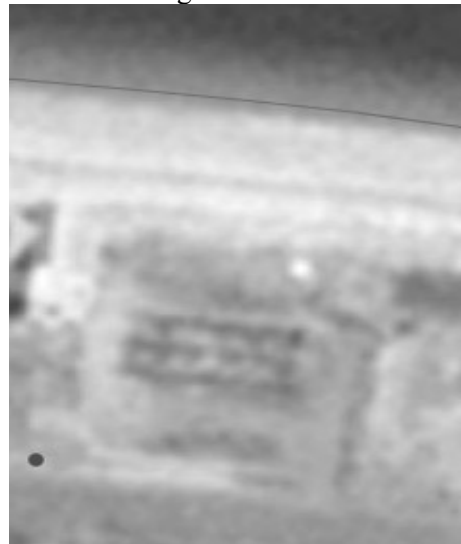
Above: Google Street View (image dated Jul 2011)



Above: (l) Subject lot with 3' SLR flooding and (r) with 7' SLR flooding



DEM Aerial Imagery 1988 (assent issued)



DEM Aerial Imagery 1997



DEM Aerial Imagery 2018



DEM Imagery 2025

COMMENTS ON VARIANCE REQUEST:

The applicant has submitted the Variance request via email with multiple revisions and addendums. Staff also had several discussions with the applicant regarding the Section 1.1.7 Variance Criteria. The following staff review of the Variance Criteria is condensed from all the various communications.

1.1.7(A)(1)- Meets the Goals and Policies of RICRMP: The application requires significant Variances and it is the opinion of reviewing staff does not meet the goals and policies of the RICRMP.

1.1.7(A)(2)- Significant Environmental Impacts: The site is erosive and is expected to continue eroding in the future. The placement of a larger/wider, more robust Buffer Zone would offer more protection to the Coastal Feature and to the dwelling itself. The use of the sewer line over the OWTS offers better water

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1.1.7(A)(6)- Undue Hardship: The applicant has repeatedly stated that he spent time and money installing the portions of the development that are already in place, and while the applicant did not use the specific term “hardship”, has made it clear to staff that he believes removal of the obsolete OWTS and old pilings to start with a clean slate and a smaller Variance is an undue hardship. Staff did recommend starting with a clean slate on multiple occasions and the applicant repeatedly stated that he wanted to utilize what was onsite. Despite that desire, the applicant may not utilize the existing OWTS and must tie-in to the sewer line.

This is an unusual Variance request, in that there is existing infrastructure on site from a previous CRMC Assent that was never completed. Site conditions have changed over the ensuing 38 years that leave these structures presenting a significant Variance. The applicant has made clear that he wants to utilize the existing materials, has refused to consider removal and starting with an empty lot, has conceded to utilizing the city sewer, and has obtained sign off from the City of Warwick to utilize the pilings on site.

Staff defers to the Council on whether a requirement to remove 35+ year old infrastructure and better meet the regulations is an undue hardship. Staff further defers to the Council on the use of that infrastructure driving the size of the Buffer/Setback being the minimum necessary.

CONCLUSION & RECOMMENDATION:

This proposal is challenging as there is relic infrastructure that the applicant is proposing to utilize and is representing as a site condition requiring the Variances presented. When staff began discussing the project with the applicant, starting with a clean slate (ie: removing the old pilings and relic OWTS) was strongly suggested. At that time, staff believed that the site would be required to tie-in to the sewer line and had no information on the status of the existing pilings, and if they would be suitable for re-use.

In that case, relief from the Town setback could be sought, allowing for a larger Buffer Zone and a smaller variance request. For example, a 15 foot front setback would allow for a 10 foot Setback and a Buffer width which varies between approximately 18-20 feet in width – a 7 foot or 28% Variance in Buffer, compared to the 22 foot/88% Variance requested by this design.

Staff has opined that “Site Conditions” within the Variance Criteria is limited to natural site conditions, which has been the practice of review staff. The presence of infrastructure on a lot has not been considered “site conditions” which necessitate variances. The utilization of the existing infrastructure is driving the Variance, and staff has opined that this Variance is caused by actions of the applicant.

The applicant’s strong desire to re-use the infrastructure on site has resulted in the design presented in this request. The applicant has repeatedly stated that a lot of time and money went into the construction of the piers and OWTS and is insisting on utilizing them. The City of Warwick has signed off on the use of the pilings, but has required the site to be connected to the municipal sewer line.

Staff believes that there are options for this site which better meet the regulations and that the Variance Criteria have not been met. However, as part of this request is the applicant’s desire to re-use existing infrastructure and the inference that removal of said infrastructure is a hardship, staff defers to the Council for approval or denial of this application.

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Should the Council approve this application, staff offers the following stipulation:

The structure shall be connected to municipal sewer service. Utilization of the existing OWTS on site shall not be allowed.

Signed

A handwritten signature in black ink, appearing to be 'A. Smith', written over a horizontal line.

Staff Biologist