

Cstaff1

From: Russell Morgan <russmorgan1959@gmail.com>
Sent: Tuesday, April 11, 2023 7:11 PM
To: Cstaff1; Tracy Silvia
Cc: Christine Marcotte
Subject: 20 Water Street Response Letter to Town of South Kingstown Objection File No. 2022-06-136
Attachments: Letter to CRMC re. response.pdf

Hello Tracy,

Please find attached a letter from Attorney Matt Landry. The letter was developed in response to the Town's objection. Please let me know if I can provide any other useful information regarding the Dock Application by Point Break Realty for the residence at 20 Water Street.

Regards

Russ Morgan

Russell Morgan. P.E.
49 Pond Street
Wakefield RI 02879
401-474-9550

April 10th, 2023

By-Email

State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road; Suite 3
Wakefield, RI 02879-1900
Cstaff1@crmeri.gov

**RE: Application of Point Break Realty, LLC
 (Residential Boating Facility) - #2022-06-136**

Members of the Council:

Our office represents Point Break Realty, LLC (“Point Break”) in connection with the Application for Assent for a Residential Boating Facility (Permit No: 2022-06-136). I am writing on behalf of Point Break to provide a response to the letter of objection submitted by the Town of South Kingstown dated February 6th, 2023 (the “Objection”).

The Objection is premised upon two specific concerns: 1) Point Break’s application for a 25’ property line extension variance and 2) calls into question the status of Water Street, an unimproved paper street located immediately adjacent to the Subject Property.

Property Line Extension Variance

Over the last several months, Point Break and its team of professionals have worked with staff to develop a “dock plan” that was designed to minimize impacts to existing wetlands while also maintaining a reasonable distance from an existing dock to the west and mitigating impacts to the riparian rights of direct abutters. The Subject Property is wedged between a densely developed historic neighborhood where littoral boundaries are intertwined and overlap.

An existing residential boating dock stemming immediately from the West at 23 Prospect Road (A.P. 93-1, Lot 63) extends directly into Point Break’s littoral boundaries and riparian area, as well as the littoral boundaries of 37 Prospect Road (A.P. 93-1, Lot 62). A proposed dock, regardless of orientation on the Subject Property, would cross over or be within 25’ of the above

parcels. Due to the configuration of property lines, shoreline, and layout of adjacent lots, the proposed dock location could not meet the offset goals from property line extensions and access the shore absent relief from the Council.

After considerable discussions with staff, the proposed dock was designed to mitigate impacts and minimize the extent of relief necessary. The property line conundrum at issue creates an inherent hardship to Point Break restricting or otherwise inhibiting its ability to access the waterfront for recreational boating.

As set forth more fully in Point Break's initial submission, the proposal is in conformance with the goals and policies of the Coastal Resources Management Program as the dock will allow access to coastal waters for a waterfront property utilizing best practices to minimize impacts to the environment. The Application represents the minimum relief necessary with respect to a property line extension variance, particularly in consideration of overlapping littoral boundaries and existing docks.

Water Street

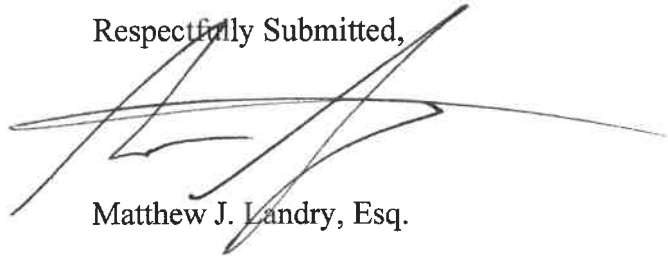
The Town of South Kingstown has purportedly asked the Council to consider the "status" of Water Street in connection with the Application. CRMC maintains a robust database and online mapping tool specifically identifying CRMC Rights-of-Way and Public Access in Rhode Island. Water Street *has not* been identified or designated as a public right-of-way or public access to the shore and thus Water Street remains a *private* road.

Similarly, according to the Town of South Kingstown "Street Maps and Street Index", Water Street is delineated as a "Private" roadway (A copy of the Town of South Kingstown Street Maps and Street Index is attached hereto as Exhibit A). Thus, the Town has never formally adopted Water Street as a public roadway and purportedly has no legal interest into it.

To the extent abutting property owners have an interest into and over Water Street and any projected littoral boundaries, Point Break took such interests into consideration and the proposed dock does not interfere with or inhibit access to the shore. Point Break cannot speculate or determine future uses or property interests with respect to Water Street, however, the proposed dock was designed in cooperation with staff to minimize any negative impacts to adjacent littoral boundaries.

Finally, a letter of no objection was submitted by the owners of 990 Matunuck Beach Road (A.P. 93-4, Lot 36) and the remaining abutters entitled to notice have not objected. Although the Town posits a concern with the status of Water Street, it remains a private (paper) street subject only to private interests. The Town of South Kingstown does not otherwise own property adjacent to or within the notice area and the concerns raised with regard to Water Street appear purely speculative and based upon *potential* future uses.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Matthew J. Landry". The signature is stylized with several overlapping loops and a long horizontal stroke extending to the right.





Matthew J. Landry, Esq.

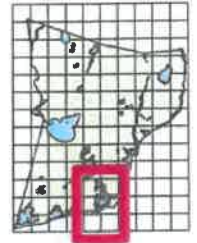
Attachments

17 Town of South Kingstown

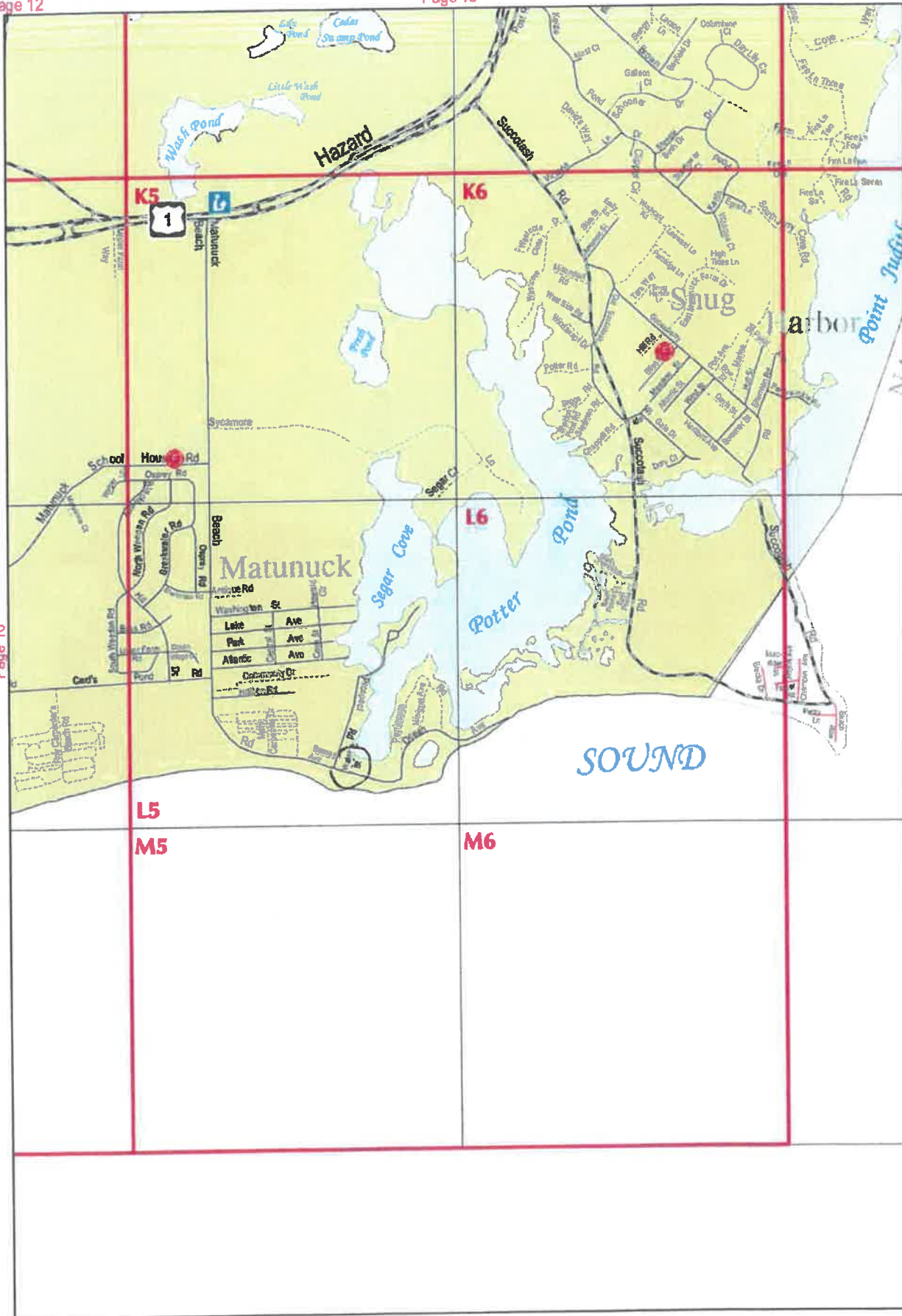
STREET INDEX MAP

ROAD STATUS

-  State
 -  Town
 -  Private
 -  Other
- (Narr. - Ch. - N.K.)

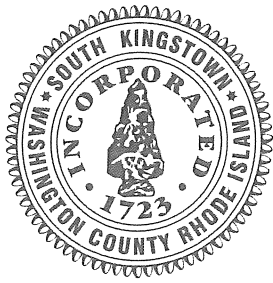


Geographic
Information
System



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Town of South Kingstown, Rhode Island

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James M. Manni
Town Manager

February 22, 2023

RI Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Rd.
Wakefield, RI 02879-1900



To Whom it May Concern,

On February 13, 2023, at a regular session of the South Kingstown Town Council, the Town Council voted unanimously to support the below recommendation from the South Kingstown Waterfront Advisory Commission in response to CRMC Public Notice re: file #2022-06-136. Please accept this letter as the Town's notice of objection per the following detail.

At a meeting of the South Kingstown Waterfront Advisory Commission on Wednesday, January 5, 2023, CRMC Public Notice re: file #2022-06-136, was reviewed. The Commission unanimously passed a motion (6-0, with one member abstaining due to personal connections with the applicant) to recommend the Town Council file an objection to the proposed assent application to construct and maintain a new residential boating facility with ramps, pier, and floats as detailed in CRMC file # 2022-06-136, for its excessive length and the impact on the neighboring Water Street.

The 25' property line extension variance is what the members of the Waterfront Advisory Commission have a concern with. The dock would be constructed outside of the littoral boundaries of the applicant's property. In this case, that boundary it encroaches into is Water Street.

In addition to the WAC's main objection to a 25' property line extension variance, which would place the dock outside of littoral boundaries of the applicant property, the status of Water Street should also be considered by CRMC as a concern related to this assent application.

Thank you to CRMC for extending the response period for the Waterfront Advisory Commission and Town Council to thoroughly review and consider the application. Should you have any questions, please do not hesitate to contact South Kingstown Harbormaster & NRO, Michael Stach at mstach@southkingstownri.com.

Sincerely,



James M. Manni
Town Manager

cc: Michael J. Stach, Harbormaster/NRO